



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 10, 2016  
**AGENDA DATE:** March 16, 2016  
**PROJECT ADDRESS:** 527 E. Micheltorena Street (MST2015-00362)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *Dyk*  
 Jo Anne La Conte, Assistant Planner *JAL*

### I. PROJECT DESCRIPTION

The 10,609 square-foot site is currently developed with a 1,776 square foot single family dwelling and an 824 square foot three-car garage with an 824 square foot one-bedroom dwelling unit above. The proposed project involves permitting the "as-built" installation of a stone pizza oven with a seven foot chimney, barbeque, and counter in the interior setback of the front unit of a two-residence parcel. The proposal also includes an "as-built" two foot eight inch tall stone wall added within five feet of the existing three foot nine inch sandstone wall on the front property line, and the "as-built" refinishing of the existing western lot line wall with stone. An Administrative Height Exception has been approved for the over height wall. This property is on the City's List of Potential Historic Resources.

The discretionary application required for this project is an Interior Setback Modification to allow an outdoor pizza oven, chimney, barbeque and counter in the required six-foot interior setback to the west of the property (SBMC § 28.21.060 and SBMC § 28.92.110).

Date Application Accepted: January 28, 2016      Date Action Required: April 27, 2016

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Gilbert Alajarin	Property Owner:	Gilbert Alajarin
Parcel Number:	027-260-019	Lot Area:	10,609 sq. ft.
General Plan:	Medium High Density Residential (max. 15-27 du/acre)	Zoning:	R-3

Existing Use: Multi-family residential      Topography: 13% slope

Adjacent Land Uses:

North - Residential

East - Medical

South - Residential

West - Medical

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	(Front Unit) 1775.5 sq. ft.	No Change
Living Area	(Rear Unit) 824.25 sq. ft.	No Change.
Garage	824.25 sq. ft.	No Change

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,759 sf 26%    Hardscape: 2,800 sf 26%      Landscape: 5,050 sf 48%

**IV. BACKGROUND**

On July 10, 2015, a building permit (BLD2014-00735) was submitted for the property to abate violations outlined in an enforcement case (ENF2013-01230) to include permitting an interior remodel, an “as-built” enclosed porch at the front dwelling, an “as-built” deck at the rear unit and for minor exterior changes at the property. On June 11, 2015 a revision to the building permit was submitted which included the “as-built” stone pizza oven with chimney, barbeque, and counter in the required interior setback and the “as-built” walls at the property which are proposed to be permitted with this project . Therefore, a condition has been included that that violations outlined in ENF2013-01230 shall be abated and final approval shall be obtained for the building permit (BLD2014-00735).

A site inspection of the property revealed an air conditioning unit that is not shown on the site plan for the project. The air conditioning unit was approved under a 2015 building permit (BLD2015-00734). Therefore, a condition has been included that the approved air conditioning unit shall be shown on the site plan when the project is submitted to the building division.

**V. DISCUSSION**

The proposed project involves permitting the "as-built" installation of a pizza oven with a seven foot chimney, barbeque, and counter located approximately five and a half feet from the interior property line, instead of the six-feet required. The project also includes permitting “as-built” over height walls at the property which have received an Administrative Height Exception approval by the Planning Division but are subject to obtaining the required building permit for the walls.

The adjacent property to the west is developed with a medical office building, and there is a four and a half foot wide private driveway easement along the interior property line of the parcel. The “as-built” outdoor pizza oven with chimney, barbeque and counter encroach approximately seven inches into the required six-foot interior setback, and face the driveway of the adjacent parcel.

Staff supports the “as-built” encroachment of the “pizza oven with chimney, barbeque and counter within the interior setback because the improvements are not anticipated to adversely impact the adjacent neighbors, the improvements are screened by landscaping and a wall and are located adjacent to a non-residential driveway.

The project was reviewed by the Historic Landmarks Commission (HLC) on September 23, 2015 as was forwarded to the Staff Hearing Officer (SHO) with positive comments.

## **VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The “as-built” pizza oven with chimney, barbeque and counter are appropriate because they are not anticipated to adversely impact the adjacent neighbors, the improvements are screened by landscaping and a wall and are located adjacent to a non-residential driveway.

Said approval is subject to the following conditions:

1. The violations outlined in in ENF2013-0123 and BLD2014-00735 shall be corrected and final approval shall be obtained for the building permit.
2. The air conditioning unit approved under BLD2015-00734 shall be shown on the site plan submitted when the project is submitted for a building permit.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated January 19, 2016
- C. HLC Minutes dated September 23, 2015

Contact/Case Planner: Jo Anne La Conte, Assistant Planner  
(JLaconte@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x3320



527 E. Micheltorena St.  
Santa Barbara CA 93103

Phone (818) 625-3015

Fax (818) 647-7033

Email: alajarins@yahoo.com

**RECEIVED**

**JAN 28 2016**

January 19<sup>th</sup>, 2016

CITY OF SANTA BARBARA  
PLANNING DIVISION

City Of Santa Barbara  
Planning Counter  
610 Garden St, Santa Barbara CA

Att: Administrative Review Of Minor Exceptions for Fences, Screens, Walls and Hedges

Re: 527 E. Micheltorena St.

1. My property consists of 3 parcels of land. Parcel 3 is a 4 ft. 6 inches right of way to be used as a private driveway Over the entire westerly boundary of Parcel one. Parcel one is 50 ft. x 212.58 ft. see attached survey and Legal description.

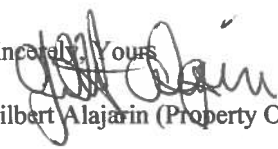
There is an existing house (1,850 sq. ft.), a detached three-car garage with a two-bedroom apartment on top (850 sq. ft.) on the property. On the westerly side of the property there is a bbq, fireplace and pizza oven Free standing masonry structures witch encroaches 7 inches onto the required interior 6 foot setback if Measured from the westerly line of Parcel One or 9 ft 11 inches setback from lot line if measured from Parcel 3.

2. The modification being requested is to allow the bbq/fireplace/pizza oven structure to encroach 7 inches into the Required 6 foot interior set back of Parcel 1 and/or to consider Parcel 3 as sufficient open space for setback Purpose. This would give me an un-obstructed set back of 9 ft. 11 in. along the westerly driveway easement line.
3. The benefit of having this structure is to provide privacy , sound and security between my Residence & commercial driveway and parking lot. It also provides privacy for the master bedroom which Faces the parking lot. Without this privacy wall structure I would have no privacy or security from the Commercial traffic generated by the California Retina Consultants business located next door.

Also the BBQ, Fireplace and Pizza oven serve as decoration for the outdoor living space and provides much appreciated outdoor enjoyment space for my home and helps mitigates the noise from commercial Traffic generated by the Medical Building.

- Attachments:
1. Legal Description
  2. Assessor's Map
  3. Boundary Survey

Sincerely, Yours

  
Gilbert Alajarin (Property Owner)

**LEGAL DESCRIPTION**

Real property in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

**PARCEL ONE:**

LOT 5 OF DON MATEO ADDITION IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP RECORDED IN BOOK 4, PAGE 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**PARCEL TWO:**

AN UNDIVIDED 1/22ND INTEREST IN LOT 1 OF SAID DON MATEO ADDITION.

**PARCEL THREE:**

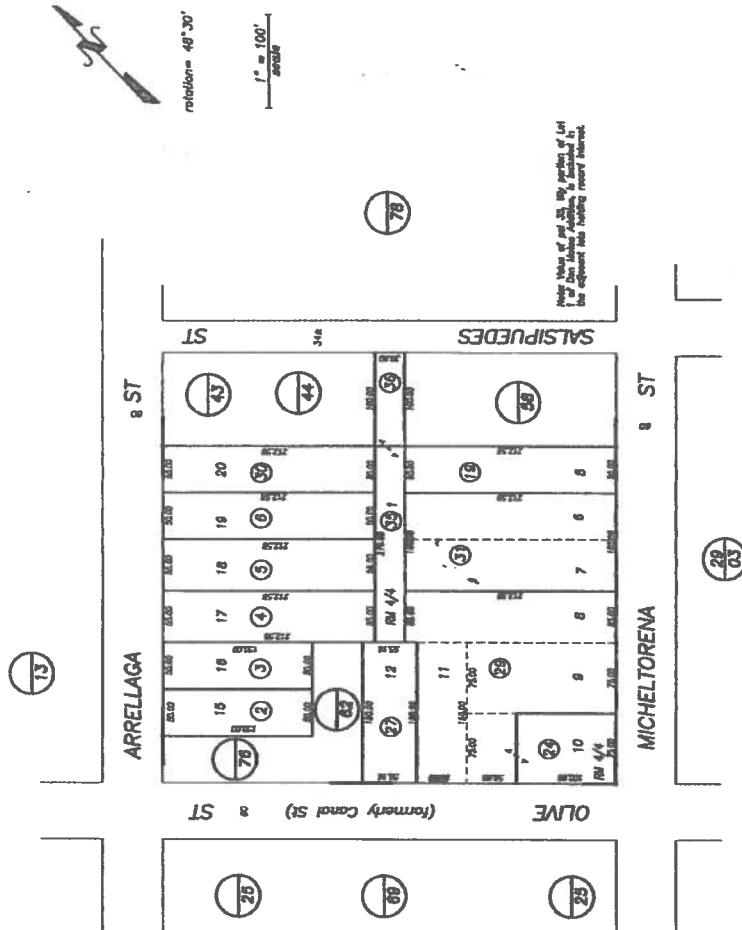
A RIGHT OF WAY TO BE USED AS A PRIVATE DRIVEWAY OVER THE NORTHEASTERLY 4-1/2 FEET OF LOT 6 OF SAID DON MATEO ADDITION.

SAID RIGHT OF WAY WAS CREATED IN DEED FROM MICHAEL J. UNGER, ET UX., RECORDED JUNE 2, 1947 AS INSTRUMENT NO. 7195 IN BOOK 741, PAGE 149 OF OFFICIAL RECORDS.

APN: 027-260-19

027-26

POR. PUEBLO LANDS

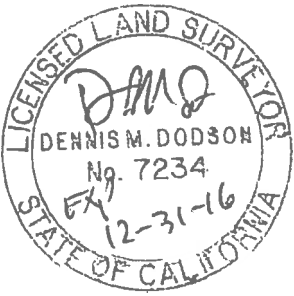
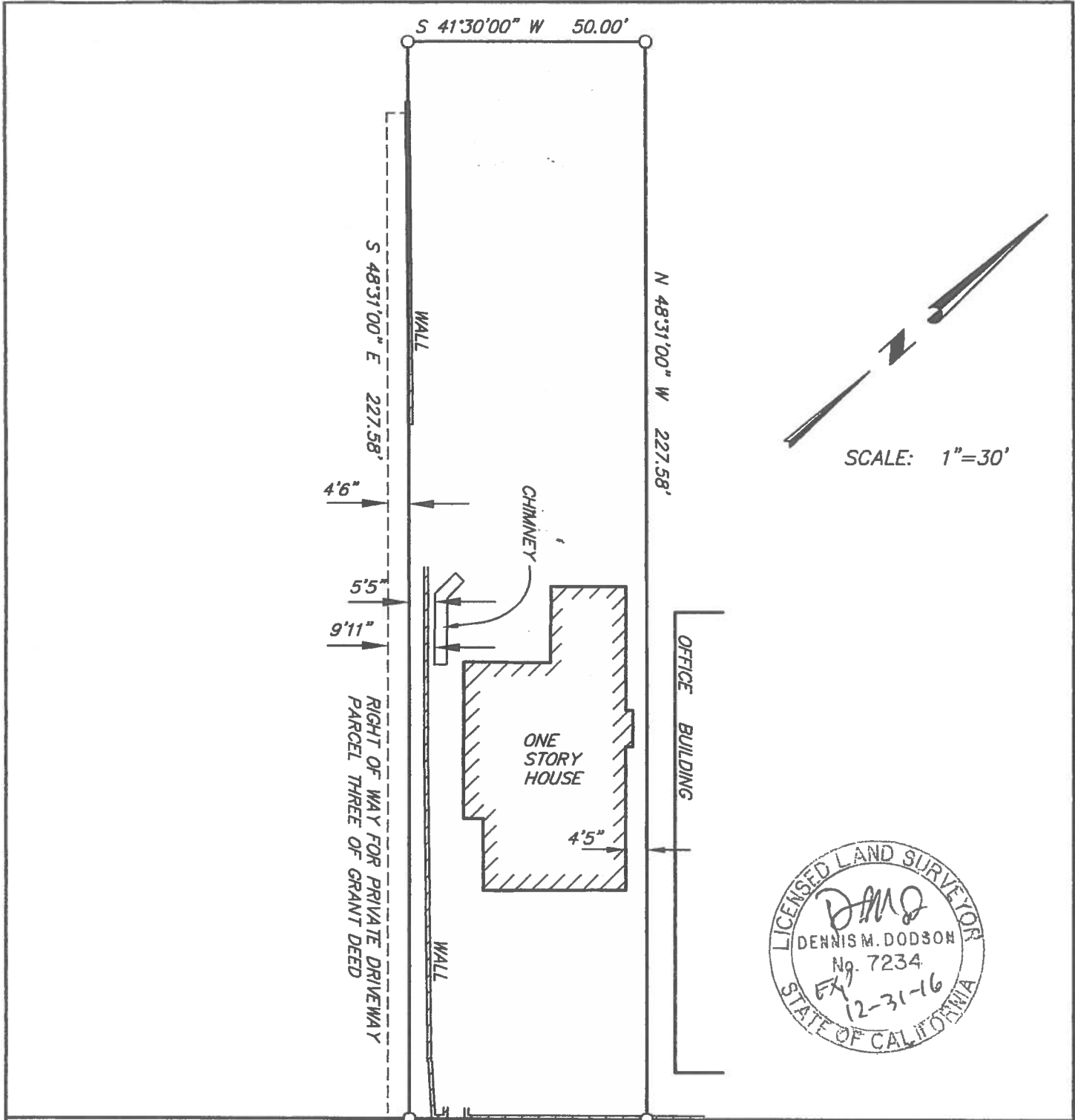


**NOTICE**  
 Assessor's Maps are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Santa Barbara  
 Assessor's Map Bk, 027-Pg, 26  
 County of Santa Barbara, Calif.

02/14/1906 R.M. Bk. 4 . Pg. 4 . Tract "Don Mateo Addition"

10/12



EAST MICHELTORENA STREET

**BOUNDARY SURVEY**  
527 E. MICHELTORENA STREET  
SANTA BARBARA, CA

**DODSON LAND SURVEYING, INC**  
4568 AUHAY DRIVE  
SANTA BARBARA, CA 93110  
(805) 681-1615

BOUNDARY DATA PER PARCEL MAP BOOK 40 PAGE 58

S03116  
07/13/15



# City of Santa Barbara Planning Division

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JAN 28 2016

CITY OF SANTA BARBARA  
PLANNING DIVISION

## HISTORIC LANDMARKS COMMISSION CONSENT MINUTES

Wednesday, September 23, 2015      David Gebhard Public Meeting Room: 630 Garden Street      11:00 A.M.

**COMMISSION MEMBERS:**

PHILIP SUDING, *Chair*  
BARRY WINICK, *Vice-Chair*  
MICHAEL DRURY  
WILLIAM LA VOIE  
BILL MAHAN  
FERMINA MURRAY  
JUDY ORÍAS  
CRAIG SHALLANBERGER  
JULIO JUAN VEYNA

**ADVISORY MEMBER:**

DR. MICHAEL GLASSOW

**CITY COUNCIL LIAISON:**

DALE FRANCISCO

**PLANNING COMMISSION LIAISON:**

SHEILA LODGE

**STAFF:**

JAIME LIMÓN, Design Review Supervisor / Historic Preservation Supervisor  
NICOLE HERNÁNDEZ, Urban Historian  
JOANNA KAUFMAN, Planning Technician  
AMBER FLEMMINGS, Commission Secretary

Website: [www.SantaBarbaraCa.gov](http://www.SantaBarbaraCa.gov)

Representatives present:      **William La Voie (Items A-E) and Julio Veyna (Items F-H)**

Staff present:      **Joanna Kaufman, Planning Tech**

**NEW ITEM**

**A.      527 E MICHELTORENA ST**

**R-3 Zone**

Assessor's Parcel Number:      027-260-019  
Application Number:      MST2015-00362  
Owner:      Gilbert Alajarin

(Proposal for the "as-built" installation of a stone pizza oven with a seven foot chimney, barbeque, and counter in the interior setback of the front unit of a two-residence parcel. A new two foot eight inch stone wall was added within five feet of the existing three foot nine inch sandstone wall on the front property line. The existing western lot line wall was refinished with stone. Staff Hearing Officer review is requested for an interior setback modification. This property is on the City's List of Potential Historic Resources.)

**(Concept review; comments only. Project requires environmental assessment, an Administrative Fence Height Exception, and Staff Hearing Officer review for requested interior setback modification.)**



**Continued indefinitely to Staff Hearing Officer with the following comments:**

1. The stone walls and the height are acceptable.
2. The pizza oven is acceptable.
3. The interior setback modification is aesthetically appropriate and does not pose consistency issues with the guidelines.