



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** February 9, 2017  
**AGENDA DATE:** February 15, 2017  
**PROJECT ADDRESS:** 2 Rosemary Lane (MST2016-00501)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Irma Unzueta, Acting Senior Planner  
 Betsy Teeter, Planning Technician II

### I. PROJECT DESCRIPTION

The 8,712 square foot project site is currently developed with a two-story, 2,404 square foot single-family residence and a 310 square foot detached one car garage with an attached rear trellis. The proposed project is to add an elevator at the rear of the dwelling which will result in approximately 58 square feet of addition to the house. The proposal also includes alteration of an upstairs window in order to accommodate the elevator. The project will address violations identified in a Zoning Information Report (ZIR2016-00099).

The discretionary applications required for this project are:

1. Open Yard Modification to allow the reduction of the required 20 foot minimum dimensions for measuring an open yard (SBMC § 28.15.060 and SBMC § 28.92.110);
2. Front Setback Modification to allow uncovered parking in the required 30 foot front setback (SBMC §28.15.060 and SBMC §28.92.110); and
3. Interior Setback Modification to allow uncovered parking in the required 10 foot interior setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and condition in Section V of this Staff Report.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Bart Millar

Property Owner: Winston Cenac

Parcel Number: 015-093-018	Lot Area: 8,712 sq. ft.
General Plan: Low Density Residential (Max 3 du/acre)	Zoning: E-1
Existing Use: Single Family Residential	Topography: 3 % slope
Adjacent Land Uses:	
North – Single Family Residential	East – Single Family Residential
South – Single Family Residential	West – Single Family Residential

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,404 sq. ft.	2,462 sq. ft.
Garage	310 sq. ft.	No Change

**C. PROPOSED LOT AREA COVERAGE**

Building: 1,737 sq. ft. 20 %    Hardscape: 820 sq. 9.4 %    Landscape: 6,155 sq. ft. 70.6%

**IV. DISCUSSION**

The site is currently developed with a two story single family residence with a detached one car garage. The owner is proposing to add an elevator at the rear of the dwelling in order to accommodate the disabled owner of the property. A permit was issued in 1998 for an addition that should have triggered the requirement for a second covered parking space because the new floor area totaled over 50% of the existing building. Although the current request is only for 58 square feet of new floor area, the cumulative addition results in the requirement for an additional parking space. The applicant is proposing to provide that additional space as an uncovered space located on the driveway in front of the garage and behind the gate across the driveway. In order to provide this space, Front and Interior Setback Modifications are required. The uncovered parking space on the driveway is not anticipated to cause a detrimental effect to the neighboring property.

An Open Yard Modification is also requested to allow the open yard area to be non-conforming to the required 20 feet by 20 feet minimum dimensions. The Zoning Ordinance requires 1,250 square feet of open yard area, which may be provided in multiple areas with minimum dimensions of 20 feet by 20 feet. The property currently conforms to the open yard requirement in terms of size and dimensions which includes a portion of the rear yard area where the proposed elevator will be located. The proposal would still provide 1,332 square feet of open yard; however, the required 20 feet by 20 feet minimum dimensions at the northwest portion of the lot will be reduced to approximately 17 feet in length due to the location of the elevator.

The project was reviewed by the Historic Landmarks Commission (HLC) on November 16, 2016. HLC supported the proposed elevator at the back of the house and also determined that the location of the proposed uncovered parking space on the driveway was supportable for the historic resource. Transportation staff also reviewed the proposal for the uncovered parking space and found the addition of the space on the driveway (behind the gate) acceptable.

Staff supports the request for the Front and Interior Setback Modification as the proposed uncovered parking space meets the requirement for an additional parking space and is not anticipated to adversely impact the adjacent neighbor or the visual character of the street frontage.

Staff also supports the Open Yard Modification as the Zoning Ordinance allows for a modification to allow alterations to existing buildings in order to allow reasonable accommodations to individuals with disabilities where the proposed construction precludes a reasonable accommodation that would not require a modification.

**V. FINDINGS AND CONDITIONS:**

The Staff Hearing Officer finds that the Interior and Front Setback Modifications to allow for an uncovered parking space to be located in the front and interior setbacks and the Open Yard Modification to allow a portion of the open yard to be less than the minimum required dimensions are appropriate in order to provide the required number of parking spaces and allow for an improvement to an existing residence in order to provide reasonable accommodations to an individual with disabilities. The proposed addition is appropriate because it is a minor addition which will provide for greater accessibility to an individual with disabilities and is not anticipated to adversely impact the adjacent neighbors or the visual aesthetic from the street.

Said approval is subject to a condition that the violations identified in ZIR2016-00099 for the unpermitted trellis cover at the rear of the garage, the trash enclosure at the side of the driveway, the electric gate across the driveway and the laundry hookups in the kitchen be abated. The trellis cover and trash enclosure are located within the required interior setback and must be removed. The electric gate and the laundry hookups are allowed with a building permit.

**Exhibits:**

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated October 6, 2016
- C. HLC Minutes dated November 16, 2016

Contact/Case Planner: Betsy Teeter, Planning Technician II  
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630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x 4563



# City of Santa Barbara California

## \*\*\* SEPARATELY DISTRIBUTED SITE PLAN \*\*\*

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.

**EXHIBIT A**

APPLICANTS LETTER

#2 ROSEMARY LANE

10-06-2016

RECEIVED  
NOV 01 2016

Applicant: Winston Cenac - Owner  
#2 Rosemary Lane (site address)  
Santa Barbara CA.

Agent: Bart Millar, Millar & Associates - Contractor  
1460 Crestline Dr.  
Santa Barbara CA, 93015  
805-722-8531

CITY OF SANTA BARBARA  
PLANNING DIVISION

To: Staff Hearing Officer  
City of Santa Barbara  
PO Box 1990  
Santa Barbara CA, 93102-1990

Re: Modification Request for #2 Rosemary Lane, Santa Barbara CA  
APN# 015-093-018  
Zone E1

**Request for Three Modifications:**

- #1 Open Yard**
- #2 Uncovered Parking in Front Yard**
- #3 Parking in the Interior Setback**

This request is to allow a disabled homeowner to install an elevator to access the second floor of his home. This home is historic as it was built by the Moody sisters in the 1940s. Without these modifications, an elevator cannot be installed and the homeowner will not have access to a significant portion of his home.

These modifications are allowed by code in this special case since they fall under Title 28 – 28.92.110 A-7 where “modifications may be granted by the Planning Commission or the Staff Hearing Officer” if it is “. . . necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities. This modification is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require the modification.”

The current parking is non-conforming in that only a single parking space is designated by Permit where two are required by current code. This space is within a single car garage that is located in the side yard and on the property line (by permit). This arrangement was allowed with the 1999 permitted addition without a formal modification, as would normally have been expected, though the reasons for not

## APPLICANTS LETTER

#2 ROSEMARY LANE

10-06-2016

providing conforming parking at that time would have been similar then to the reasons now.

### **Description:**

We propose to add an elevator to the exterior, rear, of the building with a relatively small footprint of 7'x 8', or less than 58 SF. It would match the style, materials, and colors of the existing home. This will include painted shake shingles on the top band, and painted board and batten on the bottom band. The lift equipment will be housed within the new elevator enclosure, or in the existing home.

This location is the least visible from the street, and has the least impact on the historic value of the home.

One upstairs window will be reduced in width by 50%.

### **Property History**

11/12/1940	Modification: for 18' setback at rear yard. Dwelling & Garage.
11/12/1940	Permit: Moody Sisters build new home on existing foundation; 1133 SF
4/18/1958	Permit: Remove existing single car garage, add dining room; 200 SF
1/16/1980	Modification: Single carport and storage allowed in side yard setback.
5/16/1980	Permit: Build carport for single car w/ storage
4/1/1982	Permit: Convert carport into garage; 200 SF
1/19/1999	Permit: Two-story addition: bedroom, bath, library, heating; 837 SF
1/5/1999	Modification: For use of wood shingles on exterior in a fire zone.
7/16/2007	Permit: Pool in front yard with masonry wall.

### **Specific Modification Requests**

#### **Mod #1**

**Open Yard – reduction from 20' set back to 17'.**

The existing home is non-conforming in that it is 18' from the property line, and not 20' as required by the "Open Yard" rule. The owner requests to reduce the depth of the Open Yard setback to 17'-0" for the elevator enclosure width of 7'-0" This would be at the back southwest corner of the home.

# APPLICANTS LETTER

#2 ROSEMARY LANE

10-06-2016

## Justifications:

1. The location was selected in consultation with the Urban Historian, Nicole Hernandez, and was deemed to make the least impact on the historical value of the home.
2. This location was viewed positively by Zoning staff: Jo Anne La Conte, Michelle Beard, and Betsy Tester.
3. The alternative of placing the elevator on the front of the house was considered, but deemed too degrading to the historic value.
4. The alternative of cutting the elevator into the interior of the home was considered, but given the small cottage proportions of the rooms and halls that are typical of a Moody sisters home this would severely impact the historic value. It would also make for a very impractical interior layout.
5. A modification was granted in 1940 to the Moody sisters for the original construction, to allow for an 18' rear yard setback.
6. The protrusion of the new elevator enclosure would not be closer to the property line than the existing adjacent bay window.

## **Mod #2**

### **Uncovered Parking Space in the Front Yard.**

The Owner requests a modification to allow a second parking space to be designated on an uncovered area on the driveway in front of the existing garage, which is in the front yard inside of the gate. .

## Justifications:

1. This location was selected in consultation with the Urban Historian, Nicole Hernandez.
2. Planning staff were favorably disposed to this solution in discussions with Michelle Bedard and Betsy Teeter.
3. This location was acceptable to Transportation Planning, who will grant a waiver on the grounds that no other feasible option exists. Discussion was with Dan Gullett.
4. Widening the existing one car garage would significantly reduce the historical value of the home. It would in fact require the removal of part of the home.
5. Widening the existing garage would remove the primary 5' wide access to the back yard.
6. Placing a garage, or carport, in front of the existing home or garage would reduce the home's historical value.

## APPLICANTS LETTER

#2 ROSEMARY LANE

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7. The FAR is less than 85% - Therefore, one uncovered parking space would be allowed if properly placed.

### **Mod #3**

#### **Parking in the Interior Side Yard Setback.**

The Owner requests modification to allow uncovered parking in the area referred to in Mod #2, which is within the side yard setback in front of the existing garage.

Justifications are the same as Mod #2 above.

Additionally: Paving an additional area directly in the front of the house, rather than using the existing driveway, would have a significant negative impact on the historic value of the home. This was supported by Nichole Hernandez –(Urban Historian), and discussed with Dan Gullett (Transportation Planning).

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Additional Notes:

#### **ZIR Violations**

Violations noted in recent ZIR will be addressed as follows

1. Trash enclosure in set back – remove
2. Trellis in setback – remove
3. Second Laundry hookup – remove
4. Electrical gate – acquire permit for existing electrical actuator and control

#### **Archeological**

A phase 1 Archeological Report was filed in 2007 and noted that the “potential for buried prehistoric resources is low”, “less than significant”

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**NEW ITEM****E. 2 ROSEMARY LN****E-1 Zone**

Assessor's Parcel Number: 015-093-018  
Application Number: MST2016-00501  
Owner: Winston Cenac  
Agent: Bart Millar

(Proposal for minor exterior alterations including a 58 (gross) square foot addition for a new elevator at the rear of an existing two-story, 2,787 square foot residence with a detached one-car garage. The project includes a new uncovered parking space, mechanical mechanism for the driveway gate, removal of a trash enclosure from the front and interior setbacks, and removal of a trellis from the interior and rear setbacks. The project will address violations in Zoning Information Report ZIR2016-00099. The proposed total of 2,844 square feet on an 8,712 square foot lot in the Hillside Design District is 85% of the maximum allowed floor-to-lot area ratio (FAR). The project requires Staff Hearing Officer review for requested Zoning Modifications to allow the elevator at the back of the dwelling to be located within the required open yard area and a new uncovered tandem parking space to be located in the front yard and the required interior setback. The residence is on the City's Potential Historic Resources List as it was designed by Mildred and Harriett Moody, aka "Moody Sisters," in 1943-49 and is eligible to be designated a City Landmark.)

**(Comments only; project requires Staff Hearing Officer review for requested Zoning Modifications.)**

**Public Comment:**

Correspondence with concerns from Ann Hoenig was acknowledged.

**Continued indefinitely with positive comments to the Staff Hearing Officer for the modification:**

1. As long as there is an insulated wall, it is a good design for accessibility.
2. Parking is also supportable for the historic resource.