



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 9, 2017
AGENDA DATE: February 15, 2017
PROJECT ADDRESS: 1257 Ferrelo (MST2016-00357)
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 7,200 square foot project site is currently developed with a two-story, 2,300 square foot single-family residence with a 309 square foot detached two-vehicle carport. The proposed project is to legalize as-built development including 1st and 2nd story decks, an open deck converted to a solarium, handrails, front fence addition, staircase and fountain pump. Also proposed is the demolition of the existing exterior laundry shed. The proposed total of 2,105 square feet on a 6,970 square foot lot located in the Hillside Design District is 72% of the maximum allowable floor to-lot-area ratio (FAR).

The discretionary applications required for this project are two Interior Setback Modifications to allow the "as-built" 80 square foot solarium and a portion of the rear deck to encroach into the required interior setback along the easterly property line and to allow the "as-built" stairs located in the western portion of the yard to encroach into the required 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 conditions in Section V of this Staff Report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Fred L Sweeney

Property Owner: Doug and Joyce Maskart

Parcel Number: 029-271-009

Lot Area: 7,280 sq. ft.

General Plan: Low Density Residential Zoning: E-1
(Max 3 du/acre)
Existing Use: Single Family Residence 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

	Existing	Proposed
Living Area	2, 639 sq. ft.	No Change
Garage	309 sq. ft.	No Change

C. PROPOSED LOT AREA COVERAGE

Building: 2,079 sf 28.5% Hardscape: 1,606 sf 22% Landscape: 3,595 sf 49.5%

IV. DISCUSSION

The proposed project is to permit “as-built” 80 square foot solarium, a rear deck extension and an extended rear stairway at the rear of the house. The rear deck located on the eastern side of the lot was expanded and a portion of it was converted to habitable space (solarium) without the required permit and a stairway was added from the yard to the first floor deck located on the western side of the property. These additions were made within the required 10’ interior setbacks.

The Single Family Design Board (SFDB) reviewed the project on September 6, 2016. SFDB supported the interior modification requests to allow the “as-built” solarium and deck extension, and the staircase to the first floor deck along the westerly side of the property to encroach into the required interior setback. The Board also supported the water feature, handrails and front fence additions.

The existing dwelling is legal non-conforming to the eastern interior setback as it is located between six and eight feet from the eastern interior property line, instead of the ten feet required. The “as-built” solarium and deck are located five and eight feet from the interior property line, partially in line with the existing dwelling. The stairway from the yard to the first floor deck on the westerly side of the property was added without the required permit and the bottom three stairs encroaches approximately two feet into the required interior setback. The new landing at the bottom of the stairs will encroach another three feet into the setback. Staff is in support of the requested modifications because the solarium is not located any closer to the property line than the non-conforming house and the deck extends only a foot beyond the existing dwelling. Further, the location of the stairway is screened by fairly dense landscaping along the property line and the new stairway is not anticipated to adversely impact the adjacent neighbors. The “as-

built” improvements are located at the rear of the property and were added by the previous owner over fifteen years ago. Allowing them to remain as constructed is not anticipated to have a negative impact on the neighboring properties.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. Although the “as-built” additions encroach into the western and eastern interior setbacks, they are appropriate because the additions either follow the line of the existing house or only slightly encroach into the interior setbacks. The additions are not anticipated to adversely impact the adjacent neighbors.

Said approval is subject to a condition that the violations identified in ZIR2014-00518 for the unpermitted second floor deck and spiral staircase and laundry shed will be removed and that the handrails, utilities for the water feature and the front fence shall be either removed or permitted.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated December 1, 2016
- C. SFDB Minutes dated September 6, 2016

Contact/Case Planner: Betsy Teeter, Planning Technician II
(bteeter@SantaBarbaraCA.gov)
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 to verify closure dates.

EXHIBIT A

**Doug and Joyce Maskart
1257 Ferrelo Road
Santa Barbara, California 93103**

November 16, 2016

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1022

RECEIVED
DEC 01 2016

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Modification Request for 1257 Ferrelo Road, APN; 029-271-009, E-1

Dear Staff Hearing Officer,

We are requesting your consideration of approving two modifications on our property located at 1257 Ferrelo Road. Our property consist of a single family residence of two stories 2,596 gross square feet and 338 n.s.f. of partial unimproved basement. There is a 346 gross square feet of detached carport (and 55 n.s.f. of unimproved partial basement). The detached carport sits within the 30 foot setback from Ferrelo Road and has been reviewed by the transportation department as being acceptable as a non-conforming structure (please see attached email dated August 3, 2016 from Chelsey Swanson).

We purchased our home in 2015 and are seeking to keep in place several as-built conditions some of which are within required setbacks. We have had those existing as built conditions reviewed by the Single Family Design Board on September 6, 2016 (please see attached meeting minutes). As a result we will be removing the second floor exterior rear deck and associated spiral stair case all of which are not in any setback. We also will be removing the "laundry shed" on the east side of the house which is within the required set-back, per Notice of Violation dated August 25, 2015, ENF2014-01142.

1. Modification Request #1. We wish to retain the as-built solarium, a portion of which is within the setback, as well as a portion of the rear yard deck (see drawings A-1, A-2 and A-3 and photo sheet A1.1). The deck was permitted in 1979. Removal of this solarium and portion of the deck would require a complete re-engineering of the east end of the deck, including new structural support system, as well as new doors and/or windows. This area of the deck is not visual to either the east property owner (there are no windows on that side of the east property residence). Please see the attached communication from Patricia Kruger of that residence and the three additional photographs attached. It should be pointed out that this condition cannot be seen from either the properties on each side of this residence or from the streets below this site. This has been the condition for the last 55 years. The deck itself has been there at least since 1979 and certainly for the last 15 years. Removing this portion of the deck, railing and installing new windows on the east side of the solarium present a substantial economic hardship. Please see the attached cost estimates from two separate contractors. Including the contractor's estimates plus additional funds for architects, structural engineers and additional fees the cost to execute such a requirement could range from \$22,200 to \$40,500.

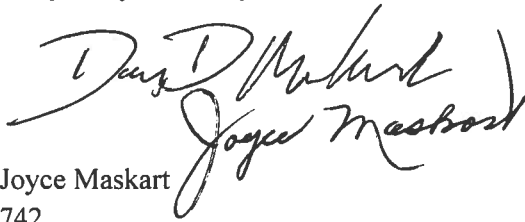
Exhibit B

We are concerned since it is not apparent to us that staff has actually visited our home and seen this condition that this may be an unnecessary exercise of setback enforcement. Additionally we would request an explanation of why a ten foot setback is required in this zone and what is the purpose of such a setback. We look forward to the opportunity to review such an explanation.

2. Modification Request #2. We wish to retain approximately two feet in length of stair case within the west 6 foot setback. That stair case is an access to the first floor rear yard deck (please see drawings A-1, A-2, and A-3. Photos on sheet A1.1) if we are required to reconfigure the stairs to relocate these two steps with in the setback would either precipitate an entire reconstruction of the stairs in a different direction or at the very minimum it would require another landing in order to turn the direction of the stair case with in the set back and require additional risers and treads because of the dropping grade elevation.

We would request these modifications in as much as they would present a substantial financial hardship to be required to remove them and then modify our existing house to remediate their removal. It should also be pointed out that, based upon our understanding, that all of these conditions have been in place for at least fifteen years particularly in the case of the east side set back.

Sincerely

Handwritten signatures of Doug and Joyce Maskart in black ink. The signature for Doug is written above the signature for Joyce.

Doug and Joyce Maskart
805-770-8742

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**4. 1257 FERRELO RD****E-1 Zone**

(4:40) Assessor's Parcel Number: 029-271-009
Application Number: MST2016-00357
Owner: Doug and Joy Maskart 2013 Family Trust
Architect: Fred Sweeney, Architect
Engineer: Tom Pillin Van Sande

(Request to legalize existing as-built development including 1st and 2nd story decks, solarium, handrails, front fence addition, staircase and fountain pump. Also proposed is the demolition of the existing exterior laundry shed. Staff Hearing Officer Review is requested to allow the "as-built" 80 square foot solarium, deck and stairs in the required interior setbacks. The proposed total of 2,105 square feet on a 6,970 square foot lot located in the Hillside Design District is 72% of the maximum allowable floor to-lot-area ratio (FAR).)

(Comments Only; Project requires Staff Hearing Officer Review.)

Actual time: 4:40 p.m.

Vice-Chair Miller read a statement regarding sole proprietorships exceptions, and Board member presentations: *"The State Fair Political Practices Act (FPPC) regulation 18702.4(b)(5) states that an official may appear before a design or architectural review committee of which he or she is a member to present, explain architectural or engineering drawings which the official has prepared for a client. Mr. Fred Sweeney is a sole practitioner and is using this exception understanding certain limits regarding advocating on behalf of his client."*

Present: Fred Sweeney, Architect; and Doug and Joy Maskart, Owners.

Mr. Sweeney submitted to the Board and staff a correction sheet regarding the existing tree near the property line that needed location corrections on the plans, and also various northwest corrections including easement, solarium, second floor deck, and proposed water feature issues for the proposed setback modifications; and for additional unpermitted items and other non-conforming items for on-going changes made to the property.

Public comment opened at 5:10 p.m.

- 1) Emma Brinkman, opposition; spoke of various inaccuracies and missing items on the submitted plans. Ms. Brinkman specified these inaccuracies on the plans, addressed her privacy concerns regarding the proposed second floor deck, and provided pictures from the point of view from her adjacent property.

An email in support from Patricia Kruger was acknowledged and read into the record.

A letter in opposition from Robert Brown & Patricia Santiago was acknowledged regarding privacy impacts and read/summarized into the record.

Public comment closed at 5:22 p.m.

Mr. Sweeney stated for the record that: there was no intention of any kind on his part to misrepresent any inaccurate information on the provided plans since he was only working from information provided to him by the owner for the project drawings, and that any inaccuracies on the plans will be duly updated and accurately reflected on future plans sets.

EXHIBIT C

Vice-Chair Miller stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility; therefore, private view concerns of the public are not within the Board's purview.

Board member Woolery clarified that the point of controversy specifically concerns privacy impacts of the proposed second floor deck to adjacent neighbors and not private views, and encouraged both the Applicant and neighbors to work together with the good neighbor guidelines to achieve neighborhood compatibility.

- Motion:** **Continued indefinitely Staff Hearing Officer for return to Full Board with comments:**
- 1) A majority of the Board found acceptable and supportable the other proposed modifications for the as-built developments for the easterly first story deck over the setback which is not setback 15 feet from the property line, the water feature fountain pump, the "as-built" solarium, the "as-built" handrails, the westerly staircase to the first floor deck encroaching into the west setback, and the front fence addition and demolition of the existing exterior laundry shed, which do not pose consistency issues with Single Family Residence Design Guidelines.
 - 2) The Board could not support the proposed second floor deck and the spiral staircase off the study, and found them unacceptable as presented due to privacy impacts to adjacent neighbors, especially the adjacent neighbor to the west.

Action: Woolery/James, 4/1/0. Motion carried. (Moticha opposed, Sweeney stepped down).