



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 30, 2020  
**AGENDA DATE:** April 8, 2020  
**PROJECT ADDRESS:** 1431 Olive Street (PLN2019-00428)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Megan Arciniega, Project Planner *MS*

### I. PROJECT DESCRIPTION

The 6,250 square-foot site is currently developed with single residential unit and detached carport. The project involves demolition of the existing 120 square foot carport and 105 square feet of the existing residence, and construction of a new 400 square foot detached garage and 900 square foot accessory dwelling unit.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is an Open Yard Modification to allow for open yard area that does not meet the minimum size requirements or standards and location requirements for single residential units (SBMC §30.140.140 and SBMC §30.250.030.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

**Application Deemed Complete: March 24, 2020**

**Date Action Required: May 25, 2020**

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section VI of this report.

**III. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Brett Ettinger	Property Owner:	Matt Davis
Parcel Number:	029-022-007	Lot Area:	6,250 sq. ft.
General Plan:	Medium-High Residential	Zoning:	R-M
Existing Use:	Residential	Topography:	11%

Adjacent Land Uses:

North:	R-2; 502 E. Micheltorena Street	Single unit residential (single-story)
East:	R-M; 1427 Olive Street	Two unit residential (single-story)
South:	R-M; 424 E. Micheltorena Street	Two unit residential (single-story)
West:	R-M; 1435 Olive Street	Single unit residential (single-story)

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,431 sq. ft. (net)	1,326 sq. ft. (net)
Garage	0 sq. ft. (net)	400 sq. ft. (net)
ADU	0 sq. ft. (net)	900 sq. ft. (net)
Accessory Area	0 sq. ft. (net)	0 sq. ft. (net)

**C. PROPOSED LOT AREA COVERAGE**

Building	2,426 sq. ft. (39%)
Hardscape	1,561 sq. ft. (25%)
Landscape	2,263 sq. ft. (36%)

**IV. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/Allowance</b>	<b>Existing</b>	<b>Proposed</b>
Front Setback	10 ft.	18 ft.	No change
Interior Setback			
- Primary structure	6 ft.	3-12 ft.	No change
- Covered parking	3 ft.	3 ft.	3 ft.
- ADU	4 ft.	N/A	4 ft.
Building Height	45 ft.	23 ft.	21 ft. 3 in.
Parking			
- Primary structure	1 space	1 space	2 spaces
- ADU	0 spaces	N/A	0 spaces
Open Yard	1,250 sf.	1,250 sf.	800 sf.

V. **DISCUSSION**

Background

The proposed Accessory Dwelling Unit (ADU) project was designed to meet the requirements of the City's 2019 ADU Ordinance (SBMC §30.185.040). However, in the midst of processing the permit application, new State legislation was enacted on January 1, 2020. With the enactment of the new legislation, the City's 2019 ADU Ordinance was rendered null and void. Although the City is working update the ordinance with the new 2020 State law provisions, they are not anticipated to be completed until Summer 2020. City planners working on the ordinance have confirmed that open yard provisions are proposed to remain the same, so it is only during this interim period they are not in effect.

The proposed project complies with all current applicable zoning requirements and State law requirements with the exception of the open yard.

Open Yard Modification

The applicant is seeking a modification of the open yard requirements (SBMC §30.140.140) to reduce the open yard from 1,250 square feet to 800 square feet, consistent with the 2019 ADU Ordinance open yard requirements that are currently null and void. Additionally, the open yard area proposed overlaps with the driveway and turnaround area. Although typically driveways are not counted as open yard, the City's previous—and anticipated future—ADU requirements specially allow it, consistent with City Council direction.

Open yard areas are intended to promote desirable living conditions, a sense of openness on residential development, and to provide minimum useful space for outdoor living and enjoyment. Staff is supportive of the open yard modification because the proposed 800 square foot open yard between the primary residence and ADU provides a sense of openness and a desirable design. Although the area encompasses the driveway, it is located further back on the lot in an area that provides privacy and functions for outdoor living.

Design Review

The existing residence is a Craftsman style residence, constructed circa 1920, located within the Lower Rivera Special Design District. The property is on the City's List of Potential Historic Resources as "contributing to the potential Bungalow Haven Historic District." As such, improvements to the property require Historic Landmarks Commission (HLC) review, with the exception of ADUs which are currently exempted from design review by State law.

However, the ADU was included in the HLC review on October 16, 2019, because it was required by the City's 2019 ADU Ordinance that was in place at the time. The ADU exceeds the existing number of stories of the primary residence and therefore did not meet the objective ministerial design standards, which triggered design review in the 2019 ADU Ordinance. The HLC found the project design generally favorable of the project and finds the mass, bulk, and scale to be sensitive to the historic resource and the neighborhood. The City's Urban Historian also reviewed the design, and similarly determined that the project, as designed, did not adversely impact the historic resource. See Exhibit C for the full HLC minutes.

**VI. FINDINGS**

The Staff Hearing Officer finds that the Open Yard Modification is consistent with the general purposes of the Zoning Ordinance and the R-M Zone, and is necessary to secure an appropriate improvement on a lot. The proposed open yard is appropriate because it provides a sense of openness and a useful space for outdoor living. Additionally, the proposed open yard complies with the open yard requirements in the City's previous—and anticipated future—ADU ordinance and as such the modification would also prevent an unreasonable hardship caused by the temporary suspension of the City's ADU provisions.

**EXHIBITS:**

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 4, 2020
- C. HLC Minutes, dated October 16, 2019

Contact/Case Planner: Megan E. Arciniega, AICP, Project Planner  
(MArciniega@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x7587



# City of Santa Barbara California

**Exhibit A:** Site Plans is available electronically for view online at:  
[SantaBarbaraCA.gov/SHO](http://SantaBarbaraCA.gov/SHO)

March 4, 2020

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

RE: Modification Request for 1431 Olive Street  
APN: 029-022-007 Zone: R-M

Dear Staff Hearing Officer:

1. The 6,250 sf gently sloping subject parcel includes an existing 1,431 net sf single family residence. The existing home is fully permitted according to City Files. Our proposal includes a new detached Accessory Dwelling Unit (ADU) of 900 net sf and a new Garage of 400 net sf.
2. The modification is being requested to allow for a reduced Open Yard Area of 800 sf as per current ADU Ordinance (30.185.040) for parcels of this size. We had received positive comments from HLC in October, 2019, then proceeded to fully complete our Construction Drawings for HLC Final Review and subsequent submittal of our project for Building Permit. However, the City recently informed us that the new, amended State Legislation of January 1, 2020 temporarily null and voids the allowable reduced yard area. The Open Yard area for our parcel thus reverts back to 1,250 sf, a size that is virtually impossible unless we completely scrap the project and redesign it without the Garage. In order to move forward with the Construction of our project as currently reviewed and designed, we are requesting a Modification for reduced Open Yard area of 800 sf. We understand the City is supportive of this Modification Request, since their forthcoming updated Amendments will propose to restore the Open Yard reduction we are currently requesting.
3. One of the major benefits of this Modification Approval is to allow this exemplary project to move forward as designed. The project has received positive comments from HLC and complies with all other Zoning Requirements. Another major benefit is that this project will allow for additional offstreet covered parking and storage, even though the Garage is not required. This project will also provide much needed accommodations for our client's extended family. Lastly, the Modification process is the most expedient route to get our project formally approved and permitted to try and make up for the delays due to the unforeseen amended State Legislation. Otherwise, if we wait until May or June to move forward, we will risk construction starting too late and not being able to weatherproof the structure before this Fall and Winter rains.

Sincerely,

Brett Ettinger  
Ferguson-Ettinger Architects, Inc.

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**(3:40PM) NEW ITEM: CONCEPT REVIEW**

**4. 1431 OLIVE ST**

Assessor's Parcel Number: 029-022-007  
Zone: R-M  
Application Number: PLN2019-00428  
Owner: Matt Davis  
Applicant: Ferguson Ettinger Architects, Inc.

(The Craftsman style residence constructed circa 1920 and located in the Lower Rivera Special Design District is on the City's List of Potential Historic Resources as contributing to the potential Bungalow Haven Historic District. Proposal to demolish the existing detached carport and shed located at the rear of the property, and construct a new detached two-story building comprised of a 799 square Accessory Dwelling Unit (ADU) and 400 square foot two-car garage. Project includes demolishing 105 square feet at the rear of the main residence to allow for a bridge connection from the ADU to the main residence, and an approximately 144 square foot deck at the upper level of the new building that will service the ADU. Hardscape alterations include improving the existing concrete driveway and a new textured concrete turnaround at the new building. The proposed total of 2,525 square feet on a 6,250 square foot lot is 92% of the maximum guideline floor-to-lot area ratio.)

**Concept Review. No final appealable decision will be made at this hearing.**

Actual time: 4:05 p.m.

Present: Brett Ettinger, Applicant, Ferguson Ettinger Architects, Inc.

**Staff comments:**

1. Ms. Hernandez stated that she provided a memo outlining the relevant Lower Riviera Guidelines and noted that the aluminum clad, single-pane door is the only element she found that was incompatible with a craftsmen style building.
2. Ms. Plummer stated that the project has a new detached building and is comprised of a garage and an Accessory Dwelling Unit. The ADU is under local ordinance and subject to discretionary review as the project did not qualify for ministerial review per the architectural review questionnaire.

Public comment opened at 4:26 p.m.

Written correspondence from Richard Weger and Kathleen Dagg was acknowledged.

Public comment closed at 4:27 p.m.

**Motion: Continue indefinitely with comments:**

1. The Commission is generally favorable of the project and finds the mass, bulk, and scale to be sensitive to the historic resource and the neighborhood.
2. Study the use of board and batten siding on the first floor.
3. Study the detailing of the fenestration, especially the door and window divisions, with the suggestion that they be double hung or more traditionally Craftsman in style.
4. Study widening the Juliette balcony.
5. Additional study of the current door window design on the southwest elevation of the original house is needed.
6. Once the architect addresses the comments above, the project will be ready to submit for Project Design Approval.

Action: Drury/Hausz, 8/0/0. (Edmunds absent.) Motion carried.