

**STAFF HEARING OFFICER  
STAFF REPORT**

**REPORT DATE:** June 25, 2020  
**AGENDA DATE:** July 1, 2020  
**PROJECT ADDRESS:** 216 Santa Rosa Pl (PLN2019-00556)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner II  
Christina McGuire, Planning Technician II

**I. PROJECT DESCRIPTION**

Proposal to construct a new 614 square foot Accessory Dwelling Unit (ADU) above the existing residence and nonconforming garage pursuant to California Government Code §65852.2. The proposal includes a new first floor entry addition at the rear (west) of the garage, a new storage addition to the garage, and a new upper story deck for the ADU. The new deck is located above the nonconforming garage and encroaches into the minimum required 20'-0" setback. Other site alterations include a new air conditioner, a new patio serving the primary residence, new site fence and gate, and new and relocated utility meters. The subject parcel is zoned E-3/S-D-3 and is located in the Non-Appealable Jurisdiction of the Coastal Zone.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is a Front Setback Modification to allow the upper story deck to be located within the Front Setback (SBMC § 28.92.110.B).

**Application Deemed Complete: June 1, 2020**

**Date Action Required: August 28, 2020**

**II. RECOMMENDATION**

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

**III. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Bob Klammer		
<b>Property Owner:</b>	Ann Tozier & Joe Blommer		
<b>Site Information</b>			
<b>Parcel Number:</b>	045-196-005	<b>Lot Area:</b>	8,441 square feet
<b>Coastal Land Use Plan:</b>	Residential 5 dwellings/acre	<b>Zoning:</b>	E-3/S-D-3
<b>Existing Use:</b>	Single Unit Residential	<b>Topography:</b>	6% slope
<b>Adjacent Land Uses</b>			
	<b>North</b> - Single Unit Residential		<b>East</b> - Single Unit Residential
	<b>South</b> - Single Unit Residential		<b>West</b> - Single Unit Residential

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
<b>Primary Unit</b>	1,491 square feet (net)	No change
<b>Garage</b>	383 square feet (net)	No change
<b>Accessory Dwelling Unit</b>	N/A	592 square feet (net)
<b>Accessory Dwelling Unit Storage</b>	N/A	22 square feet (net)
<b>Floor Area Ratio</b>	0.250 = 64% of Maximum FAR	No change*
*Per Government Code 65852, Accessory Dwelling Units do not contribute to the floor area ratio		

**IV. DISCUSSION**

Front Modification

A Front Setback Modification is requested to allow a second story deck for the ADU to encroach into the required 20'-0" Front Setback on top of the existing garage (SBMC §28.92.110.B). The garage encroaches between 2 – 4 feet into the required 20' front setback and is nonconforming. There are specific alterations that may occur to a nonconforming building pursuant to SBMC §28.87.030, however, adding an upper story deck does not fall within the allowances.

Staff is supportive of the proposed Front Setback Modification to allow the proposed deck to be located above the existing nonconforming garage because it provides the occupants of the ADU some outdoor living space, does not project beyond the existing garage, and is consistent with

existing development in the neighborhood. The applicant explored constructing a conforming deck on the west side of the ADU, but that option impacts the privacy of the western neighbor, as the deck would overlook their backyard. The location of the deck facing the public street is less of an impact to the neighbors. The Single Family Design Board on April 27, 2020 were favorable on the design and offered their support for the Modification.

#### Coastal Review

The subject property is located in the Non-Appealable jurisdiction of the Coastal Zone. This project qualifies for a Single Family Residence Coastal Exemption pursuant to SBMC §28.44.070. The parcel is located on the inland side of the first public road paralleling the sea, not within 50' of the edge of a coastal bluff, therefore, a Coastal Development Permit is not required (California Code of Regulations §13250). A Coastal Exemption has been applied for under PLN2020-00002 and must be approved prior to issuance of a building permit.

#### Design Review

The project requires Design Review by the Single Family Design Board (SFDB) for review of the upper story deck greater than 3 feet by 7 feet (SBMC §e22.69.020.C.6). The SFDB gave the project favorable comments to the project at their April 27, 2020 hearing. See Exhibit C for the full SFDB minutes. **FINDINGS**

The Staff Hearing Officer finds that the Front Setback Modification is consistent with the general purposes of the Zoning Ordinance and the E-3/SD-3 Zone, and is necessary to secure an appropriate improvement on a lot. The proposed upper story deck is appropriate because it is an area that provides outdoor living space to the ADU occupants, will not detract from the single residential environment, provides a space that minimizes impacts to the neighbors.

#### **EXHIBITS:**

- A. Applicant's letter, dated February 6, 2020
- B. Site Plan (under separate cover)
- C. SFDB Minutes, dated April 27, 2020



KupiecArchitectsPC

02/06/2020

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

Re: Revised Modification Request for 216 Santa Rosa Place, Santa Barbara, CA 93109; Assessor's Parcel Number: 045-196-005; Land Use Zone: E-3/SD-3 (SBMC Title 28)

Dear Staff Hearing Officer,

1. There is an existing house with attached two-car garage on this property. The house is 1,580 (gross) sq. ft. with garage of 413 (gross) sq. ft. The existing structure has permits according to the City building files. The existing (legally non-conforming) garage is setback 15'-10" from the front property line, whereas the front setback is 20'-0".
2. An Accessory Dwelling Unit (ADU) with a total of 663 (gross) sq. ft. is proposed as a second story addition setback over a portion of the existing garage and house. To access the ADU, a stairwell of 62 sq. ft. is provided at the first floor. It is proposed on the west side of the existing garage. It is in compliance with all setback requirements. ADU stairs create a 22 sq. ft. usable storage area in the garage below (height of 5'-0" or more). The ADU proposes a deck to replace the narrow non-conforming remnant piece of hip roof located at the front of the existing garage (4'-2" x 19'-10"). Also included is the following: ADU first floor entry porch connected to a deck, stairs and an overhead trellis; a relocated pedestrian door into the garage; rebuilding of the front gate/fence on the westerly side yard; relocate electrical meters on westerly side of the ADU to facilitate new underground utilities - meter will be flush mounted and painted to match the house; a garage window is to be replaced with one more proportional; and air conditioning unit (50 dB) to be added. All portions of this proposed project, other than the ADU's deck, satisfy setbacks & zoning ordinances. We are proposing the deck as an attractive alternative to the remnant slice of existing non-conforming hip roof, thus request this modification.
3. The major benefits of this deck is that it is an aesthetics improvement; it provides outdoor living space; it allows daylight into the ADU (as opposed to roofing that location); it complements the neighborhood, similar to the westerly neighbor's deck (see pictures); and the deck is directed towards the front yard's open space away from the side neighbor's rear yard, thus helping maintain good neighbor relations.

Sincerely,

Robert Klammer, AIA

401 Chapala Street Suite 105 Santa Barbara CA 93101 805.969.6740

**EXHIBIT A**



# City of Santa Barbara California

**Exhibit B:** Project Plans has been distributed separately.

A copy of the plans is available for viewing online at [SantabarbaraCA.gov/SHO](http://SantabarbaraCA.gov/SHO) or at the Planning and Zoning Counter, 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 our website under City Calendar to verify closure dates.



## SINGLE FAMILY DESIGN BOARD

## CASE SUMMARY

**Project Description**

Proposal for a 592 square foot addition of an Accessory Dwelling Unit (ADU) over an existing 1,491 square foot single-unit residence with an attached 383 square foot two-car garage. Project includes a new trellis at first floor deck and deck at the second floor with 42" tall wood capped stainless steel railing. Site alterations include a new air conditioner, rebuilt fence/gate at southwest corner of garage, and replace garage window. Review from the Staff Hearing Officer is requested for a Modification to allow the ADU's front deck to encroach into the required Front Setback. Project is located on an 8,441 square foot lot located in the Non-Appealable Jurisdiction of the Coastal Zone.

**Case Conditions**

4/27/2020 SFDB FULL BOARD - SFDB-CONCEPT REVIEW (NEW) - PH

CONTINUED

No final appealable action will be taken at this hearing. Review from the Staff Hearing Officer is requested for a Modification to allow the ADU's front deck to encroach into the required Front Setback. Project requires Neighborhood Preservation findings.

Actual time: 3:26 p.m.

Present: Robert Klammer, Applicant; Bob Kupiec, Kupiec Architects; and Ann Tozier, Owner

Public comment opened at 3:41 p.m., and as no one wished to speak, it closed.

Written correspondence from Phillip Laby was acknowledged.

Motion: Continue to the Staff Hearing Officer for return to the Full Board with the comment that the Board supports the modification to allow the ADU's front deck to encroach into the required Front Setback.

Action: Ferrell/Ziegler, 7/0/0. Motion carried.

## Workflow

Date Status	Date Due	TASK	STATUS	Active?	Complete?
2/20/2020	2/25/2020	Application Acceptance - DesRev	>Accepted for Processing	No	Yes
Initial SFDB submittal routed to SFDB staff for review and scheduling for concept comments review at SFDB - prior to SHO submittal.					
2/20/2020	2/20/2020	Process Evaluation	>Workflow Process Determined	No	Yes
Accepted initial SFDB Application for comments for mod regarding the proposed second story deck. Process requires SFDB and SHO.					
2/20/2020	2/20/2020	Application Intake	>Accepted	No	Yes
Accepted initial SFDB Application for comments for mod regarding the proposed second story deck.					

## Inspections

Inspection Type	Sched Date	Sched Start Time	Sched End Time	Status	Inspection Date
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