



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: October 26, 2006
AGENDA DATE: November 2, 2006
PROJECT ADDRESS: 625 Flora Vista (MST2006-00176)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 13,750 square foot project site is currently developed with a 1,339 square foot residence and 459 square foot attached garage. The proposed project involves the conversion of the existing garage to habitable space, 144 square feet of first floor addition, and the construction of a new two-car garage. The discretionary application required for this project is a Modification to permit new habitable space within the required front and interior yard setbacks (SBMC §28.15.060). On August 30, 2006 the Staff Hearing Officer reviewed the project and approved the interior setback encroachment as submitted, and approved a two foot (2') encroachment into the front setback, rather than the existing nine-foot (9') front setback encroachment. This approval requires the partial demolition of the existing garage. The applicant wishes to keep the entire garage structure and convert it to habitable space, and states that the reduced floor area approved by the SHO will not provide enough space for this family's needs. The applicant has appealed the action by the SHO and is requesting that the Planning Commission approve conversion of the entire garage to habitable space.

II. RECOMMENDATION/FINDINGS

Staff recommends that the Planning Commission uphold the decision of the Staff Hearing Officer, making the findings that the encroachment into the front and side yards, as approved by the Staff Hearing Officer on August 30, 2006 are consistent with the purposes and intent of the Zoning Ordinance, in that the side setback encroachment allows for a uniform improvement by making use of an existing eight foot setback, and that the two foot front setback encroachment is appropriate given the slight slope in the front yard, the substantial slope in the rear yard, and the desire of the applicant to have a compatible one-story project.

APPLICATION DEEMED COMPLETE: July 17, 2006
DATE ACTION TAKEN BY THE SHO: August 30, 2006
DATE ACTION REQUIRED: Not Applicable

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Tisha Levy	Property Owner: Allen Levy
Parcel Number: 041-385-003	Lot Area: 13,750 sf
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: Residential	Topography: 29% slope
Adjacent Land Uses: North – Single Story Residence East – 2-Story Residence South – Single Story Residence West – Slope up to Single Family Residence	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,339 sf	1,942 sf
Garage	459 sf	400 sf
Accessory Space	None	None

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	30'	21'	21'
-Interior	10'	8'	8'
-Rear	10'	60'	60'
Building Height	30'	14'6"	16'
Parking	2-covered	2-covered	2-covered
Open Yard	1,250 sf	9,000 sf	9,000 sf
Lot Coverage			
-Building	N/A	2,213 sf 16%	2,613 19%
-Paving/Driveway	N/A	1,165 sf 8%	765 6%
-Landscaping	N/A	10,372 sf 75%	10,372 75%

V. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on May 1, 2006. The ABR stated that the proposed project precluded the necessity for a second story and therefore was an appropriate improvement.

B. MODIFICATION

The existing garage is non-conforming to current setback regulations due to the development standards required at its time of construction. SBMC§28.87.030 restricts change of use to non-conforming buildings. During preliminary consultations, the applicant was advised that Staff views these type of requests the same as an application for new habitable space in a required yard. Staff had difficulty supporting the required finding that the Modification is necessary when conforming options such as first floor or second story additions had not being explored. The applicant pointed out that the steeply sloped rear yard resulted in limited area for first floor expansion, which was the preferred and more neighborhood-compatible solution. Staff is aware that the Commission recently approved a non-conforming garage conversion on Shoreline Drive. However, that project which relocated the parking to the rear of the lot resulted in the ability to exit the lot in a forward direction which was seen as a safety improvement over the existing situation. This project will require that vehicles still back onto the street.

At the public hearing of the SHO on August 30, 2006, Staff maintained its position that a conforming option, whether first or second story, was the appropriate improvement for this site, and recommended denial of the project. The SHO took the position that the side yard encroachment allowed for a uniform improvement, that adequate separation between residential developments was being provided, and approved the interior yard encroachment. In regards to the front yard encroachment, the SHO supported Staff's position that allowing new habitable space within twenty-one feet (21') of the front lot line was not consistent with the pattern of development in the immediate neighborhood, could be precedent-setting, and would not be consistent with the E-1 development standards. However, the SHO made the finding that a two-foot (2') encroachment was necessary to secure an appropriate improvement due to expansion constraints related to a slight slope in the front yard as well as a substantial slope in the rear yard, and the desire of the applicant to have a compatible one-story project.

The applicants maintain their position that only complete conversion of the existing garage will provide adequate area for their needs, and is requesting the Commission approval their request.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated June 7, 2006
- C. ABR Minutes
- D. Neighbors Petition of Support
- E. SHO Minutes dated August 30, 2006
- F. SHO Resolution No 049-06
- G. Appeal letter dated September 8, 2006



SITE PLAN

1/8" = 1'-0"

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APN 041-385-003

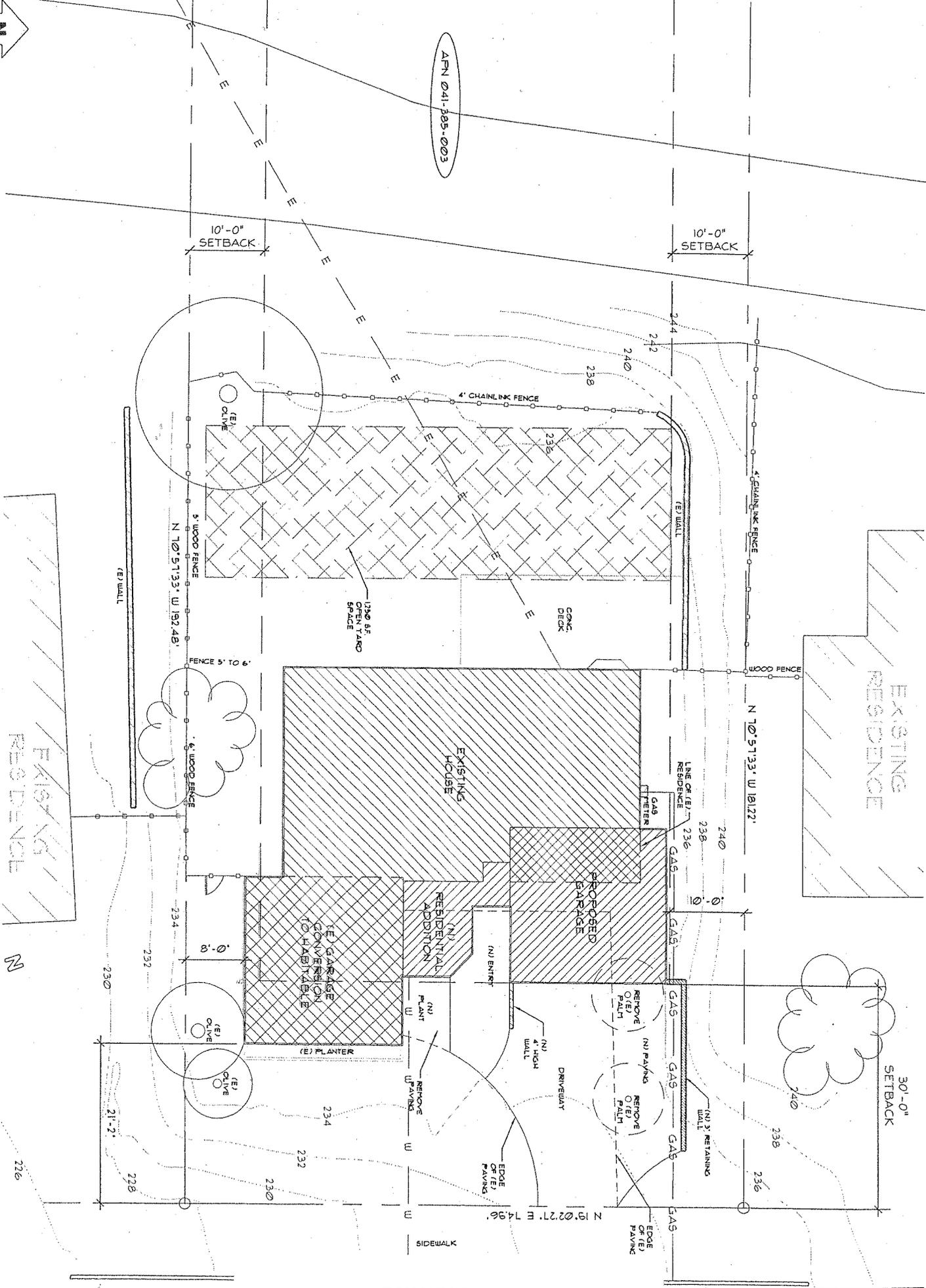


EXHIBIT A

STREET

June 7, 2006

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

Re: Modification Request for 625 Flora Vista; 041-385-003; E-1

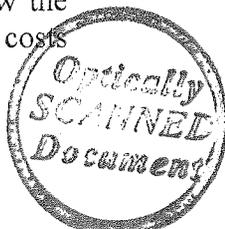
The proposed project involves converting an attached 459 square foot two-car garage to habitable space and constructing a new attached 400 square foot two-car garage and a 144 square foot addition to an existing 1,339 square foot one-story residence. Modifications are requested to allow the converted garage to remain within the front and side yard setbacks. Currently the garage is located nine feet into the thirty foot front yard setback and two feet into the ten foot side yard setback.

According to SBMC Section 28.92.110.2, the Modification Staff Hearing Officer must find that the front and side yard modifications are necessary to secure an appropriate improvement on a lot, to prevent unreasonable hardship, or to promote uniformity of improvement.

The proposed modifications would be an appropriate improvement on the lot because the conversion would take place within the house's existing footprint. Demolishing the garage and re-building the habitable space within the setbacks would not allow the room to meet the minimum seven foot dimension required by the Uniform Building Code for habitable space (minimum room dimension would be approximately 6.5 feet) and it would not meet the needs of the household to have this room function as a family room. Demolishing the garage and re-building the habitable space within the setbacks would also not be an appropriate improvement to the character of Flora Vista Street, which is lined primarily with single family residences that also have existing front yard encroachments. Relocating the proposed conversion of 459 square feet to the rear of the property is problematic because the property would be unable to meet their required open yard. Because Flora Vista is a very busy street, building into the usable rear yard area also would not allow sufficient play area for their growing kids or dog. The remaining part of the rear yard consists largely of a steep hillside and is not useable space for the property. Building the 459 square feet on the second story would not be appropriate given the predominately single story character of the neighborhood.

The proposed modifications are also necessary to prevent unreasonable hardship. The conversion of the garage to habitable space would allow the property owners to use the existing house frame, thus cutting down costs of rebuilding a new structure. There would be an extreme financial hardship if the City requires locating the 459 square foot conversion to a second story because the current residence is not structurally engineered to handle the weight of a second story. Structurally retrofitting the house would be extremely costly and would not allow the residents to live out of their house during construction, which would add further rentals costs

EXHIBIT B



while the family is displaced. The proposed conversion to habitable space would also not impact the closest neighboring property to the south because there would be 22 feet that would separate the structures. A fence/hedge could also be constructed along the property line to further buffer the two residences if the neighbor is concerned.

The modifications promote uniformity of improvement because the house would remain in its same configuration and would allow the new garage and small addition to be constructed outside of the side and front yard setbacks. The proposed street facing garage would also be in character with the rest of the neighborhood, as there are several other street facing garages along Flora Vista. Creating a new garage facing the street would also allow a reduction of paving in the front yard, and allow more landscaping.

The proposed project went before the Architectural Board of Review on May 1, 2006. The Board found the proposed design acceptable and an appropriate improvement to the site and neighborhood.

In short, the proposed project would meet the needs of this growing family and the conversion of the garage would result in the least impacts to the site and neighboring properties. We hope you can make the above findings and approve the requested modifications.

Sincerely,



ABR MINUTES - 625 FLORA VISTA DRIVE – MAY 1, 2006

Motion:

Continued indefinitely to Staff Hearing Officer with the following comments: 1) The Modification for Change-of-Use within the existing garage structure is supportable in that it precludes the necessity of a second-story addition. 2) The Board feels that it could support the front and side yard encroachments of the existing garage due its existing one-story building envelope and that it is only an internal change of use. 3) The proposed upgrades with the new garage and new entry structure are an enhancement to the neighborhood. 4) Reduce the paving for the proposed driveway and add a separate entrance walk to the front door. 5) Add vine pockets or trailing plants at the proposed retaining wall adjacent to the new garage. 6) Replacements for the two palm trees that are to be removed will be reviewed when the applicant returns. 7) After SHO and completing the aforementioned changes, the project is ready for Preliminary Approval and the applicant shall return to the Consent Calendar, with NPO findings to be made at Consent.

Action:

Sherry/Mosel, 8/0/0.



no address
610 Florida

NAME ADDRESS

DATE

Mary McDevitt 615 Florida Vista 4-30-06

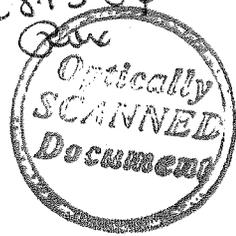
Mr + Mrs Frank (Karen) Caplan "

Frank & Elida Tomatore 635 Florida Vista Dr. 4/30/06

Eric Voss 2401 Calle Linares 4/30/06

Jill BTE Jill Petersen 2405 Calle Linares 4/30/06

all parties
entered into
advantage 8-15-06
Rue



II. PROJECTS:

ACTUAL TIME: 1:03 P.M.

A. APPLICATION OF THOMAS OCHSNER FOR ALLEN LEVY, 625 FLORA VISTA, APN 041-385-003, E-1 ONE-FAMILY ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00176)

The 13,750 square foot project site is currently developed with a 1,339 square foot residence and 459 square foot attached garage. The proposed project involves the conversion of the existing garage to habitable space and the construction of a new two-car garage. The discretionary application required for this project is a Modification to permit new habitable space within the required front and interior yard setbacks (SBMC §28.15.060).

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

Tisha Levy, Applicant/Owner, present.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Levy explained that her letter mentions any change in the current infrastructure will systematically affect the dimensions of other habitable space within the home against the Code's restrictions of 6.5 feet minimum room dimensions. Since the slope of the rear yard area minimizes the usable open space, she is unable to mitigate any change in dimension to the rear of the property.

In consideration of the sloped property, Ms. Weiss outlined some provisions within the Zoning Ordinance which might be appropriate and in favor of the modification: 1) If the front yard has more than a 20% slope, a five foot reduction is allowed for a 25 foot lot. Since the amount usable open space to the rear of the property is limited by the slope, consideration might be given for yard reduction.

The Public Hearing was opened at 1:11 p.m. and, as no one wished to speak, was closed at 1:12 p.m.

Ms. Weiss explained to the applicant that garage conversions in this neighborhood are rare, and that most of the surrounding homes remain within their original building footprint. Other than the constraints imposed by the slope of her property, her situation is not unique enough for any special consideration or dispensation, and consistency to the Zoning Ordinance requirements must be observed for the proposed project.

Ms. Weiss suggested the applicant reconfigure the floor plan to work with a side yard encroachment of two feet, and a front yard 28 foot minimum dimension area setback.

In working with a front yard 28 foot minimum dimension area setback, the applicant questioned if the plan could allow patio front sliding doors and outdoor patio area to make up for the lost square footage to the front yard setback, which would also negate the need for a new side window. Staff replied that it would be permitted.

ACTION:

Assigned Resolution No. 049-06

Approve the project, making the findings that the encroachment into the side yard is consistent with the purposes and intent of the Ordinance and allows for an uniform improvement making use of an existing appropriate eight foot setback, and allow a minor two foot encroachment into the front yard; given that there is a slight slope in the front yard as well as a substantial slope in the rear yard, and the desire of the applicant to have a compatible one-story project.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 1:23 P.M.

**B. APPLICATION OF AB DESIGN STUDIO FOR SEAN HECHT,
1120 ARBOLADO ROAD, APN 019-220-010, E-1 ONE-FAMILY ZONE,
GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE
(MST2006-00276)**

The 10,400 square foot project site is currently developed with a 1,500 square foot residence and swimming pool. The proposed project involves the demolition of the existing pool, major site improvements including a new swimming pool, two-car garage, and 225 square foot detached accessory structure with covered roof deck. The discretionary application required for this project is a Modification to permit the accessory structure to be located within the front yard (SBMC §28.87.160).

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

Clay Rollin, Designer from AB Design Studio present.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 049-06

625 FLORA VISTA

MODIFICATION

AUGUST 30, 2006

APPLICATION OF THOMAS OCHSNER FOR ALLEN LEVY, 625 FLORA VISTA, APN 041-385-003, E-1 ONE-FAMILY ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00176)

The 13,750 square foot project site is currently developed with a 1,339 square foot residence and 459 square foot attached garage. The proposed project involves the conversion of the existing garage to habitable space and the construction of a new two-car garage. The discretionary application required for this project is a Modification to permit new habitable space within the required front and interior yard setbacks (SBMC §28.15.060).

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

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 30, 2006.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Mary McDevitt, 615 Flora Vista, Santa Barbara, CA 93109
 - b. Frank & Karen Caplan, 610 Flora Vista, Santa Barbara, CA 93109
 - c. Elaine Tomatore, 635 Flora Vista, Santa Barbara, CA 93109
 - d. Eric Voss, 2401 Calle Linares, Santa Barbara, CA 93109
 - e. Jill Petersen, 2405 Calle Linares, Santa Barbara, CA 93109

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

Approved the project, making the findings that the encroachment into the side yard is consistent with the purposes and intent of the Ordinance and allows for an uniform improvement making use of an existing appropriate eight foot setback, and allow a minor two foot encroachment into the front yard; given that there is a slight slope in the front yard as well

as a substantial slope in the rear yard, and the desire of the applicant to have a compatible one-story project.

This motion was passed and adopted on the 30 day of August, 2006 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action you next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has not been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

RECEIVED

SEP 08 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

To: Planning Commission Members

Applicant: Tisha and Allen Levy 965-7565

Re: Modification Request for 625 Flora Vista; 041-385-003; E-1

We are requesting an appeal before this commission of the August 30th ruling by Staff, which denied our full request for a modification for a change of uses within the required front setback. Our existing garage extends nine feet into the required front yard setback of thirty feet, and two feet into the required side yard setback. We propose to convert the existing garage into living space, while leaving the wall and roof completely in tact, and constructing a new garage out of the setback. The rear yard is restricted due to a steep hill, and this particular plan will allow more landscaping in the front yard than with the current configuration. We have studied countless design options with our architect, and we feel this is the only option that will work without proceeding to a two story option. We have also met with many of our neighbors (front/back/sides) to discuss our proposal and they have signed a petition in support of our project. We feel that because the encroachment already exists, the impact to the neighborhood will be minor. Staff appears to be forced to consider the project as though it is proposed new construction in the front yard setback because it involves a change in use. The zoning administrator approved a two foot encroachment for the front and side yard, but without the additional seven feet into the front, our space requirements will not be met, and it would require the demolition of the existing garage and reconstruction.

The project only consists of converting our current garage into a much-needed family room and then of course adding a new conforming garage, which complies with the current setback requirements. The garage would be turned so that the garage door is facing the street, and the garage would now be further from the street and there would now be more landscaping than what currently exists. Many residences in this neighborhood currently have garage doors which are facing the street as we propose.

The main point to our proposal is that the encroachment is keeping within the existing footprint of our structure and it is not expanding in any way out of the existing envelope. So the conversion and use of space will not be of any further encroachment than what has already been in existence for as long as this house has been there. We wish to make a clear distinction that we are not proposing new construction, but rather recycling existing space.

Staff also appeared concerned of the precedence this approval might set. We feel that this would not be setting any negative precedent in that we are showing ways to improve the property without expanding up, and staying to a single story and not distorting any views. We are also keeping in line with the overall style and landscape of the current neighborhood layout.

EXHIBIT G