



**City of Santa Barbara
California**

**PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: August 28, 2008
AGENDA DATE: September 4, 2008
PROJECT ADDRESS: 1420 Alameda Padre Serra (MST2006-00292)

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

I. PROJECT DESCRIPTION

The project site is currently developed with a single-family residence and a nonconforming two-car garage. The proposed project involves conversion of the existing garage to habitable space and the construction of an attached two-car garage for the residence. The discretionary application required for this project is a Modification to permit a portion of the new garage to be located within the required ten-foot (10') interior setback (SBMC§28.15.060).

On July 2, 2008, the Staff Hearing Officer denied the request to permit any structure within the setback, and instead approved an uncovered parking space with landscaping for that area. This is an appeal of that decision.

II. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal, upholding the decision of the Staff Hearing Officer, making the finding that a Modification to permit the garage to be located within the interior setback is not necessary to secure an appropriate improvement and does not meet the purpose and intent of the ordinance, because conforming parking options exist.

DATE APPLICATION DEEMED COMPLETE: May 27, 2008
DATE ACTION TAKEN BY THE SHO: July 2, 2008
DATE ACTION REQUIRED: Not Applicable

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Kurt Magness	Property Owner: Smith Family Trust
Parcel Number: 019-193-011	Lot Area: 21,814 SF
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: One-Family Residence	Topography: 21% Slope
Adjacent Land Uses: North - One-Family Residence East - One-Family Residence South - One-Family Residence West - One-Family Residence	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	3,031 sf	303 sf addition = 3,304 sf
Garage	303 sf to be converted	460 sf
Accessory Space	None Existing	No Change

IV. LOT AREA COVERAGE

Lot Area: 21,815 sf
 Building: 4,599 sf; 21%
 Hardscape: 6,078 sf; 28%
 Landscape: 11,137 sf; 51%

V. DISCUSSION

The project was reviewed by the Architectural Board of Review (ABR) on June 19, 2006 and determined that the proposed structure was supportable as it is located below natural grade and be tucked into the land occupying an area that is currently being used as parking.

The Historic Landmarks Commission (HLC) reviewed the Historic Structures Report that found the house to be Structure of Merit worthy, and concluded that the garage addition is minor in nature and would not have a negative impact on the historic resource.

The proposal heard by the Staff Hearing Officer (SHO) on July 2, 2008 was to convert an existing two-car garage into additional floor area for the residence, and then replace the parking in the area immediately adjacent to the existing garage door. The original garage, with dimensions of 16' X 18', was described by the applicant as an undersized garage that could not be used for parking due to the difficulty of making the maneuvers required for accessing the parking space. Because of the required dimensions for a new two-car garage, the applicant was requesting a 5 ½' encroachment into the ten-foot (10') interior setback for the structure. The

location, according to the applicant, allowed utilization of the existing driveway and was screened from the neighbors due to existing vegetation.

Staff supported the Modification approval as it would result in an improvement over the existing situation where vehicles are parking in the open driveway by providing two easily accessible, well designed and screened parking spaces for the site.

The Staff Hearing Officer (SHO) disagreed with the Staff recommendation for the following reasons:

1. In order to make the required findings, the decision maker must find that the Modification is necessary to secure an appropriate improvement and meets the purpose and intent of the Ordinance. For the request to be deemed necessary, a determination must be made that a conforming option is not feasible. While reviewing this site plan, the SHO was able to suggest several areas where two conforming parking spaces could be provided.
2. On the day of the site inspection, an open garage door revealed a vehicle parked within the existing garage, and that a room had been constructed within the garage without permits. Had there not been an illegal room addition in garage, a second vehicle could have been accommodated. A review by Transportation Planning Staff determined that the existing garage, sans the illegal room addition, would provide two functioning parking spaces.
3. In response to input by the City Council, Planning Commission and the community, Staff is practicing stricter application of the Modification findings, and continues to discourage its use for legalization of illegal construction.

The SHO was able to make the findings for placement of an uncovered parking space within the setback. Justification for this open space encroachment was made due to its similarity of current zoning regulations which allow for uncovered parking spaces to be located within 3' of the interior lot line for properties developed with less than an 85% FAR.

This action was not satisfactory to the applicant, because the conforming parking locations were at an elevation that is lower than the entrance to the house, which would be a hardship, and one uncovered space, which could be constructed at the proposed location, is not adequate to meet the applicants' needs. Therefore, the applicants are appealing the Staff Hearing Officer's decision, and requesting that the Planning Commission approve a two-car garage within the interior setback.

Exhibits:

- A. Site Plan
- B. SHO Staff Report with Attachments dated June 25, 2008
- C. SHO Resolution
- D. Appeal Letter dated July 11, 2008



Property

1420 APS

EXHIBIT A



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 25, 2008
AGENDA DATE: July 2, 2008
PROJECT ADDRESS: 1420 Alameda Padre Serra (MST2006-00292)
TO: Bettie Weiss, City Planner. Staff Hearing Officer
 Susan Reardon, Senior Planner
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor *DJK*
 Roxanne Milazzo, Associate Planner *R Milazzo*

I. PROJECT DESCRIPTION

Current development on site consists of a single-family residence and one car garage. The proposed project involves conversion of the existing garage to habitable space and the construction of an attached two-car garage for the residence. The discretionary application required for this project is a Modification to permit new construction within the required ten-foot (10') interior yard setback (SBMC§28.15.060).

Date Application Accepted: May 27, 2008 Date Action Required: August 27, 2008

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Kurt Magness	Property Owner:	Smith Family Trust
Parcel Number:	019-193-011	Lot Area:	21,814 sf
General Plan:	3 Units Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	21% Slope
Adjacent Land Uses:			
	North - One-Family Residence		East - One-Family Residence
	South - One-Family Residence		West - One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	3,031 sf	303 sf addition = 3,304 sf
Garage	303 sf to be converted	460 sf
Accessory Space	None Existing	No change

III. LOT AREA COVERAGE

Lot Area: 21,815 sf
Building: 4,599 sf; 21%
Hardscape: 6,078 sf; 28%
Landscape: 11,137 sf; 51%

IV. DISCUSSION

The project was reviewed by the Architectural Board of Review (ABR) on June 19, 2006 and given favorable comments. This project will be required to return to the Single Family Design Board for final approval.

The Historic Landmarks Commission (HLC) reviewed the Historic Structures Report that found the house to be Structure of Merit worthy, and concluded that the garage addition is minor in nature and would not have a negative impact on the historic resource.

The existing undersized, one-car garage is not used for parking due to the difficulty of making the maneuvers required for accessing the parking space. This proposal will convert that garage and its adjacent storage area into additional floor area for the residence. Although the new garage is proposed to be located within the required interior setback, Staff supports these requests in that a garage tends to be a good neighbor with its solid wall construction, no window openings, and limited use for vehicle storage purposes. The proposed structure will not be visible to the immediate neighbors due to the existing hedge. It is Staff's position that having conforming size and number of parking spaces, with easy access from the existing driveway, provides an improvement over the existing situation.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification is necessary to secure an appropriate improvement of conforming parking for the site and that the parking area, not habitable space, meets the purpose and intent of the Zoning Ordinance setback requirements due to its solid wall construction with no window openings.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated May 20, 2008
- C. ABR Minutes

STAFF HEARING OFFICER STAFF REPORT
1420 ALAMEDA PADRE SERRA (MST2006-00292)
JUNE 25, 2008
PAGE 3

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470

KURT MAGNESS
ARCHITECT
954 ROBLE LANE
SANTA BARBARA
CALIFORNIA 93103

RECEIVED
MAY 27 2008

May 20, 2008

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

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Modification request for 1420 Alameda Padre Sierra, 019-193-011, E-1

There is an existing one story house (3,031 sq ft) with an attached one car garage (283 sq ft) on the property located at 1420 Alameda Padre Sierra, Santa Barbara, Ca. The proposal is to add an attached 2-car garage at the rear of the property on the easterly side of the existing house. There is no parking on the street at this location. Additionally, there are existing oleander hedges of approximately 15' height at the front and sides of the property. These hedges are over 50 years old and are except from the height restriction. We have 3 letters from certified arborists to attest to the age of the hedges.

~~The modification being requested is to allow the hedges to remain at their existing height and a~~ new garage to encroach +/- 5'6" into the required 10 ft side yard setback. The existing sub standard one car garage was built back in the 1930's when cars were not as big as they are today. It is very difficult to maneuver a car of today's size into. The encroachment will allow the property to have the required 2 covered parking spaces in a 20 x 20 ft clear interior dimension garage and make it accessible per today's city auto maneuvering standards. The area where the proposed garage is to be located is surrounded by existing 6 to 12 ft height stone retaining walls on 2 sides, such that it's floor height will be significantly lower than the neighbor's property. The garage's effective height is lower than the neighbor's property by having it in this location. The house is located in the Riviera part of the city. Because of the topography and the age of the development, there are many similar modifications that have been allowed on the street and in the neighborhood.

The major benefits of having the proposed garage encroach into the required side yard setback is:

1. Being able to easily access the garage in a car of today's size.
2. Comply with the city's ordinance requiring 2 covered parking spaces.
3. The location of the proposed garage is less visible to the adjacent neighbors.
4. The location utilizes the existing driveway.
5. Provides the most parking for guests and the residence on a street that has no parking on it.
6. Regarding the hedges they afford privacy to the owners of the house on a very busy street.
7. Most of the neighbors have similar height hedges so this is in keeping with the character of the neighborhood.

Thank you for you consideration in this matter.

Sincerely,

Kurt Magness, Architect

ARCHITECTURAL BOARD OF REVIEW MINUTES – 1420 APS

June 19, 2006

Chair Bartlett member read a letter submitted from Ms. Collier, neighbor, which expressed concern regarding large size, aesthetics, incompatibility, privacy, encroachment, and design issues of the proposed project.

Public comment closed at 7:18 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer, then return to Consent Calendar for Modification. 1) The proposed structure supportable as it will sit below natural grade and be tucked into the land occupying an area that is currently being used as parking. 2) Install high quality garage doors facing the street. 3) Add landscape pocket(s) to the area southeast edge of the garage and along the driveway edge to soften the hardscape area. 4) Restudy the roof plan so red tile roof is used as much as possible and integrated into existing roof.

Action: Manson-Hing/Romano, 7/0/0.



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 049-08
1420 ALAMEDA PADRE SERRA
MODIFICATION
JULY 2, 2008

APPLICATION OF KURT MAGNESS, AGENT FOR SMITH FAMILY TRUST,
1420 ALAMEDA PADRE SERRA, APN 019-193-011, E-1 ONE-FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2006-00292)

Current development on site consists of a single-family residence and one-car garage. The proposed project involves conversion of the existing garage to habitable space and the construction of an attached two-car garage for the residence. The discretionary application required for this project is a Modification to permit new construction within the required ten-foot (10') interior yard setback (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 15301.

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 the application, and one person in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 25, 2008.
2. Site Plans

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

Approved the modification to allow one uncovered parking space within the interior setback, with an adequate landscaping buffer between the property lines as determined by the Single Family Design Board (SFDB).

This motion was passed and adopted on the 2nd day of July, 2008 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 your next administrative step should be to apply for Single Family Design Board (SFDB) 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.

KURT MAGNESS
ARCHITECT
954 ROBLE LANE
SANTA BARBARA
CALIFORNIA 93103

July 10, 2008

City of Santa Barbara
Planning Commission
P. O. Box 1990
Santa Barbara, Ca 93102-1990

Re: Appeal request of Modification Resolution # 049-08
1420 Alameda Padre Sierra, 019-193-011, E-1

We would like to appeal the decision of the Staff Hearing Officer for the following reasons.

On July 2, 2008 the Staff Hearing Officer denied our request to encroach into the side yard setback for the purpose of providing 2 covered parking spaces. We feel that providing 2 covered parking spaces is an appropriate improvement to the property and is consistent with the intent and purpose of the Zoning Ordinance and that the modification to the side yard setback is justified. Even though the new NPO does provide for an exception to the 2 covered parking space requirement, we feel this exception's intent was to allow more constrained properties to comply with the city's ordinance and that on this property, 2 covered parking spaces are preferred by the Planning Staff, Architectural Board of Review, the adjacent neighbors and the owners of the property. We feel that Ms Reardon was incorrect in her findings.

She stated that other options are available on the site. We feel this is not the case. What we proposed is in the logical location for this improvement and has the least disruption to the site by utilizing the existing driveway, retaining walls, and minimizes the amount of grading on the property. That keeping the existing house and grounds in tack without unnecessary destruction is consistent with the Historic Landmarks Committee and Architectural Board of Review's previous findings.

She further stated that the proposed garage did not provide uniformity of improvement on the site.

We feel that it does provide uniformity and is consistent with other modifications recently granted to adjacent properties in the neighborhood and historically granted to this property in particular.

Additionally, we feel the written record of the hearing incorrectly states that there was one person in opposition to this request. In fact the neighbor Mr. Johnson said at the hearing that he was there to only clarify the scope of the project.

Thank you for your consideration in this matter.

Sincerely,

Kurt Magness, Architect

property owner

805 962-5166

(805) 444-3322