



City of Santa Barbara California

***** PREVIOUSLY DISTRIBUTED STAFF REPORT *****

The Staff Report for Item IV.A., APPEAL OF PATRICIA AOYAMA ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF EAST BEACH VENTURES FOR THE DISRAELI LIVING TRUST, 2140 MISSION RIDGE ROAD, APN 019-071-003, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION:1 UNIT PER ACRE (MST2008-00318) was previously distributed for the Planning Commission hearing of May 7, 2009 and remains unchanged.

Copies of the Staff report and attachments are available at www.SantaBarbaraCA.gov/PC.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 30, 2009
AGENDA DATE: May 7, 2009
PROJECT ADDRESS: 2140 Mission Ridge Road (MST2008-00318)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Roxanne Milazzo, Associate Planner *RM*

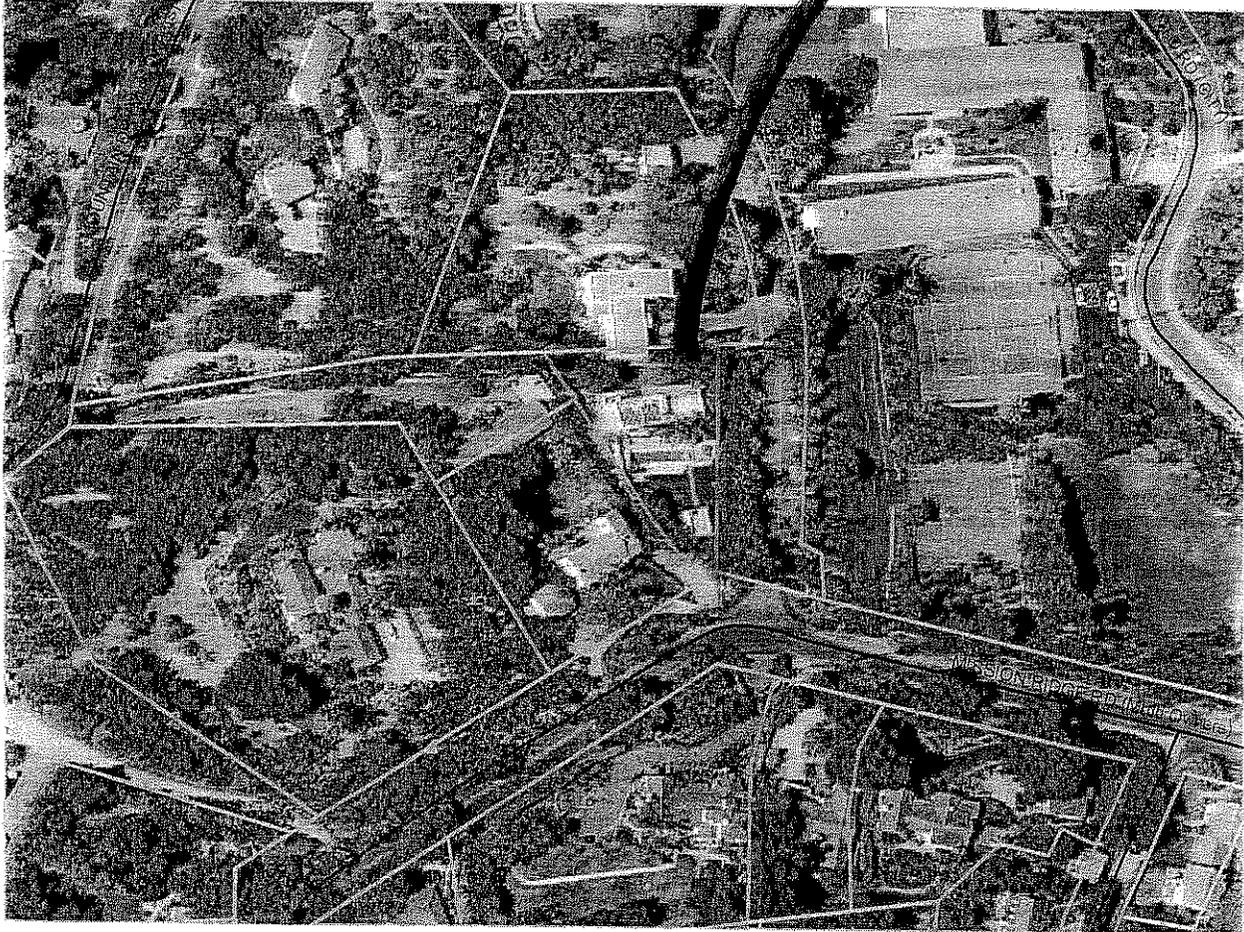
I. PROJECT DESCRIPTION

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of new accessory space. Nine existing trees are proposed to be removed. The discretionary application required for this project is a Modification to permit the addition to be located within the required Open Yard Area (SBMC §28.15.060).

On March 11, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

II. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal, upholding the decision of the Staff Hearing Officer, making the finding that the Modification to permit the addition to be located within the Open Yard Area is consistent with the purpose and intent of the Ordinance and is necessary to secure an appropriate improvement on the site.



2140 MISSION RIDGE ROAD

DATE ACTION TAKEN BY THE STAFF HEARING OFFICER: March 11, 2009
DATE ACTION REQUIRED: Not Applicable

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Appellant: Patricia Aoyama	Property Owner: Disraeli Living Trust
Parcel Number: 019-071-003	Applicant: East Beach Ventures
General Plan: 1 Unit Per Acre	Lot Area: 15,866 sf
Existing Use: One-Family Residence	Zoning: A-1
Topography: 14% Slope	
Adjacent Land Uses:	
North – One-Family Residence	East – One-Family Residence
South – Mission Ridge Road	West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,904 sf	2,983 sf
Garage	447 sf	421 sf
Accessory Space	431 sf	527 sf

IV. DISCUSSION

The subject property is located within the Mission Area Special Design District and is subject to review by the Single Family Design Board (SFDB). On March 9, 2009 the SFDB reviewed the project and gave favorable comments regarding the Modification.

Current development on site was designed for the triangular lot by placing the single family residence with attached garage at the rear, and a detached accessory building in the front. The required open yard was located in between the two buildings, at the center of the lot. This area contains a swimming pool and outdoor amenities, for the purpose of private outdoor recreational enjoyment for the property. Locating the outdoor amenities in front of the residence also provides a noise buffer between the swimming pool/entertainment areas and the residential neighbor to the rear.

The open yard in the center of the property met the locational requirements of the Zoning Ordinance, until the recent adoption of the Zoning Ordinance amendment package in 2008, when the definition of open yard was revised. In fact, a proposal very similar to this one was granted Zoning approval without a Modification in 2007, but because the applicant did not proceed, that approval expired, and the definition changed. The only area that meets the current definition of Open Yard is at the northeastern corner of the property.

The current application involves 1,175 square feet of additional floor area for the residence. As shown on the attached Exhibit, 116 square feet of the addition is proposed within the currently required open yard area, and thus requires Modification approval. In order to grant a Modification of Open Yard area, the Modification must be found to be consistent with the

purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

It is Staff's position that the area in front of the residence provides the outdoor living amenities for the property, and that the legal open yard area, located in the northeast corner of the property, is not used for those purposes. It is Staff's position that the proposed encroachment allows the applicant to work with the existing floor plan and expand two small bedrooms, revise bathroom facilities for improved function, and site the new 2nd story portion of the improvements away from neighboring residential use. On March 11, 2009 a public hearing was held. Although the appellant objected to the proposed Modification, the SHO was able to make the required findings and approve the project. That decision was appealed by the neighbor to the rear.

The appellant's letter, dated March 11, 2009, states that incorrect information was presented to the SHO, which resulted in a poor decision. It is Staff's position that the information submitted by the applicant and reviewed by the SHO was correct. In a letter dated March 16, 2009, Ms. Kathleen Weinheimer, the appellant's attorney, questions how Staff was able to make the finding that the Modification was "necessary." Ms. Weinheimer appears to interpret the following phrase of the finding, "...necessary to secure an appropriate improvement..." to mean, "Is the improvement necessary?" Using this interpretation, the applicant would have to demonstrate that no other improvement is possible, as she describes in her letter. Staff interprets the phrase differently.

Initially, Staff asks the question, "Is there an improvement that does not need a Modification that also meets the applicant's needs?" There is almost always some improvement that wouldn't need a Modification (for setback Modifications, a second story is always an option, but that usually has more difficulties involved with its approval), and in most instances, the applicant redesigns the project to avoid the Modification. However, there are instances where there is no solution that doesn't need a Modification and also meets the applicant's needs. In that case, Staff asks the question, "Is the improvement appropriate?" If not, then a Modification is not supported, and if the applicant wants to proceed, it will be with a Staff recommendation for denial. If Staff considers the proposed improvement to be appropriate, then Staff asks the question, "Is the Modification necessary for this particular improvement, which Staff has deemed appropriate." If so, we support the Modification.

In this case, we could not find a location that does not need a Modification that also meets the applicant's needs. The proposed improvements consist of the expansion of the living room, kitchen dining room, and bedroom, and the addition of a family room, bathroom, laundry room and storage room, all on the ground floor. The addition of the laundry room necessitates an addition to the garage, to maintain the minimum interior dimensions. The only portion of the proposed improvements that encroach into the currently required open yard is the bedroom addition, and the new bathroom, which total 116 s.f. The existing bedroom is small (10'x12'), and it is not feasible to expand the bedroom in another location, and it seems unreasonable to require the applicant to redesign the house to move the bedroom and bathroom.

Staff found that the bedroom expansion and the new bathroom to be appropriate improvements to the property. Since there isn't a feasible alternative location for the bedroom and bathroom expansion, Staff found that the Modification is necessary to secure an appropriate improvement. The reasons that Staff could make the finding are that the required open yard area into which the bedroom and bathroom would encroach is not conducive to outdoor use because it is mostly sloped, with a 10' wide flat area adjacent to the existing house, and that there is adequate, useable open space in the area to the front of the house. This useable open space meets the purpose and intent of the Open Yard requirement, which is the second part of the required finding.

V. FINDINGS AND CONDITIONS

Staff recommends that the Planning Commission deny the appeal and uphold the decision of the Staff Hearing Officer, making the finding that the Modification to permit the addition to be located within the Open Yard Area is consistent with the purpose and intent of the Ordinance, because adequate, useable open space is provided in front of the house, as described in Section IV of the Staff Report, and is necessary to secure an appropriate improvement of a small bedroom and bathroom expansion on the lot, because the proposed bedroom and bathroom expansion cannot be feasibly be located in a different part of the lot, the proposed size of the bedroom and bathroom are not excessive, the area being encroached upon is not conducive to outdoor living, and the area in front of the house provides an adequate, outdoor living space. Additionally, the site is constrained by both its triangular shape and the placement of the existing development at the rear of the site.

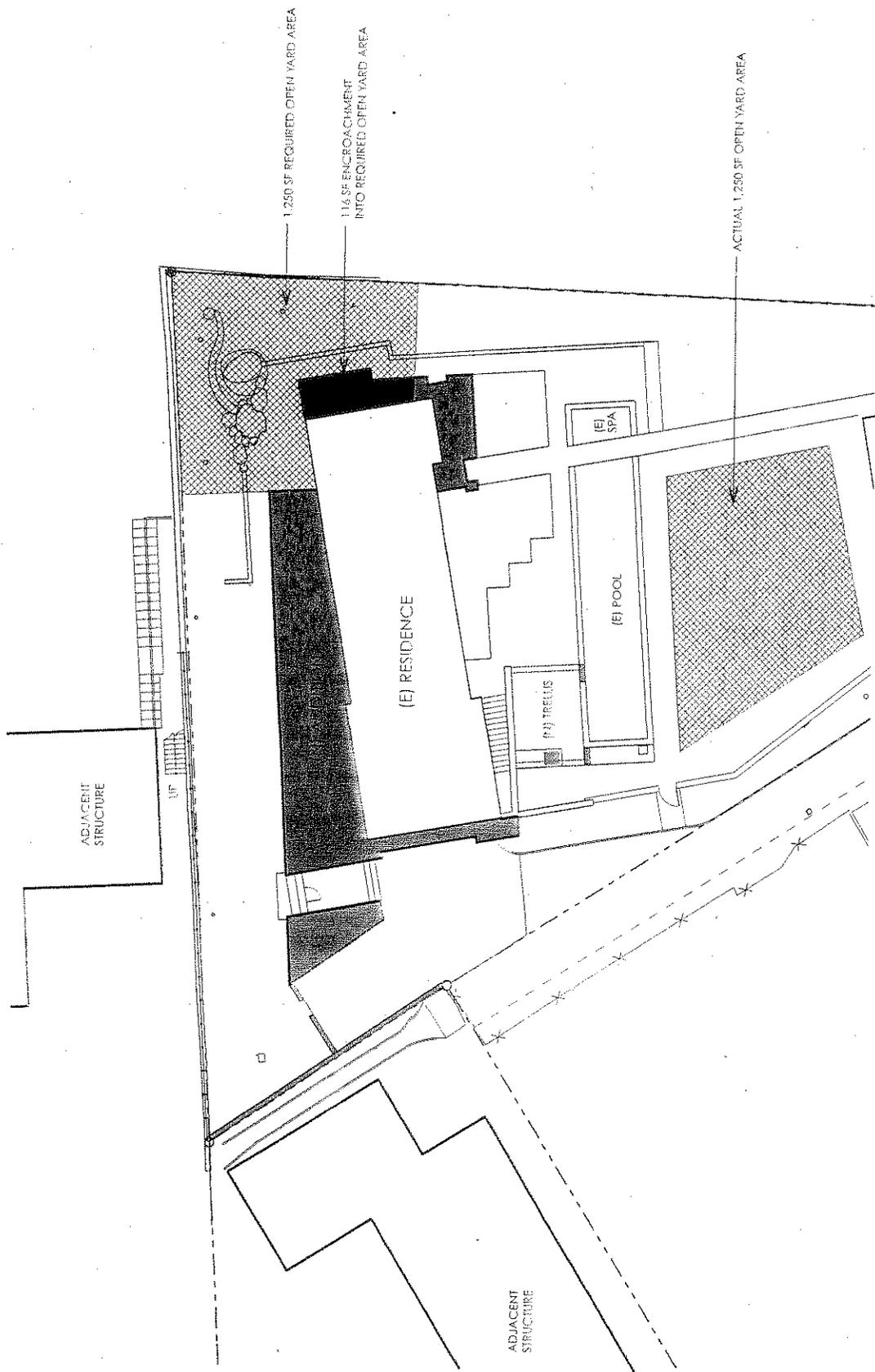
Said approval is subject to the following conditions:

- A. Reduce the turn around area within the interior setback to the minimum necessary per the Transportation Department.
- B. Return to the Single Family Design Board to study the planting for adequate screening at the northern property line.

Exhibits:

- A. Site Plan
- B. Appellant's letter dated March 11, 2009
- C. Appellant's Agent's letter dated March 16, 2009
- D. SHO Resolution & Minutes
- E. SHO Staff Report

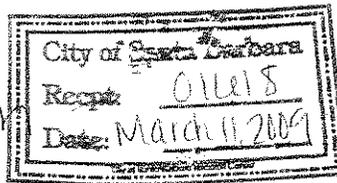




Modification Exhibit 1

1/16" = 1'-0"

EXHIBIT A



RECEIVED
MAR 11 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

To: Planning Division

Fr: Patricia Aoyama

Re: Decision of STHO 3/2¹¹/2009

2140 Mission Ridge Rd. (MST 2008-00318)

I wish to appeal the decision of the STHO regarding "Modification to permit the addition to be located in the required Open Yard." I do not believe that this project should be allowed a mod to the Open Yard Area requirement.

I believe incorrect information was presented to the STHO, ~~and~~ resulting in a poor decision.

Patricia Aoyama

Patricia Aoyama

2134 Mission Ridge Rd.

Santa Barbara, CA 93103

805 687-0811

PAOYAMA@cox.net

EXHIBIT B

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

EMAIL: kathleenweinheimer@cox.net

RECEIVED
MAR 17 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

March 16, 2009

Chairwoman Stella Larson and Members
of the Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, California 93101

Re: Aoyama Appeal – 2140 Mission Ridge Road

Dear Chairwoman Larson and Members of the Planning Commission:

I represent Patricia Aoyama, who filed an appeal of the March 11, 2009 Staff Hearing Officer action granting a modification at the above-referenced address. Please accept this letter as part of the appeal, offering additional details of the reasons why we feel this decision should be overturned.

The Application

This application involves an addition to a single family home on Mission Ridge Road. The home is located on an irregularly shaped lot of 15, 866 square feet in an A-1 zone, making the lot nonconforming. Originally, the applicants sought to use the area in front of their home as the required open yard area, as it is developed with a pool and other outdoor recreational facilities. However, as this area is located in what is technically the front yard of the residence, it cannot be used to meet the Zoning Ordinance requirement for the required open yard area. The size and location of the addition extends into the other portions of the property which could qualify as the open yard area, and therefore a modification was requested.

The SHO Hearing

When this matter was heard by the Staff Hearing Officer on March 11, 2009, the staff recommendation was as follows:

"The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an

Chairwoman Stella Larson and Members
of the Planning Commission
March 16, 2009
Page two

appropriate improvement on the lot. The proposed addition does not reduce the private outdoor living area located in front of the residence which is improved with amenities for the intended use."

The staff recommendation does not describe "how" or "why" the requested modification is necessary. The longstanding rule regarding findings is that findings must be supported by substantial evidence and must expose the decisionmaker's analysis to an extent sufficient to serve the purpose of judicial review. Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal. 3d 506, 517. When requested to provide this detail, the Staff Hearing Officer stated that because the lot is nonconforming in that it is irregularly shaped, and because the pool area provides the equivalent open yard area, the modification could be granted. While these reasons certainly "expose the decisionmaker's analysis" as required by Topanga, they do little to provide substantial evidence to support the *necessity* of the modification: i.e., the first component of the finding: *necessary* to secure an appropriate improvement on a lot.

The Issue Before the Commission

In reviewing recent actions by the City, it appears that this component of the modification finding is often overlooked. As stated above, the required finding is that the modification is necessary to secure an appropriate improvement on a lot. Not "desirable," not "requested," not "preferred," but "necessary." One can assume every applicant believes his or her project is appropriate, and in order to achieve his or her personal objectives, the modification is necessary. Unfortunately, it seems that in recent years, the City has been granting modifications if there is nothing really wrong with the request, a kind of "no harm done" standard. This, however, is not what the Zoning Ordinance requires. The word "necessary" is in the Code for a reason: namely, to compel the applicant to demonstrate that the requested project *could not proceed* without the modification - that it was, in fact, necessary. The burden is on the applicant to show why the modification is necessary and why other locations meeting the requirements of the Zoning Ordinance are not available. In this instance, the record is silent as to any design alternatives, reductions in size, reorientation of the addition, or other changes to the application which could allow the project to proceed in compliance with the Zoning Ordinance. Simply granting a modification because it suits the proposed design undercuts the entire reason for having minimum standards in the Zoning Ordinance.

Conclusion

We believe this appeal goes to a fundamental question about the appropriateness of modifications and the interpretation of the Zoning Ordinance. We welcome the

Chairwoman Stella Larson and Members
of the Planning Commission

March 16, 2009

Page three

opportunity to discuss these issues with your Commission. At the hearing, Ms. Aoyama will also present the specifics of the impact of this project on her home, which was constructed decades before the first Zoning Ordinance was adopted, as well as the incompatibility of this proposal with the Single Family Design Guidelines. Thank you very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen M. Weinheimer".

Kathleen M. Weinheimer



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 019-09
2140 MISSION RIDGE ROAD
MODIFICATION
MARCH 11, 2009

**APPLICATION OF EAST BEACH VENTURES FOR DISRAELI LIVING TRUST,
2140 MISSION RIDGE ROAD, APN 019-071-003, A-1 ONE-FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2008-00318)**

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of new accessory space. Nine existing trees are proposed to be removed. The discretionary application required for this project is a Modification to permit the addition to be located within the required Open Yard Area (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 15305.

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

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

1. Staff Report with Attachments, March 4, 2009.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Sally Anderson, 28 Mountain Drive
 - b. Paula Westbury, 650 Miramonte Drive
 - c. Patricia Aomoya, 2134 Mission Ridge Road

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

I. Approved the subject application making the following findings and determinations:

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The site is constrained in that it is irregularly shaped and the existing house is to the rear of the site. The proposed addition does not reduce the private outdoor living area which is located in front of the residence which is improved with amenities for the intended use.

STAFF HEARING OFFICER RESOLUTION NO. 019-09
2140 MISSION RIDGE ROAD
MARCH 11, 2009
PAGE 2

- II. Said approval is subject to the following conditions:
1. Reduce the turn around area within the interior setback to the minimum necessary per the Transportation Department.
 2. Return to the Single Family Design Board to study the planting for adequate screening between the neighbor's property.

This motion was passed and adopted on the 11th day of March, 2009 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.

Gloria Shafer, 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 the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. 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.
4. 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.
5. **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.
6. **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 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.

2140 MISSIONRIDGE ROAD SHO MINUTES

March 11, 2009

**APPLICATION OF EAST BEACH VENTURES FOR DISRAELI LIVING TRUST,
2140 MISSION RIDGE ROAD, APN 019-071-003, A-1
ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION:
RESIDENTIAL 1 UNIT PER ACRE (MST2008-00318)**

Patricia Aoyama, opposed: addressed concerns that the project has grown since the last hearing and should not be granted because: the intent of Zoning Ordinance is not met, contains terracing over 3 feet high; large trees will be removed with no comparable screen proposed; fire fighter access needed; no unreasonable hardship; project does not meet neighborhood development plan; accessory structure is rented; privacy issues; negative impact to neighbors; water fountain and soil disturbance; not compatible with the neighborhood.

Katherine Weinheimer, Attorney for Ms. Aoyama, opposed: project does not comply with the Zoning Ordinance, there is reduced distance between properties due to conforming lot line location; project is not necessary to secure an improvement on the lot, the finding must be an actual necessity; suggested that application be referred to the Planning Commission for interpretation of what is necessary.

Letters from Sally Anderson, Patricia Aoyama, Eric Gabrielson, and Paula Westbury expressing concerns of the project were acknowledged.

Public Hearing was closed at 10:07 a.m.

Ms. Reardon requested clarification of trees proposed to be removed. Mr. Ehlen responded that Pepper trees are proposed to be removed and replaced for screening.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Reardon explained that due to Ordinance amendments, sloped areas over 20% are allowed to be included in the open yard area; "terrace" refers to a terrace or patio area, not a terraced retaining wall area. She further explained that the intent of a setback is to have a separation of buildings, and the proposed addition to the rear respects the neighbors in that it is one-story. Ms. Reardon stated that the intent of open area is to provide recreation area on site, currently the pool area and open area in front of the residence provide open space and meets intent of the ordinance. Ms. Reardon clarified that the finding is that the modification is necessary to secure an appropriate improvement.

Ms. Brooke reinforced that at the time of development, the site did meet the intent of ordinance in terms of open yard requirements, but due to ordinance changes the lot is considered constrained.

ACTION:

Assigned Resolution No. 019-09

- I. Approved the project making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The site is constrained in that it is irregularly shaped and the existing house is to the rear of the site. The proposed addition does not reduce the private outdoor living area which is located in front of the residence which is improved with amenities for the intended use.
- II. Said approval is subject to the following conditions:
 1. Reduce the turn around area within the interior setback to the minimum necessary per the Transportation Department.
 2. Return to the Single Family Design Board to study the planting for adequate screening between the neighbor's property.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 4, 2009
AGENDA DATE: March 11, 2009
PROJECT ADDRESS: 2140 Mission Ridge Road (MST2008-00318)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Renee Brooke, AICP, Senior Planner
Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of new accessory space. Nine existing trees are proposed to be removed. The discretionary application required for this project is a Modification to permit the addition to be located within the required Open Yard Area (SBMC §28.15.060).

Date Application Accepted: February 2, 2009 Date Action Required: May 2, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	East Beach Ventures	Property Owner:	Disraeli Trust
Parcel Number:	019-071-003	Lot Area:	15,866 sf
General Plan:	1 Unit Per Acre	Zoning:	A-1
Existing Use:	One-Family Residence	Topography:	14%

Adjacent Land Uses:

North – One-Family Residence
South - One-Family Residence

East - One-Family Residence
West - One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,904 sf	2,983 sf
Garage	447 sf	421 sf
Accessory Space	431 sf	527 sf

C. PROPOSED LOT AREA COVERAGE

Building: 2,186 sf 14%% Hardscape: 5,578 sf 35%% Landscape: 7,981 sf 51%

IV. DISCUSSION

The subject property is located within the Mission Area Special Design District and is subject to review by the Single family Design Board (SFDB). On March 9, 2009 the SFDB reviewed the project and gave favorable comments regarding the Modification.

Current development on site was designed for the triangular shaped lot by placing the single family residence with attached garage at the rear and a detached accessory building in the front. Inbetween the two buildings, in the center of the lot, a swimming pool and outdoor amenities were placed. This location was superior to the standard location behind the house in that it allowed the residence to provide a noise buffer to the immediate neighbor. This application involves 1,175 square feet of additional floor area. As shown on the attached Exhibit, 116 square feet is proposed within the open yard area and requires Modification approval. It is Staff's position that the area in front of the residence provides the private outdoor amenities for the property and that reduction of the legal open yard area on the side of the residence would not be detrimental to the outdoor enjoyment of this site.

V. FINDINGS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed addition does not reduce the private outdoor living area located in front of the residence which is improved with amenities for the intended use.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated February 2, 2009
- C. Open Yard Reduction Diagram

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



2 February 2009

Roxanne Millazzo
Assistant Planner
Planning Division, Community Development Department
City of Santa Barbara

Project: 2140 Mission Ridge Road
Project #: 08.11

Roxanne:

Please find enclosed our modification submittal package for the subject project. The package consists of the following:

- Applicant Letter
- (4) sets plans dated 2 February 2009
- Photographs

Existing Conditions:

The 15,745 square foot parcel is presently developed with a 1,904 SF residence, 445 SF garage and 404 SF accessory structure. The site is bordered all around by single-family residential use. The zoning is A-1 and the General Plan Designation is Residential, 1 unit per acre. The parcel is also in the EPV II district. The site slope is 14%.

The existing residence is located towards the rear of the property with the accessory structure at the front. The usable yard area which includes the pool and activity area is located between these two structures in the remaining front yard. This was done to provide privacy from the adjacent residence to the north. The two story residence screens the pool area from the neighbor to the north which sits at a higher elevation than the subject property.

Proposed Project:

The proposed project involves a 1,079 square foot addition to the existing residence. This includes 79 square feet on the second floor. The overall garage size is reduced by 24 square feet and a 96 square foot accessory storage structure is proposed. Nine existing trees are proposed to be removed. None of these trees are oaks. Six replacement trees are proposed.



There are four components to the overall addition:

- The first component involves enlarging the kitchen and adding a dining and family room for a total of 675 square feet on the ground floor. These functions logically occur to the rear of the residence based on integrating with the existing floor plan layout. The addition respects the 15-foot rear yard setback.
- The second component involves converting 77 square feet of garage use to allow enclosure of the existing laundry area and then adding 53 square feet to maintain the proper garage size. The existing sauna area is to be converted to storage and 13 square feet is added for a pool equipment closet.
- The third component of the addition expands the two existing bedrooms to the east. The second floor portion is 79 square feet with the ground floor being 235 square feet. The ground floor portion also includes expansion of the existing bathroom which allows inclusion of a separate powder room and the addition of a much needed storage room. The existing entry is expanded to make it more functional.
- The final component adds a 96 square foot accessory storage building west of the garage.

Modification Requested:

The modification requested is to allow the required open yard area to be located in the remaining front yard instead of behind the main residence.

The project has been reviewed at the Single Family Design Board and is ready to receive Preliminary Approval pending the modification approval.

Project History:

The project was originally required to get a modification for the open yard area location and that modification was granted August 1st, 2007. The modification was then deemed by the Planning Division not to be required and the project was allowed to proceed without it. Recent changes on the Municipal Code have re-defined where the open yard area can occur. Based on these changes the project now requires a modification. The previously granted modification has been deemed invalid since it was based on the previous Municipal Code.

Justification for the Modification and Benefits of the Project:

The existing residence sits at the back of the site with the usable yard area at the center of the site. This area at the center of the site is where open yard activities presently occur. The pool and large grass play area are located here. Requiring the open yard area to be behind the residence puts it in a tight and secluded area that is not as usable as the area proposed. It also puts that area close to the neighbors. Having the open yard area at the proposed location is the superior solution for everyone involved.

Benefits of the project include better privacy by having the open yard area in the center of the property screened from the neighbors by the residence. The original design of the project meets the intent of the ordinance by providing usable open yard area at the center of the site.

The project is consistent with purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot, prevent unreasonable hardship and promote uniformity of improvement.

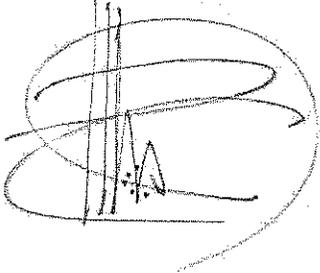
A previous modification was granted for the same exact request.



Thank you for your attention to this matter. If you have any questions you may reach me at 805.637.0601 or pete@east-beach.net.

Respectfully,

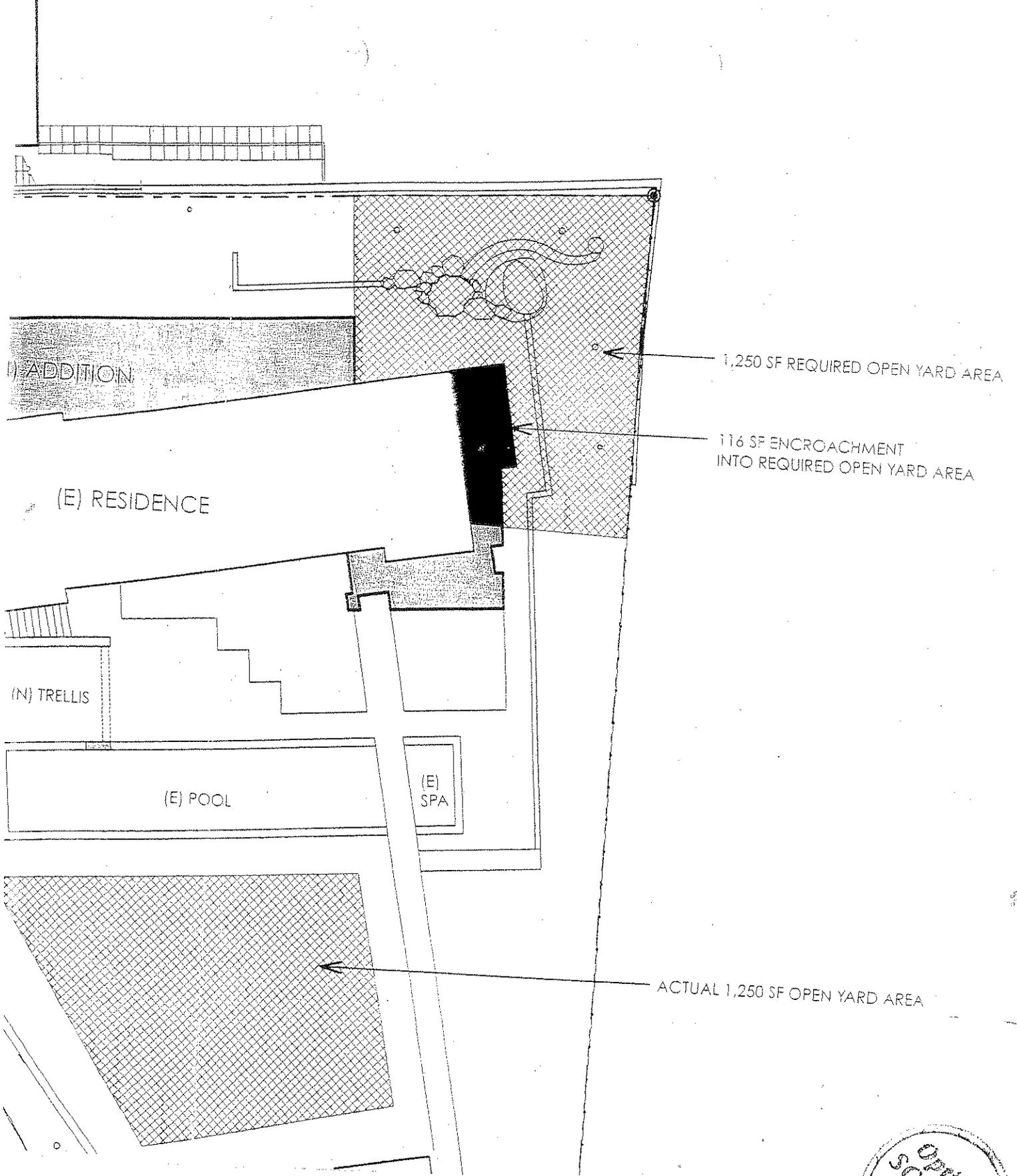
EAST BEACH VENTURES,
a California corporation



By _____
Peter J. Ehlen Architect
President

Cc: Don Disraeli





2140 MISSION RIDGE
OPEN YD. REDUCTION

