



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 24, 2013
AGENDA DATE: October 30, 2013
PROJECT ADDRESS: 265 Conejo Road (MST2013-00351)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Suzanne Riegle, Assistant Planner

I. PROJECT DESCRIPTION

The 2.3- acre site was previously developed with a 1,482 square foot, one-story residence that was destroyed in 2008 by the Tea Fire. The proposed project involves construction of a 2,008 square foot, one-story residence, an attached 415 square foot, two-car garage and a detached 156 square foot, one-story accessory building. The project also includes the removal of a fire damaged Oak Tree. The discretionary application required for this project is a Front Setback Modification to allow the residence to encroach into the required 35-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110).

Date Application Accepted: 9/26/13

Date Action Required: 12/25/13

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to a condition.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Kris Kirkelie	Property Owner:	Wendy Edmunds
Parcel Number:	019-041-008	Lot Area:	2.35 acres (gross)
General Plan:	Low Density Residential 1 du/acre	Zoning:	A-1
Existing Use:	Vacant	Topography:	29% avg. slope

B. PROJECT STATISTICS

	Prior to Tea Fire	Proposed
Living Area	1,482 sq. ft.	2,008 sq. ft.
Garage	None	415 sq. ft.
Accessory Space	None	156 sq. ft.

C. PROPOSED LOT AREA COVERAGE

Building: 2,579 sf 3% Hardscape: 98,398 sf 96% Landscape: 1,389 sf 1%

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Proposed
Setbacks		
- Front	35'	24'
- Interior	15'	> 15'
- Rear	15'	> 15'
Building Height	30'	25'
Parking	2 covered parking spaces	2 covered parking spaces
Open Yard	1,250 sq. ft.	> 1, 250 sq. ft.

V. DISCUSSION

The subject property has approximately 458 linear feet of frontage along Conejo Road, and the property is on the downhill side of the street. The house destroyed in the Tea Fire was constructed in 1951 at a distance of 20-feet from the front property line, and was considered legal non-conforming to the required 35-foot front setback. On May 11, 2009, a plan was reviewed and approved by the Single Family Design Board (SFDB) to reconstruct a single-family residence at a distance of 29' – 6" from the front property line under MST2009-00183. Under the City's Non-Conforming Ordinance, the property owners had three-years from the date of the fire which ended in November 2012 to have a building permit issued for the construction of a replacement residence and maintain the legal non-conforming footprint. The 2009 approval called for the construction of a deck that projected 7-feet beyond the rear of the building, and was to span over a large existing boulders at the top of the slope. The property owner hired a consultant to prepare the soils report and preliminary foundation exploration analysis, and the study determined that the and residence would require foundation work including grade beams, ranging from 12" – 36" deep and caissons 20' deep. The construction of the grade beams and caissons would have necessitated the removal of several large boulders, and the resulting over-excavation had the potential to destabilize the slope. The proposed caissons would have also had the potential to adversely impact the existing Oak tree that the owner wishes to maintain at the rear of the residence. The 2009 SFDB approval expired on May 11, 2012.

The current property owner has resubmitted a residence with a floor plan that is similar to the 2009 plan, but without the grade beams and caissons. The applicant is requesting a Front Setback Modification to allow the residence to be constructed at a distance of 24 feet from the front property line, and approximately 35 feet from the improved and traveled right-of-way. The project also includes the removal of a Tea Fire damaged Oak tree. After approximately five years, the damaged Oak tree has had minimal re-growth, and due to the extensive fire damage to the tree's natural tree canopy, it is not anticipated that the tree will fully recover. The applicant discussed the necessity of an arborist report for the tree removal with the Single Family Design Board reviewers, who determined that a report was not necessary.

The applicant proposes to construct the house approximately 9' 6" closer to the street than what was shown on the 2009 approved plan, in order to reduce the overall ground disturbance, preserve the Oak tree at the rear of the residence, and to provide handicap access throughout the floor plan. Staff supports the requested modification because the proposed location will minimize the total amount of grading required, minimize scarring on the steep slope and reduce potential impacts to the oak tree, and will allow handicap accessible access to all portions of the residence. The proposed residence is set back a minimum of 35 feet from the improved right-of-way, and is not anticipated to adversely impact the visual openness of the public street frontage. Staff's review of the project site included photographs of the site and a site plan, which show that hedges that exceed 10 inches in height currently exist within the right-of-way. A condition has been added that the hedges located in the public right-of-way, specifically those adjacent to the proposed driveway, shall be reviewed by the Public Works Departments Supervising Transportation Engineer to improve visibility of vehicles using the driveway for ingress and egress from both the private property and from the public right-of-way.

This project was reviewed by the SFDB on September 9, 2013, and the Board forwarded the project to the Staff Hearing Officer to return to Consent Calendar. The Board found that the proposed modification is aesthetically appropriate, and does not pose consistency issues with the Single Family Design Guidelines, and requested that additional information be provided when the applicant returns to the SFDB Consent Calendar for review of additional detail, and materials. Staff recommends the following additional conditions: 1) Demonstrate compliance with Tier 3 Basic Storm Water Management Program (SWMP) requirements on the plan set. 2) Specify the proposed best management practices (BMPs) and location on the site and landscape plans, and note that the BMP is shown to comply with Tier 3 SWMP requirements.

CEQA Environmental Determination: The scope of work of the project is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. The project is consistent with the development density designated and analyzed by the Program EIR, and potential project-specific environmental effects are addressed with existing development standards and regulations. Based on City Staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183- Projects Consistent with the General Plan) and the CEQA Certificate of Determination (Exhibit D). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project. A

decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

The Staff Hearing Officer finds that the Front Setback 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 single-family residence is an appropriate improvement on a lot zoned for such use because the proposed location will minimize grading and impacts to the existing oak tree, and will allow handicap access to the residence. The proposed residence is setback a minimum of 35 feet from the improved right-of-way, and is not anticipated to adversely impact the adjacent neighbors or the visual openness of the public street frontage.

Said approval is subject to a condition the following conditions:

- 1) Demonstrate compliance with Tier 3 Basic Storm Water Management Program (SWMP) requirements on the plan set.
- 2) Specify the proposed best management practices (BMPs) and location on the site and landscape plans, and note that the BMP is shown to comply with Tier 3 SWMP requirements.
- 3) The hedges located in the public right-of-way, specifically those adjacent to the proposed driveway, shall be reviewed by the Public Works Departments Supervising Transportation Engineer to improve visibility of vehicles using the driveway for ingress and egress from both the private property and from the public right-of-way.
- 4) All fences, hedges, walls, and screens proposed on the private property shall comply with SBMC § 28.87.170.

Exhibits:

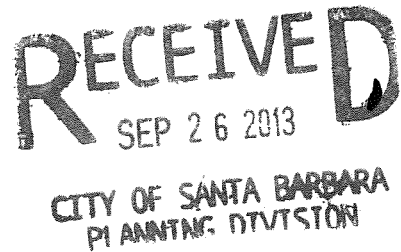
- A. Site Plan (under separate cover)
- B. Applicant's letter, dated 9/25/13
- C. SFDB Minutes
- D. CEQA Certificate of Determination

Contact/Case Planner: Suzanne Riegle, Assistant Planner
(SRiegle@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 2687

Kris Kirkelie
PO Box 6237
Santa Barbara, CA 93160
805-689-7370
kkirkelie@cox.net

9-25-13

Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, Ca 93102-1990



Re: Modification Request to Front Yard Setback for 265 Conejo Road, APN# 019-041-008, A-1

Dear Staff Hearing Officer,

The property at 265 Conejo Road has been bare land since the Tea Fire burnt building remains and slab were demolished and removed from the site in the fall of 2008.

In an effort to sell the property, the current owner is doing due diligence for an interested buyer who would like to purchase the property and build a new one story, 3 bedroom, 2 bath, 2008 (net) s.f. single family residence with a 415 (net) s.f. attached garage, and a detached 156 (net) s.f. workshop. The project also includes a new 692 s.f. exterior tiled deck, the removal of one 30" oak tree damaged by the Tea Fire and approximately 88 linear ft of new garden wall. The total net development square footage would be 2579, with an FAR of .025 (45% of the max. allowed FAR) for the site per SBMC 28.15.083.

Five south east building corners of the proposed new residence would encroach into the required 35'-0" front yard setback (SBMC 28.15.060 A.1) parallel to Conejo Road. This encroachment would include 260 s.f. (net) of habitable space consisting of a master shower, master closet, the main entrance and corners of two bedrooms, and a 15 s.f. (net) corner of non-habitable garage space. The new garden wall would also be in the front yard setback, (41 lin. ft at 5'-0" high max. 10'-0" away from the front property line and 47 lin. ft at 3'-6" high max within 10'-0" of the property line).

The proposed workshop is located on the westerly side of the property outside of the required setback area in an existing terraced part of the yard.

Request for modification to front yard setback:

The modification being requested is to allow the five south east building corners of the proposed new residence to encroach a minimum of 5'-0" to a maximum 11'-0" into the required 35'-0" front yard setback.

The proposed closest corner at the master bedroom closet of the single story residence would be a minimum distance of 35'-0" to the existing right of way (edge of pavement) of Conejo Road and a minimum distance of 24'-0" away from the front property line. The farthest building corner at the garage would be a distance of 39'-9" away from the existing right of way (edge of pavement) of Conejo Road and 30'-0" away from the front property line.

There are several benefits to allowing this modification. Allowing the proposed building to encroach into the required setback allows a practical sized residence with covered parking to be built on a lot where there exists a condition of physical hardship due to the trapezoidal shape of the property boundaries and the fact that the existing building pad is bound by slope constraints on all sides. The average natural slope of the property is more than (1') rise or fall in (5') having more than a 20%

EXHIBIT B

average slope for approximately 94% of the parcel, with exception to the existing building pad, which has an approximate 2 % slope.

The modification would provide a buildable envelope that would be more feasible for a one story building with 3 bedrooms on the first floor to be built. The interested buyer's practical needs require space to care for elderly parents, one which is in a wheelchair. The new residence will also serve as the buyer's future residence of retirement.

The set back modification would also allow the more practicable and economical placement of the caisson / slab foundation proposed by the soil engineer, as the northern side of the building pad contains several large boulders which could be avoided. This would save expensive excavation and grading and in turn would limit the disturbance for the existing two trunk 48" dia. specimen oak that the owner would like to preserve on the northern slope of the building pad.

In summary, the modification would limit expensive grading and alterations to the natural topography, limit the impact on the existing large oak specimen and allow the building to blend in with the natural appearance of the hillside, thus lessening the downhill slope sprawl of the building. The modification would also benefit the preservation of the oak woodland habitat on the northern side of the property, as additional vegetation removal on the site would not be increased and cause a more substantial loss in the removal of additional oak trees which currently create a privacy screen between the proposed residence and the existing residences below.

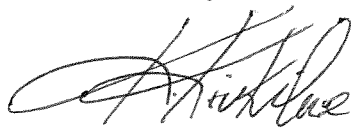
Please note:

Prior to the Tea Fire, a one story, 1482 net s.f. single family residence with no covered parking, and a 312 s.f. barn existed. In 1951, when the initial structures were permitted, a 20'-0" front yard setback was approved for the residence and the barn. The south most easterly corner of the residence was located a distance of 30'-10" to right of way.

In 2011, the owner submitted plans and received approval from the SFDB for a similar sized one story single family residence, however due to the financial hardship the Tea Fire imposed upon the property owner the owner was not able to develop the approved project. The Project Design Approval expired 2011. The owner hopes that the modification will make the property more economically feasible to build on and thus more appealing to a buyer which would improve the aesthetics and economics of the community.

Thank you for your consideration of this request.

Sincerely,



Kris Kirkelie
(Agent/ designer)

(On behalf of property owner Wendy Edmunds and interested property buyers Kathy and Lincoln Johnson)



DESIGN REVIEW ACTIVITIES SUMMARY

265 CONEJO RD (MST2013-00351)

NEW SFR

Proposal to construct a 1,986 square foot, one-story, single-family residence and an attached, 415 square foot, two-car garage, located on a 2.35 acre parcel in the Hillside Design District. The prior residence was destroyed in the Tea Fire. A prior project (MST2009-00183) was previously approved and has subsequently expired. The proposal includes a 165 square foot, detached, accessory building, a 696 square foot exterior deck, a new spa, and the removal of one, 30-inch diameter, oak tree. The proposed total of 2,566 square feet is 45% of the guideline floor-to-lot-area ratio (FAR). The proposal includes Staff Hearing Officer review for requested zoning modifications.

Status: Pending

DISP

Date 3

SFDB-Consent (New)

CONT

09/09/13

(Comments only; project requires environmental assessment and Staff Hearing Officer review of requested zoning modifications.)

Continued indefinitely to the Staff Hearing Officer to return to Consent with comments:

- 1) The proposed modification is aesthetically appropriate, and does not pose consistency issues with the Single Family Design Guidelines.
- 2) Provide details for eaves, rain gutters, windows, doors, colors, and materials, etc.
- 3) Provide a revised site landscape plan with an updated building footprint and provide compliance with Tier 3 Storm Water Management Program (SWMP) requirements.
- 4) Provide elevations and floor plans of the detached accessory structure.
- 5) Proposed removal of the fire damaged Oak is acceptable.



City of Santa Barbara

CEQA CERTIFICATE OF DETERMINATION

To: File: MST 2013-00380
Project Address (Name): 265 Conejo Road

From: Suzanne Riegler, Assistant Planner, 805-564-5470 x 2687, SRiegler@SantaBarbaraCA.gov

Subject: Certificate of Determination for Exemption from Environmental Review under CEQA Guidelines Section 15183

Project Location: City of Santa Barbara, County of Santa Barbara

General Plan Designation(s): Low Density Residential (Max 1 DU/Acre)

Assessor's Parcel Number(s): 019-041-008

Zone(s): A-1 One-Family Residence Zone

Project Applicant: Kris Kirkelie, Designer

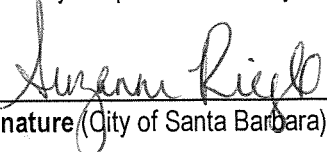
Project Description: The 2.3- acre site was previously developed with a 1,482 square foot, one-story residence that was destroyed in 2008 by the Tea Fire. The proposed project involves construction of a 2,008 square foot, one-story residence, an attached 415 square foot, two-car garage and a detached 156 square foot, one-story accessory building. The project also includes the removal of a fire damaged Oak Tree. The discretionary application required for this project is a Front Setback Modification to allow the residence to encroach into the required 35-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110).

Project Environmental Findings: The City of Santa Barbara evaluated the proposed project and made the following determinations:

1. The project is consistent with the density established for the site in the City of Santa Barbara General Plan.
2. A Program Environmental Impact Report was certified for the 2011 General Plan, which identified environmental effects of future citywide development under the General Plan, including significant effects, mitigated effects, and insignificant effects.
3. Pursuant to CEQA and CEQA Guidelines (Public Resources Code Section 21083.3 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15183), environmental review for this project shall be limited to examination of any significant project-specific environmental effects not analyzed in the prior Environmental Impact Report for the 2011 General Plan.
4. Project-specific impacts:
 - The project will not result in significant project-specific environmental effects.
 - Potentially significant project-specific environmental effects will be substantially mitigated by uniformly applied development standards, as described in *Preliminary Review* documentation. The project will not result in significant project-specific effects.
5. Mitigation measures:
 - Relevant mitigation measures from the General Plan Program EIR have been made part of the project.
 - No mitigation measures from the General Plan Program EIR are relevant or have been made part of the project.
6. A mitigation monitoring and reporting plan [was was not] adopted for this project.
7. A Statement of Overriding Considerations was adopted by City Council for the 2011 General Plan (Resolution 11-079), finding that the significant environmental effects of citywide development under the 2011 General Plan were outweighed by the benefits of the Plan and therefore deemed acceptable. The Statement of Overriding Considerations remains applicable for the current project.
8. Findings were made pursuant to the provisions of CEQA.

Exempt Status: Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with Community Plan or Zoning) and CEQA Statute (Section 21083.3 of California Public Resources Code)

The Program Environmental Impact Report for the 2011 General Plan and the record of current project permit review process may be viewed by the public at the City Planning Division office at 630 Garden Street, Santa Barbara.


Signature (City of Santa Barbara)

Assistant Planner
Title

10/14/13
Date

EXHIBIT D