



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 6, 2016
AGENDA DATE: October 12, 2016
PROJECT ADDRESS: 825 Roble Lane (MST2016-00048)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Tony Boughman, Assistant Planner *TB*

I. PROJECT DESCRIPTION

The existing house is located on a 7,974 square foot lot in the Hillside Design District. The property owner also owns the adjacent 2,672 square foot vacant lot to the east and proposes a voluntary lot merger to create a single 10,580 square foot lot. The proposed project involves a 645 square foot third-story addition to an existing 1,778 square foot, two-story single-family residence with an existing 379 square foot attached two-car garage. The proposal includes a 317 third floor deck with trellis and extension of the existing chimney (Exhibit A). The proposed total of 2,891 square feet is 74% of the maximum floor-to-lot area ratio (FAR) based on the merged lot size of 10,646 square feet. A recommended condition of approval requires completion of the lot merger prior to building permit issuance. The project may not be completed on the existing single lot because it would exceed the maximum allowed FAR.

The discretionary application for this project are:

1. Front Setback Modification to allow additions in the required front setback from Roble Lane (SBMC 28.15.060 and SBMC 28.92.110).
2. Interior Setback Modification to allow additions in the required western interior setback (SBMC 28.15.060 and SBMC 28.92.110).

Application Deemed Complete: September 20, 2016 Date Action Required: November 19, 2016

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny the requested Front Setback Modification, and approve an alternate design allowing a 15-foot encroachment into the Roble Lane front setback, and a one foot encroachment into the western interior setback.

III. SITE INFORMATION AND PROJECT STATISTICS

The information and statistics below reflect completion of the proposed voluntary lot merger.

A. SITE INFORMATION

Applicant:	Trish Allen, SEPPS	Property Owner:	Cammie & Mark Bell
Parcel Number:	019-252-008	Lot Area:	10,646 sq. ft.
General Plan:	Low Density Residential 3 du/ac	Zoning:	E-1
Existing Use:	Single-Family Residential	Topography:	23% slope

Adjacent Land Uses:

North – Single-Family Residential (2-story) East - Single-Family Residential (2-story)
South – Single-Family Residential (vacant site) West – Single-Family Residential (2-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,778 sq. ft.	2,440 sq. ft.
Garage	379 sq. ft.	No Change

C. PROPOSED LOT AREA COVERAGE

Building: 1,473 sf 13.9% Hardscape: 1,605 sf 15.1% Landscape: 7,502 sf 71%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: .36 Proposed FAR: .27 = 74% of Max. Allowed FAR

IV. DISCUSSION

Staff has concerns about the requested setback encroachments being necessary to make appropriate improvements. The narrow site is constrained between front setbacks to the north along Roble Lane, and to the south along Loma Media. Along Roble Lane the front lot line/edge of public right-of-way is approximately 10 feet closer to the house than the edge of the improved street, resulting in a perceived setback that is greater than the measured setback. However, the proposed third story addition, which follows the existing building footprint and encroaches into the western interior setback and the front setback from Roble Lane, results in a substantial amount of new floor area in close proximity to the front lot line and the neighboring property. Due to topography and prior development patterns, development that is nonconforming to front setbacks is not uncommon on Roble Lane and in the Riviera neighborhood, and the proposed encroachments would not be precedent-setting.

Other development along Roble Lane is nonconforming to the front setback; however, this project is closer to the curb and street than most others. Placing the upper story in the proposed location at the western end of the house keeps the building height lower relative to Roble Lane as the street goes uphill to the west, but it results in a substantial degree of encroachment into the interior setback. The roof eaves around the third story hip roof would match the existing large

eaves on the house, and they would be about 1.5 feet larger than the existing garage eaves. Consequently the larger eaves at the addition above the garage would encroach to within approximately three feet of the front property, and two feet to the interior property line.

Except for a four square foot expansion into the front setback at the existing driveway, the proposed project is within the existing nonconforming building footprint, and does not reduce the existing open yard area and landscaping area. The site offers an option for a small addition on the ground at the west end of the house which would conform to the required setbacks and not require Modifications. An addition in this location was not proposed because this part of the site is one of the more useable flat yard areas and currently serves as an outdoor living space with barbeque and table.

Staff supports the proposed third story improvements with the exception of the portion of the addition above the garage shown as the master closet on the floor plan. Staff's opinion is that this part of the addition encroaches too far into the interior setback and is too close to the western property line, particularly considering the large eaves. The addition encroaches too far into the Roble Lane front setback to be supported as an appropriate improvement. The analysis below shows the degree to which the proposed setbacks for the third floor are less than the required setbacks.

<u>Setback Analysis</u>	<u>Requirement/Allowance</u>	<u>Existing</u>	<u>Proposed</u>
Front - Roble Lane	30 ft.	wall 7 ft./ eave 4.5 ft.	wall 7 ft./ eave 3 ft.
Interior	10 ft.	wall 6.5 ft./ eave 3.5 ft.	wall 6.5 ft./ eave 2 ft.

Staff could support a revised project that removes the area of the third floor shown as the master closet. This would reduce the front setback encroachment to no more than 15 feet, and reduce the interior setback encroachment to no more than one foot. Staff believes that the reduced floor plan could be reconfigured with a smaller bathroom and closet for the master suite.

The proposal includes a Voluntary Lot Merger between the 7,974 square foot subject lot and the adjacent 2,671 square foot vacant lot to the east. Merging the lots is necessary to increase the lot area, otherwise the proposed floor area in combination with the proposed 29 foot building height would exceed the maximum allowed floor area applicable for a house taller than 25 feet. An application is pending in the City Public Works department for the Voluntary Lot Merger and a condition of approval requires completion of this prior to issuing a building permit.

The project was reviewed by the Single Family Design Board (SFDB) on March 7, 2016 and June 28, 2016. The SFDB heard public comment in opposition to the project with concerns about size, height, and neighborhood compatibility. The SFDB did not suggest the project needed to provide larger setbacks. At the second hearing the SFDB continued the project to the Staff Hearing Officer with positive comments that the modifications are aesthetically appropriate, do not pose consistency issues with design guidelines, the proposed size, bulk and scale are acceptable, and the project is compatible with the neighborhood (Exhibit C).

V. **FINDINGS AND CONDITIONS**

DENIAL FINDINGS FOR THE REQUESTED ENCROACHMENT

The Staff Hearing Officer finds that the Modifications are not consistent with the purposes and intent of the Zoning Ordinance and the proposed improvement is not appropriate on the lot. The proposed setback encroachments are not appropriate because the new third story would be located too close to Roble Lane and too close to the western property line and adjacent neighbor.

APPROVAL FINDINGS FOR A REDUCED ENCROACHMENT

The Staff Hearing Officer finds the Front Setback Modification to allow the proposed third floor above the existing garage are consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot with the extent of setback encroachments reduced to encroach 15 feet into the front setback, measured to the exterior walls, and roof eave overhangs may match the first floor eaves of the existing house. This degree of encroachment into the required front setback is not anticipated to appear too close to the street or be inconsistent with the pattern of development along Roble Lane.

The Staff Hearing Officer finds the Interior Setback Modification to allow the proposed third floor above the existing garage are consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot with the extent of setback encroachments reduced to encroach one foot into the interior setback, measured to the exterior walls, and roof eave overhangs may match the first floor eaves of the existing house. This degree of encroachment into the required interior setback would not negatively impact the adjacent neighbor, or appear to be situated too close to the adjacent neighbor.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated July 27, 2016
- C. SFDB Minutes March 7, 2016 and June 13, 2016

Contact/Case Planner: Tony Boughman, Assistant Planner
(TBoughman@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4539



City of Santa Barbara California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

EXHIBIT A



RECEIVED
JUL 28 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

27 July 2016

Staff Hearing Officer
c/o Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

**RE: 825 Roble Lane (APN 019-252-008) – MST2016-00048
Project Description/Applicant Letter**

Dear Staff Hearing Officer

On behalf of the property owners, Cammie and Mark Bell, we are pleased to submit this Applicant/Project Description letter as part of the project Zoning Modification request submittal materials.

I. General Site Information

The subject property is located at 825 Roble Lane in the Riviera neighborhood. The property is zoned E-1 Single Family Residential with a General Plan Land Use Designation of Suburban Residential (5 d.u./acre). The property is bound on the north by Roble Lane and on the south by Loma Media. A lot merger application to merge the adjacent vacant parcel, APN 019-252-009, has been submitted for processing; the resulting gross lot area will be approximately 10,580 square feet (net and gross). The property is currently developed with a two-story, 2,157 square foot single family residence including the attached two-car garage.

II. Project Description

The project proposes an addition of 675 square feet to construct a master suite above the garage and a 317 square foot trellised outdoor terrace. The project includes an extension of the chimney to the master suite level, a reconfigured interior stair and kitchen remodel. There are no changes proposed to the existing landscape; the proposed addition will occur predominately within the existing building footprint with exception of the area needed to accommodate the reconfigured staircase.

In order to achieve compliance with the City's Single Family Residence Design Guidelines for development in the Hillside Design District, the location of the addition is proposed in the deepest or lowest portion of the site as it relates to the elevation above on Roble Lane. In this way, the mass of the residence steps down the site minimizing potential visual

EXHIBIT B

impacts from above. Further, the western portion of the site where the addition is proposed, contains mature vegetation that provides screening to further preserve neighbor privacy.

Please refer to the lot coverage and site data that is reproduced on the cover sheet of the project plans which summarizes the existing and proposed floor areas.

Single Family Design Board

The project concept plans were presented to the Single Family Design Board (SFDB) on two occasions, March 7 and June 13, 2016. At the initial concept review, SFDB requested that the applicant provide additional neighbor and visual context in order to appropriately evaluate neighborhood compatibility as it relates to the proposed third floor component. At the June 13, 2016 hearing, the SFDB unanimously forwarded the project to the Staff Hearing Officer making positive aesthetic comments regarding the requested interior and front yard zoning modifications and stating positive support relative to mass, bulk, and scale and neighborhood compatibility.

Zoning Modifications & Justifications

The property is existing non-conforming to current front and interior yard setback requirements and also contains two front yards as the property is bound by two public streets, Roble Lane and Loma Media. The garage is located in the front and interior yard setbacks. In this zone district, the front yard setback is 30-feet; however, because the average natural slope of the front half of the lot that faces Loma Media is more than 20%, the site qualifies for a five-foot setback reduction, resulting in a required 25-foot front yard setback.

The project proposes an addition located above the non-conforming garage and extends above the kitchen and dining room below. The portion of the addition that necessitates the zoning modification requests is limited to the area above the garage, the reconfigured staircase, and a portion of the upper outdoor terrace, including the chimney extension. The distances between the front and interior property lines for each of these components are provided below and the encroachments are shown in shaded areas on plan sheet A101.

	<u>Distance from front property line</u>	<u>Distance from interior property line</u>
Master suite	7' 2" to 13' 9 1/8"	6' 6 3/8"
Staircase	23' 1/4"	
Chimney/terrace	21' 11 7/8"	

The existing interior stairway will be extended to the proposed third level because it does not currently comply with adequate head height clearance to meet building code.

Justifications to support the requested zoning modification are summarized below:

1. The existing property configuration is non-conforming with respect to the west interior yard setback and front yard setback off of Roble Lane.
2. The proposed improvements will be predominately carried out in the same footprint as the existing residence.
3. A conforming addition would necessitate a zoning modification of the non-conforming open yard area further constraining usable yard area.
4. The placement of the addition is consistent with the City's Single Family Residence Design Guidelines.
5. The portion of proposed west elevation master suite addition in the interior yard setback does not include windows facing the adjacent property.
6. The property is constrained with two front yards (public road frontage on both Roble Lane and Loma Media).
7. The proposed zoning modifications were aesthetically supported by the Single Family Design Board.

In conclusion, we believe that given the site constraints and the positive aesthetic support stated by the SFDB, the requested zoning modifications can be justified for the reasons stated above. On behalf of the property owner, we thank you for the consideration of the proposed project.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.



Trish Allen, AICP
Senior Planner

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**5. 825 ROBLE LN****E-1 Zone**

(5:00) Assessor's Parcel Number: 019-252-008
 Application Number: MST2016-00048
 Owner: Bell Family Trust
 Architect: Kent Mixon

(Proposal for a Voluntary Lot Merger and to construct a new 793 square foot third-story to an existing 1,794 square foot, two-story single-family residence with an existing 388 square foot attached two-car garage. The proposal includes a 265 square foot covered patio, with an extended chimney. The proposed total of 2,975 square feet of development on a 10,580 square foot lot in the Hillside Design District is 78% of the required maximum floor-to-lot area ratio [FAR]. The project includes Staff Hearing Officer review for zoning modifications to allow encroachments into the two front yard setbacks and one interior setback.)

(Comments only; project requires an Environmental Assessment and Staff Hearing Officer review for requested zoning modifications.)

Actual time: 4:53 p.m.

Present: Kent Mixon, Architect; and Marc Bell, Owner.

The Chair stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility; therefore, *private* view concerns of the public are not within the Board's purview.

Public comment opened at 5:19 p.m.

- 1) Cynthia E. Ziegler, opposition, expressed concerns regarding project not being compatible or consistent with neighbor compatibility.
- 2) Jeanne Palumbo, neighbor, submitted letter, opposition; spoke of concerns regarding the proposed third floor and suggested that additions occur on the lower floor.
- 3) Normah Abdul Halim, submitted letter, opposition; spoke of concerns regarding the proposed third floor and applicant following good neighbor guidelines.
- 4) Michael Palumbo, neighbor, submitted letter, opposition; spoke of concerns regarding the proposed third floor, potential impacts to the integrity of the D'Alfonso developed tract of homes, and a negative precedent for taller homes in this neighborhood

Letters and emails in opposition were acknowledged and received from; Ken Mineau, regarding errors on the plans submitted; Dr. James Block, served on the Riviera Association View Ordinance Advisory Task Force, regarding obstructing views; Neil Greenleaves and Chris Van de Walle, regarding the 78% FAR limit; Michael and Jeanne Palumbo and Normah Abdul Halim.

Public comment closed at 5:31 p.m.

Motion: Continued indefinitely to the Full Board with comments:

- 1) Consider exploring other options to the third story. The Board may consider a proposed third story if guidelines are met with a minimal amount of visual impact.
- 2) The Board cannot support the modifications without further design development from the applicant in terms of reducing or completely eliminating the third story.
- 3) If the Board is satisfied that the applicant has addressed the other issues outlined in this motion, the board may find a way to support a lot line adjustment to merge the two lots in order to satisfy the lower FAR requirements.

Action: Miller/Moticha, 4/1/0. Motion carried. (Pierce opposed.) (James/Woolery absent).

EXHIBIT C

SFDB-CONCEPT REVIEW (CONT.)**4. 825 ROBLE LN****E-1 Zone**

(4:40) Assessor's Parcel Number: 019-252-008
Application Number: MST2016-00048
Owner: Bell Family Trust
Architect: Kent Mixon

(Proposal for a Voluntary Lot Merger and to construct a new 793 square foot third-story addition to an existing 1,794 square foot, two-story single-family residence with an existing 388 square foot attached two-car garage. The proposal includes a 265 square foot covered patio, with an extended chimney, a 793 square foot third floor addition of a master bedroom, bath, closet and a trellised covered porch. The proposed total of 2,975 square feet of development on a 10,580 square foot lot in the Hillside Design District is 78% of the allowable maximum floor-to-lot area ratio (FAR). The project includes Staff Hearing Officer review for zoning modifications to allow encroachments into the two front yard setbacks and one interior setback.)

(Second Concept Review. Action may be taken if sufficient information is provided; the project was last reviewed March 7, 2016.)

Actual time: 4:43 p.m.

Present: Kent Mixon, Architect; Trish Allen, SEPPS; and Marc Bell, Owner.

Ms. Allen clarified that the Applicant made efforts to hold previous public outreach meetings inviting the 20-closest neighbors to discuss the proposed changes and neighborhood concerns.

Public comment opened at 5:22 p.m.

- 1) Neil Greenleaves, opposition; spoke of issues regarding the proposed scale, height, loss of private views, and neighborhood compatibility.
- 2) Jeanne Palumbo, spoke in opposition regarding parking density concerns in the neighborhood, height of the proposed changes, general poor appearance, and the mail box location.
- 3) Michael Palumbo, spoke in opposition regarding neighborhood compatibility, establishing precedent for three story structures in the chiefly single and second story neighborhood, and parking density issues.
- 4) Kenneth Mineau (local architect & neighbor), spoke in opposition regarding height of the proposed additions and neighborhood compatibility.
- 5) Cynthia Ziegler, opposition; spoke in opposition regarding setting a precedent for third story homes, loss in property values, and neighborhood compatibility; requested alternatives be found.

An email in opposition from Neil Greenleaves was acknowledged.

Public comment closed at 5:35 p.m.

Mr. Limon clarified for the Board that due to the fact that the two lots have not been merged yet, the Board is directed to review only the current lot of the structure and the proposed changes requested for that lot.

The Chair re-stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility, including visualizing completed third-story dimensions; but private view concerns of the public are not within the Board's purview. A separate

review will be conducted by the Staff Hearing Officer where some of these issues can be addressed. The Chair also reviewed the options for City Council appeals for the public.

Board member Moticha also clarified that the Board has very little control over maintenance of landscaping heights which may blocks private views and, for some, the only option is to request neighbors to top-off landscaping.

Motion: Continued indefinitely to Staff Hearing Officer for return to Full Board with comments:

- 1) A majority of the Board finds the requested front and side setback modification are aesthetically appropriate, and do not pose consistency issues with the Single Family Design Guidelines.
- 2) The Board finds that the proposed size, bulk, and scale are acceptable and the proposed changes are neighborhood compatible.

Action: Moticha/Miller, 6/0/0. Motion carried. (Pierce absent).