



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 10, 2008
AGENDA DATE: January 17, 2008
PROJECT ADDRESS: 1596 Oramas Road (MST2007-00109)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

The 8,500 square foot lot is currently developed with a two-story single-family residence and detached two-car carport. The proposed project involves legalization of as-built alterations and additions including conversion of the original carport to habitable space, a covered porch on the side of the residence, and the detached two-car carport which was built to replace the required parking. The discretionary application required for this project is a Modification to provide alterations and additions within the front and interior yard setbacks (SBMC§28.15.060). On August 15, 2007, the project was approved with the condition that the carport be relocated three-feet (3') from the interior lot line. This is an appeal of that condition.

II. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the Staff Hearing Officer's condition to relocate the carport three-feet (3') from the interior lot line by making the finding that the current location does not provide the appropriate improvement of a buffer zone between neighboring properties, and therefore does not meet the purpose or intent of the ordinance.

APPLICATION DEEMED COMPLETE:	May 29, 2007
DATE ACTION TAKEN BY STAFF HEARING OFFICER:	October 11, 2007
DATE ACTION REQUIRED:	Not Applicable

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant & Appellant: Kirk Gradin	Property Owner: Sanford Combs
Parcel Number: 029-060-022	Lot Area: 8,530 sf
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: Single Family Residence	Topography: 24% Slope
Adjacent Land Uses: North - Single Family Residence East - Single Family Residence South - Single Family Residence West - Single Family Residence	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,227 sf	676 sf addition
Garage	334 sf "as-built" carport	No Change
Accessory Space	None Existing	No Change
Floor Area Ratio	Allowed: 3,332 sf	Proposed: 2,237 sf

IV. LOT AREA COVERAGE

Lot Area: 8,530
 Building: 1,963 sf; 19%
 Hardscape: 2,985 sf; 35%
 Landscape: 3,582 sf; 42%

V. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review and continued to the Staff Hearing Officer with the comments that the existing vegetation mitigates impacts associated with the open carport's location.

B. MODIFICATION

Archive plans show the original house was constructed with a lower level carport of sub-standard dimensions. At some point in time, a portion of that carport was converted to habitable space and replacement parking was constructed within required yards. Although use of the Modification process for legalization of "as-built" construction is discouraged, Staff's position was that the proposed project was supportable for the following reasons: 1) The new parking structure provided regulation-sized parking for two vehicles; 2) The location of the new parking structure provided adequate space for maneuvers, which allows for exiting from

the lot in a forward direction; 3) Although located within front and interior yard setbacks, the new parking is screened from the public right-of-way; 4) Because of the unimproved right-of-way, the carport actually is located 30 feet from the edge of paving; and 5) The improvements proposed for the residence are an aesthetic improvement over the original design.

The project also requires a Modification for a small portion of a landing within the required interior yard. This landing would provide the only exterior access from the upper floor level. The minimal dimensions of three feet would assure that the landing be used for purposes of accessing the immediate yard and not to be used as an outdoor area of congregation.

Although Staff recommended approval of the carport in its existing location, the Staff Hearing Officer (SHO) required a three-foot (3') setback. Staff routinely supports requests for providing parking three-feet (3') from an interior lot line based on the minimal distance required for covered parking in the R-2 Zone. It is the SHO's position that the existing encroachment would not be supportable under normal circumstances and the fact that the structure already existed in the setback illegally was not a justification for allowing an encroachment in excess of the Staff's standard.

It is the applicant's position that the condition is arbitrary and inconsistent with the existing development in the neighborhood (see aerial photo) and would require a rebuild of the entire carport structure.

VI. FINDINGS

Staff recommends that the Planning Commission deny the appeal and uphold the Staff Hearing Officer's decision by requiring that the carport be modified or relocated to provide a three-foot (3') interior yard setback which is consistent with current Staff practices and will meet the purpose and intent of the ordinance by not providing new habitable space within the buffer zones and will secure an appropriate improvement for purposes of aesthetics, access, and function. Said approval is subject to the recordation of a Zoning Compliance Declaration.

Exhibits:

- A. Site Plan
- B. Appellant's letter dated 8/27/07
- C. SHO Reso 066-07
- D. SHO Staff Report dated August 8, 2007





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RECEIVED

AUG 23 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

City of Santa Barbara
Planning and Development
630 Garden Street
SB, CA 93101

8/27/07

Attn: Roxanne Milazzo, Modification Hearing Officer
Ms. Betty Henon, Staff Hearing Officer
Re: Appeal of Resolution No. 066-07
The Combs Residence
1596 Oramas Road
Santa Barbara, CA
A.P.N.: 029-060-022

Ms. Wiess and Mrs. Milazzo--

With this letter Mr. Sandy Combs wishes to appeal the Staff Hearing Officer Resolution no. 066-07 for Modifications granted at 1596 Oramas Road. Specifically, Mr. Combs feels that the requirement to maintain a 7 foot maximum encroachment into the westerly interior yard property line for the carport is arbitrary and inconsistent with the existing development in the neighborhood.

Kirk B. Gradin
Principle
Banyan Architects

EXHIBIT B



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 066-07

1596 ORAMAS ROAD

MODIFICATION

AUGUST 15, 2007

APPLICATION OF BANYAN ARCHITECTS FOR SANFORD COMBS, 1596 ORAMAS ROAD, APN-029-060-022, E-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS/ACRE (MST2007-00109)

The 8,500 square foot lot is currently developed with a two-story single-family residence and detached two-car carport. The proposed project involves legalization of as-built alterations and additions including conversion of the original carport to habitable space, a covered porch on the side of the residence, and the detached two-car carport which was built to replace the required parking. The discretionary application required for this project is a Modification to provide alterations and additions within the front and interior yard setbacks (SBMC§28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

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 only one person appeared to speak with concerns thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 8, 2007.
2. Site Plans
3. Correspondence received expressing concerns regarding the project:
 - a. Arthur Barron, 1600 Oramas Road, Santa Barbara, CA 93103
 - b. Elizabeth and Michael Witherell, 914 California Street, Santa Barbara, CA 93103

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

Approves the project to the interior yard of construction of the two-car carport maintaining a maximum 7-foot encroachment into the westerly interior yard property line and a redesign to maintain a 12-foot 6 inch minimum setback from the front property line, making the findings that the Modification request to permit new construction within required yards will meet the purpose and intent of the Ordinance by not providing new habitable space within the buffer zones, securing an appropriate improvement for purposes of aesthetics, access, and function. Said approval is subject to the recordation of a Zoning Compliance Declaration.

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

EXHIBIT C

This motion was passed and adopted on the 15th day of August, 2007 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 Architectural Board of Review (ABR) approval and then a building permit.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has not been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 8, 2007
AGENDA DATE: August 15, 2007
PROJECT ADDRESS: 1596 Oramas (MST2007-00109)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 8,500 square foot lot is currently developed with a two-story single-family residence and detached two-car carport. The proposed project involves legalization of as-built alterations and additions including conversion of the original carport to habitable space, a covered porch on the side of the residence, and the detached two-car carport which was built to replace the required parking. The discretionary application required for this project is a Modification to provide alterations and additions within the front and interior yard setbacks (SBMC§28.15.060).

Date Application Accepted: May 29, 2007

Date Action Required: November 29, 2007

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Kirk Gradin	Property Owner: Sanford Combs
Parcel Number: 029-060-022	Lot Area: 8,530 sf
General Plan: 3 units per acre	Zoning: E-1
Existing Use: Single Family Residence	Topography: 24%
Adjacent Land Uses:	
North – Single Family Residence	East – Single Family Residence
South – Single Family Residence	West – Single Family Residence



B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,227 sf	1,903sf
Garage	362 sf	334 sf
Accessory Space	69 sf	0 sf

III. LOT AREA COVERAGES

Lot Area: 8,530
Building: 1,963 sf; 19%
Hardscape: 2,985 sf; 35%
Landscape: 3,582 sf; 42%

IV. DISCUSSION

- This project was reviewed by the ABR and continued to the Staff Hearing Officer with the comments that the existing vegetation mitigates impacts associated with the open carport.
- Archive plans show the original house was constructed with a lower level carport of sub-standard dimensions. At some point in time, a portion of that carport was converted to habitable space and replacement parking was constructed within required yards. Although use of the Modification process for legalization of "as-built" construction, Staff's position is the proposed project may be supportable for the following reasons: 1) The new parking structure provides regulation-sized parking for two vehicles, 2) The location of the new parking structure provides adequate space for maneuvers, which allow for exiting from the lot in a forward direction, 3) Although located within front and interior yard setbacks, the new parking is screened from the public right-of-way, 4) Because of the unimproved right-of-way the carport actually sits back 30 feet from the edge of paving, and lastly, 5) The improvements proposed for the residence are an aesthetic improvement over the original design.
- The project also requires a Modification for a small portion of a landing within the required interior yard. This landing would provide the only exterior access from the upper floor level. The minimal dimensions of three feet would assure that the landing be used for purposes of accessing the immediate yard and not to be used as an outdoor area of congregation.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification request to permit new construction within required yards will meet the purpose and intent of the ordinance by not providing new habitable space within the buffer zones and will secure an appropriate improvement for purposes of aesthetics, access, and function. Said approval is subject to the recordation of a Zoning Compliance Declaration.

STAFF HEARING OFFICER STAFF REPORT
1596 ORAMAS (MST2007-00109)
AUGUST 8, 2007
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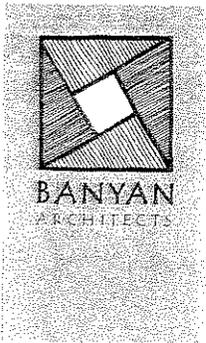
Exhibits:

- A. Site Plan
- B. Applicant's letter dated May 26, 2007
- C. ABR Minutes

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







City of Santa Barbara
Planning and Development
630 Garden Street
SB, CA 93101

5/26/07

Attn: Roxanne Milazzo, Modification Hearing Officer
Ms. Betty Henon, Staff Hearing Officer
Re: Modification letter for
The Combs Residence
1596 Oramas Road
Santa Barbara, CA
A.P.N.: 029-060-022

Ms. Henon and Mrs. Milazzo--

The site at 1596 Oramas Road is in an E-1 zone, is located just above Olive Street on the Riviera and is 8,530 square feet with an average slope that exceeds 20%. It has 10' side and rear yard setbacks, along with a 30' front yard setback. It is a single-family, hillside residence of 1,277 square feet that was originally built with a two-car carport. At some point in its checkered past several additions were made to the house without permits. These additions include converting portions of the carport to habitable space, extending the west facing, second-floor, covered porch, adding an outside stairway on the west side of the house and building a new carport partially in the front yard setback. Our current application is an attempt to remove portions of the "as-built" work, to receive permission to leave the carport where it currently stands and to make further additions and improvements to the existing house.

Two modifications are required. The first is to allow the existing "as-built" carport to remain in the front yard setback. The second modification is to allow the carport and a small portion of the west-side, second-story, covered porch to encroach on the side-yard set-back. The justification for the first modification can be found by first looking at the pattern of development in the neighborhood. The immediate neighbor to the west, for example has a garage with living space above that almost reaches the front property line and also sits in the side yard. If you continue west on Oramas you find that every house on this block (except for one) has considerable encroachments on the front yard with one and two-story construction (see color aerial view and other photos.) There are also large front yard encroachments on the south side of the street along Oramas. All of these front yard encroachments are largely due to the steepness of the sites in combination with the smallness of the lot sizes.



The second justification for allowing the carport to remain in its current configuration is related to the first. The portion of the lot that is buildable (i.e.: the portion that is accessible for new construction, not in the setbacks and not in the rear yard) is relatively small. The house, even with the additions, is also modest in size (1903 square feet.) Any other location for the garage or carport would consume the available floor area for living space.

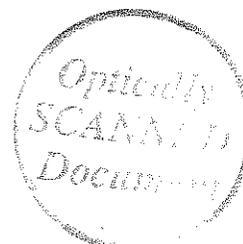
In addition, one cannot see the carport from the street because of a large mature oak that sits in front of the carport. Because of the 12' gap between the existing street edge and the lot line, a 30' buffer does exist between the existing curb and the carport. This buffer is landscaped and maintained by the property owner.

The justification for the second modification at the carport is similar to the first. The side-yard modification at the porch is needed to simply allow a 'back-door' exit from the upper living area. The door and porch on this westerly side is the only exit from the upper floor to the upper outdoor areas. We are reducing the size of the porch and its overhang in order to lessen the extent of the encroachment.

This May, we received positive comments from the architectural board in relation to the visible impact of the encroachments and the proposed additions to the house. We believe you will also find these proposed modifications to be in keeping with the pattern of development in the neighborhood and an appropriate level of improvement to the lot

Thank you for carefully reviewing this application.

Kirk B. Gradin
Principle
Banyan Architects



1596 Oramas ABR Minutes

May 14, 2007

Public comment opened at 8:23 p.m.

Art Barron: potential illegal rental; proposed balcony overlooks his patio.

Ed Stetson: unpermitted stairwell, potential for illegal rental.

Public comment closed at 8:31 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and return to the Full Board.

- 1) To the left of the front yard carport, restore the drive way to eliminate the nonconforming parking in the setback.
- 2) At the west side of the house, following removal of the storage shed, restore the area, minimize the hardscape, and study the possibility of having a bioswale or rip-rap condition.
- 3) The Board finds the front elevation, including the doors and stairs, are well articulated.
- 4) The columns of south elevation to right of entry are appropriate to the design style and help mitigate the overall size of the building elevation.
- 5) The Board understands that area outside the door on the eastern elevation, is not a deck off the doorway, and the proposed removal of cantilevered concrete sidewalk is appropriate.
- 6) The Board recognizes that the area outside of the western upper level door has been reduced from its present size and provides access to the rear in minimal fashion.
- 7) The front yard modification poses no negative aesthetic impact. The existing trees and added landscaping in front of the carport help mitigate the open carport from public view.
- 8) One Board member offered "kudos" to the architect for locating the new deck and terrace in a manner that respects the neighbor's privacy.

Action: Manson-Hing/Blakeley, 8/0/0. Motion carried.



