



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 23, 2006
AGENDA DATE: August 30, 2006
PROJECT ADDRESS: 625 Flora Vista (MST2006-00176)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 13,750 square foot project site is currently developed with a 1,339 square foot residence and 459 square foot attached garage. The proposed project involves the conversion of the existing garage to habitable space, 144 square feet of first floor addition, and the construction of a new two-car garage. The discretionary application required for this project is a Modification to permit new habitable space within the required front and interior yard setbacks (SBMC §28.15.060).

Date Application Accepted: July 17, 2006 Date Action Required: October 17, 2006

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Tisha Levy	Property Owner:	Allen Levy
Parcel Number:	041-385-003	Lot Area:	13,750 sf
General Plan:	3 Units Per Acre	Zoning:	E-1
Existing Use:	Residential	Topography:	29% Slope
Adjacent Land Uses:			
	North - Residential		East - Residential
	South - Residential		West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,339 sf	1,942 sf
Garage	459 sf	418 sf
Accessory Space	None	None

III. LOT AREA COVERAGE

Lot Area:	13,969 sf
Building:	2,613 sf; 19%
Landscape:	10,591 sf; 76%
Hardscape	765 sf; 5%

IV. DISCUSSION

This project was reviewed by the Architectural Board of Review (ABR) on May 1, 2006. The ABR stated that the proposed project precluded the necessity for a second story and therefore was an appropriate improvement.

The existing garage is non-conforming to current setback regulations due to the development standards required at its time of construction. The proposed project is requesting to change the use of the garage to habitable space. SBMC§28.15.060 requires conforming setbacks for all new construction. The proposed project results in new habitable space within the required front and interior yards. Although the applicant's position is that this design allows for a single story improvement which is more consistent with the neighborhood, it is Staff's position that a conforming option, whether first or second story, is the appropriate improvement for this site.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer deny the project, making the findings that the Modification is not consistent with the purposes and intent of the ordinance nor is it necessary to secure an appropriate improvement on this lot.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated June 7, 2006
- C. ABR Minutes
- D. Neighbors Petition of Support

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

June 7, 2006

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

Re: Modification Request for 625 Flora Vista; 041-385-003; E-1

The proposed project involves converting an attached 459 square foot two-car garage to habitable space and constructing a new attached 400 square foot two-car garage and a 144 square foot addition to an existing 1,339 square foot one-story residence. Modifications are requested to allow the converted garage to remain within the front and side yard setbacks. Currently the garage is located nine feet into the thirty foot front yard setback and two feet into the ten foot side yard setback.

According to SBMC Section 28.92.110.2, the Modification Staff Hearing Officer must find that the front and side yard modifications are necessary to secure an appropriate improvement on a lot, to prevent unreasonable hardship, or to promote uniformity of improvement.

The proposed modifications would be an appropriate improvement on the lot because the conversion would take place within the house's existing footprint. Demolishing the garage and re-building the habitable space within the setbacks would not allow the room to meet the minimum seven foot dimension required by the Uniform Building Code for habitable space (minimum room dimension would be approximately 6.5 feet) and it would not meet the needs of the household to have this room function as a family room. Demolishing the garage and re-building the habitable space within the setbacks would also not be an appropriate improvement to the character of Flora Vista Street, which is lined primarily with single family residences that also have existing front yard encroachments. Relocating the proposed conversion of 459 square feet to the rear of the property is problematic because the property would be unable to meet their required open yard. Because Flora Vista is a very busy street, building into the usable rear yard area also would not allow sufficient play area for their growing kids or dog. The remaining part of the rear yard consists largely of a steep hillside and is not useable space for the property. Building the 459 square feet on the second story would not be appropriate given the predominately single story character of the neighborhood.

The proposed modifications are also necessary to prevent unreasonable hardship. The conversion of the garage to habitable space would allow the property owners to use the existing house frame, thus cutting down costs of rebuilding a new structure. There would be an extreme financial hardship if the City requires locating the 459 square foot conversion to a second story because the current residence is not structurally engineered to handle the weight of a second story. Structurally retrofitting the house would be extremely costly and would not allow the residents to live out of their house during construction, which would add further rentals costs

while the family is displaced. The proposed conversion to habitable space would also not impact the closest neighboring property to the south because there would be 22 feet that would separate the structures. A fence/hedge could also be constructed along the property line to further buffer the two residences if the neighbor is concerned.

The modifications promote uniformity of improvement because the house would remain in its same configuration and would allow the new garage and small addition to be constructed outside of the side and front yard setbacks. The proposed street facing garage would also be in character with the rest of the neighborhood, as there are several other street facing garages along Flora Vista. Creating a new garage facing the street would also allow a reduction of paving in the front yard, and allow more landscaping.

The proposed project went before the Architectural Board of Review on May 1, 2006. The Board found the proposed design acceptable and an appropriate improvement to the site and neighborhood.

In short, the proposed project would meet the needs of this growing family and the conversion of the garage would result in the least impacts to the site and neighboring properties. We hope you can make the above findings and approve the requested modifications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anita Levy". The signature is written in dark ink and is positioned below the "Sincerely," text.

ABR MINUTES - 625 FLORA VISTA DRIVE – MAY 1, 2006

Motion:

Continued indefinitely to Staff Hearing Officer with the following comments: 1) The Modification for Change-of-Use within the existing garage structure is supportable in that it precludes the necessity of a second-story addition. 2) The Board feels that it could support the front and side yard encroachments of the existing garage due its existing one-story building envelope and that it is only an internal change of use. 3) The proposed upgrades with the new garage and new entry structure are an enhancement to the neighborhood. 4) Reduce the paving for the proposed driveway and add a separate entrance walk to the front door. 5) Add vine pockets or trailing plants at the proposed retaining wall adjacent to the new garage. 6) Replacements for the two palm trees that are to be removed will be reviewed when the applicant returns. 7) After SHO and completing the aforementioned changes, the project is ready for Preliminary Approval and the applicant shall return to the Consent Calendar, with NPO findings to be made at Consent.

Action:

Sherry/Mosel, 8/0/0.

no address
615 Florida

NAME ADDRESS

DATE

Mary McDermott 615 FLORIDA VISTA 4-30-06

Mr + Mrs Frank (Karen) Caplan "

Frank Elaine Tomatore 635 Florida Vista Dr. 4/30/06

Eric Voss 2401 Calle Linares 4/30/06

Jill Peteresen 2405 Calle Linares 4/30/06

all parties
entered into
advantage 8-15-06
Ruc

Hello Neighbors!

As you may have noticed from the sign in our front yard, we are hoping to modify our existing home to accommodate a new family room and larger living space within our current structure. Our plan is to convert our existing garage into a family room. We would not be extending out of the current structure, just re-using that existing space. We would then be adding back on a garage to meet with current city guidelines.

Right now the City denied our plans to re-use our existing garage due to two factors:

1) The existing garage is a "pre-existing non-conforming". Which means when our home was originally built the garage needed to be 25 ft from the road (setback), now the requirements are 30 ft. We asked for a 5 ft. waiver. 2) We are changing the "use" of existing space within the front yard. For these reasons, our original plans were denied. We are currently appealing this decision as we feel that we would not be infringing upon existing property and would not be changing the look/feel of our existing neighborhood but most importantly to avoid having to build "up". The only alternative we would have if these plans are denied is to build a second story on our home. We do not wish to add a second story.

My husband and I have lived in this house for over 8 years, and in Santa Barbara for over 20 years. We do not wish to move as we love this neighborhood, and my son attends Monroe Elementary right down the street. We simply need more "family" area for our growing boys/family.

We are asking our neighbors to support our plans as we took careful consideration on meeting both our families growing needs, as well not encroaching upon you, our neighbors. As stated, we are making every attempt to stay at a single story home, which is why we are appealing this decision.

We appreciate your support and cooperation. Please sign this form with your name and address to show you have no objections to our current plans.

Please do not hesitate to contact should you have any questions about this.

Thank you

Tisha & Allen Levy
625 Flora Vista
965-7565