



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 17, 2010
AGENDA DATE: March 24, 2010, 2009
PROJECT ADDRESS: 529 Conejo Road (MST2009-00566)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 9,140 square foot project site has frontage on to Conejo Road and Conejo Lane. Previous development on site consisted of a single-family residence and detached garage, which were destroyed in the Tea Fire. The proposed project involves the construction of a 1,654 square foot single family residence and attached 400 square foot two-car garage. The discretionary application required for this project is a Modification to permit new construction within the required thirty-five (35') foot front and fifteen-foot (15') interior setbacks (SBMC §28.15.060).

Date Application Accepted: March 2, 2010

Date Action Required: June 2, 2010

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:	Wade Davis Design	Property Owner:	James & Blanche Tobin
Parcel Number:	019-062-007	Lot Area:	9,140 sf
General Plan:	Major Hillside	Zoning:	A-1
Existing Use:	Vacant – Tea Fire	Topography:	25%

Adjacent Land Uses:

North - Vacant	East - Vacant
South - Vacant	West – Conejo Road

B. PROJECT STATISTICS

	Previously Existing	Proposed
Living Area	1,161 sf	1,654 sf
Garage	318 sf	400 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,171 sf 13% Hardscape: 2,691 sf 29% Landscape: 5,278 sf 58%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.38 Proposed FAR: 0.22 = 58.9% of Max. Allowed FAR

IV. DISCUSSION

This property is located within the portion of the Conejo Slide area (Slide Mass C) that currently prohibits construction. A recent Geological Study, prepared by Grover Hollingsworth and Associates, reidentified the boundaries of Slide Mass C and recommended that the current Ordinance be amended to restore conditional development potential on five of the lots located within the restricted area. The new map shows the head of the slide running thru the southern half of the subject site. The new Ordinance will require development to observe a 25' setback off the top of the head. The project must comply with all requirements, including the Conejo Slide Ordinance (SBMC 22.90) prior to issuance of a building permit

The proposed project involves the construction of a single family residence and two car garage, to replace development on a site destroyed by the Tea Fire. The 9,000 square foot property has recognized development constraints associated with two front yards, A-1 Zone setbacks, and the Conejo Slide setback that occupies half of the lot area, resulting in a conforming building envelope of approximately 279 square feet. A property with this many constraints cannot be developed without Modification approval. Staff supports the proposed encroachment of the two-story residence within the front setback from Conejo Lane, the laundry room within the required interior setback, and for replacement of the garage in its previous location within the front and interior setbacks. Minor expansion of the garage to provide minimum required dimensions is allowed without benefit of a Modification approval. Staff does not support the proposed second story encroachments of a recreation room, sitting room and ½ bath proposed over the garage because the buffer zone between neighbors is not being provided. Although the applicant has provided evidence that a room previously existed over the garage, no permits exist for proving its legality.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modifications being requested for the house in the front setback, the laundry pop-out in the interior setback, and the single story garage within the front and interior setbacks, to be consistent with the purposes and intent of the Zoning Ordinance and necessary to secure appropriate improvements on the lot. The residence has been designed to accommodate a residence on a site with limited development potential.

The Staff Hearing Officer does not find the Modification to permit the second story above the garage, to be consistent with the purposes and intent of the Zoning Ordinance, or necessary to secure an appropriate improvement.

Said approval is subject to a condition that plans submitted in conjunction with this Modification approval show removal of the second story development above the garage.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated March 2, 2010
- C. SFDB Minutes

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March 2, 2010
Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Modification Request for 529 Conejo Road; APN 019-062-007; Zone A-1

Prior to the Tea Fire there was an existing single-family residence (1,161 sq. ft.), an existing detached garage (318 sq. ft.) with a detached guest room (291 sq. ft.) above. The Conejo slide line runs through the east and west property lines at the southern end of the lot and requires a twenty-five foot setback for new construction. The existing detached garage & existing residence have building permits, according to the City building files. The existing residence was located within the secondary front yard setback along the private road Conejo Lane. The existing garage was located on the northeasterly portion of the property, within the required front and interior yard setbacks and will be rebuilt slightly larger (407 sq. ft.) to conform to current parking standards. The existing detached recreation room above the garage (291 sq. ft.) had been in its current configuration for the duration of our clients ownership of the property (1965) but does not have a building permit on record.

The first modification being requested is to rebuild the recreation room as an attached recreation room (295 sq. ft.) located above the proposed rebuilt garage. This structure would encroach into the interior yard setback varying from nine feet six inches at the northeast corner to fifteen feet zero inches at the north west corner of the structure. The structure will also encroach into the secondary front yard setback no further then the proposed garage. The encroachment will allow for the reconstruction of an area that previously existed for the owner for the 43 years prior to the devastation of the Tea Fire.

The second modification being requested is for a portion of the second story (22 sq. ft.) to encroachment and cantilever into the northerly interior yard two feet five inches. The requested area will be occupied by laundry facilities and cabinetry, thus not providing habitable space within the interior yard. The encroachment is occurring due to the twenty-five foot setback off of the Conejo slide line. The encroachment will allow for the owners to have a dedicated laundry area on the second floor of the residence with out having to encroach into the interior yard at ground level and further reducing the overall footprint of the structure.

The third requested modification is to allow a proposed residence to encroach twenty-five feet and nine inches into the required thirty-five foot secondary front yard setback along Conejo Lane, and would encroach 4'-1" more into the Conejo Lane, secondary front yard setback than the original house. The encroachment will allow for the construction of a new single family dwelling on a site that is otherwise un-buildable due to the two front yard setbacks and a twenty-five foot setback off of the Conejo slide line. The allowable buildable area outside of the front yard, interior yard, and slide area setbacks measures to be a mere 449 square feet in a pie shaped configuration, which would not allow our clients the ability to rebuild a home anywhere near the size of their original permitted residence. The proposed combined footprint of the structures (1,171 sq. ft.) would total 406 square feet *less* than the original structures (1,577 sq. ft.).

The proposed structures are a necessity for our client, as they are currently without a home. As is the case with many of the Tea Fire victims who have lost homes, our clients have a limited amount of time (until November of 2010) before their insurance company will no longer pay for their temporary housing.

The major benefits of having the proposed residence encroach into the required setback are: it will allow for the construction of a single family dwelling on a lot that is heavily burdened by the location of the Conejo Slide setback that was established **after** our clients purchased their permitted home, in addition to the secondary front yard setback off of Conejo lane which is a private road. It will provide the spaces and functions that previously existed on the site prior to the Tea Fire. It will greatly enhance the neighborhood, and will encourage surrounding neighbors to rebuild in an area devastated by the Tea Fire.

529 CONEJO ROAD – SINGLE FAMILY DESIGN BOARD MINUTES

January 11, 2010

Public comment: applicant submitted four letters in support of the project from Dennise and Carol Guinaugh, Ron and Lori Bonneau, La Velle and Louise Canley, and Jack Milton.

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

Encroachment of non-conforming garage and second-story above is supportable, this area should be lowered as much as possible, and should conform to solar access. Study lowering the garage six inches. Study lowering the guest room ceiling plate height and lowering the roof pitch.

