



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 27, 2010
AGENDA DATE: November 3, 2010
PROJECT ADDRESS: 4119 San Martin Drive (MST2010-00272)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

The 5,914 square foot vacant project site is located on the corner of San Martin Way and Verano Drive. Proposed development is a two-story, 1,912 square foot single-family modular residence with an attached 400 square foot two-car garage. The discretionary applications required for this project are Modifications to allow less than the minimum dimension for the required open yard area and to provide a portion of the open yard in the front yard (SBMC §28.18.060).

Date Application Accepted: September 28, 2010 Date Action Required: December 28, 2010

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Rain & Dana Longo	Property Owner:	Hlinka Trust
Parcel Number:	059-212-037	Lot Area:	5,914 sf
General Plan:	12 Units Per Acre	Zoning:	R-2/SD-2
Existing Use:	Vacant	Topography:	Flat

Adjacent Land Uses:

North – San Martin Way	East - Verona Drive
South – Multiple-Family Residential	West - Duplex

B. PROJECT

	Existing	Proposed
Living Area	None	1,912 sf
Garage	None	400 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,607 sf 27% Hardscape: 400 sf 7% Landscape: 3,907 sf 66%

IV. DISCUSSION

This project was reviewed by the Staff Hearing Officer (SHO) on October 20, 2010 and continued to re-notice and clarify the project description.

The 5,914 square foot vacant project site is located on the corner of San Martin Way and Verano Drive. The proposed project involves construction of a new two-story home with an attached two-car garage accessed from Verano Drive.

The 60' wide site does not allow for the required 20' front setback, the required 20' deep (interior dimensions) garage plus thickness of the walls and the required 20' minimum dimension for the open yard. Therefore, the applicant is requesting a Modification for relief of the 20' minimum dimension for the portion of the open yard area located behind the garage. The dimension reduction to 18'10" for a portion of the 765 square foot open yard area still provides adequate area for usable outdoor space as intended by the Ordinance. The remainder of the required 1,250 square-foot open yard area is being provided in the front yard.

For properties with multiple street frontages, SBMC §28.18.060.C.4 allows the secondary front yard to be used for open yard area as long as it is set back ten feet from the front lot line. During processing of this application, Staff identified the San Martin frontage as the primary front yard and allowed a portion of the Verano Drive front yard to be included in the required open yard area. At the October 20, 2010 hearing, the SHO determined that the Verano Drive frontage is the primary front yard, as it is a much longer frontage, more prominent, and has the front door facing it.

The applicants revised their plans, per the SHO direction, to reflect Verano Drive as their primary frontage and are requesting additional relief from the open yard area requirements to provide the remainder of the required open yard in the San Martin Way/secondary front yard.

Although it is Staff's practice to discourage Modifications for new development on vacant lots, the site's overall size, dimensions, and location on a corner lot do present challenges in providing an open yard area on the lot in compliance with Zoning Ordinance. If the entire 1,250 square-foot yard area were provided in a similar configuration at the rear of the lot, combined with the 20-foot front setbacks, the resulting width of the majority of the residence would be just under 19 feet. Therefore, Staff believes that, in general, relief from the minimum open yard area dimensions is reasonable on this site. Similarly, if the applicant were to take advantage of the relief provided in SBMC §28.18.060.C.4 and propose a second open yard area with 20-foot minimum dimensions in the secondary front yard, the residence would need to be set back at

least 30 feet from San Martin Way to provide the ten-foot setback required for the open yard area. That would result in an excessively large front setback for this small lot and would not be consistent with the pattern of development in the neighborhood.

The current design results in the use of the entire 20-foot front setback from San Martin Way to provide the second open yard area, and also continues to utilize a small portion of the primary front yard, to yield the necessary 485 square feet. While not optimal, given the constraints on the site, Staff could support this proposal. Alternately, Staff could also support a configuration where the open yard area maintained a 10-foot setback from the two front lot lines and wrapped around the entire frontage of the residence, resulting in about 1,000 square feet of open yard area. In that case, the relief of the open yard requirements would be to not provide the minimum 20-foot dimension.

In either case, the large front yard provides visual openness from the street and the proposed 3' high fence along the front lot line secures a large front yard area for usable outdoor space.

The project has been reviewed by the Single Family Design Board (SFDB) who forwarded the project to the Staff Hearing Officer with positive comments. This revised/additional Modification request does not result in any changes to the design previously reviewed by the SFDB.

V. FINDINGS

The Staff Hearing Officer finds that the proposed Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The lot is constrained by its location on a corner and relatively small size and width, which makes it difficult to provide an open yard area that both meets the Ordinance requirements and results in an attractive building shape and massing. The proposed Modifications will allow a minor reduction of the required 20' minimum dimension without reducing its usability as an outdoor living space, and allows the secondary front yard and a small portion of the primary front yard to provide the remainder of the open yard area. The resulting development provides adequate outdoor and visual open space, and a footprint consistent with surrounding development.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated October 26, 2010

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October 26, 2010

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

RECEIVED
OCT 26 2010

CITY OF SANTA BARBARA
PLANNING DIVISION

**PLEASE DISREGARD LETTER DATED OCTOBER 25.
THIS LETTER IS BEING SUBMITTED IN REPLACEMENT OF THE OCTOBER 25 LETTER**

Re: Modification Request for 4119 San Martin Way; APN 059-212-037; Revised Plans;
Additional Modification

Dear Ms. Reardon,

This letter is being submitted to explain the revisions made to our plans and the additional modification that is being requested, in response to your comments made during the Modification hearing that took place on October 20, 2010.

I would like to note that our intended approach to this project has been to design the home such that it complies with all code sections to the maximum extent possible, to minimize the required number of modification requests, and to impose upon City staff time as little as possible. Unfortunately, two basic conditions of the lot have led us to these modification requests: 1) The narrowness of the lot precludes the existence of the 20' setback, plus the 20' by 20' interior dimensioned garage, plus the 20' contiguously dimensioned open space area; and, 2) This property happens to be on a corner lot which gives rise to additional regulatory challenges.

I would also like to note that this home will be constructed in an off-site factory, in a modular fashion. This technique is actually more environmentally friendly in that it generates less waste and employs greater usage of sustainable materials. In comparison with traditional construction techniques, the off-site construction cuts our building costs by approximately 66%. The downside to this construction technique is that our options in redesigning the modular portions of the structure are limited.

We also intend to have a non-intensive vegetated roof over the garage, and the house will produce enough solar power to render the net consumption of electricity produced off site to almost zero.

Back Yard Open Space Modification
Encroachment Into 20'0" Required Width

The requested modification pertaining to the back yard open space is to allow a portion of the garage to project into the back yard open space area by 1' 7 3/8" (one foot, seven and three-eighths inches). The encroachment covers a total of 34 square feet. Notwithstanding this small portion of the garage, the back yard open space area is 20' 5 3/4" (twenty feet, five and three quarter inches) by 40' 9 1/8" (forty feet, nine and one eighth inches). The resulting back yard open space area, free from any portion of the garage, covers 800 square feet. The benefit of this modification, as discussed in my September 28, 2010 letter, is that it will allow the property to be developed. Without this modification, there would be nowhere on the lot in which to locate a garage with a 20' by 20' interior, which would render the lot totally undevelopable.

Revised Trellis

The Single Family Design Review Board has reviewed and initially passed the overall design of the house. During the plan check phase of this Modification request, it was noted that the trellis in the front yard was not in compliance with SBMC 28.87.062.C.1. In response to that comment, and the designation of Verano as the Primary Front Yard (as discussed below) we have moved our Front Yard Open Space to the Secondary Front Yard (that which fronts on San Martin) and revised the trellis design to become a traditional roof over our entry porch, which will not be located in any setback or open yard space. This feature is no longer in violation of SBMC 28.87.062.C.1. and does not require a modification.

Front Yard Open Space Modification
Reduction of Open Space Setback in Secondary Front Yard

We had initially designated the portion of the lot fronting along San Martin as our Primary Front Yard. At the October 20 hearing, you indicated your disapproval of our front yard designation, and stated your belief that the portion of the lot fronting along Verano should be designated as the primary front yard. No formal decision was rendered, and the hearing was continued to November 3, 2010.

SBMC 28.18.060.C.1.d.(1) prohibits any open space from being located in the front setback, but allows up to 850 square feet of Open Yard to be in the 'remaining front yard' or, what is referred to as the 'Secondary Front Yard.' SBMC 28.18.060.C.4 provides an exception to location requirements for lots with multiple front yards by allowing an open yard space to be in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line. In our case, if the frontage along Verano is designated as the Primary Front Yard, then the open yard space that we had initially designated on the portion of the lot fronting on Verano becomes non-compliant with this code section, and we become unable to satisfy the open space requirement without seeking relief from the setback ordinances.

Therefore, to help solve this problem, we moved our designated open space. The decision to move the open space was made after careful consideration of the applicable zoning code sections and consultation with our Architect. Regardless of whether the Open Space is

called out in the portion of the lot fronting on San Martin or Verano, a modification would be required for this project. Without such modification, this lot will be again rendered substantially undevelopable. Our revised plans call out an open space area (which will be referred to as the 'Front Yard Open Space') in the portion of the lot fronting on San Martin, which is now the Secondary Front Yard, and qualifies for the reduced 10' setback for eligible open yard space. We feel that this requested modification is of lesser scope, and results in more eligible open space – and is thus closer to the intent of the code sections.

The modification that we are now requesting is to allow a reduction of the 10' setback for eligible open yard space to a zero setback. Stated differently: Our newly designated Front Yard Open Space encroaches into our 10' Secondary Front Yard Open Space Setback by exactly 10'. We are requesting an increase of the amount of the Secondary Front Yard Open Space Setback set forth in SBMC 28.18.060.C.4 by 10'.

SBMC 28.92.110.A.2. sets forth the criteria whereby requested modifications are to be evaluated:

“Setbacks, Lot Area, Floor Area, Street Frontage, Open Yard, Outdoor Living Space, and Distance Between Buildings. A modification of setback, lot area, floor area, street frontage, open yard, outdoor living space, or distance between buildings regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate-, or middle-income households.”

As a result of the narrowness of the lot¹, and the fact that it is located on a corner with the frontage along Verano now being the primary front yard, and taking into consideration the requisite 20' front setback and 6' interior setback, if we were to design a fully compliant building without any portion of the open space area being in either the front set back nor the primary front yard, we would be left with significantly less space on the first floor, and/or pushed entirely into the rear, south-west corner of the lot. Not only would the resulting structure be uncomfortably tight, even for a small family, the location of the structure would leave almost no Private Outdoor Living Space – which would run contrary to the clear intent of SBMC 28.18.060.C. The effect of such a design would be that, if our kids wanted to play outdoors, they would have to go out into the front yard at the intersection of two relatively busy streets. (The intersection of San Martin and Verano is essentially a gateway to the neighborhood known as San Marcos Gardens).

We are soon to be a family of five. My wife (and co-applicant) performs a significant portion of her work from home. While we don't require a mansion to comfortably get through our daily routine, we do need sufficient space to house three children and have a functional office space (which will be located in the 'playroom'). Our concern is that without this requested modification, we will be going through all the expense and complication of the construction process, without solving the housing problems with which we are currently faced.

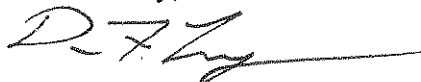
¹ The lot is exactly 60' wide, which is significantly more narrow than the neighboring properties.

Further, because the resulting structure would be so significantly reduced in size, the resale value would not warrant the expense of construction – even with the reduced costs resulting from the pre-fabrication of the house. The effect of the denial of this modification request would not only be likely to kill our project², but it would become a strong disincentive to any other future development of this lot. Thus, the denial of this modification request actually amounts to encouragement of the continued blight of this particular lot. If we are allowed to count our designated Front Yard Open Space along San Martin as a portion of the total 1250 sq. ft. open space requirement, the results are to: Create a total Open Yard Space *well in excess* of the minimum 1250 sq. ft. requirement; We solve all of the above-mentioned problems; and, we maintain a private back yard in our design. Thus, the approval of this modification request both prevents the unreasonable hardship that would otherwise result, and secures an appropriate improvement on the lot.

Additionally, if this modification is granted, the location of the house becomes consistent with the neighborhood – the single family houses in San Marcos Gardens all have private back yards and are not relegated to a back corner of their lots. As such, the home that would be allowed as a result of the requested modification becomes: More consistent with the neighborhood and hence meets the goal of promoting uniformity of improvement; Fair and balanced in its distribution of yard and structure; Allows for a private back yard living space; and strikes a balance between the goals of the planning code sections and the desire of the homeowner to design a functionally-proportioned residential structure and yard spaces.

The Front Yard Open Space Modification that the Longo Family is hereby requesting meets all of the criteria set forth in SBMC 28.92.110.A.2.³ Again, we appreciate your time and efforts in reviewing this modification request, and look forward to a productive meeting on November 3rd.

Yours truly,



Dana F. Longo,
Applicant

DFL/

² The preliminary approval for our construction financing has been predicated on a house comprised of the square footage that we are requesting. A smaller structure will reduce the anticipated appraised value of the property. Our financing could very well be revoked if that becomes the case.

³ If requested, we would be happy to further discuss our economic situation and the housing challenges that we have faced while trying to raise a family in the City of Santa Barbara.