



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 11, 2011
AGENDA DATE: May 18, 2011
PROJECT ADDRESS: 917 Paseo Ferrelo Road (MST2011-00049)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RUB*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The 10,500 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves converting the existing 650 square foot garage to habitable space, construction of a new 410 square foot two-car garage and associated accessory space, and 202 square feet of new residential additions. The discretionary applications required for this project are Modifications to allow a new garage and accessory space within the required 30-foot front setback and new habitable space and alterations to the residence in the required 10-foot interior setback (SBMC §28.15.060.A & B).

Date Application Accepted: March 30, 2011

Date Action Required: June 30, 2011

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

III. SITE INFORMATION

SITE INFORMATION

Applicant:	Dan Weber	Property Owner:	Neil Dipaola
Parcel Number:	029-261-006	Lot Area:	10,500 sq. ft.
General Plan:	Residential, 3 units/acre	Zoning:	E-1
Existing Use:	Single family residence	Topography:	23% slope

Adjacent Land Uses:

North – Single family residence
 South – Single family residence

East - Single family residence
 West – Single family residence

IV. DISCUSSION

The property is currently developed with a two-story single family residence and attached two-car garage. The proposed project involves converting the existing garage to habitable space, construction of a new two-car garage and associated accessory space located in the required 30 foot front setback and construction of an addition with a new window located in the required 10 foot interior setback. Modifications are being requested to allow the new garage and associated accessory space to be located within the required 30-foot front setback and for new habitable space and alterations in the required 10-foot interior setback. The project was heard at the Single Family Design Board (SFDB) on February 14, 2011 and February 28, 2011, and was forwarded to the Staff Hearing Officer with comments.

The applicant explored various locations for the new garage with Transportation Planning prior to submittal to the SFDB, but based on comments from the SFDB, relocated the garage as it is currently shown on the plans. Transportation planning staff has reviewed the new garage location and commented that the garage, as proposed, is not recommended because if a car stops in the driveway there is a potential conflict with users of the street. Transportation staff has recommended that the front of the garage be placed a minimum of 18.5 feet from the edge of pavement (13.5 feet from the property line) to minimize potential conflicts, that the existing driveway and curb be abandoned, and that approval of an encroachment permit be obtained from Public Works Engineering for any work in the street right-of-way. In addition, three (3) Palm trees located in the front setback are proposed to be removed and replaced to accommodate the new garage location. Due to the location of the trees in the front setback, the applicant must obtain approval from the Parks and Recreation Department for the removal and relocation of the trees prior to final approval of the project.

Construction of the new garage and associated accessory space requires Modification approval to allow new construction within the required 30 foot front setback. It is the applicant's position that the existing garage location is problematic due to the steep slope of the property along the driveway and due to inadequate turning radius for maneuverability of vehicles. Staff can support the Modification to allow the new garage and accessory space in the front setback in order to make the garage more functional for the residents of the property and reduce a large amount of hardscape with the elimination of the long driveway, subject to the conditions recommended in the staff report.

Construction of a portion (approximately 4.5 net sq. ft.) of the upper level residential addition requires Modification approval to allow new construction, alterations and a new window within the required 10 ft. interior setback. The existing residence is legal non-conforming to the interior setback, and the proposed addition would maintain the existing nine foot setback from the interior property line. The alterations include reducing the current roof eave encroachment from three feet to two feet, which is an improvement because it reduces the amount of encroachment into the setback. Staff can support a Modification to allow the new habitable and alterations in the interior setback because the addition would be located nine feet from the interior property line and would provide a uniform improvement in keeping with the location of the existing residence, the alterations to the roof eave would reduce the amount of

encroachment into the setback, and the new window will face a ravine, with no anticipated impacts to the adjacent neighbors.

V. RECOMMENDED FINDING AND CONDITIONS

The Staff Hearing Officer finds that the Modification related to the construction of the new garage and accessory space within the required front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed garage location will improve the accessibility and maneuverability for the parking of vehicles at the property and allow for a significant reduction in hardscape by eliminating a long driveway.

The Staff Hearing Officer finds that the Modification for alterations and additions within the interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The addition and alterations to the residence will provide for a uniform addition to the residence in keeping with the existing nine foot interior setback, the alterations to the roof eave will reduce the amount of encroachment into the setback, and the new window facing the ravine is not anticipated to impact the adjacent neighbors.

Said approval is subject to the following conditions:

1. The front of the garage shall be placed a minimum of 18.5 feet from the edge of pavement (13.5 feet from the property line).
2. The existing driveway and curb cut shall be abandoned, limiting the curb cut to allow access to the new driveway as determined by Public Works Transportation staff.
3. Prior to final approval by the SFDB, the property owner shall obtain approval from the Parks and Recreation Division for the removal and replacement of the three Palm trees in the front setback.
4. The proposed wet bar and cabinets in the lower level of the residence shall be removed from the plans, and a Zoning Compliance Declaration shall be recorded for the property.

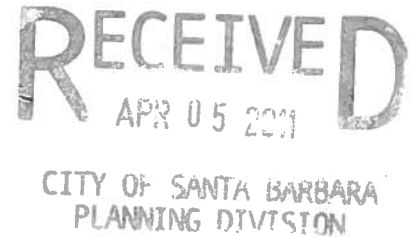
Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 31, 2011
- C. SFDB Minutes of February 14, 2011 & February 28, 2011

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(jlaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 ext. 3320

March 31, 2011

Susan Reardon
Staff Hearing Officer
630 Garden Street
Santa Barbara, CA 93101



RE: 917 Paseo Ferrelo | Modification Request | MST2011-00049

Dear Ms. Reardon,

Thank you for the opportunity to submit our proposal to renovate our home located at 917 Paseo Ferrelo on the Lower Riviera above Milpas. Our family purchased this home in November of last year and our goals are two-fold; (1) to remedy an existing non-conforming and problematic automobile parking/circulation issue that was developed prior to the enactment of the modern zoning ordinance, and (2) to restore the aging structure true to its 'mid-century modern' character.

The unique sloping hillside geographic terrain, which characterizes this particular Riviera parcel, presents some challenges in order to improve upon existing conditions. Achieving the project goals stated above have the inconvenient consequence of necessitating two (2) zoning modifications.

The first modification concerns an existing steep sloping driveway that does not meet City development standards for allowable slope steepness. Making things worse, inadequate automobile turning radii at both the top and bottom of the driveway makes ingress and egress difficult for most mid-size cars and very difficult for larger cars and SUVs. Our proposal is to construct a new two-car garage closer to street level that would have greater ease of access for automobiles, remedy the non-conforming driveway and open yard situation, as well as numerous other benefits to the property which are detailed below. The steep slope of the parcel necessitates a modification to allow the garage to encroach into the required 30-foot front yard setback.

A second modification is requested at the west side of the structure where the existing structure and eave currently encroach into the required 10-foot side yard setback by approximately 3 feet. We propose to alleviate the encroachment by removing approximately 2 feet of eave. In addition, we propose to extend the primary west wall by approximately 4 feet southward. Per the zoning ordinance, a modification is necessary to make any architectural changes to the structure due to the existing non-conforming encroachment.

Background:

Acknowledging the benefit of neighborhood, community, and City staff collaboration and involvement in the planning process, we began by sitting down with various stakeholders to have candid and open discussions about the range of possible improvements at 917 Paseo Ferrelo - prior to submitting formal applications.

Discussions with Planning & Transportation Department

We met on January 4th 2011 with Stacey Wilson, Transportation Planner, to discuss the existing conditions of the steep drive. Stacey indicated that the existing slope of the driveway was excessively steep in relation to what would be acceptable to the Transportation Department. We showed her multiple sketches, which demonstrated feasible approaches to improve upon the existing conditions. She encouraged us to submit a formal application for full analysis, but she indicated that Transportation might be supportive of our preferred approach given the steep hillside and the precedent for this type of garage modification on the Riviera.

On January 10th 2011 we met with Roxanne Milazzo to discuss the possible necessity for zoning modifications to allow the improvement of the sharply sloping driveway, as well as the structure's existing non-conforming encroachment on the west side yard setback. She encouraged us to submit to the Single Family Design Review Board and use their comments to gauge whether modifications would be supportable.

Single Family Design Board

On February 14th 2011 the SFDB reviewed the proposed plans and found that "a majority of the Board found the garage design style acceptable," however, we were asked, "to return with several design scheme solutions which provide a setback from the property line." A copy of the full minutes is provided as an attachment to this memorandum for your review.

On February 28th 2011 we returned to the SFDB with the requested design scheme studies and "the Board [found] the location of the proposed new garage and reduction in plate height generally acceptable..." Given the positive feedback from SFDB, we have decided to submit the proposal and request the required modifications.

Discussions with Neighbors

We met individually with neighbors to discuss the possible improvements. In particular, we have had weekly meetings with Gloria Cavallero and Bruce Belfiore, who co-own the adjacent property. They originally expressed concerns about privacy and neighborhood compatibility, but with their guidance we have been able to make landscaping and architectural enhancements to obtain their approval and satisfaction moving forward.

Modification Request #1: *Encroachment of garage into required 30-foot front yard setback.*

The request is for a modification to allow an approximately 410 SF Net garage structure to encroach into the front yard setback by approximately 17 feet. The existing driveway would be planted with trees and landscaping providing a landscaping buffer between the adjacent properties. The new garage would be located to the west of the existing driveway and allow improved ingress and egress to the property.

Discussion

This modification is required to alleviate an existing non-conforming steeply sloped driveway leading to existing garages located in the understory of the residence. The existing slope is approximately 23.5% however, according to the City's Transportation Engineering Guidelines a driveway slope of 15% is generally the steepest permissible driveway slope.

Compounding the problem, automobile maneuvering and turning radii is not up to code and ingress to the existing garage is difficult with most cars, if not impossible with a mid-sized SUV - especially at night. As a result the garage is not being utilized, adding pressure to limited on street parking on Paseo Ferrelo. In addition, the house has been accidentally struck numerous times by vehicles in an effort to navigate the drive, and structural support beams show evidence of impact and automobile paint.

The large center median planter on Paseo Ferrelo also makes egress from the driveway to the street problematic in a mid-sized car or small SUV. After running an auto-turn template on the turning radii, we have determined that this turn would not be acceptable by today's standards when a car is parked on the one-way street. There are numerous benefits to the proposed garage encroachment including increased privacy, open space, and storm water management.

The existing driveway is located within a few feet of the adjacent property and provides an opportunity to convert existing excessively paved area to landscape buffer to provide both parcels greater privacy. The adjacent property owner has reported disturbances from prior owners' late night automobile traffic and headlights due to the close proximity of the driveway to their bedrooms. Providing a landscape buffer between the two properties would reduce automobile noise, alleviate disturbance from headlights, and result in greater privacy for both parcels.

The property currently yields a large majority of its side and backyard space to automobile driveway paving and infrastructure. There is essentially no backyard open space and the property does not meet its Open Yard requirement. Removing the driveway would allow the site to conform to its required Open Yard Area requirement of 1,250 SF and result in a usable backyard. Additionally, the existing pavers cover at least 2,000SF of the site and do not allow storm water to permeate into the ground. Removing the pavers and replacing them with landscaping will significantly reduce the amount of storm runoff leaving the site.

Due to the unique hilly terrain in this part of the Riviera, there is a precedent for this type of modification for garage placement within the required front yard setback. We have attached an exhibit to this letter that shows a photo study of homes on the same street and immediate vicinity that have similar garage placement within the front yard setback.

Modification Request #2: *Removal of encroaching eave and extension of existing wall.*

The request is for a modification to remove the existing eave on the west side of the building. The eave encroaches about 3 feet into the required side yard setback. The removal would help to cure an existing non-conforming encroachment, while improving the architectural aesthetic of the property. Per the Zoning Ordinance a modification is required for any architectural changes to the structure's facade due to the existing non-conforming encroachment. Additionally, the modification request would allow a 4-foot extension to the existing main western wall. This extension would run south and follow the existing line of the building, encroaching approximately 1 foot into the required 10-foot side yard setback.

Discussion

The original structure encroaches into the required side yard setback and this modification would allow us to decrease the intensity of the non-conforming encroachment. Curing the entire 3-foot encroachment would be infeasible because it would require the demolition of the entire western side of the house.

The current property was developed in 1960 and requires design and maintenance updates. The proposal would increase the size of the kitchen and necessitate the extension of the primary western wall of the structure.

To the West, the property is located adjacent to an undeveloped ravine and there are no neighbors for over 150 feet. This modification would therefore have no adverse impacts to any neighboring homes.

We appreciate the opportunity to present our modification request and for your thoughtful consideration thereof. We are available at your convenience to discuss any questions you may have, so please feel free to contact me at 805.689.6345 or our architect Dan Weber at 805-234-4131. Thank you again.

All my best wishes,

A handwritten signature in red ink that reads "Neil Dipaola". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Neil Dipaola

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**4. 917 PASEO FERRELO****E-1 Zone**

Assessor's Parcel Number: 029-261-006
Application Number: MST2011-00049
Owner: Neil Dipaola
Architect: Dan Weber

(Conceptual review for proposed alterations and additions to an existing 2,951 square foot, two-story, single-family residence. The proposal involves converting the existing 650 square foot garage to habitable area, construction of a new 410 square foot two-car garage, and 202 square feet of new residential additions. The proposed total of 3,563 square feet, on a 10,500 square foot lot in the Hillside Design District, is 94% of the maximum floor-to-lot area ratio. The project requires Staff Hearing Officer review for two requested Zoning modifications for alterations and additions in the required front and interior setbacks.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for two requested Zoning modifications for alterations and additions within the required front and interior setback.)

(4:06)

Present: Dan Weber, Architect; and Neil Dipaola, Owner/Planner.

Public comment opened at 4:25 p.m.

Gloria Cavallero (co-owner of adjacent property) spoke in opposition of the requested zoning modifications, and expressed concerns regarding neighborhood compatibility, possible on-street parking impacts.

Public comment closed at 4:28 p.m.

Straw vote: How many of the Board find that the proposed project is an appropriate solution, including the current FAR, location of the garage, and neighborhood compatibility as presented? 2/4 (failed, Carroll and Woolery in favor).

Straw vote: A majority of the Board were in consensus that the garage style is acceptable, but should observe at least a partial front setback to provide a more acceptable neighborhood compatible solution.

Motion: Continued two weeks to Full Board with comments:

- 1) A majority of the Board found the garage design style acceptable, however, the applicant is to return with several design scheme solutions which provide a setback from the property line.
- 2) Provide more information on the development of the site at the driveway egress and proposed terracing, and a tentative planting plan.

Action: Zimmerman/Bernstein, 6/0/0. Motion carried. (Miller absent).

SFDB-CONCEPT REVIEW (CONT.)**3. 917 PASEO FERRELO****E-1 Zone**

Assessor's Parcel Number: 029-261-006
Application Number: MST2011-00049
Owner: Neil Dipaola
Architect: Dan Weber

(Conceptual review for proposed alterations and additions to an existing 2,951 square foot, two-story, single-family residence. The proposal involves converting the existing 650 square foot garage to habitable area, construction of a new 410 square foot two-car garage, and 202 square feet of new residential additions. The proposed total of 3,563 square feet, on a 10,500 square foot lot in the Hillside Design District, is 94% of the maximum floor-to-lot area ratio. The project requires Staff Hearing Officer review for two requested Zoning Modifications for alterations and additions in the required front and interior setbacks.)

(Second Concept Review. Comments only; project requires Environmental Assessment and Staff Hearing Officer review for two requested Zoning Modifications for alterations and additions within the required front and interior setback.)

(3:43)

Present: Dan Weber, Architect; and Neil Dipaola, Owner.

Board member Miller announced he previously reviewed the plans, minutes, and actions on the proposed project.

Public comment opened at 4:00 p.m.

Diana Rheinisch spoke with concerns regarding preservation of landscaping trees and ocean views, and the location of the garage and requested it's location to be as close to the house as possible.

Bruce Belfone spoke with concerns to the location of the garage and increased noise levels.

Public comment closed at 4:05 p.m.

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

- 1) The Board finds the location of the proposed new garage and reduction in plate height generally acceptable; but strongly encourages continued collaboration with neighbors.
- 2) Provide a south elevation of the garage and a north elevation of the house.
- 3) Carry forward landscaping comment #2 from the previous February 14, 2011, meeting, as follows: "*Provide more information on the development of the site at the driveway egress and proposed terracing, and a tentative planting plan.*"
- 4) Apply some stone work along the streetscape on the landscaping plan.

Action: Carroll/Miller, 5/0/0. Motion carried. (Zink/Woolery absent).