



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 10, 2014
AGENDA DATE: April 16, 2014
PROJECT ADDRESS: 1146 Nirvana Rd (MST2014-00046)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Suzanne Riegler, Associate Planner

I. PROJECT DESCRIPTION

The 1.78 acre site is developed is located in the Hillside Design District and is developed with 2,009 square foot, single-family residence with a 957 square foot, detached accessory structure containing a 565 square foot, three-car carport that has been converted to garage without permit, and 392 square foot accessory space that has been converted to a residential unit without permit. The proposal will abate violations listed in ENF2014-00135 and includes remodeling the 957 square foot accessory building resulting in a 482 square foot additional dwelling unit, a 377 square foot two-car garage, and 123 square feet of storage. The proposal also includes two new uncovered parking spaces. No alterations are proposed to the existing residence as a part of the application.

The discretionary applications required for this project are:

1. A Parking Modification to provide two covered and two uncovered parking instead of the required four covered parking spaces for the residences (SBMC § 28.90.100.G and SBMC § 28.92.110);
2. A Modification of the Minimum Distance Between Buildings to allow additional dwelling unit to be located at a distance of less than fifteen feet (20') from the existing one-story residence (SBMC § 28.15.070 and SBMC § 28.92.110); and
3. A Performance Standard Permit to allow an additional dwelling unit on a one-family residential lot (SBMC § 28.93.030 and SBMC § 28.92.110).

Date Application Accepted: 3/13/14

Date Action Required: 6/11/14

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:	Susette Naylor, Thompson Naylor Architects Inc.	Property Owner:	Christiane Schlumberger Living Trust
Parcel Number:	043-030-016	Lot Area:	1.78 acre
General Plan:	Low Density Residential 3/du acre	Zoning:	R-1
Existing Use:	Residence	Topography:	27% est. avg. slope

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,009 sq. ft.	+ 482 = 2,491sq. ft.
Garage	565sq. ft.	-188 = 377 sq. ft.
Accessory Space	392 sq. ft.	-392 +123 = 123 sq. ft.
Total	2,966 sq. ft.	+25 = 2,991 sq. ft.

IV. DISCUSSION

The proposed project involves the conversion of the existing 957 square foot “as-built” three-car garage and accessory space to a two-car garage with a small single family residence at the rear and side. The proposal will increase the footprint by 25 square feet to provide a small storage area for each of the units. The proposal will abate violations listed in ZIR2014 – 00051, including the as-built enclosure of the carport to create “as-built” garages and the conversion of accessory space to create an “as-built” dwelling unit at the rear of the existing garage. Per SBMC § 28.87.150, the minimum size of a dwelling unit is 400 square feet. The applicant is proposing to alter the interior of the building to increase the size of the “as-built” unit from 392 square feet to 482 square feet. Exterior changes include the “as-built” installation of garage doors on two of the three carport bays, changes to eliminate the third garage door to create a storage room, and new entrance landings on the side and rear of the unit.

The applicant is requesting a Parking Modification to allow parking for two single family residences to be provided as two-covered and two uncovered parking spaces instead of the required four covered parking spaces. The ordinance requires two covered parking spaces for each single family residences. The ordinance allows exceptions to the covered parking requirements to provide two uncovered parking spaces when the proposed development will not exceed 80% of the Floor to Lot Area Ratio (FAR) Guidelines. The existing development on the lot is 55% of the FAR guideline; however, because there are two units proposed the FAR guideline and the exception allowing uncovered parking do not apply. The proposal includes minimal ground disturbance and is seeking approval to provide two uncovered spaces for the small additional unit in areas that are currently paved. Staff reviewed the site plan with the applicant and discussed locating the parking spaces in what appears to be a turnaround area to

the east of the residence. The applicant has provided a letter from Fire Inspector III Jim Austin that states that the area to east of the residence shall remain free of parking so that fire apparatus can utilize the area as a turnaround (Exhibit C). Transportation Staff has reviewed the proposed parking and found the location and dimensions and with the approval of a parking design waiver for the garage dimensions the parking is consistent with the City's Parking Design Standards. Staff supports the request to provide two covered and two uncovered parking spaces due to the location on a flag lot providing screening from public viewing areas in the vicinity, and the use of existing paved areas will minimize impacts to native trees and vegetation on the lot by eliminating the need for additional development or grading on a hillside.

The applicant is requesting a Distance Between Building Modification to allow a distance of 11'-4" instead of the required distance of 20'-0" between the proposed and existing residences. The existing buildings are separated by the "as-built" garage (?). The zoning ordinance requires a minimum distance between main buildings on the same lot of 20'-0". As a result, the conversion of the existing accessory building to a single family residence would result in the two main buildings being separated by only 11'-4". Staff supports the request for a reduction of the building separation requirements because the applicant is proposing to re-use the existing building, and there is adequate light and air between the two residential spaces (in the R-1 zone, there is a required five-foot interior setback, which results in houses on separate lots being 10 feet apart. The two houses on the same lot is greater than the combined interior setback distance required by the zone). If the proposal included the complete demolition of the existing accessory structure, and construction of a new unit it might be possible to separate the buildings by the code required 20'-0". Staff has recommended a condition that if the project is revised to demolish more than what is shown on the plans approved by the Staff Hearing Officer, that the applicant must return the Planning Division to discuss whether the modifications and Performance Standard Permit approvals are valid.

The applicant is requesting a Performance Standard Permit (PSP) to allow an additional dwelling unit on a lot zoned as single-family residential. Per SBMC § 28.90.030.E, the Staff Hearing Officer can approve a PSP to allow an additional dwelling unit when it has been determined that there is twice the minimum lot area and adequate ingress and egress for the lot. A minimum lot size of 12,000 square feet is required for a new lot in the R-1 zone that has an estimated average slope of 27%. The subject parcel is 77,706 square feet, and is greater than twice the minimum lot size. The subject parcel has been reviewed by the Planning Division, Transportation Division, and Fire Department Staff and it has been determined to have adequate ingress and egress to the lot. Staff supports the PSP request to allow an additional unit on the lot, with the approval of the requested Modifications.

The project was reviewed by the Single Family Design Board on February 24, 2014 (meeting minutes attached as Exhibit D). The Board forwarded the project to the Staff Hearing Officer stating the the requested Modifications are aesthetically appropriate and did not pose consistency issues with the Single Family Residence Design Guidelines.

V. CEQA ENVIRONMENTAL DETERMINATION:

The scope of work of the project is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. The project is consistent with the development density designated and analyzed by the Program EIR, and potential project-specific environmental effects are addressed with existing development standards and regulations. Based on City Staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183- Projects Consistent with the General Plan) and the CEQA Certificate of Determination (Exhibit H). City Council environmental findings adopted for the 2011 General Plan remains applicable for this project. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

VI. FINDINGS AND CONDITIONS

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

The Staff Hearing Officer finds that the Modification to allow two covered and two uncovered parking spaces is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. The proposed uncovered parking spaces will be screened by the site topography and existing development on the lot. The uncovered parking is appropriate because it (in combination with the proposed garage) will provide sufficient off-street parking to meet the parking demand for both residences.

The Staff Hearing Officer finds that the Distance Between Building Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The re-use of the existing “as-built” building and its conversion into an additional residential unit and two-car garage is appropriate because there is adequate separate of light and air between the two buildings, as described in Section IV of the staff report, and for sustainability purposes, the re-use of existing buildings is preferable to demolition and reconstruction.

The Staff Hearing Officer finds that with the approval of the requested Modifications, the Performance Standard Permit complies with all standards of SBMC §28.93.030.E., including adequate lot area for two residential units, with associated existing accessory space, and adequate ingress and egress for each residence as discussed in Section IV of the Staff Report.

Said approval is subject to a condition that if the building is demolished beyond what is shown on the plans approved by the Staff Hearing Officer on April 16, 2014, then the construction of the project shall be halted, and the applicant and/or property owner shall contact Planning Division Staff for a determination on whether one, or both Modifications and the Performance Standard Permit are still valid.

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Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 13, 2014
- C. Letter from Jim Austin, Fire Inspector III/Investigator dated March 14, 2014
- D. SFDB Minutes

Contact/Case Planner: Suzanne Riegle, Associate Planner
(SRiegle@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x **2687**

S U Z A N N E  E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

13 March 2014

RECEIVED

MAR 13 2014

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Staff Hearing Officer &
Suzanne Riegle, Associate Planner
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: 1146 Nirvana Road (APN 043-060-013) Performance Standard Permit and
Zoning Modifications for an Additional Dwelling Unit MST2014- 00046

Dear Staff Hearing Officer & Ms. Riegle,

On behalf of the property owners, Anthony Allina & Christiane Schlumberger, we are pleased to submit this letter as part of our application for a Performance Standard Permit to allow an additional dwelling unit and associated zoning modifications.

Property Information

The subject parcel is located in the R-1 zone district (One-Family Residence Zone), with a General Plan land use designation of Hillside Residential (maximum 3 du/acre), and in the City's Hillside Design District. The property is approximately 1.78 acres in size (77,706 square feet) and according to the estimate from City's GIS System the parcel has an average slope of 27%. The property is developed with a single story single family residence (approximately 2,009 square feet) and a detached three-car garage that includes an accessory area.

A Zoning Information Report (ZIR) was completed on February 13, 2014 (ZIR2014-00051); the report notes that the accessory area or storage room was converted to a studio without the required permit. This application includes a reconfiguration of the existing studio as well as the request to allow the additional dwelling unit in a single family zone district which will serve to abate the violations noted in ZIR2014-00051 and ENF2014-00138. The application also includes two zoning modification requests for parking and distance between buildings, described in further detail below.

Performance Standard Permit

An additional dwelling unit is a permitted use in the R-1 zone district upon issuance of a Performance Standard Permit (PSP). A PSP permit for an additional unit may be approved provided the parcel meets the minimum lot area requirements, the other provisions of the zone district (setbacks, parking requirements, etc.) and the requirement for adequate for egress and ingress.

Minimum Lot Area and Slope Density Requirements

Each single-family dwelling located in the R-1 zone district requires a minimum net lot area of 6,000 square feet. Due to the property's average slope of 27%, 2x (two times) the lot area, 12,000 square feet (per unit) is required or 24,000 square feet. The property lot area of 77,706 square feet more than meets the minimum lot area requirements to support two residential units.

Parking

The City's residential parking standards stipulate two (2) covered parking spaces for each residential unit. The covered spaces can be provided via a garage or a carport. The project includes reconfiguration of the existing three-car detached garage/accessory structure to create a more functional living space and required accessible storage for the studio which will eliminate one of the covered parking spaces. In order to meet the parking requirements, the project proposes to provide two (2) uncovered parking spaces to serve the additional dwelling unit.

Open Yard Area Requirements

The open yard area is required to be a minimum of 1,250 square feet, at least 20' in length by 20' wide and may consist of a combination of ground level areas such as decks, patios, landscaped areas, hillsides or flat areas. The open yard area may not be located in any portion of the front yard, driveway or parking areas, decks, patios or terraces (that are 36" above finished grade). In addition, sloped open yard areas (where the slope exceeds 20%, as it does on the subject property), shall contain one flat area that is at least 160 square feet in size, at least 10' wide by 10' in length and has a maximum slope of 20%. The City does allow the open yard area to be provided in multiple areas, provided each area meets the minimum required dimensions (20' x 20').

The project requires twice the required open yard area. With the proposed project, 2,500 square feet would need to be dedicated to open yard area, in conjunction with the 320 square feet of flat area that would be necessary due to existing slopes on the property. Refer to the site plan, sheet A1.0, which notes the required open yard area is provided in excess of the minimum required.

Dwelling Unit Minimum Floor Area Requirements

The City zoning ordinance requires that every new dwelling unit created shall contain no less than 400 square feet of usable floor area. The usable area shall be exclusive of garages, basements, cellars, attics, and open porches. The area of the existing accessory structure does not meet this minimum floor area requirement; however as described above, the design of the project includes expansion by reconfiguring of this

area to create an improved and more functional living space and to meet the minimum dwelling unit floor area requirement by providing 419 square feet.

Parking Modification

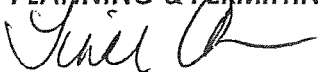
As discussed above, the parking requirement for two (2) dwelling units is two covered parking spaces per unit for a total of four (4) covered spaces. The project proposes to provide the parking for the additional studio unit with two (2) uncovered spaces and two (2) parking spaces in the existing garage to serve the main residence. In evaluating the property in terms of the extensive lot area, the topography and substantial existing mature vegetation, the uncovered parking spaces are not visible from neighboring or public vantage points. Further, we believe that there are site constraints that preclude the development of a new garage or carport - the additional structures would limit the ability of a fire engine and/or other emergency vehicles to maneuver. The uncovered parking space configuration was presented to the Single Family Design Board (SFDB) on February 24, 2014; the Board agreed and supported the proposed design modification (please refer to the attached SFDB minutes).

Distance between Buildings Modification

Due to the proposed change of use of the detached garage/accessory structure to a residential studio unit, the project requires a zoning modification to allow two main buildings to be located within the 20 foot minimum building separation development standard. The two buildings are currently 11' 4" apart although the residential uses are over 30 feet apart. At the SFDB hearing referenced above, the Board also stated positive support for this requested technical zoning modification.

On behalf of the owners and project team, we thank you for your consideration of the proposed project.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.



Trish Allen, AICP
Senior Planner

Attachment: SFDB hearing minutes, February 24, 2014

Cc: Christiane Schlumberger and Tony Allina
Susette Naylor



City of Santa Barbara

Fire Department

www.SantaBarbaraCA.gov

March 14, 2014

Thompson Naylor Architects
Attention: Susette Naylor
900 Philinda Avenue
Santa Barbara, CA 93103

Administration
Tel: 805 965 5254
Fax: 805 564 5730

Fire Prevention/
Public Education
Tel: 805 564 5702
Fax: 805 564 5715

121 W. Carrillo St.
Santa Barbara, CA
93101

**Subject: Fire Department Requirements for Proposed Development at
1146 Nirvana Road, APN 043-060-013**

Dear Susette Naylor,

This letter is in response to the proposed new development at 1146 Nirvana Road to capture in writing the requirements from the Fire Department. You have presented the project for conceptual review at the Building and Safety counter for feedback twice. My review was for a remodel of the existing house in January 2013 and I determined the scope of the project did not require the installation of an automatic fire sprinkler system and that the Fire Department would not require the existing nonconforming driveway to be brought up to current standards. I did however require that no alterations occur to the existing driveway and that the area next to the east side of the house remain free of parking so it can be used for a fire apparatus turnaround.

In November of 2013 you met with Amber Anderson at the Building and Safety counter and presented revised development that included an addition of 482 s.f. of residential space to the detached garage. Amber consulted with Fire Marshal Joe Poire and it was determined that the garage and residential space will be equipped with an automatic fire sprinkler system and the previous driveway and turnaround requirements will be required.

When submitting drawings for a construction permit please note on the plans the garage and studio will be equipped with an automatic fire sprinkler system submitted under a separate permit in accordance with NFPA Standards, show the nonconforming existing driveway and turnaround designated as Fire Department access, and show the nearest fire hydrant including identification number and flow data.

Please imprint a copy of this letter on the front of any plans submitted for construction. If you have any questions regarding this letter or need further assistance please call me at 805-564-5721 or email me at JAustin@SantaBarbaraCA.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Austin", with a long horizontal flourish extending to the right.

Jim Austin, Fire Inspector III/Investigator

EXHIBIT C



DESIGN REVIEW ACTIVITIES SUMMARY

1146 NIRVANA RD (MST2014-00046)

PSP & MODS

Proposal to remodel and convert the existing 957 square foot, detached accessory building into a new 482 square foot additional dwelling unit, a 377 square foot two-car garage, and 123 square feet of storage. The proposal includes two new uncovered parking spaces. Staff Hearing Officer review is requested for a Performance Standard Permit and for requested zoning modifications. No alterations are proposed to the existing, 2,009 square foot, single-family residence. The proposed development total of 2,991 square feet, located on a 1.78 acre lot in the Hillside Design District, is 55% of the required floor-to-lot area ratio (FAR).

Status: *Pending*

DISP

Date 3

SFDB-Concept Review (New) - PH

CONT

02/24/14

(Comments only; project requires environmental assessment and Staff Hearing Officer review for a Performance Standard Permit and requested zoning modifications.)

DRAFT

Actual time: 4:19 p.m.

Present: Susette Naylor, Architect; Trish Allen, Agent; Christiane Schlumberger and Tony Elina, Owners.

Public comment opened at 4:29 p.m. As no one wished to speak, public comment was closed.

A letter of support from Stephen and Waltraud Crosby, neighbor at 1204 Bel Air Drive was acknowledged.

Motion: Continued indefinitely to the Staff Hearing officer for return to Consent with comments:

1) The modifications are aesthetically appropriate. The proposed modifications do not pose consistency issues with appearance, compatibility, quality architecture and materials.

Action: James/Woolery, 7/0/0. Motion carried.

EXHIBIT D