



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 11, 2014
AGENDA DATE: September 17, 2014
PROJECT ADDRESS: 523 Conejo Road (MST2014-00212)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *D.K.*
 Betsy Teeter, Planning Technician II *B.T.*

I. PROJECT DESCRIPTION

The 8,427 square-foot site is currently vacant and has frontage on Conejo Road and Conejo Lane. Previous development on site consisted of a 2,130 square foot single-family residence and attached 360 square foot garage, both of which were destroyed in the Tea Fire in November 2008. The proposed project involves the construction of a new two-story, 2,173 square foot, single-family residence and an attached 387 square foot two-car garage. The proposal is to build the dwelling using the existing level building pad, and rebuild the garage in the existing footprint of the original garage in order to minimize grading. The project includes the removal of an Acacia tree, and a new permeable paved uncovered patio. The proposed total of 2,560 square feet, located on an 8,427 square foot parcel in the Hillside Design District, is 78% of the maximum floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. A Front Setback Modification to allow new construction within the required 35-foot front setback along the Conejo Road frontage (SBMC § 28.15.060 and SBMC § 28.92.110); and
2. A Front Setback Modification to allow new construction within the required 35-foot front setback along the Conejo Lane frontage (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. An Interior Setback Modification to allow new construction within the required 15-foot interior setback to the south (SBMC § 28.15.060 and SBMC § 28.92.110); and
4. An Interior Setback Modification to allow new construction within the required 15-foot interior setback to the north (SBMC § 28.15.060 and SBMC § 28.92.110).

Date Application Accepted: July 28, 2014

Date Action Required: October 28, 2014

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: | Ali Jeevanjee | Property Owner: | Gina Han |
| Parcel Number: | 213-537-008 | Lot Area: | 8,427 sq. ft. |
| General Plan: | Low Density Residential Max 1 du/acre | Zoning: | A-1 |
| Existing Use: | Vacant | Topography: | 27% est. avg. slope |

B. PROJECT STATISTICS

| | Existing | Proposed |
|-------------|-----------------|-----------------|
| Living Area | None | 2,173 sq. ft. |
| Garage | None | 387 sq. ft. |

C. PROPOSED LOT AREA COVERAGE

Building: 1,376 sf 16% Hardscape: 1,189 sf 18% Landscape: 5,544 sf 66%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.392 Proposed FAR: 0.304 = 78% of Max. Allowed FAR

IV. DISCUSSION

The proposed project involves the construction of a new single family residence, attached two-car garage, and an uncovered patio. The prior two-story, single-family, residence and attached garage were destroyed by the Tea Fire. In 1960 when the original house and garage were constructed, the property was zoned E-1, which required a front setback of 30 feet and an interior setback of 10 feet. The original footprint of the garage encroached into the front setback along Conejo Lane, but the dwelling was sited outside of the required setbacks. In 1975, the property was the subject of a rezone to A-1 zoning, which requires larger setbacks, and the property became legal non-conforming to the required 35' front setback off Conejo Lane and Conejo Road and the 15' interior setbacks. In 1987, a second story addition was permitted over the garage. This addition encroached into the required front and interior setbacks, however, no Modifications were required.

Pursuant to SBMC §28.87.038, all non-conforming development destroyed by a natural disaster can be replaced in its previous location within three years of the date of loss. The Tea Fire incident occurred more than three years ago in November 2008; therefore, the non-conforming ordinance no longer applies and any improvements that do not meet Zoning Ordinance standards require Modification approval.

The proposed project has larger setbacks from the east and west property lines than the previously existing house, however, the garage will be rebuilt in the original footprint, which encroaches 31'-3" into the front setback along Conejo Lane. The applicant has requested setback modifications to allow the first floor of the two-story residence to encroach 5' into the

interior setback to the north and to allow the dwelling to encroach 3'-1" into the setback along the Conejo Road frontage and 17'-4" into the setback along the Conejo Lane frontage. The existing lot is non-conforming to lot size at 8,427 square feet, and with an estimated slope of 27%, is extremely undersized. A new lot in the A-1 zone with a slope of greater than 20% would require a minimum of two (2) acres. The lot is further constrained by two 35-foot front setbacks, two 15-foot interior setbacks, and steep slopes.

This project was reviewed by the Single Family Design Board (SFDB) on May 19, 2014 and was forwarded by the Board to the Staff Hearing Officer, making the finding that the proposed modifications are aesthetically appropriate. The proposed modifications do not pose consistency issues with appearance, compatibility, quality architecture, and materials. However, the Board did request that the applicant 1) Study the east elevation in relation to the garage for continued development. 2) Provide a color palate. 3) Provide details for and the location of the lighting fixtures; and 4) Study the bridge along the project for approval from the City and clarify its location (the bridge has been removed from the project description).

V. CEQA ENVIRONMENTAL DETERMINATION:

The project site is located within an area mapped as the Prehistoric Sites and Watercourses Archaeological sensitivity area. An archaeological letter report, prepared by Heather MacFarlane, concluded that it is unlikely that artifacts will be encountered during the proposed construction of the new residence. Staff recommends that the standard unanticipated archaeological discovery condition shall be reproduced on the plans prior to submittal for building permit.

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 remain 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, given the constraints of the lot described in Section IV of this staff report, the proposed design of the house is appropriate and approval of the setback Modifications are both consistent with the purposes and intent of the Zoning Ordinance and are deemed necessary to secure the proposed improvements on this lot. The proposed expansion of the residence and garage into the front and interior setbacks allows for a rebuild of the previous

home with a minor expansion, and are not anticipated to adversely affect the adjacent neighbors.

Said approval is subject to the following conditions:

1. The following language shall be added to the plans submitted for building permit:

“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If a discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.”

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated July 23, 2014
- C. SFDB Minutes

Contact/Case Planner: Betsy Teeter, Planning Technician II
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M E M O R A N D U M

RECEIVED

JUL 28 2014

CITY OF SANTA BARBARA
PLANNING DIVISION

July 23, 2014

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

Re: Modification Request for 523 Conejo Rd; APN #019-062-008; Zone A-1

Dear Staff Hearing Officer:

1. A detailed statement describing the existing situation and the proposed project

The site of this proposed house is an 8,427sf parcel that is vacant except for the concrete slab and foundations of a previously existing two story home that was destroyed in the 2008 Tea Fire. The proposed project is to build a new 2,650sf two story home on this site using the existing level building pad, to minimize grading, and the existing garage footprint.

2. A statement of the specific modification requested and the justification for the request

We are requesting modifications to the Front, Secondary Front, and Interior Setbacks. This is justified, in every case, by the fact that the parcel, which has historically contained a single family dwelling, is zoned A-1 even though the lot area, 8,427sf, is less than one fifth of the minimum lot size for a SFD in the A-1 zone, 43,560sf. The A-1 zoning encumbers the property with onerous setback requirements of 35 feet in the Front and Secondary Front yards and 15 feet in the Interior yards. These requirements would leave a buildable area of only 1,045sf, making this lot, which is an integral part of this residential neighborhood, economically infeasible to redevelop and likely to remain vacant for the foreseeable future. Furthermore, none of the other nearby homes are compliant with these setback requirements, including adjacent homes which have been newly built in the past six years, following the Tea Fire.

3. A separate statement for each specific modification requested and a justification for each request.

Front Setback

We are requesting a Front Setback of 3'-7" in lieu of the 35' required per the zoning code. This is justified as the element of the house furthest into the setback, the garage, is proposed to be built precisely on the footprint of the garage of the house which existed there prior to 2008, the masonry walls of which still remain. This request is further justified by the fact that both adjacent houses have garages projecting into the Front Setback which exist on the footprint of the previous garage, and the bulk of the house also projects, to a lesser degree. The house directly south of the parcel in question maintains a Front Setback of only 1'-4".

Secondary Front Setback

We are requesting a secondary front setback of 31'-11" to the building. There is, additionally, a bridge extending out to the landscape from this building mass which penetrates an additional 9'-11" into the setback. The home directly to the south observes only a 30'-4" Secondary Front Setback, so in terms of building mass this would be in keeping with the character of the neighborhood. The proposed bridge, uncovered, is at a significantly lower elevation than the street, Conjeo Rd, and will not be a presence on the road

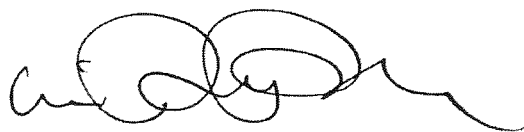
Interior Setback

We are requesting a 10'-0" Interior Setback in lieu of the 15'-0" required setback at the first floor only; the second level will observe a 15'-0" setback. This is a reasonable setback for a parcel only 70'-0" wide. This is further justified as the post Tea Fire house adjacent to the north was required to provide only a 10'-0" setback on all three stories and the post-Tea Fire house adjacent to the south maintains only a 5'-0" Interior Setback.

4. Provide a detailed statement describing the benefits of the project.

The primary benefit of our project is to develop a home on a property that suffered a total loss in the 2008 Tea Fire and has been vacant since that time. Our proposed house is in keeping with the scale, character, and quality of the nearby homes and would assist in filling a void and stitching back together this unique residential neighborhood. Moreover, the modifications we are requesting are typically necessary to rebuild homes in this area and have been granted to the two adjacent homes, to the north and to south, that have been built under identical circumstances to ours.

Sincerely,



Ali Jeevanjee

APPROVED
JUL 25 2014
CITY OF LOS ANGELES
PLANNING DEPARTMENT

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**5. 523 CONEJO RD****A-1 Zone**

(4:45) Assessor's Parcel Number: 019-062-008
Application Number: MST2014-00212
Owner: Gina Y. Han
Architect: Ahmad Morshedi

(Proposal to construct a new 2,560 square foot, two-story single-family residence with an attached two-car garage on an 8,427 square foot lot in the Hillside Design District. This proposal is 78% of the required maximum floor-to-lot area ratio and requires Staff Hearing Officer Approval for requested zoning modifications.)

(Concept review. Comments only; project requires Staff Hearing Officer review for requested zoning modifications.)

Actual time: 5:32 p.m.

Present: Ali Jeevan Jee, Architect.

Public comment opened at 5:50 p.m.

- 1) Elizabeth Faoro, a neighbor in close proximity, submitted a letter with expressed concern regarding her view in relation to the substantial scale of the proposed project.
- 2) Blanche John, a neighbor in close proximity, submitted a letter with expressed concern regarding the excessive size of the proposed project to neighboring homes.

Public comment closed at 5:52 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Study the east elevation in relation to the garage for continued development.
- 2) Provide a color palate.
- 3) Provide details for and the location of the lighting fixtures.
- 4) Study the bridge along the project for approval from the City and clarify its location.
- 5) The Board finds the modifications aesthetically appropriate and does not pose consistency issues with the design guidelines.

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

EXHIBIT C