



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** November 20, 2014  
**AGENDA DATE:** November 26, 2014  
**PROJECT ADDRESS:** 1306 Dover Hill Road (MST2014-00350)  
**TO:** Bettie Weiss, City Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Jo Anne La Conte, Assistant Planner *JAL*

### I. PROJECT DESCRIPTION

The 18,740 square-foot site is currently developed with a 1,973 square foot, multi-story single-family residence and a detached 367 square foot two-car garage. An approved, 442 square foot lower level addition is currently under construction. The proposed project includes the conversion of the 367 square foot garage to detached habitable accessory space, and the construction of a 299 square foot attached one-car garage, a 200 square foot attached one-car carport, a 127 square foot first level addition, a 343 lower level addition and a 92 square foot non-habitable lower level addition to the existing residence.

The discretionary applications required for this project are:

1. Accessory Building in the Front Yard Modification to allow the conversion of the garage to detached accessory space to be located within a front yard (SBMC §28.87.170 and SBMC § 28.92.110); and
2. Interior Setback Modification to allow the conversion of the garage to detached accessory space within the required ten-foot interior setback to the east (SBMC § 28.18.060 and SBMC § 28.92.110); and
3. Interior Setback Modification to allow the additions to encroach into the required ten-foot interior setback to the west (SBMC § 28.15.060 and SBMC § 28.92.110).

Date Application Accepted: October 20, 2014      Date Action Required: January 15, 2015

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny the West Interior Setback Modification and approve the Accessory Building in the Front Yard and East Interior Setback Modifications, subject to conditions.

**III. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Any Von Protz	Property Owner:	Erik T. Nickel
Parcel Number:	019-103-14	Lot Area:	18,740 sq. ft.
General Plan:	Low Density Residential (max. 3 du/acre)	Zoning:	E-1
Existing Use:	Single Family Residence	Topography:	43% Slope

Adjacent Land Uses:

North – Residential	East - Residential
South – Residential	West - Residential

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,415 sq. ft. (Includes 442 sq. ft. addition under construction)	+ 562 sq. ft. = 2,977 sq. ft.
Garage	367 sq. ft.	Garage 299 sq. ft. Carport 200 sq. ft.
Accessory Space	n/a.	367 sq. ft.

**C. PROPOSED LOT AREA COVERAGE**

Building: 3,843 sf 20%    Hardscape: 2,440 sf 14%    Landscape: 12,457 sf 66%

**D. FLOOR-AREA RATIO (FAR)**

Max. Allowed FAR: 0.24    Proposed FAR: 0.21    = 87% of Max. Guideline FAR

**IV. DISCUSSION**

The project was reviewed by the Single Family Design Board (SFD) on August 11, 2014 and October 6, 2014 and the Board forwarded the project to the Staff Hearing Officer (SHO) to return to the Full Board. The applicant’s original proposal presented at the first SFDB meeting, included a one-car garage at the street level, and at that meeting the Board requested that the applicant return with an alternate location for a two-car garage, with consideration given to re-grading the driveway to accommodate the alternate garage location (see Exhibit C, SFDB minutes dated August 11, 2014).

At the SFDB meeting on October 6, 2014, the Board found the requested modification for an accessory structure in the front yard and encroachments into the interior setbacks aesthetically appropriate and supportable. The Board appreciated the changes made in the architecture and

the applicant's hiring a surveyor to study the steepness of the driveway (see Exhibit C, SFDB minutes dated October 6 2014).

#### Accessory Building in the Front Yard and East Interior Setback Modifications

The proposal includes the conversion of the existing two-car garage to habitable space in the front yard and in the required ten-foot interior setback. Three new windows are proposed in the interior setback. The Zoning Ordinance does not allow accessory buildings, except garages, in a front yard. Although the detached accessory space is located outside of the required 30' front setback, it is located in the remaining front yard and in the required 10' interior setback and therefore requires modification approvals.

The site is steeply sloped at 43%, and it is difficult for vehicles to access the existing garage because of the site constraints associated with the slope. The reason for the conversion is to preserve the existing structure by converting it to habitable space, and to provide a new conforming garage and carport location that will allow for easier access to the parking area while minimizing the paving on site. Staff is in support of the proposal to allow the conversion of the garage to accessory space in the remaining front yard and in the east interior setback with new windows, as the property is site constrained due the location of the current development on site and the existing topography and because a conforming garage and carport are proposed to provide the required two-car parking spaces on site and the new windows are not anticipated to adversely impact the adjacent neighbor.

#### Transportation Review

Transportation staff has reviewed the proposed one-car garage and one-car carport, and can support the proposed garage and carport with a waiver for the carport design, as it is 10 feet wide where a 10.5 foot width is required. Therefore, a condition has been included that the applicant shall obtain a waiver for the carport design from Transportation staff when the project is submitted for a building permit.

#### West Interior Setback Modification

The proposal includes a lower level floor bedroom addition that will be cantilevered over the proposed garage and will encroach approximately 2 ft to 2½ ft into the west interior setback with two new windows. The proposed garage will meet the 10' setback requirement but a portion of the wall above the gate will encroach into the required interior setback. In addition, the first level family room addition with fireplace and balcony are proposed to encroach approximately 2 ft 3 inches into the west interior setback. Planning staff does not support this proposed modification because they are not necessary to secure an appropriate improvement, as there are conforming options, so we recommend denial of the additions as submitted.

**V. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Accessory Building in the Front Yard and East Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed conversion of the detached garage to detached accessory space is appropriate because of the site constraints associated with the current development on the site and the existing topography and because a conforming garage and carport are proposed to provide the required two-car parking spaces on site and the changes and new windows are not anticipated to adversely impact the adjacent neighbor.

The Staff Hearing Officer denies the West Interior Setback Modification to allow the additions to encroach into the west interior setback as proposed. The proposed location is not appropriate, as it does not provide adequate setback from the interior property line, and it is anticipated to adversely impact the adjacent neighbor to the west. In addition, the modification as proposed is found to be inconsistent with the purposes and intent of the Zoning Ordinance as there are conforming locations on site where additions to the dwelling could be constructed.

Said approval is subject to the following conditions:

1. The applicant shall obtain a waiver of the carport design from Transportation staff when the project is submitted for a building permit.
2. The project shall be redesigned to eliminate the west interior setback encroachments.

Exhibits:

- A. Site Plan (under separate cover)
- B. Letter from Michael Loftis for Property Owner, dated November 5, 2014
- C. SFDB Minutes dated August 11, 2014 & October 6, 2014

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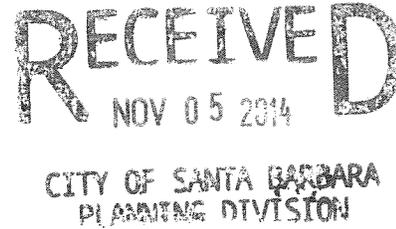
November 5, 2014

Staff Hearing Officer

City of Santa Barbara

P.O. Box 1990

Santa Barbara, Ca. 93102-1990



Re: Modification Request for 1306 Dover Hill Road, APN 019-103-014

Land Use Zone E-1

Dear Staff Hearing Officer,

There is an existing house (2578 sq. ft.) with a two car detached garage (400 sq. ft.) on the property. All of the buildings have permits according to the City building files. The proposal is to convert the current two car garage into an accessory structure. Proposal of a small addition at the main level (167 sq. ft.) of the existing structure. Proposal of a new 1 car garage (299 sq. ft.) with guest suite above (380 sq. ft.) at the southwest corner of the existing house. Proposal of a single carport (200 sq. ft.) next to the proposed one car garage.

The modifications are being requested because:

- The new accessory structure (existing two car garage) is in the front yard setback and encroaches 5 ft. into the side yard setback.

- The new guest suite, fireplace and living room extension will cantilever approximately 18-24" into the west setback.

We are aware that the Staff Hearing Officer and City of Santa Barbara Staff do not typically support a second floor modification, however, the guest suite is actually below the 'basement' level and the fireplace/living room addition are at the back of the main level with no additional windows. We feel that this overhang is minimal and will provide minimal impact on the neighbors as the overhang will face a blank wall and a driveway/retaining wall. Finally, due to the constraints of the site (43%) slope – the proposed location is the only 'buildable' location on the site.

The cantilevered guest suite over the garage is being proposed to comply with the wishes/comments of the Single-family Design Review Board

The (N) garage is being relocated to accommodate easier automobile access to the site. The current driveway is difficult to maneuver because of the 43% slope. The current driveway turn – takes significant momentum with the proposed driveway to be straight access from street. Reducing the current driveway length will also provide significantly more landscape.

Michael Loftis  
CurbWorks  
[Curbworksnapa@gmail.com](mailto:Curbworksnapa@gmail.com)

**EXHIBIT B**

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****2. 1306 DOVER HILL RD****E-1 Zone**

**(4:00)** Assessor's Parcel Number: 019-103-014  
 Application Number: MST2014-00350  
 Owner: Erik Nickel  
 Designer: Amy Von Protz

(Proposal to convert an existing 367 square foot detached two-car garage to habitable accessory space, and construct a new 162 square foot detached one-car garage at the bottom of the property, a new 270 square foot attached one-car garage, and a total of 323 square feet of additions to an existing 1,973 square foot multi-story single-family residence. The proposed total of 3,095 square feet, located on an 18,730 square foot lot in the Hillside Design District, is 70% of the guideline floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for requested zoning modifications.)

**(Comments only; project requires Environmental Assessment and Staff Hearing Officer review.)**

Actual time: 4:06 p.m.

Present: Amy Von Protz, Designer; Erik Nickel and Gibbs Smith, Owners; and Joanne LaConte, Assistant Planner.

Public comment opened at 4:17 p.m.

Letters of expressed concerns from Robert Timkin, neighbor, opposed to the conversion of the garage to a livable unit and construction of a single car garage, and Barbara Eliassen, adjacent neighbor at 1308 Dover Hill Rd., suggested that a temporary barrier be placed between the properties to protect her vegetation were acknowledged.

Public comment closed at 4:20 p.m.

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

- 1) The Board is not supportive of the one-car garage at the street level.
- 2) The Board finds the location and the change of use appropriate for the accessory building.
- 3) Provide an alternate location for a two-car garage, with consideration given to re-grading the driveway to accommodate the alternate garage location.
- 4) Study front elevations and reduce the colonnade arches on the eastern portion of the home.
- 5) Study reducing the size of the arched windows on the north elevation to be consistent with the other windows on the home.

Action: Zimmerman/Miller, 7/0/0. Motion carried.

**SFDB-CONCEPT REVIEW (CONT.)**

**6. 1306 DOVER HILL RD**

**E-1 Zone**

**(6:00)** Assessor's Parcel Number: 019-103-014  
 Application Number: MST2014-00350  
 Owner: Erik Nickel  
 Designer: Amy Von Protz

(Proposal to convert an existing 367 square foot detached two-car garage to habitable accessory space, and construct a new 279 square foot attached one-car garage and 144 square foot one-car carport. The project includes 351 square feet of additions to the existing 1,973 square foot multi-story single-family residence. The proposed total of 3,614 square feet, located on an 18,740 square foot lot in the Hillside Design District, is 82% of the guideline floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for requested zoning modifications.)

**(Second Concept Review. Comments only; project requires Environmental Assessment and Staff Hearing Officer review. Project was last reviewed on August 11, 2014.)**

Actual time: 6:09 p.m.

Present: Amy Von Protz, Designer; Erik Nickel and Michael Loftus, Owners.

Public comment opened at 6:15 p.m. As no one wished to speak, public comment was closed.

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

- 1) The Board finds the requested modifications for an accessory structure in the front yard and encroachments into the interior setbacks aesthetically appropriate and supportable.
- 2) The Board appreciates the changes made in the architecture and the applicant's hiring of a surveyor to study the steepness of the driveway.
- 3) The Board is supportive of the current design.
- 4) The Board appreciates the redesign of the single car garage, including the massing.
- 5) Provide a landscape plan.
- 6) Provide lighting details, including how the lighting goes from the street to the house, pedestrian lighting, and the lighting on the house.
- 7) Plaster and tile to match the existing.
- 8) Provide color board.

Action: Miller/Woolery, 4/0/0. Motion carried. (James/Peirce/Zimmerman absent).