II.A

REPORT DATE: February 4, 2019
AGENDA DATE: February 13, 2019
PROJECT ADDRESS: 3959 Maricopa Drive (MST2018-00594)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
       Marck Aguilar, Acting Senior Planner
       Stephanie Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The 6,968 square-foot site is currently developed with a single family residence and attached two-car garage. The proposed project involves legalization of an “as-built” family room addition in the interior setback, construction of a new addition – consisting of a master bedroom suite – behind the “as-built” family room, demolition of an “as-built” patio cover at the rear of the family room, partial demolition of an “as-built” patio cover at the rear of the residence, legalization of the remaining patio cover at the rear of the residence, demolition of a storage shed, and installation of a new air conditioning unit.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is:

1. **Interior Setback Modification** to allow for permitting the “as-built” family room and construction of a residential addition in the required 6'-0" western interior setback (SBMC Table 30.20.030.A and SBMC §30.250.030.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

Please reference Exhibit A, Project Plans, and Exhibit B, Applicant Letter, for additional project details.

Application Deemed Complete: January 8, 2019
Date Action Required: April 5, 2019

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this report.
III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Dwight Gregory, AIA
Property Owner: James and Patricia Lawson
Trust 07/28/09
Parcel Number: 057-232-005
Lot Area: 6,968 sq. ft.
General Plan: Low Density Residential (Max 5 du/acre)
(Zoning: RS-7.5/USS (Residential Single Unit/Upper State Street Overlay Zone))
Existing Use: Single-Unit Residential
Topography: 4%

Adjacent Land Uses:
North – RS-7.5/USS; 220 Lee Drive – Single-Unit Residential (1-story)
East – RS-7.5/USS; 3963 Maricopa Drive – Single-Unit Residential (1-story)
South – R-M/USS; 3968 Via Lucero – Multi-Unit Residential (2-story)
West – RS-7.5/USS; 3953 Maricopa Drive – Single-Unit Residential (1-story)

B. PROJECT STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living Area</td>
<td>1,508 sq. ft. (net)*</td>
<td>1,970 sq. ft. (net)</td>
</tr>
<tr>
<td>Garage</td>
<td>352 sq. ft. (net)</td>
<td>352 sq. ft. (net)**</td>
</tr>
<tr>
<td>Accessory Area</td>
<td>77 sq. ft. (net)</td>
<td>0 sq. ft. (net)</td>
</tr>
</tbody>
</table>

* = including “as-built” family room (244 sq. ft.)
** = no change

C. PROPOSED LOT AREA COVERAGE

<table>
<thead>
<tr>
<th>Category</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>2,674 sq. ft. (38.38%)</td>
</tr>
<tr>
<td>Hardscape</td>
<td>587 sq. ft. (8.42%)</td>
</tr>
<tr>
<td>Landscape</td>
<td>3,707 sq. ft. (53.20%)</td>
</tr>
</tbody>
</table>

D. FLOOR-AREA RATIO (FAR)

Maximum Guideline FAR: 0.422 (2,942 square feet)
Existing FAR: 0.278 (1,937 square feet); 66% of the guideline maximum (including the “as-built” family room; 58% of the guideline maximum without the “as-built” addition)
Proposed FAR: 0.333 (2,322 square feet); 79% of the guideline maximum
IV. DISCUSSION

The proposed project is to both legalize an “as-built” residential addition (family room) in the western interior setback, and to construct another residential addition (master bedroom suite) in-line with the family room. The required interior setback for the RS-7.5 zone is 10’-0”; the “as-built” addition was built in-line with the approved covered parking, with a an approximate 4’-7” setback.

Design Review

This project is exempt from design review by the Single Family Design Board. However, the applicant has shown the plans to the two neighbors on the eastern and western sides of the subject lot, and both neighbors submitted letters of support (Exhibit C).

Background Information

The City approved the subject residence, as part of a tract, in 1957 under Ordinance 1493, which required a 5’-0” interior setback. However, the overall width of the home was approved at 54’-5” (the permit, F-6189, notes a 54’-0” width, but the plans reference 54’-5”), and the lot itself is only approximately 63’-6” wide, leaving only 9’-1” (or 9’-6”), per the permit) to accommodate two 5’-0” interior setbacks. Thus, the residence was constructed with two approximate 4’-6” interior setbacks instead of the required 5’-0” at the time of construction.

Contemporary standards for the subject lot, now zoned RS-7.5 under SBMC Title 30, require a 6’-0” interior setback. Consequently, regardless of the construction errors of the original home, the residence is now nonconforming to the required 6’-0” interior setback on both the eastern and western sides of the lot.

Nonconforming Additions

SBMC Title 30 does allow for nonconforming additions within an interior setback that are in-line with approved development without a modification (SBMC §30.165.050.C); however, the addition must respect a 5’-0” setback and be no longer than 20’-0” in length. The “as-built” and proposed additions would respect approximately a 4’-6.5” setback, and would total approximately 48’-0”; therefore, a modification is required.

Modification Request and Required Findings

The applicant is requesting an interior setback modification to allow for legalization of an “as-built” addition in the western interior setback, and construction of a new residential addition in the western interior setback. Per SBMC §30.250.030.F, the Staff Hearing Officer is required to make the following findings to approve the requested modification.

1. The Modification is consistent with the general purposes of this Title or the specific purposes of the zoning district in which the project is located; and
2. The Modification is necessary to accomplish any one of the following:
   a. Secure an appropriate improvement on a lot; or
   b. Prevent unreasonable hardship due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise
exposure, irregular property boundaries, proximity to creeks, or other unusual circumstance; or

c. Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site; or

d. Construct a housing development containing affordable residential units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures.

Interior Setback Modification

The applicant proposes to legalize the “as-built” conversion of a porch to a residential addition, to serve as a family room, within the western interior setback, and construct an additional master bedroom suite at the rear of the family room. All “as-built” and proposed development would remain in-line with the approved garage.

Staff is supportive of the proposed family room and master bedroom suite at a 4’-6.5” interior setback to promote uniformity of improvement to the existing structure. All windows within the setback would be either high or frosted to prevent privacy concerns for the adjacent neighbor. The additions would not impede the lot’s open yard requirement, as the lot would actually exceed the 1,250 square foot requirement by approximately 17% (approximately 1,460 of open yard provided at the rear of the lot). Finally, the additions would result in a 4-bedroom, 3-bathroom home, a reasonable floorplan for the Santa Barbara area, and would measure only 79% of the guideline maximum floor-to-lot area ratio for a lot of this zone, size, and slope, indicating the level of development is appropriate for the site.

Environmental Review

According to the City’s Master Environmental Assessment Report, the project is not located in any archaeological or biological sensitivity overlay areas. Staff did not require any technical reports for environmental review.

Since more than 500 square feet of new impervious surfaces are anticipated for this project, but less than 4,000 square feet, the project triggers Storm Water Management Plan (SWMP) Tier 2 best management practices.

Staff finds the scope of the entire proposed project exempt from the California Environmental Quality Act (CEQA) under categorical exemption 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).
V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance, specifically the intent to allow nonconforming additions to existing development, and that the modification is necessary to secure an appropriate improvement (master bedroom suite) and would promote uniformity of improvement to an existing structure on the site (the approved garage).

The “as-built” and proposed additions are appropriate to gain additional functionality for the residence. The resultant structure would be a 4-bedroom, 3-bathroom layout, at 79% of the guideline maximum floor-to-lot area ratio and that satisfies the open yard requirement, indicating that the development is at an appropriate scale for the lot. Further, privacy impacts to the most adjacent neighbor have been limited by the installation of “as-built” windows in the “as-built” family room with a tall sill height and the proposed bedroom and bathroom windows being treated to be frosted or translucent.

Exhibits:

A. Site Plan (under separate cover)
B. Applicant's letter, dated September 20, 2018
C. Neighbor’s Letters of Support

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4569
Exhibit A: The exhibit for this Staff Report has been distributed separately. A copy of the site plan is available for viewing at the Planning and Zoning Counter located at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.
Dear Staff Hearing Officer:

This is an existing single-family home built in 1957, with an attached two-car garage that was converted from the original carport in 1988. At the time of original construction, the setback requirement was five feet. We are requesting a modification for 1) a non-permitted existing room addition built around 1960, in line with the permitted garage; 2) a new bedroom/bathroom room addition to be built directly behind the existing non-permitted room, in what is now part of the back yard; and 3) a portion of a 243 square foot non-permitted patio and cover located in the back yard directly behind the living room window. All of this would be part of a general remodel of the home. The existing room and the new room would both encroach approximately one foot five inches into the currently required six foot setback, in order to line up with the original construction on the west side of the property, including the original carport (now garage) and laundry room.

The existing non-permitted room was added by my parents soon after they bought the house, and was built in exact line with the original west building line of the house. It is approximately 236 square feet, and has no plumbing connections, only electrical outlets and windows. Two of the walls of the room are actually walls of the original house. We are requesting this addition be approved under the provisions of section 30.165.050.C.2 of the new city zoning ordinance. This room complies with all requirements of this section except for the minimum five foot setback from the property line. This is because a survey of our property prepared by a licensed surveyor, dated 9-1-18, established that the developer did not build this house with a full five foot setback, despite at least two official documents we have from the developer that clearly state the property has a five foot setback. According to the surveyor, our property has a 4.68’ setback at the point at the front corner of the garage to the property line, and a 4.56’ setback at the point at the back corner of the existing non-permitted room. (Please see attached survey). These houses were approved by the city with this setback, and the original car port (now garage) and laundry room were built to this point. When my parents added on this room, they built it exactly in line with the original construction of the house. I think any reasonable person would assume that a brand new house would comply with all city regulations. Therefore, since this house was built with a non-compliant existing nonconforming reduced setback, and since the city approved it, we request that the six foot setback requirement be waived and the room be approved as built with the existing setback.

The new room I am proposing would be a bedroom/bathroom that would attach onto the south end of the existing room and extend farther out into the back yard. Thus, the south wall of the existing room would become the north wall of the new room. This room would be approximately 470 gross square feet, and be
built on the same building line as the existing rooms on the west side of the house. This would require a modification of the current setback, in order to preserve the continuity of the building line, which would make it easier to extend the existing roof over the new room, and improve the overall look of the house. This is consistent with section 30.250.060.F.2.c of the city's new zoning ordinance, which lists the criteria necessary to approve a modification, one of which is that it will "Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site." Maintaining the building line on the west side of the house would certainly qualify as promoting "uniformity of improvement" to the existing house. The room would replace an area containing a patio and cover that was constructed without a permit at the same time as the existing non-permitted room.

There is an additional portion of the non-permitted patio and cover, extending out into the back yard right in back of the living room, that would not be affected by the room addition. Since we intend to retain this part of the back patio and cover as part of the remodeled house, we are including a request to keep this area as part of our modification request. The patio is approximately 16 feet wide by 12 feet deep, and is in the middle of the back yard, presenting no setback or zoning issues.

Even with approval of the non-permitted existing room, the 243 square foot non-permitted patio and cover (reduced to 216 square feet with this permit/modification), and my proposed new room addition, the house will still meet the 1,250-square-foot open yard requirement.

* * * * *

I'd like to offer some additional background on my request. This house was my childhood home, as my parents bought it new in 1958 when I was three years old, and lived in it until they passed away. I grew up in this house, through the '60s and early '70s, before leaving home for San Diego in 1974, where I've lived ever since. As their only child, I inherited the house when my parents passed away. This house was always "home" in the best sense of the word. It was the place I always came back to at Christmas and holidays, the place I took my future wife to meet my parents for the first time. The memories of my parents are still alive there, and it is a special place for me.

I have no memory of the house without the existing non-permitted room, so it must have been added very soon after my parents bought the house. We called it the "Family Room," and my Dad always told me they added it so I would have an additional place to play as a young child, as well as a desk where my Mom could sew. I spent my whole life assuming it was a legal addition, and had no idea they had not gotten a permit for it until I began looking at the records for our house at the Planning Department. It was only then that I discovered there was no building permit on file for the room. It is still hard for me to believe that my Dad did not get a permit, as he always tended to do things "by the book," but I have looked everywhere, including the county files, and I can't find any record of this room being approved. So I've had to accept the fact that there is no permit on file, and ask for a modification as part of our remodeling plans.

Both my wife and I are now retired, and looking at our future. Our house in San Diego is fine, but it's a two-story house, and we don't want to get old in a two-story house. The Santa Barbara house is a one-story house with no steps, which would be much safer for us, and much more suited to our retirement years. This was the primary factor that initially gave me the idea to remodel the house and make it our retirement home.

In fact, in the process of planning for this remodel, I have put a lot of thought into safety issues and what our needs might be as we age into our '60s and beyond. This has resulted in expanding my plans beyond my original ideas. I had always thought of adding a new room to the house as a solution to some emotional issues, a bedroom/bathroom that would have no connection to my childhood, a new space that would help make the house "our" house, and not just my parents' house. The west side of the back yard was the obvious place to put such an addition, since it is not used much, and is not visible from the living room.
As my plans progressed, I began to realize that this was a golden opportunity to design a space with our future health and safety needs in mind. If this really was going to be our retirement home, and I was going to build a new room with a bathroom, why not make it a handicapped-accessible bathroom? So I expanded my plans to include an enlarged bathroom area to accommodate most of the ADA guidelines.

Because of this, the size of the room addition began to grow, beyond what I had originally envisioned. And with the current setback limitation on the west side, and a wall of the existing house on the east side in the front area of the new room, the bathroom would have to move from the front to the back of the room, and this meant the room addition was now beginning to expand and encroach into the existing back patio area, and the view from the living room.

A wonderful feature of this house is a ten-foot-long sliding glass door in the back of the living room, allowing a view of the entire back yard. But with the enlarged bathroom, complying with the current setback would mean the new room would significantly encroach on the view from the living room. With the modification, allowing me to line up the room addition with the existing building line will result in less encroachment on this view. In addition, I believe that having to come in one foot (or more) from the existing building line on the western side, making the rooms out of line, will look very odd, and will certainly not promote “uniformity of improvement.” This area would be so small it would be unusable, making it wasted space, while it would reduce the usable yard space on the eastern side of the room.

Significantly, both of our immediate neighbors have looked at our plans, and they have no objection to our modification request. Both of them have signed statements to that effect. They are Collin Yang, 3963 Maricopa Drive (who lives directly on the other side of the fence from the proposed addition), and Linda Bird, 3953 Maricopa Drive.

Granting my modification request and allowing me to line up the room addition with the existing garage and rooms on the west side of the house will have no negative repercussions at all, and it will accomplish two positive things - it will make the addition look much better, as it will blend seamlessly into the rest of the house; and by moving the addition to the west, it will reduce the amount of the room visible from the living room, preserving as much as possible of the existing view.

There is precedent for granting a modification like this, and it comes from this very same house. In 1988, my parents decided to convert the house’s original car port into an enclosed garage. The car port was 18.75 feet wide, and the standard for garages at the time was 20 feet wide, meaning my parents would have had to add to the width to meet the new standard. This would have pushed the garage out into the front walkway and front yard, impinging on the front entrance to the house and partially blocking the view from the kitchen window, all of which would have looked very odd. My parents applied for a modification to allow them to build the garage over the existing car port and keep the same size.

Both of them came in person to a hearing to speak in support of their request. My Dad was told that a smaller garage might hinder their resale value. He responded that they had no plans to move. My Mom talked about how she loved looking out the kitchen window, which had a beautiful view to the north of the mountains behind Santa Barbara, and how part of that view would be lost if the garage had to be expanded.

In the end, the modification was granted. The garage was built around the car port, nicely preserving the look of the original house. And my Mom’s beloved view of the mountains from the kitchen window is still there, much as we hope to preserve the view from the living room to all of our back yard.

I would like to think my parents would be very happy to know that we want to live in this house, while remaking it to fit our needs. In this letter I have outlined how granting this setback modification would have no negative effects, while improving the project substantially. Our immediate neighbors have no objection to the modification; the project will look much better, with uniformity of the existing building line maintained; wasted space will be eliminated, and usable yard space will be increased; the size of the
handicapped-accessible bathroom will be preserved, thus providing for our possible future health and safety needs; and the view from the living room will be preserved as much as possible.

We have put a lot of work into this project, and it means a lot to us. We respectfully ask for your approval for our request. Thank you very much.

Sincerely,

Jim Lawson

Patricia Lawson
To Whom it May Concern

My neighbors, Patricia and Jim Lawson, are requesting a modification of setback requirements in the remodeling and addition to their property at 3959 Maricopa Drive. I have viewed the proposed plan for the addition and have no objections to the modification request being approved. They would be aligning the new addition with the existing garage, thereby making a more pleasing view of the side of the house.

Linda Bird, August 31, 2018
This is from my neighbor, Collin Yang, at 3963 Maricopa Drive.

To Whom It May Concern:

I live at 3963 Maricopa Drive, next door to 3959 Maricopa, where my neighbor, Jim Lawson, is planning a remodel and room addition. He says he is requesting a modification to allow the side of the room addition to line up with the garage in front so the house will extend in a straight line from front to back. I have no objection to his plan.

RECEIVED

NOV 05 2018

CITY OF SANTA BARBARA
PLANNING DIVISION

8/24/18