City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: March 18, 2019
AGENDA DATE: March 27, 2019
PROJECT ADDRESS: 121 La Vista Grande (PLN2019-00001)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
       Marc Aguilar, Acting Senior Planner
       Stephanie Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The 7,581 square-foot site is currently developed with a one-story single family residence and attached one-car garage. The proposed project involves abating all violations identified in ZIR2018-00410, including an “as-built” interior remodel and residential addition, the “as-built” conversion of an approved carport to a garage, the “as-built” installation of laundry facilities in the residence, “as-built” window and door changes, and the “as-built” location of pool equipment in the interior setback. An “as-built” air conditioning unit is also proposed for legalization.

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

1. **Interior Setback Modification** to allow for the “as-built” residential addition within the required 10’-0” 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).

**Application Deemed Complete: February 28, 2019**

**Date Action Required: May 17, 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: Jarrett Gorin
Property Owner: Steven Hill
Parcel Number: 015-141-006
Lot Area: 7,581 sq. ft.
General Plan: Low Density Residential (MAX 3 DU/acre)
Zoning: RS-15 (Residential Single Unit)
Existing Use: Single-Unit Residential
Topography: 3%

Adjacent Land Uses:
- North – RS-15; 124 La Vista Grande – Single-Unit Residential (2-story)
- East – RS-15; 115 La Vista Grande – Single-Unit Residential (1-story)
- South – RS-15; 1545 Knoll Circle Drive – Single-Unit Residential (1-story)
- West – RS-15; 125 La Vista Grande – Single-Unit Residential (1-story)

B. PROJECT STATISTICS

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<thead>
<tr>
<th></th>
<th>Approved</th>
<th>“As-Built”/Proposed</th>
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<tbody>
<tr>
<td>Living Area</td>
<td>821 sq. ft. (net)</td>
<td>1,472 sq. ft. (net)</td>
</tr>
<tr>
<td>Carport</td>
<td>253 sq. ft. (net)</td>
<td>N/A</td>
</tr>
<tr>
<td>Garage</td>
<td>N/A</td>
<td>218 sq. ft. (net)</td>
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C. PROPOSED LOT AREA COVERAGE

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<tbody>
<tr>
<td>Building</td>
<td>1,784 sq. ft. (23.53%)</td>
</tr>
<tr>
<td>Hardscape</td>
<td>1,820 sq. ft. (24.01%)</td>
</tr>
<tr>
<td>Landscape</td>
<td>3,977 sq. ft. (52.46%)</td>
</tr>
</tbody>
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D. FLOOR-AREA RATIO (FAR)

- Maximum Guideline FAR: 0.408 (3,095 square feet)
- Approved FAR: 0.108 (821 square feet); 27% of the guideline maximum
- “As-Built”/Proposed FAR: 0.194 (1,472 square feet); 48% of the guideline maximum

IV. DISCUSSION

Per the Assessor’s Office, the residence on-site was constructed in 1949. The 1949 date is consistent with the earliest set of archive plans on-file with the City. The archive plans show a U-shaped 2-bedroom, 1-bathroom residence with an attached one-car carport with storage at the rear of the carport. Although Assessor’s records indicate that these additions were done sometime prior to 1965, no permits or archive plans are on-file for any residential additions that have resulted in the more rectangular 3-bedroom, 2-bathroom residence that exists today.

The proposed project would legalize all “as-built” additions and abate all known violations on the property.
Nonconforming Carport to Garage Conversion

SBMC §30.165.060 outlines circumstances for an applicant to convert a nonconforming carport to a garage without a modification. However, only the minimum sized carport-to-garage conversion is allowed without a modification. In the subject lot’s case, the carport was originally approved with 11’-0” x 23’-0” interior dimensions, including the storage at the rear of the carport. Contemporary standards from the Public Works, Transportation Division require a minimum of 10’-0” x 20’-0” for a one-car garage, so only the first 20’-0” length of the carport conversion would not require a modification. Per the submitted project plans, the storage at the rear of the carport was removed and was integrated into the floor area of the residence, leaving only a 19’-1” interior depth for the garage; therefore, no modification is required for the carport-to-garage conversion. Transportation staff have reviewed the project since a waiver will be required for the depth of the garage and found that the waiver (processed during the building permit phase) is supportable.

Nonconforming Additions in the Interior Setback

SBMC Title 30 does allow for residential additions within the setback without a modification under specific criteria summarized in Section 30.165.050.C.2. In this case, everything after the first 20’-0” of the approved carport, and all the “as-built” addition, is in the setback. This distance totals 22’-1” (42’-1” entirely, including the garage). Only 20’-0” can be approved without a modification. The remaining 2’-1” of the residential addition requires an interior setback modification.

Zoning and Building Violations

ZIR2018-00410 notes the following violations:

ZONING VIOLATIONS:

1. The rear bedroom encroaches into the required interior setback.

BUILDING VIOLATIONS:

1. The archive plans show a two bedroom, one bathroom dwelling. A permit was issued in 1949 to enlarge the living room and for new bedroom, however, the plans do not match the present configuration of rooms. There is currently a bedroom at the rear of the carport/garage, a 2nd bathroom adjacent to the bedroom and the kitchen has been extended to be flush with the living room. These additions are considered new floor area, added without the required permits.

2. There is no permit on record for the laundry hookups in the hallway closet.

3. There are no permits for the window and door changes to the dwelling or the addition of skylights.

4. The pool equipment is located in a different location than shown on the pool plans.

Additionally, during the review of the subject application, Zoning staff have noted that there is no permit on-file for the air conditioning unit at the rear of the residence.
The applicant submitted noise specifications for both the pool equipment and the air conditioning unit confirming that both units meet noise thresholds outlined in SBMC §9.16.070. A new pool pump is proposed to ensure consistency with the noise ordinance. The pool equipment, while located in the interior setback, is an allowable encroachment pursuant to SBMC §30.140.130.C, and is not a part of the requested interior setback modification.

As described in the sections above, the garage and floor area issues will also be resolved. All violations would be abated as part of the subject application, and, if approved, there would be no remaining documented violations on the property.

**Design Review**

This project is exempt from design review by the Single Family Design Board.

**Alternative Design Options**

The applicant did not present any alternative design options for the project, as the work is all “as-built” and the property owner seeks to legalize the improvements as-is. See Exhibit B, Applicant’s Letter, for additional details.

**Modification Request and Required Findings**

The applicant is requesting an interior modification to allow for the legalization of the “as-built” residential addition in the required 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 - Purpose and Intent**

SBMC §30.140.160 defines the purpose of a setback as:

to provide a sense of openness, visibility, light, and air between buildings; establish a consistent development pattern; create variation in building facades; provide
adequate buffering between adjacent land uses; and allow opportunities for landscaping.

The contemporary RS-15 zone requires a 10’-0” interior setback. At the time of the residence’s original construction (1949), Ordinance No. 1493 was in effect, which allowed for a 5’-0” interior setback for single family zones. The carport was constructed 6’-7” from the interior property line, per the applicant’s submitted drawings. No site plan noting setbacks is on-file with the City. The carport, now a garage, is considered nonconforming.

Per aerial imagery, there is approximately 15 feet between the subject residence and the nearest easterly neighbor (115 La Vista Grande), rather than the required 20’-0”. With a hedge along the interior property line running the length of the “as-built” addition on the subject lot, the openness, visibility, and light and air between the buildings is attained through a landscape barrier.

**Interior Setback Modification**

The scope of the modification request is the outstanding 2’-2” that exceeds allowances described in SBMC §30.165.050.C.2 and SBMC §30.165.060, more thoroughly described in the above sections. This represents roughly 7.4 square feet of additional square footage (gross), than the allowable encroachment without a modification (in this case, 68.3 square feet is allowable at the 3’-5” encroachment in the interior setback). Staff considers this level of encroachment to be negligible. The interior dimensions of the master bedroom, the subject of the modification request, are approximately 21’-0” x 11’-0”, an appropriately sized master bedroom.

The construction of the “as-built” additions transformed the residence from a 2-bedroom, 1-bathroom layout to a 3-bedroom, 2-bathroom configuration. The amenity of an ensuite bathroom is a typical improvement seen in Santa Barbara homes, and an appropriate improvement on the lot. Further, there are no windows in the converted garage or master bedroom within the interior setback, eliminating staff concerns about privacy for the neighbors.

**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.

The applicant submitted noise specifications for the proposed pool pump and “as-built” air conditioning unit indicating that the noise levels meet the Santa Barbara Municipal Code’s noise requirements for mechanical equipment on residential lots, indicating no noise impacts are anticipated.

Since more than 500 square feet of new or “as-built” impervious surfaces are anticipated for this project site in the Hillside Design District, the project triggers Storm Water Management Plan (SWMP) Tier 3 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 and is necessary to secure an appropriate improvement on the lot that will promote uniformity of improvement to existing structures on the site.

An interior setback is meant to provide adequate buffering between structural development on private lots. The subject lot was developed with a carport respecting a 6’-7” distance from the interior property line, exceeding the 5’-0” requirement at the time of its approval in 1949. Landscaping along the eastern interior property line ensures the separation between the two neighboring single family residences, and is an appropriate height (8’-0”) to limit noise and privacy concerns between the neighboring properties.

While the building footprint on the ground includes a 42’-2” length, only 2’-2” of that building length is the subject of the requested modification due to allowable conversions from carports to garages and nonconforming additions in a required interior setback under SBMC Title 30. This 2’-2”, and the length of the entire addition and carport-to-garage conversion, is in-line with the originally approved carport, promoting uniformity of improvement on-site. The addition consists of a master bedroom ensuite bathroom, an appropriate amenity that is common in the Santa Barbara area and the original residence did not have. Further, the 2’-2” x 3’-5” area that is the subject of the modification represents an approximate 7.402 square feet encroachment into the interior setback, a negligible amount of gross square footage with no windows or openings in the interior setback, preventing noise and privacy concerns for the neighbor.

Exhibits:

A. Site Plan (under separate cover)
B. Applicant’s letter, dated February 21, 2019

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5581
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.
February 21, 2019

Ms. Susan Reardon, Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

Hand Delivered

RE: Modification Request for 121 La Vista Grande, APN 051-141-006, RS-15 Zone

Dear Ms. Reardon:

Vanguard Planning Inc. represents Steven and Kat Hill (the “Owner”) the owner of the above referenced property (the “Subject Property”). We are requesting a modification to the City of Santa Barbara (the “City”) Municipal Code (the “SBMC”) ten foot interior yard setback requirement established per SBMC Sec. 30.20.030 to allow for an as-built addition to be located five feet from the side property line.

1.0 BACKGROUND AND PROJECT DESCRIPTION

The existing Single Family Residence (the “Residence”) was developed in 1949. At that time, it appears that the required interior yard setback was five feet. This setback is not shown on the archive plans for the original residence, but the original carport is built to a five foot setback.

At some time prior to 1965, previous owners made several additions to the back side of the residence. The patio area between the original two back “wings” of the home was filled in, and the southeast wing was extended toward the south to create the current configuration. The original attached carport was also enclosed to create a garage.

The original approved configuration of the Residence became nonconforming to as to interior setbacks when the Subject Property was zoned E-3 under Title 28 and the interior setback changed from five feet to ten feet. When the property was zoned RS-15 under Title 30, the interior yard setback remained ten feet, perpetuating the legal nonconforming configuration of the original Residence. The as-built portions of the Residence, which extend along the building plane of the original residence, encroach within the current ten foot interior yard setback.

2.0 REQUESTED INTERIOR SETBACK MODIFICATION (SBMC Sec. 30.20.030)

We are requesting a Modification to allow for approval of the as-built addition to the Residence, and enclosure of the carport to be located within the current required ten foot interior yard setback. Under Title 30, enclosure of a carport to create a garage within a required interior yard setback does not require a modification. The balance of the as-built addition extends the building plane of the original approved structure. The combined extension exceeds 20 feet and therefore requires a Modification.
There are no wall openings on the exterior wall facing the side lot line for either the garage or the habitable as-built addition which comprises a master bedroom. Additionally, there is existing screening (a dense hedge and a fence) on the common property line between the Residence and the neighboring property to the southeast. As a result, there is no significant potential for impacts to the adjacent property as a result of the as-built addition as it is not readily visible from that property and there is no potential for light or noise from the addition to adversely affect the adjacent property.

We believe that the requested Modification is consistent with the general purpose of Title 30 including the specific purpose and intent of the RS-15 zone. The Modification is also necessary to secure an appropriate improvement on the Subject Property and would result in development that is generally consistent with the existing pattern of development in the surrounding neighborhood.

3.0 BENEFITS OF THE PROJECT

The requested modification would allow for permitting of as-built improvements that have been in place on the Subject Property since at least 1965. The as-built improvements will be reviewed and upgraded (as applicable) to comply with current building code requirements. These improvements contribute substantially to the utility of the Residence. At the same time the as-built improvements do not generate any adverse impacts to adjacent neighbors. This is evidenced by the fact that there have been no complaints about the as-built portions of the residence, which have been present for over forty years. Enclosure of the originally approved carport to create a garage also promotes uniformity of development as most of the surrounding residences include enclosed garages.

Thank you for taking the time to review this. If you have any questions, feel free to contact me via E-mail at jarrett.gorin@vanguardplanning.com or at (805) 966-3966. I look forward to presenting our proposal in person at our hearing.

Sincerely,

VANGUARD PLANNING INC.

[Signature]

Jarrett Gorin, AICP
Principal

cc: Steven and Kat Hill (via E-mail)