

## PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 1, 2010

### ITEM FOR CONSIDERATION

#### Case No. 09-1524-DP/CUP/CDP

Review of a request for a Development Plan, Conditional Use Permit and Coastal Development Permit to remodel an existing single family dwelling and construct first and second floor additions totaling 1,619 square feet. The existing residence is legal non-conforming; a portion of the proposed ground floor addition would match the existing legal non-conforming setback rather than meet current setback requirements.

**Report prepared by:** Nick Bobroff, Associate Planner  
Community Development Department

  
SIGNATURE

**Reviewed by:** Jackie Campbell, Director  
Community Development Department

  
SIGNATURE

**Applicant:** Robert Durtche

**Agent:** Barry Horwitz

**Project Location:** 4791 Seventh Street

**APN:** 003-303-006

**Zoning:** Planned Residential Development  
(PRD-20)

**General Plan Designation:** Medium Density  
Residential (MDR)



### I. RECOMMENDATION

Adopt the attached Resolution, thereby approving Project Number 09-1524-DP/CUP/CDP to allow for the remodel of the existing legal non-conforming single family dwelling and to allow the proposed 1,619 square foot addition, including the portion of the new ground floor that would match the established legal non-conforming street-side yard setback.

## II. PROPOSED PROJECT DESCRIPTION

**Development Plan:** A Development Plan is required to allow the remodel of the existing single family dwelling and the proposed addition. Approximately 1,001 square feet (comprised of 506 square feet of living area and a 495 square foot two-car garage) would be added to the ground floor of the existing residence. A new second floor of 618 square feet would also be added to the residence. All of the new square footage would be added to the rear of the existing residence. The new two-car garage would face the rear property line and would be accessed by a replaced driveway from Holly Avenue. The maximum height of the residence from finished grade would increase from approximately 18 feet six inches to 25 feet six inches. Exterior materials and colors, including siding, roof shingles, trim and windows/doors would match existing detailing.

The project also includes rebuilding an existing fireplace in the living room, constructing two small decks (one in the interior side yard and one in the rear yard) and demolishing the two existing accessory structures. The existing curb cut and driveway apron on Holly Avenue would be demolished and rebuilt approximately 10 feet to the north in order to tie into a driveway leading to the new garage.

Storypoles were erected for the proposed new second floor addition in November 2009.

**Conditional Use Permit:** The existing single family dwelling is considered legal non-conforming in terms of parking (the residence lacks a garage) and the street-side yard setback. The proposed addition would resolve the parking nonconformity by adding a new two-car garage. The existing residence is proposed to remain in its present location in the street-side yard setback (located along Holly Avenue), and a portion of the new ground floor construction (the new dining room) would add development within the required street-side yard setback. The new second floor addition would be built entirely outside of the street-side yard setback.

A Conditional Use Permit is required to allow the remodel of the existing non-conforming residence and to allow the new addition, including the construction within the required setback area.

**Coastal Development Permit:** A Coastal Development Permit is required to allow the proposed development as described above.

Plans are attached as Exhibit 1, Attachment B.

## III. BACKGROUND

### Site Characteristics

The subject property is located at the corner of Seventh Street and Holly Avenue. The 6,050 square foot parcel is presently improved with a one story 1,036 square foot single family dwelling and two small accessory structures (130 and 365 square feet, respectively), one of which is located partially in the City right-of-way. The residence is oriented towards Seventh Street and features a covered entry porch. The

residence dates back to the early 1900s and exhibits Craftsman-style architecture. Given the age and character of the residence, staff required the preparation and submittal of a historic resources letter report by a qualified architectural historian. The historians noted that given the extensive alterations to both the residence in particular and the surrounding neighborhood in general, the residence lacks sufficient architectural integrity to qualify as a historic resource. A copy of the historic resources letter report is attached as Exhibit 5.

Driveway access for the property is taken from Holly Avenue through the street-side yard. The subject property currently enjoys use of the City's 20-foot excess right-of-way along Holly Avenue as an extended street-side yard, which is fenced and screened by a tall hedge planted at the backside of the Holly Avenue curb. As noted above in the project description, the property is considered legal non-conforming in terms of the street-side yard setback requirement and parking. The residence encroaches one foot six inches into the required street-side yard setback (the residence is set back 11 feet from the street-side property line rather than the required 12.5 feet) and lacks any covered parking.

The property is surrounded by a mixture of other single family dwellings and multi-residential developments, both one and two stories in height.

The site is zoned Planned Residential Development (PRD-20) and has a General Plan land use designation of Medium Density Residential (MDR). A portion of the property along the Seventh Street frontage is located within Flood Zone A according to the most recent FEMA Flood Insurance Rate Maps. Upon further review by the City's Public Works Director/Floodplain Manager, the existing residence is located outside of the Zone A boundaries and the existing/proposed finished floor elevation is above the adjacent required base flood elevation.

### **Project History**

The existing residence dates back to the early 1900s and predates the City's incorporation. In 2003, a comprehensive remodel was undertaken which included replacing the exterior siding, roofing, windows and doors amongst other improvements. The work was begun without the benefit of permits although a Building Permit was eventually obtained. No permits were located for the two accessory structures or to allow the use of the City's excess right-of-way along Holly Avenue as private yard area.

### **Architectural Review Board**

The project was reviewed by the ARB at the conceptual level on October 29, 2009 in order to receive feedback from the Board on the proposed encroachment into the street-side yard setback as it relates to aesthetics (in addition to general comments on the project) prior to the project coming before the Planning Commission in November 2009 to discuss the setback encroachment issue as it relates to legal non-conforming structures.

The Board was generally in agreement that the new second floor would benefit from being simplified so that the roof forms more closely mimicked that of the original home. With respect to the proposed ground floor addition and encroachment into the street-side yard setback, several of the Boardmembers initially noted they had no objection to matching the existing building, however, after further discussion

amongst the Boardmembers, the majority felt that stepping in the new ground floor addition a minimum of 18 inches was preferable in order to maintain a sense of where the original home ends and the new addition begins.

Other conceptual comments included:

- The south (rear) elevation was attractively designed. Boardmembers noted they liked the overhanging second floor supported by the corbels and the wood garage doors;
- The second floor west elevation could be stepped in slightly from the ground floor to give a “wedding cake” effect;
- Detailing (i.e., trim, windows, siding, etc.) and colors/materials should be consistent throughout both the original home and additions; and
- A porch could be added to the south/east elevation off of the dining room.

The project returned to the ARB on December 3, 2009 for a preliminary review. The applicant responded to some of the Board’s comments, including simplifying the new layout/roof for the new second floor addition, stepping in the second floor west elevation from the ground floor and adding a roof over the proposed deck on the west elevation. The applicant did not revise the street-side yard setback for the new ground floor addition.

The ARB noted the project was heading in the right direction but required further refinement. They felt the second floor addition could still be further simplified by eliminating the dormer for the stairwell. They also suggested that the roof cover added to the west porch be eliminated or restudied. With respect to the new ground floor addition in the street-side yard setback, the Board was initially split. Two of the Boardmembers felt the east (street-side) elevation could be broken up by merely enlarging the porch off of the pantry. Several of the other Boardmembers felt something more dramatic (such as stepping in the new ground floor elevation) was necessary in order to break up the wall plane. Ultimately the Board agreed to a compromise solution and recommended the wall through the pantry area be stepped in two feet to create a larger porch area and the roof over the enlarged porch be modified in order to break up the fascia.

The Board recommended preliminary approval of the project to the Planning Commission with the following comments:

- Eliminate the dormer stairwell. Provide an alternative roof pitch over the stairwell instead, but held back one to two feet from the corner;
- Recess the ground floor building elevation for the length of the pantry (and adjacent door) area by two feet;
- Modify the roof over the extended pantry porch in order to break up the fascia;
- As an option, the west porch could be eliminated and a window could be added to the second floor, north elevation facing Seventh Street; and
- As an option, explore the idea of re-introducing a porch to the southeast corner of the dining room.

Minutes from the October 29<sup>th</sup> and December 3<sup>rd</sup>, 2009 meetings are attached as Exhibit 2.

The plans included in this staff report (Exhibit 1, Attachment B) reflect the changes requested by the ARB at the December 3<sup>rd</sup>, 2009 ARB meeting. The second floor addition has been simplified by removing the stairwell dormer. The roof over the porch on the west elevation has been removed and a window has been added (above) on the second floor north elevation. The new ground floor addition has been revised along the east (street-side) elevation so that the pantry area is recessed approximately two feet, thereby creating a larger porch area. The roof eave over the new porch has been extended outward to provide coverage over the porch and break up the fascia of the east elevation. If the project is approved by the Planning Commission, the project will likely return to the ARB for an “in-progress” review of the changes prior to final design review.

### **Planning Commission Conceptual Review**

On November 2, 2009, the Planning Commission reviewed the subject project at a conceptual level to review the applicant’s request to allow a portion of the new ground floor addition to match the existing legal non-conforming street-side yard setback and to consider the use of a Conditional Use Permit to allow the requested improvements to the existing non-conforming structure, including the new development within the required street-side yard setback.

Overall, the Commission was supportive of both the project and the concept of allowing the proposed construction to occur through the use of a Conditional Use Permit, given the unique circumstances that constrained and created non-conformities on the property. The Commission noted they appreciated the applicant’s desire to invest in the property and felt that the project would result in an improvement over the existing setting. The Commission asked that the applicant continue to work with the ARB to come up with a design that all parties can accept and several of the Commissioners noted they weigh heavily on the ARB’s comments when it comes to reviewing aesthetics.

The Commission urged staff to move forward with the adoption of the Specific Plan or Zoning Code update so that the new, street-specific setback standards would be in place, which would benefit this project. They noted however, in the interim, the Conditional Use Permit was the appropriate tool to use for projects of this type involving legal non-conforming structures. The staff report and minutes of the November 2, 2009 meeting are attached as Exhibit 3.

## **IV. ENVIRONMENTAL**

This project is categorically exempt from environmental review pursuant to Sections 15301 [minor interior and exterior alterations to an existing single-family residential unit and the addition of less than 10,000 square feet of new floor area in an urban area where all public services and facilities are available and no environmentally sensitive habitat is present] of the Guidelines for the implementation of the California Environmental Quality Act (CEQA). Class 1 Categorical Exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that previously existing. As the project is consistent with these standards, the exemption is appropriate.

For more detail, see the attached Notice of Exemption included as Exhibit 4.

**V. ANALYSIS**

The proposed project includes a remodel and construction of a new addition to an existing single family residence on a residentially zoned property. As such, staff has reviewed the project in terms of its compliance with the development standards of Chapter 14, Zoning, of the Carpinteria Municipal Code, and with the policies and objectives of the General Plan/Coastal Land Use Plan.

**Zoning Code Requirements**

The following table lists the project’s conformance with Municipal Code requirements.

Standard	Requirement/Allowance	Proposal	
Setbacks	Front	50 feet from centerline of street or 20 feet from property line, whichever is greater	Existing: 50 feet from CL; 20 feet from PL Proposed: To match existing
	Side (East)	12 feet 6 inches (street-side yard setbacks are equal to 15 feet or 25% of the lot width, whichever is less).	Existing: 11 feet* Proposed: 11 feet*
	Side (West)	5 feet	Existing: 11 feet Proposed: 5 feet
	Rear	15 feet	Proposed: 34 feet
Height Limit	30 feet max.	Existing: 18 feet 6 inches Proposed: 25 feet 6 inches	
Building Coverage	50% max. (3,250 sq. ft.)	31.3% (2,037 sq. ft.)	
Distance Between Buildings	N/A (1/2 the sum of the heights of the buildings containing dwelling units)	Existing: N/A Proposed: N/A	
Common Open Space	20% min. (1,300 sq. ft.)	52.3% (3,400 sq. ft.)	
Density	2 units max. (20 units/acre)	1 unit	
Parking	2 spaces in a garage	Existing: 2 uncovered spaces* Proposed: 2 spaces in a garage	

\*Considered to be legal non-conforming. See Legal Non-Conforming Structures and Conditional Use Permit discussions below.

**Legal Non-Conforming Structures**

The existing residence is legal non-conforming with respect to the street-side yard setback requirement. In the PRD zone district, the street-side yard setback requirement is to be a minimum of 15 feet from the