



TO: Planning Commission Chair and Members

FROM: Steve Chase, Planning and Environmental Services Director

CONTACT: Patricia S. Miller, Manager, Current Planning
Brian Hiefield, Planning Technician

SUBJECT: 08-171-APP; Vandeman Appeal of the Design Review Board Preliminary Approval of 08-090-DRB, a Single Family Dwelling Remodel, located at 7837 Langlo Ranch Drive (APN 079-600-030)

RECOMMENDATION:

The Planning Commission's action should include the following:

1. Adopt Planning Commission Resolution 09-___ entitled "A Resolution of the Planning Commission of the City of Goleta, California Denying Appeal 08-171-APP of Design Review Board Approval of 08-090-DRB for 7837 Langlo Ranch Road" (Attachment 1).

APPLICANT

James Kirwan III
7837 Langlo Ranch Road
Goleta, CA 93117

APPELLANT

Gary Vandeman
250 Salisbury Avenue
Goleta, CA 93117

REQUEST

A hearing on the request of Gary Vandeman, appellant, to consider case number 08-171-APP pursuant to the City of Goleta Municipal Code, Chapter 35, Article III Section 35-327, in the R-1 zone district. This is an appeal of the Design Review Board's Preliminary approval of 08-090-DRB, which is an application for first-floor additions and a partial garage conversion to a single family dwelling located at 7837 Langlo Ranch Road.

JURISDICTION

In accordance with Section 35-327 of the City of Goleta Municipal Code, Chapter 35, Article III, the request for an appeal of a Preliminary DRB approval is under the jurisdiction of the Planning Commission.

BACKGROUND:

Permit History

The subject property was created upon recordation of subdivision map Rancho Los Dos Pueblos. Land Use Rider 55080 was issued on November 3, 1972 permitting a single family dwelling and a two car garage. Land Use Rider 77269 was issued on November 10, 1977 permitting an addition of 245 square feet to the first-floor. On February 27, 1990 Land Use Permit 133361 was issued permitting 990 square feet in additions, including a 290-square foot first-floor addition and a 700-square foot new second story. The 290-square foot first-floor addition included a Variance to allow a 13 foot setback from right-of-way in the secondary front yard setback, instead of the 20 feet required at the time.

The resulting development on the lot includes a 2-story single family residence of 2,482 square feet, and an attached 463-square foot 2-car garage.

In May of 2008, applications for a Land Use Permit (LUP) and Design Review Board (DRB) review were submitted by Lawrence Thompson as agent for James Kirwan III, property owner. This was a request for 174-square feet in additions, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposed to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room.

Through Conceptual DRB review the square footages were revised, and the proposal changed slightly with regards to the garage conversion and the utility shed. The DRB granted Preliminary approval as described in the "Discussion" section of this staff report. Partial DRB minutes from each hearing the case was heard at (8/12/08, and 9/9/08) are included as Attachment 2.

Appeal Hearing

The Planning Commission will hear the appeal for the first time on January 12, 2009. The appeal is a de novo hearing before the Planning Commission and the Planning Commission may affirm (deny the appeal), reverse (grant the appeal), or modify the decision of the DRB at a public hearing (Municipal Code Section 35-327.3.4).

The Design Review Board Appeal

An appeal of the Design Review Board's Preliminary approval of 08-090-DRB was filed prior to the end of the appeal period on September 22, 2008 by Gary Vandeman. For additional information, please refer to Attachment 3 for the appeal application.

The issues being raised in the appeal application are as follows:

- The appellant feels that the project does not meet the required findings for approval of the Design Review Board Bylaws and Guidelines.
- The appellant also feels that the proposed bathroom conversion in the garage would be conducive to future illegal garage conversions.

The appellant seeks the following action:

- Modify the decision of the DRB by requiring the partial garage conversion to be removed.

DISCUSSION:

Project Data

- Owner: James Kirwan III
- Agent/Architect: Lawrence Thompson
- Parcel Size: 7,533-square feet
- Zone District: DR-4 (Design Residential; 4 units per acre)
- General Plan Land Use Designation: Single Family Residential
- Application submitted May 27, 2008, for DRB review (08-090-DRB) and a Land Use Permit (08-090-LUP)

Summary

The proposed project consists of additions to a single-family dwelling. The existing development on the lot includes a 2-story single family residence of 2,482 square feet, and an attached 463-square foot 2-car garage. The DRB granted Preliminary approval of the applicant's proposal to construct 94 square feet in additions, consisting of a 24-square foot bathroom addition (habitable), a 58-square foot garage addition (non-habitable), and a 14-square foot attached water heater closet (non-habitable). The applicant also proposes to convert 119 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The dwelling would consist of 2,625 square feet plus an attached 400-square foot 2-car garage, and a 14-square foot water heater closet.

This proposal exceeds the maximum allowable floor area ratio guideline for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage.

Zoning Ordinance Consistency

	Required	Proposed	Consistent Y/N
Primary/Secondary Front Yard Setback	50 feet from centerline 20 feet from right-of-way 10 feet from right-of-way on secondary front yard setback	50 feet from centerline 20 feet from right-of-way 13 feet from right-of-way on secondary front yard setback	Yes
Side Yard Setback	10% of width (6.2) feet	10 feet	Yes
Rear Yard Setback	25 feet	11 foot minimum	Yes (w/ existing County permit)
Floor Area Ratio Guidelines	2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage	2,625 square feet plus an attached 400-square foot 2-car garage	Yes, based on DRB Preliminary approval findings
Building Height	35 feet	24 feet	Yes
Parking requirement	2 enclosed spaces	2 enclosed spaces	Yes

Environmental Analysis

The appeal of an action to grant Preliminary approval by the DRB is not considered a "project" under the California Environmental Quality Act (CEQA). This proposal consists of an addition to a single family dwelling, and is considered a ministerial action exempt from CEQA under Guidelines Section 15268(a).

Required Findings

The DRB, and the Planning Commission on appeal, are required to make a total of 20 findings contained in Section 6.2, Required Findings for Approvals, of the DRB Bylaws and Guidelines. Please refer to Exhibit 1 of Attachment 1 for Findings for Approval of the DRB Application.

Analysis of Issues Raised in the DRB Appeal

ISSUE 1: The appellant feels that the project does not meet the required findings for approval of the Design Review Board Bylaws and Guidelines §6.2(1).

Finding 6.2(1)

The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.

The size, bulk and scale of the proposal were reviewed by the DRB at each of the hearings for the project (8/12/08 and 9/9/08).

At the 8/12/08 hearing, the majority of the Board ultimately found this proposal met Finding 6.2(1), and that most of the impacts to the neighborhood with respect to size, bulk and scale, and intensity of use have already occurred with previous additions to the dwelling allowed under Santa Barbara County permits, prior to the current FAR guidelines. The size of the existing home is 2,482 SF plus an attached 463 SF garage. The project that was granted Preliminary approval would be 2,625 SF plus an attached 400 SF garage, and a 14 SF water heater closet.

FAR guidelines recommend a size of 2,313.25 SF plus an allocation of 440 SF for a garage. Though the project would be over FAR guidelines by approximately 300 SF, only 143 SF of this amount is associated with the current application. The balance of the excess (157 SF) already exists.

The majority of the Board felt that the proposed additions were minor in nature, and did not affect intensity of use as the additions were either bathrooms, storage, or garage. The Board did, however, acknowledge public comment from several neighbors regarding parking and how it may be related to the FAR issue. At the 9/9/08 hearing, a motion for Preliminary approval was made and approved with a 5 to 0 vote with the condition that the proposed storage shed in the west side yard be reduced in size to only enclose the water heater. The Board restated that the majority of impacts have already occurred with prior County-permitted additions with respect to size, bulk, and scale of the structure and intensity of use.

During review of the appeal material, staff did not find any new information presented that would result in a recommendation to reconsider the DRB's conclusion.

ISSUE 2: The appellant also feels that the proposed bathroom conversion in the garage would be conducive to future illegal garage conversions.

The DRB's review is limited primarily to exterior design, and although floor plans are a required part of DRB submittals, they are generally only reviewed in so much as they impact site design, exterior design, and/or parking. However, both the DRB and Planning staff require that floorplans resulting from additions to an existing single family dwelling be typical of a single family home, in order to meet the purpose and intent of the R-1 zone district.

In this instance, the existing home has 6 bedrooms (4 downstairs; 2 upstairs) and 2 bathrooms (both downstairs). The proposed remodel would add a new 24 SF bathroom and would convert 119 SF of the existing garage into a bathroom/laundry room. The DRB felt that a total of 4 bathrooms in a house with 6 existing bedrooms would be appropriate. The Board also felt that the property owner had compelling reasons for the addition of a bathroom within the existing garage area (in order to care for an elderly parent). Additionally, the Board noted that the applicant was able to modify the

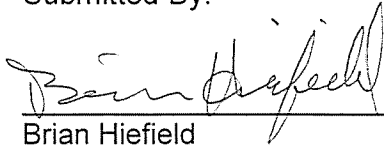
proposed partial garage conversion to obtain a 20-foot depth in the garage to better allow for parking. Therefore, although the potential for unpermitted garage conversions can in some cases be of concern, the DRB was supportive of this particular proposal.

During review of the appeal material, staff did not find any new information presented that would result in a recommendation to reconsider the DRB's conclusion.

APPEALS PROCEDURE

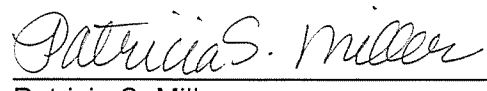
The action of the Planning Commission may be appealed to the City Council within 10 calendar days following final action.

Submitted By:



Brian Hiefield
Planning Technician

Approved By:



Patricia S. Miller
Planning Commission Secretary

ATTACHMENTS:

1. Planning Commission Resolution 09-_____
2. DRB Meeting Minutes (partial) dated 8/12/08 and 9/9/08.
3. Appeal Application dated September 19, 2008.
4. DRB Staff Report dated August 12, 2008.
5. Project Plans Granted Preliminary Approval by the DRB on September 9, 2008 (11 x 17 reductions)

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION 09-___

**PLANNING COMMISSION
RESOLUTION NO. 09-___**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
GOLETA, CALIFORNIA DENYING APPEAL 08-171-APP OF DESIGN
REVIEW BOARD APPROVAL OF 08-090-DRB FOR 7837 LANGLO
RANCH ROAD; APN 079-600-030**

WHEREAS, an application was submitted on May 27, 2008 by Lawrence Thompson as Agent for James Kirwan III, Property Owners, requesting Design Board Review approval; and

WHEREAS, the Design Review Board granted Preliminary approval of the proposal on September 9, 2008; and

WHEREAS, an appeal was filed by Gary Vandeman on September 19, 2008, of the Design Review Board's preliminary approval of permit 08-090-DRB; and

WHEREAS, the procedures for processing the appeal have been followed as required by state and local laws; and

WHEREAS, the Planning Commission of the City of Goleta has considered the appeal of the Design Review Board's approval of 08-090-DRB in accordance with Article III, Section 35-327 of the Goleta Municipal Code; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the appeal on January 9, 2009; and

WHEREAS, the Planning Commission has considered the entire administrative record, including application materials, staff reports, as well as oral and written testimony from interested persons; and

WHEREAS, the Planning Commission finds that the proposed project meets all of the required findings for DRB approval and meets all of the required standards of the DR-4 zone district.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Goleta hereby finds and determines as follows:

SECTION 1. Recitals

The Planning Commission hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are correct.

SECTION 2. Findings

The findings set forth in Exhibit 1 to this Resolution, which are incorporated herein by reference, are hereby adopted.

SECTION 3. Denial of Appeal

Appeal 08-171-APP is denied, the decision of the Design Review Board is affirmed, and the DRB application is hereby granted Preliminary approval (08-090-DRB).

SECTION 4. Documents

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 5. Certification by City Clerk.

City Clerk shall certify as to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2009.

PLANNING COMMISSION CHAIR

ATTEST:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah Constantino, City Clerk of the City of Goleta, do hereby certify that the foregoing Resolution No. 09-____ was duly adopted by the Planning Commission of the City of Goleta at a meeting, held on the ____ day of _____ 2009, by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

FINDINGS FOR APPROVAL OF THE DRB APPLICATION

Required Findings

In order to grant final approval to a project, City Code Section 2.30.150 requires the DRB (Planning Commission) to determine, among other matters, whether the buildings, structures, landscaping and signs are appropriate and of good design in relation to other buildings, structures, landscaping and signs, on-site or in the immediately affected area. Such determination shall be based on the following findings (from Section 6.2 of the DRB Bylaws and Guidelines), as well as any additional findings required pursuant to the City's Zoning Ordinances:

1. The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.
2. Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well-designated relationship to one another, and to the environmental qualities, open spaces and topography of the property.
3. The project demonstrates a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
4. There is harmony of material, color, and composition of all sides of a structure or buildings.
5. A limited number of materials will be on the exterior face of the building or structure.
6. There is consistency and unity of composition and treatment of exterior elevation.
7. Mechanical and electrical equipment is well integrated in the total design concept and screened from public view to the maximum extent practicable.
8. All visible onsite utility services are appropriate in size and location.
9. The grading will be appropriate to the site.
10. Adequate landscaping is provided in proportion to the project and the site with due regard to the preservation of specimen and landmark trees, and existing native vegetation.
11. The selection of plant materials is appropriate to the project and its environment, and adequate provision will be made for the long-term maintenance of such plant materials.

12. The project will preserve and protect, to the maximum extent practicable, any mature, specimen or skyline tree, or appropriately mitigate the loss.
13. The development will not adversely affect significant public scenic views.
14. Signs, including their lighting, are well designed and are appropriate in size and location.
15. All exterior site, structure and building lighting is well-designed and appropriate in size and location.
16. The proposed development is consistent with any additional design standards as expressly adopted by the City Council.
17. The development will enhance the appearance of the neighborhood.
18. The public health, safety and welfare will be protected.
19. The project architecture will respect the privacy of neighbors and is considerate of private views and solar access.
20. The project will provide for adequate street design and sufficient parking for residents and guests in a safe and aesthetically pleasing way.

Findings of the Planning Commission

The Planning Commission finds that the proposed project is consistent with the above applicable findings. With regard to certain specific findings, the Planning Commission finds that the proposed project would be compatible with the neighborhood with regard to size, bulk, and scale because the additions of the existing single family dwelling would be minor in nature (Finding 6.2.1).

ATTACHMENT 2

**DRB MEETING MINUTES (PARTIAL)
DATED 8/12/08 AND 9/9/08**



DESIGN REVIEW BOARD MINUTES - APPROVED

Planning and Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
(805) 961-7500

REGULAR MEETING

Tuesday, August 12, 2008

CONSENT CALENDAR

Scott Branch, Planning Staff

SIGN SUBCOMMITTEE – 2:00 P.M.

Members: Carl Schneider, Cecilia Brown, Thomas Smith

STREET TREE SUBCOMMITTEE

Members: Chris Messner, Bob Wignot, Simon Herrera

ADMINISTRATIVE AGENDA – 3:00 P.M.

REGULAR AGENDA – 3:15 P.M.

GOLETA CITY HALL – COUNCIL CHAMBERS
130 CREMONA DRIVE, SUITE B, GOLETA, CALIFORNIA

Members:

Bob Wignot (At-Large Member), Chair
Thomas Smith (At-Large Member), Vice Chair
Scott Branch (Architect)
Cecilia Brown (At-Large Member)

Simon Herrera (Landscape Contractor)
Chris Messner (Landscape Contractor)
Carl Schneider (Architect)

A. CALL MEETING TO ORDER AND ROLL CALL

The regular meeting of the City of Goleta Design Review Board was called to order by Chair Wignot at 3:15 p.m. in the Goleta City Hall, 130 Cremona Drive, Suite B, Goleta, California.

Board Members present: Bob Wignot, Chair; Thomas Smith, Vice Chair; *Cecilia Brown; Scott Branch; Simon Herrera; Chris Messner; and Carl Schneider. *Member Brown exited the meeting at 5:40 p.m.

Board Members absent: None.

Staff present: Scott Kolwitz, Senior Planner; Shine Ling, Assistant Planner; Brian Hiefield, Planning Technician; and Linda Gregory, Recording Clerk.

L-2. DESIGN REVIEW BOARD PERMIT NO. 08-090-DRB

7837 Langlo Ranch Road (APN 079-600-030)

This is a request for *Conceptual/Preliminary* review. The property includes a 3,086-square foot two-story residence and an attached 446-square foot 2-car garage on a 7,533-square foot lot in the DR-4 zone district. The applicant proposes to construct 174-square feet in additions on the first-floor, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposes to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The resulting 2-story structure would be 3,260 square feet, consisting of a 2,814-square foot single-family dwelling and an attached 446-square foot 2-car garage. This proposed project exceeds the maximum allowable Floor Area Ratio Guidelines (FAR) for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. All materials used for this project are to match the existing residence. The project was filed by agent Lawrence Thompson on behalf of James Kirwan III, property owner. Related cases: 89-V-028 J; 90-LUS-136; 08-090-LUP. (Brian Hiefield)

Site visits: Made by all members present except Branch and Schneider.

Ex-parte conversations: None.

The plans were presented by agent Lawrence Thompson on behalf of James Kirwan III, property owner, and James Kirwan. Lawrence Thompson clarified that he presented the following corrected data to staff: a) the size of the garage will be basically reduced; b) the proposed bathroom infill is 24 square feet instead of 44 square feet; c) the proposed size of the structure is 3,083 square feet; and d) the habitable size of the proposed structure is 2,670 square feet. Lawrence Thompson stated that currently there are six bedrooms and only two bathrooms in the house; therefore, there is a need for decent sanitary facilities, as well as a need by the family for a handicapped accessible bathroom. He believes there is no intensity question because there are no upper floor additions, no new bedrooms, and the same number of occupants. He stated that based upon his calculations, the project exceeds the Floor Area Ratio (FAR) by 357 square feet. James Kirwan III, property owner, commented that the proposed project would only add 24 new square feet to the existing building. He stated that he wants to work with his neighbors regarding the parking concerns. He noted that the occupants of his property park their vehicles in front of the house or across the street where there is a creek, but do not park in any neighbors' space.

Planning Technician Brian Hiefield discussed the following two issues in the staff report for consideration: a) the proposed exceeds Floor Area Ratio Guidelines (FAR) by 500.75 square feet; and b) the proposed garage measures 19' x 19' clear (internal dimensions). He clarified that project is before the DRB for review because the proposed project exceeds the Floor Area Ratio Guidelines.

Documents: Letters received from: 1) Donald and Stephanie Wilson, dated August 8, 2008, in opposition to the project; 2) Ted and Sharon Zrelak, dated August 5, 2008, in opposition to the construction proposed in the notice; 3) Bruce and Louise Keeler, dated August 10, 2008, recommending denial of the request; 4) Vicki Slocum, dated August 5, 2008, urging denial of the project; 5) Bernie Schaeffer, dated August 5, 2008, requesting denial of the project; and 6) Kris O'Leary-Hayes, dated August 11, 2008, in opposition to the project.

Speakers:

Kris O'Leary-Hayes read her letter dated August 11, 2008, in opposition to the project. Her concerns included: a) the proposed exceeds the maximum allowable Floor Area Ratio Guidelines; b) the existing structure is inconsistent with current City ordinance and design standards due to its size, height and setbacks in proportion to lot size; c) the current home is ostentatious and does not blend in with the existing neighborhood; d) the project does not meet required Finding 1 with regard to appearance of the neighborhood, Finding 17 that the project will enhance the appearance of the neighborhood, and Finding 20 with regard to adequate street design and sufficient parking for residents and guests; e) the removal of square footage from the garage will make it inadequate and insufficient for two cars to fit; f) the existing driveway is quite short making multiple vehicle parking and access difficult; g) she believes that the intent of the design review process was to address the issue of on-street parking within the residential areas; h) the intensity of use is a key issue because of the current high number of occupants on the property there have been between 9 and 13 cars parked in the driveway, but never in the garage, and on the surrounding neighborhood streets; i) noted that there are several unregistered vehicles associated with this property; j) allowing the garage conversion will limit any future owner's ability to park vehicles under cover and off the street; k) conversations with several neighbors reveal they are frustrated by the vehicles parked on the public street and not on the property; and l) presented photographs of the project site.

Gary Vandeman, Goleta, requested that a bathroom not be allowed within the garage or immediately adjacent, opening into the garage, which he believes would invite the potential for a non-permitted garage conversion. He recommended that the rules should be followed.

William Campbell, Goleta, neighbor immediately across the street, for thirty-five years, commented that there have been many people living in the house and he does not believe the garage has been used for parking cars since it was purchased by the current owners. He expressed concern that if the house is expanded any further it would invite the potential for an apartment use for more occupants. He recommended that the application be denied and strongly urged consideration of the present use which he believes can be verified by the neighbors. He noted that there have been some nice second-story additions in the neighborhood that were needed for families that have grown because the initial houses were small. He provided a photograph of parked vehicles.

Comments:

1. Member Branch commented: a) the impacts to the neighborhood have already occurred with regard to the project's current size, bulk and scale; b) the intensity of use already exists with the current bedrooms, making note that no more bedrooms are being added; c) there is a need for more bathrooms with regard to the many bedrooms; d) the proposed size of the square footage is not significant, noting that the current project exceeds the FAR Guidelines; moreover, the square footage existed prior to the institution of the FAR guidelines; e) noted that the public comment indicates that there are a lot of neighbors who expressed concerns; and f) he could probably support the project.

2. Vice Chair Smith commented: a) agreed with Member Branch's comments with regard to existing impacts to the neighborhood and intensity; b) the proposed architecture is fine and it continues with the appearance of the existing architecture; c) extending the depth of the garage would hopefully accommodate the parking of cars; d) there have been a lot of issues expressed by neighbors in the area with regard to the applicant's property; e) he is cognizant of the comments made by speaker Gary Vandeman with regard to the handicapped bathroom; and g) he would probably support the project.
3. Member Herrera commented: a) expressed concern that new square footage would be added to the project which already exceeds the FAR Guidelines; and b) the neighbors' comments indicate they have concerns with regard to problems in the neighborhood.
4. Member Messner commented: a) upon review of the photographs, noted that there is a trench covered with boards; however permits have not been issued yet to install the sewer line.
5. Chair Wignot commented: a) the proposed amount of square footage to be added to the footprint is not a substantial change and could be considered for approval; b) the neighbors' comments in opposition to the project express concerns with regard to the applicant's property, particularly parking issues; and c) although the parking issues are not within the DRB's purview, he would support the applicant making the choice to address the neighbors' concerns as a "good neighbor".
6. Member Schneider commented: a) agreed with Member Branch that the intensity of use already exists; b) the proposed addition of square footage for the bathroom in the southeast corner is reasonable, not visible, and does not add to the mass, bulk, and scale; c) he cannot support the proposed garage conversion, the addition of the handicapped bathroom in the garage, or compromising the existing garage space, particularly since the garage is not currently being used for vehicle parking, and the neighbors have concerns with regard to parking for cars generated by the project site; and d) he understands the need for the handicapped bathroom and suggested there may be another place in the house to locate the handicapped bathroom.

MOTION: Schneider moved, seconded by Branch and carried by a 6 to 0 vote (Absent: Brown) to continue Item L-2, No. 08-090-DRB, 7837 Langlo Ranch Road, to September 9, 2008, with the following comments: 1) the proposed addition for the bathroom in the rear, in the southeast corner, is acceptable; 2) the applicant is requested to restudy the bathroom, laundry, and garage area in an effort to maintain at least a 20' depth, or possibly more, in the garage to reduce the impact to the garage; and 3) the applicant is encouraged to restudy relocating the handicapped bathroom in another location in the interior space of the house; and to continue to September 9, 2008.



DESIGN REVIEW BOARD MINUTES – APPROVED

Planning and Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
(805) 961-7500

REGULAR MEETING

Tuesday, September 9, 2008

CONSENT CALENDAR – 2:45 P.M.

Scott Branch, Planning Staff

SIGN SUBCOMMITTEE – 2:30 P.M.

Members: Carl Schneider, Cecilia Brown, Thomas Smith

STREET TREE SUBCOMMITTEE

Members: Chris Messner, Bob Wignot, Simon Herrera

ADMINISTRATIVE AGENDA – 3:00 P.M.

REGULAR AGENDA – 3:15 P.M.

**GOLETA CITY HALL – COUNCIL CHAMBERS
130 CREMONA DRIVE, SUITE B, GOLETA, CALIFORNIA**

Members:

Bob Wignot (At-Large Member), Chair
Thomas Smith (At-Large Member), Vice Chair
Scott Branch (Architect)
Cecilia Brown (At-Large Member)

Simon Herrera (Landscape Contractor)
Chris Messner (Landscape Contractor)
Carl Schneider (Architect)

A. CALL MEETING TO ORDER AND ROLL CALL

The regular meeting of the City of Goleta Design Review Board was called to order by Chair Wignot at 3:06 p.m. in the Goleta City Hall, 130 Cremona Drive, Suite B, Goleta, California.

Board Members present: Bob Wignot, Chair; *Cecilia Brown; Scott Branch; Chris Messner; and Carl Schneider. *Member Brown entered the meeting at 3:10 p.m.

Board Members absent: Thomas Smith, Vice Chair; and Simon Herrera.

Staff present: Scott Kolwitz, Senior Planner; Alan Hanson, Senior Planner; Laura Vik, Associate Planner; Shine Ling, Assistant Planner; Brian Hiefield, Planning Technician; Natasha Heifetz Campbell, Contract Planner; and Linda Gregory, Recording Clerk.

L-4. DESIGN REVIEW BOARD PERMIT NO. 08-090-DRB

7837 Langlo Ranch Road (APN 079-600-030)

This is a request for *Conceptual/Preliminary* review. The property includes a 3,086-square foot two-story residence and an attached 446-square foot 2-car garage on a 7,533-square foot lot in the DR-4 zone district. The applicant proposes to construct 174-square feet in additions on the first-floor, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposes to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The resulting 2-story structure would be 3,260 square feet, consisting of a 2,814-square foot single-family dwelling and an attached 446-square foot 2-car garage. This proposed project exceeds the maximum allowable Floor Area Ratio Guidelines (FAR) for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. All materials used for this project are to match the existing residence. The project was filed by agent Lawrence Thompson on behalf of James Kirwan III, property owner. Related cases: 89-V-028 J; 90-LUS-136; 08-090-LUP. (Continued from 8-12-08) (Brian Hiefield)

The plans were presented by agent Lawrence Thompson on behalf of James Kirwan III, property owner, and by James Kirwan III, property owner. Lawrence Thompson stated that that project description should be changed for accuracy to indicate that the 44-square foot bathroom addition is actually a 24-square foot bathroom; and that the 24-square foot living room addition has been deleted from the plans. He said that the owner proposes adding a pair of tandem parking spaces with decorative interlocking paving on the west side of the garage in the side yard. He also stated that a tool shed is being proposed to make the garage useable. He stated that the relocation of the bathroom to another space in the interior of the house was restudied but the impact was too much of a problem because it would have practically limited the use of a bedroom. James Kirwan III, property owner, stated that he plans to keep vehicles associated with the site parked in his driveway and noted that the property's residents and visitors are respectful of the neighbors.

Speaker:

Gary Vandeman, Goleta, spoke in opposition to placing a bathroom in a garage, expressing concern that it would be an invitation for an unpermitted garage conversion. He believes there is an opportunity to use the other new proposed bathroom for the handicapped accessible bathroom, which would be adjacent to a bedroom rather than the kitchen and garage.

Comments:

1. Member Branch commented: a) achieving the 20-foot depth in the garage makes the plans work; b) the impacts to the neighborhood have already occurred with regard to the project's current size, bulk and scale, and the intensity of use; and c) the overall project is relatively minor and simple.
2. Member Schneider commented: a) agreed with Member Branch that the neighborhood impacts have already occurred; b) the extra square footage for the proposed storage shed may not be needed considering the number of bedrooms and study area; and c) there needs to be room for a water heater.
3. Member Brown commented: a) agreed with comments made by Members Branch and Schneider.

4. Chair Wignot commented: a) the issues raised by neighbors at the last meeting related mostly to the number of vehicles associated with the property, and that vehicles are not being parked in the garage; b) given the number of bedrooms, it seems reasonable to add the number of bathrooms; and c) noted that the addition of a bathroom in proximity to the garage the garage may invite the potential for an unpermitted unit, but he does not believe this concern is within the DRB's mandate.

MOTION: Schneider moved, seconded by Branch and carried by a 5 to 0 vote (Absent: Herrera, Smith) to grant Preliminary Approval of Item L-4, No. 08-090-DRB, 7837 Langlo Ranch Road, as submitted, with the following comment: 1) the proposed storage shed on the west side yard shall be reduced in size to be big enough only to encompass the water heater; and to continue to September 23, 2008, for Final review on the Consent Calendar.

ATTACHMENT 3

APPEAL APPLICATION DATED SEPTEMBER 19, 2008



RECEIVED

SEP 19 2008

City of Goleta
Planning & Environmental Svcs. 130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 685-2635

PLANNING APPEAL

In accordance with the provisions of the Appeal Procedures of the City Zoning Ordinances (Goleta Municipal Code §35-182 [Coastal Zone]; §35-327 [Inland Zone]; §35-12 [Signs]), I hereby appeal the decision of the Design Review Board made on September 9 2008

The decision regarding Case No(s): DRB-08-090 079-600-030 was as follows:
Preliminary Approval of project, with minor changes

The specific grounds of appeal are: See Attached note

I request that the following action be taken: Return to DRB with instructions to remove the Bathroom from the Garage

Name of Appellant: Gary Vandeman

Address and Telephone No. of Appellant: 250 Salisbury Ave
968-1143

M Vandeman (Signature of Appellant) 19 Sep 08 (Date)

(Signature of Appellant) (Date)

(FOR STAFF USE ONLY)

Fee Receipt No. 14245 Appeal(s) Case Nos. _____

Received By: Shirely Date: 9/19/08

RECEIVED

SEP 19 2008

City of Goleta
Planning & Environmental Svcs.

Attachment to Appeal of DRB-08-090

September 19, 2008

I hereby appeal the decision of the Design Review Board made on September 9, 2008.

The decision of the DRB regarding Case No. 08-090-DRB was faulty. The DRB did not correctly make Finding One regarding the compatibility with the neighborhood.

Finding 1: The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and to the location.

Who better knows the neighborhood, the DRB or the people that actually live there? Five nearby residents wrote letters objecting to the project. The DRB ignored this local input. The neighbors also pointed out that the current size of the house is substantially in excess of the FAR and that additional square footage is unwarranted. The DRB approval allows for the addition of approximately 177 feet of habitable space on the first floor. The size is increased from 112% of the FAR to 117%.

The project should be returned to the DRB with direction to eliminate the added garage space, and the bathroom in the garage. There are other viable options that the DRB rejected and/or did not consider.

It is acceptable to add the bathroom at the Southeast Corner (Rear left viewed from the front), as it is within the existing building envelope. This adds only 55 sf of habitable space. The plan to move the water heater outside is immaterial to the issue.

The bathroom in the garage is unacceptable in this community. The economics of an illegal garage conversion are very tempting. The inclusion of a bathroom within, or directly accessible from the garage creates a problem waiting to happen. This bathroom will create an illegal unit. It is only a matter of time.

Additional information:

This project has several problems. The current size of the house is a documented problem for the community. The best compromise of the applicants desire and the community good is to allow only the permanent addition of a bathroom in the Southeast corner.

The applicants need for the garage bathroom is only temporary. The garage bathroom will become a permanent change to the neighborhood, to address a temporary problem for one person.

I propose that the two most reasonable options are:

Option One

In order to meet the applicants stated need for modifications to facilitate the care of his elderly parent, the Southeast bath can be built to meet his requirements. The space available is exactly the same size as the proposed Garage bathroom. There are other changes that need to be made, but the total cost of these changes will be considerably lower than the extension of the garage by 3 feet.

Temporarily removing the wall between that bedroom and the adjacent one, will create a space ideal for the care and support of a handicapped parent. If additional space is needed for the bathroom, the bathing area could be extended into the adjacent space. There is now room for a hospital type bed, wheel chair, and accommodations for a caregiver bed and chair. The very small doorways currently in place will become a single large doorway.

At a future time, the wall could be restored.

Option Two

To avoid the future conversion of the garage to an illegal unit, the City may require that the bath area be restored to garage space on sale.

Gary Vandeman
250 Salisbury Ave.

968-1143

ATTACHMENT 4

DRB STAFF REPORT DATED AUGUST 12, 2008



DESIGN REVIEW BOARD Staff Report

Planning and Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 961-7551
www.cityofgoleta.org

AGENDA ITEM L-2

DATE: August 12, 2008
TO: Goleta Design Review Board
FROM: Brian Hiefield, Planning Technician
SUBJECT: 08-090-DRB; 7837 Langlo Ranch Road; APN 079-600-030

APPLICANT: Lawrence Thompson
70 Loma Media Road
Santa Barbara, CA 93103

PROJECT DESCRIPTION:

This is a request for *Conceptual/Preliminary* review. The property includes a 3,086-square foot two-story residence and an attached 446-square foot 2-car garage on a 7,533-square foot lot in the DR-4 zone district. The applicant proposes to construct 174-square feet in additions on the first-floor, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposes to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The resulting 2-story structure would be 3,260 square feet, consisting of a 2,814-square foot single-family dwelling and an attached 446-square foot 2-car garage. This proposed project exceeds the maximum allowable Floor Area Ratio Guidelines (FAR) for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. All materials used for this project are to match the existing residence. The project was filed by agent Lawrence Thompson on behalf of James Kirwan III, property owner. Related cases: 89-V-028 J; 90-LUS-136; 08-090-LUP.

BACKGROUND:

The project was submitted on May 27, 2008. This is the first time the project has been before the DRB. The 133 square feet of garage conversion proposed for a bathroom and laundry room is currently partially converted without permit, being used as storage and a laundry room.

ANALYSIS:

Zoning Consistency:

	Required	Proposed	Consistent Y/N
Front/Secondary Front Yard Setback	50 feet from Centerline 20 feet from right-of-way 10 feet from right-of-way on secondary front yard setback	50 feet from Centerline 20 feet from right-of-way 13 feet from right-of-way on secondary front yard setback	Yes
Side Yard Setback	10% of Width (6.2) feet	West elevation: 10.0 feet	Yes
Rear Yard Setback	25 feet	11 foot minimum	Yes (w/ existing County permit)
Floor Area Guidelines	2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage	2,814 square feet plus an attached 446-square foot 2-car garage	TBD
Building Height	35 feet	24 feet	Yes
Parking requirement	2 enclosed spaces	2 enclosed spaces	Yes

The proposed project is consistent with the above requirements of Article III, Chapter 35, Inland Zoning Ordinance, subject to approval of the proposed FAR in excess of the guidelines.

ISSUES:

- ***The proposed project exceeds Floor Area Ratio Guidelines (FAR) by 500.75 square feet.***
- ***The proposed garage measures 19' x 19' clear (internal dimensions).***
 - ***Zoning ordinance provides 8.5' x 16.5' for uncovered residential parking spaces. The zoning ordinance does not provide dimension for enclosed residential parking spaces.***
 - ***Administrative policy requires all "garage parking area shall be maintained free of any plumbing, mechanical, electrical, or other permanent structures, from floor to ceiling in order to provide required parking. All 2-car garages shall provide and maintain a 20-foot by 20-foot clear space for required parking."***

ATTACHMENTS:

- Reduced 11" x 17" copies of site plans and elevations.
- FAR Guidelines handout
- Ordinance No. 03-05

ATTACHMENT 5

**PROJECT PLANS GRANTED PRELIMINARY APPROVAL
BY THE DRB ON SEPTEMBER 9, 2008
(11 X 17 REDUCTIONS)**