



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 16, 2007  
**AGENDA DATE:** May 23, 2007  
**PROJECT ADDRESS:** 1102 Alameda Padre Serra (MST2006-00664)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor  
 Roxanne Milazzo, Associate Planner

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### I. PROJECT DESCRIPTION

The 11,550 square foot lot has frontage on both Alameda Padre Serra and Roble Lane. The proposed project involves partial demolition of the existing 2,097 square foot residence and conversion of the remaining 499 square feet of the structure to accessory space, and the construction of a new 2,400 square foot, three-story single-family residence with attached two-car garage. The discretionary applications required for this project are Modifications to permit:

1. Alterations and additions to the existing residence (which will result in new accessory space) within the required front yard setback facing Alameda Padre Serra (SBMC § 28.15.060); and,
2. An accessory structure to be located within the front yard (facing Alameda Padre Serra) (SBMC § 28.87.160); and
3. A new residence and garage within the required front yard (facing Roble Lane), a garage and deck within the western interior yard, an entry deck within the eastern interior yard, and to provide the required open yard in the front yard facing Alameda Padre Serra (SBMC §28.15.060).

Date Application Accepted: March 19, 2007    Date Action Required: September 19, 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

|                |                      |                 |                |
|----------------|----------------------|-----------------|----------------|
| Applicant:     | Designarc            | Property Owner: | Anthony Turchi |
| Parcel Number: | 019-242-006          | Lot Area:       | 11,550 sf      |
| General Plan:  | 3 Units Per Acre     | Zoning:         | E-1            |
| Existing Use:  | One-Family Residence | Topography:     | 35% Slope      |

Adjacent Land Uses:

|                              |                             |
|------------------------------|-----------------------------|
| North - One-Family Residence | East - One-Family Residence |
| South - One-Family Residence | West - One-Family Residence |

**B. PROJECT STATISTICS**

|                 | <b>Existing</b>                        | <b>Proposed</b>                        |
|-----------------|--|--|
| Living Area     | 1,653 sf (partial demo and conversion) | 2,376 sf new sfr                       |
| Garage          | 444 sf to be filled                    | 400 sf new                             |
| Accessory Space | None                                   | 499 sf (existing residence conversion) |

**III. LOT AREA COVERAGE**

Lot Area: 11,550 sf  
 Building: 3,771 sf; 32%  
 Hardscape: 1,433 sf; 12%  
 Landscape: 6,346 sf; 56%

**IV. DISCUSSION**

This project was reviewed by the Architectural Board of Review on December 4, 2006 and continued indefinitely to the SHO with a minor design change to the new residence.

The Modifications being requested relate to the existing residence which is proposed for partial demolition and then conversion to accessory space, and a new single family residence. The structures and their requested Modifications will be discussed separately.

Open Yard

Because the lot is a through-lot, with street frontages on opposite sides, there is no area that conforms to all open yard size and location requirements. However, there is plenty of area that meets the size requirement, and it would be located far from the streets, and would be blocked from APS by the accessory building, and blocked from Roble Lane by the proposed house. Staff supports the open yard Modification.

Accessory Building

The lot currently contains a 3-story house. The house is nonconforming to the current front setback standards, as it is located between 16 and 19 feet from the APS right-of-way and pavement. The sloping topography of the site is such that the building is 3 stories tall when facing APS (garage plus two stories of living area), but only two stories at the back of the house. This application proposes to demolish a large part of the house, but to leave that portion that is closest to APS, and convert that portion to a 499 s.f. accessory building. SBMC Section 28.87.160 prohibits accessory buildings over two stories in height, and in order to reduce the number of stories from three to two, the applicants propose to fill in the garage with dirt, so that the height of the open area in the former garage is no more than four feet, construct a retaining

wall 5 feet way from the building, and backfill the area behind it. A portion of the top floor that is currently enclosed will be converted into a covered porch/deck.

The accessory building requires two Modifications: 1) Alterations within the front setback; and 2) location of an accessory building in the front yard. There is no consensus among Staff regarding these Modifications. One opinion is that the conversion of the house to an accessory structure is not appropriate for the following reasons: 1) the proximity to APS; 2) the proposed filling in of the garage to convert a three-story structure to a two-story structure; 3) the extent of the alterations required to change the appearance of the building; and 4) the change of use of the existing building is similar to a request for a new accessory building, which would not be supported. Those with this opinion would prefer the house take access from APS, and that if the applicants insist on a site design that has the house taking access from Roble Lane, the accessory building should be constructed outside the setback, and preferably much closer to the main house, in which case, the front yard Modification would be supported for the same reason that the Open Yard Modification is being supported.

Another opinion is that although all of the reasons above are true, the proposal is supportable because the building currently exists, and most of the proposed changes are consistent with the City's regulations regarding nonconforming buildings, which states that buildings that are nonconforming to the current physical standards may be maintained, altered in certain ways (new exterior wall coverings, new roof, new windows in the same openings, etc.) and even demolished and reconstructed, all without a Modification. The change of use from a house to an accessory building is a de-intensification; the only alterations that require Modifications are the changes in window locations and sizes. The filling in of the garage is somewhat a circumvention of the two-story ordinance, but three of four side of the building are already underground. Only the garage door portion of the building is three stories tall, and once the retaining wall is constructed in front of the house, the appearance from the street will not be much different from others on APS.

Other factors to consider are that: 1) the house and the accessory building are separated by a fairly large distance and steep topography, and the plans do not show any sort of pathway or steps to connect the two. The plans also show a new parking space next to the APS right-of-way. Although Staff is requiring that this space be removed from the plans, the configuration of the accessory building, the lack of connection between the house and the accessory building, and the proposed parking space are indicative of an illegal dwelling unit. 2) In the past several years, Planning Staff has had too many experiences where applicants state that a building will remain, and Staff or the Planning Commission approve the project based on the information that the building will remain. However, during construction, it turns out that the existing building is too dry-rotted or termite infested to remain, and the entire building gets demolished. Had Staff or the Planning Commission known that the building was to be demolished, a different determination may have been made. Because of the extent of the demolition and remodeling proposed for the accessory building, Staff is concerned that a similar situation may occur in this instance.

### New Single Family Residence

The new single family residence is proposed with access off of Roble Lane and is requesting front and interior yard Modifications in order to keep the development towards the street and eliminate excessive grading.

Staff's position is that with new construction every effort to conform should be made. With steeply sloped properties, smaller front yard can reduce the amount of grading and therefore justify support for the encroachment. Neighborhood support for preservation for purposes of view preservation is also considered (See Exhibit D). Staff supports the front yard encroachments being proposed which include the garage and access elements. The lower level of habitable space is also supportable from the position that it cannot be seen from the road. Interior setback Modifications are difficult to support, as these usually impact neighbors, but can be supported due to site constraints. The length of the property line abutting Roble Lane is 48 feet wide, and with two 10-foot interior setbacks, the buildable area is 38 feet wide, which isn't quite wide enough for the proposed two-car garage, the vestibule leading to an elevator, and a stairway leading to the main entrance. The applicants are proposing that the garage and the living room wall beneath the garage be allowed to encroach 1.5 feet into the western interior setback (no floor area would encroach). The portion of the garage that encroaches would have no openings. Staff supports this interior setback Modification. The applicant also proposes that the entry deck be allowed to encroach about two feet into the eastern interior setback. This area would be open to the neighboring property. This encroachment does not seem to be necessary, and Staff does not support it.

## **V. RECOMMENDATION/FINDING**

The project has some benefits: 1) Elimination of vehicular access from APS will increase safety; 2) Re-use of an existing building, which is "green." The project also has issues, as described above.

On the subject of the Open Yard Modification, and the Front and Interior Setback Modification for the garage and living room wall, Staff recommends that the Staff Hearing Officer approve the Modifications, making the findings that the Modifications are necessary to secure appropriate improvements on the lot, as the site is constrained with two front yards, steep slope, and narrow width at the Roble side, and that the Modifications are consistent with the purpose and intent of the Ordinance to provide an open yard area separated from streets, and the separation provided by the remaining western interior setback is adequate, given the lack of openings in the setback, and the setback from the street is consistent with the neighboring properties, and is necessary to reduce grading and the height of the building.

On the subject of the Interior Setback Modification for the entry deck in the eastern interior setback, Staff recommends that the Staff Hearing Officer deny the Modification, as it is not necessary to secure an appropriate improvement, and it is not consistent with the purpose and intent of the Zoning Ordinance.

On the subject of the accessory building Modifications, Staff does not have a recommendation.

If the Staff Hearing Officer is inclined to approve these Modifications, the following findings could be made: The Modifications are necessary to secure an appropriate improvement, in that the existing house is being reused and the changes to the areas in the setback are minor, and that the project is consistent with the purpose and intent of the Zoning Ordinance in that nonconforming buildings are allowed to be improved. If the Staff Hearing Officer is inclined to approve the Modifications, Staff recommends several conditions of approval: 1) that prior to the submittal for a building permit to convert the existing house to an accessory building, the applicant provide Staff with a report, prepared by a Structural Engineer, that shows that the existing building can be re-used as proposed. An exploratory demolition permit would be issued to allow the preparation of the report. If the building cannot be re-used, the front setback Modification becomes null and void; 2) that despite the report described above, the building is demolished beyond what is shown on the plans, the construction of the accessory building be halted, and the front setback Modification becomes null and void. The reasoning behind these conditions is that if the building must be demolished due to structural problems, the accessory building should be built to comply with setback standards.

If the Staff Hearing Officer is inclined to deny these Modifications, the following findings could be made: The Modifications are not necessary to secure an appropriate improvement, and are not consistent with the purpose and intent of the Zoning Ordinance, in that the resulting accessory building is too close to APS, and the filling in of the garage level circumvents the two-story height regulation for accessory buildings.

Exhibits

- A. Site Plan
- B. Applicant's letter dated March 12, 2007
- C. ABR Minutes
- D. Neighborhood Letters of Support

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

March 12, 2007

Roxanne Milazzo  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**Modification Request for: Turchi Residence**  
**1102 Alameda Padre Serra**  
**A.P.N. 019-242-006**  
**Zone: E-1**  
**MST**

Dear Ms. Milazzo,

The following are proposed modifications with the justifications and benefits of the project:

***The existing situation and the proposed project:***

There is an existing house (1,653 sq. ft.), and an attached two-car garage (444 sq. ft.) on the 11,550 sq. ft. property. The house and garage currently encroach 14'2" into the front setback along Alameda Padre Serra. The Residence and garage have building permits according to the City building files. The proposal is to demolish a portion of the existing residence to reduce the square footage to 499 square feet and convert it to an accessory structure. We are also proposing to build a new residence of 2,376 sq. ft. and an attached garage of 400 sq. ft. that will be accessed from Roble Lane on the northern portion of the property.

***Request for Modification of existing conditions that would require a Modification:***

1. The existing house and garage encroach into the front yard setback off Alameda Padre Serra by 14'2". We are proposing to demolish a portion of the existing residence to reduce the square footage to 499 square feet and convert it to an accessory structure. The garage will be filled to create a 4-foot deep crawl space under the accessory structure. Utilizing the existing structure for the accessory building will reduce construction and be more sustainable.
2. The proposed accessory structure will encroach into the front yard setback off of Alameda Padre Serra. Utilizing the existing structure for the accessory building will reduce construction and be more sustainable.
3. We are requesting a modification for a non-conforming open yard area due to the fact that this property is a thru-lot with front yard setbacks on the opposing streets. This is an unavoidable existing condition.

***Request for Modifications regarding proposed new residence:***

4. The new main residence will encroach into the Roble Lane front yard setback. The proposed setback is 10'-3". The proposed setback is in common with the existing street frontage along Roble Lane and reduces paving and grading.

**EXHIBIT B**

5. The new attached garage encroaches into the west interior setback by 18". The property width is reduced towards the northern portion and does not allow much room to provide garage parking and access to the residence. The walls below the garage have been thickened so that no living space will encroach into the interior setback. It is common in this neighborhood for the adjacent properties to encroach into the interior setbacks.
6. The new cantilevered deck encroaches 2-feet into the eastern interior setback. The property width is reduced towards the northern portion and does not allow much room to provide garage parking and access to the residence. This cantilever will help give the entrance to the house a comfortable feel and the buttress detail will add some architectural style.

***Benefits of the project:***

- 1&2. The benefit of utilizing the existing structure for the accessory building will reduce construction, reduce construction debris put into landfill, provides sustainable architecture and maintains the feel of the neighborhood street frontage.
3. The open yard modification is an unavoidable existing condition.
4. The main residence front yard setback encroachment will reduce grading & paving. The modification will maintain the feel of the neighborhood street frontage. Moving the residence to the north will also open the view corridors to the adjacent neighbors.
5. The new attached garage encroachment into the west interior setback will allow the residence to be pushed further to the north and help open the view corridors to the adjacent neighbors.
6. The new cantilevered deck encroachment into the east interior setback is an architectural improvement that is aesthetically pleasing. The property width is reduced towards the northern portion and does not allow much room to provide access to the residence. This cantilever will help give the entrance to the house a comfortable feel and avoid having to move the house south that will obstruct view corridors and increase grading.

Please contact me if you have any questions.

Sincerely,



Mark Shields  
Senior Designer

## 1102 ALAMEDA PADRE SERRA - ABR COMMENTS SUMMARY

December 4, 2006

Angelo Pulos, resident, suggested that the house be moved closer to Roble.

Earl Morley, resident, expressed concerns with setback encroachment and potential damage to a nearby 24-inch pine tree.

Public comment closed at 5:24 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and continued indefinitely to the Full Board with the following comments:

- 1) Consider a patio on the lower level off the master bedroom, in lieu of a deck with railing, of a material more in keeping with the natural landscape instead of plaster.
- 2) The majority of the Board supports the turnout on Alameda Padre Serra for safety, but without a private access.

Action: Sherry/Wienke, 6/0/0. Motion carried. (Bartlett stepped down.)  
(Mudge absent.)



22-1102-APS X

**PUBLIC COMMENT CORRESPONDENCE:**

- DISTRIBUTED ON: 5/17
- SHO (4):
- STAFF HEARING SUPERVISOR (Bettie Weiss)
- ORIGINAL to STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

1101 ROBLE LANE  
SANTA BARBARA 93103  
DECEMBER 20 2006

**RECEIVED**

DEC 21 2006

CITY OF SANTA BARBARA  
PLANNING DIVISION

CITY OF SANTA BARBARA  
PLANNING DIVISION  
ATTENTION.....BETTIE WEISS OR ROXANNE MILAZZO

DEAR MS WEISS OR MS MILAZZO,

I AM SENDING THIS LETTER IN REFERENCE TO A NEW HOME PROPOSAL THAT IS BEING BUILT IMMEDIATELY ADJACENT TO MY HOME.

THE NAME OF THE LOT OWNER IS ANTHONY TURCHI, AND HIS ADDRESS IS 1102 APS. WITH HIS NEW APPLICATION, HIS ADDRESS WILL BE ON ROBLE LANE.

MR. TURCHI MET WITH ME AT MY HOME TO SHOW ME HIS PROPOSED PLANS OF HIS NEW HOME. I THANKED HIM FOR BEING A GOOD NEIGHBOR AND HE ASKED FOR MY COMMENTS.

I SHOWED HIM THE MAGNIFICENT EASTERN UNENCUMBERED VIEW THAT WE HAVE ENJOYED FOR THE PAST 19 YEARS. MR. TURCHI HAS EVERY RIGHT TO BUILD HIS HOME, AND HE WANTED TO NOT OBSTRUCT OUR VIEW.

HE INSTRUCTED HIS ARCHITECT TO MOVE THE HOME BACK 5 FEET TOWARDS ROBLE LANE. FIVE FEET WILL MAKE AN ENORMOUS DIFFERENCE IN OUR VIEW, AND MR. TURCHI WAS MOST THOUGHTFUL IN DOING THIS.

I BELIEVE THAT A 20 FOOT SETBACK IS REQUIRED FROM THE STREET(ROBLELANE) THERE ARE NO HOMES ON ROBLE LANE THAT HAVE A 20 FOOT SETBACK(EXCEPT 2) THIS MEANS THAT FOR AT LEAST 20 TO 30 HOMES THERE ARE SETBACKS FROM 10 FEET TO 12 FEET OR LESS. OUR NEIGHBOR, MR. MORLEY HAS NO SETBACK. HE SIMPLY DRIVES OFF THE ROAD INTO HIS GARAGE.

I CANNOT STRESS HOW EVEN A ONE FOOT SETBACK ON THE PROPOSED HOME WOULD MAKE A HUGE DIFFERENCE IN OUR

VIEW. AND THE TURCHI'S ARE IN FAVOR OF THIS, AS IT WOULD AFFORD THEM MORE PRIVACY.

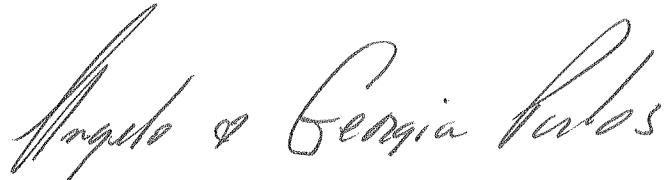
OUR NEIGHBOR, EARL MORLEY, IS THE ONLY OTHER PERSON WHOSE VIEW WOULD BE HAMPERED, AND HE IS ALSO ENDORSING THIS REQUEST BY LETTER.

THE OWNER, AND TWO IMMEDIATE NEIGHBORS ARE REQUESTING THAT YOUR DEPARTMENT CONSIDER OUR VERY REASONABLE REQUEST.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

SINCERELY,

ANGELO AND GEORGIA PULOS  
1101 ROBLE LANE

A handwritten signature in cursive script that reads "Angelo & Georgia Pulos". The signature is written in black ink and is positioned to the right of the typed names.

DISTRIBUTED ON: 5/17

SHO (4):

- STAFF HEARING SUPERVISOR (Bettie Weiss)
- ORIGINAL to STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

1055 Roble Lane  
 Santa Barbara, Ca. 93103  
 805-884-0094  
 21 Dec., 2006

**RECEIVED**  
 DEC 23 2006  
 CITY OF SANTA BARBARA  
 PLANNING DIVISION

To: Ms. Bette Weiss and/or Ms. Roxanne Milazzo

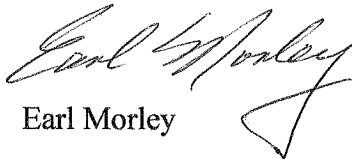
Dear Ms. Weiss or Ms. Milazzo,

I am in receipt of a letter to you from Mr. & Mrs. Angelo Pulos (dated Dec. 20, 2006), my neighbors at 1101 Roble Lane. They discuss the proposed construction on the property between us, known as 1102 Alameda Padre Serra.

I concur with the recommendations in that letter, because I too am affected by new construction. Among other things, new construction will obstruct my westerly view, a prized and magnificent panorama of Santa Barbara and the Pacific Ocean—the main reason I bought this house nearly 10 years ago.

The owner at 1102 (M/M Turchi), the Pulos's and I respectfully request you move the home 5 feet northward toward Roble Lane. This would not be a new thing, inasmuch as nearly all homes on this street encroach at least 5 feet (many more than that) into the 40 foot right-of way of Roble.

Thank you for your consideration of this request.

  
 Earl Morley