



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 24, 2008  
**AGENDA DATE:** January 30, 2008  
**PROJECT ADDRESS:** 3035 Paseo del Descanso (MST2007-00154)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DK*  
 Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 6,600 square foot project site is located on the corner of Paseo del Descanso and Alamar Avenue. Current development on site consists of a single-family residence and attached one-car garage. The proposed project involves complete demolition of the existing structures and the construction of a two-story single-family residence with attached two-car garage.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow the open yard to be less than 1,250 s.f. in size. (SBMC §28.15.060.); and
2. A Modification to allow a fence taller than 3.5 feet within 10 feet of the front lot line along the Alamar Avenue frontage (SBMC §28.87.170.)

Date Application Accepted: December 11, 2008      Date Action Required: June 11, 2008

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Bill Poehler	Property Owner:	Manuel and Carmen Alarcon
Parcel Number:	053-192-012	Lot Area:	6,841 s.f.
General Plan:	Five Units/Ac	Zoning:	E-3/SD-2
Existing Use:	Single Family Res.	Topography:	4% slope
Adjacent Land Uses:			
	North – Single Family Res.		East - Single Family Res.
	South - Single Family Res.		West - Single Family Res.

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	781 s.f.	1,982 s.f.
Garage	211 s.f.	480 s.f.
Lot Coverage		
Building	1,071 s.f. (16%)	1,999 s.f. (29%)
Paving	786 s.f. (11%)	979 s.f. (14%)
Landscaping	4984 s.f. (73%)	3863 s.f. (57%)

**IV. DISCUSSION**

- This project was reviewed by the SFDB on two occasions (meeting minutes are attached as Exhibit C). On September 4, 2007, the SFDB stated that the proposed house was too massive, at 94% of the maximum allowable FAR. On November 26, 2007, the SFDB reviewed the current proposal, which is smaller (85% of the maximum allowable FAR). This proposal included a six foot tall sound wall, located 10 feet from the Alamar Avenue street frontage. The SFDB forwarded the project to the Staff Hearing Officer with minor comments.
- The lot is on the corner of Alamar and Paseo del Descanso, and is trapezoid-shaped. It is constrained because of its location and shape. The only area that meets the dimensional and locational requirements (20 foot minimum dimension, located outside a front yard) is located at the south end of the property, and is about 541 s.f. in size. If the entire 1,250 s.f. open yard was provided in this area, the resulting buildable area would be 1,920 s.f., which is 28% of the lot area. If the lot were rectangular shaped (68'x100'), with one street frontage on the short side, 49% of the lot would be buildable, while meeting setback and open yard requirements. The proposed development provides some open yard area between the house and Alamar Ave.; however, this area does not meet the locational or dimensional requirements.

Normally, Staff does not support Modifications on vacant land, as the development can be planned around the requirements. However, because the lot is constrained, Staff believes that some amount of relief of the open yard requirement is appropriate. The question is this, "How much relief is appropriate?" There are several options, which will be discussed herein. The fence height Modification was added by Staff, in order to give the Staff Hearing Officer flexibility in making a decision regarding the project.

In Staff's opinion, there are four main options: 1) deny the Modification request, because the proposed house is too large for the property; 2) approve a smaller encroachment into the open yard area; 3) approve the encroachment as shown on the plans; or 4) approve a fence height Modification to allow an overheight fence within 10 feet of the Alamar Ave. frontage, which would allow for a larger open yard than proposed (a Modification of the open yard location and dimensional requirements would still be required).

### **Deny Modification Request**

The proposed house is exactly 85% of the maximum allowed FAR for this size lot (1,982 s.f. + 480 s.f. garage), and because of the configuration of the lot, some would say that the house is simply too big for the lot. A Modification denial would require that the applicant redesign the house so that it conforms to all requirements.

### **Approve Smaller Encroachment**

This option, if pursued, would result in a larger area that meets the dimensional and location open yard requirements. If the southern end of the building was placed 30 feet from the south lot line, instead of the proposed 21 feet, the resulting open yard would be 855 s.f. Because of the location of the sound wall, the functional open yard would be 1,185 s.f. It would also provide areas in the front yard that are between 9 and 20 feet wide.

### **Approve Encroachment as Shown on Plans**

This option provides 541 s.f. of open yard that meets the dimensional and location requirements. Because of the location of the sound wall, the functional open yard would be 756 s.f. It also provides areas in the front yard are between 9 and 20 feet wide. This is less open yard that is required for Additional Dwelling Units on R-2 Zoned land that's less than 5,000 s.f. in size. That open yard requirement is 600 s.f.

### **Approve Fence Height Modification and Open Yard Modification**

In some ways, this project is similar to others that the Staff Hearing Officer has heard, involving open yard and fence height on corner lots. In most of those cases, the projects provided the required amount of open yard, but privacy was an issue, and the applicants requested fence height Modifications so that passers-by could not look into the open yard. In those cases, the Staff Hearing Officer (or Planning Commission on appeal) granted the fence height Modification in order to allow privacy for the open yard area.

In this case, the applicant proposed a sound wall 10 feet from the Alamar Ave. frontage, and a Modification was not required; however, if the sound wall was placed closer to Alamar, the resulting open yard would be larger, although still in the front yard. If the wall was approved at the front lot line, the open yard area in the front yard would meet the 20' minimum dimensions for open yard.

This Modification was not reviewed by the SFDB; however, the proposed 6' sound wall located 10 feet from the lot line was reviewed by the SFDB, and the results of a straw poll regarding the wall was only 4-3 in favor. Additionally, one member of the SFDB voted against the project because of the wall. Staff does not anticipate that the SFDB would look favorably on a wall that is closer to the lot line than proposed.

Staff believes that the appropriate action is to approve a smaller encroachment into the open yard area.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve a smaller encroachment into the open yard, as described above (30 feet deep instead of 21 feet), making the findings that:

- A. The Modification is consistent with the purposes and intent of the Zoning Ordinance, in that the lot is constrained by its location on a corner and its shape; and
- B. The Modification is necessary to secure an appropriate improvement on the lot.

Exhibits:

- A. Site Plan
- B. Applicant's letter, November 28, 2007
- C. SFDB Minutes
- D. Neighbor's Letter, dated January 18, 2008

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

Bill Poehler  
585 El Sueno Road,  
Santa Barbara, CA 93110  
967.0017

November 28, 2007

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 3035 Paseo Del Descanso  
A.P.N. 053.192.012  
Land Use Zone E3/SD2

Dear Hearing Officer,

1. 3035 Paseo Del Descanso and East Alamar Avenue form a corner lot. There is an existing 2 bedroom, 781 square foot home with an attached 211 square foot garage on the 6841 square foot lot. As this is a corner lot, it has two (2) front yards. The "real" front yard is along Paseo Del Descanso where the home and garage entrance is located. The other front yard, according to City Regulations, is along East Alamar Avenue. The south east corner of this existing home encroaches into the 20 foot front yard set back along East Alamar Avenue. The proposal is to dismantle the existing small home and garage and replace it with a new two story, 3 bedroom, 2-bath home of 1982 square feet, with an attached 2-car garage of 480 square feet for a total of 2462 net square feet. The new proposed FAR is .36 which is at 85% of the NPO Design Guidelines. The new home is located all within the required setbacks.
2. The modification requested is to allow the required Open Yard space to be in the Front Yard Set Back along East Alamar Avenue. The proposed Open Yard would be a continuous space along the rear of the lot and along East Alamar Avenue, for a total of 1489 square feet. (Please see scaled Open Yard Data on Site Plan.) A 6 foot high sound wall of heavy timber or masonry would be placed 10 feet from the East Alamar property line to help shield the home from the traffic and noise along East Alamar Avenue and to give privacy to the yard and outdoor patios. Along with the 9 foot R.O.W. this will create a 19 foot wide open space. This space between the proposed wall and East Alamar Avenue would be landscaped to City standards. This Modification will allow the newly designed, and approved in concept by the S.F.D.B., home to be built.
3. There are major benefits for the approval of this Modification. A beautiful new, energy efficient, home can be built to replace an older, small 1950's track home, which will enhance the neighborhood. The public will benefit from a landscaped space along East Alamar Avenue, which would be an up-grade from un-trimmed hedges and worn wood fences.

Sincerely,



Bill Poehler, Poehler Design Works

**EXHIBIT B**



SINGLE FAMILY DESIGN BOARD  
CASE SUMMARY

3035 PASEO DEL DESCANSO

MST2007-00154

R-DEMO/REBUILD

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**Project Description:**

Proposal for a two-story 2,462 square foot single-family residence which includes an attached 480 square foot two-car garage. The existing one-story 781 square foot residence and 211 square foot, one-car garage on the 6,841 square foot lot will be demolished. Staff Hearing Officer approval of a modification is requested to provide non-conforming open yard area.

**Activities:**

11/26/2007

*SFDB-Concept Review (Cont.)*

*(Third Concept Review)*

*(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A MODIFICATION.)*

*(THE PROPOSED TOTAL SQUARE FOOTAGE OF 2,462 IS 85% OF THE MAXIMUM FAR.)*

*(4:46)*

*Present: Bill Poehler, Architect.*

*Public comment opened at 4:57 p.m.*

*Wesley Brown: concerned with loss of view due to second floor over the 600 square foot CC&R; concerned about sound wall being a target for graffiti.*

*Kathiann Brown: concerned with possibility that sound wall will not be maintained. Concerned that space between walls and stairwells are not considered in FAR. Prefers a walkway to the porch with screening.*

*A letter from Paula Westbury was acknowledged by the Chair.*

*Public comment closed at 5:05 p.m.*

*Straw vote: Is the 6 foot high wall with the 10 foot setback from the property line acceptable to the Board? 4/3/0.*

*DRAFT Motion: Continued indefinitely to the Staff Hearing Officer and return on Full Board with the following comments:*

*1) Provide a landscaping plan for the area between the sound wall and Alamar Street. Provide a break*

**Activities:**

*up of the linearity of the wall.*

*2) The Board finds the proposed modification is acceptable.*

*3) Revise the front entry walk from the sidewalk to entry to be curved using brick pavers.*

*4) Provide a roof plan showing the chimneys and separation, and showing the first and second floors.*

*Action: Zink/Woolery, 6/0/0. Motion carried. (Mahan opposed: does not agree with the wall)*

**10/25/2007**

***SFDB-Resubmittal Received***

**9/4/2007**

***SFDB-Concept Review (New) - PH***

*(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A MODIFICATION.)*

*(THE PROPOSAL IS ABOVE 85% MAXIMUM FAR OF 2,474 SQUARE FEET.)*

*Time: 3:40*

*Presenter: Bill Poehler, Architect.*

*Public comment opened at 3:56 p.m. The following individual(s) spoke in favor or opposition:*

*Wes Brown, resident: concerned with size, bulk, scale, paving.*

*Kathianne Brown, resident: opposed to lack of open space, incompatibility to neighborhood.*

*Heidi Heitkamp, resident: opposed to lack of open space and views, size, bulk, and scale.*

*Paula Westbury, resident: opposed.*

*Public comment closed at 4:06 p.m.*

*Board comment: the Board would like the modification held until board receives a supportable conceptual design.*

*Motion: Continued indefinitely to the Full Board with the following conditions:*

*1) Applicant is to verify accuracy of FAR.*

*2) Study the reducing the size, bulk, scale of the design. As proposed, the size is unacceptable.*

*3) Study the massing so that it does not hinder the neighbor's views, if possible.*

*4) Provide a landscape plan. Consider an entry walk that is separate from driveway. Consider a street tree on Paseo Del Descanso.*

*5) Restudy the recessed front door to be more street friendly, such as a porch.*

*Action: Bernstein/Mosel, 6/0/0. Motion carried. (Woolery absent.)*

**9/4/2007**

***SFDB-NoticePrepared-PC/SHO Req***

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**Activities:**

**8/20/2007**                    **SFDB-Concept Review (New)**

*(Action may be taken if sufficient information is provided.)*

*(THE PROPOSAL IS ABOVE 85% MAXIMUM FAR OF 2,474 SQUARE FEET.)*

*Postponed two weeks. Notice was sent out for this hearing without mentioning the modification for open yard. Will send out another notice for the 9/4 SFDB hearing. Tony Boughman*

**8/2/2007**                    **SFDB-Resubmittal Received**

*All corrections have been made.*

**7/19/2007**                    **SFDB-Resubmittal Received**

*SFDB resubmittal received. Resubmittal included 20 closest homes survey, silhouette drawing and panoramic photo.*

**6/18/2007**                    **SFDB-FYI/Research**

*received TDAO forms from applicant.*

**6/18/2007**                    **SFDB-FYI/Research**

*Meeting with Bill Poehler, Designer for the project and advised that since the project is over 85% FAR, additional submittal requirements are required.. Mr. Poehler may redesign the project to be below the 85% FAR. If not, the following will be required:*

*At Concept Review:*

*20 closest home survey, Panoramic streetscape photo presentation and street elevation showing building outline silhouettes.*

*At Preliminary Review:*

*Story poles may be required and landscape plans will be required.*

**Milazzo, Roxanne**

**From:** chris otanez [botanica97@verizon.net]  
**Sent:** Friday, January 18, 2008 7:15 PM  
**To:** Milazzo, Roxanne  
**Subject:** APN 053-192-012

HELLO ROXANNE!!!

MY NAME IS CHRIS OTANEZ. MY FAMILY & I LIVE AT 3035 PASEO TRANQUILLO. IN REGARDS TO THIS PROJECT AT 3035 PASEO DEL DESCANSO....

MY CONCERNS ARE WITH THE OPEN YARD AREA TO BE PROVIDED IN PORTIONS OF THE SECONDARY FRONT YARD WITH DIMENSIONS LESS THAN TWENTY-FOOT (20') MINIMUM.

WE DO NOT SUPPORT THIS MODIFICATION .

>OUR LOT IS VERY SIMILAR TO THIS LOT. WE WERE DENIED THIS VERY SAME MODIFICATION BY THE CITY ABOUT FIVE YEARS AGO.

>IN MY OPINION ANY MODIFICATION SHOULD ONLY BE APPROVED IF IT IS GOOD FOR, OR BENEFITS THE OWNER, AND THE PUBLIC. THIS PARTICULAR MODIFICATION ONLY BENEFITS THE PROPERTY OWNER, AT THE EXPENSE OF THE ADJACENT NEIGHBORS.

>I THINK THAT IF YOU APPROVE THIS MODIFICATION, YOU MIGHT AS WELL JUST ELIMINATE SBMC 28.15.060.

>ALSO... IN MY VERY HUMBLE OPINION, THE FIRST DESIGN OF THIS PROJECT PRESENTED TO THE CITY WAS VERY UNATTRACTIVE. PLEASE TAKE INTO CONSIDERATION THE LOOK OF THE PROJECT AS IT FITS INTO THE NEIGHBORHOOD. AND PERSONALLY, I WOULD OF DENIED THIS PROJECT JUST FOR THE DESIGN OF IT.

THANK YOU FOR LISTENING TO MY PERSPECTIVE ON THIS MATTER. PLEASE GO AHEAD AND PUT US ON THE MAILING LIST FOR FUTURE AGENDAS FOR THIS ITEM.

SINCERELY,  
CHRIS OTANEZ

**EXHIBIT D**

1/22/2008