



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 4, 2007  
**AGENDA DATE:** April 11, 2007  
**PROJECT ADDRESS:** 3002 Paseo del Refugio (MST2005-00696)  
**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 7,500 square foot project site is located on the corner of Paseo del Refugio and Lugar del Consuelo. The proposed project involves demolition of all existing structures on site and the construction of a new single family residence with detached garage. The discretionary application required for the project is a Modification to make alterations to portions of the building being rebuilt within the required front yard setbacks (SBMC§28.15.060).

Date Heard & Continued by SHO: February 28, 2007 Action Required: Not Applicable

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Joaquin Ornelas	Property Owner: Raul Gutierrez
Parcel Number: 053-201-008	Lot Area: 7,500 sf
General Plan: 5 Units Per Acre	Zoning: E-3
Existing Use: Vacant	Topography: Flat
Adjacent Land Uses:	
North – One-Family Residence	East - One-Family Residence
South - One-Family Residence	West - One-Family Residence

**B. PROJECT STATISTICS**

	<b>Proposed</b>
Living Area	1,209 sf
Garage	440 sf
Accessory Space	None

**III. LOT AREA COVERAGE**

Lot Area:	7,500 sf
Building:	1,720 sf 23%
Hardscape:	340 sf; 5%
Landscape:	5,440 sf; 42%

**IV. DISCUSSION**

Originally, a project was reviewed for this site by the Architectural Board of Review (ABR) and given final approval on March 13, 2006. During plan check it was determined that there were changes being proposed for portions of the structure that were non-conforming. A Modification was applied for and on December 6, 2006 the Staff Hearing Officer (SHO) held a public hearing and after much public opposition, continued the item with direction to the applicant to increase the open yard for the project. The redesign, which has been before the ABR on three (3) occasions, was given favorable comments and continued indefinitely to the SHO on March 19, 2007.

The original project requested Modification approval for changes to the non-conforming rebuild, and for open yard area. The current project has been downsized, and per the ABR's direction, the garage has been separated in order to provide open yard area that would be directly accessible to the residence. The redesign has result in an open yard area that meets the Ordinance requirements. Pursuant to SBMC § 28.87.030, demolition and rebuilding of a non-conforming building is permitted with minor improvements. Those improvements include window and door changes as long as there is no increase in size or change in location. Although the rebuild being proposed does include changes to three (3) windows and the front door, it is Staff's position that the exterior alterations are necessary to accommodate interior floor plan alterations, and although located within required yards, do not intensify habitable space within those setbacks. All other portions of the proposed plan comply with current Zoning Ordinance regulations.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approved the project, making the findings that the Modification is necessary to secure an appropriate improvement on this site by relocating windows in accordance with the new floor plan, that the encroachment is being maintained as allowed by the Ordinance, no intensification of the non-conformancy is proposed, and relocation of windows should not result in any adverse impacts to adjacent neighbors.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated March 21, 2007
- C. ABR Minutes

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

Modification Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

March 21, 2007

Attention: Roxanne Milazzo

RE: Request for a Modification for:  
3002 Paseo Del Refugio  
A.P.N.: 053-201-008 / Zone: E-3

Dear Roxanne,

We are currently involved in a project located at 3002 Paseo Del Refugio in which our clients are proposing to reconstruct a new two story home in which there was once a 1,461 square foot single family residence. The new residence will total 2,367 square feet. The proposal also involves removing and reconstructing the existing [2] two car garage. The existing two car garage was 19'-10" wide by 19'10" deep with an interior clear dimension of 19'-6" in both directions.

The single-family residence is located in a neighborhood in the San Roque area with modest sized homes. A single-family residence is located to the north and west of the existing residence. Additionally, a single-family residence is located across Paseo Del Refugio to the South and across Lugar Del Consuelo to the East. The home is situated on a 7,500 square foot / .17 acre site. The proposed residence has a square footage of 2,900 square feet with a detached 393 square foot two-car garage, please see enclosed photos.

We would like to request a modification to allow a window size increase for windows located in the front yard setback – within original construction .

Request: Request for enlarged windows to located within the front yard setback

Reasons: The larger windows allow for a structure to be architecturally compatible with the neighborhood even though the enlargement encroaches into the front yard set back.

**EXHIBIT B**

We feel that the proposed adjustment should be allowed on the existing property because of the following reasons:

- 1.) The walls that will accommodate the larger windows have actually been placed further away from the property line than the original residence.
- 2.) It secures the right to improve the previous residence

Please see enclosed plans for further clarification. Do not hesitate to contact us if you have any questions regarding these requests.

Sincerely,

Joaquin Ornelas Jr.  
Joaquin Ornelas Design.  
JOJ: jo  
Encl. (2)

## **ABR MINUTES FOR 3002 PASEO DEL REGUGIO**

### **November 1, 2005**

Ann Williams, neighbor, asked for clarification if the home were going to be a single-family residence.

Continued indefinitely with the following comments: 1) The Board is comfortable with the site planning concept and the location of the new second story mass as viewed from both streets. However, the Board looks forward to refinement of the first floor mass as the building is abutting the setback lines on all sides, and not leaving room for authentic articulation of the chosen design style. 2) The Board is concerned with the modifications that may be required, and the applicant is to confirm with Staff before return. The Board recognizes that the proposed encroachments are within the same location as the existing structure. 3) The Board would like to see a proposed rebuild of the garage. 4) The design style is compatible with the neighborhood, yet, the Mediterranean style needs to blend with the character of the neighborhood, and not appear as a contemporary design. 5) The Board is concerned with the west elevation as it abuts the adjacent neighbor, with the one foot offset from the lower wall to the upper wall. 6) Applicant is to provide a landscaping and fencing plan. 7) Add detail (recess or columns) to the front entry porch.

Action: Manson-Hing/Eichelberger, 5/0/0.

### **March 6, 2006**

Continued one week with the following comments: 1) Provide a color board revision to roof details and window details to eliminate the wood trim.

### **March 13, 2006**

Final Approval as submitted of the Architecture and proposed colors, and indefinite continuance of the Landscape Plans.

### **September 25, 2006**

Final Approval of the Landscape Plan as noted on the plans.

### **January 29, 2007**

Public comment opened at 4:10 p.m. The following individuals spoke in favor or opposition.

John Mealy, opposed.

Allen Hodgert, neither. Too much construction taking place on Paseo Del Refugio.

Chair Wienke read into the record a letter containing signatures of twelve residents who object to the proposed building plan due to issues of neighborhood compatibility, aesthetics, and design.

Paul Norton, opposed. Variances and size of the proposal.

Margaret Oberholzer, opposed. Mansionization of small lots.

Bruce McIver, opposed. Wave of larger homes in the neighborhood.

Public comment closed at 4:18 p.m.

Continued indefinitely to the Full Board with the following comments:

- 1) Study revising the proposal to keep the garage detached and to the north of the property, thus allowing the open-yard space to be closer to the activities of the residence.
- 2) Study that portion of the living room that is proposed to be in the front yard setback for better conformance to the Zoning Ordinance.
- 3) Provide a revised Landscape Plan that addresses the aforementioned changes and providing a pedestrian appeal to front door.
- 4) Document all large trees on the site plan
- 5) Document the garage door opening on the site plan. The revised garage door is to follow the shape of the header.
- 6) Study the fenestration division of the living room window which faces Paseo del Consuelo to be compatible with rest of the house.
- 7) Provide high-quality window detailing and materials appropriate to the style, including window fenestration.
- 8) Design the detail and scale of the buildings to be compatible with the scale and charm of the neighborhood.

Action: Manson-Hing/Sherry 5/0/0. Motion carried. (Blakeley absent.)

### **March 12, 2007**

John Mealy, opposed.

Chair Wienke read into the record four public comment letters in opposition to the project. Letters were received from Isabelle Green, Doris Roof, Bruce McIver, and Mark Swank.

Continued one week back to the Full Board with the following comments:

- 1) Revise the drawings to eliminate discrepancies between the floor plan, site plan, and elevations.
- 2) Study the courtyard canopy tree for opportunities to move it closer to the street or possibly use a different tree species.
- 3) Review standard Redwood tree protection measures which may apply to the neighboring redwood trees, and incorporate them onto the plans.
- 4) The applicant is encouraged to simplify the building wherever possible.
- 5) Provide a detailed elevation showing all exposed and proposed fences and gates with height dimensions per city standards.

- 6) The Board is comfortable with the modification for the living room window as it is technical in nature. The Board looks for a thickened wall approach with windows recessed 4 to 6 inches.
  - 7) Clarify the discrepancy of the front elevation massing.
  - 8) The Board would prefer: a. bullnose returns and recesses on all windows and door openings; b. no plaster plinth on windows; c. window sills shown as sloped, or having a window sill projection, if simplified in nature.
  - 9) Provide O'Hagen roof vents, or similar, in plane with the existing roofing tile. Do not use the half round aluminum dormer style roof vents.
  - 10) Reduce the number of exterior light fixtures as much as possible.
  - 11) The Board is satisfied with the revised site plan showing the garage out of the setbacks, and the outdoor space between the detached garage and the house.
  - 12) Overall, the Board is pleased with the simplified style of the facades and looks forward to further refinements.
- Action: Manson-Hing/Mosel, 5/0/0. Motion carried. (Blakeley absent.)

### **March 19, 2007**

Bruce McIver, resident: expressed concern that the building size is pushing the envelope for the neighborhood; study the location of the redwood trees.

Public comment closed at 6:13 p.m.

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

- 1) Complete and clarify discrepancies on all drawings as required, including: a. the wall corner on the south elevation; b. removal of the gutter and roof section crossing the chimney on the west elevation; c. removal of lines on the east elevation below the large picture window.
  - 2) Restudy the garden wall on Lugar Del Consuelo for more appropriateness to the neighborhood and architecture style. Several Board members prefer a low stucco garden wall in lieu of the wood fence.
  - 3) Study the spark arrestors. Consult with the Building and Safety Division for acceptable chimney caps.
  - 4) Relocate the trash and yard waste receptacles per city standards. Verify whether the trash location is acceptable within the 1250 square feet outdoor space.
  - 5) The Board is happy with the recessing of all windows and the use of 2x6 exterior walls.
  - 6) The Board is not satisfied with the amount and shape of the stucco scalloping.
  - 7) Restudy the front door entry area, wall thickness, roofs and massing
  - 8) Incorporate tree protection measures and best management onto the plans.
- Action: Manson-Hing/Mudge, 7/0/0. Motion carried. (Mosel absent.)