



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 16, 2007  
**AGENDA DATE:** May 23, 2007  
**PROJECT ADDRESS:** 1710 Mira Vista (MST2007-00014)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor  
 Roxanne Milazzo, Associate Planner

### I. PROJECT DESCRIPTION

The 19,000 square foot residential lot has frontage onto Mira Vista and Mission Ridge Road. Current development on site consists of a 2,320 square foot single family residence and attached two-car garage. The proposed project involves a 313 square foot detached accessory building and swimming pool. The discretionary applications required for this project are Modification to permit the new accessory to be located within the required front yard setback (SBMC §28.15.060) & within the front yard (SBMC §28.87.160).

Date Application Accepted: March 22, 2007 Date Action Required: September 22, 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Vadim M. Hsu	Property Owner: Christine McLaughlin
Parcel Number: 019-090-015	Lot Area: 16,100 sf
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: One-Family Residence	Topography: 16% 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	2,320 sf	No Change
Garage	425 sf	No Change
Accessory Space	None	313 sf

**III. LOT AREA COVERAGE**

Lot Area:	16,100 sf
Building:	2,244 sf; 14%
Hardscape:	2,600 sf; 16%
Landscape:	11,256 sf; 70%

**IV. DISCUSSION**

This existing residence, built by Alex C. D'Alfonso, is on the City's list of Potential Historic Resources and therefore required review by the Historic Landmarks Commission (HLC). The HLC reviewed the project March 21, 2007, gave direction to the applicant to show compliance with the Zoning Ordinance, and continued the project indefinitely to the Staff Hearing Officer with positive remarks.

Any yard abutting a private or public road is a front yard. The project site is a through-lot with frontage on both Mira Vista and Mission Ridge Road, and therefore has two (2) front yards. In the E-1 Zone, development is restricted within the thirty-foot (30') front yard setback. The Zoning Ordinance also restricts construction of accessory structures within the front yard (the area between the street and a main building). The front yard off of Mira Vista is seventy-five feet (75') wide.

The proposed project involves the construction of a new swimming pool and cabana for the front yard off of Mira Vista. This yard actually functions as the back yard by use and location (It is located at the back of the residence, opposite the front door which faces Mission Ridge Road). It is Staff's belief that the site was given a Mira Vista address because of safety issues related to ease of access. The cabana requires Modification approval to be located both in the front yard, and the front yard setback. The pool and all associated fencing comply with current zoning regulations.

It is Staff's position that the improvements being made on this site are the type of improvements typically made for a back yard. Because the area functions like a rear yard, Staff feels it is appropriate to develop it as such. The cabana is sited to observe the required interior and rear yard setbacks of the zone. Staff recognizes the on-site constraint of two front yards and takes the position that to develop one as a back yard makes sense.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the use of the second front yard as a rear yard is necessary to secure an appropriate improvement by providing a private yard area, improved with amenities for enjoyment of the area that meet the purpose and intent of the Ordinance. Said approval is subject to the condition that any plan submitted in conjunction with this Modification approval shall show abatement of any outstanding zoning violation.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated January 9, 2007
- C. ABR/HLC Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
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**A R C H I T E C T**  
**VADIM MENSTELL HSU/A. I. A.**  
**I N C O R P O R A T E D**



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To: Bettie Weiss, City Planner and Staff Hearing Officer  
Roxanne Milazzo, Modification Hearing Officer  
City of Santa Barbara

From: Vadim M. Hsu, AIA (for) Architect Vadim M. Hsu, AIA, Inc.

Re: 1710 Mira Vista Avenue, Santa Barbara, CA APN: 019-010-015 Zone: E-1

Date: January 9, 2007 (Revised 3-22-2007)

Dear Ms. Weiss and Milazzo-

This letter will serve as our formal request for two Modifications at the above-referenced property for 1) relief from the "thru-yard" front lot line setback requirement to allow for a pool and open cabana in a technical front yard setback (in reality in the rear portion of the above-referenced property), and thus 2) a Modification for an accessory structure to technically be located in front of the primary residence.

MODIFICATIONS REQUEST:

- 1). A Modification to allow relief from the "thru-yard" front lot line setback requirement to allow for a pool and open cabana in a technical front yard setback. The proposed work is located in the "rear or interior yard" of the property both as it is oriented (main residence and entry facing Mission Ridge Road), as well as past City precedence along this private easement portion of Mira Vista Avenue of determining this frontage to be the rear yard subject to 10' interior yard setbacks (not front yard). Both Assessor records and historically these properties (on the north side of Mira Vista) were all oriented, addressed, and taxed as Mission Ridge residences.
- 2). ) A Modification for an accessory structure and pool to technically be located in front of the primary residence (for the same reason described in #1 above).

PROJECT DESCRIPTION:

The property currently has one two-story, single-family residence with a large front yard and porch facing Mission Ridge Road. The tax assessor describes the property as having a Mission Ridge address; its entry stairs gates and mailbox all face Mission Ridge Road. We believe that restoration of the rear yard (garden) portion of this Landmark house will bring the site more closely back to the period of significance, while not disrupting the Landmark with this proposal, and is an appropriate improvement. (This has been verified by Jake Jacobus City Historian, and a Historic Structure Report for this proposal approved by the HLC). Thus, while technically not meeting the front yard requirements literally per the SBMC, the Modifications are technical in nature as over 2,500 s.f. of open yard area is preserved in the rear, consistent with the character and historic use of the neighborhood. The existing curb cut and driveway will remain and be preserved.

As mentioned, we have reviewed this project with City Historian Jake Jacobus (who reviewed and approved the previous restoration of the existing residence last year) for consistency with design, site use, and historical context. He agreed that this proposal, with diminutive yet consistent detailing derived from the original residence is an appropriate improvement. Additionally, we have received numerous positive comments about the recent restoration and proposal during its recent Landmarking process, and positive review at the HLC on 3/21/2007.

Thus, this appears to be an appropriate, low-impact proposal, compatible with the neighborhood and City. We look forward to your comments and a positive review process.

Sincerely-

Vadim M. Hsu, AIA  
Architect

cc: Christine McLaughlin, file

**EXHIBIT B**

## 1710 MIRA VISTA – HISTORIC LANDMARKS COMMISSION REVIEW

March 7, 2007

- Motion:** Continued two weeks for the applicant to provide the foot prints of adjacent structures and more information regarding the project's address.
- Action:** Naylor/Boucher, 7/0/0. (Hausz absent.) Motion carried.

March 21, 2007

Kellam De Forest, local resident, emphasized that this is an example of owners moving a historic address for convenience so that the entrance can be at the back of the house. Mr. De Forest believes this would be a misguided address.

Lydia Meissner Klocke, neighbor, expressed concern for the growing bushes on the property and commented that the Planning Commission advised her to bring up that the hedge at the Mission Ridge property line is higher than 20 feet. She tried to contact the owner – to no avail. She submitted a complaint to the City. The owner was ordered to cut the hedge down and cut off the existing Palm tree, but nothing has been done.

Public comment closed at 3:52 p.m.

Ms. Gantz pointed out that existing and proposed hedge, fence, and wall heights should be called out in the drawings. Any heights that are not in conformance with the Zoning Ordinance shall come into conformance before an approval can be given to the project.

- Motion:** Continued indefinitely to the Staff Hearing Officer with positive remarks and that the plans are to show compliance with the Zoning Ordinance and abate ZIR violation concerning hedge heights, with the following comments: 1) The pool and its buildings are to be moved to the north approximately five feet and out of the side yard setback. 2) The Commission is in support of the encroachment into the yard setback from Mira Vista Avenue. 3) The request to minimize the encroachment is done in deference to the properties on the south side of Mira Vista Avenue. 4) This particular property has the main access from Mission Ridge Road. 5) The majority of the properties on the north side of the street either have their main entrance on Mission Ridge Road or appear to have their front yard at the Mission Ridge Road side.
- Action:** Pujo/Adams, 7/0/1. (Hausz abstained.) Motion carried.