



**City of Santa Barbara  
California**

**STAFF HEARING OFFICER  
STAFF REPORT**

**REPORT DATE:** July 22, 2009  
**AGENDA DATE:** July 29, 2009  
**PROJECT ADDRESS:** 1323 Rialto (MST2009-00195)  
**TO:** Jaime Limón, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Roxanne Milazzo, Associate Planner *RM*

**I. PROJECT DESCRIPTION**

The 15,031 square foot project site is currently developed with a single family residence, attached two-car garage, swimming pool and detached accessory building. The proposed project involves a second story addition for the detached accessory building. The discretionary applications required for this project are Modifications to permit accessory space in excess of 500 square feet on the lot and to recognize the location of the existing accessory building, and alterations thereto, within the required interior setback (SBMC §28.15.060 & 28.87.160).

Date Application Accepted: June 23, 2009      Date Action Required: September 23, 2009

**II. RECOMMENDATION**

Staff recommends that the Staff Hearing Officer approve the project, subject to a condition.

**III. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| Applicant: David VanHoy            | Property Owner: Domenico & Celia Lala |
| Parcel Number: 049-242-032         | Lot Area: 15,031                      |
| General Plan: 3 Units Per Acre     | Zoning: E-1                           |
| Existing Use: One-Family Residence | Topography: 17% 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     | 1,841 sf        | 1,841 sf        |
| Garage          | 370 sf          | 370 sf          |
| Accessory Space | 385 sf          | +313 sf =698 sf |

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,780 sf 19%      Hardscape: 4,685 sf 31%      Landscape: 7,566 sf 50%

**D. FLOOR-AREA RATIO (FAR) -- GUIDELINE ONLY**

Max. Allowed FAR: 0.29      Proposed FAR: 0.19      = 66.5% of Max. Allowed FAR

**IV. ZONING ORDINANCE CONSISTENCY**

**V. DISCUSSION**

The project site is currently developed with a single family residence, attached 2-car garage, detached 385 square foot accessory/workshop building, and a swimming pool. This application is a Modification request to legalize the existing accessory structure's location within the required 10-foot interior setback and to allow the construction of a pool cabana which will result in an amount of accessory space in excess of what is allowed.

In 2003, the current owners were issued a building permit and constructed an accessory structure at the rear of their property. Plans on file with the City show the structure observing the required 10' interior setback. A recent survey prepared for the property revealed that the structure is 5½' from the interior lot line. The applicant is requesting to correct this field error and is asking for a Modification approval to allow the structure to remain in its current location.

The second Modification being requested is related to the amount of accessory space on the lot. The property owners are requesting that a 313 square foot pool cabana be constructed over the existing 385 square foot accessory structure, which will result in 698 square feet of accessory space for the property. Due to the site's topography, the two-story design results in the cabana being constructed at the level of the pool deck. The Zoning Ordinance limits the amount of accessory floor area on one-family residential lots to 500 square feet. Regulating the amount of accessory space provides Staff with an opportunity to monitor the proposed structure for verification that the use remains incidental to that of the main building. Although Staff recognizes that the lower level workshop provides a different purpose than the upper level cabana, Staff is unable to support the requested Modification for the amount of proposed accessory space. Staff recommends that the project be downsized, or redesigned to provide the amenities of a cabana while complying with the Ordinance limitations. On May 11, 2009 the project was reviewed by the Single Family Design Board (SFDB), who gave the design

positive comments and pointed out that even with the additional floor area request, the entire development for this site is still less than the 85% FAR guideline.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modification for the existing accessory building's location in the interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Legalizing the existing structure will allow for its continued use in an area that is tucked away from view and has no impact on adjacent neighbors.

The Staff Hearing Officer finds that the Modification to allow accessory space in excess of 500 square feet is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. Staff recommends that a redesign that will provide the amenity while complying with the Zoning Ordinance limitations be explored.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated June 23, 2009
- C. SFDB Minutes

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June 23, 2009

**Owner**      Dominico and Celia Laia  
                  1323 Rialto Lane  
                  Santa Barbara, CA 93105-4628  
                  (805) 687-2241

**Architect**   David VanHoy  
                  209 La Jolla Drive  
                  Santa Barbara, CA 93109-1843  
                  (805) 729-3184

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

**Re:      Modification Request for 1323 Rialto Lane; APN 049-242-032; Land Use Zone – E-1**

Dear Staff Hearing Officer

The project site is located in the Bel Air Knolls area of Santa Barbara. The property is 15,031 square feet (.3451 acre) in size with an average slope of 17.09%, and located in the hillside design district. Currently the site is developed with a 1,841 square foot one-story single-family residence, 370 square foot two car garage, and a 385 square foot workshop accessory building. An existing swimming pool and spa along with two site retaining walls also exist on-site. City files indicate that all buildings and retaining walls have permits.

The proposed project consists of a 313 square foot pool cabana to be constructed at the pool deck level with the existing workshop building located directly below. Please refer to the site section on drawing sheet A1.0, which illustrates the sloped configuration of the property and the relationship of the proposed cabana to the existing workshop building and pool.

The existing workshop and proposed pool cabana total 698 square feet in size, and thus require a modification to allow for the 198 square feet that exceeds the 500 square feet allowed for accessory buildings in the E-1 zone. The proposed pool cabana is designed to provide a shaded area and a restroom facility directly accessible from the pool deck. Restroom facilities in the existing residence are not accessible directly from the pool deck, and currently require wet adults and children to pass through living areas to use the facilities. There is no site area available to add restroom facilities that would be attached to the main residence due to the existing site relationship of the pool, residence, setback requirements, and topography.

Locating the cabana as designed provides direct access from the pool deck and also provides visual privacy to and from the neighboring residences. As proposed, the roof of the cabana is three feet lower than the roof of the existing single story residence. When completed, development of all structures on-site will total 2,909 square feet, which equals 66% of the NPO maximum allowed, and is a further indication of the appropriateness of this proposed design solution. The Single Family Design Board conceptually reviewed the proposed project on May 11, 2009 and deemed the modification request acceptable, and provided positive comments regarding the architectural design.

Sincerely,



David VanHoy, Architect

EXHIBIT B



## 1323 RIALTO LANE – SINGLE FAMILY DESIGN BOARD MINUTES

May 11, 2009

Present: David Van Hoy, Architect; Domenico Lala, Owner.

Public comment opened at 6:05 p.m.

1. A letter in opposition from Paula Westbury was acknowledged.
2. Fred Carlin, neighbor, addressed safety concerns, 328 tons of fill was imported and is held in place by a thin retaining wall.
3. John Jostes, neighbor, opposed: project is out of scale with the neighborhood; not appropriate for modification, but is appropriate for density.

Public comment closed at 6:10 p.m.

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

- 1) The modification for additional accessory building square footage is acceptable as the overall site is less than the 85% FAR guideline.
- 2) Provide photos from the neighboring property to the east; include a silhouette of proposed structure.
- 3) Provide additional grading information.
- 4) Provide a soils report.
- 5) Provide a color board with roof color.

Action: Zink/Carroll, 7/0/0. Motion carried.

