



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 14, 2009  
**AGENDA DATE:** October 21, 2009  
**PROJECT ADDRESS:** 1562 La Vista Del Oceano (MST2009-00376)  
**TO:** Susan Reardon, 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 19,166 square foot project site is currently developed with a two-story single family residence above a two-car garage and basement. The proposed project involves alterations to windows, decks, and stairwells, and legalization of portions of the existing development that were not built to plan. The discretionary application required for the project is a Modification to permit alterations and additions within the required ten foot interior setback (SBMC §28.15.060).

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

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Zehren & Associates, Inc.	Property Owner:	Vikram & Sandy Verma
Parcel Number:	035-180-078	Lot Area:	19,166 sf
General Plan:	5 Units Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	33%

#### Adjacent Land Uses:

North – One-Family Residence  
 South – One-Family Residence

East - Vacant  
 West – La Vista Del Oceano

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,576 sf	2,576 sf
Garage	423 sf	423 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,511 sf 13%      Hardscape: 3,138 sf 16%      Landscape: 13,517 sf 71%

**IV. DISCUSSION**

The project is subject to review by the Single Family Design Board due to overall slope of the property and its location within the Hillside Design District. The project was reviewed on September 14, 2009 and forwarded to the Staff Hearing Officer with positive comments.

The existing residence and attached garage were constructed in 1987. Field changes at the time of construction resulted in the building encroaching 2' into the required 10' interior setback. As the new owners proceeded with remodel plans, it was revealed that the relocation occurred without benefit of a Modification approval. This application is a request for a Modification to legalize the residence's location within the interior setback and allow minor changes to nonconforming portions of the residence.

The proposal involves the alteration of one window and the addition of two windows on portions of the East Elevation located within the setback. An elevated stairwell proposed to replace the on-grade stairs that run along the property line also requires Modification approval due to its proposed height in excess of 10" within the required setback. An elevated patio and a second-story balcony on the east side of the residence, which were constructed within the interior setback, are being removed from the interior setback as part of this remodel. All other portions of the remodel have been designed to observe required development standards.

Staff understands the development constraints associated with this property's steep slope and access easement that occupies a large portion of the 1/2 acre property. As part of a proposed architectural change for the existing development, an existing upper level window is being modified slightly, and two lower level windows are being added to provide passive lighting into the lower living area. The new elevated stairwell, whose only purpose is to provide exterior access from the main level to the driveway area, improves the current access situation and is the minimum width required to meet building codes. Although the adjacent property to the East is not yet developed, Staff does not expect the window or stair alterations within the setback to have any impacts on the future development.

V. **FINDINGS**

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The Modification allows for legalization of the existing building's location within the interior setback, allows minimal changes to window openings, provides passive solar lighting to a lower floor area, and relocates exterior stair access to the ground floor further away from the property line than the existing situation.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated September 21, 2009
- C. SFDB Minutes
- D. Neighbor's letter dated September 9, 2009

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

Z E H R E N  
AND ASSOCIATES, INC.

Zehren and Associates, Inc.  
233 E. Canon Perdido Street  
Santa Barbara, CA 93101  
(805) 963-6890

September 21, 2009

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

**Re: Modification Request for 1562 LA VISTA DEL OCEANO DRIVE  
APN #: 035-180-078; Land Use Zone E-1**

Dear Staff Hearing Officer,

There is an existing three story house (2576 sq. ft.) on the property. In the first story/basement level there is an existing attached two car garage (423 sq. ft.). A small portion of the existing house currently encroaches into the interior setback on the easterly side of the property. The house has building permits according to City building files. Also, past Zoning Information Reports on file show no record of such encroachment. The new owners recently purchased the home without any prior knowledge of this setback encroachment.

The modification being requested is to allow the existing portions of the house which encroach two feet into the required ten-foot interior yard setback to remain. We propose to add 2 small windows into the second story family room, to bring daylight into a dark room. We also propose to replace the existing window in the third story master bathroom with a smaller window, as well a complete remodel of the master bathroom. The proposal also includes the addition of an interior fireplace in the master bedroom. All these improvements occur in whole, or in part, in the portion of the house that encroaches into the setback.

In an attempt to improve the privacy issues between the adjacent properties to the east; we are proposing to remove the portion of the third story master bedroom deck/balcony that encroaches into the same setback. We also propose to remove a portion of the deck on the second story which encroaches into the setback. This will provide privacy benefits, and allow for a landscape buffer within the setback.

ARCHITECTURE • PLANNING • INTERIORS

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[www.zehren.com](http://www.zehren.com)

Exhibit B

We wish to stress the benefit to the City and the owners of getting this encroachment recorded. The subsequent improvements that are being proposed for the entire property will enhance the value of the home within the context of its neighborhood.

Thank –you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, consisting of a stylized 'D' and 'L' followed by a long horizontal line extending to the right.

David Mark Lane  
Principal

## 1562 LA VISTA DEL OCEANO SINGLE FAMILY DESIGN BOARD MINUTES

September 14, 2009

A letter in opposition from Paula Westbury was acknowledged.

A letter in support from Ed and Darlene Tebo was acknowledged.

Gloria Buczek, neighbor, concerned about visual and noise impacts, drainage and erosion, and setback encroachment.

John Buczek, neighbor, concerned about noise and visual impacts; concerned about drainage.

Motion: Continued to the Staff Hearing Officer with the following comments:

- 1) The modifications for the existing encroachment into the setback of the family room and east bathroom are supportable.
- 2) The existing elevated deck in the setback is not supportable.
- 3) The deck above the garage is not supportable.
- 4) Redesign the second-story deck to be 15 feet from the property line.
- 5) The Juliet balcony is supportable.
- 6) Study an open railing at the exterior stairs.
- 7) Study reducing the massing of the spa, wall, and curved stairs.
- 8) Provide landscaping for privacy of the neighbor.

Action: Deisler/Woolery, 7/0/0. Motion carried.

1604 La Vista Del Oceano  
Santa Barbara, CA 93109  
September 9, 2009

City Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RECEIVED  
SEP 10 2009

CITY OF SANTA BARBARA  
PLANNING DIVISION

Re: 1562 La Vista Del Oceano Dr  
Project application Number is MST2009-00376  
APN: 035-180-078

Design Board Members:

We are pleased to voice our approval for improvements are being proposed for a neighboring property at 1562 La Vista Del Oceano. The existing asphalt creates a runoff problem and is an eyesore. The deck expansion will mitigate the expanse of hardscape as well as the boxy appearance of the south elevation. In all, the proposed changes will greatly improve the appearance of the property.

Yours truly,

  
  
Ed and Darlene Tebo  
1604 LA VISTA DEL OCEANO  
93109