



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 9, 2012  
**AGENDA DATE:** May 16, 2012  
**PROJECT ADDRESS:** 917 Paseo Ferrelo Road (MST2012-00145)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Jo Anne La Conte, Assistant Planner

### I. PROJECT DESCRIPTION

The 10,500 square-foot site is currently developed with a two-story single family residence and attached two-car garage. The proposed project involves increasing the size of a second-story window to replace an existing second-story window and a new opening with a counter top and barbeque in the wall associated with a previously approved second-story deck on the west side of the property. The discretionary application required for this project is a Modification to allow alterations to the residence within the required 10-foot interior setback (SBMC §28.15.060).

Date Application Accepted: April 12, 2012      Date Action Required: July 11, 2012

### 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:	Dan Weber	Property Owner:	Neil Dipaola
Parcel Number:	029-261-006	Lot Area:	10,500 sq. ft
General Plan:	Low Density Residential	Zoning:	E-1
Existing Use:	Single family residence	Topography:	23% slope

#### Adjacent Land Uses:

North - Single family residence	East - Single family residence
South - Single family residence	West - Single family residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,301 sq. ft.	2,346 sq. ft.(MST2011-00049)
Garage	650 sq. ft.	650 sq. ft.
Accessory Space	N/A	N/A

**IV. BACKGROUND**

A prior project (MST2011-00049) proposed for the property required Modifications to allow a new garage and accessory space within the 30-foot front setback and new habitable space and alterations to the residence in the required ten-foot interior setback. On May 18, 2011, the Staff Hearing Officer (SHO) denied the modification request to allow the new garage and accessory space within the required front setback and approved the request to allow alterations to the residence in the required interior setback. The Staff Hearing Officer's decision was appealed by the applicant and on July 14, 2011, the Planning Commission (PC) upheld the Staff Hearing Officer's decision.

After the Planning Commission hearing, the applicant re-designed various elements of the project and submitted a request to staff for a Substantial Conformance Determination (SCD). On February 8, 2012, staff advised the applicant that some portions of the changed project could be found in substantial conformance with the SHO and PC's decisions. However, the proposed enlarged dining room window and extension of the rear deck into the interior setback, instead of the approved kitchen addition, could not be included in that administrative decision. Thus, the applicant is now requesting approval of a new Modification to allow those encroachments within the ten-foot interior setback, along the western property line.

**V. DISCUSSION**

This revised project was reviewed by the Single Family Design Board (SFDB), on the Consent agenda, on April 30, 2012. The SFDB found the proposed improvements aesthetically pleasing and found no consistency issues with the Single Family Residence Guidelines, and continued the project indefinitely to the SHO.

The proposed project involves replacing an existing 6'-0" wide by 3'-0" high window on the upper story with a 13'-6" wide by 7'-6" high window on the west elevation, and to allow an opening in the approved fin wall associated with the rear deck. Typically, staff would not support such large openings in an upper story; however, due to the slope of the site, the finished floor of the upper level ranges from only six to nine feet above adjacent grade, less than the more typical nine to ten feet. Additionally, the abutting vacant property has extremely steep slopes and provides very limited development potential, particularly in the area closest to the subject residence. These unique circumstances provide the basis for staff's support of the enlarged window, as we do not believe there will be impacts to adjacent neighbors.

The fin wall was added to the western edge of the expanded deck as a result of the SCD, in order to provide a substantially similar visual and physical separation from the interior property line as the originally approved kitchen addition. The current proposal involves providing a 6'-

0" wide by 7'-0" high opening in the wall and to incorporate a countertop and built-in barbecue into the space. The purpose of requiring the fin wall as part of the SCD was to ensure that active use of the second-story deck area was located outside of the ten-foot interior setback. Staff could support an opening in the fin wall, with the condition that any active use of the deck area be limited to the portion located outside the setback.

## VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the portion of the Modification request for the enlarged window is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed window is appropriate because the upper story of the residence is set lower than most typical second stories and the abutting property has limited development potential, particularly in the area nearest the subject property.

The Staff Hearing Officer finds that the portion of the Modification request for the opening in the deck fin wall is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. As conditioned, the proposed wall with opening would provide a similar buffer from the neighboring property as a traditional deck with safety railing set back ten feet from the property line.

Said approval is subject to a condition that any active use areas of the upper story deck be limited to the portion located outside the ten-foot interior setback. The deck area within the interior setback shall be designed and constructed to provide a substantial physical barrier so that it is neither accessible by foot nor provides area for storage of items not typically allowed in setbacks (e.g. BBQs, fireplaces, sinks, fountains, showers).

### Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated April 12, 2012
- C. SFDB Minutes dated April 30, 2012
- D. Substantial Conformance Determination letter dated February 8, 2012

Contact/Case Planner: Jo Anne La Conte, Assistant Planner  
(jlaconte@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x3320

April 12, 2012

Neil Dipoala  
917 Paseo Ferrelo  
Santa Barbara, CA 93103  
805-689-6345  
[neil@mesalanepartners.com](mailto:neil@mesalanepartners.com)

**RECEIVED**  
APR 12 2012

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

Staff Hearing Officer  
c/o JoAnne LaConte  
City of Santa Barbara  
PO Box 1990  
630 Garden Street  
Santa Barbara, CA 93101

**RE: Request for Modification to West Setback  
917 Paseo Ferrelo, Santa Barbara, CA 93103 | APN 029-261-006**

Dear Staff Hearing Officer:

In the letter dated 2/8/12, JoAnne LaConte determined that the enlarged dining room window on the west façade of the residence, as well as the “punched” opening in the side wall of the exterior deck were not in Substantial Conformance to the SHO’s previous approval. We are requesting a second modification to allow these two elements. Below is a summary of the Modification requests:

**1. Enlargement of existing kitchen window (now “Dining Room”).**

Currently, a kitchen window opening exists on the western side of the structure, and is located directly above the existing kitchen sink. We would like to make this window larger as indicated in the submitted plans & elevations dated 4/12/2012. This window is labeled 2J/2K in the plans.

Window assembly “2J / 2K” is an enlarged version of the window that currently exists in that location. Because the SFDB requested that we eliminate a larger, more extensive kitchen addition, we were required to relocate the dining area to its current location. This necessitated the enlargement of window “2J / 2K” to create a sufficient dining space. Although this window is larger than the existing window in the same location, this request is in conjunction with the overall reduction in the mass on the south side of the house, and results in a net less impactful design.

**EXHIBIT B**

Further, this side of the house faces a large, natural, wooded ravine, and there are no immediate neighbors to the west, and therefore no privacy concerns; large trees shield the view of this window from neighbors. The window will not be visible from any private residence and because there is no next-door neighbor, there will be no effect on the surrounding community. In addition, this side of the house will get great natural light in the hours before dusk and increased glazing at this location will allow the optimization of energy efficient glazing design, requiring less electrical lighting in the evening hours.

The design of the enlarged window is more consistent with the already established architectural character of the house – it is designed to match the west facing glazing in “Flex Room 201” on the same elevation (see drawing 01 on Sheet A203).

## **2. Punchout in Fin Wall.**

The approved architectural design of the structure proposes fin walls at both the eastern and western ends of the south facing façade. These walls serve both an architectural purpose and provide increased privacy to the neighbor at the east. In the existing condition, the deck simply has an open rail; our proposed solution represents a great increase in privacy toward neighbors. Our request, which has already earned final approval from SFDB, is to provide a punch out in the fin wall on the western façade to allow access to the view of the adjacent wild area on the west side of the house. As mentioned previously, this side of the house faces a large, natural, wooded ravine, and there are no immediate neighbors to the west, and therefore no privacy concerns. Originally SHO approved a kitchen addition at this location, with a window in the same location of the punched opening, and this fin punch out represents a reduction in scope from the original approval. We believe this is substantially similar in effect to the drawings with the SHO approved originally, and in fact will be a lesser impact due to the more infrequent use of the deck space as compared to the kitchen space which the SHO approved.

## **3. Clarifications.**

There are a couple items mentioned in the substantial conformance letter which require clarification. The letter requests several revisions to the configuration of the lower level Den and Bathroom spaces. We have thoroughly reviewed and discussed these items with JoAnne LaConte, who has in turn reviewed them with Renee Brook, and have been informed that the changes summarized below, and indicated in the submitted drawings, are acceptable:

- a.) Remove the undercabinet refridgerator
- b.) Remove "upper" cabinets above the desk
- c.) Label the desk "Desk"
- d.) Ceasarstone or similar material for desktop is acceptable
- e.) Label the bathroom "Bathroom / Laundry"
- f.) Label the bathroom sink "Bathroom Sink"

Thank you again for your consideration of the requests above. Please do not hesitate to contact me if you have any questions at 805.689.6345.

Kind Regards,

A handwritten signature in dark ink, appearing to read "Neil Dipaola", written over a horizontal line.

Neil Dipaola

**NEW ITEM****C. 1120 GARCIA RD****E-1 Zone**

Assessor's Parcel Number: 029-283-001  
 Application Number: MST2012-00153  
 Owner: Tom Craveiro

(Proposal to replace the existing synthetic shake roof material with a proposed new one-piece "S" tile roofing material for an existing two-story, single-family residence located in the Hillside Design District.)

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

**Project Design Approval and Final Approval of the project with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code, with conditions:**

- 1) S-tiles have been approved subject to the following conditions, which are required to be reproduced on the plans prior to issuance of a building permit:  
 The applicant follows installation details, as conditions of approval, to make the roof more authentic in appearance. The required installation details include:
  - a. Use of a double starter row of two-piece barrel tile is employed at the eave ends;
  - b. The roof has 15% to 20% of the field tiles laid with mortared randomly placed boosters (kickers); and
  - c. Natural cement mortared hips and ridges are present.
- 2) Provide a mix color blend of both the Viejo blend and Terra Cotta blend.

The ten-day appeal period was announced from the date of approval ratification of these minutes by the Board on Monday, May 7, 2012.

**NEW ITEM****D. 917 PASEO FERRELO****E-1 Zone**

Assessor's Parcel Number: 029-261-006  
 Application Number: MST2012-00145  
 Owner: Neil Dipaola  
 Architect: Dan Weber

(Proposal to increase the size of second-story window to replace an existing second-story window and to add a punched-out opening with a counter top and barbeque for the second-story deck along the proposed west wall of the deck to an existing single-family residence with an attached two-car garage. The project includes Staff Hearing Officer review for a requested zoning modification.)

**(Comments only; project requires Staff Hearing Officer review for a requested zoning modification.)**

**Continued indefinitely to the Staff Hearing Officer to return to the Consent Calendar with comments:**

- 1) The Board found that the proposed modification is aesthetically appropriate and does not pose consistency issues with the Single Family Residence Design Guidelines.
- 2) The Board reviewed the proposed smooth-trowel stucco on the chimney and found it to be acceptable.
- 3) The Board reviewed moving the proposed entry stairway approximately two feet further away from the existing Oak tree and found it to be acceptable.



# City of Santa Barbara

## Community Development Department

www.SantaBarbaraCA.gov

February 8, 2012

### Director's Office

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Santa Barbara, CA

93102-1990

Neil Dipaola  
917 Paseo Ferrelo Rd.  
Santa Barbara, CA 93103

**SUBJECT: SUBSTANTIAL CONFORMANCE DETERMINATION FOR 917 PASEO FERRELO (MST2011-00049)**

Dear Mr. Dipaola:

This Substantial Conformance Determination (SCD) is in response to your letter dated January 20, 2012 and plans submitted to revise the building footprint, to enlarge an existing window, to allow the existing bathroom window to remain in its originally approved location, to change the location of a proposed window and for a new punch out opening in the deck wall for the project. On July 14, 2011, the Planning Commission upheld the Staff Hearing Officer's (SHO) approval of a project that required a Modification to allow an addition and a new window in the upper level of the residence located within the required ten-foot west interior setback subject to the following condition:

Said approval for alterations and additions within the interior setback is subject to the condition that the proposed wet bar and cabinets in the lower level of the residence shall be removed from the plans, and a Zoning Compliance Declaration shall be recorded for the property.

Through Single Family Design Board (SFDB) approval and building plan check, the second-story addition has been revised such that: 1) the kitchen addition at the west elevation has been eliminated and replaced with an extended deck and wall with a punch out opening ; 2) the existing window opening in the dining room has been enlarged; 3) the proposed window approved by the SHO has been relocated further to the north over the existing kitchen sink; and, 4) a bathroom window is shown in the west interior setback that was not included on the SHO approved plans.

- 1) The proposed change to eliminate the kitchen addition and replace it with a deck extension and wall in the setback is okay as a solid wall was shown in this location for the expanded kitchen. However, the new punch out opening in the deck wall is not in substantial compliance with the SHO approval. Any new or expanded openings in a required setback will require a new modification. Note that if the deck wall in the setback is not solid or if it is removed, the deck area will need to be relocated outside of the required setback.
- 2) The increase in the size of the dining room window is not in Substantial Conformance with the SHO approval. The SHO approval did not include a request

**EXHIBIT D**



to increase the size of the dining room window in the setback. Any new or expanded openings in a required setback will require a new modification.

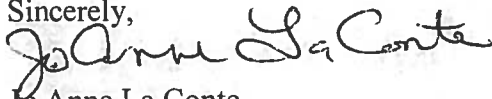
- 3) The relocated window for the kitchen is in Substantial Conformance with the SHO approval as the original Modification approval allowed one new window to be located in the 10' west interior setback for the addition, as shown on the plans that the SHO approved.
- 4) The bathroom room window as shown on the revised plan is acceptable to remain. Although, the SHO approved plans did not include the bathroom window, the photographs provided and research of the City's archive plans show that the bathroom window is existing in the setback and it has not been enlarged.

In addition to the above changes, the interior of the lower level floor plan includes a new configuration of the lower level bathroom than that shown on the archive plans. Also, notes on the plans reference an under counter refrigerator, a bar sink, and cabinets with stone counters, that are a concern. Due to the condition of approval for the project and the definition of residential unit, the following items must be altered in the ground floor office/den: 1) the "ceasar stone" counter tops, the built-in cabinets, and the mini fridge must be removed; 2) the bathroom sink must be located inside of bathroom area and removed from the laundry room; and, 3) label the laundry area, currently labeled as "bath" on the plan, to "laundry room".

In summary, the changes to the project for the enlarged dining room window and the new punch out area at the deck are not in substantial conformance with the original approval and would need a new Modification approval to move forward.

If you have any questions, please feel free to contact me at (805) 564-5564, extension 3320.

Sincerely,



Jo Anne La Conte,  
Assistant Planner

cc: Dan Weber, Architect, 212 Mohawk Rd., Santa Barbara, CA 93109

Planning File