



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 26, 2012
AGENDA DATE: October 3, 2012
PROJECT ADDRESS: 3505 Los Pinos Drive (MST2012-00161)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RUB*
 Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The 9,017 square foot lot is currently developed with a one-story, 1,440 square foot residence with an attached two-car garage and 752 square foot deck. The proposal includes abatement of outstanding violations for unpermitted site improvements consisting of basalt entry pillars, a 36-inch high wrought iron fence to be relocated to the property line, two gates, two fountains, a freestanding pillar, and a raised deck with attached above ground spa. The discretionary applications required for this project are:

1. A Modification to allow fences, gates, and pillars to exceed the maximum allowable height of three and one-half feet when located within ten feet of the front property line and within ten feet of either side of the driveway for a distance of twenty feet from the front property line (SBMC § 28.87.170 and 28.92.110);
2. A Modification to allow structures greater than ten inches in height to be located within the required twenty-foot E-3 and forty-foot SD-1 front setbacks (SBMC § 28.15.060, 28.45.007, and 28.92.110); and
3. A Modification to allow an above ground spa that exceeds 36 inches in height to be located within the required 1,250 square foot open yard. (SBMC § 28.15.060 and 28.92.110).

Date Application Accepted: 9/5/12

Date Action Required: 12/4/12

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:	Mark Morando	Property Owner:	Lessie Shea
Parcel Number:	053-312-008	Lot Area:	9,017 square feet
General Plan:	Low Density Residential	Zoning:	E-3 /SD-1
Existing Use:	Residence	Topography:	3% slope
Adjacent Land Uses:	Residential		

IV. DISCUSSION

The property is located in the San Roque Park Subdivision on a corner lot with a base zoning of E-3 and a Special Design District Overlay of SD-1. The E-3 zone requires a 20-foot front setback and a six-foot interior setback. The SD-1 overlay zone has a more restrictive 40-foot front setback. In the event that a property has dual zoning, the more restrictive setback is applied.

The 9,017 square foot lot is approximately 70 feet wide along its primary street frontage at Los Pinos Drive and approximately 130 feet long at the secondary frontage along Toyon Drive, and is developed with a single-family home and attached garage. Approximately 70%, or 6,317 square feet, of the lot is located within required 40-foot front setbacks along Los Pinos and Toyon Drives. Additionally, 684 square feet (approximately 8%) of the remaining lot area is in the required interior setback. The development area outside the setbacks is 24 feet wide by 84 feet long. The current residence observes the required 40-foot setback along the Los Pinos frontage but encroaches between 20 and 30 feet into the required 40-foot setback along the Toyon Drive frontage. A 1,456 square foot open yard area is located to the rear of the residence.

Fences, Gates and Pillars

The San Roque neighborhood has many existing hedges that exceed the height limitations outlined in the ordinance (SBMC §28.87.170). The current rules for hedges within ten feet of the front property were adopted in 1957. In general, planting does not require permits unless the scope of work is part of an approved landscape or planting plan, the amount of grading is greater than 50 cubic yards, or irrigation is proposed. Staff relies on landscape plans, past approvals, or aerial photography to document the location and heights of hedges. In some cases, hedges are located in the public right-of-way and are inconsistent with the planting and improvement restrictions described in SBMC § 15.20.040 because a hedge exceeds the maximum allowable height of eight inches. It is important to note that any improvement such as hedges that is located within the public right-of-way is subject to approval by the Public Works Department and can be removed at any time at the request of or by the City's Public Works Department.

Staff reviewed hedge and fence heights using aerial photography along this portion of Los Pinos and Toyon Drives. A majority of the neighboring hedges have been maintained in compliance with SBMC §28.87.170. It appears that hedges that exceed the allowable height on

each of the properties at this intersection have been planted between 1999 and 2008. The approximately eight-foot high hedges in front of the subject property appear to have been planted sometime between 1999 and 2004, based on aerial imagery and, therefore, are not considered legal non-conforming to height. In addition, a 30-inch high, wrought iron fence was installed behind the hedges within the public right-of-way. The fence is proposed to be relocated onto the private property as part of this project proposal.

The main entrance to the residence is currently defined by two 11-foot high basalt columns (pillars) on either side of a 6'-6 3/4" wood gate along the Los Pinos Drive frontage. The applicant is requesting a modification to allow portions of the unpermitted fencing, gates, and entry pillars to exceed the maximum allowable height of three-and-one-half feet when located within ten feet of the front property lines and within ten feet of either side of the driveway for a distance of 20 feet from the front property line. The 30-inch high wrought iron fence will be relocated onto the property and flank the unpermitted pillars and gate. The existing, unpermitted columns are proposed to be reduced to range between nine and ten feet in height. The existing over-height gate is proposed to remain as-is.

The entry columns and gate are located approximately forty-feet from the adjacent neighbor's driveway to the west and approximately ten-feet from radius corner of the intersection of Los Pinos and Toyon Drives, and set back one to two feet off the front property line. The proposed entry pillars, gate and the location of over-height hedges are not consistent with the purpose and intent of the Zoning Ordinance or the pattern of development of the neighborhood along the Los Pinos Drive frontage. Along the Toyon Drive frontage, a secondary front yard, the property owner has installed a 5-1/2 high fence and gate on the north side of the garage that is less than twenty feet from the front property line and within ten feet of the driveway edge. Approximately five linear feet of fencing is located up to seven feet from the front property line and exceeds the allowable height of three and one-half feet. The fencing and gates along the Toyon Drive frontage appear to be consistent with the pattern of development along this block of Toyon Drive.

Transportation Division staff has reviewed the proposed fence, gate, pillar, and hedge locations along both frontages and has made a determination that the improvements are not anticipated to interfere with viewing pedestrian and vehicular traffic. The applicant was advised that some of the existing hedges would have to be reduced to a maximum height of three-and-one-half feet adjacent to the subject property's driveway to allow for increased visibility.

Front Yard Encroachments

The second modification is to allow as-built structures over ten inches in height to encroach into the front setback, primarily along Toyon Drive, including a freestanding pillar and two fountains. The improvements are small-scale landscape features that do not add the building mass at the street and appear to meet the purpose and intent of the SD-1 setback and are not expected to negatively impact adjacent neighbors.

Open Yard Encroachment

The existing open yard exceeds 1,250 square feet and observes the location and configuration requirements with one exception. The applicant is seeking a modification to allow an as-built

above-ground spa (in excess of 36 inches in height) that has been made a part of a raised deck to encroach into the required open yard. This modification is technical in nature, because a freestanding spa would be able to encroach into the open yard as long as the trellis and spa did not exceed 20% of the required open yard area. In this case, the 4'-3" high spa is an integral part of the raised deck and thus, requires a Modification. The trellis, outdoor kitchen, and spa as constructed total approximately 246 square feet, or 19.6%, of the required open yard area.

The project was reviewed by the Single Family Design Board (SFDB) on May 21, 2012. The Board commented that the height of the basalt columns (pillars) in the front setback should be reduced in proportion to the height of the gate and that the proposed gate design was aesthetically appropriate. In addition, the Board found that the fountains and freestanding basalt pillar in the front yard and the spa were acceptable and the proposed modifications do not pose any consistency issues with the Single Family Resign Design Guidelines.

V. FINDINGS AND CONDITION

The Staff Hearing Officer finds that the Modification to allow the over-height fence and gate along the Toyon Drive frontage is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed gate and entry pillars at the Los Pinos Frontage are not appropriate because they are inconsistent with the pattern of development within the neighborhood and the purpose and intent of the SD-1 setback. The over height fence and gate adjacent to the garage along Toyon Drive are appropriate because they are not anticipated to interfere with viewing pedestrian and vehicular traffic because they are located approximately ten-feet from the front property line and relatively flush with the face of the garage.

The Staff Hearing Officer finds that the Modification to allow the two fountains and a freestanding six-foot high pillar to encroach into the required front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement and prevent an unreasonable restriction. The proposed encroachments are appropriate because the improvements are small-scale landscape features on a site severely constrained by two 40-foot front setbacks, eliminating all areas that would normally be considered "remaining" front yard appropriate for such features.

The Staff Hearing Officer finds that the Modification to allow the above ground spa in excess of 36 inches in height to encroach into the required open yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary secure an appropriate improvement on the lot. The spa is appropriate because if it were detached from the deck structure it would not require a Modification, and the improvement is not expected negatively impact adjacent neighbors.

Said approval is subject to a condition that all hedges on the subject property be maintained at a height consistent with SBMC §28.87.170.

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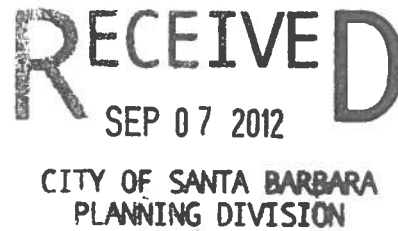
Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated September 5, 2012
- C. SFDB Minutes

Contact/Case Planner: Suzanne Riegler, Assistant Planner
(SRiegler@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 2687

September, 5th, 2012

Staff Hearing Officer
City of Santa Barbara
Post Office Drawer 1990
Santa Barbara, CA 93102



Re: Shea Residence
3505 Los Pinos Drive
Santa Barbara, CA 93105

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 3505 Los Pinos Drive within the Upper State San Roque neighborhood in the City of Santa Barbara. The parcel (053-312-008) is zoned E-3/SD-1/SD-2 and has an approximate slope of 3%. The 9,017 square foot parcel is developed with a one-story 1,440 square foot, single-family residence with an attached 314 square foot two-car garage built in 1941. The proposal is to permit the two basalt entry columns off Los Pinos Drive, a free-standing pillar at 6'0" and two stone fountains within the required forty-foot front yard SD-1 setback. Permit the site fencing and walls. Permit the rear raised lpe decking, trellis and above ground spa. Permit the rear yard out-door shower.

The owner of 3505 Los Pinos Drive request your consideration for required front yard, required open yard and fence height modifications.

The two basalt entry columns with a metal framed wood gate between them, along the property line off Los Pinos Drive and a free-standing basalt pillar at 6'0", as well as, two stone fountains are within the required forty-foot front yard SD-1 setback. The entry pillars and the wooden gate adjacent to the garage exceed three and one half feet within ten feet of the front property line and require a fence height modification pursuant to S.B.M.C 28.92.110.A.3. The free-standing stone and the two free-standing fountains are structures within the required forty-foot SD-1 front setback and require a modification pursuant to S.B.M.C 28.92.110.A.2. The rear above ground spa within the raised lpe deck at 51" off finished grade requires an open yard modification for a structure greater than 36" in height pursuant to S.B.M.C 28.92.110.A.2.

The house was built in 1941 with an attached garage and is bound by two street frontages, Los Pinos Drive and Toyon Drive. The archive site plans show a forty-foot setback off of Los Pinos Drive and an eleven-foot front setback for the existing garage. The site was surveyed by the Azimuth Group and the dwelling is at thirty-nine feet five and five eighths to the house off of Los Pinos Drive with the bay window encroaching two-feet into the front setback, as shown on the

EXHIBIT B

archives. The front of the garage is at 10'9" from the front property line off Toyon Drive.

The project was reviewed by the Single Family Design Board (SFDB) consent calendar on May 7th, 2012 and was forwarded to the full board on May 21st, 2012. All of the board members at the May 21st meeting drove by the site and understood the aesthetics and scope of the project and neighborhood. The full board was very supportive of the design and all of the modifications proposed. The fountains, spa and gates were found to be acceptable. The board found the location of the gate to be aesthetically appropriate, and the proposed modifications do not pose consistency issues with the Single Family Design Guidelines. Their only concern regarding the project was the relation of the Basalt column elements to the Ipe gate element. All of the board members agreed that the height of the stone was out of scale with the height of the opening. The board was fine with the location of the structures and did not specify a distinct height of the structures or a certain reduction, but only that a proportionality study be undertaken. The Board members loved the two stone fountains and stated that they didn't have a problem with either of them, as they were more works of art that function as fountains sometimes. They all believed that the rear deck and trellis were well designed and that the above ground spa modification was technical in nature.

The main designer Jim Melnik, designed the garden as a sculpture garden. The stones were grouped as art pieces with granite pieces off the living room bay window and the basalt columns and gate framing the mountain view. The garden and fencing was designed not only for the owner, who is a collector of specimen minerals and stones but, for her grandchildren, as a playground. The wrought iron fence is for their containment, as well as safety and privacy issues due to the new bar down the street.

The open yard modification for the spa height to exceed the allowed 36 inches is more of a technical Planning issue. The deck does not extend into the setbacks, but is ten feet to the south property line and 13'6" to the west property line. The height of the deck is based on the finished floor height of the dwelling. The location and height of the spa do not create privacy issues, as you enter the spa and sit down with your head and shoulders just above the height of spa rim and there are free standing walls of 6'10" to 7'5" high across from the spa. Since the lot has two forty-foot setbacks, the open yard is confined to the rear of the dwelling and meets the 1,250 square foot requirement at 1,456 square feet. If the 9,017 square foot lot didn't have two frontages the open yard would so great as to not be confined to the rear yard/spa area. Since the Zoning Ordinance allows properties with two frontage to use the secondary frontage, as part of the open yard with just a ten foot front setback. The open yard modification for the spa secures an appropriate amenity and is a uniform improvement for the structure and the use of the dwelling. The deck, trellis and

spa are out of the setbacks and meet the less than 20% open yard square footage requirement and building code.

The two fountains and the free-standing basalt pillar are seen as structures within the required front SD-1 setbacks and therefore require a modification. But simply they are art sculptures, two with water pumps and one merely a rock. These structures are so minimally non-invasive in that they do not affect any neighbors, nor the general public. The freestanding Basalt needle fountain off the kitchen window and the Aphrodite Marble fountain in the middle of the flagstone walkway add a meditative and aesthetically pleasing site and sound to the garden. The pump equipment is within the ten inches or less of grade allowed by Planning's interpretation of the zoning ordinance and given the location of the dwelling, entirely encapsulated within the two forty-foot setbacks, the pump equipment would also have to be within the setback. The front yard modification for these structures secures an appropriate improvement, as they are minimal, basically inert and designed artistically to compliment the other aspects of the garden design and create a usable space in the required front yard that constitutes 52% of the lot.

The front basalt entry columns framing the entry gate off of Los Pinos Drive, were designed by collaborative artists with a scale and artistic design from the inside of the property to frame the mountain views and interior stone groupings. The basalt columns intrinsic beauty with the multifaceted angles, polished sections and bigger top pillow heads were taken into serious consideration and debate when the centering, canting and height of the individual columns were originally placed. The gate is made of Ipe South American hardwood in a steel frame and hinges. The Basalt columns are indicative of areas in California such as Devil's Post Pile in Mammoth Lakes and closer the Carrizo Plains. The stone pillars frame the stone rocky ridge above San Roque that leads to Arlington Peak. The point where the three-foot high wrought iron fence returns to the garage wall has a gate matching the Los Pinos basalt entry column gate made of Ipe South American hardwood in a steel frame and hinges. This gate exceeds three and one-half feet also, but does not block visibility as you back-out of the driveway. It delineates the entry point to the back of the house from the public right-of-way and the garage area. It matches the other gate systems of the house in style material and height.

The City of Santa Barbara Traffic Division assessed the hedge and columns and determined that neither posed a safety issue due to the nature of the four way stop. The footing and mounting of the columns were engineered and details and stamped drawing were submitted to the Building Department prior to the SFDB review.

The fence height modification for the stone pillars secure an appropriate and uniform improvement to the property by framing the entry gate off the

main road and also serves as a safety function while adding privacy and meeting the aesthetic desires of the owner. The structures do not affect the neighbors right to the use and enjoyment of their property and meet the SFDB's guidelines.

The owner's and I believe that the proposed modification have minimal impact in that they are appropriately designed and creates uniform improvements that are architecturally correct and functionally utilitarian and they meet the purpose and intent of the zoning ordinance.

Thank you for your consideration in this matter.

Sincerely



Mark Morando
Morando Planning & Design
168 Sherwood Dr.
Santa Barbara CA 93110
(805) 680-2703



DESIGN REVIEW ACTIVITIES SUMMARY

3505 LOS PINOS DR (MST2012-00161)

R/B-SITE WORK

Proposal to permit "as-built" work to include approximately 12-foot entry columns and a 6.5-foot wood gate, to relocate a 3-foot tall wrought iron fence and site fencing, two fountains within the front yard, and to permit the raised deck, trellis, and spa in the rear yard. The parcel is currently developed with an existing 1,754 square foot one-story single-family residence, including an attached two-car garage, located on a 9,017 square foot lot. The project includes Staff Hearing Officer review for requested zoning modifications.

Status: Pending

DISP

Date 3

SFDB-Consent (New)

CONT

05/07/12

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for requested zoning modifications.)

Continued two weeks to May 21, 2012, for Full Board review.

A letter in support from David Humphreys; and a letter of concern from Kenneth Hughes & Denise Chedester were received and acknowledged.

SFDB-Concept Review (New)

CONT

05/21/12

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for requested zoning modifications. The project was last reviewed by and referred from Consent on May 7, 2012.)

(5:11)

Present: Mark Morando, Agent; and James Melnick, Landscape Designer.

Public comment opened at 5:19 p.m. As no one wished to speak, public comment was closed.

Letters in support were received from Kenneth Hughes, and Denise Chedester; and letters of concern received from Paula Westbury, David Humphreys, and Caitlin Larson regarding neighborhood compatibility were acknowledged.

Motion: Continued indefinitely to the Staff Hearing Officer to return to Consent, with comments:

- 1) Reduce the height of the rock elements in the front area to be in proportion relative to the height of the gate.
- 2) The Board found the fountains, spa, and gate acceptable.
- 3) The Board finds the proposed location of the gate is aesthetically appropriate, and the proposed modification does not-pose consistency issues with the Single Family Residence Design Guidelines, and is acceptable and appropriate.

Action: Zimmerman/Sweeney, 5/0/0. Motion carried. (Bernstein absent).

EXHIBIT C