



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 6, 2012
AGENDA DATE: December 12, 2012
PROJECT ADDRESS: 20 Las Alturas Circle (MST2012-00270)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Suzanne Riegler, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The 19,178 square foot parcel was previously developed with a single-family residence and an attached two-car garage, which were destroyed in the Tea Fire in November 2008, leaving an existing pool remaining. The project consists of construction of a 3,460 square foot, two-story, single-family residence with an attached 500 square foot garage, new site walls, an existing pool to remain, new pool decking, relocation of pool equipment onto private property, removal of an existing 32 inch diameter redwood tree and replacement with three oak trees, and proposed grading of 100 cubic yards of cut, 70 cubic yards of fill and 30 cubic yards of export. The discretionary applications required for this project are:

1. A Modification to allow the pool equipment within the required 35-foot front setback along Las Alturas Road (SBMC § 28.15.060 and SBMC § 28.92.110);
2. A Modification to allow walls to exceed the maximum allowable height of 3.5 feet within ten feet of a front lot line. (SBMC § 28.87.170 and SBMC § 28.92.110); and
3. A Modification to allow walls to exceed the maximum allowable height of eight feet within the required 35-foot front setback. (SBMC § 28.87.170 and SBMC § 28.92.110).

Date Application Accepted: 11/15/12

Date Action Required: 2/13/13

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, with conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Paul Zink, Architect	Property Owner:	Charles R. Rudd
Parcel Number:	019-122-001	Lot Area:	19,178 square feet
General Plan:	Low Density Residential	Zoning:	A-1
Existing Use:	Residential	Topography:	12% slope

Adjacent Land Uses: Residential

IV. DISCUSSION

The project site is located in the Riviera Neighborhood and is part of the Las Alturas Circle Park Subdivision, which created the public street now known as Las Alturas Circle. The lots in this subdivision are non-conforming to the current minimum lot size and slope density requirements. The lots slope down from Las Alturas Circle and were developed with two-story residences that have the appearance of one-story residences with a monolithic roof as viewed from the street.

The subject corner lot abuts Las Alturas Road and Circle on three sides totaling approximately 444 linear feet of street frontage. The ordinance regulations for A-1 zoned property requires a minimum 35-foot front setback, a minimum 10-foot interior setback, and a lot with an average slope of 12% requires a minimum lot size of 65,340 square feet. The existing 19,178 square foot lot, roughly 29% of the requirement, is considered legal non-conforming to lot size. The combination of the substandard lot size and three frontages with large setbacks create significant constraints for development of the lot without the need for modifications.

The lot was previously developed with a two-story residence that encroached into the required front setbacks at the north and south sides of the residence. The residence was destroyed in the Tea Fire in November 2008. In 1978, a modification was approved that allowed a pool, pool deck, and pool fencing to be located within the required front setbacks at the south side of the residence. At the time of the modification approval was the applicant was directed to submit an application to the Public Works Department requesting an encroachment permit to allow a portion of the deck, a stair case and the pool equipment to remain within the public right-of-way; however, the encroachment permit was never issued.

The owner has proposed to reconstruct a two-story residence observing the required 35-foot front and ten-foot interior setbacks. The house is oriented so that the front door and garage are both entered off of the primary frontage to the north along Las Alturas Circle. The pool decking, pool fencing, pool equipment and related enclosure, and deck stairs are proposed to be reconstructed within the required front setback around the existing pool, off Las Alturas Road.

The first requested modification is to allow the pool equipment that was previously located within the public right-of-way to be relocated onto the private property within required 35-foot front setback off Las Alturas Road. The equipment would be located within an enclosure at the pool deck's edge and screened from view. The modification to allow the relocation of pool

equipment onto private property within the front setback is an appropriate improvement due to the constraints of the undersized lot, lot slope, and multiple front setbacks. The equipment location, in a secondary front setback and within an enclosure is not anticipated to adversely impact the neighbors.

The second modification request is a result of the existing topography and pool deck improvements that remain on the site. The property slopes from Las Alturas Circle downhill towards Las Alturas Road, resulting in a raised pool deck with a 36" guardrail that extends from the rear of the residence beyond the front property line and into the public right of way. The existing guardrail does not meet the current requirement of 42" and must be raised by 6" to meet code. As a result, a modification must be requested to allow a combined wall height to exceed eight feet within the required front setback. The pool deck, as shown on the "elevation facing east the plans" on sheet A4 of the project plans (Exhibit B), is shown as having a maximum height of seven feet with a 42-inch guardrail, for a total combined height of 9'-3" within the required front setback and right-of-way along Las Alturas Road, a secondary front yard. A set of stairs leading from the pool deck into the remainder of the open yard will also encroach into the front setback. Staff believes that the 6" increase in guardrail height is an appropriate and necessary improvement that provides the code-required safety rail at the edge of the existing pool deck.

The third modification is to allow a five to six foot high site wall to exceed the maximum allowable height of 3.5 feet, as shown on sheet AS1 of plans. The five foot high wall extends from the westerly edge of the raised deck towards the westerly property line. As the wall turns the corner, it is no longer located within ten feet of the front property line and gradually increases to a six foot high maximum along the westerly frontage along Las Alturas Circle to create a private yard area for recreation within the secondary front yards. Staff believes that the modification to allow over-height site walls to create a private open yard area is appropriate due to the substandard lot size, topography of the site, and multiple front yards resulting in 444 linear feet of frontage abutting public streets.

This project was reviewed by the Single Family Design Board on October 22, 2012, and was found to be appropriate for the lot and the neighborhood. The Board found the proposed modifications aesthetically appropriate and consistent with the Single Family Residence Design Guidelines. The Board further stated that the site walls should be limited to five feet within ten feet of the front property line and found that the pool equipment location was acceptable due to the historic location of the pool equipment.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the front setback and fence height Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on this lot. The lot is significantly below the required minimum lot size for the A-1 Zone; the property is constrained by three front setbacks. The proposed 6" increase in guard rail height is a minor increase from what the previously permitted and exists and will provide increased safety. The enclosure of a portion of the secondary front yards with a five-foot wall to create a secure and private open yard is appropriate on a lot with three front

yards, and the pool equipment and enclosure location within the secondary front yard along Las Alturas Road are appropriate given the site topography, multiple front yards, and undersized lot. The proposed improvements are not anticipated to adversely impact the adjacent neighbors.

Said approval is subject to the following conditions:

1. An application for an encroachment permit to allow the pool deck and retaining wall to remain in the public right-of-way shall be submitted to the Public Works Department prior to building permit issuance.
2. The height and location of the site wall located at the intersection of Las Alturas Circle and Las Alturas Road is subject to review and approval by the Supervising Transportation Engineer.
3. A copy of the permit to remove the 32-inch redwood tree shall be submitted prior to building permit issuance.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated October 29, 2012
- C. SFDB Minutes
- D. Aerial Photograph

Contact/Case Planner: Suzanne Riegle, Assistant Planner
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PAUL R. ZINK, AIA

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October 29, 2012

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

RECEIVED

OCT 29 2012

CITY OF SANTA BARBARA
PLANNING DIVISION

RE: Modification Application for 20 Las Alturas Circle
APN: 019--122-001
Zoning A-1, Riviera
Tea Fire Re-Build

Dear Staff Hearing Officer,

We are requesting three modifications to allow improvements on the property that were destroyed by the Tea Fire. The modifications allow for the continued use of modifications received in 1978 from the Planning Commission.

The parcel of land is currently classified as a vacant lot. The former house was a 3,014 square foot single family residence with an attached 400 square foot garage. The property has three 35'-0" front yard setbacks. The proposed two story house is 3,460 square feet with an attached 500 square foot garage. The proposed house does not require any modifications for its construction. The swimming pool from the former house is to remain and it is located 4' from one of the three front property lines. The existing retaining walls that were constructed to create the swimming pool are also to remain. There is an existing 32" Dia Redwood tree that is located in the front yard setback that is proposed to be removed. The City Arborist has granted that approval to remove this tree with the approval of the lower level by the Single Family Design Board, (SFDB). The SFDB has reviewed the project at two meetings and found no negative visual impacts to the requested modifications at their October 22, 2012 meeting. The SFDB can also support the removal of the existing tree in the front yard setback.

Modification #1:

We are requesting a modification to alter the existing site walls located in the Front Yard Setback that are over 8'-0" in height. The existing site walls are comprised of a 5'-9" retaining wall with a 3'-0" guardrail. The existing maximum total height is 8'-9". The existing site wall was built with permits when the swimming pool was constructed. The existing guardrail was partial destroyed by the Tea Fire. We are proposing to replace the guardrail with a 3'-6" guardrail meeting the requirements of the California Residential Building Code. The existing brick retaining wall will be plastered and the new guardrail design will be open in style. The final design and colors will be reviewed and approved by the SFDB. The proposed maximum final height of the wall will be 9'-3".

EXHIBIT B

Modification #2

We are requesting a modification to construct a site wall located in the Front Yard Setback that is greater than 3'-6" within 10' from a front property line. The California Residential Building Code requires that all swimming pools have a 5' minimum high non climbable enclosure to protect people from entering the pool without permission. The existing swimming pool and enclosure fence was granted a Modification by the Planning Commission in 1978. The Tea Fire destroyed the enclosure fencing. We are proposing to build a 5' high wall located in this 10' wide zone from the front property line. The land between the fence and the edge of pavement will be landscaped and maintained by the property owners. The proposed landscaping will not obscure the visibility of drivers along Las Alturas Road and Las Alturas Circle. The SFDB, Fire Department, Transportation, and the Public Works Department will all review and approve the proposed landscaping prior to Building Department permit issuance.

Modification #3

We are requesting a modification to replace the existing pool equipment located in the Front Yard Setback. The existing pool equipment was destroyed in the Tea Fire. This equipment was actually located in the public right-of-way. This located was approved with the 1978 Planning Commission modification. In the 1978 modification there were procedures noted for obtaining approval for this use. The encroachment permit was never realized. For this rebuilding project, the City is not comfortable with continuing the pool equipment in this location. The pool equipment will be relocated to be contained within property lines of 20 Las Alturas Circle. The enclosure is slightly larger to allow for movement around the equipment and for design aesthetic reasons. The pool equipment sound level will not exceed 53db at the residential property line located +/- 38'-5" away. The necessary sound level paperwork will be provided during the Building Department permit process.

Temporary Minor Encroachment Permit

We will be processing the necessary paperwork to secure a temporary minor Encroachment Permit. We have reviewed this project with David Thornburgh, Senior Real Property Agent with the Public Works Department and he has stated that the Public Works Department will be able to support our minor encroachment permit request. We would accept the additional condition that the Staff Hearing Officer's approval of these three requested modification will be contingent on securing the minor Encroachment Permit and that the minor Encroachment Permit shall be finalized prior to the submitting of the plans to the Building Department for plan check.

In reviewing the requested modifications for this particular site, it will become evident that there are existing hardships on this parcel of land due to the restrictions of three Front Yard Setbacks. The requested modifications allow for the rebuilding of the improvements that were destroyed by the Tea Fire and allows for uniformity of improvements found in the neighborhood. Our neighbor to the East has similar site wall and use of public right of way improvements on their property surrounding their swimming pool. The Staff Hearing Officer should be able to say that the granting of these modifications are necessary to restore the secured improvements realized with the 1978 Planning Commission modification.

If you have any questions please call 805-569-3909 or email prz@ZinkAIA.com.

Sincerely,



Paul R, Zink, AIA



DESIGN REVIEW ACTIVITIES SUMMARY

20 LAS ALTURAS CIR (MST2012-00270)

R-REBUILD

This is a revised project description. Proposal to construct a new 3,460 square foot two-story, single-family residence with an attached 500 square foot garage located on a 19,718 square foot lot in the Hillside Design District. The previous 3,475 square foot single-family residence was destroyed in the Tea Fire. The proposal includes new site walls, an existing pool to remain, new pool decking, removal and replacement of an existing 32 inch diameter trunk, redwood tree with three oak trees, and proposed grading of 100 cubic yards of cut, 70 cubic yards of fill and 30 cubic yards of export. The proposed total of 3,770 square feet of development is 89% of the maximum guideline floor-to-lot area ratio (FAR). The project requires Staff Hearing Officer review for requested zoning modifications and a Public Works encroachment permit.

Status: Pending

DISP

Date 3

SFDB-Concept Review (New) - PH

CONT

08/27/12

(Comments only; project requires environmental assessment, Staff Hearing Officer review for requested zoning modifications, and a Public Works encroachment permit for work in the Public right-of-way.)

(5:16)

Present: Paul Zink, Architect; Charles Rudd Jr., Property Owner; and Suzanne Riegler, Assistant Planner.

Public comment opened at 5:42 p.m.

- 1) Carolyn Vogt opposition; (provided some additional documentation and photographs; and also spoke for Manny Espig); expressed concerns regarding the second-story addition for neighborhood compatibility among the nine homes in that cul-de-sac.
- 2) Don Vogt, opposition (submitted letters; provided some additional documentation and photographs; and also spoke for George Northrop, Pat Mitchell, and Doug Crawford); expressed concerns regarding the effect of a second-story addition in the neighborhood (post Tea Fire); visibility from the street; site lines and privacy concerns; and noise abatement.
- 3) Art Ayres, opposition; expressed concerns regarding size and bulk of the proposed project and second-story addition.

Letters of concern from Janet Vlasach; Jesse Benenati; Tracy Wells; Jon A. Hepper; and Don Vogt (including a petition with multiple signatures) were acknowledged.

Public comment closed at 6:02 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Restudy the site wall, and consider a separate smaller pool enclosure fence or wall.
- 2) Study an alternative to the existing retaining wall on Las Alturas Circle, and on Las Alturas Road.
- 3) The Board cannot support the size, scale, and bulk of the proposed house at 94% FAR; applicant to reduce the FAR closer to the 85% guideline and consider an architectural solution to appear more as a one-story residential design, or an alternative split-level design; and to study other designs of homes in the Las Alturas Circle area.
- 4) Careful consideration is to be given to the location of any exterior decks.
- 5) Consideration of the new design to take into consideration tree relocations or tree removals.

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

SFDB-Concept Review (Cont.)

CONT

10/22/12

(Second Concept Review. Comments only; project requires environmental assessment, Staff Hearing Officer review for requested zoning modifications, and a Public Works encroachment permit for work in the public right-of-way. The project was

last reviewed on August 27, 2012.)

(3:36)

Present: Paul Zink, Architect; Jaime Pierce, Landscape Architect; and Suzanne Riegle, Assistant Planner.

Public comment opened at 3:51 p.m.

- 1) Carolyn Vogt, opposition; gave her speaking time to her husband Don Vogt.
- 2) Don Vogt, opposition; stated he has less opposition comments and expressed appreciation to Mr. Zink for his cooperation and responsiveness to their concerns regarding addressed second-story addition design and deck privacy issues, neighborhood compatibility, and revised vegetation screening on the property line and within the setback. Mr. Vogt inquired about zoning maintenance concerns and was referred to the Building & Safety inspectors to address any further adherence to maintaining zoning ordinance issues.

Public comment closed at 3:58 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer with positive comments:

- 1) The Board finds the following proposed modifications are aesthetically appropriate and do not pose consistency issues with the Single Family Residence Design Guidelines:
 - a) The Board finds acceptable the requested Modification for increased railing heights on existing walls;
 - b) The Board finds acceptable the requested Modification for increased fence/wall heights to greater than 3½ feet at 5 feet in height within ten feet of the front yard setback; and
 - c) Based upon the historic location of the previously existing structure, the Board finds acceptable the requested Modification for location of the pool equipment in the front yard setback.
 - 2) The Board appreciates the applicant's design revisions, and finds the house is generally compatible with the adjacent neighborhood.
 - 3) The Board finds in general that the proposed 89.3% maximum FAR is acceptable; recognizing that the proposed floor-to-lot area ratio (FAR) is beyond the recommended 85% FAR guideline.
 - 4) The concept landscape plan is compatible with the context of the grid landscape.
 - 5) Applicant to provide a color palette, further architectural details, and a landscape plan.
- Action: Sweeney/Miller, 6/0/0. Motion carried. (Jaime Pierce stepped down).



City of Santa Barbara - MAPS



Legend

- City Limits
 - Parks
 - Assessor's Parcels - City
 - Parcel Address Labels
 - Pacific Ocean
 - City of Santa Barbara Centerline
 - 2008 Aerial Imagery
- Red: Band_1
 Green: Band_2
 Blue: Band_3

1:1,883



Notes

Vicinity Map - Las Alturas Circle Park Subdivision

MAP DISCLAIMER

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Reported on 12/05/2012 02:30 PM

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