



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** July 31, 2014  
**AGENDA DATE:** August 6, 2014  
**PROJECT ADDRESS:** 1117 Las Alturas (MST2014-00223)  
**TO:** Bettie Weiss, City Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *[Signature]*  
 Michelle Bedard, Assistant Planner *[Signature]*

### I. PROJECT DESCRIPTION

The 1.06 acre parcel located within the Hillside Design District is developed with an existing, two-story, 3,761 square foot, single-family residence, and an attached, 455 square foot, two-car garage. The proposed project involves the construction of a new 16-foot by 68-foot infinity edge lap pool and spa. Also proposed are improvements including a new patio, fire pit, site landscaping, associated retaining and perimeter privacy walls, site fencing and gates, and associated pool equipment. The proposal includes 239 cubic yards of grading, of which 176 cubic yards will be exported off-site. The applicant is requesting a minor exception by the Community Development Director to allow site walls to exceed 8'-0" in height when located within the required 15'-0" interior setbacks. (SBMC 28.87.170)

The discretionary application required for this project is an Interior Setback Modification to allow construction of a new, above-ground, pool to encroach into the required 15'-0" interior setback to the east. (SBMC § 28.15.060 and SBMC § 28.92.110)

Date Application Accepted: July 3, 2014

Date Action Required: October 1, 2014

### 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:	Jessica Harlin	Property Owner:	David & Linda Doll
Parcel Number:	019-113-022	Lot Area:	1.06 acres
General Plan:	Residential (1du/acre)	Zoning:	A-1
Existing Use:	Residential	Topography:	49%

Adjacent Land Uses:

North - Single Family Residential  
 South - Single Family Residential

East - Single Family Residential  
 West - Single Family Residential

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	3,761 sq. ft.	No Change
Garage	455 sq. ft.	No Change
Accessory Space	N/A	N/A

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,850 sf 9.11% Hardscape: 6,696 sf 14.46% Landscape: 36,757 sf 76.43 %

**IV. DISCUSSION**

The proposal involves the construction of a new above-ground swimming pool, located on a project site within the Hillside Design District and with an average slope of 49 percent. The design of the proposed pool is located in an east-west configuration across the parcel. Given the existing site topography, the proposed design results in an exposed structure greater than 10-inches in height within the required 15-foot interior setback at the east side of the pool (SBMC §28.15.060).

The proposed pool is to be located 10-feet 9-inches from the westerly property line, which is within the required 15-foot interior setback as well; however, because of the proposed pool configuration and the existing site topography, at this location the proposed pool will be less than 10-inches in height, and therefore complies with the setback requirements.

Although the Zoning Ordinance (SBMC §28.87.060) allows for swimming pools to be constructed at a distance of five (5) feet from interior property lines, the practice of the City has been to apply this to in-ground pools (less than 10" above grade), rather than above-ground pools. This Ordinance does not address sloped sites, and at the time the Ordinance was written and updated (in 1957 and 1975) it is unlikely that above-ground, infinity-edge pools were considered.

The site improvements, as proposed, include a new privacy wall (ranging from 7'4" to 8'0" in height) and a new patio wall at the pool deck that steps up in approximately 2-foot increments. The privacy wall is proposed to be constructed 5-feet from the property line to the west to observe the existing maintenance easement. An approximately 20 linear foot portion of these walls do not meet the minimum 5-foot separation requirement and therefore the height is measured as one combined height (measured from the lowest point of the lowest such wall to the highest point of the other wall). The resulting cumulative wall height exceeds 8-feet in

height. The applicant is requesting a minor exception to allow site walls to exceed 8-feet in height when located within the required 15-foot interior setback (SBMC 28.87.170). A portion of the proposed privacy wall is located in close proximity to the existing oak trees and is proposed to be cantilevered above the critical root zone of the existing oak trees. A condition has been added that the proposed privacy wall will be constructed per arborist recommendations in order to confirm the existing oak trees will be protected in place.

During the project analysis, two conforming options were discussed. One conforming option would be to reduce the length of the proposed pool in order to comply with the minimum required 15-foot interior setback. However, the property owner is not supportive of the option to reduce the length of the pool. The pool is designed as a fitness lap pool, and as proposed it is the minimum length necessary to meet the property owner's objectives. The second conforming option discussed would be to rotate the pool design from the east-west configuration to a north-south configuration. Although this design would provide a conforming option that would comply with Zoning, it was determined that the proposed east-west configuration is a more appropriate design solution, as it more closely observes the natural site topography and thereby minimizes the overall site grading.

This project was reviewed by the Single Family Design Board (SFDB) on June 16, 2014. The Board forwarded the project to the Staff Hearing Officer with the comments that the proposed modification is aesthetically appropriate, and does not pose consistency issues with the Single Family Residential Design Guidelines. The Board also discussed the alternative north-south configuration, and determined that this design was not preferred, as it would pose consistency issues with the Single Family Residential Design Guidelines, and result in an excessively tall retaining wall that would be more visible from the down slope (southern) perspective. The Board found the proposed east-west configuration to be a far superior solution for the site.

## **V. FINDINGS AND CONDITIONS**

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 proposed pool is the minimum length to be useful to the applicant, minimizes grading, and is not anticipated to adversely impact the adjacent neighbors. Additionally the exposed portion will be further mitigated with a native boulder wall and landscaping.

Said approval is subject to the condition that the proposed privacy wall (located along the westerly property line) will be constructed per arborist recommendations to ensure the three existing oak trees will be protected in place.

### Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated July 3, 2014
- C. SFDB Minutes

Contact/Case Planner: Michelle Bedard, Assistant Planner,

STAFF HEARING OFFICER STAFF REPORT  
1117 LAS ALTURAS RD (MST2014-00223)  
JULY 31, 2014  
PAGE 4

(MBedard@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 Extension 4551.

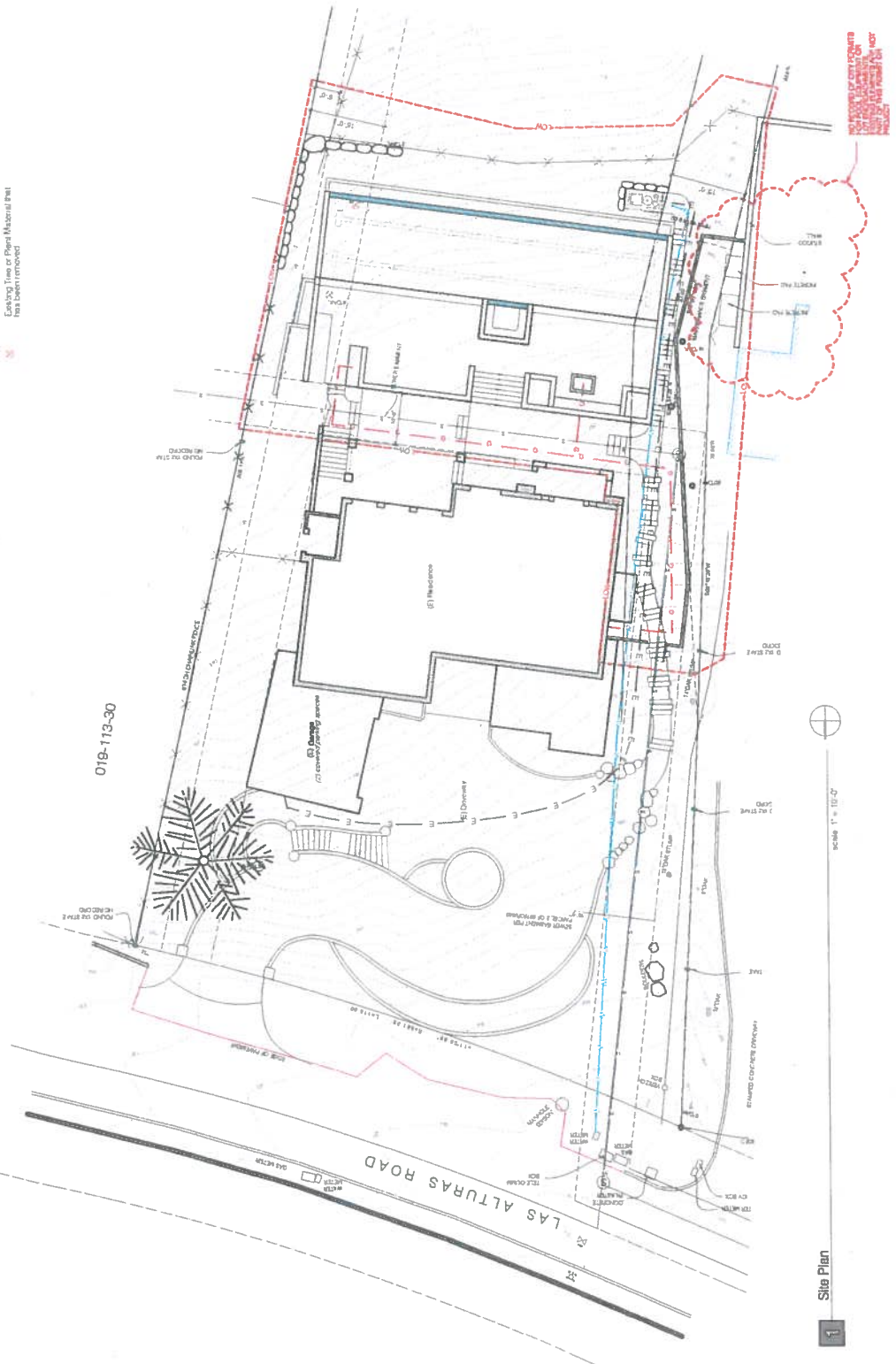
1117 LAS ATURAS  
 SANTA BARBARA, CA  
 APR. 08-13-02

PROJECT: 1117 LAS ATURAS  
 SHEET: 1117-01  
 DATE: 04/08/02  
 DRAWN BY: J.M.  
 CHECKED BY: J.M.  
 APPROVED BY: J.M.  
 SCALE: 1" = 10'-0"

P0.2

**Abbreviations:**  
 (E) Existing  
 (P) Proposed  
 CONC Concrete  
 CULV Concrete Utility Vault  
 Proposed (P)  
 Existing (E)  
 Existing (E) to be Protected  
 Existing (E) to be Removed  
 Existing (E) to be Relocated

**Utility Legend:**  
 Gas Line - to connect to existing  
 Electric Line - to connect to existing  
 Water Line - to connect to existing  
 Proposed Gas Line  
 Proposed Electric Line  
 Proposed Water Line



EXISTING CONCRETE DRIVEWAY TO BE REMOVED AND REPLACED WITH ASPHALT

EXHIBIT A

**Barrier and Safety Requirements:**

- The enclosure must be at least 5'-0" tall with openings, gaps, or holes that would not allow a 4" sphere to pass.
- The minimum vertical distance from the ground to the bottom of the enclosure is 2' when the enclosure is closed.
- All gates and doors opening through the enclosure shall open away from the pool and be equipped with self-closing and self-latching devices placed no lower than 60" above the ground.
- Where the release mechanism of the self-latching device is located less than 60" above the ground, (1) the release mechanism shall be located on the pool side of the barrier and (2) the gate and the barrier shall have no opening greater than 1/2" when the release mechanism is engaged.
- Where a walk of 4' clearing unit serves as part of the enclosure and contains door openings between the opening unit and the pool that provide direct access to the pool, at least one of the following safety measures shall be provided:
  - The door shall be equipped with a self-closing and self-latching device that meets performance standards of ASTM F 1346-01.
  - The enclosure shall be equipped with exit alarms on those doors providing direct access to the pool.
  - The enclosure shall be equipped with self-closing, self-latching devices on the doors providing direct access to the pool. The release mechanism shall be placed no lower than 54" above the floor.

**Grading & Erosion Control:**

- All grading shall comply with Santa Barbara County Code, Chapter 14.03, Ordinance No. 44177.
- A Grading permit shall be provided for a 50' yard area if it exceeds 3' of vertical clearance to the ground.
- Permitting and EIR approval shall be obtained by a licensed engineer to mitigate potential stormwater run-off, sediment, and pollutants generated at this construction site, when required.

**Pool Equipment & Utility Notes:**

- Pool and 5" Spa filter pump shall be 15ft-24" apart.
- Residential Pool and Spa equipment to meet minimum requirements of Section 150.01 and 150.02 shall be located in a structure that is adequately sized, ventilated, and has a switch that will allow all pumps to be set or programmed to run only during off-peak demand periods.
- Any Pool or Spa heating equipment shall be installed with a safety shut-off device that will shut off the gas supply in the event of a gas leak or abnormal pressure.
- Water "Tie-Back" located at the equipment area shall be installed in accordance with the company with no 2010 ARTICLE 600 Summary Plan, Foundation and Service Regulations.

**Spa Specs:**

SHAPE: Rectangle  
DIMENSIONS: 16' x 8' x 2'  
SURFACE AREA: 1089 SF  
PERIMETER: 108' 4"  
DEPTH: 5'-0" constant depth  
CAPACITY: 4076 GALLONS

**Pool Equipment Specs:**

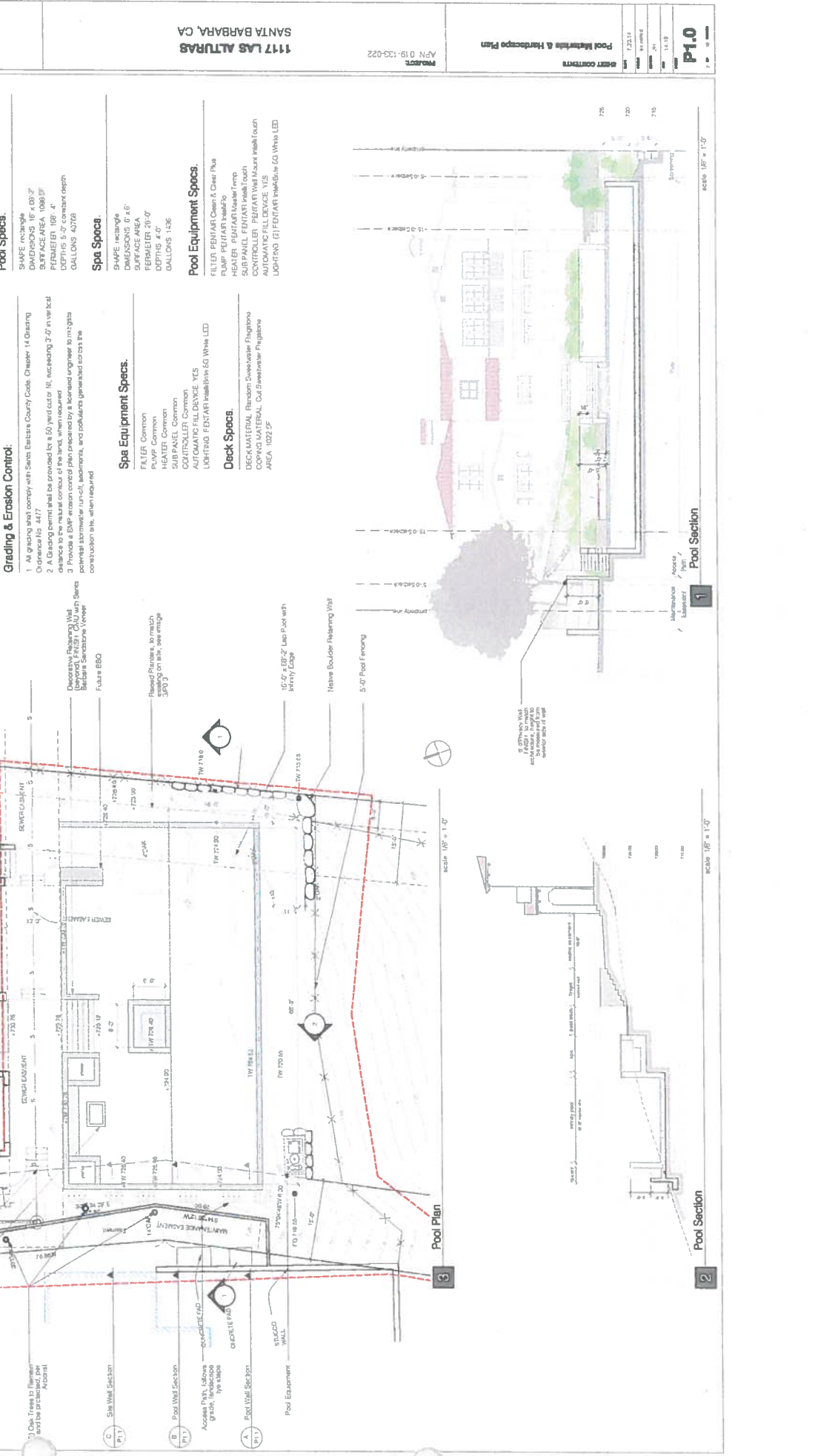
FILTER: Pentair Comet 4 Clear Plus  
HEATER: Pentair MasterTemp  
SUBPANEL: Pentair IntelliTouch  
CONTROLLER: Pentair IntelliTouch  
AUTOMATIC FILL DEVICE: YES  
LIGHTING: (2) Pentair IntelliTouch 50 Watts LED

**Deck Specs:**

DECK MATERIAL: Precision Stoneable Flagstone  
CONCRETE MATERIAL: Out-Sweetwater Flagstone  
AREA: 1022 SF

**Pool Plan**  
Scale: 1/8" = 1'-0"

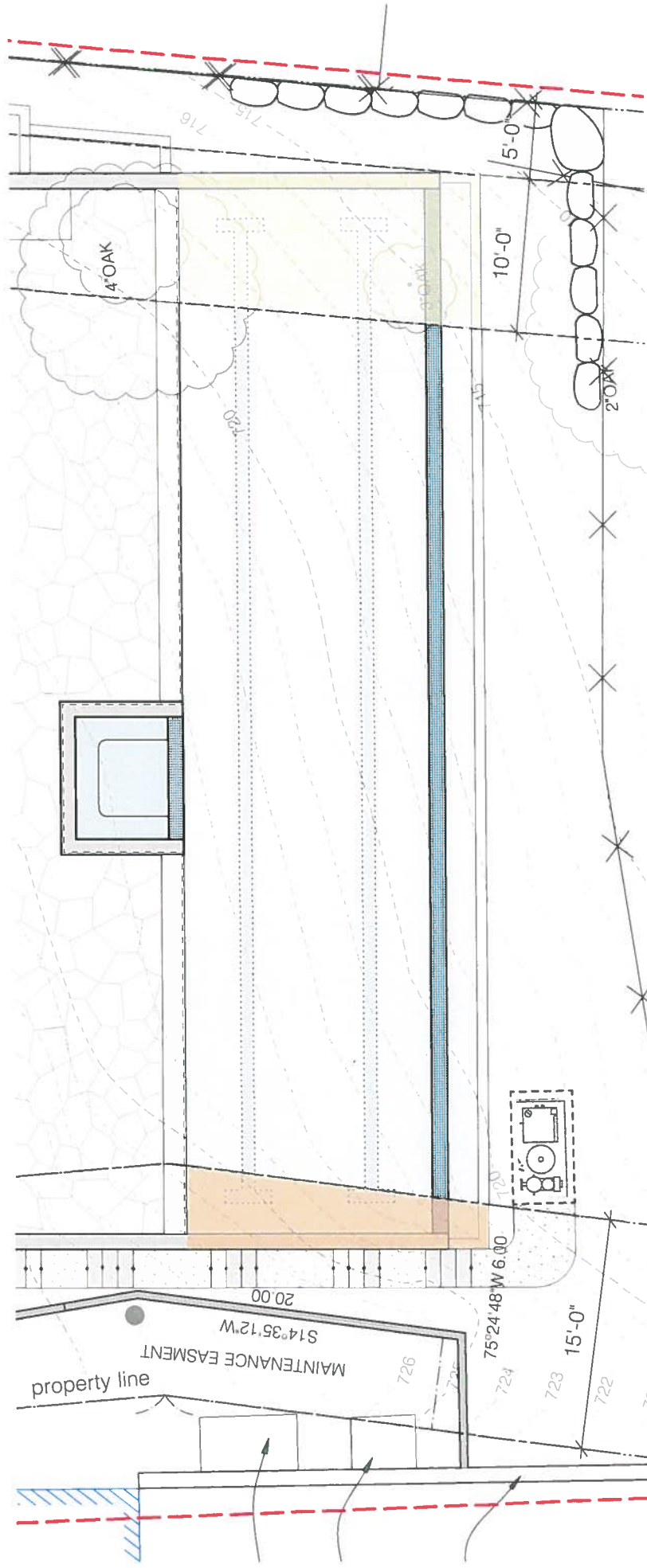
**Pool Section**  
Scale: 1/8" = 1'-0"



# POOL EXHIBIT

1117 Las Alturas - Santa Barbara - CA

x



scale: 1" = 10'-0"



**RECEIVED**

JUL 03 2014

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

*Barefoot Design*  
landscape + lifestyle

## Legend

symbol	description	area
	Area of Pool within Setback greater than 10" from Native Grade	180 SF
	Area of Pool within Setback less than 10" from Native Grade within Setback	81 SF

*Note: 55% of pool within 15'-0" of property line is greater than 10" from Native Grade*

July 3, 2014

Owner Information:

David and Linda Doll  
1117 Las Alturas Rd  
Santa Barbara, Ca. 93103

Ms. Suzanne Riegler  
Planner, Staff Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, Ca 93102

**RECEIVED**  
JUL 03 2014  
CITY OF SANTA BARBARA  
PLANNING DIVISION

RE: Modification request for 1117 Las Alturas Road, APN: 019-133-022, A-1

Dear Ms. Riegler,

Attached are the plans and materials to support our request for a minor zoning modification on the above referenced property.

The proposal is a 16 x 68 foot lap pool with associated retaining walls, equipment and fencing in the rear yard of an existing single-family residence in the Hillside Design District. The property is a large lot (46,303 SF parcel) with an existing 3,761 SF 2-story, single family home which is accessed by a 16'-0" wide driveway and auto court. The property extends downward from Las Alturas Road in slopes that range from 15 to 40 percent (from north to south).

The modification requested would allow the easterly side of the pool, which because of the site constraints "daylights" above ground, to be constructed up to the 5 ft setback required for pools, rather than the 15 ft setback required for structures. This modification would allow a lap pool of 68 feet, rather than the typical 82 foot (25 meter) distance<sup>1</sup>. The exposed "structure" would be mitigated further by the installation of a native boulder wall and dense landscaping to include White Wild Lilac (*Ceanothus thyrsiflorus* 'Snow Flurry') and Point Sal Sage (*Salvia leucophylla* 'Pt. Sal') plants that would cover the slope as well as provide screening. Outside of the required pool fencing, we have added additional buffering by proposing to plant White Wild Lilac (*Ceanothus thyrsiflorus* 'Snow Flurry'), Toyon (*Heteromeles arbutifolia*) and Century Plant (*Agave americana*).

On the southwest corner of the improvement, the pool is situated 10'-9" from the property line and because the site has a slight cross-slope from west to east, this portion of the pool can be constructed in the ground, within the 10" distance from native grade and conforming to the setback provided for in 28.87.060.

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<sup>1</sup> This distance could be achieved from a zoning standpoint, but in a layout that does not work with the slopes or the existing structures.

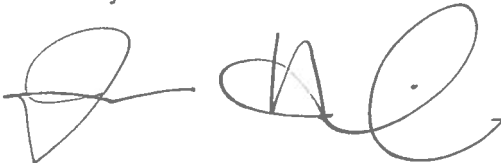


The major benefits of having the pool constructed up to the 5 foot setback line is that from a design and neighborhood compatibility standpoint, it is a superior alternative to placing a 25-meter lap pool perpendicular to the house, though inside the 15'-0 setback. Which would result in additional grading and higher site walls and a much more visible project.

The project was reviewed by the Single Family Design Review Board on June 16, 2014 and was found to be consistent with the neighborhood and that the modification is aesthetically appropriate.

An exhibit illustrating the areas of the pool/structure that are in question has been included for your review in consideration of this modification. Should you have any additional conditions, please do not hesitate to give me a call.

Sincerely

A handwritten signature in black ink, appearing to be 'J Harlin', written in a cursive style.

Jessica Harlin  
Barefoot Design



David F. Doll  
1117 Las Alturas Road,  
Santa Barbara, California 93103

7/3/2014

Ms. Suzanne Riegle  
Planner, Staff Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, Ca 93102

**RECEIVED**  
JUL 03 2014  
CITY OF SANTA BARBARA  
PLANNING DIVISION

RE: Modification Request for 1117 Las Alturas Road, APN: 019-133-022

Dear Ms. Riegle,

Attached are the plans and materials to support our request for a minor zoning modification on the above referenced property.

Our plan to build a lap pool and outdoor patio area was designed to conform to what we thought were the zoning requirements for this site. On June 16th, we presented the plan to the Single Family Design Board (SFDB) and received unanimous support of the board. Unfortunately, we learned prior to our presentation that the nature of the pool and the site conditions created a situation where portions of the pool could now be considered to be a "structure" necessitating an additional 10-foot setback.

The property is a large lot (46,300 square feet) that extends 300 feet down a canyon and slopes downward from Las Alturas Road (north to south), with additional cross slope from the west to the east across the site. On the southwest corner of the site, the pool is almost 11 feet from the property line and because the site slopes from west to east, this portion of the pool can be constructed "in the ground", conforming to the setback provided for in section 28.87.060 of the code. However, in spite of terracing the improvements to conform to the site constraints, the pool "daylights", at the eastern edge. We have mitigated this with a native boulder wall and dense landscaping which is further supplemented with additional landscaping outside of the required fencing.

We have met with both adjoining neighbors. On the west, our neighbor was concerned that the privacy fence would be tall enough (we too want to make sure that it is tall enough to screen the neighbor's pool and air conditioning equipment that exist along the property line), and our neighbor on the eastern property line (I believe you met him after the SFDRB meeting), continues to support the plan as presented. This property does not sit along any rights of way and as stated previously, the lot extends quite a bit further down into the undeveloped canyon – mitigating any rear yard concerns.

We have studied various alternatives to the proposed plan, including placing the pool in the middle of the property (so as not to be near setbacks) and on angles between the setbacks. Each of these alternatives resulted in more negative impacts than the plan presented to SFDRB.

One of the questions raised in the SFDB hearing was “why does a lap pool have to be as wide as shown? A typical lap pool would be a minimum of 25 meters or 82 feet in length, but in light of the site constraints, we have proposed only 68 feet. To limit it further would render the pool too short to do much more than “stroke, stroke turn” and its usefulness as a health aid would be limited. With a maximum depth of 5 feet, this pool has a clear function – to provide physical exercise for our aging bodies.

Some of the reasons to support our request for this minor modification include:

1. The sloping nature of the site coupled with the need to respect the existing sewer easement, limits the alternatives on this site
2. We have looked at various alternatives of placing the pool within the setback, but structures, wall heights and grading requirements would have greater impact than proposed due to the site constraints.
3. On the western property line, we have an approximate 11 foot setback and no “structure” situation. On the eastern side of the property, we have a 5-foot setback with improvements that are mitigated by native boulder walls, landscape planters and screening landscape. We have the support of our neighbor on the eastern property line.
4. The Single Family Design Board unanimously approved the proposed improvements and was supportive of the materials and design plan presented.

We lived in our prior residence for 16 years and our neighbors cried when we left – something we hope to replicate in this house. We love this neighborhood, hope to grow old here and want to be healthy and happy contributors to our community, so we ask that you make the necessary findings to grant a minor modification that would allow us to complete the improvements proposed.

Should you have additional questions, please do not hesitate to call or send me a note, and I will get back to you as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "David F. Doll". The signature is written in a cursive style with a large, prominent 'D' at the beginning.

David F. Doll

Mobile: 626-590-7966

Email: [dfdoll@gmail.com](mailto:dfdoll@gmail.com)

**SFDB-CONCEPT REVIEW (CONT.)****3. 1117 LAS ALTURAS RD****A-1 Zone**

**(4:15)** Assessor's Parcel Number: 019-113-022  
Application Number: MST2014-00223  
Owner: Barbara Fasken Trust  
Agent: Jessica Harlin  
Owner: David & Li Doll

(Proposal for a 16 x 68 foot infinity lap pool with associated retaining walls, equipment, and fencing in the rear yard of single-family residence in the Hillside Design District. The proposal also includes a six foot tall privacy wall, patio, landscaping, fire pit, and 238.5 cubic yards of grading, of which 175.5 will be exported off-site. This project requires Staff Hearing Officer review for requested zoning modifications.)

**(Comments only; project requires Staff Hearing Officer review for requested zoning modifications. Project was referred from Consent Calendar on June 9, 2014.)**

Actual time: 4:11 p.m.

Present: Jessica Harlin, Designer; Dave Doll, Owner; and Suzanne Riegle, Assistant Planner.

Public comment opened at 4:26 p.m.

- 1) Everett Woody, a representative of 1121 Las Alturas Road and Garcia Architects, expressed concerns regarding the possible erosion caused by the lack of a sufficient retaining wall. He requested there be site sections to determine the height of the wall for matters of privacy.

Public comment closed at 4:29 p.m.

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

- 1) The Board finds that the modification is aesthetically appropriate and does not pose consistency issues with the design guidelines since it has quality materials and it is a good design.
- 2) Extend the west edge of the retaining wall of the pool further down the slope to the southwest corner.
- 3) Provide sections from east to west to show heights of the privacy and retaining wall.
- 4) The Board does not find reorienting the pool north-south appropriate as it would create an excessively tall retaining wall along the slope.

Action: Woolery/Zimmerman, 6/0/0. Motion carried. (Sweeney absent).

**EXHIBIT C**