



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** November 6, 2014  
**AGENDA DATE:** November 12, 2014  
**PROJECT ADDRESS:** 1554 Alameda Padre Serra (MST2014-00213)  
**TO:** Susan Reardon, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Jo Anne La Conte, Assistant Planner *JAL*

### I. PROJECT DESCRIPTION

The 14,024 square foot site, located within the Hillside Design District, is developed with an existing, two-story, single-family residence, an attached two-car garage and a detached garage. The proposed project involves the construction of a partially above-ground, 323 square foot swimming pool with an attached 48 square foot spa and rock feature, an automatic pool cover and associated plumbing and electrical. The project also proposes 375 square feet of new exterior decking and stairs, new gates and guardrails, and 40 cubic yard of grading.

The discretionary application required for this project is an Interior Setback Modification to allow construction of a partially above-ground, pool and spa to encroach into the required 10' interior setback to the east. (SBMC § 28.15.060 and SBMC § 28.92.110)

Date Application Accepted: October 7, 2014      Date Action Required: January 5, 2015

### 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:	Steven Penn Hsu	Property Owner:	Fred J. Krupica
Parcel Number:	019-183-011	Lot Area:	14,024 sq. ft.
General Plan:	Residential (3du/acre)	Zoning:	E-1
Existing Use:	Residential	Topography:	19%

#### Adjacent Land Uses:

North - Residential	East - Residential
South - Residential	West - Residential

**B. PROPOSED LOT AREA COVERAGE**

Building: 2,864 sf 20% Hardscape: 1,918 sf 14% Landscape: 9,242 sf 66%

**IV. BACKGROUND**

The proposed project was reviewed by the Single Family Design Board (SFDB) and received Final Approval on September 4, 2014. In building plan check, it was discovered that the project requires modification approval as portions of the pool and spa are located above grade, and therefore do not qualify for the 5 foot interior setback allowed for swimming pools as outlined in Santa Barbara Municipal Code (SBMC) §28.87.060.

The property is on the City's Potential Historic Resource List, and due to minimal visibility of the project was determined by the City's Historian to not have a negative impact on the resource.

**V. DISCUSSION**

The proposal involves the construction of a partially above-ground swimming pool and spa, located on a project site within the Hillside Design District and with an average slope of 19 percent. The proposed pool and spa are located 5 feet from the eastern property line behind the existing lower level garage. Given the existing site topography, the proposed design results in an exposed structure greater than 10 inches in height within the required 10 foot interior setback at the east side of the pool (SBMC §28.15.060) as portions of the pool and spa are approximately 3 ½ feet above grade at their highest points.

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 changes in topography for sloped sites. Since portions of the pool and spa are greater than 10" above grade, it does not qualify for the 5' setback that is discussed in SBMC §28.87.060, and an Interior Setback Modification is required.

The property is site constrained due to the topography and location of the existing structures on site. The proposed location of the pool and spa will result in a cohesive design plan to unify the multiple levels of the terraces on site. In addition, the eastern property line is landscaped with a large hedge that provides a privacy buffer from the pool and spa, and the pool and spa are not anticipated to adversely impact the adjacent neighbor.

**VI. 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 and spa minimizes grading, and are not anticipated to adversely impact the adjacent neighbors. Additionally the exposed portion will be further mitigated with a landscaping.

Said approval is subject to a condition that a landscaping buffer shall remain to screen the pool and spa along the eastern property line.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated October 5, 2014
- C. SFDB Minutes dated May 19, 2014

Contact/Case Planner: Jo Anne La Conte, Assistant Planner,  
(Jlaconte@SantaBarbaraCa.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 Extension 3320



**Steven Penn Hsu**  
Architect

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Ventura, CA 93004

805.415.0910  
pennarch@att.net

October 5, 2014

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

Re: Modification Request for:

1554 Alameda Padre Serra  
Santa Barbara, Ca 93103  
APN # 019-183-011  
Zone E-1

Dear Staff Hearing Officer:

The existing project site is located on a terraced hillside with an approx. 19% slope, within the Riviera neighborhood of the City of Santa Barbara. The existing single family residence is approx. 3305 SF. There are two separate garage structures, which are both build into the hillside and creates terraced patios on its rooftops. There is a terraced rear yard and a side yard with a flagstone patio along the Eastern side of the property. An existing non-functioning fountain is located at the upper flagstone patio, within the side setback (existing non-conforming), but will be removed as part of the proposed pool project. All of the existing structures and site amenities are permitted according to City records.

The modification being requested is to allow the 5 ft. setback for the proposed in ground swimming pool, with portion of the pool approx. 30 inches above existing grade due to topography of the project site.

The major benefits of having the pool at the proposed location is to unify the multiple levels of the terraces into a cohesive plan. Due to the existing site constrains, construction accessibility is another determining factor in locating the pool at its proposed location. In addition, the proposed pool and deck will greatly enhance the property and taking advantage of the spectacular vista from its elevation.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Penn Hsu', with a long horizontal stroke extending to the right.

Steven Penn Hsu  
Project Architect

**RECEIVED**  
OCT 07 2014

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

**EXHIBIT B**

**CONSENT AGENDA (11:00 A.M.)**

Items on Consent Agenda were reviewed by Jaime Pierce and Jim Zimmerman.

**NEW ITEM**

**A. 1554 ALAMEDA PADRE SERRA**

**E-1 Zone**

Assessor's Parcel Number: 019-183-011  
 Application Number: MST2014-00213  
 Owner: Fred J. Krupica  
 Applicant: Paragon  
 Designer: SPH Design

(Proposal for a new 323 square foot swimming pool and attached 48 square foot spa and rock feature with automatic pool cover and associated plumbing and electrical at an existing 4,170 square foot single-family residence on a 14,024 square foot lot in the Hillside Design District. The project also proposes 375 square feet of new exterior decking and stairs, new gates and guardrails, and 40 cubic yard of grading.)

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

**Project Design Approval, continued to staff for Final Approval with comment:**

- 1) Provide a letter from the neighbor to the east indicating support for a spa in the proposed location.