



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 25, 2016
AGENDA DATE: August 31, 2016
PROJECT ADDRESS: 288 Canon Drive (MST2015-00549)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *RLB for DYK*
 Michelle Bedard, Assistant Planner *MB*

I. PROJECT DESCRIPTION

The 13,721 square-foot site is currently developed with an existing two-story 2,576 square foot single-family residence including an attached 380 square foot two-car garage. The proposed project involves demolition, alterations, and additions to the existing residence, resulting in a 4,954 square foot, split-four-level single-family residence and basement. The alterations include: 1,143 square foot demolition of the existing 1,671 square foot first level; 528 square feet of the existing first level will remain and includes the existing garage and remodel of the existing floor area for a new laundry room and guest bedroom; excavation and construction of a new of 1,594 square foot basement; construction of 1,326 square foot new main entry level (level two); a 200 square foot addition to the existing master bedroom (level three); and a new 401 square foot master bedroom (level four). Other alterations consist of new and reconfigured decks, two new basement level courtyards, replacement of the existing driveway with new permeable paving, new permeable patios, removal of one existing tree and minor landscaping alterations. The proposed total of 4,954 square feet, located on a 13,721 square foot lot, is 99% of the required maximum floor-to-lot area ratio (FAR). The FAR includes a 797 square foot (50%) basement credit per SBMC §28.15.083.

Date Application Accepted: August 1, 2016

Date Action Required: October 30, 2016

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Interior Setback Modification to allow for a window replacement located on the first floor within the required 8-foot interior (north) setback (SBMC §28.15.060 and §28.92.110); and
2. Solar Access Height Limitations Modification to allow changes to the north elevation of the building to exceed solar access height limitations by approximately (5'-4 1/4") (SBMC §28.11 and §28.92.110).

III. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Wayne LaBrie	Property Owner:	Wayne & Elizabeth LaBrie
Parcel Number:	053-142-010	Lot Area:	13,721 s.f.
General Plan:	Low Density Residential (Max 5 du/ac)	Zoning:	E-2/SD-2
Existing Use:	One Family Residential	Topography:	7%

Adjacent Land Uses:

North – Residential	East – Residential
South – Residential	West – Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,196 sq. ft.	+ 2,378 = 4,574 sq. ft.
Garage	380 sq. ft.	No Change

C. PROPOSED LOT AREA COVERAGE

Building: 2,722 sf 20% Hardscape: 2,950 sf 21.5% Landscape: 8,049 sf 58.5%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 4,215 (.37) Proposed FAR: 4,157 (.30) = 99% of Max. Allowed FAR

V. DESIGN REVIEW

This project was reviewed by the Single Family Design Board (SFDB) on three occasions. At the first meeting on April 4, 2016, the Board expressed concerns with the neighborhood compatibility and architectural style of the project. The Board continued the project two weeks and requested the applicant to provide simplified plans to clearly demonstrate the existing and proposed project.

During the second meeting, on April 18, 2016, the Board requested the applicant simplify the proposed roof forms and study reducing the size, bulk, and scale.

At the third meeting, on May 2, 2016, the Board continue to express concerns with the overall size and style of the project; however, the Board reserved comments on the architecture, and at the applicant's request, forwarded the project to the Staff Hearing Officer providing positive

comments for the requested modifications. The Board found the solar modification to be acceptable aesthetically and an enhancement to the existing configuration. The Board found the window alterations within the interior setback modification to be minor and will not pose a negative aesthetic impact to the project.

VI. DISCUSSION

A. INTERIOR SETBACK MODIFICATION

The proposed project requests a modification to allow a window replacement on the first story of the north elevation located within the required 8-foot interior setback. The existing residence is legal non-conforming with regard to the required 8-foot interior (north) setback. The archives show the original house in compliance with the required setback; however, after a recent survey was prepared it was discovered the existing residence encroaches 6-inches into the required 8-foot interior setback. Staff recommends that the Staff Hearing Officer approve the interior setback modification because the window alteration is minor and is not anticipated to adversely impact the adjacent neighbors.

The existing residence encroaches into the required 8-foot (south) interior setback and a small corner of the garage encroaches into the required 25-foot front (east) setback. The portion of the residence located within the 8-foot (south) interior setback is proposed to be demolished and the proposed project will comply with this setback. The existing undersized garage is proposed to remain without alterations and therefore a modification is not required. Although the proposed additions would require the garage to meet the minimum size standards, because the existing garage is proposed to remain without alteration, the applicant is seeking a parking Design Waiver from Public Works Transportation staff to allow the existing garage to remain. Transportation Staff has provided preliminary support of the waiver; therefore, a condition has been included that a design waiver shall be obtained from the Public Works Department prior to issuance of a building permit. Staff further recommends a condition that the Modifications shall be reevaluated if the project should, at any time, exceed the scope of work as approved by the Staff Hearing Officer.

B. MODIFICATION OF SOLAR ACCESS HEIGHT LIMITATIONS

The existing building exceeds the maximum height of the Solar Access Height Limitations. The applicant proposes to reduce the height of the building to enhance the aesthetics of the building; however, the resulting building height would still exceed the maximum allowable height; therefore, the applicant is requesting a Solar Access Modification. Staff notes that a Modification would not be required if the applicant proposed to maintain this portion of the building as it exists.

The rules and regulation governing the Solar Access Ordinance are contained in Resolution 98-027, which were originally adopted in October 1986, and were amended in March 1998. The Zoning Ordinance allows a Modification of the solar access height limitations in the single family and R-2 zones if the limitations are found to be an unreasonable restriction. If there is an unreasonable restriction, the solar height limit can be increased by six feet. The rules detail the criteria for an unreasonable restriction for second stories as follows:

- 1) All portions of the second story must be within the existing perimeter of the building.
- 2) The horizontal dimension of the portion of the building that exceeds the solar height limit must be no more than 25 feet, excluding roof overhangs.
- 3) The portion of the building that exceeds the solar height limit may not cast a shadow on a solar collector at 9:00 a.m., 12:00 p.m. and 3:00 p.m. PST on December 21.
- 4) The amount of sunlight on all south facing windows on any adjacent lot may be no less than the amount of sunlight in the event that the maximum addition in compliance with the solar access height limitations were to be constructed.

The existing residence, constructed in 1948, predates the adoption of the Solar Access Ordinance (1986) and is legally non-conforming with regards to the maximum Solar Access Height Limitations (SBMC §28.11). The existing residence is 23'-4" in height and exceeds the Solar Access height limitations by 7' for a residence in a single-family zone. The project proposes to revise the existing roof form of the existing building resulting in a reduction of the maximum building height to 21'-8¼" (a height reduction of 1'-7¾"). The revised project would comply with the maximum Solar Access Height Limitations allowed by the Modification.

The applicant has provided a shadow study demonstrating that the proposed solar access encroachment will not have detrimental effect and rather, the reduction of building height will improve the Solar Access for the adjacent neighbor. The neighbor provided a letter supporting the proposed project. Staff has reviewed the plans, and found the project meets all four criteria, and has therefore determined that the Solar Access Ordinance poses an unreasonable restriction on remodel of the existing second story; therefore, Staff recommends that the Staff Hearing Officer approve the request for a modification to the Solar Access Height Limit because the proposed project results in an improved configuration.

VII. FINDINGS AND CONDITIONS

Staff recommends that the Staff Hearing Officer approve the Interior Setback Modification, making the findings 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 window alteration is located on the first floor and will not negatively impact the adjacent neighbors.

Staff recommends that the Staff Hearing Officer approve the Solar Access Modification, making the findings that the Modification is necessary to prevent an unreasonable restriction for the remodeled second story, in that the project meets the required criteria, and thus would not excessively shade the neighbors to the north, and because the reduction in height of the existing structure would be beneficial to the solar access of the northern neighbors.

Said approval is subject to the following conditions:

1. A parking design waiver for the garage size shall be obtained from Public Works Transportation prior to building permit issuance; or the garage shall be designed to meet the minimum size requirements, subject to further review by City staff.

2. If at any time the scope of the project exceeds what is shown on city approved plans, the project shall be halted, the applicant shall contact the Planning Division, and the project shall be reevaluated for a determination on whether the Modifications remain valid.
3. The following language shall be reproduced on the construction plans submitted for building plan check and the directives of the mitigation measures followed:

If cultural resources are encountered or suspected, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, (if the resource is prehistoric) etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts, materials, or human remains, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

The archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric or historic remains, consistent with a Phase 3 Data Recovery excavation as defined in City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 23, 2016
- C. SFDB Minutes

Contact/Case Planner: Michelle Bedard, Assistant Planner
(MBedard@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4551



City of Santa Barbara California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

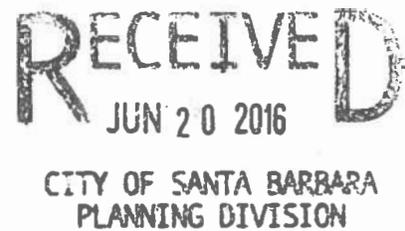
Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

EXHIBIT A

Wayne Labrie Architect/Owner

924 Laguna Street, Suite B, Santa Barbara CA, 93101

Tel: 805-455-5096, email: wayne@LYNXproperty.com



May 23, 2016

Re: Modification Request for 288 Canon Drive, Santa Barbara, CA; APN 053-142-010; Land Use E-2, SD-2

Dear Staff Hearing Officer:

1. On the 13,721 sq. ft. lot there is an existing 2 story house (2,576 sq. ft.) with an attached two car garage and a small (8' x 12') garden shed. The garage and the second story above encroach into the interior setback 5-6 inches on the northerly side of the property. One door and one window exist in the first story garage wall and one window exists in the second story wall. The garden shed encroaches into the interior setback on the south westerly side of the property and will be removed. This project involves additions and alterations to the residence conforming to the interior yard setbacks except for the two modifications requested below.
2. A modification is being requested to allow an alteration to the existing window in the first story non-conforming garage wall and an alteration to the existing window and the addition of a window in the second story non conforming bedroom wall directly above the garage wall. The modification is necessary to upgrade the existing windows to meet energy requirements, maintain natural ventilation and daylight, and improve the exterior appearance of the residence.
3. A modification is being requested to allow alterations to the existing non-conforming roof framing in the solar access zone on the northerly side of the residence. The peak of the existing roof is approximately 23'-4" above grade. There is no termite or dry rot damage in the existing structure. The modification to reframe and lower the roof will reduce the shadow on the adjacent property, reduce the apparent massing of the residence, improve the exterior appearance of the residence from the street, and generally allow more light into the interior yard between the two residences.
4. The major benefit associated with the window changes is to reduce the size of the existing windows, upgrade the windows to meet current energy requirements, and improve the exterior appearance of the residence. The major benefit associated with reframing the roof in the solar access zone is a reduction of the shadow cast upon the neighboring property, improved roof orientation for photovoltaic panels, improved exterior appearance of the residence, and more light in the side yard between residences.

Sincerely,

A handwritten signature in black ink that reads "Wayne Labrie". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Wayne Labrie Architect

SFDB-CONCEPT REVIEW (CONT.)**4. 288 CANON DR****E-2/SD-2 Zone****(4:40)**

Assessor's Parcel Number: 053-142-010
Application Number: MST2015-00549
Owner: Wayne and Elizabeth Labrie
Architect: Wayne Labrie

(Proposal for 2,378 square feet of additions to an existing 2,576 square foot two-story single-family residence. The proposal includes new and enlarged decks, minor landscaping changes, and a new permeable driveway and patios. The proposed total of 4,954 square feet (of which 1,594 square feet is in a new basement and will receive a 50% FAR credit) on a 13,769 square foot lot is 99% of the required maximum floor-to-lot area ratio [FAR]. Staff Hearing Officer review is requested for zoning modifications to allow additions and alterations within one interior setback, and for a solar access modification.)

(Third Concept Review. Comments only; project requires Staff Hearing Officer review for requested zoning modifications. Project was last reviewed on April 18, 2016.)

Actual time: 5:13 p.m.

Present: Wayne Labrie, Architect and Owner.

Public comment opened at 5:30 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to the Staff Hearing Officer for return to Full Board with the following comments:

- 1) The Board finds acceptable the solar access modification from an anesthetic standpoint as it enhances the current configuration.
- 2) The Board finds acceptable the north elevation window changes that are required for the proposed modification because the wall is located within the setback area. The Board can support the two existing windows to be removed and three windows to be added.

Action: Pierce/Woolery, 5/1/0. Motion carried. (Bernstein abstained, James absent).

SFDB-CONCEPT REVIEW (CONT.)**3. 288 CANON DR****E-2/SD-2 Zone**

(3:55) Assessor's Parcel Number: 053-142-010
Application Number: MST2015-00549
Owner: Wayne and Elizabeth Labrie
Architect: Wayne Labrie

(Proposal for 2,378 square feet of additions to an existing 2,576 square foot two-story single-family residence. The proposal includes new and enlarged decks, minor landscaping changes, and a new permeable driveway and patios. The proposed total of 4,954 square feet [of which 1,594 square feet is in a new basement and will receive a 50% FAR credit] on a 13,769 square foot lot is 99% of the required maximum floor-to-lot area ratio [FAR]. Staff Hearing Officer review is requested for zoning modifications to allow additions and alterations within one interior setback, and for a solar access modification.)

(Second Concept Review. Comments only; project requires Staff Hearing Officer review for requested zoning modifications. Project was last reviewed on April 4, 2016.)

Actual time: 4:14 p.m.

Present: Wayne Labrie, Architect and Owner.

Public comment opened at 4:31 p.m. As no one wished to speak, public comment was closed.

Motion: Continued two weeks to Full Board with comments:

- 1) Simplify the roof forms and study reducing the bulk; consider reducing the roof and turning house to face the sun and street.
- 2) Study the siding of the house as it appears too horizontal; consider adding stucco some areas.

Action: Moticha/Bernstein, 7/0/0. Motion carried.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**7. 288 CANON DR****E-2/SD-2 Zone****(5:45)**

Assessor's Parcel Number: 053-142-010
 Application Number: MST2015-00549
 Owner: Wayne and Elizabeth Labrie
 Architect: Wayne Labrie

(Proposal for 2,378 square feet of additions to an existing 2,576 square foot two-story single-family residence. The proposal includes new and enlarged decks, tree removals and minor landscaping changes, and a new permeable driveway and patios. The proposed total of 4,954 square feet [of which 1,594 square feet is in a new basement and will receive a 50% FAR credit] on a 13,769 square foot lot is 99% of the required maximum floor-to-lot area ratio [FAR]. Staff Hearing Officer review is requested for zoning modifications to allow additions and alterations within the front and two interior setbacks, and for a solar access modification.)

(Comments only; project requires an environmental assessment and Staff Hearing Officer review for requested zoning modifications.)

Actual time: 5:30 p.m.

Present: Wayne Labrie, Architect; and Matthew Labrie.

Public comment opened at 5:58 p.m.

1) Sue Wood, adjacent neighbor, submitted letter in support. Expressed support to the proposed project.

An email in opposition was acknowledged and received from; Shawn Graft regarding size, bulk and scale, parking, and neighborhood compatibility.

Letters and emails in support were acknowledged and received from 24 gathered signatures and residents.

Public comment closed at 6:01 p.m.

Motion: Continued 2 weeks to Full Board with comments:

- 1) As proposed the residence's size, bulk and scale are not appropriate in relation to the neighborhood context.
- 2) Return with simplified plans.
- 3) The Board does not find the style of architecture acceptable. The design should be more streamlined so the residence reads as a single-unit.
- 4) Return with a clear description of existing home compared to what is being proposed.

Action: Miller/Moticha, 6/0/0. Motion carried. (Bernstein absent).