I. PURPOSE OF HEARING

The purpose of this hearing is for the Planning Commission to consider an appeal filed by the applicant of the Staff Hearing Officer’s denial of a requested setback modification on October 11, 2017. The applicant is specifically appealing the SHO’s denial of a 4-foot southern deck extension in the secondary front setback. Please refer to the appellant’s letters dated October 11, 2017 (Exhibit A).

Three other modifications were approved by the SHO to allow improvements in the front setback, in the secondary front setback and to allow the open yard to be located within the secondary front setback. Those approvals are not being appealed.

II. PROJECT DESCRIPTION

The 17,438 square foot parcel is developed with a 2,720 two-story single family residence with an attached 445 square foot two-car garage. The existing residence includes lower and upper level decks along the southern facade. The upper level deck is approximately 283 square feet and located almost entirely in the required secondary front setback, encroaching approximately 10-feet into the setback. The residence is non-conforming to both front setbacks and the required open yard because the parcel is a triangular lot with two front setbacks, one along Franceschi Road to the south and a second along a private road to the north.

The standard required front setback for RS-25 lots is 30-feet; however, Title 30 allows a 5-foot front setback reduction for RS-25 zoned lots with more than a 20 percent slope within 50 feet of a front property line. Based on the average slopes of the site, a reduced 25-foot primary and secondary front setback is applicable to the subject property. The existing upper level deck is located mostly within the secondary front setback, encroaching, at most, 10-feet into the required 25-foot front setback.

The proposal is to construct various improvements for the existing dwelling, including a new interior stairway, conversion of residential square footage to habitable space, and window changes along the northern side of the dwelling, and second story deck extensions on the western
and southern facades. SHO review was required because the additions and alterations to the dwelling along the north façade, as well as the western deck extension, are all proposed in the primary front setback, while the proposed southern deck extension is in the secondary front setback. The proposed deck extensions would increase the size of the deck from 283 square feet to approximately 693 square feet, with the maximum 14-foot encroachment into the required 25-foot secondary front setback and a maximum 14-foot encroachment into the required 25-foot primary front setback.

Over the course of two SHO hearings under two applications (MST2017-00084 and MST2017-00355), all modifications requests were approved except for the deck extension under appeal. The proposed deck extension would encroach an additional four feet into the secondary front setback, with a total depth of 14 feet into the required 25-foot setback.

The SHO approved project would allow for a 3,470 square foot residence, 79% of the guideline maximum floor-to-lot-area ratio (FAR).

III. REQUIRED APPLICATIONS
The discretionary applications required for this project are:

A. A Primary Front Setback Modification to allow additions and alterations on the north side of the dwelling and a deck extension on the west side of the dwelling to encroach within the required 25-foot primary front setback (SBMC § 30.20.030.A and SBMC § 30.250.020.B); and

B. An Open Yard Modification to allow the open yard area to be located within the secondary front yard (SBMC 30.140.140.E); and

C. A Secondary Front Setback Modification to allow a deck extension on the south side of the dwelling to encroach within the required 25-foot secondary front setback.

(Please note, only the secondary front setback modification is under appeal at the Planning Commission.)

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Wade Davis Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner:</td>
<td>Vincent and Kathy Tucker</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Site Information</th>
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</thead>
<tbody>
<tr>
<td>Parcel Number:</td>
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<tr>
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<tr>
<td>General Plan:</td>
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Adjacent Land Uses

<table>
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<tr>
<th>North</th>
<th>East</th>
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</thead>
<tbody>
<tr>
<td>Single Family Dwelling (3-story)</td>
<td>Single Family Dwelling (3-story)</td>
</tr>
<tr>
<td>South</td>
<td>West</td>
</tr>
<tr>
<td>Franceschi Park</td>
<td>Single Family Dwelling (2-story)</td>
</tr>
</tbody>
</table>

B. PROJECT STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Approved (MST2017-00084)</th>
<th>Proposed (MST2017-00355)</th>
</tr>
</thead>
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<tr>
<td>Living Area</td>
<td>2,720 sf</td>
<td>3,470 sf</td>
<td>3,470 sf</td>
</tr>
<tr>
<td>Garage</td>
<td>455 sf</td>
<td>455 sf</td>
<td>455 sf</td>
</tr>
<tr>
<td>Accessory Space</td>
<td>258 sf</td>
<td>179 sf</td>
<td>179 sf</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>2,720 sf = 62% of Maximum Required FAR</td>
<td>3,470 sf = 79% of Maximum Required FAR</td>
<td>3,470 sf = 79% of Maximum Required FAR</td>
</tr>
</tbody>
</table>

V. BACKGROUND

Staff Hearing Officer (SHO) and Design Review Under MST2017-00084

The original project included additions and alterations to the single family dwelling, exterior stairs in the primary front setback, upper level deck extensions, and an open yard modification. The subject upper level deck had two proposed extensions needing modifications: a 4-foot extension to the south, encroaching farther into the secondary front setback (subject of appeal), as well as a 4-foot extension to the west that would then to wrap the deck around the western façade of the building. The proposed deck extensions would result in a deck that, on the southern façade, would be approximately 10’ x 35’ and, on the western façade, approximately 12’ x 22’.

The Single Family Design Board (SFDB) reviewed the project and provided positive comments twice on Consent (March 13, 2017 and May 22, 2017) before review by the Staff Hearing Officer.

The SHO reviewed the project on May 24, 2017 and approved all the requested modifications except the proposed 4-foot deck extension to the south into the secondary front yard (Exhibits C and D). The SHO cited concerns regarding the adjacency to Franceschi Road and that the existing deck was already located almost entirely in the secondary front setback. At the hearing the applicant agreed to move forward with removal of the 4-foot deck extension denied by the SHO hoping to have that aspect of the project approved at a later date.

The SFDB reviewed the project on May 30, 2017 (Full Board), July 24, 2017 (Consent), and received Final Approval on July 31, 2017 (Consent) (Exhibit E). The approval did not include the 4-foot southern deck extension, as the SHO had denied it.

Upon further review of the plans after SFDB approvals, it became evident that the primary front setback along the private road to the north was drawn from the property line, not the edge of right-of-way. This meant that a portion of the approved deck along the western façade (157 square feet) was actually in the primary front setback and was approved without the required modification. Because the applicant still wished to pursue the 4-foot southern deck extension that
was denied by the SHO as well as pursue a modification request for the portion of the already approved deck along the western façade that hadn’t received the required modification, a new application was required.

**Staff Hearing Officer (SHO) and Design Review Under MST2017-00355**

The applicant submitted a new application for only the 4-foot southern deck extension in the secondary front setback that was denied and the previously approved western deck extension in the primary front setback on June 15, 2017. The project was reviewed by the full SFDB on August 14, 2017, and received positive comments (Exhibit F). The Board noted that the southern and western deck encroachments would not be significantly visible from Franceschi Road, Franceschi Park, Alameda Padre Serra, and the City in general, due to existing vegetation that would act as screening. Further, the Board indicated that the encroachments would not pose consistency issues with the Single Family Design Board Guidelines, and were aesthetically appropriate and supportable due to the constrained site.

The SHO reviewed the project on October 11, 2017 and approved the primary front setback Modification including the western deck reaffirming the previous approval under MST2017-00084, but denied the 4-foot southern deck extension in the secondary front setback for the second time (Exhibits G and H). The SHO stated that although the property is non-conforming to front setbacks and sloped, the deck extensions approved under both MST2017-00084 and MST2017-00355 would provide adequate outdoor living space so that the additional four feet was not necessary. The SHO specifically expressed concern about the 4-foot deck extension being an “appropriate improvement on the lot,” one of the required findings for a Modification.

**Appeal Received**

The City received an appeal of the SHO’s approval on October 11, 2017 from the applicant (Exhibit A). The applicant’s letter requests approval of the 4-foot deck extension that the SHO has denied on two occasions. The applicant’s position is that the 4-foot deck extension is needed to provide outdoor living space on the lot due to the 38% average slope preventing the development of usable on-grade outdoor space. The applicant also asserts that the proposed project would be an aesthetic benefit to the subject property, and would be screened from view by existing landscaping.

On October 31, 2017, the City received a letter of support for the project from Carolyn and John Coie, property owners of 1510 Franceschi Road (Exhibit I). The neighbors concur with the applicant regarding the usability of open space on-grade and the aesthetic benefit of the project.
VI. DISCUSSION

Although the SHO granted a partial approval of the project, and denied the same 4-foot deck extension into the secondary front setback for the second time, that action was appealed by the applicant, and the Modification request is now before the Planning Commission for review and action.

As stated above, the existing upper level deck is located mostly within the secondary front setback along the southern side of the dwelling, facing Franceschi Road. The existing deck encroaches, at most 10-feet into the required 25-foot secondary front setback. The triangular shaped lot fronts on two 25-foot front setbacks, greatly limiting the developable area of the lot. The 38% slope of the lot also limits the lots development of potential building or open space. Nearly any attached addition to the dwelling would require a modification. The existing building is almost entirely within a setback, and only an approximate 5-foot strip along the western façade and an approximate 15-foot strip along the southern façade could be developable without encroaching into a setback.

Staff generally feels that the proposed 4-foot deck extension into the secondary front setback could provide reasonable outdoor living space given that a similar flat area on-grade area would not be possible without landscaping removal and ground disturbance due to the site constraints. An upper level deck with a 10-foot width would provide greater flexibility in using the space as outdoor living space, as opposed to the existing depth of six feet. Due to these considerations, as well as the immediate neighbor’s letter of support and positive comments from the Single Family Design Board, staff remains in support of the modification request.

The Recommendation and Findings Sections of the staff report only address the modification that is subject to appeal before the Planning Commission, or the 4-foot deck extension that encroaches into the secondary front setback. The SHO already approved modifications allowing encroachments into the primary and secondary front setbacks, additions and alterations to the existing dwelling in the primary front setback, as well as an open yard modification.

VII. RECOMMENDATIONS

The Planning Commission should consider the cases made by both the appellant and the Staff Hearing Officer and choose one of the recommendations as outlined below.

1. Uphold the applicant’s appeal and approve the project as proposed to allow a 4-foot deck extension to the south in the secondary front setback, making the findings outlined in Section VIII of this report; or

2. Uphold the Staff Hearing Officer’s decision and deny the proposed 4-foot deck extension to the south in the secondary front setback, making the findings outlined in Section VIII of this report.

VIII. FINDINGS

If the Planning Commission should decide to support a revised project approval, the Commission would need to state the reasoning and make findings to support the revised project.
Approval Findings for the 4-foot Deck Extension Modification Request (Upholding Appeal)

The Planning Commission finds the Secondary Front Setback Modification to allow the proposed second-story deck extension is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot, limiting the secondary front setback encroachment to no more than 17'-0" into the reduced 25'-0" secondary front setback. This encroachment would provide outdoor living space for the lot and would be minimally visually impactful to the neighborhood due to existing landscaping acting as screening.

Denial Findings for the 4-foot Deck Extension Modification Request (Denying Appeal)

The Planning Commission finds the requested Secondary Front Setback Modification is not consistent with the purposes and intent of the Zoning Ordinance and the proposed improvement is not appropriate on the lot. The existing upper level deck along the southern façade already encroaches into the secondary front setback, and there is also a lower level deck to provide outdoor living space. The proposed setback encroachment, in conjunction with the Primary Front Setback Modification request and previously approved deck extension under MST2017-00084, would be excessive in providing outdoor living space for the lot.

Exhibits:

A. Applicant’s appeal letter, October 11, 2017
B. Reduced Site Plan
C. SHO Staff Report and Minutes for MST2017-00084, May 24, 2017
D. SHO Resolution No. 035-17 (for MST2017-00084)
E. SFDB Minutes for MST2017-00084
   1. March 13, 2017
   2. May 22, 2017
   3. May 30, 2017
   4. July 24, 2017
   5. July 31, 2017
F. SFDB Minutes for MST2017-00355, August 14, 2017
G. SHO Staff Report and Minutes for MST2017-00355, October 11, 2017
H. SHO Resolution No. 065-17 (for MST2017-00355)
I. Neighbor letter of support
October 11, 2017

To: City of Santa Barbara
Community Development Department, Planning Commission
630 Garden Street, Santa Barbara, CA

RE: 1540 Franceschi Road – Staff Hearing Officer Denial of 4'-0" South Deck Extension
Hearing Date: October 11, 2017

Dear Planning Commissioners,

Please accept this letter as a formal appeal to the Staff Hearing Officer’s denial of the 4'-0" south deck extension located at 1540 Franceschi Road, which was reviewed on October 11, 2017. The proposed deck extension is needed as the site has an average slope of 38%, which leaves minimal usable outdoor area adjacent to the residence.

This proposed deck extension will allow for additional outdoor living space directly accessible from the primary public area within the house. The design of the extension will not impact the surrounding neighbors, as the deck is well screened by existing trees & landscaping. Additionally, the existing deck is unsightly and the proposed improvements will greatly enhance the architectural style as well as the neighborhood. Lastly, there are no negative neighbor impacts with the deck extension being proposed on the south side of the residence as there are no residences directly to the south of the property.

Please take into account the benefits listed above into consideration for the approval of the deck extension. I trust this letter contains all the information necessary to support the requested deck extension. Should you require any additional information, please do not hesitate to call me at 963-2414 or e-mail me at wadedavisdesign@gmail.com.

Sincerely,

Jim Davis Architect
Wade Davis Design
*** SEPARATELY DISTRIBUTED SITE PLAN ***

Exhibit B: 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.
REPORT DATE: May 18, 2017
AGENDA DATE: May 24, 2017
PROJECT ADDRESS: 1540 Franceschi Road (MST-02017-00084)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
      Irma Unzueta, Acting Senior Planner
      Betsy Teeter, Acting Assistant Planner

I. PROJECT DESCRIPTION
The 17,437 square foot project site is currently developed with a two story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 37 square foot lower-floor addition and convert the 79 square foot non-habitable mechanical/utility room on the lower floor to habitable space. The project also includes a 24 square foot addition to the entry deck, a new 427 square foot covered deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet is 79% of the guideline maximum floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:
1. **Front Setback Modification** to allow the additions and alterations on the north side of the dwelling to encroach within the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
2. **Front Setback Modification** to allow additions and alterations on the south side of the dwelling (secondary front setback) to encroach within the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. **Open Yard Modification** to allow the open yard area to be located within the secondary front yard (SBMC § 28.15.060 and 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

II. RECOMMENDATION
Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this Staff Report.
III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Wade Davis Design
Parcel Number: 019-012-038
General Plan: Low Density Residential (max. 2 du/acre)
Existing Use: Residential
Adjacent Land Uses:
  North – Single-family residence
  South – Franceschi Park
Property Owner: Vincent and Kathy Tucker
Lot Area: 17,437 sq. ft.
Zoning: A-2 (Single Family Residential)
Topography: 38% slope

B. PROJECT STATISTICS

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<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Living Area</td>
<td>2,720 sq. ft.</td>
<td>2,836 sq. ft.</td>
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<tr>
<td>Garage</td>
<td>455 sq. ft.</td>
<td>No change</td>
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<tr>
<td>Accessory Space</td>
<td>258 sq. ft.</td>
<td>179 sq. ft.</td>
</tr>
</tbody>
</table>

C. PROPOSED LOT AREA COVERAGE

Building: 1,735 sf  10%  Hardscape: 2,784 sf  16%  Landscape: 12,919 sf  74%

IV. DISCUSSION

The applicant is proposing a remodel and addition to the existing two story dwelling. The proposed project is to construct a 37 square foot lower-floor addition and convert the 79 square foot non-habitable mechanical/utility room on the lower floor to habitable space. The project also includes a 24 square foot addition to the entry deck, a new 427 square foot covered deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces.

The house and garage are located on a triangular lot on Franceschi Road with two front setbacks. The development on site is currently non-conforming to the two 30 foot front setbacks and the required open yard. Two Front Setback Modifications and an Open Yard Modification are required to allow alterations to the dwelling to encroach into the front setbacks and the nonconforming open yard.

The project was reviewed by the Single Family Design Board (SFDB) on March 13, 2017, and May 22, 2017. The SFDB continued the project indefinitely, with support for the requested front setback and open yard modifications due to the constrained site and because the Board considered
them aesthetically appropriate additions and alterations. A Modification was previously approved to allow a change of use (elevator) within the required front setback (MST2012-00434).

Primary Front Setback Modification

The proposed project involves alterations which will encroach into the required front setback in the primary front yard. These alterations are for a new interior stairway, conversion of the original stairway area to 37 square feet of new habitable space, a 24 square foot extension of the front entry walkway/deck, conversion of the 79 square feet utility storage area to habitable space, relocation of a front window and the addition of a new front window. Although it is Staff’s general practice to not support encroachments within the front setback, we recognize that this is a small extension into the already nonconforming front setback, and that the site is constrained by the steep slope, and the two front setbacks. It is Staff’s position that the encroachments into the front setback are minimal and will provide an aesthetic improvement to the house and streetscape.

Secondary Front Setback Modification

The alterations within the secondary front yard include a 252 square foot addition to the 2nd floor deck, a 427 square foot 2nd floor deck with arbor, a new exterior stairway and an enlarge door opening and two windows. Staff is in support of the requested front setback modification for alterations within the secondary front yard as the property is constrained due to the two 30 front setbacks and the location of the current development on site, and because the alterations are not anticipated to adversely impact the adjacent neighbors or the visual openness of the street frontage.

Open Yard Modification

The property is currently non-conforming to open yard requirements in that it has two front setbacks. The Zoning Ordinance requires 1,250 square feet of open yard area with minimum dimensions of 20’ x 20’, not to be located in the front yard. The proposal is to provide all of the open yard area (1250 square feet) for the property in the secondary front yard as this area currently functions as the open yard area for the property. The purpose of the open yard is to provide usable outdoor living space and/or visual open space. The property is site constrained due to the location of the current development on the site, and the two front yards. The designation of the secondary front yard as the open area will maintain an adequate area for the property occupant’s outdoor enjoyment.

A site visit to the property by staff revealed an unpermitted air conditioning unit located in the required interior setback. The plans show this unit to be removed.
V. FINDINGS

The Staff Hearing Officer finds that the Front Setback Modification for the primary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alterations are appropriate because of the steep topography, location of the existing development and the triangular shape of the lot which has created two front yards. The proposal is not anticipated to adversely impact the adjacent properties or the visual openness of the street frontage.

The Staff Hearing Officer finds that the Front Setback Modification for the secondary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The alterations are appropriate because they allow for an aesthetic improvement to the dwelling and the changes are not anticipated to adversely impact the adjacent neighbors or the visual openness from the street.

The Staff Hearing Officer finds that the Open Yard Modification to allow the open yard area to be located within the secondary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Due to the site constraints associated with the current development's location on the lot, the request to designate the open yard area in the secondary front yard is appropriate as it will continue to provide an accessible and usable outdoor living space while maintaining the existing neighborhood character.

Exhibits:
A. Site Plan (under separate cover)
B. Applicant's letter, dated April 26, 2017
C. SFDB Minutes, dated March 13, 2017

Contact/Case Planner: Betsy Teeter, Acting Assistant Planner
(BTeeter@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 4563
*** 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.
April 26, 2017

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

Re: Modification Request for 1540 Franceschi Road; APN 019-102-038; Zone A-2

Dear Staff Hearing Officer:

There is an existing 2,684 square foot two-story, single-family residence, with a 501 square foot attached two-car garage with storage and attached 230 square foot utility/storage area on the property at 1540 Franceschi Road. The house also has one north facing cantilevered deck on the upper floor and 1 south facing deck on the upper floor along with a second south facing deck on the lower floor. Lastly, there is an existing air-conditioning condenser is located within the easterly interior setback.

The house, garage and south facing decks encroach into the southerly front yard setback 5'-11"; 5'-2" & 14'-9" respectively. The house, utility storage area & north facing deck encroach into the secondary front yard setback 10'-11"; 6'-11" & 13'-3" respectively. The house and south facing deck encroach into the east interior yard setback 3" & 9" respectively. The existing building has been permitted with city building permits according to the City building files and a modification was granted on 12/14/2011 to allow change of use (elevator) within the required front setback.

We are proposing addition to sfd lower floor (37 sf net, 41 sf gross); change of use of lower floor unconditioned mechanical/utility space to habitable area within the residence (79 sf); addition to entry deck (24 sf); enlargement of existing door & window openings; 252 sf portion of (427 sf total) 2nd floor permeable deck extension; interior remodel (1,500 sf approx.); new motorized entry gates; and to resurface existing driveway. The existing air-conditioning condenser will be relocated outside of the required setbacks.

The three modifications being requested are:
1. One - To allow the following within the required thirty five-foot primary front yard setback:
   a. a proposed interior stairway addition to encroach ten foot eleven inches into the required thirty five-foot primary front yard setback. The encroachment will allow the original stairway to be filled and reutilized as usable floor area for the upper floor and avoid an attempt to provide an addition elsewhere on an extremely constrained site. The proposed stairway is needed, as access between the two floors is a zoning and building requirement.
   b. The existing entry walkway to encroach thirteen foot nine inches into the required thirty five-foot primary front yard setback. The encroachment will allow the exterior entry to be more inviting. The proposed extension is needed, as the existing entry walkway is not welcoming.
   c. To allow the change of use of utility storage area to habitable area to encroach six foot eleven inches into the required thirty-five foot primary front yard setback. The encroachment will allow a portion of the relocated stairway to be located within the existing footprint of the house and avoid an attempt to provide an addition elsewhere on an extremely constrained site. The proposed stairway is needed, as access between the two floors is a zoning and building requirement.
the residence while enhancing the entry area that is more inviting than what currently exists.

3. The proposed upper floor covered deck addition on the west side will help soften the existing two-story façade as well as allow for additional outdoor living area directly accessible from the primary public area within the house while not impacting the surrounding neighbors as the deck is well screened by existing trees.

4. The door and window additions/alterations will enhance the overall aesthetic character of the residence and in turn the neighborhood.

5. The proposed south exterior stair will allow access to grade, which is currently underutilized.

6. The proposed north exterior stair widening will allow the access from the garage area to the main entrance.

We hope that you will take the benefits listed above into consideration for the approval of the modification items we are requesting. Please feel free to contact us with any questions about the project.

Sincerely,

Jim Davis Architect
D. 1540 FRANCESCHI RD

   Assessor’s Parcel Number: 019-102-038
   Application Number: MST2017-00084
   Owner: Vincent & Tucker

(Proposal to construct a 37 square foot lower-floor addition and convert 26 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

(Comments Only; Project requires Staff Hearing Officer review.)

Continued indefinitely to the Staff Hearing Officer for return to Consent with comments:
1. Restudy the post location on the west elevation and on the arbor.
2. The proposed encroachments within two of the required front setbacks are aesthetically appropriate additions and are supportable due to the constrained site.

EXHIBIT C
CALL TO ORDER

Ms. Reardon called the meeting to order at 9:00 a.m.

STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner
Andrew Perez, Planning Technician II
Kathleen Goo, Commission Secretary

I. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Ms. Reardon announced that:
1. The previously noticed item, 940 Alston Road (MST2016-00444), for this agenda has been postponed indefinitely.
2. The previously noticed item, 1624 Bath Street (MST2017-00015), for this agenda will be heard on the June 7, 2017 agenda, to allow for a new public notice to be distributed.
3. Item II.B, 3617 State Street (MST2014-00438), has been continued to a Special Staff Hearing Officer meeting to be held on Wednesday, May 31, 2017, per stipulated agreement between the management members identified in the approved application and the City Attorney’s Office.

B. Announcements and appeals.

No announcements.

C. Comments from members of the public pertaining to items not on this agenda.

No public comment.
II. PROJECTS

ACTUAL TIME: 9:03 A.M.

A. APPLICATION OF WADE DAVIS DESIGN, AGENT FOR VINCENT AND KATHY TUCKER, OWNERS, 1540 FRANCESCHI ROAD, APN 019-102-038, A-2, SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DU/ACRE) (MST2017-00084)

The 17,437 square foot project site is currently developed with a two story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 37 square foot lower-floor addition and convert the 79 square foot non-habitable mechanical/utility room on the lower floor to habitable space. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet is 79% of the guideline maximum floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. **Front Setback Modification** to allow the front entry deck and stairway, two new windows, and conversion of the mechanical room to habitable space located on the north side of the dwelling to encroach within the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110);

2. **Front Setback Modification** to allow two expanded decks and a stairway and an enlarged door and window located within the secondary front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and

3. **Open Yard Modification** to allow the open yard area to be located within the secondary front (SBMC § 28.15.060 and 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Andrew Perez, Planning Technician II, gave the Staff presentation and recommendation.

Jim Davis, Applicant, gave the Applicant presentation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Public comment opened at 9:09 a.m., and as no one wished to speak, it closed.

Ms. Reardon stated the 4-foot extension of the upper level deck into the secondary (south) front setback was not consistent with the pattern of development in the neighborhood and had the potential to negatively impact the visual character of the street frontage. Ms. Reardon stated that the portion of the deck extension along the west elevation was appropriate as it would not encroach further into the secondary (south) front setback. The
applicant agreed to remove the four foot deck extension within the south front setback from the project description.

**ACTION:** assigned Resolution No. 035-17
Approved the primary Front Setback Modification, the Open Yard Modification, and the secondary Front Setback Modification with the stipulation that the requested 4-foot additional extension of the upper level deck to the south is removed from the application, making the findings as outlined in the Staff Report dated May 18, 2017, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.

* The following Agenda Item has been continued to a Special Meeting on May 31, 2017. *

**B. NOTICE OF HEARING TO SUSPEND OR REVOKE THE APPLICATION OF JOSEPH ALLEN, 3617 STATE STREET, APN: 051-051-005, C-P/SD-2 RESTRICTED COMMERCIAL/ SPECIAL DISTRICT 2 (“UPPER STATE STREET AREA”) ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2014-00438) CONTINUED PER STIPULATED AGREEMENT TO A SPECIAL SHO MEETING ON MAY 31, 2017**

The subject of this hearing is consideration to suspend or revoke a Medical Marijuana Storefront Collective Dispensary Permit application approved by the Planning Commission on June 4, 2015 per SBMC Chapter 28.80. The dispensary would be located in an existing tenant space in Ontare Plaza. Interior improvements are proposed.

The Environmental Analyst determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a).

**III. ADJOURNMENT**

Ms. Reardon adjourned the meeting at 9:27 a.m.

Submitted by,

[Signature]

Kathleen Goo, Commissioner
[Signature]

Secretary
CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 035-17
1540 FRANCESCHI ROAD
MODIFICATIONS
MAY 24, 2017

APPLICATION OF WADE DAVIS DESIGN, AGENT FOR VINCENT AND KATHY TUCKER, OWNERS, 1540 FRANCESCHI ROAD, APN 019-102-038, A-2, SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DU/ACRE) (MST2017-00084)

The 17,437 square foot project site is currently developed with a two story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 37 square foot lower-floor addition and convert the 79 square foot non-habitable mechanical/utility room on the lower floor to habitable space. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet is 79% of the guideline maximum floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. **Front Setback Modification** to allow the front entry deck and stairway, two new windows, and conversion of the mechanical room to habitable space located on the north side of the dwelling to encroach within the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and

2. **Front Setback Modification** to allow an expansion of the second floor deck, a lower level exterior stairway and an enlarged door and window located within the secondary front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and

3. **Open Yard Modification** to allow the open yard area to be located within the secondary front (SBMC § 28.15.060 and 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor or in opposition of the application thereto, and the following exhibits were presented for the record:


2. Site Plans
NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer approved the subject application making the following findings and determinations that:

A. The Front Setback Modification for the primary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alterations are appropriate because of the steep topography, location of the existing development and the triangular shape of the lot which has created two front yards. The proposal is not anticipated to adversely impact the adjacent properties or the visual openness of the street frontage.

B. The Front Setback Modification for the secondary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot, with the stipulation that the requested 4-foot additional extension of the upper level deck to the south is removed from the project description. The remaining alterations are appropriate because they allow for an aesthetic improvement to the dwelling and the changes are not anticipated to adversely impact the adjacent neighbors or the visual openness from the street.

C. The Open Yard Modification to allow the open yard area to be located within the secondary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Due to the site constraints associated with the current development’s location on the lot, the request to designate the open yard area in the secondary front yard is appropriate as it will continue to provide an accessible and usable outdoor living space while maintaining the existing neighborhood character.

This motion was passed and adopted on the 24th day of May, 2017 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary

Date 5/25/17
PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.

2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.

3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.

4. Subsequent to the outcome of any appeal action, your next administrative step should be to apply for Single Family Design Board (SFDB) approval and then a building permit.

5. **PLEASE NOTE:** A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer’s action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:

   a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;

   b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:

      i. an Issuance of a Certificate of Occupancy for the use, or;

      ii. one (1) year from granting the approval.
D. 1540 FRANCESCHI RD
   Assessor’s Parcel Number: 019-102-038
   Application Number: MST2017-00084
   Owner: Vincent & Tucker

(Proposal to construct a 37 square foot lower-floor addition and convert 26 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

(Comments Only; Project requires Staff Hearing Officer review.)

Continued indefinitely to the Staff Hearing Officer for return to Consent with comments:
1. Restudy the post location on the west elevation and on the arbor.
2. The proposed encroachments within two of the required front setbacks are aesthetically appropriate additions and are supportable due to the constrained site.
CONTINUED ITEM

D. 1540 FRANCESCHI RD
   Assessor's Parcel Number: 019-102-038
   Application Number: MST2017-00084
   Owner: Vincent and Tucker
   Applicant: Jim Davis

   (Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer Review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

   (Comments Only. Project requires Staff Hearing Officer Review.)
Staff comments: Mr. Limón clarified that the hedge height remains with the property owner, but landscaping details, and specifically hedge height details, should be conditioned within the motion for hedge height maintenance limitation within a specific range, i.e. “not to exceed…” at a specific “point in height” to give zoning enforcement sufficient support.

Motion: Project Design Approval and continued indefinitely to Consent for Final Approval with comments:
1. Provide a full landscape plan with the 48-inch box size Olive tree.
2. Show on the plans the landscape planting change from Myrsine Africanus to Rhaphiolepis umbrellata minor plantings.
3. The Board made the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code, with positive comments regarding the project’s consistency and appearance; neighborhood compatibility; quality of architecture and materials; and compliance with good neighborhood guidelines.
4. The hedge height shall be maintained at 42-inches in height, and not to exceed a maximum height of 4 feet.

Action: James/Bernstein, 5/0/0. (Champendal absent.) Motion carried.

The ten-day appeal period was announced.

* THE BOARD RECESSED FROM 4:34 TO 4:46 P.M. *

SFDB-CONCEPT REVIEW (CONT.)

4. 1540 FRANCESCHI RD

(5:10)

Assessor’s Parcel Number: 019-102-038
Application Number: MST2017-00084
Owner: Vincent & Tucker
Applicant: Jim Davis

(Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

(Additional comments requested by the Staff Hearing Officer regarding the deck location and design.)

Actual time: 4:46 p.m.

Present: Jim Davis, Applicant/Architect

Staff comments: Ms. Mamulski stated that additional clarification from the Full Board was requested by the Staff Hearing Officer for the upper-level deck location and design prior to the project’s return to the Staff Hearing Officer.
Public comment opened at 4:50 p.m., and as no one wished to speak, it closed.

**Motion:** Continued to the Staff Hearing Officer for return to the Full Board with comments:
1. The Board reviewed and found the proposed four-foot modification extension to the south of the upper level balcony and deck design to be aesthetically appropriate, and not significantly visible from Franceschi Road, Alameda Padre Serra, and the City, due to the extensive screening foliage. The proposed changes to the upper-level balcony and deck design do not pose consistency issues with SFDB Design Guidelines or City Ordinances.

**Action:** Moticha/James, 3/2/0. (Bernstein and Miller opposed. Champendal absent.) Motion carried.

*MEETING ADJOURNED AT 5:06 P.M.*
PROJECT DESIGN AND FINAL REVIEW

E. 1540 FRANCESCHI RD
   - Assessor's Parcel Number: 019-102-038
   - Application Number: MST2017-00084
   - Owner: Vincent and Tucker
   - Applicant: Jim Davis

   (Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard modification.)

   (Project Design Approval and Final Approval are requested. Project must comply with Staff Hearing Officer Resolution No. 035-17 and was last reviewed May 30, 2017.)

Continued indefinitely to the Staff Hearing Officer for return to Consent with positive comments:
1. The proposed modification request is aesthetically appropriate and compatible with the rest of the proposed project.
2. The proposed modification does not pose consistency issues with SFDB Design Guidelines or City Ordinances.
3. The proposed colors are acceptable and appropriate.
4. The scope of the proposed project is not visible from the street.

CONTINUED ITEM

F. 10 RINCON VISTA RD
   - Assessor's Parcel Number: 019-282-029
   - Application Number: MST2017-00374
   - Owner: Eric Borduas
   - Architect: Kas Architect

   (Proposal for exterior alterations and a 250 square foot interior remodel to an existing 3,060 square foot two-story single-family residence with an attached three-car garage. Exterior alterations include door and window replacements as well as replacing the existing second story wood deck railing with a new glass guardrail and cap. The existing total of 3,060 square feet on a 6,393 square foot lot located in the Hillside Design District is 110% of the maximum allowable floor-to-lot area ratio (FAR).)

   (Second Concept Review. Action may be taken if sufficient information is provided. Project was last reviewed July 10, 2017.)

Project Design Approval and Final Approval with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.
PROJECT DESIGN AND FINAL REVIEW

F. 1540 FRANCESCHI RD

Assessor's Parcel Number: 019-102-038
Application Number: MST2017-00084
Owner: Vincent & Tucker
Applicant: Jim Davis

(Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review was obtained for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard modification. A partial approval was granted.)

(Project Design Approval and Final Approval are requested. Project must comply with Staff Hearing Officer Resolution No. 035-17 and was last reviewed July 24, 2017.)

Project Design Approval and Final Approval as submitted with the finding made that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.

PROJECT DESIGN AND FINAL REVIEW

G. 2126 RIDGE LN

Assessor's Parcel Number: 019-161-006
Application Number: MST2017-00201
Architect: Harrison Design Associates
Owner: William R. Rich Revocable Trust

(Proposal to construct a 395 square foot one-story accessory building in the remaining front yard and to alter four windows on an existing 2,211 square foot one-story single-family residence with an attached 643 square foot garage. The proposed total of 3,249 square feet on a 15,046 square foot lot located in the Hillside Design District is 75% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review was obtained for one front yard modification and one interior setback modification.)

(Project Design Approval and Final Approval are requested. Project must comply with Staff Hearing Officer Resolution No. 054-17 and was last reviewed July 3, 2017.)

Project Design Approval and Final Approval as submitted with the finding made that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.
F. 1540 FRANCESCHI RD
   A-2 Zone
   Assessor's Parcel Number: 019-102-038
   Application Number: MST2017-00355
   Owner: Tucker & Kathy Vincent
   Architect: Wade Davis Design
   (Proposal to extend the existing front deck by four feet, which will result in an addition of 146 square feet, as well as new exterior stairs extending from the lower deck to grade. Other site improvements including an interior remodel, new entry gates, driveway resurfacing, and various exterior alterations have been reviewed under a separate application (MST2017-00084). Staff Hearing Officer review is requested for a Zoning Modification request to allow encroachments within the required front yard setback. The proposed total of 3,470 square feet of development on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot-area ratio (FAR).)

   (Comments Only. Project requires Staff Hearing Officer review for a Zoning Modification request.)

Continued indefinitely to the Staff Hearing Officer with comments:
1. The proposed deck and stair encroachment is aesthetically appropriate and supportable due to the constrained site.
2. The encroachment is not significantly visible from Franceschi Road, Alameda Padre Serra, and the City, due to screening vegetation.
3. The encroachment does not pose consistency issues with the Single Family Design Board Guidelines.
4. The applicant is to return with the proposed deck light fixture represented on the elevation.

NEW ITEM

G. 130 VISTA DE LA CUMBRE
   E-3/SD-2 Zone
   Assessor's Parcel Number: 053-282-022
   Application Number: MST2017-00475
   Owner: Kathryn Prizer
   (Proposal to permit approximately 86 lineal feet of an "as-built" wood fence varying in height between 5'-0" and 6'-0" along the front property line on the corner of Vista De La Cumbre and Paseo Del Refugio. The proposed project requires an Administrative Review for a Minor Zoning Exception to exceed the maximum allowable height.)

   (Action may be taken if sufficient information is provided. Applicant is requesting an exception to the fence and screen height standards per SBMC 28.87.170. Determination is required for consistency with neighborhood character.)

Project Design Approval and Final Approval with comments:
1. The Board made the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.
2. The proposed fence is consistent with the streetscape.
I. PROJECT DESCRIPTION

The 17,437 square foot project site is currently developed with a two-story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 146 square foot addition to an existing second-story 283 square foot deck located entirely in the 30-foot primary front setback.

The proposed deck extension was previously reviewed by the Staff Hearing Officer on May 24, 2017 (MST2017-00084) in conjunction with modifications to approve additions and alterations in both the primary and secondary front setbacks, as well as an open yard modification. As part of that project, a deck extension was approved in the secondary front setback up to the plane of the existing deck, for an eight-foot encroachment and total deck size of 547 square feet. A 178 square foot portion of the previously approved deck is located in the primary front setback; however, a Modification was not reviewed for it. The Modification request is now being pursued under the current proposal.

The proposed deck extension would encroach an additional four feet into the primary front setback, with a total depth of 12 feet into the required 30-foot setback. The total size of the subject deck, including both the previously approved and the proposed extension, would be 693 square feet; 506 square feet of which is in the required secondary front setback.

The previously approved project would allow for a 3,470 square foot residence, 79% of the guideline maximum floor-to-lot-area ratio (FAR). No additional floor area is proposed under the subject project.

The discretionary applications required for this project are a Secondary Front Setback Modification to allow a deck extension on the south side of the dwelling to encroach within the required 30-foot secondary front setback, and a Primary Front Setback Modification to allow a previously approved deck extension on the west side of the dwelling to encroach within the required 30-foot primary front setback (SBMC § 30.20.030.A and SBMC § 30.250.020.B).
The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

II. RECOMMENDATION
Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this Staff Report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Wade Davis Design
Parcel Number: 019-102-038
General Plan: Riviera
Existing Use: Single Family Dwelling

Property Owner: Vincent and Kathy Tucker
Lot Area: 17,438 sf
Zoning: RS-25 (formerly A-2)
Topography: 38% average slope

Adjacent Land Uses:
North – Single Family Dwelling (3-story)
South – Franceschi Park
East - Single Family Dwelling (3-story)
West – Single Family Dwelling (2-story)

B. PROJECT STATISTICS

<table>
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<tr>
<th></th>
<th>Existing</th>
<th>Approved (MST2017-00084)</th>
<th>Proposed (MST2017-00355)</th>
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<td>Living Area</td>
<td>2,720 sf</td>
<td>3,470 sf</td>
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<td>Garage</td>
<td>455 sf</td>
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<td>Accessory Space</td>
<td>258 sf</td>
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C. PROPOSED LOT AREA COVERAGE

Building: 1,735 sf 10%  Hardscape: 2,784 sf 16%  Landscape: 12,919 sf 74%

IV. DISCUSSION

The subject parcel is a triangular lot with two front setbacks, one along Franceschi Road to the south and a second along a private road to the north. The existing development is non-conforming to both front setbacks and the required open yard.

A previously approved project (MST2017-00084) allows the construction of an addition to the existing dwelling, resulting in a 3,470 square foot structure. Additionally, there is a 455 square foot attached two-car garage on-site.

Previous Staff Hearing Officer Hearing

The Staff Hearing Officer reviewed the subject deck on May 24, 2017 as part of a MST2017-00084, a larger project including additions and alterations to the single family dwelling, including
outdoor living space on ground and upper level decks. A portion of the requested second-story
deck extension was approved, extending the existing deck to the west and north to wrap around
the corner of the dwelling.

The applicant indicated in their request letter and in-person at the hearing that the deck was
requested due to the slope of the site preventing outdoor living spaces and connections between
the ground and upper level of the existing dwelling. The Staff Hearing Officer expressed
concerns regarding the closeness of Franceschi Road and that the existing deck was already
located entirely in the secondary front setback.

The Staff Hearing Officer proposed continuing the project so that the project could be reviewed
by the full Single Family Design Board (SFDB) for comments and return. The applicant
requested to move forward with what the Staff Hearing Officer was able to approve; therefore,
the project was approved except for the deck extension to the south that is now being proposed
under the subject project.

Design Review

The previous project was reviewed by the SFDB on five occasions under MST2017-00084:
March 13, 2017 (Consent), May 22, 2017 (Consent), May 30, 2017 (Full Board), July 24, 2017
(Consent), and July 31, 2017 (Consent). The project received positive comments and Project
Design Approval and Final Approval on July 31, 2017. The previously approved deck extension
that requires a primary front setback modification was included in the previous review of the
SFDB.

Although the project returned to the Full Board on May 30, 2017 after the Staff Hearing Officer
hearing and received positive comments, the project went on to receive PDA and Final Approval
as approved, without returning the Staff Hearing Officer. Thus, the deck extension towards
Franceschi Road had to be reviewed under a new MST, with the associated design review and
modification process for the revised project.

The applicant submitted the subject project under MST2017-00355 on June 15, 2017. The project
was reviewed by the full Single Family Design Board on August 14, 2017, and received positive
comments. The Board noted that the encroachment would not be significantly visible from
Franceschi Road, Alameda Padre Serra, and the City in general, due to existing vegetation that
would act as screening. Further, the Board indicated that the encroachment would not pose
consistency issues with the Single Family Design Board Guidelines, and was aesthetically
appropriate and supportable due to the constrained site.

Reduced Front Setbacks

Under the New Zoning Ordinance, Title 30, a front setback reduction is available for RS-25
zoned lots with more than a 20'-0" slope within 50'-0" of a front property line. Previously, under
Title 28, this reduction was only available to E-1, E-2, E-3, and R-1 zoned lots. The applicant
submitted a site plan demonstrating that both the primary and secondary front setbacks are
eligible for the reduction, with 37.056% and 29.533% average slopes within 50'-0" of the front
property lines, respectively. Accordingly, a reduced 25'-0" primary and secondary front setback
is applicable to the subject property.
Primary Front Setback Modification

At the May 24, 2017 Staff Hearing Officer hearing, the setback line was drawn from the property line, rather than the edge of the right-of-way/edge of private road easement. When drawn from the edge of right-of-way, and the reduced setback is applied, 157 square feet of the approved deck extension along the west side of the dwelling is located in the reduced 25’-0” primary front setback. This portion was approved under MST2017-00084 without the required Modification. This portion of the deck is now included as a separate Modification request as part of this project. It was previously reviewed by the Single Family Design Board with positive comments.

Secondary Front Setback Modification

The alterations within the secondary front yard include a 146 square foot second story deck extension and encroachment, in addition to a previously approved 264 square foot square addition to the same deck. The Single Family Design Board has reviewed the proposed project as part of the previously approved project and as a stand-alone project revision and given positive comments under both circumstances.

Staff Support

Staff is supportive of both Front Setback Modification requests as the property is constrained by two reduced 25’-0” front setbacks, the slope of the lot, the location of the existing and approved development on-site, and because the alterations are not anticipated to adversely impact the adjacent neighbors or the visual openness of the street frontage.

V. FINDINGS

The Staff Hearing Officer finds that the Front Setback Modifications for both the primary and secondary front yards are consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The alterations are appropriate because they allow for an aesthetic improvement to the dwelling and the changes are not anticipated to adversely impact the adjacent neighbors or the visual openness from the street.

Exhibits:
A. Reduced Site Plans (full-size under separate cover)
B. Site Plan confirming the applicable reduction of setbacks
C. Applicant's letters, dated March 23, 2017 and June 15, 2017
E. SFDB Minutes for MST2017-00355 dated August 14, 2017

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4569
March 23, 2017

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1980
Santa Barbara, CA 93102-1990

Re: Modification Request for 1540 Franceschi Road; APN 019-102-038; Zone A-2

Dear Staff Hearing Officer:

There is an existing 2,684 square foot two-story, single-family residence, with a 501 square foot attached two-car garage with storage and attached 230 square foot utility/storage area on the property at 1540 Franceschi Road. The house also has one north facing cantilevered deck on the upper floor and 1 south facing deck on the upper floor along with a second south facing deck on the lower floor. Lastly, there is an existing air-conditioning condenser is located within the easterly interior setback.

The house, garage and south facing decks encroach into the southerly front yard setback 5'-11", 5'-2" & 14'-9" respectively. The house, utility storage area & north facing deck encroach into the secondary front yard setback 10'-11", 6'-11" & 13'-3" respectively. The house and south facing deck encroach into the east interior yard setback 3" & 8" respectively. The existing building has been permitted with city building permits according to the City building files and a modification was granted on 12/14/2011 to allow change of use (elevator) within the required front setback.

We are proposing addition to sfd lower floor (37 sf net, 41 sf gross); change of use of lower floor unconditioned mechanical/utility space to habitable area within the residence (79 sf); addition to entry deck (24 sf); enlargement of existing door & window openings; 252 sf portion of (427 sf total) 2nd floor permeable deck extension; interior remodel (1,500 sf approx.); new motorized entry gates; and to resurface existing driveway. The existing air-conditioning condenser will be relocated outside of the required setbacks.

The modifications being requested are:

1. To allow a proposed interior stairway addition to encroach ten foot eleven inches into the required thirty five-foot primary front yard setback. The encroachment will allow the original stairway to be in filled and reutilized as usable floor area for the upper floor and avoid an attempt to provide an addition elsewhere on an extremely constrained site. The proposed stairway is needed, as access between the two floors is a zoning and building requirement.

2. To allow the existing entry walkway to encroach thirteen foot nine inches into the required thirty five-foot primary front yard setback. The encroachment will allow the exterior entry to be more inviting. The proposed extension is needed, as the existing entry walkway is not welcoming.

3. To allow the change of use of utility storage area to habitable area to encroach six foot eleven inches into the required thirty-five foot primary front yard setback. The encroachment will allow a portion of the relocated stairway to be located within the existing footprint of the house and avoid an attempt to provide an addition elsewhere on an extremely constrained site. The proposed stairway is needed, as access between the two floors is a zoning and building requirement.

4. To allow:

EXHIBIT C
a. Relocation of (1) Window (two foot wide by five foot two inches) to encroach seven foot nine inches into the required thirty-five foot primary front yard setback. The encroachment will allow the proposed window to provide light to the existing upper floor living area. The proposed window is needed as we removing one window the same size thirty-four inches to the west.

b. Build (1) new window (six foot seven wide by five foot high) within the proposed stairway to encroach ten foot nine inches into the required thirty-five foot primary front yard setback. The encroachment will allow the proposed window to provide natural daylight and ventilation. The proposed window is needed to provide natural daylight and ventilation in the stairway.

5. An addition to the existing 2nd floor deck to encroach nineteen foot six inches into the required thirty-five foot secondary front yard setback. The encroachment will allow for an outdoor area adjacent to the upper floor instead of attempting to provide large retaining walls at grade elsewhere on site. The proposed deck extension is needed as the site has an average slope of 38%, which leaves minimal usable outdoor area adjacent to the residence.

6. A 2nd floor deck with arbor above to encroach seven foot ten inches into the required thirty-five foot secondary front yard setback. The encroachment will allow for the covered deck to line up with the south face of the residence, which is aesthetically pleasing. The proposed covered deck extension is needed as the site has an average slope of 38%, which leaves minimal usable outdoor area.

7. The modification being requested is to allow the enlargement of (1) doors and (2) window to encroach a maximum of five foot one inch into the required thirty-five foot secondary front yard setback. The encroachment will allow the enlargement of the doors and windows in order to maximize the southern & western views. The enlargement of the doors and windows is needed to maximize the views, provide natural daylight and ventilation.

8. The modification being requested is to allow a new exterior stair to encroach seven foot ten inches into the required thirty-five foot secondary front yard setback. The encroachment will allow the stair to provide access to grade. The stair is needed as currently the access from the lower floor is through the garage.

9. The modification being requested is to allow the open yard area to be located twenty-seven foot four inches within the required thirty-five foot secondary front yard setback. The encroachment is needed as the site is severely constrained and cannot be located elsewhere on site.

The major benefits of having the proposed items listed above encroach into the required setback are:

1. The change of use and stairway addition will allow additional habitable area on a constrained hillside lot that will have minimal impact to the size bulk and scale of the existing structure.

2. The enlargement of the existing entry walkway will maintain the primary access to the upper/main level of the residence while enhancing the entry area that is more inviting than what currently exists.

3. The proposed upper floor covered deck addition on the west side will help soften the existing two-story façade as well as allow for additional outdoor living area directly accessible from the primary public area within the house while not impacting the surrounding neighbors as the deck is well screened by existing trees.

4. The door and window additions/alterations will enhance the overall aesthetic character of the residence and in turn the neighborhood.

5. The proposed exterior stair will allow access to grade, which is currently underutilized.
We hope that you will take the benefits listed above into consideration for the approval of the modification items we are requesting. Please feel free to contact us with any questions about the project.

Sincerely,

Jim Davis Architect
June 15, 2017

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

Re: Modification Request for 1540 Franceschi Road; APN 019-102-038; Zone A-2

Dear Staff Hearing Officer:

There is an existing 2,684 square foot two-story, single-family residence, with a 501 square foot attached two-car garage with storage and attached 230 square foot utility/storage area on the property at 1540 Franceschi Road. The house also has one north facing cantilevered deck on the upper floor and 1 south facing deck on the upper floor along with a second south facing deck on the lower floor. Lastly, there is an existing air-conditioning condenser is located within the easterly interior setback.

The house, garage and south facing decks encroach into the southerly front yard setback 5'-11", 5'-2" & 14'-9" respectively. The house, utility storage area & north facing deck encroach into the secondary front yard setback 10'-11", 6'-11" & 13'-3" respectively. The house and south facing deck encroach into the east interior yard setback 3' & 9" respectively. The existing building has been permitted with city building permits according to the City building files and a modification was granted on 12/14/2011 to allow change of use (elevator) within the required front setback.

We are proposing a 252 sf portion of (427 sf total) 2nd floor permeable deck extension; interior remodel (1,500 sf approx.); new motorized entry gates; and to resurface existing driveway. The existing air-conditioning condenser will be relocated outside of the required setbacks.

The modification being requested is To allow the following within the required thirty-five-foot secondary front yard setback

a. An addition to the existing 2nd floor deck to encroach nineteen foot six inches into the required thirty-five foot secondary front yard setback. The encroachment will allow for an outdoor area adjacent to the upper floor instead of attempting to provide large retaining walls at grade elsewhere on site. The proposed deck extension is needed as the site has an average slope of 38%, which leaves minimal usable outdoor area adjacent to the residence.

The major benefits of having the proposed items listed above encroach into the required setback are:

1. The proposed upper floor covered deck addition will allow for additional outdoor living area directly accessible from the primary public area within the house while not impacting the surrounding neighbors as the deck is well screened by existing trees; additionally the existing deck is unsightly and the proposed improvements will greatly enhance the architectural style.

We hope that you will take the benefits listed above into consideration for the approval of the modification items we are requesting. Please feel free to contact us with any questions about the project.

Sincerely,
NEW ITEM

D. 1540 FRANCESCHI RD

Assessor's Parcel Number: 019-102-038
Application Number: MST2017-00084
Owner: Vincent & Tucker

(Proposal to construct a 37 square foot lower-floor addition and convert 26 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

(Comments Only; Project requires Staff Hearing Officer review.)

Continued indefinitely to the Staff Hearing Officer for return to Consent with comments:
1. Restudy the post location on the west elevation and on the arbor.
2. The proposed encroachments within two of the required front setbacks are aesthetically appropriate additions and are supportable due to the constrained site.

EXHIBIT D
CONTINUED ITEM

D. 1540 FRANCESCHI RD

Assessor's Parcel Number: 019-102-038
Application Number: MST2017-00084
Owner: Vincent and Tucker
Applicant: Jim Davis

(Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer Review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

(Comments Only. Project requires Staff Hearing Officer Review.)

Continued indefinitely to the Staff Hearing Officer with the positive comment that the Board found the proposed open yard modification aesthetically appropriate and reasonable due to the constrained site, and the project does not pose consistency issues with the Single Family Design Guidelines or City Ordinances.
* THE BOARD RECESSED FROM 4:34 TO 4:46 P.M. *

FDB-CONCEPT REVIEW (CONT.)

4. 1540 FRANCESCHI RD
   (5:10)
   Assessor's Parcel Number: 019-102-038
   Application Number: MST2017-00084
   Owner: Vincent & Tucker
   Applicant: Jim Davis
   A-2 Zone

(Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard Modification.)

(Additional comments requested by the Staff Hearing Officer regarding the deck location and design.)

Actual time: 4:46 p.m.

Present: Jim Davis, Applicant/Architect

Staff comments: Ms. Mamulski stated that additional clarification from the Full Board was requested by the Staff Hearing Officer for the upper-level deck location and design prior to the project's return to the Staff Hearing Officer.

Public comment opened at 4:50 p.m., and as no one wished to speak, it closed.

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

1. The Board reviewed and found the proposed four-foot modification extension to the south of the upper level balcony and deck design to be aesthetically appropriate, and not significantly visible from Franceschi Road, Alameda Padre Serra, and the City, due to the extensive screening foliage. The proposed changes to the upper-level balcony and deck design do not pose consistency issues with SFDB Design Guidelines or City Ordinances.

Action: Moticha/James, 3/2/0. (Bernstein and Miller opposed. Champendal absent.) Motion carried.

* MEETING ADJOURNED AT 5:06 P.M. *
PROJECT DESIGN AND FINAL REVIEW

1540 FRANCESCHI RD
Assessor’s Parcel Number: 019-102-038
Application Number: MST2017-00084
Owner: Vincent and Tucker
Applicant: Jim Davis

A-2 Zone

(Project to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable space to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review is required for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard modification.)

(Project Design Approval and Final Approval are requested. Project must comply with Staff Hearing Officer Resolution No. 035-17 and was last reviewed May 30, 2017.)

Continued indefinitely to the Staff Hearing Officer for return to Consent with positive comments:
1. The proposed modification request is aesthetically appropriate and compatible with the rest of the proposed project.
2. The proposed modification does not pose consistency issues with SFDB Design Guidelines or City Ordinances.
3. The proposed colors are acceptable and appropriate.
4. The scope of the proposed project is not visible from the street.
1540 FRANCESCHI RD

Assessor's Parcel Number: 019-102-038
Application Number: MST2017-00084
Owner: Vincent & Tucker
Applicant: Jim Davis

(Proposal to construct a 37 square foot lower-floor addition and convert 79 square feet of non-habitable to habitable space to an existing two-level, 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The project also includes a 24 square foot addition to the entry deck, a 252 square foot addition to an upper level deck, enlarged door and window openings, resurfacing the driveway, new motorized entry gates and a remodel of interior spaces. The proposed total of 3,470 square feet on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot area ratio (FAR). Staff Hearing Officer review was obtained for three requested Zoning Modifications to allow encroachments within two of the required front yard setbacks and one open yard modification. A partial approval was granted.)

(Project Design Approval and Final Approval are requested. Project must comply with Staff Hearing Officer Resolution No. 035-17 and was last reviewed July 24, 2017.)

Project Design Approval and Final Approval as submitted with the finding made that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.
1540 FRANCESCHI RD  
Assessor's Parcel Number: 019-102-038  
Application Number: MST2017-00355  
Owner: Tucker & Kathy Vincent  
Architect: Wade Davis Design  
A-2 Zone  

(Proposal to extend the existing front deck by four feet, which will result in an addition of 146 square feet, as well as new exterior stairs extending from the lower deck to grade. Other site improvements including an interior remodel, new entry gates, driveway resurfacing, and various exterior alterations have been reviewed under a separate application (MST2017-00084). Staff Hearing Officer review is requested for a Zoning Modification request to allow encroachments within the required front yard setback. The proposed total of 3,470 square feet of development on a 17,438 square foot lot located in the Hillside Design District is 79% of the guideline maximum floor-to-lot-area ratio (FAR).)  

(Comments Only. Project requires Staff Hearing Officer review for a Zoning Modification request.)  

Continued indefinitely to the Staff Hearing Officer with comments:  
1. The proposed deck and stair encroachment is aesthetically appropriate and supportable due to the constrained site.  
2. The encroachment is not significantly visible from Franceschi Road, Alameda Padre Serra, and the City, due to screening vegetation.  
3. The encroachment does not pose consistency issues with the Single Family Design Board Guidelines.  
4. The applicant is to return with the proposed deck light fixture represented on the elevation.
CALL TO ORDER

Ms. Reardon called the meeting to order at 9:00 a.m.

STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner
Jessica W. Grant, Acting Senior Planner
Megan Arciniega, Associate Planner
David Eng, Planning Technician II
Kathleen Goo, Commission Secretary

I. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Ms. Reardon announced that Consent Item II, 1240 W. Micheltorena Street, was pulled from the agenda as requests for time extensions for modifications are not under the purview of the Staff Hearing Officer, but are administrative reviews by the Community Development Director.

B. Announcements and appeals.

No announcements.

C. Comments from members of the public pertaining to items not on this agenda.

No public comment.
II. CONSENT ITEM

A. APPLICATION OF MARK TRAVERS, ARCHITECT AND OWNER, 1240 W. MICHELTORENA STREET, APN: 041-101-010, RS-6-RESIDENTIAL SINGLE UNIT, 6,000 SQUARE FEET MINIMUM LOT SIZE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 5 DU/ACRE) (MST2014-00555)

This is a request for a two-year time extension for Modifications approved by the Staff Hearing Officer on October 14, 2015. The approved project is set to expire on October 14, 2017, and the owner submitted a time extension request on September 18, 2017. The project received design approval by the Single Family Design Board on January 5, 2016, and the owner submitted for building plan check review on February 21, 2017, and plan check corrections were received in May 2017. Staff is recommending that the Staff Hearing Officer approve a two-year time extension to October 14, 2019.

The 2015 approved project consists of a new three-story, 2,011 square foot, single-family residence on a 6,098 square foot vacant parcel with a 73% slope in the Hillside Design District. A total of eight specimen oak trees will be removed and replaced with 40 oak saplings. The proposal includes approximately 952 cubic yards of grading under the main building footprint and to widen the improved public road in front of the residence to a width of 20 feet clear. The floor-to-lot area ratio (FAR) is 74% of the required maximum FAR.

The approved project included the following discretionary approvals:

1. A Front Setback Modification to allow the first story of the residence to encroach into the required fifteen-foot front setback (SBMC §28.15.060, §28.15.065 and §28.92.110);

2. A Front Setback Modification to allow the garage and the upper stories of the residence to encroach into the required twenty-foot front setback (SBMC §28.15.060, §28.15.065 and §28.92.110);

3. An Open Yard Modification to allow the additional open yard for sloped lots to be reduced to less than the required 160 square feet (SBMC §28.15.060 and §28.92.110); and

4. An Over Height Wall/Fence Modification to allow the proposed retaining walls and related safety railing within ten feet of the front lot line to exceed a maximum height of three and one-half feet (SBMC §28.87.170 and §28.92.110).

* The item was pulled from the Agenda. *
III. PROJECTS

ACTUAL TIME: 9:02 A.M.

A. APPLICATION OF WADE DAVIS DESIGN, AGENT FOR VINCENT AND KATHY TUCKER, OWNERS, 1540 FRANCESCHI ROAD, APN 019-102-038, RS-25, RESIDENTIAL SINGLE UNIT, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DWELLING UNITS/ACRE) (MST2017-00355)

The 17,437 square foot project site is currently developed with a two-story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 146 square foot addition to an existing second-story 283 square foot deck located entirely in the 30-foot primary front setback.

The proposed deck extension was previously reviewed by the Staff Hearing Officer on May 24, 2017 (MST2017-00084) in conjunction with modifications to approve additions and alterations in both the primary and secondary front setbacks, as well as an open yard modification. As part of that project, a deck extension was approved in the secondary front setback up to the plane of the existing deck, for an eight-foot encroachment and total deck size of 547 square feet. A 178 square foot portion of the previously approved deck is located in the primary front setback; however, a Modification was not reviewed for it. The Modification request is now being pursued under the current proposal.

The proposed deck extension would encroach an additional four feet into the primary front setback, with a total depth of 12 feet into the required 30-foot setback. The total size of the subject deck, including both the previously approved and the proposed extension, would be 693 square feet, 506 square feet of which is in the required secondary front setback.

The previously approved project would allow for a 3,470 square foot residence, 79% of the guideline maximum floor-to-lot area ratio (FAR). No additional floor area is proposed under the subject project.

The discretionary applications required for this project are a Secondary Front Setback Modification to allow a deck extension on the south side of the dwelling to encroach within the required 30-foot secondary front setback, and a Primary Front Setback Modification to allow a previously approved deck extension on the west side of the dwelling to encroach within the required 30-foot primary front setback (SBMC § 30.20.030.A and SBMC § 30.250.020.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Jessica Grant, Acting Senior Planner, gave the Staff presentation and recommendation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood. She also re-expressed her previous concerns regarding the proposed deck’s visibility from the street and entrance area of Franceschi Park and her ability to make the required Modification findings, which resulted
in her previous partial approval and denial. She stated that findings for the Modification include: 1) consistent with the purposes and intent of the Zoning Ordinance, 2) necessary to secure an appropriate improvement on the lot, 3) prevent unreasonable hardship, and 4) promote uniformity of improvement.

Jim Davis, Architect, gave the Applicant presentation, and was joined by Wayne Mackey, Contractor, and Vincent Tucker, Owner.

Public comment opened at 9:21 a.m., and as no one wished to speak, it closed.

Mr. Reardon stated that she could not support the proposed four foot by thirty-five foot deck extension to the previously approved second-story deck on the south side of the dwelling as it is not necessary to secure an appropriate or uniform improvement on the lot or to prevent unreasonable hardship.

She stated that although the property is non-conforming to the front setback requirements and has an average slope of approximately 38%, the previous approval of a Front Setback Modification for a 454 square foot expansion of the second-story deck, granted on May 24, 2017, provided for an appropriate improvement given the site constraints. That previous approval recognized a 190 square foot as-built expansion of a legal 93 square foot second-story deck, and allowed for a further expansion of that deck area by 264 square feet for a total size of 547 square feet. This current Modification request for an additional increase of 146 square feet, which would result in a 693 square foot second-story deck, is not necessary to secure an appropriate improvement on the lot given there is already an approved 547 square foot second-story deck that provides adequate useable outdoor area that meets the purpose of the zoning standard.

ACTION:  

Deny the Secondary Front Setback Modification, and approve the Primary Front Setback Modifications, making the findings as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.
ACTUAL TIME: 9:31 A.M.

B. APPLICATION OF JAMES LECRON, ARCHITECT FOR AKILA KRISH, 1117 HARBOR HILLS DR, APN 035-314-019, RS-15 RESIDENTIAL SINGLE UNIT ZONE, GENERAL PLAN DESIGNATION: LOW-DENSITY RESIDENTIAL (MAX 3 DU/AC) (MST2017-00431)

The proposed project involves demolishing an existing 2,075 square foot, one-story, single-family dwelling with an attached 460 square foot two-car garage, and constructing a new 2,939 square foot, one-story, single-family dwelling with an attached 500 square foot two-car garage. Other site improvements include 1,577 square feet of terraced decks and a new spa. The proposed total of 3,439 square feet of development on a 17,639 square foot lot located in the Hillside Design District is 78% of the guideline maximum floor-to-lot-area ratio (FAR).

The discretionary application required for this project is a Front Setback Modification to allow portions of the new dwelling to be constructed within the required front setback. (SBMC § 30.20.030.A and SBMC § 30.250.020.B)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

David Eng, Planning Technician II, gave the Staff presentation and recommendation.

James LeCron, Architect, gave the Applicant presentation, and was joined by Akila Krish, Owner.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Public comment opened at 9:37 a.m.

Thomas Kelleway, neighbor, spoke in support and posed some landscaping questions regarding the project.

Public comment closed at 9:42 a.m.

ACTION: Assigned Resolution No. 066-17

Approve the Front Setback Modification, making the findings as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 5, 2017.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.
C. APPLICATION OF TAI YEH, ARCHITECT FOR CHERYL ANN II, LLC, 2146 RIDGE LN., APN 019-161-001, RS-25 RESIDENTIAL SINGLE UNIT ZONE, GENERAL PLAN DESIGNATION: LOW-DENSITY RESIDENTIAL (MAX 3 DU/AC) (MST2017-00375)

The 13,649 square foot project site is currently developed with a 1,430 square foot, one-story, single-family dwelling and an attached 285 square foot one-car garage. The proposal involves a 318 square foot addition to the garage to create a 603 square foot two-car garage with a work bench and sink, new window and man door. A total of 2,033 square feet of development is proposed.

The discretionary application required for this project is a Front Setback Modification to allow additions and alterations to the garage within the required 35-foot setback. (SBMC § 30.20.030.A and SBMC § 30.250.020.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

David Eng, Planning Technician II, gave the Staff presentation and recommendation.

Tai Yeh, Architect, gave the Applicant presentation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Public comment opened at 9:48 a.m., and as no one wished to speak, it closed.

ACTION: Assigned Resolution No. 067-17

Approve the Front Setback Modification, making the findings as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.
D. APPLICATION OF JIM DAVIS, ARCHITECT FOR ALEX AND KRIS BRODIE, 3360 BRAEMAR DRIVE, APN 047-030-020, A-1/S-D-3 ZONES, LOCAL COASTAL PROGRAM AND LAND USE PLAN, DESIGNATION: LOW DENISTY RESIDENTIAL (MST2017-00304)

The project includes the conversion of an existing 556 square foot accessory structure to an Accessory Dwelling Unit (ADU) pursuant to Government Code 65852.2. As part of the conversion the accessory structure, the project proposes removal of the wood deck currently attached to the structure and replacement with permeable paving, as well as construction of a new covered entry, porch, 6-foot wood access gate, driveway, and single uncovered parking space. The existing residence and accessory structure to be converted into the ADU are located within the required front setback; therefore, alterations to the structures require approval of a Front Setback Modification.

The project is located within the Non-Appealable Jurisdiction of the City’s Coastal Zone and because the new ADU created is detached, a Coastal Development Permit is required for the ADU per Coastal Commission Memorandum dated April 18, 2017 (New Accessory Dwelling Unit Legislation).

Pursuant to SBMC 28.44.110, when a proposed development only involves the addition of a secondary dwelling unit to an existing single family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least ten (10) calendar days after notice has been provided. The Staff Hearing Officer may receive and consider written comments from the public, but without a public hearing. The decision will be the final action of the City (i.e., not appealable).

The applicant is also proposing other alterations to the existing 1,751 square foot single-story residence including 13 square feet of demolition, 412 square feet of additions, changes to the roof, and replacement of a 6-foot wide window with an 8-foot wide door, as well as the demolition of two storage sheds (119 square feet and 128 square feet). The improvements to the existing single family residence are exempt from Coastal Development Permit requirements per SBMC 28.44.070.D.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow alterations to the residence and accessory structure (Accessory Dwelling Unit) that are non-conforming to the front setback (SBMC §28.92.026.A); and

2. A Coastal Development Permit (CDP2017-00004) to allow a detached Accessory Dwelling Unit in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.
Megan Arciniega, Associate Planner, gave the Staff presentation and recommendation. She clarified that there would be only one tree proposed for removal and corrected the floor-to-lot ratio (FAR) calculation.

Jim Davis, Architect, gave the Applicant presentation, and was joined by Alex Rood, Co-Owner.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Public comment opened at 10:02 a.m., and as no one wished to speak, it closed.

**ACTION:**

Assigned Resolution No. 068-17

Approve the Front Setback Modification and Coastal Development Permit, making the findings as outlined in the Staff Report dated October 4, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 4, 2017, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.

**IV. ADJOURNMENT**

Ms. Reardon adjourned the meeting at 10:21 a.m.

Submitted by,

[Signature]
Kathleen Goo, Commission Secretary
APPLICATION OF WADE DAVIS DESIGN, AGENT FOR VINCENT AND KATHY TUCKER,
OWNERS, 1540 FRANCESCHI ROAD, APN 019-102-038, RS-25, RESIDENTIAL SINGLE
UNIT, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DWELLING
UNITS/ACRE) (MST2017-00355)

The 17,437 square foot project site is currently developed with a two-story 2,720 square foot single-
family residence with an attached 445 square foot two-car garage. The proposal is to construct a 146
square foot addition to an existing second-story 283 square foot deck located entirely in the 30-foot
primary front setback.

The proposed deck extension was previously reviewed by the Staff Hearing Officer on May 24, 2017
(MST2017-00084) in conjunction with modifications to approve additions and alterations in both the
primary and secondary front setbacks, as well as an open yard modification. As part of that project, a
deck extension was approved in the secondary front setback up to the plane of the existing deck, for an
eight-foot encroachment and total deck size of 547 square feet. A 178 square foot portion of the
previously approved deck is located in the primary front setback; however, a Modification was not
reviewed for it. The Modification request is now being pursued under the current proposal.

The proposed deck extension would encroach an additional four feet into the primary front setback, with
a total depth of 12 feet into the required 30-foot setback. The total size of the subject deck, including
both the previously approved and the proposed extension, would be 693 square feet; 506 square feet of
which is in the required secondary front setback.

The previously approved project would allow for a 3,470 square foot residence, 79% of the guideline
maximum floor-to-lot-area ratio (FAR). No additional floor area is proposed under the subject project.

The discretionary applications required for this project are a Secondary Front Setback Modification

to allow a deck extension on the south side of the dwelling to encroach within the required 30-foot
secondary front setback, and a Primary Front Setback Modification to allow a previously approved deck
extension on the west side of the dwelling to encroach within the required 30-foot primary front setback

The Environmental Analyst has determined that the project is exempt from further environmental review
pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing
Facilities and Minor Alterations to Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above
application, and the Applicant was present.
WHEREAS, no one appeared to speak in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 5, 2017.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that:

I. The City Staff Hearing Officer:

A. Denied the Secondary Front Setback Modification making the findings and determinations that the proposed four foot deck extension on the south side of the dwelling to encroach four feet by thirty five feet further within the required 30-foot secondary front setback of Franceschi Road is not consistent with the purposes and intent of the Zoning Ordinance nor is it necessary to secure an appropriate improvement on the lot, prevent unreasonable hardship, or to promote an uniform improvement on the lot. Although the property is non-conforming to the front setback requirements and has an average slope of approximately 38%, the approval of a Front Setback Modification for a 454 square foot expansion of the second story deck granted on May 24, 2017, provided for an appropriate improvement given those constraints. Therefore, the requested Secondary Front Setback Modification to expand the previously approved deck by approximately 140 square feet is not necessary to secure an appropriate improvement on the lot.

B. Approved the Primary Front Setback Modification making the findings and determinations that the proposed deck extension on the west side of the dwelling to encroach within the required 30-foot Primary Front Setback of Franceschi Road is necessary to secure an appropriate improvement on the lot. The deck extension is appropriate in this location because of the steep topography and location of the existing development on the site. The deck extension in this area is appropriate because it allows for an aesthetic improvement to the dwelling, provides a useable outdoor area, and is not anticipated to adversely impact the adjacent neighbors or the visual openness from the street.

This motion was passed and adopted on the 11th day of October, 2017 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary Date
PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.

2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.

3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.

4. Subsequent to the outcome of any appeal action, your next administrative step should be to apply for Single Family Design Board (SFDB) approval and then a building permit.

5. PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

6. NOTICE OF APPROVAL TIME LIMITS: The Staff Hearing Officer’s action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:

   a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;

   b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:

      i. an Issuance of a Certificate of Occupancy for the use, or;

      ii. one (1) year from granting the approval.
Dear Planning Commissioners,

I am writing this letter in support of the proposed 4'-0" deck extension located 1540 Franceschi Road. I believe the project is a necessary improvement to the site as the buildable area is limited due to the two front yard setbacks. Additionally the slope of the site leaves little usable/flat outdoor space adjacent to the living area of the residence. Lastly, the existing deck is unsightly and the proposed project would be a welcome improvement to our neighborhood. The proposed deck greatly enhances the property and in turn the neighborhood as a whole.

Thank you,

[Signature]

[Address]

[Handwritten notes: We are close neighbors and there is no problem with deck et fenestration. That we can enjoy John and Carol's place, too.]