



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 9, 2008
AGENDA DATE: May 21, 2008
PROJECT ADDRESS: 2929 Serena Road (MST2007-00595)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor *DJK*
 Betsy Teeter, Planning Technician II

I. PROJECT DESCRIPTION

The 5,500 square foot project site is currently developed with a 1,954 square foot single-family residence and attached garage. The proposed project involves a 55 square foot addition and interior remodel of the first floor and a 512 square foot second-story addition. The discretionary application required for this project is a Modification to permit the second story to exceed solar access height limitations (SBMC §28.11).

Date Application Accepted: April 22, 2008

Date Action Required: July 22, 2008

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Chris Belanger	Property Owner: Emily & Daniel Boswell
Parcel Number: 051-201-010	Lot Area: 6,000 s.f.
General Plan: 5 Units	Zoning: E-3
Existing Use: Residential	Topography: 7%
Adjacent Land Uses:	
North - Residential	East - Residential
South - Residential	West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,580 s.f.	2,146 s.f.
Garage	374 s.f.	374 s.f.
Accessory Space	0 s.f.	0 s.f.

III. LOT AREA COVERAGE

Lot Area: 6,000 s.f.
Building: 1,714 s.f.; 29%
Hardscape: 520 s.f.; 8%
Landscape: 3,766 s.f.; 63%

IV. DISCUSSION

The proposed project for a 512 square foot second-story addition and a 55 square foot first-floor addition, with interior remodeling was reviewed by the Single Family Design Board (SFDB) on December 18, 2007, with the following comments: 1) Restudy and simplify the roof; 2) Provide sections through various parts of the house; and 3) The board likes the direction of the project. The architecture shown in the drawings is compatible with the neighborhood as well as the existing structure, and the detailing appears wonderful. The project returned to SFDB On April 14, 2008, for further review and received the following comments:

1) Comments in favor of the modification:

The solar ordinance is modifiable if certain criteria are met; either the larger or smaller schemes of the project meet the criteria and the architecture of either is acceptable. The project should not be penalized for meeting the criteria for requesting a modification as provided in the ordinance.

2) Comments in opposition to the modification:

The site does not provide unique circumstance to justify the solar modification; it appears the design can be altered so the solar modification is not required to meet project goals.

The property is receiving too much development for its size.

The rules and regulations governing the Sola Access Ordinance are contained in Resolution 98-027, which were originally adopted in October 1986, and were amended in March 1998. The Zoning Ordinance allows a Modification of the solar access height limitations in the single family and R-2 zones if the limitations are found to be an unreasonable restriction. If there is an unreasonable restriction, the solar height limit can be increased by 6 feet. The rules detail the criteria for an unreasonable restriction for second story additions as follows:

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

Staff has reviewed the plans, and found the project meets all four criteria, and therefore believes that the Solar Access Ordinance poses an unreasonable restriction on the proposed second story.

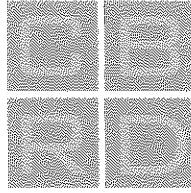
V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification being requested is necessary to prevent an unreasonable restriction for the second story, in that the project meets the required criteria, and thus would not shade neighbors to the north excessively.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated January 31, 2008
- C. SFDB Minutes dated December 18, 2007 and April 14, 2008
- D. City Council Resolution 98-027: Rules and Regulations Pertaining to the Protection and Enhancement of Solar Access in the City of Santa Barbara
- E. Letter from Scott and Molly Westgaard, 2935 Serena, dated October 12, 2007

Contact/Case Planner: Betsy Teeter, Planning Technician II
(bteeter@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470



January 31, 2008

Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

Re: Modification request for 2929 Serena Road; 051-201-010; E-3

Dear Staff Hearing Officer:

There is an existing house of 1954 net s.f. including garage on the property. The proposal is to renovate the interior spaces to create a larger kitchen and family room and to add a 512 net s.f. second floor master suite above the existing first floor.

The modification being requested is to the solar access height limitations. It is requested under the Consideration of Second Story Additions criteria. As such, the following conditions have been met:

1. All portions of the proposed addition are located within the existing perimeter.
2. The horizontal dimensions of the proposed addition parallel to the northerly lot line and which do not comply with the height limitations do not exceed 25'
3. The portions of the addition that do not comply with the height limitations do not cast a shadow on any solar collectors.
4. The amount of sun on south facing windows is greater or equal to the amount received were the maximum compliant addition to be built.

As the existing rooms in the house are quite small, the purpose of the addition is to provide updated and enlarged family, kitchen, and bedroom areas for a growing family. Expansion upward rather than out preserves the existing, already limited, open yard space and natural light to the interior of the house. Without the modification, it is not possible to obtain usable second floor space without completely re-building at significantly greater cost the garage side of the house and/or the creation of a three story mass above the existing garage, and/or the loss of significant yard area and natural light to the existing first floor.

Sincerely,

Chris Belanger

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**8. 1623 CHAPALA ST****R-4 Zone**

(7:20) Assessor's Parcel Number: 027-172-010
 Application Number: MST2007-00584
 Owner: Dean McNeil
 Architect: Lori Kari

(Proposal to construct a 278 square foot second-story addition and a 36 square-foot first-story addition to an existing detached two-car carport. The total square footage of the proposal including the existing two-story single-family residence is 1,663 square feet on the 3,566 square foot lot, which is 76% of the maximum guideline FAR.)

(ACTION MAY BE TAKEN IF SUFFICIENT INFORMATION IS PROVIDED.)

(7:23)

Present: Lori Kari, Architect; Dean McNeil, Owner.

Public comment opened at 7:34 p.m.

- Dorothy Brilliant, would like to see the garage and shed on the plans.
- Ashleigh Brilliant, concerned about location of fence and property line.
- A letter from Paula Westbury was read into the record by the Chair.

Public comment closed at 7:37 p.m.

Motion: Continued indefinitely to the Full Board with the comment that a majority of the Board can support an artist studio on the carport given the restrictiveness of site if it were more compatible with the existing house.

Action: Woolery/Glen, 6/0/0. Motion carried. (Mosel absent.)

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**9. 2929 SERENA RD****E-3/SD-2 Zone**

(7:55) Assessor's Parcel Number: 051-201-010
 Application Number: MST2007-00595
 Owner: Daniel Alan Boswell, II
 Architect: Chris Belanger

(Proposal for a 512 square foot second-story addition and a 55 square foot first-floor addition, and interior remodeling. The existing 1,954 square foot two-story single-family residence including 374 square foot attached two-car garage is located on a 6,000 square foot lot. Staff Hearing officer approval of a modification of the solar access ordinance is requested.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A MODIFICATION.)

(7:58)

Present: Chris Belanger, Architect.

Public comment opened at 8:10 p.m.

Letters from Paula Westbury and Scott and Molly Westgaard were read into the record by the Chair.

Public comment closed at 8:10 p.m.

Motion: Continued indefinitely to Full Board with the following comments:

- 1) Restudy and simplify the roof.
- 2) Provide sections through various parts of the house.
- 3) The board likes the direction of the project.

Action: Zink/Bernstein, 4/2/0. Motion carried. (Diesler/Woolery opposed.)

I. The Full Board meeting adjourned at 8:30 p.m.

SFDB-CONCEPT REVIEW (CONT.)**2. 1596 ORAMAS RD****E-1 Zone**

Assessor's Parcel Number: 029-060-022
 Application Number: MST2007-00109
 Owner: Sanford Combs
 Architect: Banyan Architects

(Proposal for alterations to an existing 1,227 square foot two-story single-family residence on an 8,530 square foot lot in the Hillside Design District. The proposal includes permitting an "as-built" 390 square foot two-car carport and removal of an "as-built" storage shed, exterior stairs, and second-story porch enclosure. The proposal has a floor-to-lot-area ratio of 0.20.)

(SECOND CONCEPT REVIEW AT SFDB. ACTION MAY BE TAKEN IF SUFFICIENT INFORMATION IS PROVIDED.)

(3:46)

Present: Kirk Gradin, Architect.

Public comment opened at 3:49 p.m. As no one wished to speak, public comment was closed.

Motion: Preliminary Approval as a basis for working drawings 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 and return to Consent Calendar

- 1) Show stone on the south elevation for consistency with the west elevation.
- 2) Provide window and lighting details and a color board.
- 3) Provide structural drawings, exterior lighting details.
- 4) Change note 13 to provide landscaping for the front area and irrigation.
- 5) The project provides neighborhood compatibility; quality architecture and materials.
- 6) Provide a roof area of approximately 300 square feet without penetrations, for future solar installation.

Action: Deisler/Woolery, 7/0/0. Motion carried.

SFDB-CONCEPT REVIEW (CONT.)**3. 2929 SERENA RD****E-3/SD-2 Zone**

Assessor's Parcel Number: 051-201-010
 Application Number: MST2007-00595
 Owner: Daniel Alan Boswell II
 Designer: Chris Belanger

(Revised proposal for a 368 square foot second-story addition and interior remodeling. The existing 1,954 square foot two-story single-family residence including 374 square foot attached two-car garage is located on a 6,000 square foot lot. The proposed total 2,322 square feet is 86% of the maximum FAR. Staff Hearing Officer approval for a modification of the solar access ordinance is requested.)

(THIRD CONCEPT REVIEW. COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A MODIFICATION.)

(3:56)

Present: Chris Belanger, Designer; Emily Boswell, Owner.

Public comment opened at 4:08 p.m. As no one wished to speak, public comment was closed.

Member Deisler stated for the record that his preference was the larger version because of its simplicity.

Straw vote: How many Members can support the solar modification? 3/3/1. (Mosel abstained.)

Motion: Continued indefinitely to the Staff Hearing Officer, and return to the Full Board with the following individual or collective comments:

The architecture shown in the drawings is compatible with the neighborhood as well as the existing structure, and the detailing appears wonderful.

1) Comments in favor of the modification:

The solar ordinance is modifiable if certain criteria are met; either the larger or smaller schemes of the project meet the criteria and the architecture of either is acceptable. The project should not be penalized for meeting the criteria for requesting a modification as provided in the ordinance.

2) Comments in opposition to the modification:

The site does not provide unique circumstance to justify the solar modification; it appears the design can be altered so the solar modification is not required to meet project goals.

The property is receiving too much development for its size.

Action: Zink/Carroll, 6/0/1. Motion carried. (Mosel abstained.)

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

4. 911 ALSTON RD

A-2 Zone

(4:45) Assessor's Parcel Number: 015-174-011

Application Number: MST2008-00030

Owner: Michael and Patricia Ainsa

Designer: Sterling and Associates

(Proposal for 671 square feet of first-story additions, a 189 square foot covered patio, and a 163 square foot patio with trellis. The existing 2,469 square foot two-story single-family residence including 532 square foot attached two-car garage is located on a 14,156 square foot lot in the Hillside Design District. The proposed total of 3,140 square feet is 74% of the required maximum FAR.)

(ACTION MAY BE TAKEN IF SUFFICIENT INFORMATION IS PROVIDED.)

(4:40)

Present: Braden Sterling, Designer.

LAC

RESOLUTION NO. 98-027

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 86-189 PERTAINING TO THE RULES AND REGULATIONS FOR THE PROTECTION AND ENHANCEMENT OF SOLAR ACCESS IN THE CITY OF SANTA BARBARA.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. Pursuant to Section 28.11.040 of the Santa Barbara Municipal Code, the attached Rules and Regulations pertaining to the Protection and Enhancement of Solar Access dated October 7, 1986 are hereby amended.

2. These Rules and Regulations, as amended, shall be effective immediately upon adoption.

Adopted March 31, 1998

RECEIVED

APR 06 1998

CITY OF SANTA BARBARA
PLANNING DIVISION

**Rules and Regulations Pertaining to the
Protection and Enhancement of Solar Access
in the City of Santa Barbara**

October 7, 1986

Amended March 31, 1998

1. Authority

These rules and regulations are promulgated and approved pursuant to Santa Barbara Municipal Code Section 28.11.040 and adopted by Resolution of City Council No. 98-027.

2. Policy for Protection and Enhancement of Solar Access

a. **GOALS.** It is the goal of the City to promote the use of renewable energy resources, including solar energy. Since the present and future applications of solar energy are well suited to the needs of the residential sector, the City Council adopted Ordinance No. 4426 on October 7, 1986. The intent of the ordinance is to:

- i. Establish height limitations for structures constructed hereafter in a residential zone so as to provide a balance between solar rights and development rights. The Municipal Code contains a formula that allows the maximum building height to increase in relation to the distance from a northerly lot line (SBMC §28.11.020).
- ii. Allow the Community Development Department to establish rules and regulations regarding administration and interpretation of the Municipal Code Sections related to solar access, subject to City Council approval.

It is not the intent of the ordinance to reduce the allowable number of units on any lot, nor to discourage the development of affordable housing. It is not the intent of the ordinance to establish height limitations on vegetation, because existing state law on this subject is considered adequate for the time being. Neither is it the intent of the ordinance to consider shadows cast by vegetation as a permanent shading source. Therefore, a structure shall not be granted relief from the height limitations on the grounds that its shadow fall within those casta by existing vegetation.

b. **POLICY.** The Community Development Director shall pursue a policy of:

- i. Enforcing the height limitation contained in SBMC § 28.11.20; and
- ii. Facilitating the granting of appropriate modifications.

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3. Compliance with Height Limitations

- a. **HEIGHT LIMITATIONS.** The allowable height of any point on a structure in a residential zone is set forth in § 28.11.020 of the Santa Barbara Municipal Code. The Community Development Director may, at any time prior to or during construction, require calculations demonstrating compliance with such limitations. The height limitations is related to the distance from a northerly lot line, which is defined so as to include any lot line facing within 40 degrees of north. The intention of this definition is to include both the northwest and northeast lot line on a lot that is oriented 45 degrees away from the cardinal points of the compass. This is considered necessary so as to provide protection to southeast and southwest facing walls and roof areas.
- b. **NATURAL GRADE.** In determining the base elevation for use in calculating allowable building height, the natural grade shall be used to determine the "highest point of contact of the structure with the adjacent ground."
- c. **SHADOW DIAGRAMS.**
 - i. In order to obtain an exemption based on SBMC § 28.11.030.D, the applicant must submit an acceptable shadow diagram including the following information:
 - (1) A true north arrow;
 - (2) Topographical features of the proposed site and any adjacent northerly lots, and existing improvements thereon;
 - (3) Plan view and exterior elevation view of the proposed structure showing the location of all northerly property lines on both;
 - (4) Diagrams of the shadows cast at 9:00 a.m., Noon, and 3:00 p.m. Pacific Standard Time on December 21 by the portio of the structure being considered for an exemption.
 - (5) Any other information deemed necessary by the Community Development Director.
 - ii. The shadow diagram may be included on the site plan or may be a separate diagram.

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- iii. The Community Development Director shall provide a sample shadow diagram as a part of the informational materials prepared to implement SBMC Chapter 28.11.

4. Modification of Solar Access Height Limitations

- a. MUNICIPAL CODE REFERENCE. Santa Barbara Municipal Code § 28.92.026.A.4 allows modification of the solar access height limitations to be granted where the modification is necessary to prevent an unreasonable restriction.
- b. CRITERIA FOR DETERMINATION OF UNREASONABLE RESTRICTION.
 - i. MAINTAINING ALLOWABLE NUMBER OF DWELLING UNITS. In the event that the solar access height limitations result in a reduction in the otherwise allowable number of dwelling units in a residential structure or development, including density bonus, such situation may be considered an unreasonable restriction if all of the following criteria apply:
 - (1) Every feasible effort has been made for the proposed development or structure to comply with the solar access height limitations established by SBMC § 28.11.020, and the development or structure is determined to be unable to achieve the otherwise allowable number of dwelling units without violating such height limitations; and
 - (2) The proposed infringement on solar access is the minimum necessary to permit the allowable number of units on the property.

Applicants desiring a modification on the basis of such criteria shall provide documentation demonstrating that the above criteria are met and demonstrating the reason that the non-complying portion of the structure or development cannot be relocated or redesigned so as to be in compliance.

- ii. AFFORDABLE HOUSING. A development which includes 25% or more dwelling units meeting the affordability criteria of the Community Development Department and which is subject to City monitoring of rent or resale price levels for a minimum of ten years shall receive special consideration in the granting of modifications of the solar access height limitations. If compliance with such limitations will result in significant additional costs for the construction phase of development, this additional cost may be considered an unreasonable restriction.

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An applicant desiring modification based on this criterium shall provide adequate documentation showing the extent of the extra costs associated with compliance and demonstrating that the proposed infringement on solar access is the minimum necessary to prevent significant extra construction costs.

- iii. **CONSIDERATION OF SECOND STORY ADDITIONS.** In cases of second story additions to dwellings in residential zones other than R-3, a modification of the solar access height limitations may be granted on the basis of an unreasonable restriction such that the height limitation would be the same as that specified for R-3 and R-4 zones by SBMC Section 28.11.020 providing that all of the following criteria apply:
- (1) All portions of the proposed addition which will violate the solar access height limitations for zones other than R-3 and R-4, except for roof overhangs of up to two (2) feet, are entirely within the perimeter of a structure which was constructed or was issued a building permit prior to the effective date of the ordinance first enacting SBMC Chapter 28.11.
 - (2) The horizontal dimensions of the proposed addition, excluding roof overhangs, as measured parallel to all northerly lot lines of the lot upon which it is proposed, do not exceed twenty five (25) feet, except that portions of the addition that comply with the solar access height limitations for zones other than R-3 and R-4 shall be exempt from the provisions of this sentence.
 - (3) All portions of the addition which violate the solar access height limitations for zones other than R-3 and R-4 have been designed so as to cast no shadow at 9:00 a.m., Noon, and 3:00 p.m. PST on December 21 on any solar collector in existence, or for which a building permit has been issued. For the purposes of this subsection, a solar collector shall be any device which is designed primarily to collect solar energy and which contains an area of twenty four (24) square feet or more.
 - (4) The amount of direct sunlight on all south facing windows on any adjacent lot at 9:00 a.m., Noon, and at 3:00 p.m. PST on December 21 following construction of the proposed addition will be greater than or equal to the amount of such sunlight in the event that the maximum addition in compliance with the solar access height limitations were to be constructed. The effect of shade caused by vegetation shall not be a consideration in this determination. For the purposes of this subsection, south facing

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windows shall include any window in a dwelling which faces 45 degrees or less from true south and which separates heated from non-heated space.

Applicants desiring a modification of the solar access height limitations based on these criteria shall provide adequate documentation, including but not limited to shadow diagrams as described in Section 3, Paragraph C above, demonstrating that these criteria are met.

- iv. TWO AND THREE STORY STRUCTURES IN THE CENTRAL BUSINESS DISTRICT. A modification may be granted to applicants proposing to construct a two (2) or three (3) story structure on property zoned R-3 or R-4 and located within the Central Business District pursuant to SBMC §28.92.026(A.)(4.) provided the following:

- (1) The property has less than the required 60 feet of frontage on a public street;
- (2) All portions of the structure which exceed the requirements of the solar access height limitations for zones R-3 and R-4 have been designed so as to cast no shadow at 9:00 a.m., Noon, and 3:00 p.m. PST on December 21 on any solar collector in existence, or for which a building permit has been issued. For the purposes of this subsection, a solar collector shall be any device which is designed primarily to collect solar energy and which contains an area of twenty four (24) square feet or more.
- (3) The amount of direct sunlight reaching all south facing windows of any structure on an adjacent lot at 9:00 a.m., Noon, and at 3:00 p.m. PST on December 21 following construction of the proposed third story will be greater than or equal to the amount of such sunlight in the event that the maximum development in compliance with the solar access height limitations were to be constructed. The effect of shade caused by vegetation shall not be a consideration in this determination. For the purposes of this subsection, south facing windows shall include any window in a dwelling which faces 45 degrees or less from true south and which separates heated from non-heated space.

Applicants desiring a modification of the solar access height limitations based on these criteria shall provide adequate documentation acceptable to the Community Development Director, including but not limited to shadow diagrams as described in Section 3, Paragraph C above, demonstrating that these criteria are met.

October 12, 2007
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990
RE: 2929 Serena Road

Dear Staff Hearing Officer:

Please allow us to take a moment and introduce ourselves. We are Scott and Molly Westgaard, residents of 2935 Serena Road since 1986. Our house lies immediately north of the Boswell family's residence at 2929 Serena. Emily and Daniel have notified us that they intend to upgrade and make structural additions to their house. We have seen the plans, and we have met the architect, Chris Belanger. We acknowledge and support the Boswell family's renovation project.

The improvements made to the Boswells' house will benefit our neighborhood as well as their family. The tasteful renovation of 2929 Serena will undoubtedly increase its value and the overall value of our neighborhood. More importantly, though, Daniel, Emily, their children, and their pets will enjoy more quality living space in which they can live, play, and grow.

We are confident that this project will positively influence the Boswell family, our neighborhood, and the Santa Barbara community.

Respectfully submitted,



Scott and Molly Westgaard
2935 Serena Road