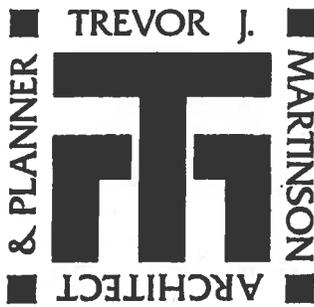


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CITY OF SANTA BARBARA
CITY CLERK



1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385
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24 April 2014

City Clerk
The Mayor and City Council
City of Santa Barbara
De La Guerra Plaza
P.O. Drawer P-P
Santa Barbara, CA. 93102

(805) 564-5309

Re: Appeal of 510 N. Salsipuedes Street
and ABR Final Approval of
MST2013-00212 made at the ABR
14 April 2014 meeting, approval
of consent calendar item G. from 07
April 2014 consent hearing

Subject: Filing of Appeal SBMC §1.30.050 and
SBMC §22.68.100

Dear Mayor Schneider and Council members:

Once again, I am appealing the current City ABR decision referenced above on behalf of Arthur Posch DVM and numerous Haley Street business and property owners who have voiced their concerns to the City on neighborhood compatibility issues with their public understanding of the new Average Unit Density (AUD) Incentive Program Reference Guide and the huge size of this proposed project.

1. This is an appealable decision.

The City Council previously heard and denied an appeal of the project design approval of this project.

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The ABR gave Final Approval to the project on 14 April 2014. This is an appeal of that final approval, on the grounds that the Final Approval is inconsistent with the original project design approval.

The SBMC provides that an "action of the Architectural Board of Review on an application for...final approval... may be appealed to the City Council by...any interested person pursuant to Chapter 1.30 of this Code." SBMC 22.68.100(A).

The rules of the ABR provide that "the final approval decision may be appealed...on the basis that it is inconsistent with the project design approval." ABR rule 3.2.9.C.

This is an appeal of the ABR Final Approval, on the grounds that the Final Approval is inconsistent with the project design approval, in its massive changes to the design that the City Council approved.

2. Final Approval Design Issues

ABR Rules and Guidelines for this project are: City Charter, Title 28, the Zoning Ordinance, ABR General Design Guidelines & Meeting Procedures

This project was reviewed by the full ABR, on 18 February, with comments and sent to the Consent Calendar. At Consent the applicant presented many new drawings not reviewed by the full ABR, 83 sheets total, with design changes including; solar panels and solar water panels on the top of roof areas. All elevations appear to have been raised in height and the elevator shaft roof was at 46 plus feet and in violation of SBMC §28.04.140 Building Height Limitations. Of interest, new height modifications were discussed at Consent regarding lowering the northerly

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roof elevations at Salsipuedes by 4 feet but was not reviewed or discussed by the full ABR board.

Surprisingly, a second review on consent was requested and heard on 07 April and once again 35 new sheets were submitted correcting some of the design errors missed by City Staff and the applicants architect in the February submittal. The applicant's architect, Mr. Peikert, commented at that meeting that they wanted to reduce the amount of "ammo" for our appeal. This action, and my meeting with Scott Vincent at the City Attorneys Office on 19 April, convinced me to withdraw our 29 April Hearing and reschedule it for a later date.

In my first appeal, you may recall the issue of the Fire Access Lane and the northerly property owner's reciprocal driveway easement issues with this project. Peoples Self Help Architects letter indicated at the first appeal hearing that this easement could be used in conjunction with the Fire Access Lane. This was not true and Peoples Self Help staff has been trying to obtain approval from these owners since you denied our appeal in November 2013. This project, as previously presented, must be reduced in size and redesigned if the northerly property owners refuse to allow this easement issue to be legally modified, in writing, to allow the required 20-foot wide Fire Access Lane to encroach onto their driveway.

This current project design, highly visible to the public view, still blocks mountain views from the Haley Street corridor, which could be modified and lowered to accommodate this City requirement. As mentioned, in previous suggestions to the applicant and ABR, an elimination and/or relocation of the third floor top two units at the Haley/Salisipuedes corner intersection area would solve this problem.

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3. This appeal is timely filed on 24 April 2014.

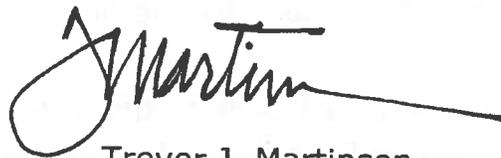
This is an appeal of the decision of a city board, the ABR. The last decision of the ABR was made on 14 April 2014. The ABR decision was to approve the 07 April 2014 recommendation of the consent reviewers to give Final Approval.

The rules of the ABR provide that a recommended action on a consent agenda item is not effective unless and until the recommendation is acted upon by the ABR.

Please see the Rules of the ABR, Rule 3.2.6.E. Consent Calendar: "A recommendation regarding each item on the [consent] Calendar is made to the full ABR for action. Such recommendation is not final until acted upon by the ABR." (emphasis added)

The ABR acted upon the consent recommendation on 14 April 2014. This appeal is therefore timely filed on 24 April 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Martinson", with a long horizontal stroke extending to the right.

Trevor J. Martinson
Architect, Planner and Forensic

XC: Haley Corridor Shareholders
Santa Barbara News-press
The Independent