



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 25, 2014

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Single Family Design Board Denial Of A Residence On Lot 2 Of The 3626 San Remo Drive Subdivision

RECOMMENDATION:

That Council uphold the appeal of Jarrett Gorin, agent on behalf of Capital Pacific Development Group, granting Project Design Approval for a new single-family residence on a vacant lot at 3626 San Remo Drive.

EXECUTIVE SUMMARY:

On September 22, 2014, upon the applicant's request, the Single Family Design Board (SFDB) denied Project Design Approval of the subject residence. The SFDB initially moved to continue the project requesting that the house size be further reduced, when the applicant asked that the SFDB deny the project instead, allowing for an appeal hearing before City Council.

The subject parcel is part of a four lot subdivision of 3626 San Remo Drive originally approved by the Planning Commission in 2010. Houses on each of the lots have been reviewed concurrently by Historic Landmarks Commission (HLC) and SDFB.

The house was reviewed at five separate SFDB hearings which included various objections by adjacent neighbors on the proposed size of the two-story house. The SFDB visited the site to view storypoles requested by the neighbors and the Board. At each of the previous hearings, the Board asked for this house to be redesigned and reduced in size. The applicant redesigned the house, and the floor area was reduced by a total of 189 square feet (5.9%) from the initial proposal reviewed in January. The house that was denied is a two-story, 2,652 square foot house with a 480 square foot attached garage, which is 74% of the maximum floor area allowed by the Zoning Ordinance.

Staff's recommendation is to uphold the appeal for various reasons: the proposed home size is reasonable (approximately 3,100 sq. ft.) and is consistent with FAR standards for the size of lots. In addition, the SFDB successfully worked with applicant to adequately reduce the volume, mass, bulk and scale of the proposed residence and stated this

determination as part of the record. Staff believes that additional square footage reductions would not significantly reduce the appearance of the house.

PROJECT:

The proposal is for construction of a two-story, 2,652 square foot, single-family residence and an attached 480 square foot, two-car garage, located on a vacant 14,094 square foot lot. The proposed total of 3,132 square feet is 74% of the maximum floor-to-lot area ratio (FAR).

BACKGROUND:

The subject property is located in the San Roque neighborhood and is referred to as Lot 2 of the four-lot, 1.53-acre subdivision at 3626 San Remo Drive originally approved by the Planning Commission in October 2010 and subsequently amended in August 2014. (See Attachment 2 for subdivision plan.) Subdivision improvements include habitat restoration along San Roque Creek, which flows along the eastern side of the subdivision, and replication of the historically-significant façade of the 1927 Edwards, Plunkett and Howell-designed house on Lot 3. The subdivision conditions also require establishment and maintenance of a public view easement to the house on Lot 3 from San Remo Drive.

The subdivision was approved in 2010 without any proposed residences. In 2014, Capital Pacific Development Group, as the new applicant, requested changes to the subdivision including minor changes to the lot lines, removal of a private creekside pedestrian path, and changes to the Planning Commission conditions of approval. On August 14, 2014, the Planning Commission approved the requested changes and required that the applicant provide guest parking on Lots 1, 2 and 4, in response to neighbor concerns and design board comments. Capital Pacific concurrently applied for design review of similar-sized, two-story houses on each of the four lots. Since the existing house on Lot 3 is on the City's List of Potential Historic Resources, HLC approval was required on Lot 3. Review of the proposed residences on Lots 1, 2, and 4 are within SFDB's purview.

On October 22, 2014, HLC granted Project Design and Final Approvals for a house on Lot 3 that includes reconstruction of the historically-significant south and east-facing façades. The approved house is 3,210 square feet, 74% of the maximum floor area. The existing house, to be demolished, is 2,907 square feet (without covered parking).

The houses on Lots 1 and 4 were most recently reviewed by SFDB on June 2, 2014 and were proposed at 3,136 square feet (74% of the maximum floor area) and 3,292 square feet (75% of the maximum floor area), respectively. SFDB provided similar direction to reduce the sizes of the houses proposed on Lots 1 and 4. Staff expects that the outcome of this appeal will influence the SFDBs review of the proposed houses pending on Lots 1 and 4. SFDB also granted Project Design Approval for the overall subdivision grading plan in September 2014. The approvals for the Subdivision and the HLC approval for Lot 3 were not appealed.

DISCUSSION:

A primary goal of the Single Family Design Board (SFDB) is to promote neighborhood compatibility. The Single Family Residence Design Guidelines (Guidelines) provide a framework for the design review process and a foundation for public, City staff, SFDB, HLC, Planning Commission and City Council project evaluation. The Guidelines recognize the need of the City to balance desired home improvements and changes to established neighborhoods with respect for design features and characteristics of surrounding properties.

The Guidelines state that new houses can maintain a desirable living environment within a neighborhood, when they have an appropriate volume, bulk, massing and scale and have a size appropriate for its lot size and not significantly larger than the immediate neighborhood. The Guidelines define these terms and discuss their relationship (see Attachment 3.)

House Size

The size of a single-family house is limited by Zoning Ordinance with formulas relating house size to lot size. This is referred to as the Floor Area Ratio or FAR. For lots less than 15,000 square feet, houses may not exceed the maximum floor area without special approval from the Planning Commission.

The Single Family Residential Design Guidelines encourage applicants to design homes under 85% of the maximum square footage for their lot size. The Guidelines recognize that houses proposed over 85% of the maximum area are more likely to pose neighborhood compatibility issues and are generally discouraged. Additional information is required for houses proposed to exceed 85% of the maximum area, including a study of the 20 closest home sizes and FARs, story poles, and perspective drawings. In this case, the maximum floor area of a house for the subject property is 4,262 square feet. The proposed 3,132 square foot house is 74% of the maximum floor area.

The Guidelines state that an FAR should be reduced where development is closer to property boundaries or more visible to the public and to neighbors. The subject house is located more than 190 feet from San Remo Drive and would be well screened from public view from San Remo Drive because of its location behind the historically-significant house on Lot 3. The house may be partially visible up the driveway and partially visible above the single-story homes along Adair Drive (the cul-de-sac immediately west of the subdivision). Due to the driveway location along the west side of the subdivision, the house is setback substantially from the closest existing neighbors along the western property line. The applicant addressed privacy concerns with existing neighbors with sizing and placement of windows, placement of trees and a new eight foot tall fence between the properties.

The Guidelines indicate that lower FARs may also be appropriate when the buildable portion of a site is small relative to the lot size. While the required conservation easement along San Roque Creek provides a substantial amount of open space for the subject property, it also limits the developable area of the parcel. The creek setback, driveway, and interior setbacks effectively reduce the developable area of the lot to approximately 4,517 square feet, which is equivalent to the developable area of a standard 7,480 square foot lot with no physical constraints. A 7,480 square foot lot has a maximum floor area of 3,070 square feet. The proposed house on a 7,480 square foot lot would be 87% of the maximum allowable floor area, which is within the range of house sizes generally found acceptable by the Single Family Design Board.

Though not required, the applicant provided a 20 closest homes study (Attachment 4), which shows an average house size of 2,406 square feet and an average FAR of .24. While the proposed house would be the second largest of the homes studied and approximately 30% larger than the average, its FAR is just below the average at .22. The neighboring subdivisions to the north and west were developed in the late 1950s/early 1960s and are primarily developed with single-story homes on lots smaller than the subject lot. The subdivision to the east, on the opposite side of San Roque Creek was developed with larger homes on lots slightly larger than the subject lot. The 20 closest homes study does not consider the large condominium buildings located across San Remo Drive.

SFDB Review

Minutes from the five SFDB hearings are included as Attachment 5. The SFDB and neighbors consistently asked for the size of the house to be reduced. Neighbors and board members also asked for single-story designs to be considered. Architect Henry Lenny was hired to help further reduce the mass, scale and height of the proposed residence. From the initial hearing in January, through direction of the SFDB, the house size was reduced by a total of 189 square feet (5.9%), the house height was reduced by 2.8 feet, the massing of the house was better-articulated, and the scale of the house was reduced with design changes. Over the course of the review of the project, the SFDB and Mr. Lenny's changes were successful in improving and refining the architecture to provide a high-quality design with appropriate massing and scale (See comparative elevations in Attachment 5.)

In review of the house size at the last SFDB hearing, Mr. Lenny argued that the proposed floor plan was designed efficiently, making further size reductions difficult with a four bedroom design. Mr. Lenny discussed the possibility of thickening of exterior walls, which would reduce the net size of the house, but result in no perceptible change to its exterior appearance. To reduce the size, a board member suggested that the applicant remove 110 square foot area on the first floor that includes a bathroom and closet, which would also be imperceptible from public right-of-way due to its location on the first floor and on the far side of the house.

While staff fully supported the initial SFDB direction to the applicant to reduce home size and redesign the house to be smaller in appearance, staff believes the revisions to the house massing design were responsive to the Board's direction and resulted in a house that is compatible with the neighborhood. Finally, the size and FAR conform to the City's Guidelines and are appropriate to the site and the neighborhood. Draft Neighborhood Preservation Findings are included below to support Staff's recommendation to grant Project Design Approval.

Neighborhood Preservation Findings

To grant Project Design Approval, City Council must make each of the following findings:

1. **Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood with an architectural style consistent with the style of the historically-significant elements of the adjacent house.
2. **Compatibility.** The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The neighborhood has a variety of building sizes and lot sizes. The proposed house is 74% of the maximum house size, which is well within the City's adopted floor area restrictions.
3. **Quality Architecture and Materials.** The proposed buildings and structures are designed with quality architectural details.
4. **Trees.** The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed project and the subdivision grading plan, to the maximum extent feasible, preserve and protect healthy, non-invasive trees with a trunk diameter of four inches (4") or more measured four feet (4') above natural grade, and the subdivision grading plan and Planning Commission conditions of approval mitigate the impacts of tree removals by planting replacement trees in accordance with appropriate tree replacement ratios.
5. **Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved with the restoration of the conservation easement area on the site and the high quality design of the new house.
6. **Good Neighbor Guidelines.** The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting. The choice and placement of windows facing the neighbors, the landscaping provided along the driveway and selection of driveway lighting are consistent with the direction of the Good Neighbor Guidelines.

7. **Public Views.** The development, including proposed structures and grading, does not affect any significant public scenic views of and from the hillside.

Conflict of Interest

The applicant asked staff to request that the SFDB Chair Sweeney, recuse himself from the review of the project due to perceived conflicts of interest related to the nature of his prior work relationship with the project designer, and his personal relationship with an adjacent neighbor who has participated in the public review of the project. The applicant also requested that SFDB member Pierce recuse herself, as she is that same neighbor's niece. Planning staff and the City Attorney's office communicated these requests to Chair Sweeney and Board Member Pierce. Chair Sweeney declined the request to step down, stating that he believed he could use fair judgment in his review. Board Member Pierce has not participated in any subsequent design review hearings since the request was made.

NOTE: The project file and plans were delivered separately to City Council for review and are available for public review at the City Clerk's office.

- ATTACHMENTS:**
1. Appellant letter dated October 2, 2014 (without attachments)
 2. Reduced subdivision plan, site plan, floor plans, and elevations
 3. Single Family Residential Design Guidelines Excerpts
 4. 20 Closest Homes Study
 5. SFDB Minutes with elevations

PREPARED BY: Daniel Gullett, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

October 2, 2014

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Mayor Helene Schneider & City Council Members
c/o City Clerk's Office
735 Anacapa Street
Santa Barbara, CA 93101-2203

Hand Delivered

**RE: Appeal of Single Family Design Board September 22nd Denial of Single Family Residence
3626 San Remo Drive, Lot 2 (Case No. MST2013-00505)**

Madame Mayor and Councilmembers:

Vanguard Planning LLC (hereinafter "VPLLC") Represents Capital Pacific Development Group, Inc (hereinafter "Appellant") the applicant for a single family residence (the "Residence") proposed for construction on the above referenced property (the "Subject Property"). This is an Appeal to the City Council (the "Appeal") of the Single Family Design Board (the "SFDB") action to deny the Project on September 22, 2014, and is made pursuant to Santa Barbara Municipal Code (the "SBMC") Sections 22.69.080 and 1.30.

The Subject Property is Lot 2 of a four lot subdivision originally approved October 14, 2010 per Planning Commission Resolution No. 015-10 incorporated herein by reference. A revised four lot subdivision was approved August 14, 2014 per Planning Commission Resolution No. 022-14 incorporated herein by reference. Planning Commission approval of the revised subdivision was not appealed by any party and that approval is now final and non-appealable.

1.0 SUMMARY OF BASIS FOR APPEAL

Appellant has pursued approval of the Residence by the City of Santa Barbara (the "City") SFDB since January of 2014. As set forth in Section 2.0 below, the SFDB did not provide an objective review of the Residence consistent with adopted City ordinances, standards, and guidelines. The SFDB also repeatedly ignored substantial evidence presented at multiple hearings, and which is now part of the administrative record. The SFDB's denial of the Project on September 22, 2014 was arbitrary and was made without reference to facts or evidence presented during any SFDB hearing at which the Residence was considered. The SFDB simply stated that the "mass and bulk" of the residence were acceptable and compatible with the surrounding neighborhood, and that the Residence was being denied purely due to its square footage statistic. The SFDB did not provide even a cursory explanation that would allow the Appellant or any other party to understand how the square footage of the Residence, considered in isolation, affects its compatibility/incompatibility with the surrounding neighborhood or serves as a legitimate basis for the SFDB's action. Specifically, the SFDB did not identify how any feature or characteristic of the Residence, including its square footage, would prevent the SFDB from making the Neighborhood Preservation Findings set forth in SBMC 22.69.050 (the "Required Findings"). A copy of the Required Findings is included as **ATTACHMENT A**.

Furthermore, Fred Sweeney (hereinafter “Mr. Sweeney”) the current chairperson of the SFDB, refused to step down from the SFDB’s review of the Project despite having two prior relationships that create an obvious perception of conflict of interest as identified in the Code of Conduct section of the City’s adopted Guidelines for the City of Santa Barbara Advisory Groups (hereinafter the “Code of Conduct”). A copy of the Code of Conduct is included as **ATTACHMENT B**. Appellant provided written notice to the City of this apparent conflict of interest on two occasions, and City Staff discussed the issue with Mr. Sweeney. Rather than stepping down, as provided for in the Code of Conduct, Appellant believes Mr. Sweeney insisted on participating during consideration of the Residence so that he could directly influence the outcome of the hearings *in favor of a project opponent* with whom Mr. Sweeney has a long-term business and personal relationship, and *against the Residence architect*, who elected to terminate her previous employment with Mr. Sweeney’s firm due to a hostile work environment. This is discussed further in Section 3.0 below. Mr. Sweeney, as chairperson of the SFDB, had the unique ability to control and manipulate the manner in which hearings for the Residence were carried out.

2.0 SFDB’s DENIAL IS ARBITRARY AND IS NOT SUPPORTED BY EVIDENCE IN THE ADMINISTRATIVE RECORD

2.1 Evidence in the Administrative Record

The following facts were presented to the SFDB at multiple hearings and are part of the administrative record for the Residence preceding its September 22nd action to deny the Residence:

- The area directly adjacent to the approved subdivision within which the Residence is proposed includes two-story attached condominiums, two-story garden apartments, two-story single family dwellings (hereinafter “SFD’s”) and one-story SFD’s. An aerial photograph of the approved subdivision property and the surrounding neighborhood, and photographs of existing structures adjacent to the property are included in **ATTACHMENT C**.
- Condominiums and Apartments are located directly across San Remo Drive from the approved subdivision.
- The proposed Residence cannot be seen from any public street.
- The proposed Residence is not visible to the public in context with any existing structure near the Subject Property.
- The proposed Residence will be on a 14,094 s.f. lot. This lot is substantially larger than many lots in the surrounding neighborhood.
- The Residence has a 0.22 Floor Area Ratio (hereinafter “FAR”) calculated using the City’s adopted FAR formulas. An FAR calculation performed using the City’s standard spreadsheet template is included as **ATTACHMENT D**.
- The proposed 0.22 FAR falls in the 43rd percentile of FAR’s for the 20 closest existing homes to the Subject Property (i.e. 11 existing SFD’s out of the 20 home sample have larger FAR’s).
- The City’s adopted methodology for performing a “20-Closest-Homes Analysis” excludes all existing structures other than SFD’s (condominiums and apartment structures are not included).
- Existing visible multi-family structures are part of everyone’s perception of the neighborhood surrounding the Residence.
- FAR is the standard tool used by the SFDB to determine whether any proposal is compatible with the surrounding neighborhood.
- The City’s adopted Single Family Residence Design Guidelines (the “Design Guidelines”) encourage applicants to “...*design homes under 85% of the maximum square footage for their lot size whenever possible to help ensure neighborhood compatibility.*” The Design Guidelines are incorporated herein in their entirety by reference. Excerpts from the Design Guidelines are included as **ATTACHMENT E**.
- The proposed residence is 74% of the maximum FAR calculated using the City’s adopted formulas.
- The City’s Single Family Residence Design Guidelines Worksheet (the “Design Guidelines Worksheet”) does not require an FAR compatibility analysis (i.e. “20-Closest-Homes Analysis”) unless a proposal is greater than 85% of the maximum FAR. A copy of the Design Guidelines Worksheet is included as **ATTACHMENT F**.

- The Design Guidelines Worksheet asks applicants: *“Have excessive building heights (25’ in most neighborhoods) been avoided?”*
- Maximum height of the proposed Residence is 22’-4”.
- There are no direct sight lines from the proposed Residence into existing homes or yards nearby.
- The closest existing residence in the surrounding neighborhood (216 Adair Drive) is located approximately 60’ away from the proposed Residence. Its rear property line is located approximately 36’ from the proposed Residence.
- No modifications are required for the proposed Residence. It complies with all applicable ordinances and standards of the E-3 zone district, which is the zoning for the Subject Property. The design surpasses ordinance requirements in most cases (e.g. provides larger setbacks than required). A copy of the City’s E-3 zone district is included as **ATTACHMENT G**.

2.2 SFDB Review

The SFDB considered the proposed Residence at five public hearings:

- January 13, 2014
- March 24, 2014
- June 2, 2014
- July 14, 2014
- September 22, 2014

Minutes for the September 22, 2014 hearing are not yet available as of the date of this Appeal. Minutes for the other SFDB hearings listed above are included in **ATTACHMENT H**. All of the hearings listed above were also videotaped by the City. The proceedings are available on the City’s website and are incorporated herein, in their entirety, by reference. In the following sections, all previous design iterations of the proposed single family dwelling and the current design are collectively referred to as the Residence.

2.2.1 January 13, 2014 SFDB Hearing

The proposed Residence concept presented at the January 13th hearing included 2,820 s.f. of habitable area within a two story structure, and a 500 s.f. attached garage for a total area 3,230 s.f. area. The minutes for the hearing erroneously reflect a 3,230 s.f. residence *and* a 500 s.f. attached garage resulting in a 3,820 s.f. area. The FAR for the Residence is also erroneously listed as *“90% of the required floor-to-lot-area ratio (FAR).”* in the adopted minutes. The actual FAR of the Residence presented at this hearing is 78% of the maximum allowable FAR per the City’s adopted formulas. FAR calculations for both the erroneous statistics in the minutes, and the actual statistics of the Residence considered at the January 13th SFDB hearing, created using the City’s FAR calculation spreadsheet, are included as **ATTACHMENT I**.

Currently, Appellant does not believe that the incorrect project statistics cited in the minutes were intentionally misrepresented by City staff, but rather that these are the result of a simple math error which resulted in the garage being counted twice. However, Appellant does assert that the presentation of inaccurate size and FAR statistics, the first time the Residence was considered before the SFDB, is *substantive* in this case in light of the City’s adopted guideline that instructs applicants to *“Strive for a project which falls in the ‘less than 85% of maximum FAR’ range for the project lot size.”* The initial concept for the Residence came in well within this guideline but the SFDB appears to have believed that it did not comply.

Although the proposed Residence would not be visible from any public street, and complied with all applicable City ordinances and guidelines, the SFDB asked the Appellant to “*Study reducing square footage*” without articulating any specific design goal to be accomplished by the reduction, or how the such reduction related to the SFDB’s ability to make the Required Findings. Other direction from the SFDB was far more specific.

2.2.2 March 24, 2014 SFDB Hearing

At the March 24th SFDB hearing, Appellant presented a modified design for the Residence comprising 2,792 s.f. of habitable area and a 499 s.f. attached garage. The statistics for the Residence were accurately cited in the agenda and minutes: a proposed total of 3,292 s.f. representing 78% of the maximum allowed FAR.

Vince Amore, project manager for the Appellant, indicated to the SFDB that the statistics previously cited in the January 13th minutes were incorrect and that the proposed Residence had never been over the 85% of maximum FAR target identified in the Design Guidelines Worksheet.

The SFDB again requested a reduction in the proposed square footage, and again failed to cite any basis for the reduction. Specifically, no member of the SFDB provided any information to indicate why a proposed single family home, not visible to the public, and well under the 85% of maximum FAR design standard needed to be made smaller in order to be compatible with the surrounding neighborhood of SFD’s, condominiums, and apartments. Other direction provided by the SFDB was more specific and directly related to clearly identified components of the proposed design.

Additionally, Appellant was required to provide story poles for the proposed Residence. Given: a) the location of the Residence, over 190 feet from San Remo drive, and behind existing structures on Adair Drive; b) the fact that the Residence was well under the 85% of maximum FAR design goal specified in the Design Guidelines; and c) the fact that there are no public views of the Residence, this was an extraordinary request.

The City’s Visual Aid Requirements for Development Applications (hereinafter the “Story Pole Requirements”) are included as **ATTACHMENT J**. The Story Pole Requirements indicate that Story Poles:

“will be required for new single family residential buildings...when the floor:lot area ratio exceeds 0.40, the height of the building substantially exceeds that of surrounding buildings, the building will block or reduce important public scenic views, is very visible to the public or is proposed on or to project above a topographic ridgeline...”

At the time this requirement was imposed by the SFDB, the proposed Residence concept had 0.23 “*floor:lot ratio*” which is 43% less than the 0.40 trigger identified in the Story Pole Requirements. The height of the proposed Residence was 25’-2” which is a typical two-story SFD height, and similar to the heights of existing two-story SFD’s, condominiums and apartments immediately surrounding the Subject Property. The structure had no potential whatsoever to “*block or reduce important public scenic views*” and was not “*very visible to the public.*” The proposed Residence is not visible from any public viewing location, and is not located on or near a “*topographic ridgeline.*”

The Story Pole Requirements also identify five criteria for exceptions even in cases where story poles might otherwise be required. Any one exception may be used to exempt a project. The Residence concept reviewed at the March 24th SFDB hearing clearly qualifies for three of the listed exceptions:

“2. The proposed structure is the same height as or smaller than other existing buildings in the neighborhood.”

;and,

“3. The proposed structure(s) will not involve blockage or substantial reduction of an important public scenic view.”

:and,

“4. The proposed structures will not be on or project above a topographic ridgeline.”

The Story Pole Guidelines identify a defined set of circumstances under which Story Poles may be required, and then establish who has authority to require them. The Story Pole Guidelines do not simply provide for staff, a design review board, or the Planning Commission to require Story Pole installations on a whim. It is evident upon review of the Story Pole Guidelines that the City’s intent is for Story Poles to be erected when there is potential that a proposal might significantly impact critical views, and in particular *public* views. In light of the requirements and exceptions set forth in the Story Pole Guidelines, the SFDB’s requirement for the Appellant to install Story Poles was unwarranted and completely arbitrary. The proposed Residence: 1) meets *none of the criteria* for installation; and 2) qualifies for *three out of five exceptions*.

Appellant complied with the SFDB’s arbitrary requirement to erect story poles, at a significant expense. The poles were erected by Coastal Builders dba California Story Poles, a contractor who specializes in such installations. The installation was completed as specified in the Story Pole Guidelines. **ATTACHMENT K** includes photographs of the story poles representing the Residence as seen from Adair Drive, the only public viewing location from which the Residence might potentially be visible. These photos clearly demonstrate that visibility of the structure is limited to an insignificant portion of the roof.

2.2.3 June 2, 2014 SFDB Hearing

At the outset of this hearing, VPLLC was forced to address Mr. Sweeney’s unusual and inappropriate comments and behavior during the agenda item that immediately preceded the Residence (i.e. Lot 1 in the same subdivision). Mr. Sweeney:

- Introduced into the record, negative statements made by *individuals* on the Historic Landmarks Commission (the “HLC”) during the HLC’s consideration of a Historic Sites and Structures Report (the “HSSR”) for a different proposal (i.e. not the Residence). Mr. Sweeney mischaracterized these individual opinions as the collective opinion of the HLC. Specifically, Mr. Sweeney stated that he had watched the HLC hearing on “*this project*” and that the HLC “*is not happy about this project. ...how these houses scale to the Edwards & Plunkett house*” and then claimed that those comments “*were kind of the side set of comments*” and that even though this was the HLC’s opinion, they couldn’t put it in the record. If this had been the HLC’s opinion, the HLC could have rejected the HSSR that was before them for consideration. Instead, the HLC’s motion was to approve and accept the HSSR: a report that determined the sizes and locations of the new homes in the approved subdivision, including the Residence, were compatible with, and would not adversely impact the historic structure in question. This is precisely the *opposite* of what Mr. Sweeney presented as the HLC’s conclusion.
- Stated that “*the story poles were unacceptable*” but failed to indicate what was lacking other than to provide the vague comment that the installation was “*half done*”. The story pole plan was prepared by a specialized qualified contractor, and reviewed and approved by City staff prior to erection of the story poles. A licensed surveyor then staked the locations for all poles and later, when poles were in place, identified the accurate the heights to be demonstrated.
- Frequently raised his voice and acted angrily and aggressively toward Appellant and Appellant’s project team, including making an impromptu speech about how Appellant’s installation of a residential wooden perimeter fence, which was previously reviewed and approved by the SFDB, and which no public speakers from the neighborhood had mentioned, was “*not cool*” and “*didn’t win any friends on my side.*”

The adopted minutes correctly reflect that VPLLC requested “*comments be put on record regarding the inappropriate and unusual manner of one board member’s view on how another board may have*

observed a project, the unnecessary anger asserted over a land-use project, and the misguided comments about the inaccuracy of the story pole set-ups.”

VPLLC presented the Residence using PowerPoint and discussed the following facts:

- The revised design incorporated specific architectural direction from previous SFDB hearings.
- Net structure area was reduced by 188 s.f.
- FAR was reduced from 78% of the maximum allowed to 74% of the maximum allowed.
- The Residence is not visible from any public streets or areas.

The SFDB indicated that changes in the exterior architecture were appreciated and then discussed square footage of the Residence again. As before the SFDB asked for a blanket reduction in square footage without specifying why this was necessary to achieve neighborhood compatibility, or any identified goals to be accomplished other than changing the statistic itself. Appellant was also asked to reduce plate heights and study locations for guest parking.

2.2.4 July 14, 2014 SFDB Hearing

Appellant hired Henry Lenny (Mr. Lenny), a highly respected and nationally renowned Santa Barbara based architect, to assist with refining the design for the Residence following the June 2, 2014 SFDB hearing. The exterior elevations, plate heights, and roof forms of the Residence were substantially modified to address the specific aesthetic comments provided by the SFDB at previous hearings.

The revised residence was presented to the SFDB by Mr. Lenny at the July 14, 2014 hearing. Mr. Lenny stated that he disagreed with previous statements by an SFDB member (Mr. Sweeney) that the floor plans were *“inefficient”* and *“designed from the inside out.”* Mr. Lenny also indicated that in his opinion, having lived in an Edward and Plunkett house, the proposed Residence incorporated several hallmarks of Edwards and Plunkett design, contrary to assertions made by SFDB members at previous hearings. His presentation proceeded to highlight significant changes in plate heights, roof massing, and window and door placement that had occurred since the last SFDB hearing.

The SFDB was highly appreciative of the revised architecture and acknowledged that much of their previous direction was now incorporated. The SFDB and Mr. Lenny engaged in an extended dialogue during the portion of the hearing normally reserved for SFDB comments. During this dialogue, Mr. Sweeney indicated that his primary concern about the Residence, was how it would be viewed from the immediately adjacent neighbor (at 216 Adair Drive): a private party's view (Peter Edwards hereinafter referred to as “Mr. Edwards”). Another Board member (Denise Woolery) made the statement that in terms of neighborhood compatibility, the Appellant is *“never going to build what's in the surrounding neighborhood again...that was an era and it's gone...they are not going to build the tract homes on Capri...(the project) is a separate entity.”* Mr. Sweeney subsequently discussed, in great detail, the wide variety of development sizes and types in the surrounding neighborhood.

Appellant was asked to *“continue on the same vein”* and to again study reducing the square footage and plate heights.

2.2.5 September 22, 2014 SFDB Hearing

At this hearing, Mr. Lenny and VPLLC presented the current version of the Residence, which incorporates additional refinements requested by the SFDB. Plate heights and roof forms were brought down even further and some building masses were eliminated entirely. Windows and doors were also

fine-tuned and simplified. The Residence considered at the September 22nd hearing comprises 2,652 s.f. of living area and a 479 s.f. attached garage.

Mr. Lenny presented the architectural details and issues. He identified that people live differently in homes in the modern era than they did in the early 1960's and that there are many examples of applicants seeking to enlarge homes that were built long ago for this very reason. Mr. Lenny also discussed the fact that he studied reductions in square footage and determined that these had no appreciable effect upon the exterior appearance of the Residence. VPLLC re-capped the applicable land-use issues including the following:

- FAR is the City's standard yardstick to evaluate neighborhood compatibility.
- FAR addresses the relationship between the size of a home and the size of its lot.
- The Residence is in the middle of the range of FARs for the twenty closest homes based on the City's standard methodology.
- The City's specified target FAR is 85% of the maximum allowable FAR.
- The City's formulas include the entire lot area.
- The entire lot is visible to and perceived by anyone that can potentially see the Residence.
- The Residence as proposed has a 0.22 FAR or 74% of the maximum allowed FAR for its lot size using adopted City formulas.
- The SFDB had previously discussed application of a unique project-specific FAR standard for the San Remo development which excludes large portions of the lots that are within the creek area.
- Using the SFDB's unique project-specific standard, the Residence has a 0.29 FAR or 81% of the maximum allowed, still well under the City's 85% target.
- The Residence does not include excessive plate heights (i.e. 10 feet or more), consistent with the Design Guidelines.
- The building height is 22'-4", substantially less than the "25' in most neighborhoods" height identified in the Design Guidelines as acceptable.
- Exterior decks are designed consistent with the "Good Neighbor" guidelines component of the Design Guidelines.
- Project is consistent with all applicable City guidelines and ordinance requirements and no modifications are required.

VPLLC also asked the SFDB to deny the Residence if the Board still insisted that it could not grant approval at the hearing.

Four neighborhood opponents spoke against the Residence, stating that it was incompatible with the neighborhood because the square footage statistic is larger than the size of early 1960's tract homes nearby. Three of the neighborhood opponents (John and Molly Steen, and Bob Westwick) are co-owners of 3609 Capri Drive, located immediately North of Lot 1 of the approved subdivision. The fourth (Mr. Edwards) is the owner of 216 Adair Drive, located West of the proposed Residence. Three of the neighbors claimed the square footage needed to be substantially reduced. Mr. Steen presented an "FAR Analysis" that: uses formulas and methodologies he developed himself (not the adopted City methodologies....he "*calculated the FAR different than you folks do*"); is based on incomplete data about sizes of homes in the study (excludes garage s.f.); and, compares the project exclusively to the 1960's tract homes located on Adair Drive and Capri Drive. Neighbors also said that even with added guest parking, they were still concerned about parking.

The SFDB discussed the Residence. Board member Bernstein indicated that the current design felt much more compatible with the neighborhood than previous designs and that modern designs are bigger and different than fifty year old designs. Board member Miller conceded that "*in terms of square footage, (Mr. Lenny) has a point about lifestyle and demographics...*" (i.e. that modern homes are larger

than tract homes built in the 1960's) and proceeded to discuss several highly specific aesthetic issues, not including the square footage statistic. Miller also praised the architecture overall. Board member James indicated that she appreciated the architecture and Appellant's efforts to reduce the size, and that her primary concern was parking.

Mr. Sweeney then provided his comments. These were almost exclusively related to the square footage statistic for the Residence. He indicated that he believes "*neighborhood compatibility is not just the FAR and there are many other things*" the SFDB must look at, although he did not specify what those are. Mr. Sweeney proceeded to state that that the "*scale and massing are now where it needs to be.*" Then, as with previous hearings, his comments drifted back to a discussion of the square footage statistic, and that the Appellant simply needed to further reduce it. He also provided information about how he thought the square footage should be reduced. The changes Mr. Sweeney identified would reduce the second story width of the Residence (which is 50' feet wide) by one foot, and would eliminate a 7' x 17' 1-story projection on the ground floor that is not visible even to the closest adjacent neighbor. He did not indicate why these specific reductions would allow him to determine the Residence compatible with the neighborhood, or how one foot of width and a small ground floor pop out made the Residence incompatible with the neighborhood. Mr. Sweeney continued to say that he believed the Residence was compatible with the neighborhood in terms of "*the scale and the bulk*" but that the size was too large. He did not indicate why he believed the size, in isolation from "*the scale and the bulk*" makes the Residence incompatible even after stating that *size alone* is a "*legitimate compatibility measurement that we can apply to this project.*"

The SFDB initially attempted to continue the project with direction for another blanket reduction in square footage. Appellant indicated to City staff that it was unwilling to further reduce the square footage as the Residence already complied with all applicable guidelines and standards. Mr. Sweeney then asked the audience if they understood that "*this Applicant is not being cooperative.*" He also asked if the SFDB could choose *not* to deny the project. Staff explained that the only purpose that would accomplish would be to "*delay the process.*"

Board Member Bernstein made a motion to deny the Residence, but did not specify any basis for the denial. Mr. Sweeney stated "*I think it would be important that if you deny the project, you need to explain the reason for your denial.*" (emphasis added). Bernstein's motion did not go forward. Miller then made a motion to deny the project based on the Appellant's "*unwillingness to reduce the square footage of the project.*" Mr. Sweeney requested that Miller include language in the motion that the SFDB "*was approvable of the massing and the scale that was presented today.*" The language was included.

Before the SFDB voted on their motion, Mr. Sweeney addressed project opponents in the audience. He briefly explained how the appeals process works, and encouraged them to appear before the City Council.

The SFDB subsequently voted to deny the Residence. Mr. Sweeney opposed the motion, and all other members present approved it. No discussion occurred regarding: 1) how the single identified basis for the SFDB's denial related to the Required Findings; or 2) how the square footage statistic makes the Residence incompatible with the neighborhood when the SFDB concurrently determined its "*massing and scale*" are compatible. The Required Findings were not even mentioned during the course of the hearing.

2.3 Square Footage in Isolation Has No Bearing on Neighborhood Compatibility

Throughout the SFDB's review of this project, Appellant has asserted that square footage, as an isolated statistic, does not have any direct relevance to any proposal's compatibility with its surrounding neighborhood. Square footage only affects neighborhood compatibility insofar as it contributes to two other critical characteristics: bulk and scale.

Square footage, on its own, is not perceptible by the public, or by neighbors living adjacent to any given structure. A 2,500 s.f. two-story home looks identical to a 3,500 s.f. two story home that has the same configuration above ground, and *also* includes a 1,000 s.f. finished basement below ground. A person walking their dog on the adjacent street can't tell the difference between the two, even though the 3,500 s.f. home has a square footage statistic that is 45% *larger* than the 2,500 s.f. home. The square footage of each structure is not advertised on a yard sign or painted on the front curb. Therefore, no-one observing a given structure knows what the "size" of the structure is, other than experiencing how its square footage is distributed in terms of the structure's "bulk" and "scale".

The language presented in the Required Findings confirms that "size" is intended to be considered in conjunction with "bulk" and "scale", not independently. SBMC Sec. 22.69.050.A.s states: "Compatibility. The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood." The language of this finding, which is the critical finding in the case of the proposed Residence, exhibits a conjunctive construction: "size, bulk and scale" are linked together as a combined concept rather than three separate concepts to be evaluated in isolation.

"Size, bulk, and scale" is a single concept as enumerated in the Required Findings, and only "bulk and scale" are perceptible to the public. The SFDB's motion to deny the Residence, as shown in the draft minutes for the September 22nd hearing states: "The Board is supportive of the massing and scale of the house but finds the size too large." The SFDB failed to articulate how the "size" (i.e. the square footage statistic) for the proposed residence, in isolation, affects "neighborhood compatibility" in any way whatsoever. This includes, and is not limited to, the SFDB's failure to address, or even acknowledge the fact that the Residence cannot be seen from any location in the surrounding neighborhood. As set forth above "size" considered separately from "bulk and scale", has no potential to affect neighborhood compatibility, which is particularly relevant in this case because the proposed Residence will not be visible to the public.

2.4 "Size" vs. "Neighborhood Compatibility" was a Non-Issue when the SFDB approved a 2013 Proposal with Characteristics Nearly Identical to This Case

VPLLC obtained approval for an SFD proposal at 1716 Anacapa Street (the "Anacapa Project") in February of 2013. The Anacapa Project shares several common characteristics with the proposed Residence:

- Both are new larger 2-story homes proposed in established older neighborhoods with many smaller one-story homes.
- Both are located on sites that are in proximity to multi-family structures.
- Both have habitable areas exceeding 2,600 s.f. and attached garages.
- Both exceed 3,000 s.f. in total structural area.
- Both exceed the average size of homes in their respective 20-Closest-Homes studies by approximately 30%.
- Both are located on new lots created by recently approved subdivisions.
- Both are located on interior lots that are not readily visible to the public.

The following table presents a side-by-side comparison of the Anacapa Project and the proposed Residence:

| Statistic | Anacapa Project | Proposed Residence |
|--|----------------------|----------------------|
| Number of Stories | 2 | 2 |
| Habitable Area (s.f.) | 3,060 | 2,652 |
| Attached Garage Area (s.f.) | 762 | 479 |
| Total Structure Area (s.f.) | 3,822 | 3,131 |
| Lot Size (s.f.) | 7,500 | 14,094 |
| FAR | .51 | .22 |
| % of Maximum FAR | 125% | 74% |
| FAR Percentile Compared To 20-Closest Homes | 100 th | 43 rd |
| Average Size 20-Closest Homes Including Proposal | 2,972 | 2,406 |
| Proposed / Neighborhood Size Ratio Comparison | 3,822 / 2,972 = 1.28 | 3,131 / 2,406 = 1.30 |

Copies of the 20-Closest-Homes analysis for both projects are included in **ATTACHMENT L**. The February 25, 2013 SFDB minutes, which document Project Design Approval granted to the Anacapa Project are included as **ATTACHMENT M**.

The SFDB members who reviewed and approved the Anacapa Project in February 2013 are the same members that have reviewed the proposed Residence. Denise Woolery served as Chair when the Anacapa Project was reviewed. The size of the Anacapa Project, and the fact the proposal was 125% of the guideline FAR were primary topics of discussion during the SFDB's review. Ultimately, the SFDB approved the Anacapa Project at its first and only hearing.

Mr. Sweeney, during his comments, indicated that he supported the Anacapa Project due to: 1) its location (on an interior lot); and, 2) the fact that a large portion of the square footage was in the attached garage. He went on to state that he was *"not particularly concerned about the 125% FAR"* because the home was located adjacent to multi-family development and some larger houses. No other SFDB members had comments prior to unanimously adopting the motion to approve the Anacapa Project. Additionally, the SFDB made reference to the language of the Required Findings in its motion for approval.

The proposed Residence is also located on an interior lot, has an attached garage comprising 15% of its square footage, and is on a site that is surrounded by dense multi-family development (to the South across San Remo Drive), large SFD's (to the East along Ontare Road), and smaller SFD's to the North and West (on Adair Drive and Capri Drive). The Residence is 691 s.f. *smaller* than the approved Anacapa Project, and is located on a lot that is roughly *twice the size* of the Anacapa Project's lot. Even though both proposals are located on interior lots, there are limited public views of the Anacapa Project, whereas there will be no public views of the proposed Residence.

The SFDB's unanimous approval of the Anacapa Project confirms that a new SFD which exceeds the average size of SFD's in the surrounding neighborhood by 30% is not *"significantly larger than the immediate neighborhood"* as discussed in the Introduction to the City's adopted Design Guidelines. The sizes of the proposed Residence and the approved Anacapa Project are nearly *identical* relative to the average size of existing SFD's in the surrounding neighborhood.

The SFDB determined the Anacapa Project was compatible with its neighborhood in terms of *"size, bulk and scale."* The same SFDB members now claim that the proposed Residence is compatible with the surrounding neighborhood in terms of *"bulk and scale"* but incompatible in terms of *"size."* A review board that implements the City's Design Guidelines consistently and fairly should not reach completely

opposite conclusions regarding “Neighborhood Compatibility” based on “size” for two proposals that are the same size relative to their surrounding neighborhoods.

3.0 MR. SWEENEY’S DECISION TO PARTICIPATE IN THE REVIEW OF THE RESIDENCE IS INCONSISTENT WITH THE CODE OF CONDUCT

3.1 *Prior Relationship with Peter Edwards (Project Opponent)*

Mr. Edwards, owner of 216 Adair Drive, attended the March 24th SFDB hearing to speak in opposition to the subdivision. Upon conclusion of Mr. Edwards’ remarks, Mr. Sweeney stated “*Just so we are at full disclosure here, I’ve known you for 40 years now?*” at which point Mr. Sweeney and Mr. Edwards joked about Mr. Sweeney’s age. Mr. Sweeney proceeded “*Mr. Edwards and I go back, we are both colleagues, he is part of the heritage of the Edwards Howell & Plunkett and I’m the Howell, Arendt, Mosher & Grant piece of that.*” Mr. Edwards stated “*It’s good seeing you again*” and Mr. Sweeney replied “*It’s good to see you too Peter.*” Based on his “*full disclosure*” statement at the March 24th hearing, it appears evident, at least to Mr. Sweeney, that his relationship with Mr. Edwards is unique and different than a typical relationship between an SFDB member and a project opponent.

3.2 *Prior Relationship with Kate Svensson (Project Designer)*

Kate Svensson (hereinafter “Ms. Svensson”), the designer of the Residence, came to the United States from Sweden in October of 2005 to work for PMSM Architects (hereinafter “PMSM”). Ms. Svensson and her husband entered the United States with an H1B non-immigrant visa. This type of visa allows domestic employers to employ foreign workers in specialty occupations on a temporary basis. Additionally, if a foreign worker resigns their position, or is fired by their sponsoring employer, they must either find a new job, receive approval of another type of non-immigrant status, or leave the country.

During Ms. Svensson’s tenure at PMSM, she experienced workplace conditions that resulted in her eventual decision to consult with both an immigration attorney and an employment attorney. Ms. Svensson states that a managing Principal at PMSM (not Mr. Sweeney) regularly brought up Ms. Svensson’s H1B visa and the firm’s ability to cause that visa to be revoked. The same individual also indicated that PMSM had the purported ability to jeopardize her application for permanent resident status (i.e. a Green Card). These issues were used as “motivation” for Ms. Svensson to work extra hours without asking for overtime compensation.

Ms. Svensson states she felt threatened enough that she recorded several of the frequent informal “performance review” meetings she was required to attend. At these meetings, she was reminded that PMSM controlled both her, and her husband’s ability to remain in this country. According to Ms. Svensson, Mr. Sweeney, her direct supervisor at PMSM, attended many of these meetings although he did not to her knowledge initiate the meetings. Once Ms. Svensson informed PMSM that she had recordings of the meetings, and that she had spoken with legal counsel, the meetings stopped.

Ms. Svensson subsequently resigned her position at PMSM in September of 2007 as soon as she secured her Green Card. Although she provided the customary two weeks’ notice, she was asked to leave immediately.

3.3 *Formal Notice of Perceived Conflict Ignored*

Two separate written notices were provided to the City informing Jaime Limon, the City’s Design Review Supervisor, that Mr. Sweeney’s 40 year collegial and personal relationship with Mr. Edwards, and his

former employment of Ms. Svensson each create the appearance of a conflict of interest as set forth in the Code of Conduct. Correspondence on this matter is included in **ATTACHMENT N**.

The City's response to the initial notice, dated March 31, 2014, was that Mr. Sweeney did not have a conflict of interest because he does not have a "material financial interest" in the outcome of Appellant's proposal. "Material financial interest" is the standard identified in the State Political Reform Act. The City's response ignores the fact that its adopted Code of Conduct sets a much higher standard for avoiding potential conflicts of interest, and is intended to go well beyond the requirements of the Political Reform Act. The City's Code of Conduct specifically identifies the following as conflicts that are not regulated by the Political Reform Act, but that are covered by the Code of Conduct:

**A "personal relationship"; and,
A "prior business relationship."**

The Code of Conduct states that either relationship above *"can be perceived as the appearance of an improper conflict of interest or as a potential for the public official to be biased (i.e. either for or against) a particular applicant."*

Mr. Sweeney, who refers to himself as being a "colleague" of Mr. Edwards for 40 years, and announced this to achieve "full disclosure" during a hearing, clearly has an established long-term relationship with Mr. Edwards. Their interaction at the March 24, 2014 SFDB hearing, and subsequent hearings indicates that they think of each other as friends, and that Mr. Sweeney has a great deal of respect for Mr. Edwards. Mr. Edwards, whose home is adjacent to Appellant's property, has opposed Appellant's proposals at almost every public hearing associated with the San Remo subdivision and the Residence. The fact that Mr. Sweeney has a decades-long relationship with Mr. Edwards creates the appearance of a conflict that could bias Mr. Sweeney against Appellant's proposal.

Mr. Sweeney's firm, PMSM, is the former employer of Ms. Svensson: a "prior business relationship." He was also Ms. Svensson's direct supervisor at PMSM. It is reasonable to say that Ms. Svensson's employment with PMSM ended on bad terms. It is also reasonable to assume that this could potentially cause Mr. Sweeney to be biased against the Appellant's proposal, which was primarily designed by Ms. Svensson.

The Code of Conduct sets forth the City's goal with respect to potential conflicts of interest as follows:

"The City believes that it is a good ethical practice to avoid even the appearance of a conflict or impropriety in these situations...by stepping down and abstaining..." (emphasis added)

City staff claims that they discussed the Code of Conduct and the apparent conflicts above with Mr. Sweeney. However, Mr. Sweeney refused to step down from consideration of the Appellant's proposal.

4.0 CONCLUSION AND REQUEST

As set forth above, Appellant's proposed Residence did not receive an objective review by the SFDB. The SFDB applied different standards to the Residence than it applied to another recent project with nearly identical characteristics.

Evidence in the administrative record indicates the SFDB's demands for Appellant to make blanket reductions to the square footage of the Residence are completely arbitrary. These demands are unrelated to the City's ordinances, adopted Design Guidelines, or any physical aspect of the proposed Residence that could affect its compatibility with the surrounding neighborhood.

The SFDB is tasked with ensuring that the “*size, bulk and scale*” of new residential structures is compatible with the surrounding neighborhood. During its review of the Residence, and in direct contrast to its review of the similar Anacapa Project, the SFDB ignored large two-story multi-family developments that are major visual features of the neighborhood that surrounds Appellant’s property in its assessment of neighborhood compatibility. The Board has also consistently dismissed the fact that the proposed Residence will not be visible from any location outside Appellant’s property.

Section 2.3 above discusses how square footage, in isolation, cannot be perceived by a person viewing the exterior of a given structure. “*Size,*” in terms of square footage, can only be perceived based on how it contributes to the “*bulk and scale*” of a structure. The SFDB did not make any findings to support its decision to deny the Residence on September 22nd, and did not attempt to explain how the board could determine that the “*bulk and scale*” of the proposed Residence is compatible with the neighborhood, but the “*size*” is not compatible. SFDB members discussed the fact that modern homes are frequently larger than homes built decades ago, and that new residential projects are no longer going to be the same as the old neighborhoods within which they are located. The SFDB’s action to approve the Anacapa Project, discussed in Section 2.4, confirms that a new home 30% larger than the average size of homes in the existing neighborhood remains compatible with the neighborhood and is fully consistent with the City’s adopted Design Guidelines. Appellant agrees with Mr. Sweeney’s statement on September 22nd that “*...if you deny the project, you need to explain the reason for your denial.*” Appellant asserts that this is even more critical when the SFDB’s singular purported basis for denial is an imperceptible square footage statistic for a structure that cannot be seen from any adjacent street.

The only explanation provided by the SFDB for its decision to deny the Residence is the Appellant’s unwillingness to comply with the board’s arbitrary requests to “*reduce square footage.*” Appellant initially reduced the size of the structure, but subsequently determined that further reductions are unwarranted. The Residence is well within the limitations of all applicable City development standards, and consistent with the Design Guidelines.

Continued arbitrary size reductions have no potential to affect neighborhood compatibility in this case. However, such reductions have a very real potential to render Appellant’s project infeasible from an economic standpoint. Appellant has reason to believe, based on first-hand interaction with an opponent of Appellant’s development, that this is the specific strategy being pursued by adjacent neighbors who would prefer Appellant’s property to remain as private open space for their continued enjoyment. Mr. Sweeney, who has “led the charge” regarding arbitrary size reduction, has a prior business and personal relationship with one of these opponents.

Appellant asserts there is an obvious appearance of a conflict due to Mr. Sweeney’s previous relationships with both Mr. Edwards, an opponent, and Ms. Svensson, the primary designer of the Residence. The City’s adopted Code of Conduct is very clear on such matters, and states that it is “*good ethical practice to avoid even the appearance of a conflict or impropriety in these situations...*” Appellant did not perceive or assert *any* potential conflict of interest with respect to five of the seven current SFDB members. These five SFDB members are all qualified to evaluate the Residence, and could have done so without generating any potential for or appearance of a conflict of interest.

We respectfully request that the City Council uphold the Appeal, and approve the Residence based on evidence in the administrative record and the ability to make the Required Findings.

October 2, 2014

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If you have any questions regarding this Appeal, you can reach me via E-mail at jarrett.gorin@vanguardplanning.com or via phone at (805) 966-3966. Thank you for taking the time to review this.

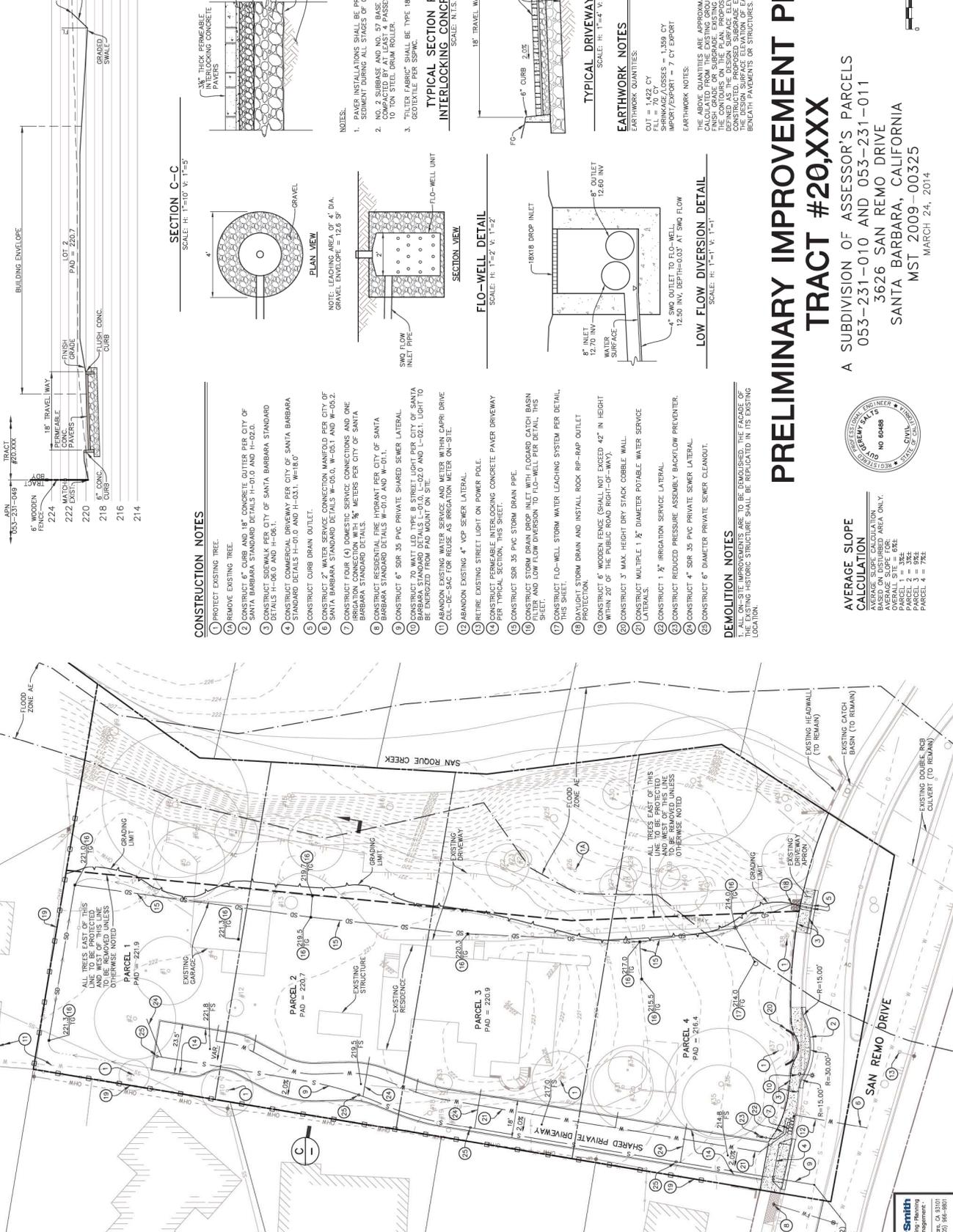
Sincerely,

VANGUARD PLANNING LLC

Jarrett Gorin, AICP
Principal

ATTACHMENTS

- A. Neighborhood Preservation Findings
- B. Code of Conduct section of the City's adopted Guidelines for the City of Santa Barbara Advisory Groups
- C. Photographs of Site (Aerial) and Adjacent Structures
- D. Floor to Area Ratio Calculation for Proposed Residence
- E. Excerpts from Single Family Residential Design Guidelines
- F. Single Family Residence Design Guidelines Worksheet
- G. E-3 Zone District
- H. Single Family Design Board Minutes for Residence
- I. FAR Calculations for Previous Version of Residence
- J. Visual Aid Requirements for Development Applications
- K. Photographs of Story Poles for Residence
- L. 20-Closest Homes Analysis for Anacapa Project and Proposed Residence
- M. February 25, 2013 SFDB Minutes (Anacapa Project approval)
- N. Correspondence Regarding Conflict of Interest



TRACT #20,XXX
 853-231-048
 6" WOODEN FENCE
 224
 222
 220
 218
 216
 214

18" TRAVEL WAY
 CONC. PAVERS
 MATCH EXIST.
 GRADUATED SWALE
 EXISTING GROUND

SECTION C-C
 SCALE: H: 1"=10' V: 1"=3'

PLAN VIEW
 NOTE: LEACHING AREA OF 4" DIA. GRAVEL ENVELOPE = 12.6 SF

SECTION VIEW
 SCALE: H: 1"=2' V: 1"=2'

FLO-WELL DETAIL
 SCALE: H: 1"=2' V: 1"=2'

LOW FLOW DIVERSION DETAIL
 SCALE: H: 1"=1' V: 1"=1'

TYPICAL DRIVEWAY SECTION
 SCALE: H: 1"=4' V: 1"=2'

EARTHWORK NOTES
 EARTHWORK QUANTITIES:
 CUT = 1,422 CY
 FILL = 70 CY
 IMPORT/EXPORT = 1,350 CY
 IMPORT/EXPORT = 7 CY EXPORT

EARTHWORK NOTES
 THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISH GRADE OR SUBGRADE. EXISTING GROUND IS DEFINED BY THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED. THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED BENEATH PAVEMENTS OR STRUCTURES.

CONSTRUCTION NOTES
 1. PROTECT EXISTING TREE.
 2. REMOVE EXISTING TREE.
 3. CONSTRUCT 6" CURB AND 18" CONCRETE OUTLET PER CITY OF SANTA BARBARA STANDARD DETAILS H-01.0 AND H-02.0.
 4. CONSTRUCT SIDEWALK PER CITY OF SANTA BARBARA STANDARD DETAILS H-06.0 AND H-06.1.
 5. CONSTRUCT COMMERCIAL DRIVEWAY PER CITY OF SANTA BARBARA STANDARD DETAILS H-01.0 AND H-03.1. W=18.0'.
 6. CONSTRUCT CURB DRAIN OUTLET.
 7. CONSTRUCT 2" WATER SERVICE CONNECTION MANHOLE PER CITY OF SANTA BARBARA STANDARD DETAILS W-05.0, W-05.1 AND W-05.2.
 8. CONSTRUCT FOUR (4) DOMESTIC SERVICE CONNECTIONS AND ONE IRRIGATION CONNECTION WITH 3/4" METERS PER CITY OF SANTA BARBARA STANDARD DETAILS.
 9. CONSTRUCT RESIDENTIAL FIRE HYDRANT PER CITY OF SANTA BARBARA STANDARD DETAILS W-01.0 AND W-01.1.
 10. CONSTRUCT 6" SDR 35 PVC PRIVATE SHARED SEWER LATERAL.
 11. CONSTRUCT 70 WATT LED TYPE B STREET LIGHT PER CITY OF SANTA BARBARA STANDARD DETAILS L-02.0 AND L-02.1. LIGHT TO BE ENERGIZED FROM PAD MOUNT ON SITE.
 12. ABANDON EXISTING WATER SERVICE AND METER WITH CURB DRIVE CUL-DE-SAC FOR REUSE AS IRRIGATION METER ON-SITE.
 13. ABANDON EXISTING 4" VOP SEWER LATERAL.
 14. REPAIR EXISTING STREET LIGHT ON POWER POLE.
 15. CONSTRUCT PERMEABLE INTERLOCKING CONCRETE PAVEMENT DRIVEWAY PER TYPICAL SECTION, THIS SHEET.
 16. CONSTRUCT SDR 35 PVC STORM DRAIN PIPE.
 17. CONSTRUCT STORM DRAIN DROP INLET WITH FLAGGARD CATCH BASIN AND LOW FLOW DIVERSION TO FLO-WELL PER DETAIL, THIS SHEET.
 18. CONSTRUCT FLO-WELL, STORM WATER LEACHING SYSTEM PER DETAIL, THIS SHEET.
 19. DAYLIGHT STORM DRAIN AND INSTALL ROCK RIP-RAP OUTLET PROTECTION.
 20. CONSTRUCT 6" WOODEN FENCE SHALL NOT EXCEED 42" IN HEIGHT WITHIN 20' OF THE PUBLIC ROAD RIGHT-OF-WAY.
 21. CONSTRUCT 3" MAX. HEIGHT DRY STACK CORBEL WALL.
 22. CONSTRUCT MULTIPLE 1 1/2" DIAMETER POTABLE WATER SERVICE LATERALS.
 23. CONSTRUCT 1 1/2" IRRIGATION SERVICE LATERAL.
 24. CONSTRUCT REDUCED PRESSURE ASSEMBLY BACKFLOW PREVENTER.
 25. CONSTRUCT 4" SDR 35 PVC PRIVATE SEWER LATERAL.
 26. CONSTRUCT 6" DIAMETER PRIVATE SEWER GLENDOUT.

DEMOLITION NOTES
 1. ALL ON-SITE IMPROVEMENTS ARE TO BE DEMOLISHED. THE FACADE OF EXISTING HISTORIC STRUCTURE SHALL BE REPLICATED IN ITS EXISTING LOCATION.

AVERAGE SLOPE CALCULATION
 AVERAGE SLOPE CALCULATION BASED ON DISTURBED AREA ONLY.
 OVERALL SITE = 0.8%
 PARCEL 1 = 1.3%
 PARCEL 2 = 0.9%
 PARCEL 3 = 0.8%
 PARCEL 4 = 7.8%

San Roque Creek
 San Remo Drive
 Shared Private Driveway
 Existing Residence
 Existing Structure
 Existing Garages
 Flood Zone AE
 Flood Zone A
 Flood Zone X
 Flood Zone V
 Flood Zone VE
 Flood Zone VE-1
 Flood Zone VE-2
 Flood Zone VE-3
 Flood Zone VE-4
 Flood Zone VE-5
 Flood Zone VE-6
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 Flood Zone VE-96
 Flood Zone VE-97
 Flood Zone VE-98
 Flood Zone VE-99
 Flood Zone VE-100

PRELIMINARY IMPROVEMENT PLAN

TRACT #20,XXX

A SUBDIVISION OF ASSESSOR'S PARCELS
 053-231-010 AND 053-231-011
 3626 SAN REMO DRIVE
 SANTA BARBARA, CALIFORNIA
 MST 2009-00325
 MARCH 24, 2014



Paulfield & Smith
 Engineering, Surveying, Planning
 Construction Management
 111 Carl Nelson Street, Santa Barbara, CA 93101
 Phone: (805) 964-9023 Fax: (805) 964-9661



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 Santa Barbara, California 93109
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 Santa Barbara, California 93101
 PHONE MAIN 805.892.2096

SAN REMO SUBDIVISION

3626 SAN REMO DRIVE SANTA BARBARA CALIFORNIA

| No. | Date | Description |
|-----|------------|---------------------------------|
| 1 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 2 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 3 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 4 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 5 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
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| 7 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 8 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 9 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 10 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
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| 16 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 17 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 18 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 19 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |
| 20 | 11/03/2013 | ISSUE FOR PERMITS AND APPROVALS |

It is the responsibility of the user to verify the accuracy of the information provided in this drawing. The user shall be responsible for any errors or omissions. The user shall be responsible for any errors or omissions. The user shall be responsible for any errors or omissions.

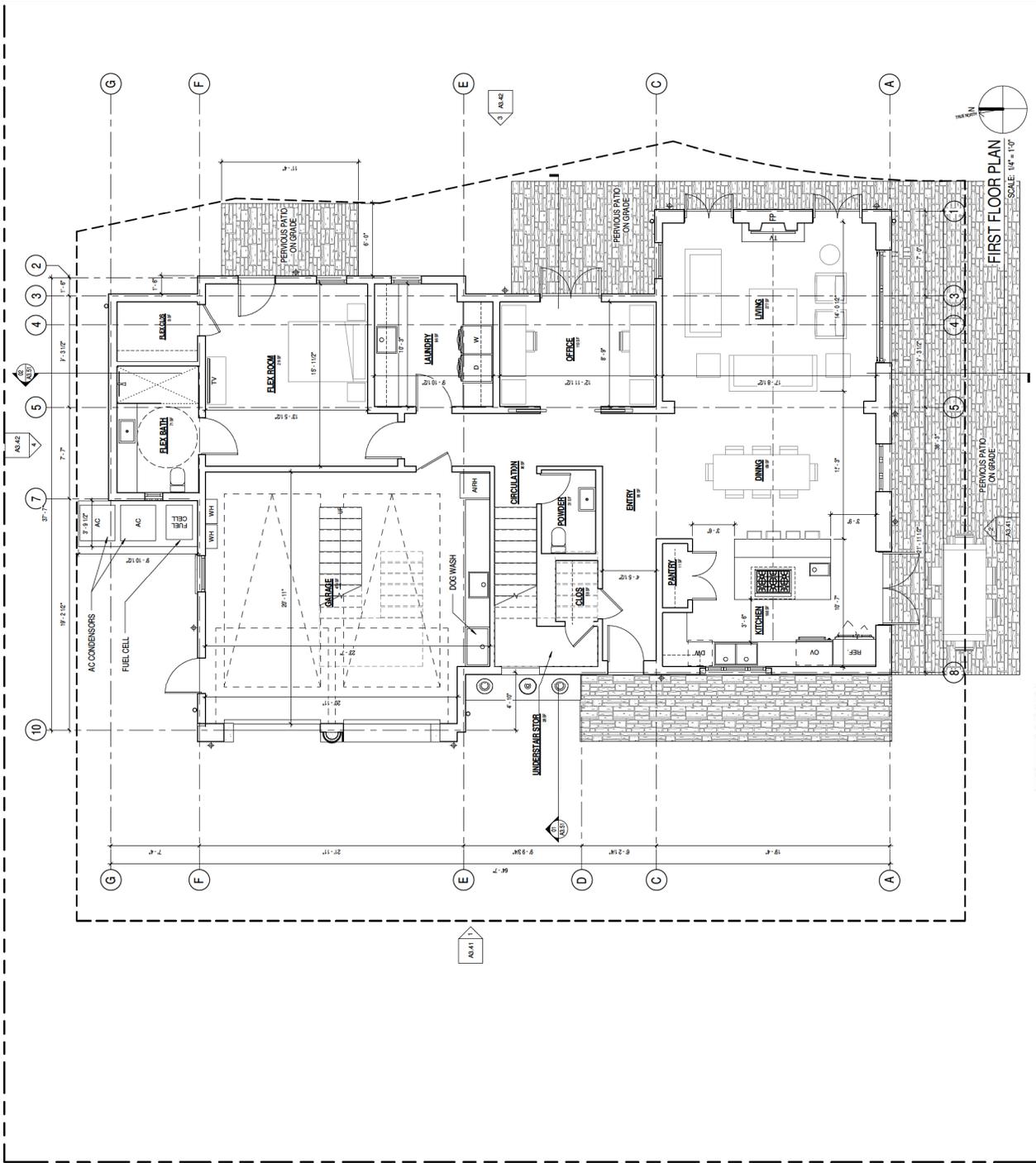
NOT FOR CONSTRUCTION

LOT 2

FIRST FLOOR PLAN

A3.1

FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



GENERAL NOTES - FLOOR PLAN

1. PROVIDE SMOKE DETECTORS IN BATHS. BACKUP ARE REQUIRED IN ALL BEDROOMS & IN BATHS LEADING TO BEDROOMS IN ALL TOP OF STAIRS.
2. ALL BEDROOMS REQUIRE AT LEAST ONE EGRESS WINDOW PER CODE SECTION 101.
3. GLAZING MUST CONFORM TO DISCRETE RUM WHERE APPLICABLE.
4. FURNITURE NOT IN CONTRACT.

| PROPOSED TOTAL NET FLOOR AREA | |
|-------------------------------|----------|
| FLOOR | AREA |
| FIRST FLOOR AREA (NET) | 1,548 SF |
| GARAGE (NET) | 479 SF |
| SECOND FLOOR AREA (NET) | 1,108 SF |

LEGEND - WALL TYPES

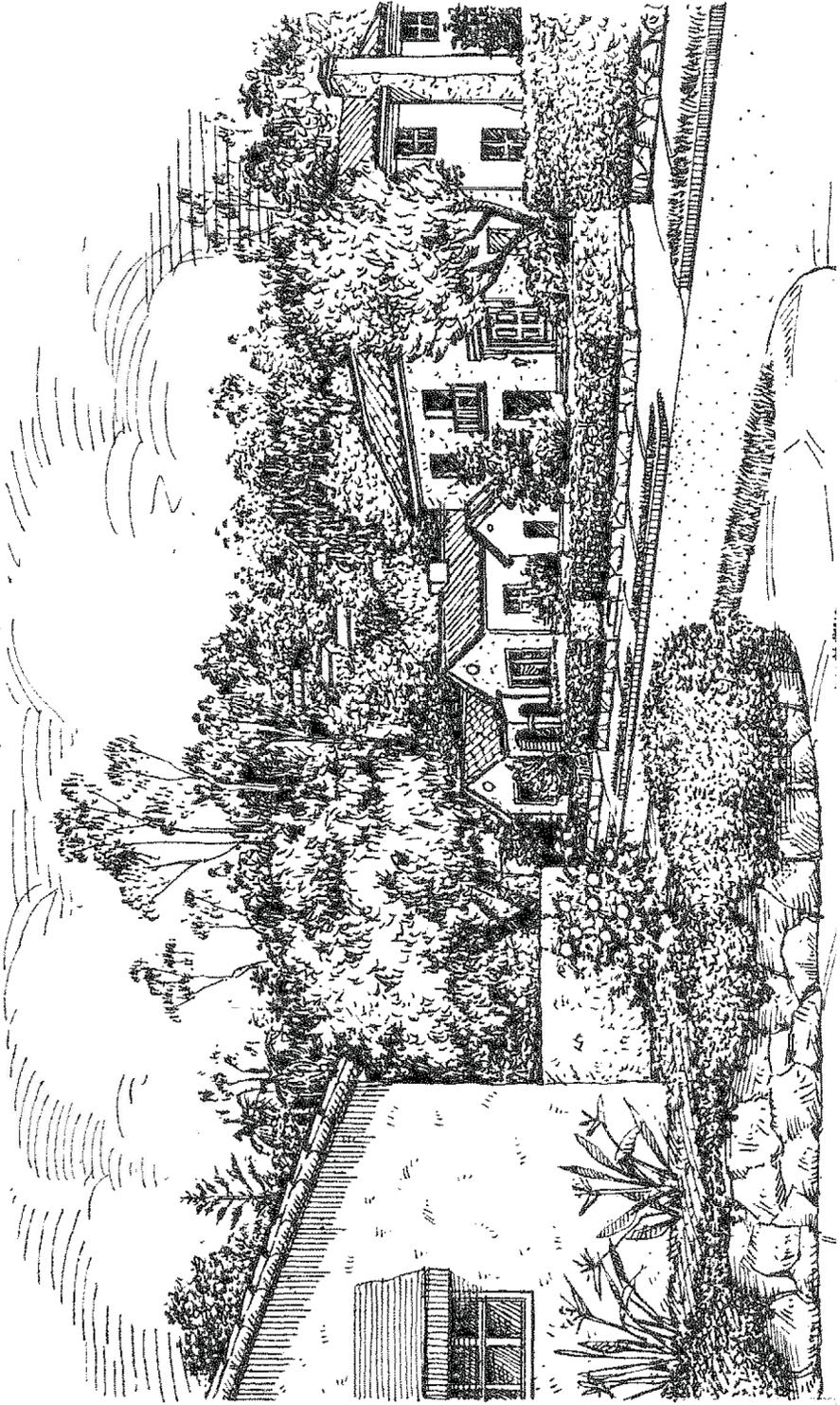
| SYMBOL | TAG | DESCRIPTION |
|--------|-----|------------------|
| X | | INSERT TEXT HERE |

KEYNOTES

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| [Symbol] | KEYNOTES/LEGENDATION |
|----------|----------------------|

Updated Single Family Residence Design Guidelines City of Santa Barbara

Revised June 17, 2011



INTRODUCTION

INTRODUCTION

According to the City of Santa Barbara General Plan, “Santa Barbara has, as its primary... [goal], the provision of a particularly desirable living environment.” Single family homes have long contributed to the character of many neighborhoods in the City. Home designs which achieve the following contribute to a desirable living environment:

- compatible with the surrounding neighborhood
- preserve the City’s visual resources
- promote long-term sustainability

NEIGHBORHOOD COMPATIBILITY

In recent decades, changes in the various neighborhoods throughout the City have raised quality-of-life concerns. Homes are built or remodeled in order to suit the changing needs and lifestyles of new and existing residents. As a result, neighborhood character gradually changes over time. When a change is made in an established neighborhood, it is essential to properly balance that change with a respect for the design features and characteristics of surrounding properties. Homes are more likely to be compatible when their volume and bulk are at an appropriate scale with their neighbors. This is the concept of neighborhood compatibility. New and remodeled houses can maintain a desirable living environment when they:

- have an appropriate volume, bulk, massing and scale

- have a size that is not significantly larger than the immediate neighborhood
- use materials and designs that are compatible with their surroundings
- are sited such that they do not block light and views for other existing homes
- minimize privacy impacts to surrounding properties

HILLSIDE NEIGHBORHOODS

The City’s hillsides are a unique resource and pose additional design considerations. The General Plan Conservation Element states:

“Hillside developments provide vistas for residents who inhabit those structures. Yet, residential developments render hillsides less natural as topography and vegetation are modified.”

Appropriately designed residential development in hillside areas can avoid threats to visual resources recognized by the Conservation Element, including:

- excessive grading
- views blocked by new structures or overly tall planted trees and hedges
- ridgeline development
- the loss of important trees

Applicants for hillside development projects need to follow the Compatibility, Two-Story Design Guidelines (if applicable) and Good Neighbor Guidelines, as well as the Hillside Design Guidelines.



SUSTAINABILITY

Good design can help ensure that meeting the needs of the current generation does not compromise the ability of future generations to meet their needs. This is the “sustainability” concept. It is important that neighborhoods change in a way that promotes the long-term economic, environmental and social sustainability of the City. Homes help contribute to sustainability when they are at a size that is compatible with the surrounding neighborhood. Smaller, well-designed homes are often more sustainable because they tend to:

- require fewer natural resources in construction
- consume less electricity and natural gas
- require less grading
- provide more affordable housing opportunities

For more information, see the City’s Sustainable Santa Barbara Builder’s Packet, available at 630 Garden Street.

DESIGN REVIEW

The City Charter gives direction to consider “...the preservation and protection as nearly as practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past.” The Single Family Design Board (SFDB) Guidelines ensure high design standards are maintained in development and construction.

Within the landmark districts, design review is handled primarily by the Historic Landmarks Commission (HLC),

which reviews designs for consistency with the architectural styles allowed within the districts. See the Lower Riviera Special Design District or El Pueblo Viejo District Design Guidelines for more information.

City Staff reviews designs for adherence to the City’s Municipal Code and relevant guidelines. Staff forwards designs to the SFDB or HLC for further review if required by the Municipal Code.

PURPOSE

The Guidelines are primarily a guide for the homeowner, architect, designer, developer and builder who are designing new single family homes or changing existing houses. These Guidelines are intended to help design homes that are compatible with the surrounding neighborhood, preserve visual resources and promote sustainability. The Guidelines help homeowners design projects that are compatible in both size and design. While Floor to Lot Area Ratio (FAR) regulations inform homeowners of the maximum allowed home size, homes designed smaller than the maximum FAR can still be incompatible, depending on design. Therefore, design is just as important as size.

These Guidelines also provide a framework for the design review process and a foundation for public, City staff, SFDB, HLC, Planning Commission and City Council project evaluation. Whenever SFDB is referenced, the information generally applies to other hearing body reviews. These Guidelines are not meant to discourage unique and inventive design solutions. Rather, these guidelines serve as a tool to help decision makers determine if appropriate findings and approvals can be made for projects.



ADDITIONAL SUBMITTAL REQUIREMENTS

Projects 85% or Less Than Maximum Square Footage

These projects are subject to standard application and processing requirements. Applicants are encouraged to design homes under 85% of the maximum square footage for their lot size whenever possible to help ensure neighborhood compatibility. (See pages 21-C - 25-C for more information).

Projects Over 85% of a Maximum Square Footage

These projects are more likely to pose neighborhood compatibility issues and are generally discouraged. However, careful design and review can sometimes produce projects that are still compatible with the surrounding neighborhood. Due to the special nature of these larger, potentially incompatible projects, special additional processing requirements apply for lots under 15,000 square feet.*

- 20 closest homes County Assessor's report copy
- Panoramic streetscape photo presentation
- Story poles likely to be required
- Street elevation showing building outline silhouettes
- Landscape plans
- Perspective drawing or model

Applications for projects over 85% of a maximum square footage on lots under 15,000 square feet require a Planning Commission modification request if any of the following apply:

* *The SFDB may require some project proposals on properties over 15,000 sq. ft. to include this information if needed.*

- Average property or building site slope is greater than 30%; or
- Height is greater than 25'; or
- In the Hillside Design District & site grading outside the main building footprint is greater than 500 cubic yards.

Projects Over a Maximum Square Footage

Projects proposing square footage over the maximum specified for a property are strongly discouraged in most cases. However, there may be some project sites with special physical features, which when combined with exceptional design, can accommodate an over maximum home compatible with the neighborhood. A Planning Commission modification is required for over maximum square footage proposals. Also, a super majority (five out of seven) of the SFDB members must vote in support of the project approval. The following "findings" must be made for approval of projects proposing to exceed a maximum required square footage.

- The subject lot exhibits a physical condition (such as the location, surroundings, topography, or the size of the lot relative to the other lots in the neighborhood) that does not generally exist on the other lots in the neighborhood
- The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard

Projects proposing over 100% of a required maximum square footage must submit the following items in addition to normal submittal requirements:

- 20 closest homes analysis of current available data

SUBMITTAL REQUIREMENTS CONT.

- Panoramic streetscape photo presentation which includes a simulation of the proposed project superimposed on the streetscape panoramic photographs
- Full level of story poles
- Street elevation showing building outline silhouettes, including window and door details
- Landscape plans
- Model or three-dimensional computer graphic
- A neighbor workshop is required prior to the first SFDB hearing

See page 21-C for information regarding legal non-conforming as to maximum floor area properties with a project proposal of up to 100 additional square feet.

NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS

All Neighborhood Preservation Ordinance (NPO) single family projects subject to review and approval by the Single Family Design Board or Historic Landmarks Commission must be consistent with the following set of findings.

GENERAL REQUIRED FINDINGS

(Apply to all NPO projects subject to Design Review.)

1. **Consistency & Appearance:** The proposed development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.
2. **Compatibility:** The proposed development will be compatible with the neighborhood, and its

size, bulk and scale will be appropriate to the site and neighborhood.

3. **Quality Architecture & Materials:** The development, including proposed structures and grading, is designed with quality architectural details and quality materials. Proposed materials and colors will maintain the natural appearance of the ridgeline or hillside.
4. **Trees:** The proposed project will not remove or significantly impact any designated Specimen, Historic and Landmark trees. Also, the proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive mature trees with a minimum trunk diameter of four inches (4”) measured four feet (4’) above natural grade. The project includes a plan to mitigate the impact of the removal of any healthy, non-invasive mature tree with a diameter of four inches (4”) or more at four feet (4’) above natural grade in compliance with applicable tree replacement ratios.
5. **Health, Safety and Welfare:** The public health, safety and welfare will be protected.
6. **Good Neighbor Guidelines:** The project generally complies with applicable privacy, landscaping, noise, and lighting Good Neighbor Guidelines.
7. **Public Views:** The development, including proposed structures and grading, will preserve any existing significant public scenic views of and from the hillside.

HILLSIDE FINDINGS

(Apply to all NPO projects in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.)

1. **Appropriate Grading & Natural Topography Protection:** The development, including proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.
2. **Appropriate Development Scale:** The development, including proposed structures and grading, will maintain a scale and form that blends with the hillside area by minimizing the visual appearance of structure(s) and the overall height of structure(s).

SPECIAL DESIGN DISTRICT GRADING AND VEGETATION REMOVAL PROJECTS REQUIRED FINDINGS

(Apply to all NPO projects in a Special Design District requiring a grading or vegetation removal permit.)

1. The proposed vegetation removal will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and

2. The proposed vegetation removal will not cause a substantial loss of southern oak woodland habitat; and
3. The proposed vegetation removal is in compliance with all applicable provisions of Chapter 22.10, Vegetation Removal, of the City Municipal Code.

PROJECTS PROPOSING SQUARE FOOTAGE EXCEEDING A REQUIRED MAXIMUM FAR

(Apply only where lot size is under 15,000 square feet in single family zones and either taller than 17' in height or two or more stories.)

1. Not less than five (5) members of the Single Family Design Board or six (6) members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 22.69.030) have voted in support of the modification following a concept review of the project; and
2. The subject lot has a physical condition (such as the location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and
3. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

COMPATIBILITY GUIDELINES SUMMARY

6. NEIGHBORHOOD

Design a project to be compatible with the immediate neighborhood, and carefully consider the neighborhood study area for a project. p. 15-C

7. VOLUME, BULK, MASSING, AND SCALE

Design structures to be compatible with neighboring houses in terms of volume, bulk, massing, and scale. p. 17-C

8. FLOOR TO LOT AREA RATIO (FAR)

Strive for a project which falls in the “less than 85% of maximum FAR” range for the project lot size. p. 21C

9. HEIGHT

Design building heights to be compatible with the neighborhood. p. 26-C

10. FAÇADE ARTICULATION

Use façade articulation to create appropriate scale and add visual interest. p. 27-C

11. ARCHITECTURAL STYLE

Choose a style compatible with the surrounding neighborhood and use architectural features to create a consistent architectural style. p. 28-C

12. OPENINGS

Use openings such as doors and windows in a manner compatible with the neighborhood. p. 30-C

13. ENTRIES

Main entries should be visible from the street and contribute towards a friendly neighborhood experience. p. 31-C

14. ROOF DESIGN

Carefully plan roof forms on a home for a well-designed structure compatible with the neighborhood. p. 32-C

15. ROOF MATERIALS

Roofing material and color should be consistent with the building architectural style. Eave closures, a.k.a. bird stops, if any are proposed, shall be mortared with natural cement. p. 34-C

16. EXTERIOR MATERIALS AND COLORS

Exterior materials and colors should complement the style of the house and neighborhood, as well as blend with surrounding natural features when viewed from a distance. p. 35-C

17. FENCES, WALLS, AND HEDGES

Integrate fences, walls and hedges with structures and setting. p. 36-C

18. PARTIAL BASEMENT DESIGN

Carefully design partial basements to not create a bulky appearance, or contribute to inappropriate apparent height. p. 37-C

COMPATIBILITY GUIDELINES

6. NEIGHBORHOOD

Design a project to be compatible with the immediate neighborhood, and carefully consider the neighborhood study area for a project.

People think of their “neighborhood” in different ways. There are large areas of the City sometimes referred to as neighborhoods. There are also smaller, immediate neighborhoods. The Neighborhood Preservation Ordinance requires homes to be “compatible with their neighborhood.” To help determine project compatibility with a neighborhood, the Single Family Design Board (SFDB) will generally refer to a “Neighborhood Study Area” defined below. A Neighborhood Study Area allows the SFDB to efficiently review homes for compatibility. Following are three levels of “neighborhood” recognized by the SFDB.

General Plan Neighborhood: Neighborhoods as delineated in the Land Use Element of the City’s General Plan (see next page).

Immediate Neighborhood: Generally, an area smaller than a General Plan neighborhood that has a combination of the following characteristics in common:

- Similar zoning
- Properties built as part of the same original subdivision
- Common access routes

- Walkable radius (15 minutes; usually quarter mile radius)
- Similar architectural styles
- Similar tree and landscaping patterns
- Main streets, bridges, or railroad corridors as a boundary

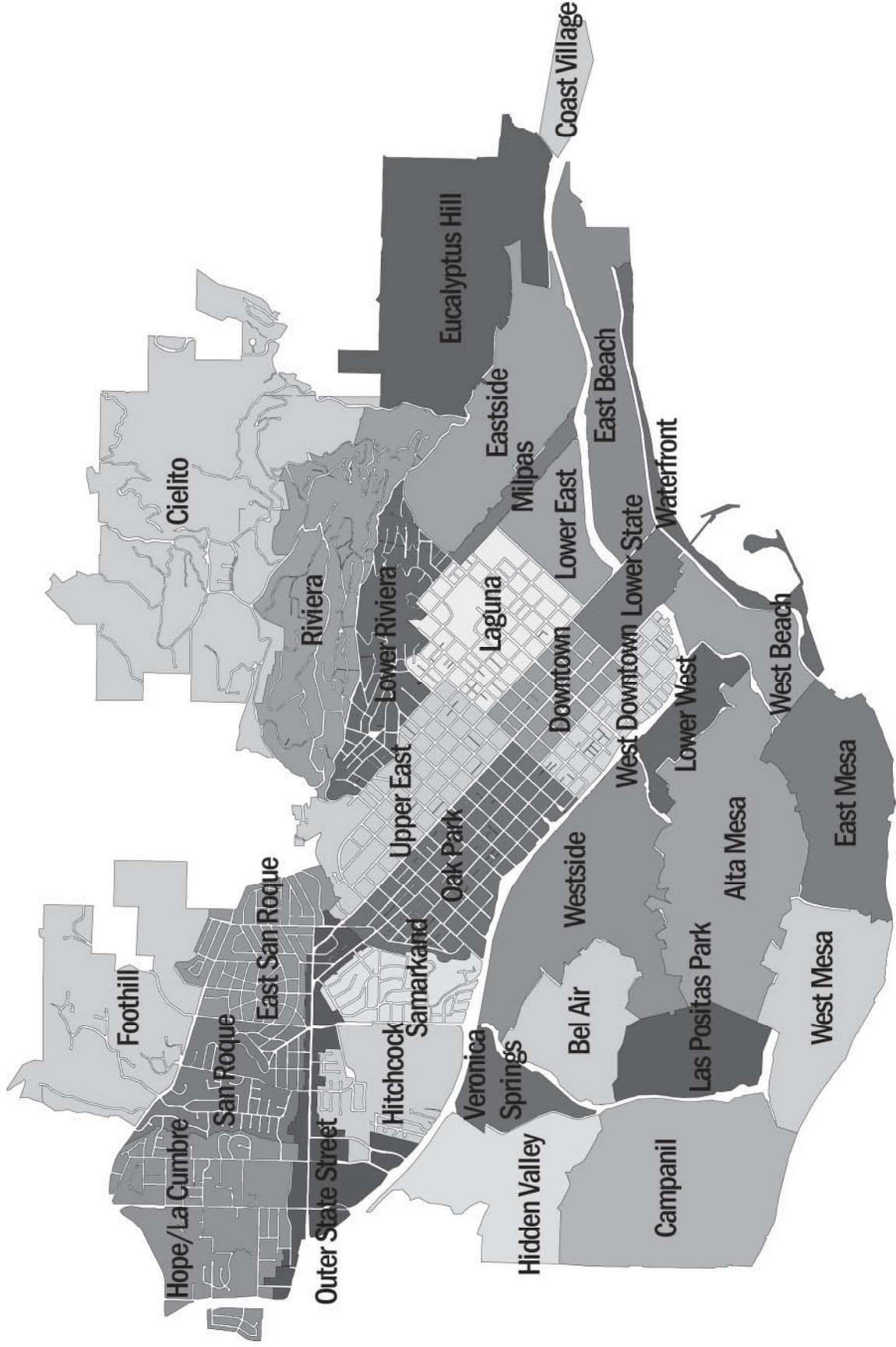
Also, it should be noted that highly visible properties, such as those in hillside areas, can have an impact beyond their immediate neighborhood.

Neighborhood Study Area: The twenty (20) closest lots to a proposed project (see example below). Additional lots may be considered to make a compatibility determination depending on the predominant streetscape, patterns of development, or parcel sizes.



Neighborhood Study Area: 20 Closest Homes Example

GENERAL PLAN NEIGHBORHOODS



7. VOLUME, BULK, MASSING AND SCALE

Design structures to be compatible with neighboring houses in terms of volume, size, massing, scale and bulk.

QUANTITATIVE DEFINITIONS

Volume: The quantitative three-dimensional measurement of a structure's height, width and depth combined.

Size: The quantitative two-dimensional measurement of a structure's length and width combined (i.e. "square feet").

QUALITATIVE DEFINITIONS

Massing: The qualitative arrangement of a structure's bulk, including relative openness and solidity.

Proportion: The quantitative relative sizes and dimensions of architectural elements and details, as they relate to each other and to the entire structure.

Scale: The qualitative proportional relationship of a structure and its architectural elements and details to human beings. [Note: To compare scale to other structures, use the words "compatibility" and "neighborhood".]

Bulk: The qualitative visual perception of the composition and shape of a structure's massing. Bulk is affected by variations in height, setbacks and setbacks of upper stories.

VOLUME VS. BULK

Volume is a structure's quantitative height, width and depth measurement. Bulk, on the other hand, is the qualitative perception of a structure's volumes. These measurements, when compared to a measurement of a lot and measurements in its neighborhood, can provide a guide to a structure's appropriate size. Bulk, on the other

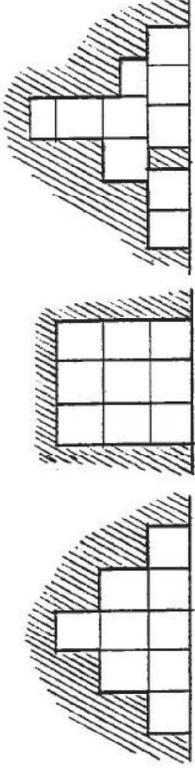


Fig. A

Fig. B

Fig. C

hand, is the qualitative, readily visible composition and perceived shape of the structure's volume, i.e. the design of its architectural composition, shape and scale, including setbacks and setbacks. For example, imagine the nine squares in Figures A through C are actually three-dimensional cubes. The nine squares in Figure B appear bulkier than Figure A even though Figure A is wider. Figure B also appears bulkier than Figure C, even though Figure C is both higher and wider than Figure B. (*See page 19-C for addtl. illustrations.*)

SCALE VS. PROPORTION

Proportion describes how building parts relate to each other and to a whole structure, as measured by size and dimensions. Scale, on the other hand, is the relationship of a structure or its parts to a definite unit of measure. For most Santa Barbara Infill neighborhoods, the definite unit of measure is a human being's height, i.e. "human scale." A common problem with larger homes is that the architectural elements of a structure should be in proportion to the overall structure size. As a structure gets bigger, its elements such as doors, windows, archways, and towers may need to get bigger as well. As a result, human scale can be lost, leading to neighborhood incompatibility. Another point is that a human scale structure may still lack proportion between its elements. For example, even a small home may have windows or doors so different in size or shape relative to each other or to the home that they detract from the home's appearance.

(Continued on page 19-C)

VOLUME: A QUANTITATIVE MEASUREMENT



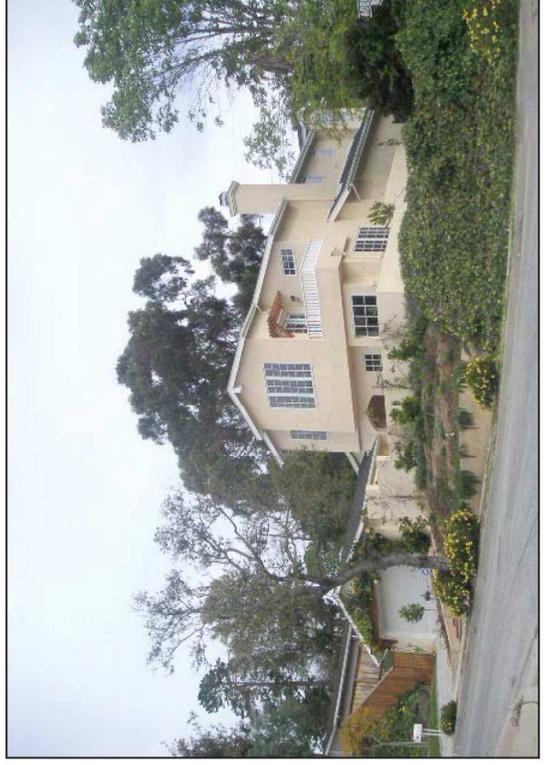
The home above has significantly less measured volume than the home below.



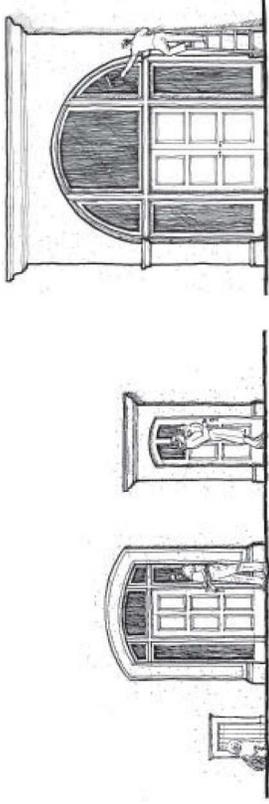
BULK: A QUALITATIVE VISUAL COMPONENT



Although these homes have very similar square footages, the picture below may appear "bulkier," in part because of the volume's massing.



7. VOLUME, BULK, MASSING AND SCALE CONTINUED.



Door openings (areas containing the door, frame, side lights, fan windows, transom, and any recessed or significant feature associated with the door) designed for a human scale should not exceed a width of 8' or a height of 12'.

Visible front door entries, traditional porch features, decorative pedestrian gates, small and medium-sized windows, short fences, minimization of large “blank” architectural features (such as through the use of small garage doors or decorative garage doors) can help provide a sense of “human scale.”

Example Architectural Elements that Can Affect a Home’s “Scale”:

- Windows:** size, proportion, number, placement
- Doors:** single or double, height
- Entrances:** monumental height over 10’ or human scale
- Garages:** number of bays, type of door
- Roof Slopes:** towers, windows, dormers
- Roof Styles:** hip, gable, mansard, gambrel, flat
- Roof Pitches:** slope rise to run, e.g. 4:12
- Columns:** 1 story, 2 story, appropriate to style
- Stairs:** exterior stair quantity and widths
- Pedestal Treatment:** raised house or entrance
- Blank Walls:** major or minor part of structure faces

SCALE



This home relates well to human scale in part because of the appropriately sized and proportioned garage door, chimney and windows, in addition to elements such as the trellis on the upper story deck and modest front porch.



A home illustrating a “monumental scale,” usually inappropriate on small lots. In particular, the size and proportions of the entry stairs, columns, front door, porch, and the significant pedestal (raised house) reflect a monumental scale.

VOLUME, BULK, MASSING AND SCALE ISSUES

Issues that the SFDB considers related to volume, mass, bulk, size and scale include the following:

- **Compatibility:** How compatible is the structure's **volume, bulk, and scale** with the **volume, bulk, and scale** of the existing neighborhood homes and structures?
- **Floor to Lot Area Ratios:** Is a structure's **size** appropriate for its lot size?
- **Second Story Decks:** Do wall elements, guardrails, furniture, or outdoor fireplaces contribute to the bulk or scale of the project?
- **Covered Porches, Loggias, and Covered Decks:** Do the covered porches, loggias, and/or covered decks enhance the building's design, appearance, and function? Do they contribute to excessive mass, scale and bulk? Careful consideration should be given to projects that propose greater than 250 square feet of these areas, or when they are greater than 10% of the total net square footage of the structure. Because they include roof structures these areas might easily be enclosed in the future, possibly without design review. Future enclosure of existing covered areas may contribute to unacceptable size, bulk, and scale, eliminate a desirable architectural feature, or exceed FAR limits.
- **Garage Door Design and Placement:** Does the garage design minimize an appearance of **bulk**? Is the **scale** of the garage appropriate in comparison to the portion of the house visible from the street?
- **Second-Story Setbacks:** How does the second-story **volume** affect the streetscape or neighboring backyards? How **bulky** does a structure appear from the front or the back of a house because of how the **massing** of a building is composed?
- **Canyon Effect:** How close is the **volume** of a proposed second-story structure to the **volume** of any adjacent property's existing second-story **volume**?
- **Wall Size:** How does a large expanse of wall contribute to a structure's appearance of **bulk**? How can a structure's **volume** be articulated consistent with an architectural style? Do building wall heights allow proportional **human scale** window and door details?
- **Roof Size:** How does a large expanse of roof contribute to a structure's appearance of **bulk**? How can a structure's **massing** be changed to avoid large expanses of roof?
- **Plate Height:** Do building plate heights allow for appropriately scaled wall, window and door details?

8. FLOOR TO LOT AREA RATIO (FAR)

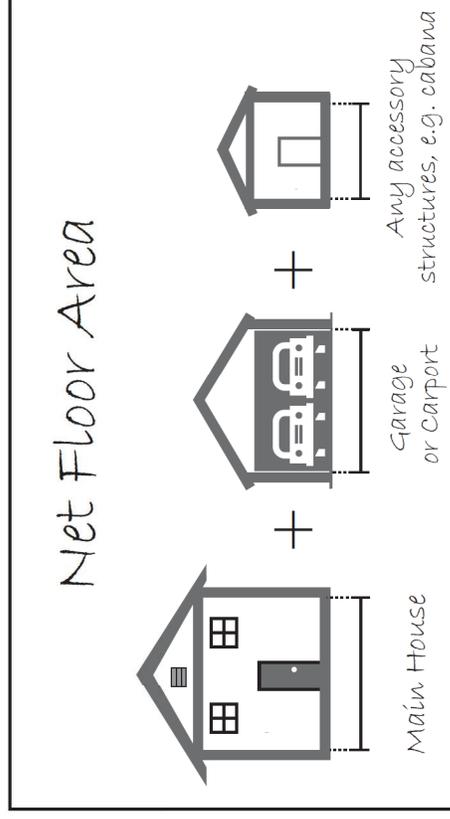
Strive for a project which falls in the “less than 85% of maximum FAR” range for the project lot size.

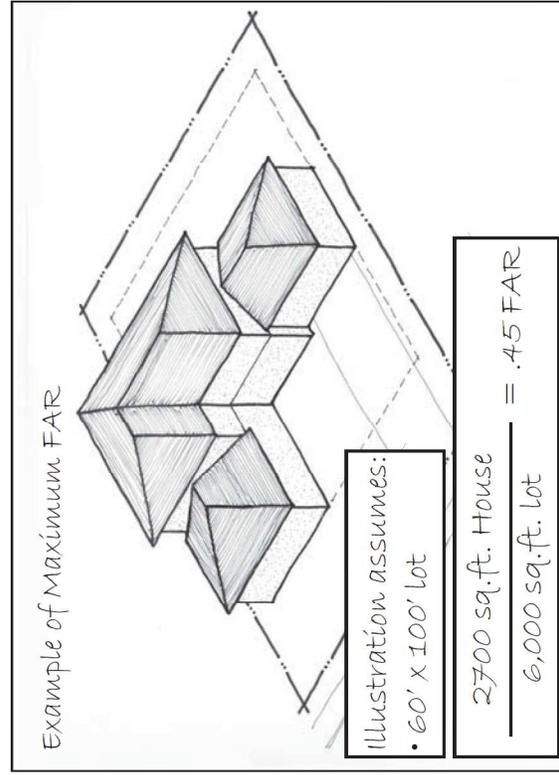
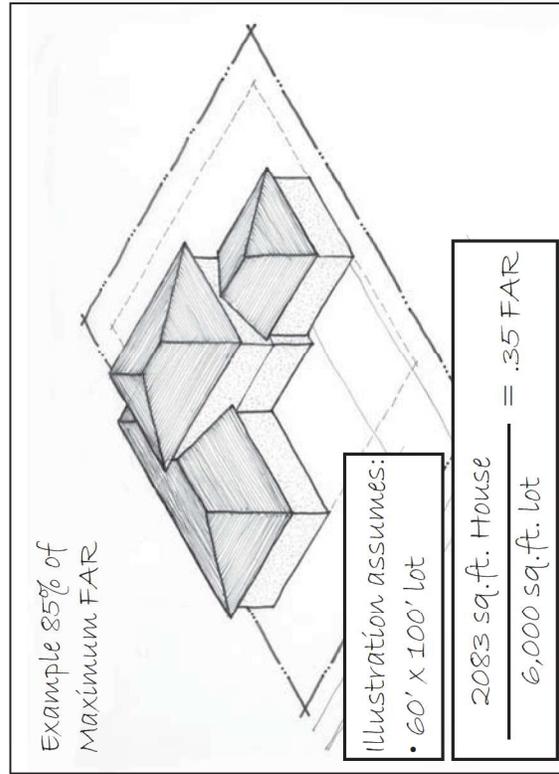
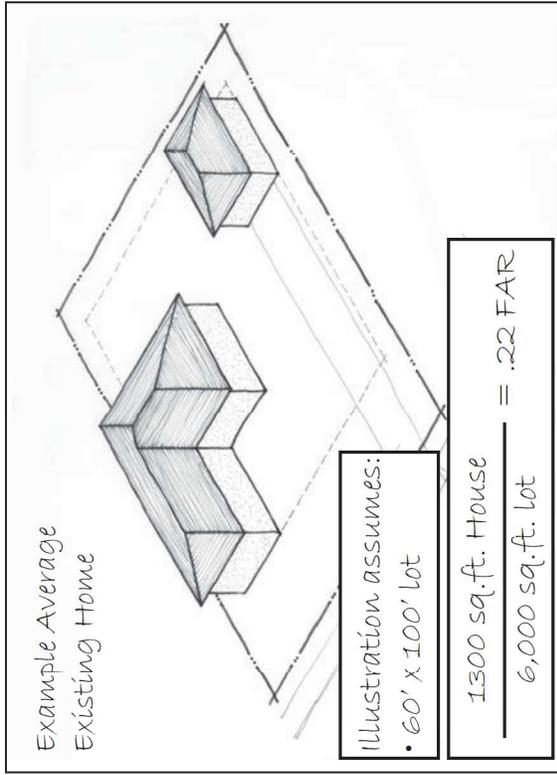
$$\text{FAR} = \frac{\text{Net Floor Area of all Site Structures}}{\text{Lot Area}}$$

FAR is defined as the net square footage of a structure (or structures) divided by the net lot area. Net lot area excludes public road easements and public road rights-of-way.

FARs measure and limit a structure’s size based on lot size. FARs do not translate to an accurate measure of volume because plate heights and roof slopes for homes vary. However, they are a useful indication of a structure’s bulk relative to its site. Architectural features such as covered porches, loggias, and covered decks contribute to the mass and bulk of a building. While they are not included in the FAR, they are considered as part of the project’s mass and bulk. FARs provide general parameters of reasonable lot build-out according to lot size. FARs are often used to analyze a proposed project’s potential for neighborhood compatibility. Many communities have implemented FARs to better control size, bulk and scale of development. Ideally FARs can help prevent sudden dramatic incompatible neighborhood changes.

Applicants seeking SFDB or HLC approval are required to provide the proposed project’s floor to lot area ratio. Covered parking is included in the square footage calculations for FAR. For full details of what is included in FAR calculations, see the Project Statistics Form directions and square footage measurements table available at the Community Development Department website and office.





APPLICABILITY

Maximum FARs as requirements apply to a home taller than one story and a basement on lots smaller than 15,000 square feet in single-family zones. The maximum requirements also apply to homes taller than 17' from natural or finished grade, whichever is lower on lots smaller than 15,000 square feet in single-family zones. Other properties, such as those 15,000 square foot lots or larger, or properties in multi-family zones, the FARs are applied as guidelines, rather than requirements.

The only way to exceed a required maximum FAR for most projects would be to request a "Planning Commission Modification" (see page 21-C for exception). However, for any project, no matter the location or height, a review board can request a smaller size if it is necessary in order for an approval to be made, for example to ensure the NPO Findings on page 5-D or other findings on page 6-D can be made.

Table 1: Formula Table

| Lot Size in Sq. Ft | Range | Max. Home Size (in sq. ft.) incl. garage/carport |
|--------------------|-----------------------|--|
| | ≤4000 sq. ft. | 2200 |
| | 4000 - 10000 sq. ft. | 1200 + (0.25 x lot size) |
| | 10000 - 14999 sq. ft. | 2500 + (0.125 x lot size) |
| | 15000 - 19999 sq. ft. | 4180 + (0.013 x lot size) |
| | ≥ 20000 sq. ft. | 4430 + (0.013 x lot size) |

| Garage/Carport Allowance* | |
|---------------------------|-----------|
| Lot Size | Allowance |
| < 20000 | 500 |
| > 20000 | 750* |
| ≥ 20000 | 750* |

*Where zone district allows, see Municipal Code 28.87.160.4
 **Garage/carport allowance does not need to be used only for garage/carport space for maximum square footage calculations. Max. sq. ft. can be distributed anywhere if consistent with Zoning regulations. Ex.: two-car covered parking minimum space requirement is 400 sq. ft. and 100 sq. ft. of remaining "allowance" could be used in the home instead of in the garage/carport.

Table 2: Example FAR Calculations Table

| Lot Size | Proposed | | | Maximum FAR including garage/carport |
|----------|---|---|---|--------------------------------------|
| | 100% Maximum Home Size including garage/carport | Maximum Home Size excluding garage/carport allowance ** | 85% of Maximum Home Size including garage/carport | |
| 4000 | 2200 | 1700 | 1870 | 0.55 |
| 5000 | 2450 | 1950 | 2083 | 0.49 |
| 6000 | 2700 | 2200 | 2295 | 0.45 |
| 7000 | 2950 | 2450 | 2508 | 0.42 |
| 7499 | 3075 | 2575 | 2614 | 0.41 |
| 7500 | 3075 | 2575 | 2614 | 0.41 |
| 8000 | 3200 | 2700 | 2720 | 0.40 |
| 9000 | 3450 | 2950 | 2933 | 0.38 |
| 10000 | 3750 | 3250 | 3188 | 0.38 |
| 11000 | 3875 | 3375 | 3294 | 0.35 |
| 12000 | 4000 | 3500 | 3400 | 0.33 |
| 13000 | 4125 | 3625 | 3506 | 0.32 |
| 14000 | 4250 | 3750 | 3613 | 0.30 |
| 14999 | 4375 | 3875 | 3719 | 0.29 |

REQUIRED

| | | | | |
|-----------|------|------|------|------|
| 15000 | 4375 | 3875 | 3719 | 0.29 |
| 20000 | 4690 | 3940 | 3987 | 0.23 |
| 1/2 acre | 4713 | 3963 | 4006 | 0.22 |
| 3/4 acres | 4855 | 4105 | 4127 | 0.15 |
| 1 acre | 4996 | 4246 | 4247 | 0.11 |
| 1.5 acres | 5279 | 4529 | 4488 | 0.08 |
| 2 acres | 5563 | 4813 | 4728 | 0.06 |
| 2.5 acres | 5846 | 5096 | 4969 | 0.05 |
| 3 acres | 6129 | 5379 | 5210 | 0.05 |
| 3.5 acres | 6412 | 5662 | 5450 | 0.04 |
| 4 acres | 6695 | 5945 | 5691 | 0.04 |
| 4.5 acres | 6978 | 6228 | 5932 | 0.04 |
| 5 acres | 7261 | 6511 | 6172 | 0.03 |
| 5.5 acres | 7545 | 6795 | 6413 | 0.03 |
| 6 acres | 7828 | 7078 | 6654 | 0.03 |

GUIDELINES

To determine maximum allowed net square footage for a property, follow these steps:

1. Find the lot size range that includes the project lot size on the Formula Table, Table 1, see page 20-C.
2. Complete the formula using the lot size.
3. If you would like to check your work with some example FAR calculations, see Table 2 on page 20-C.

square footage over the maximum FAR are strongly discouraged in most cases. However, there may be some project sites with special physical features, which when combined with exceptional design, can accommodate an over FAR maximum home compatible with the neighborhood. A Planning Commission modification and additional submittal requirements, described briefly on page 4-D and in detail in Planning and Zoning Counter handouts, are required for over maximum FAR proposals.

Projects Under 85% of Maximum FARs Are Encouraged

Project applications under 85% of the maximum FAR are generally easier to design, prepare, process and review because they are more likely to be compatible with the surrounding neighborhood than projects over 85% of the maximum FAR. Projects under 85% of the maximum FAR are generally subject to the simpler standard Design Review submittal requirements listed on page 3-D and described in Planning and Zoning Counter handouts. Design Review fees for projects under 85% of the maximum FAR are lower than fees for larger projects. Projects over 85% of the maximum FAR are more likely to pose neighborhood compatibility issues and are generally discouraged. However, careful design and review can sometimes produce projects that are still compatible with the surrounding neighborhood.

Due to the special nature of these larger, potentially incompatible projects, additional submittal information is required for these projects, described briefly on page 4-D and in detail in Planning and Zoning Counter handouts. Projects proposing

Applicability of FARs as Guidelines

Maximum FARs are applied as guidelines rather than requirements on lots that are 15,000 square feet or larger, or located in multi family or non-residential zones. Site and zoning variables might contribute to less reliability in the use of the 20 closest FAR Study.

Some situations may support higher FARs and projects that approach or exceed guideline FARs might not pose a problem and FAR compatibility may be less critical. Larger lots may allow more space between structures and in some cases may allow the project to be less visible to the public and to neighbors. In multi-family or non-residential zones where density of development is usually higher, single-family residential projects will likely have lower FARs than other types of development. These zones are likely to have more variety of development.

Other situations may support lower FARs. When the buildable portion of a site is small in relationship to the lot size, an FAR lower than what would normally be indicated for the lot size may be more appropriate. On some large lots not all of the lot

area may be developable due to steep slopes or creek or ocean bluff setbacks. These site constraints can push development on a site closer to the street, or closer to neighbors. In the Riviera there are examples where development on larger lots is clustered close together around cul-de-sacs or built close to the public streets. The configuration of the lot may reduce its developable area, for example flag lots. Corner lots or other lots with multiple street frontages have increased area within the front setbacks and development on these lots may be more visible. In situations like these, compatibility with neighboring FARs may be more pertinent. As a general rule, where the development is closer to property boundaries or more visible to the public and to neighbors, the proposed FAR should be reduced.

Properties Legal Non-Conforming as to a Required Maximum Size

Some “legal non-conforming as to FAR” properties can have a one-time addition of up to 100 square feet without a Planning Commission modification being required. Municipal Code 28.87.030.D.1.c allows such additions to reasonably accommodate minor changes in floor plans such as bathroom or closet additions to provide some flexibility for structures legal non-conforming as to a required maximum floor area (FAR standards) without the need for a Planning Commission modification. Consult the Municipal Code and City Staff for more information.

20 Closest FAR Study

When a project proposes to exceed 85% of a maximum required FAR, the applicant must provide a study of the FARs of the 20 closest lots. Using a geographic information system, the 20 closest lots are selected for the project’s neighborhood. This information is a tool used by the review board to assist in determining the compatibility of a project’s size within its neighborhood. Data on square footages and lot sizes are obtained from the County Assessor’s Office or from City records and plan archives. The information is assumed to be approximate due to variations in calculation methods and because many County records reflect original home sizes, but the data allows a general sense of the project’s size and FAR compatibility with nearby development. Factors to consider when using the 20 Closest FAR Study include:

- Variability of square footages in the neighborhood
- Variability of lot sizes and FARs in the neighborhood
- Site constraints; how much of the lot area is developable?
- Is the project near the average for the neighborhood?
- Is the project among the largest in the neighborhood?
- The project’s volume, bulk, scale, height, and massing relative to its square footage
- Closer proximity to neighboring structures and/or denser development in the neighborhood suggests closer adherence to the size of adjacent structures and to the average size of structures in the study.

GOOD NEIGHBOR GUIDELINES & TIPS

The following guidelines and tips can help you remain friends with your neighbors after the completion of your new or remodeled house. They are based on the Golden Rule: “Do unto others as you would have them do unto you.”

Think about what your concerns would be if your next door neighbor were proposing to either build a new house or add on to an existing house. Incorporate those concerns into your thinking as you design your own new or remodeled house.

It is the intent of these guidelines and tips to advance sound planning in building homes and additions with scrutiny of neighborhood compatibility, views and privacy. While it is not the intent to create a right to privacy or views, a compromise that advances these goals is highly desirable.

BEFORE COMPLETING YOUR DESIGN

- Design your addition or your new house as if you were going to live next door to it.
- Talk with your neighbors and show them your proposed design.
- Consider organizing a meeting with your neighbors to encourage neighbor discussions.
- Read the article regarding “Tips for Managing Conflict with Comfort” provided in this section which can help provide guidance for successful discussions.

In General

When your project is reviewed by the Single Family Design Board (SFDB), the SFDB will be looking for general compliance with these Good Neighbor Guidelines (See Finding 6 on page 5-D) along with other Neighborhood Compatibility Findings. The SFDB understands that, in some cases, strong compliance with privacy, landscaping, noise and lighting guidelines may not be possible or necessary. However, in cases where there appear to be significant potential issues raised by a project design that would not be posed with a suitable alternative design more sensitive to neighboring properties, the SFDB may deny the project. It is necessary that you communicate to the SFDB how your project is generally consistent with the Good Neighbor Guidelines. The techniques below will help when you appear before the SFDB:

- Discuss how you have designed your project with your neighbors in mind
- Summarize for the SFDB the results of any discussions you have had with neighbors about your project.

Using these techniques can help the SFDB to see how you have made a “good faith effort” to be generally consistent with the Good Neighbor Guidelines.

This chapter covers the following guideline and tip topics.

Guidelines

1. Privacy
2. Landscaping
3. Noise
4. Lighting

Tips

- Private Views
- Construction Impacts
- Managing Conflict with Comfort

GOOD NEIGHBOR GUIDELINES

36. PRIVACY GUIDELINES

36.1 Visual Distance

Locate structures and additions to increase visual distance between buildings. Avoiding large two-story building masses at the sides and rear of adjacent single family rear yards can help preserve privacy and sunlight access for your home and for neighboring properties.

Rather than simply following Municipal Code minimum setback standards, consider what a comfortable distance between a proposed addition and an existing neighbor's structure would be. Also consider the pattern of building separation in the immediate neighborhood and design a project compatible with this pattern. Locate areas that require more privacy away from your neighbors. Orient active outdoor areas away from neighbors.

36.2 Upper-Story Decks and Balconies

Avoid or minimize the number of decks that overlook neighboring properties. Locate upper-story balconies and decks to minimize the loss of privacy for neighboring properties. Upper-story balconies or decks facing the street are usually preferable to upper-story balconies or decks facing a yard area adjacent to a neighbor. Techniques to lessen impacts to neighboring property privacy include the following:

36.2.1 Meeting with neighbors adjacent to proposed upper-story balconies and decks prior to beginning the City application process is strongly encouraged.

36.2.2 Screen second-story balconies and decks from neighboring property by incorporating architectural screening elements such as enclosing walls, trellises, or awnings. For example, effective enclosures might include walls over 4' and perimeter planters facing neighbor's side or rear yards.

36.2.3 Locate second-story balconies and decks to avoid direct sight lines from the deck or balcony to neighbors' windows, open yard, patio, deck, and/or loggia areas.

36.2.4 Set back upper-story decks or balconies over 20 square feet at least 15' from interior lot lines when possible.

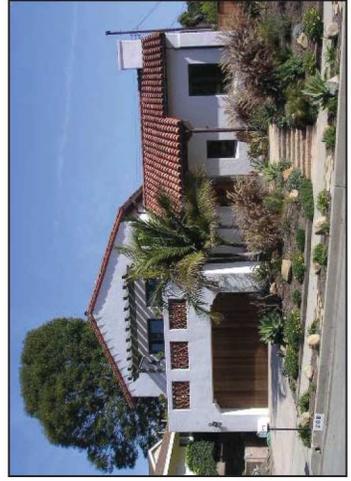
36.2.5 Avoid siting any "free-standing" chimneys on upper-story decks or balconies. Such chimneys look "out of place" architecturally and are better sited adjacent to a structure. Also, such chimney might block neighbors' views. If Building and Safety minimum clearance standards can be met, chimneys are generally recommended to be less than 8' in height.

36.2.6 In Hillside areas, special consideration is needed for decks and outdoor courtyard placement. Depending on topography, these features have the potential to greatly affect downhill neighbors' privacy and noise levels. Often, keeping decks and outdoor courtyards within the Municipal Code setbacks listed for a zone district, even when not required, can help to maintain good neighbor relations.

| Positive Neighborhood Amenity Least Privacy Impact to Neighbors (Preferred) | Front Porch |
|--|---|
|  <p data-bbox="516 1381 591 1885">Most Privacy Impact to Neighbors (Discouraged)</p> | First-floor patios & decks inside setback lines |
| | 2nd-Story decks and balconies on front property line |
| | 2nd-story decks and balconies on side or rear of house, more than 15' from a neighbor's property line |
| | 2nd-story decks and balconies on side or rear of house, less than 15' from property line, less than 3' x 7' in size |
| | 2nd-story decks and balconies on side or rear of house, less than 15' from property line, larger than 3' x 7' in size |



Balcony: A platform cantilevered from the wall of a building, usually resting on brackets or consoles, and enclosed with a railing.



Deck: A flat open platform, typically with a railing, either attached to a building or free-standing and supported by pillars, posts, or walls.

GOOD NEIGHBOR GUIDELINES & TIPS

Note: The focus of these photos are the deck privacy features only. Please refer to Compatibility Guidelines and Infill Guideline for information regarding designing compatible two-story homes.



Front yard deck in the East Mesa neighborhood is set forward from neighbors' front building lines and it also features deeply recessed privacy sidewalks. (36.2.2, 36.2.3, 36.2.5)



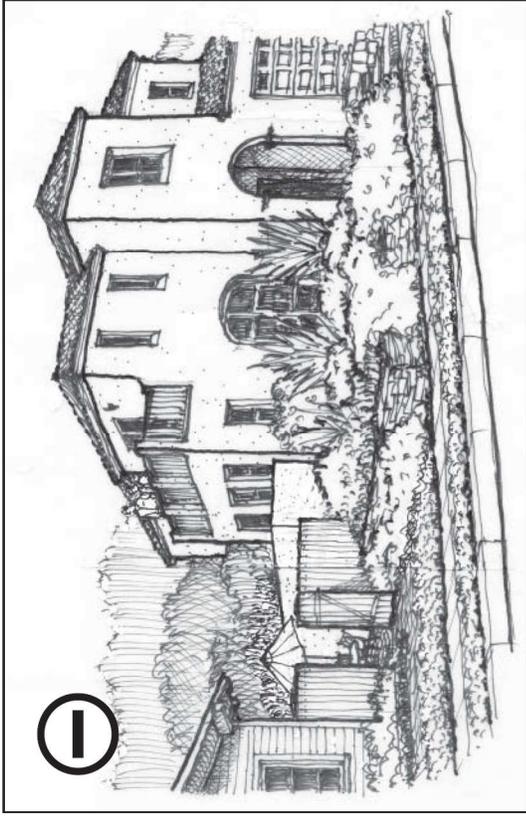
This front yard deck in the East Mesa neighborhood features a privacy screening wall on the edge of the deck closest to an adjacent neighbor. (36.2.2, 36.2.3, 36.2.5)



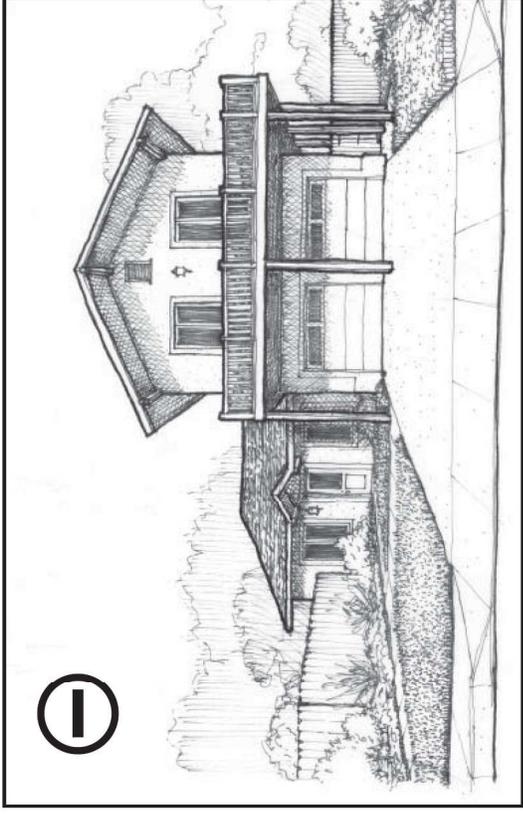
This front yard deck in the Alta Mesa neighborhood is set closer to the street than the adjacent neighbor's home, resulting in less privacy impacts to the neighbor's side yard windows and living space. (36.2.3, 36.2.5)



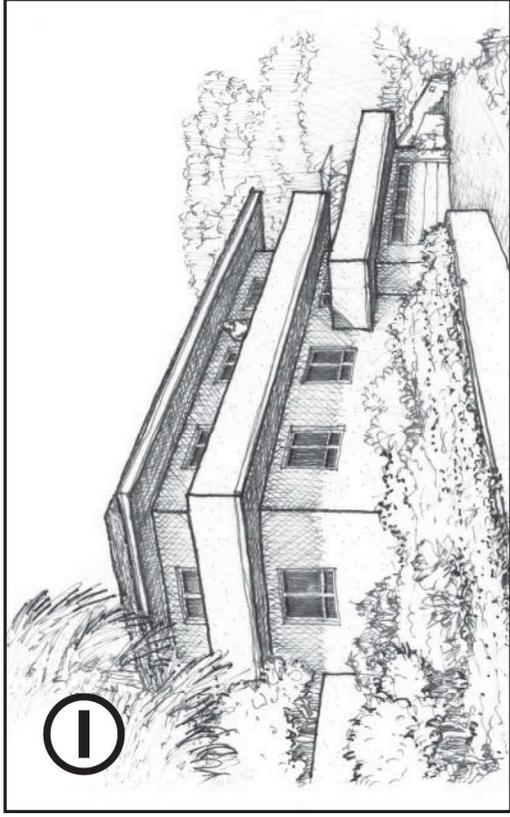
A second floor uncovered deck set into the roof of the first floor maintains the apparent volume of the structure and avoids a "looming" effect in the Samarland neighborhood. (36.2, 36.2.3, 36.2.5)



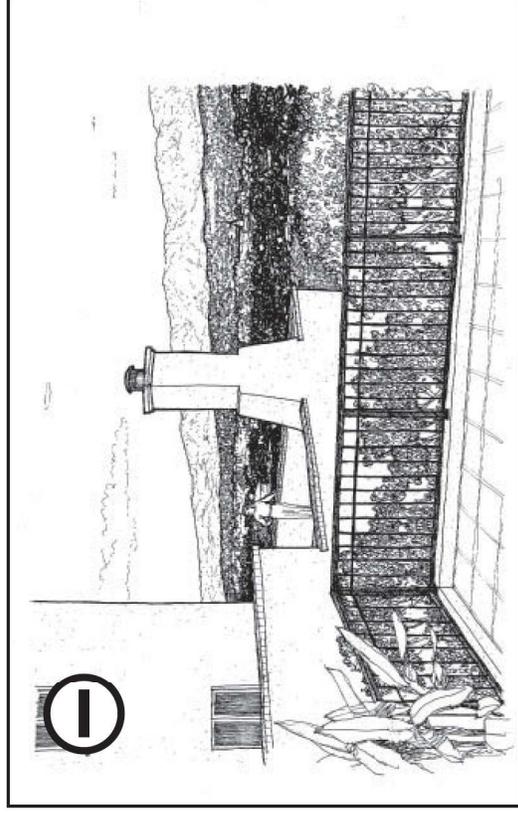
Side yard decks invade privacy. More attention to guidelines 36.2.2 and 36.2.3 is needed for projects and below.



Free-standing decks supported by pillars rather than building elements are less attractive.

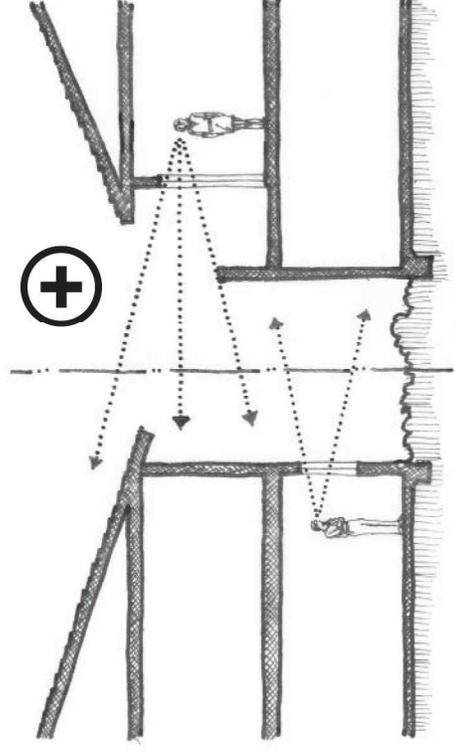


This deck appears to "wrap around" the house, creating the ability for occupants to look over neighboring properties from every point, which can create privacy issues for neighbors.

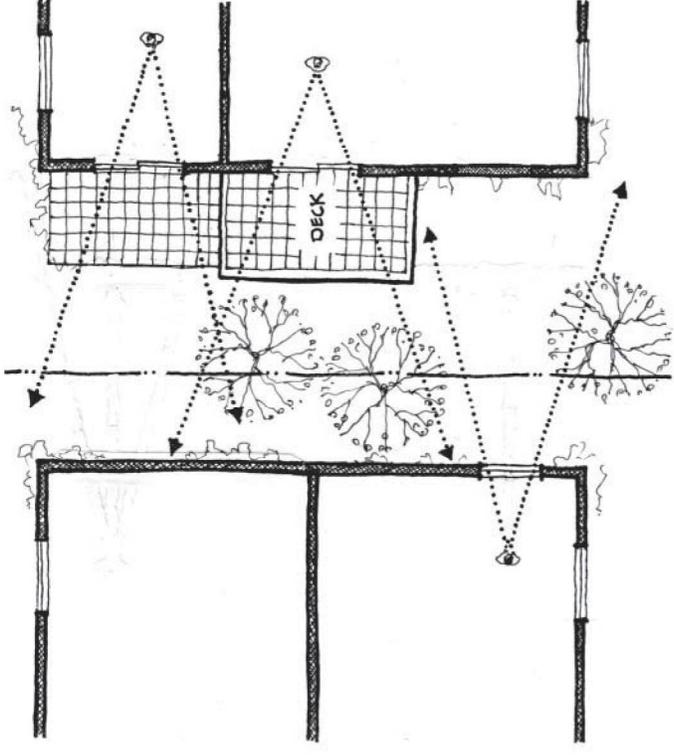


Avoid placing fireplaces with chimneys on outdoor decks separated from the main structure. (36.2.5)

- 36.3 **Upper-Story Windows:** Minimize the number of windows on proposed buildings that overlook neighboring properties. Orient your upper-story windows to protect your neighbor's privacy. You may not want to see them any more than they want to be seen by you.
- 36.3.1 Place windows to avoid direct views into existing neighboring windows by offsetting or staggering windows facing neighbors' windows.
- 36.3.2 Avoid large upper-story windows overlooking adjacent rear yards.
- 36.3.3 Use translucent window glass or high windows to allow illumination while protecting privacy.
- 36.3.4 Set back upper floors or increase side and rear setbacks to pull windows farther away from neighboring residences.



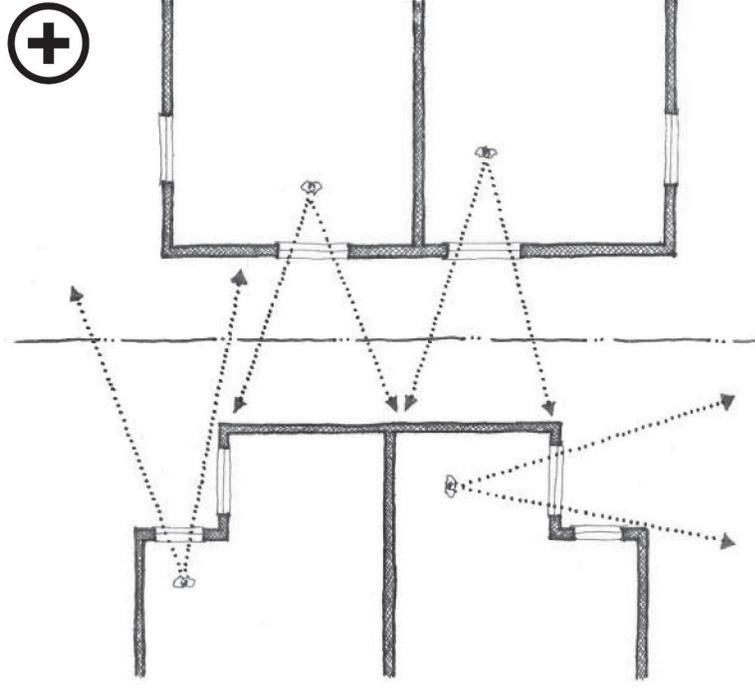
Privacy Views: Setting second stories back further than the first-story requirement will help screen views between adjacent houses. (36.3.1, 36.3.2, 36.3.4)



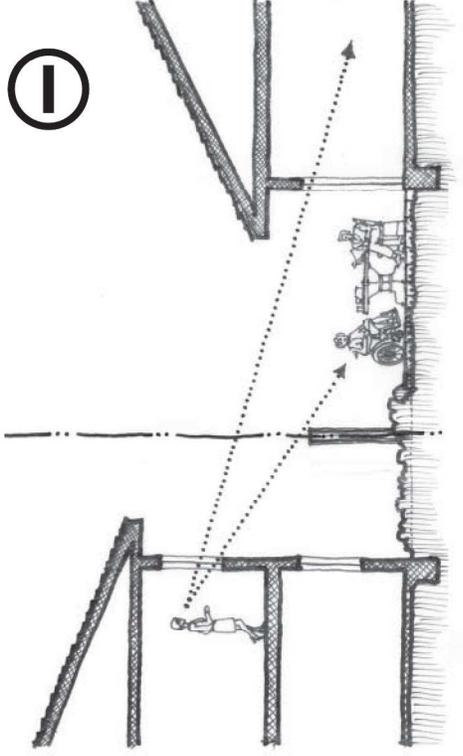
Privacy Views: Offset window location or strategically placed trellises will help prevent views into adjacent houses. (36.3.1)



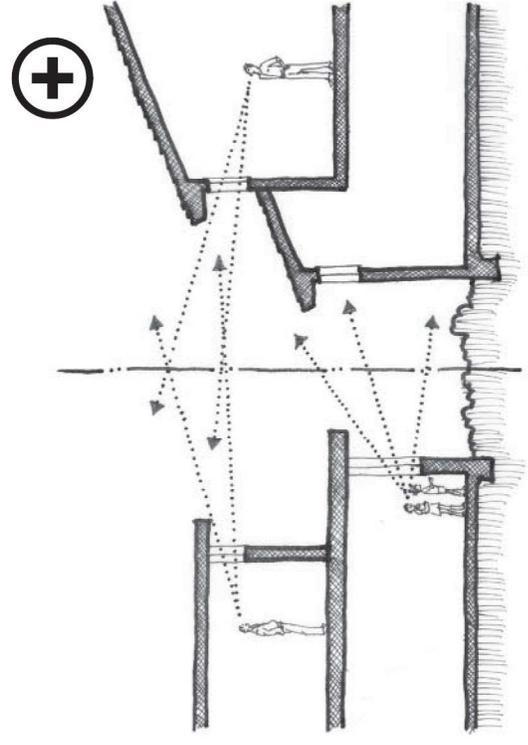
Orient second-story windows to protect neighbor's privacy.



Inset corner windows can help avoid direct alignment with neighbor's windows. (36.3.3.1, 36.3.4)



Privacy Views: Avoid placing windows in locations that would look into adjacent windows or active yard spaces, where possible.



High window placement helps prevent views into adjacent houses. (36.3.3.1, 36.3.3.2, 36.3.3.3, 36.3.3.4)

To Sort, press all at same time: CTRL+SHIFT+S

**20 Closest Lots Data Ranked by FAR
for: 3626 San Remo Drive**

| Address (Optional) | Data Source (Ex: Co. Assessor's Office) | APN | Lot Size in net sq. ft. | Floors | House | Garage /Carport | Total | FAR | FAR Rank |
|-----------------------|--|-------------|----------------------------|----------|--------------|--------------------|--------------|-------------|-------------|
| 204 Adair Drive | Co. Assessor's Office | 053-231-051 | 7,405 | 2 | 2,228 | 552 | 2,780 | 0.38 | 1 Largest |
| 211 Adair Drive | Co. Assessor's Office | 053-231-044 | 7,405 | 1 | 1,694 | 641 | 2,335 | 0.32 | 2 |
| 210 Adair Drive | Co. Assessor's Office | 053-231-050 | 7,405 | 1 | 1,883 | 420 | 2,303 | 0.31 | 3 |
| 219 Adair Drive | Co. Assessor's Office | 053-231-045 | 7,405 | 1 | 1,607 | 681 | 2,288 | 0.31 | 4 |
| 230 Adair Drive | Co. Assessor's Office | 053-231-047 | 7,405 | 1 | 1,810 | 460 | 2,270 | 0.31 | 5 |
| 216 Adair Drive | Co. Assessor's Office | 053-231-049 | 7,405 | 1 | 1,786 | 441 | 2,227 | 0.30 | 6 |
| 3621 Capri Drive | Co. Assessor's Office | 053-231-033 | 7,405 | 1 | 1,720 | 495 | 2,215 | 0.30 | 7 |
| 3609 Capri Drive | Co. Assessor's Office | 053-231-031 | 7,405 | 1 | 1,681 | 504 | 2,185 | 0.30 | 8 |
| 3615 Capri Drive | Co. Assessor's Office | 053-231-032 | 7,841 | 1 | 1,742 | 528 | 2,270 | 0.29 | 9 |
| 3604 Capri | Co. Assessor's Office | 053-231-029 | 7,405 | 2 | 1,547 | 498 | 2,045 | 0.28 | 10 |
| 3650 San Remo Drive | Co. Assessor's Office | 053-231-043 | 7,405 | 1 | 1,510 | 459 | 1,969 | 0.27 | 11 |
| Lot 2 San Remo | MST Project - Pending/Proposed | | 14,094 | 2 | 2,652 | 479 | 3,131 | 0.22 | 12 |
| 225 Adair Drive | Co. Assessor's Office | 053-231-046 | 9,583 | 1 | 1,643 | 441 | 2,084 | 0.22 | 13 |
| 222 Adair Drive | Co. Assessor's Office | 053-231-048 | 9,583 | 1 | 1,578 | 460 | 2,038 | 0.21 | 14 |
| 201 N. Ontare Road | Co. Assessor's Office | 053-231-008 | 16,553 | 2 | 2,450 | 493 | 2,943 | 0.18 | 15 |
| 213 N. Ontare Road | Co. Assessor's Office | 053-231-006 | 18,731 | 2 | 2,789 | 408 | 3,197 | 0.17 | 16 |
| 121 N. Ontare Road | Co. Assessor's Office | 053-231-052 | 15,682 | 1 | 2,240 | 381 | 2,621 | 0.17 | 17 |
| 3603 Capri Drive | Co. Assessor's Office | 053-231-030 | 15,246 | 1 | 1,932 | 578 | 2,510 | 0.16 | 18 |
| 209 N. Ontare Road | Co. Assessor's Office | 053-231-007 | 18,295 | 1 | 2,506 | 484 | 2,990 | 0.16 | 19 |
| 301 N. Ontare Road | Co. Assessor's Office | 053-231-003 | 16,988 | 1 | 1,554 | 551 | 2,105 | 0.12 | 20 |
| 221 N. Ontare Road | Co. Assessor's Office | 053-231-005 | 18,731 | 1 | 1,666 | 360 | 2,026 | 0.11 | 21 Smallest |

| | |
|---|-------|
| Average/Mean Total of House + Garage Size (including project proposal): | 2,406 |
| Average/Mean FAR (including project proposal): | 0.24 |

Revised 8-21-07

SFDB MINUTES WITH ELEVATIONS



 Lot 2 – January 13, 2014 (First Concept Review)
3626 SAN REMO DR**E-3/SD-2 Zone**

Assessor's Parcel Number: 053-231-011

Application Number: MST2013-00505

Owner: Nancy J. Madsen

Designer: Kate Svensson

(Lot 2: Conceptual review for construction of a two-story, 3,320 square foot, single-family residence and an attached, 500 square foot, two-car garage, located on a vacant 14,094 square foot parcel (lot 2). The proposal includes associated flat work, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10) the proposed total of 3,820 square feet is 90% of the required floor-to-lot area ratio (FAR).)

(Concept Review. Project requires compliance with Planning Commission Resolution No. 015-10.)

Motion: Continued indefinitely to Planning Commission for return to Full Board with comments:

- 1) Study reducing the square footage.
- 2) Study adding details to the architecture that create charm and interest.
- 3) Study a reduction and variations of the plate heights.
- 4) Study the front door and surrounding entry area on west elevation.
- 5) Study articulation of the façade to breaking up the straight line (and mass) of the façade.
- 6) Study a variation of colors.

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

SFDB MINUTES WITH ELEVATIONS
3626 SAN REMO DRIVE LOT 2



Lot 2 – March 24, 2014 (Second Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 2: Proposal for construction of a two-story, 2,792 square foot, single-family residence and an attached 499 square foot two-car garage located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,292 square feet is 78% of the required floor-to-lot area ratio (FAR).)

(Second concept review. Comments only; project requires Planning Commission review. The project was last reviewed on January 13, 2014.)

Actual time: 7:02 p.m.

Present: Kate Svensson, Designer; Robert Adams, Architect; Vince Amore, Builder; and Dan Gullett, Planner.

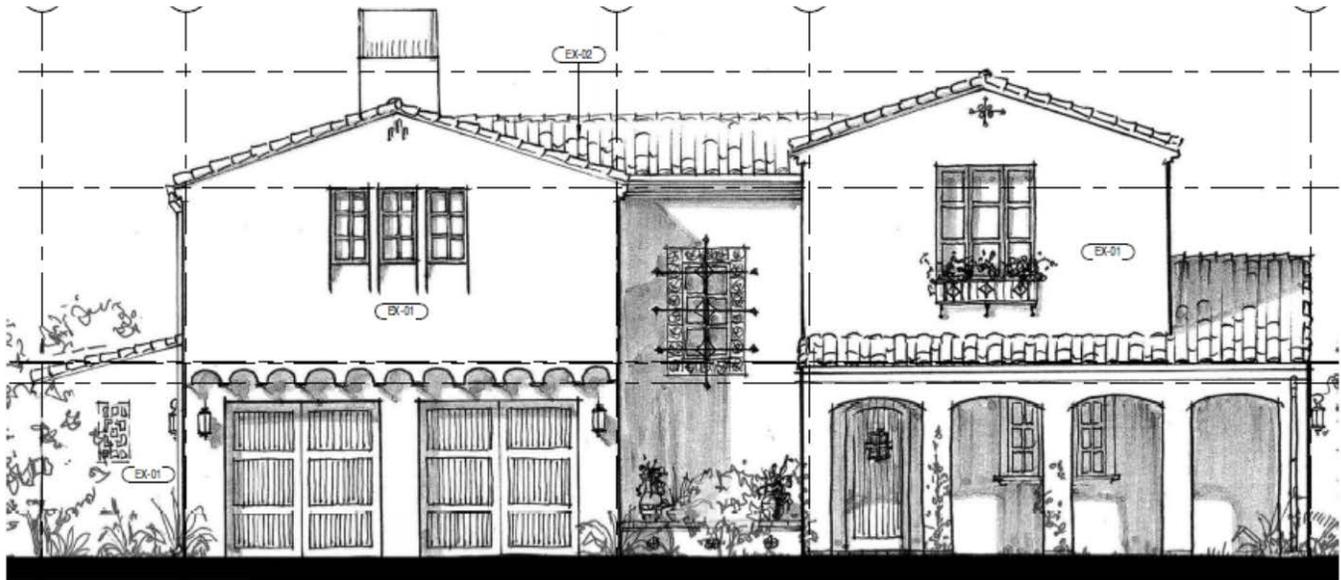
Public comment was presented on Item No. 4.

Motion: Continued indefinitely to Planning Commission with comments:

- 1) Reduce the square footage.
- 2) Study of the second-story.
- 3) Consider reducing the roof height.
- 4) Create an arbor-type entrance to help mitigate the façade.
- 5) Study the sloped walls below the windows.
- 6) Provide story poles.
- 7) Consider Lot 4's design as the design for Lot 2.

Action: Woolery/Zimmerman, 5/0/0. Motion carried. (Miller/Bernstein absent).

SFDB MINUTES WITH ELEVATIONS
3626 SAN REMO DRIVE LOT 2



Lot 2 – June 2, 2014 (Third Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 2: Proposal for construction of a two-story, 2,652 square foot, single-family residence and an attached 479 square foot, two-car garage, located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,132 square feet is 74% of the required floor-to-lot area ratio (FAR).)

(Third concept review. Comments only; project requires Planning Commission review. Project was last reviewed on March 24, 2014.)

Actual time: 6:19 p.m.

Board member Pierce has stepped down since her relation to a neighbor of the project conflicts with her status

Present: Robert Adams, Landscape Architect; Kate Svensson, Designer; Vince Amore, Project Manager; Jarrett Gorin, Land Use Planner; and Daniel Gullett, Case Planner.

- Jarrett Gorin requested his comments be put on record regarding the inappropriate and unusual manner of one board member's view on how another board may have observed a project, the unnecessary anger asserted over a land-use project, and the misguided comments about the inaccuracy of the story pole set-ups.

Public comment opened at 6:26 p.m. As no one wished to speak, public comment was closed.

SFDB MINUTES WITH ELEVATIONS
3626 SAN REMO DRIVE LOT 2

- Motion:** Continued indefinitely to Planning Commission to return to Full Board with comments:
- 1) The Board appreciates the changes in architecture.
 - 2) Reduce plate height and square footage.
 - 3) Study locations for guest parking.
- Action:** Woolery/James, 6/0/0. Motion carried. (Pierce stepped down).



Lot 2 – July 14, 2014 (Fourth Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Henry Lenny

(Lot 2: Proposal for construction of a two-story, 2,652 square foot, single-family residence and an attached 479 square foot, two-car garage, located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,132 square feet is 74% of the required floor-to-lot area ratio (FAR).)

(Fourth concept review of exterior architectural details only. Comments only; project requires Planning Commission review. Project was last reviewed on June 2, 2014.)

Actual time: 5:34 p.m.

Board member Pierce stepped down.

Present: Henry Lenny, Designer; and Daniel Gullett, Associate Planner.

Public comment opened at 5:41 p.m.

- 1) Molly Steen, a neighbor at 3609 Capri Drive, expressed concerns that the project had yet to

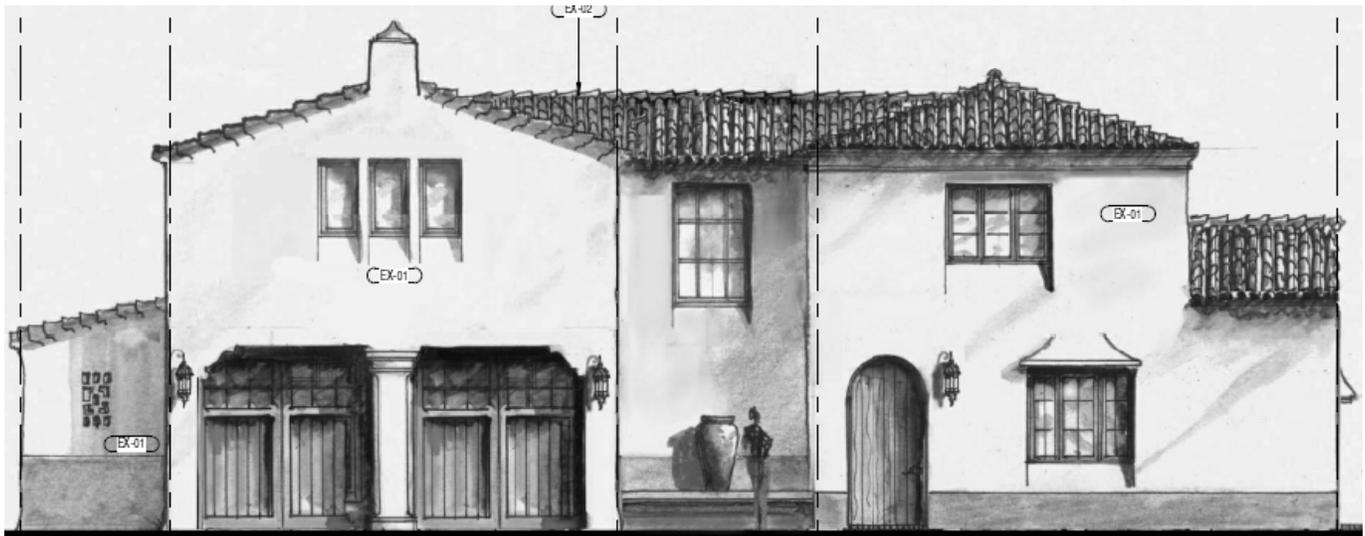
SFDB MINUTES WITH ELEVATIONS
3626 SAN REMO DRIVE LOT 2

- be scaled down per the Board's direction.
- 2) John Steen, a co-owner at 3609 Capri Drive, reserved his comments until further information was provided.
 - 3) Bob Westwick, a neighbor at 3609 Capri Drive, expressed concerns regarding the lack of change in square footage.
 - 4) Joan Jacobs, a neighbor at 210 Adair Drive, expressed concerns that the project had yet to be scaled down per the Board's direction.
 - 5) Shirley Edwards, a neighbor at 216 Adair Drive, expressed concerns that the project had yet to be scaled down per the Board's direction, the inadequate width of the driveway with no turnaround, and the lack of guest parking.
 - 6) Peter Edwards, a neighbor at 216 Adair Drive, expressed concerns regarding the large size of the project in addition to the lack of accessibility relating to the driveway.

Public comment closed at 5:49 p.m.

Motion: **Continued indefinitely to Full Board with comments:**
 1) Study reducing the square footage and plate heights of both floor levels.
Action: James/Miller, 5/0/0. Motion carried. (Pierce stepped down, Zimmerman absent).

SFDB MINUTES WITH ELEVATIONS
3626 SAN REMO DRIVE LOT 2



Lot 2 – September 22, 2014 (Fifth Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J Madsen
Applicant: Vincent Amore
Architect: Henry Lenny
Designer: Kate Svensson

(Lot 2: Proposal for construction of a two-story, 2,652 square foot, single-family residence and an attached 479 square foot, two-car garage, located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10) and subsequently amended by Planning Commission on August 14, 2014 (Resolution No. 022-14). The proposed total of 3,132 square feet is 74% of the required floor-to-lot area ratio (FAR).)

(Project Design Approval is requested. Project must comply with Planning Commission Resolution No. 022-14. Project was last reviewed on July 14, 2014.)

Actual time: 4:55 p.m.

Present: Robert Adams, Landscape Architect; Vincent Amore, Project Planner, Henry Lenny, Architect; Jarrert Gorin, Planner; and Daniel Gullet, Project Planner.

Public comment opened at 5:16 p.m.

- 7) Bob Westwick,(submitted letter) 3609 Capri Dr., expressed concerns regarding lack of reduction of square footage.
- 8) Molly Steen, 3609 Capri Dr., expressed concerns regarding a lack of reduction of square footage and lack of neighborhood compatibility.
- 9) John Steen, (submitted letter) co-owner of 3609 Capri Dr., expressed concerns regarding size

SFDB MINUTES WITH ELEVATIONS
3626 SAN REMO DRIVE LOT 2

and bulk of this project.

10) Peter Edwards, 216 Adair Dr., expressed concerns regarding availability of guest parking.

Letters of expressed concerns from Robert Westwick and John Steen regarding neighborhood compatibility, size and bulk were acknowledged.

Public comment closed at 5:25 p.m.

Motion: Deny the project based on the applicant's unwillingness to reduce the square footage. The Board approves of the massing and scale, but not the size of the proposal.

Action: Miller/Bernstein, 3/1/1. Motion carried. (Sweeney opposed, Pierce stepped down, Woolery/Zimmerman absent).



3626 San Remo Dr. Lot 2



City Council Appeal of SFDB Denial
November 25, 2014



Appeal

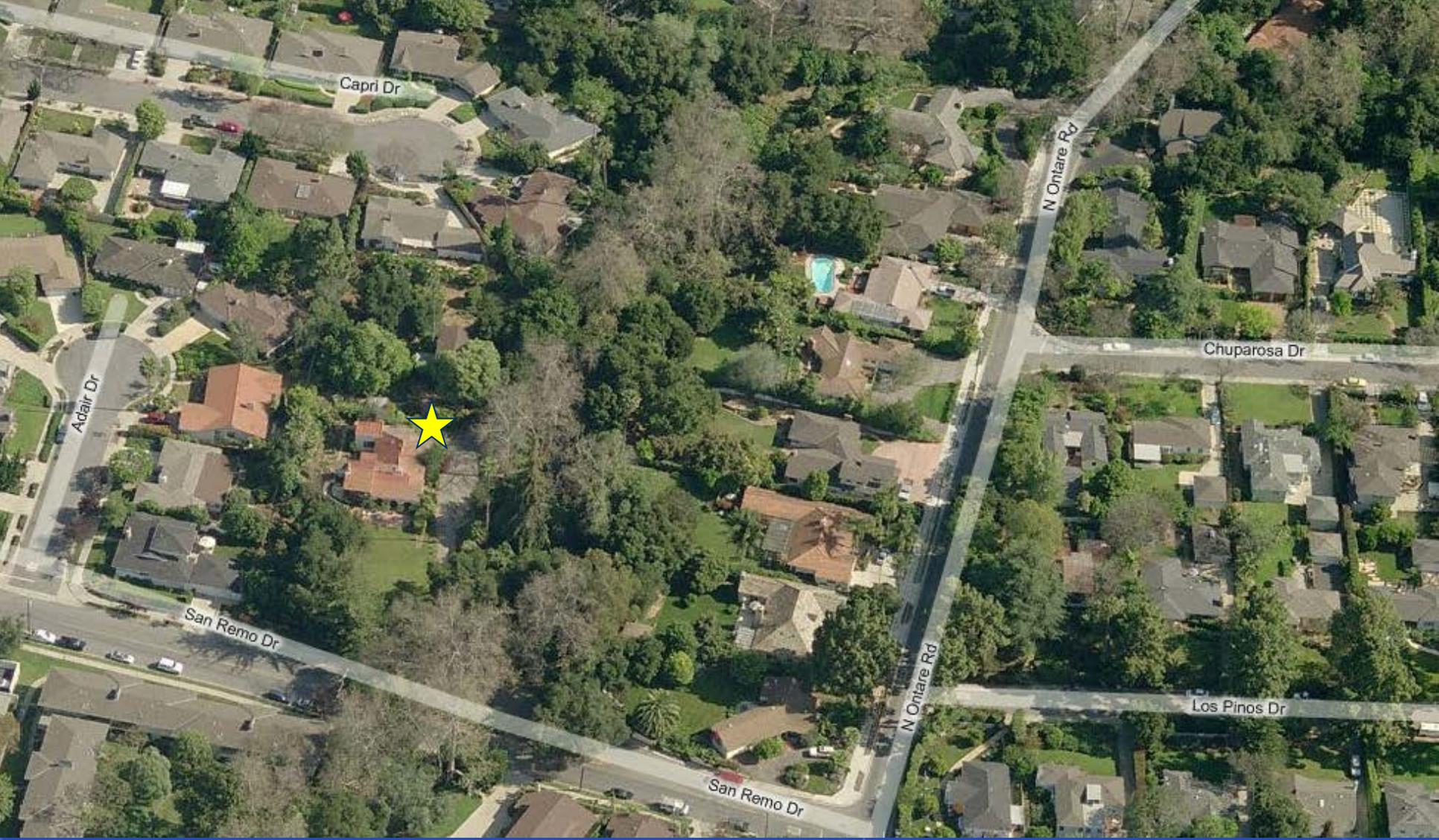
SFDB's September 22nd denial

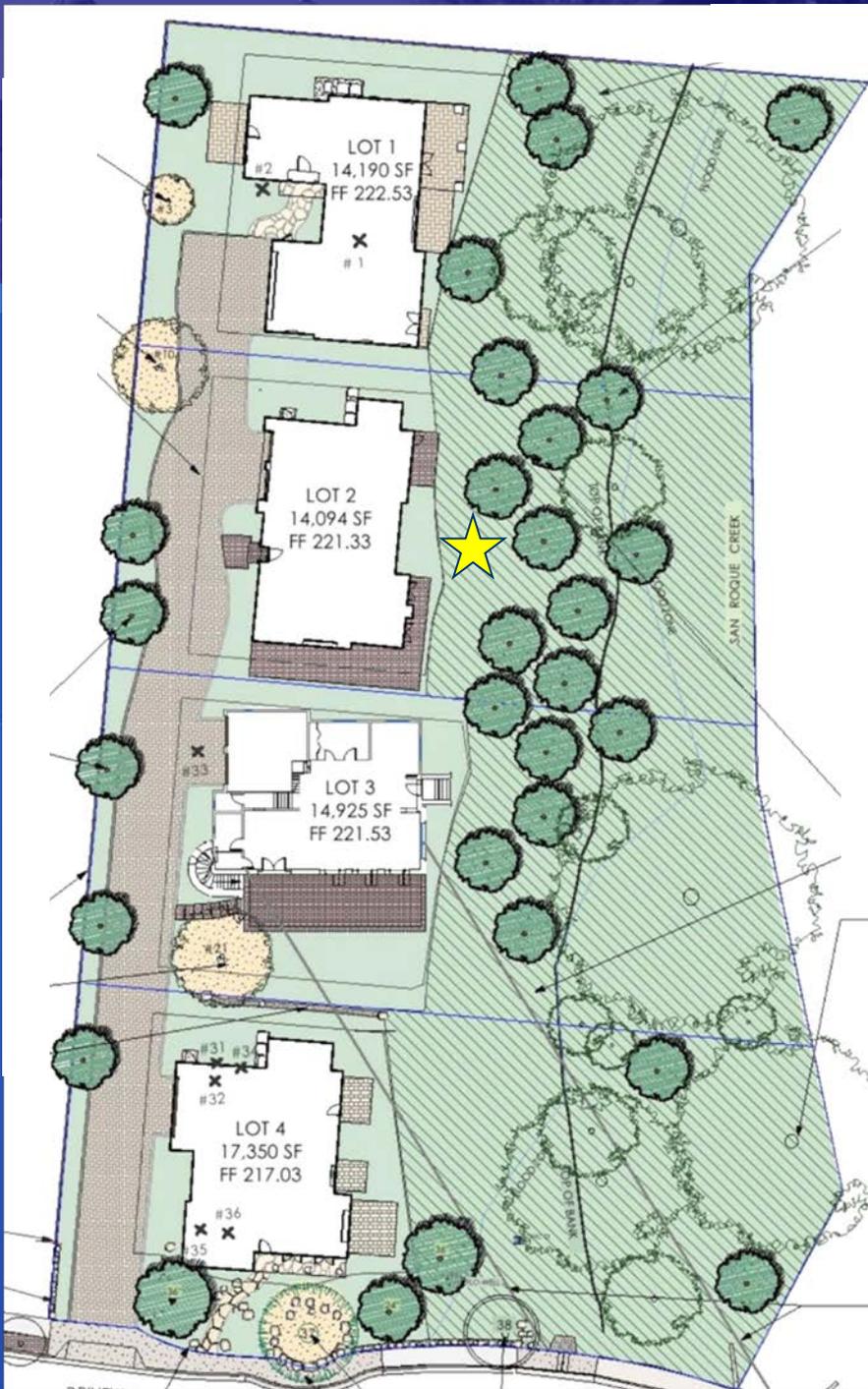
- ◆ 2,652 square foot house
 - First floor: 1,546 square feet
 - Second floor: 1,106 square feet
- ◆ 479 square foot garage
- ◆ Total area: 3,132 square feet
 - 74% of maximum floor area

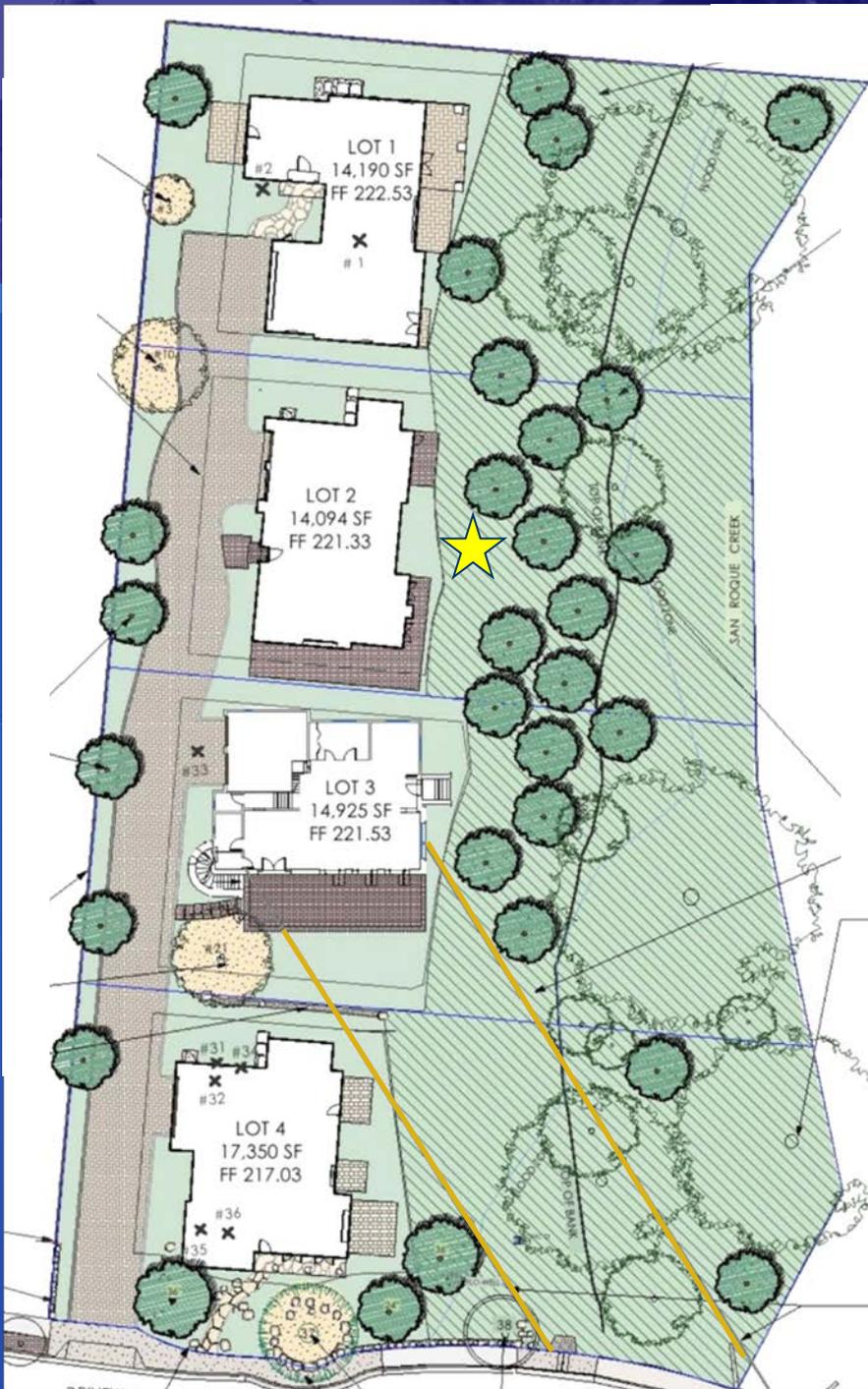


Four Lot Subdivision

- ◆ Approved October 2010
- ◆ Revised August 2014
 - Preservation of historic façades
 - View corridor
 - Creek restoration
 - Conservation easement
 - Guest parking

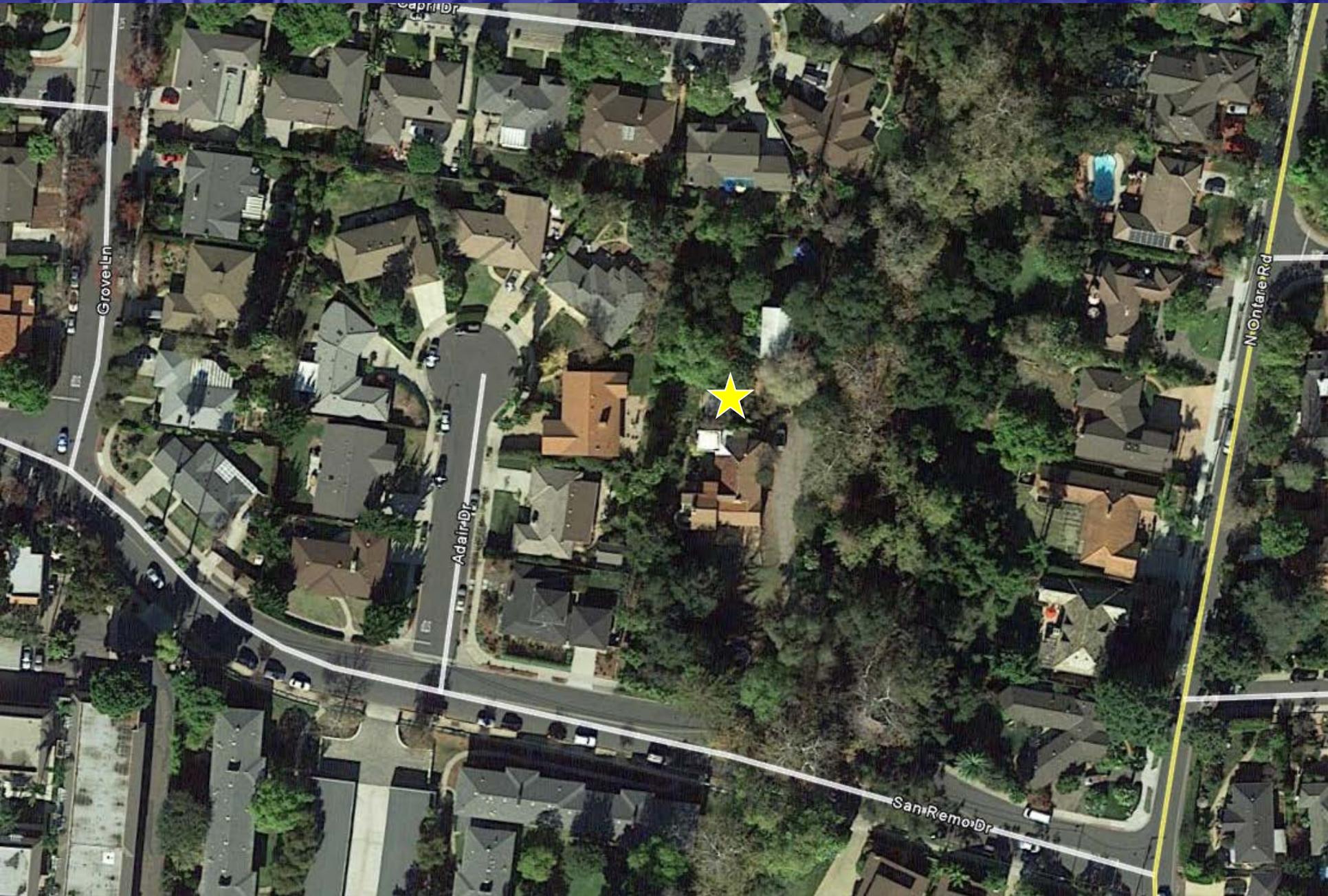


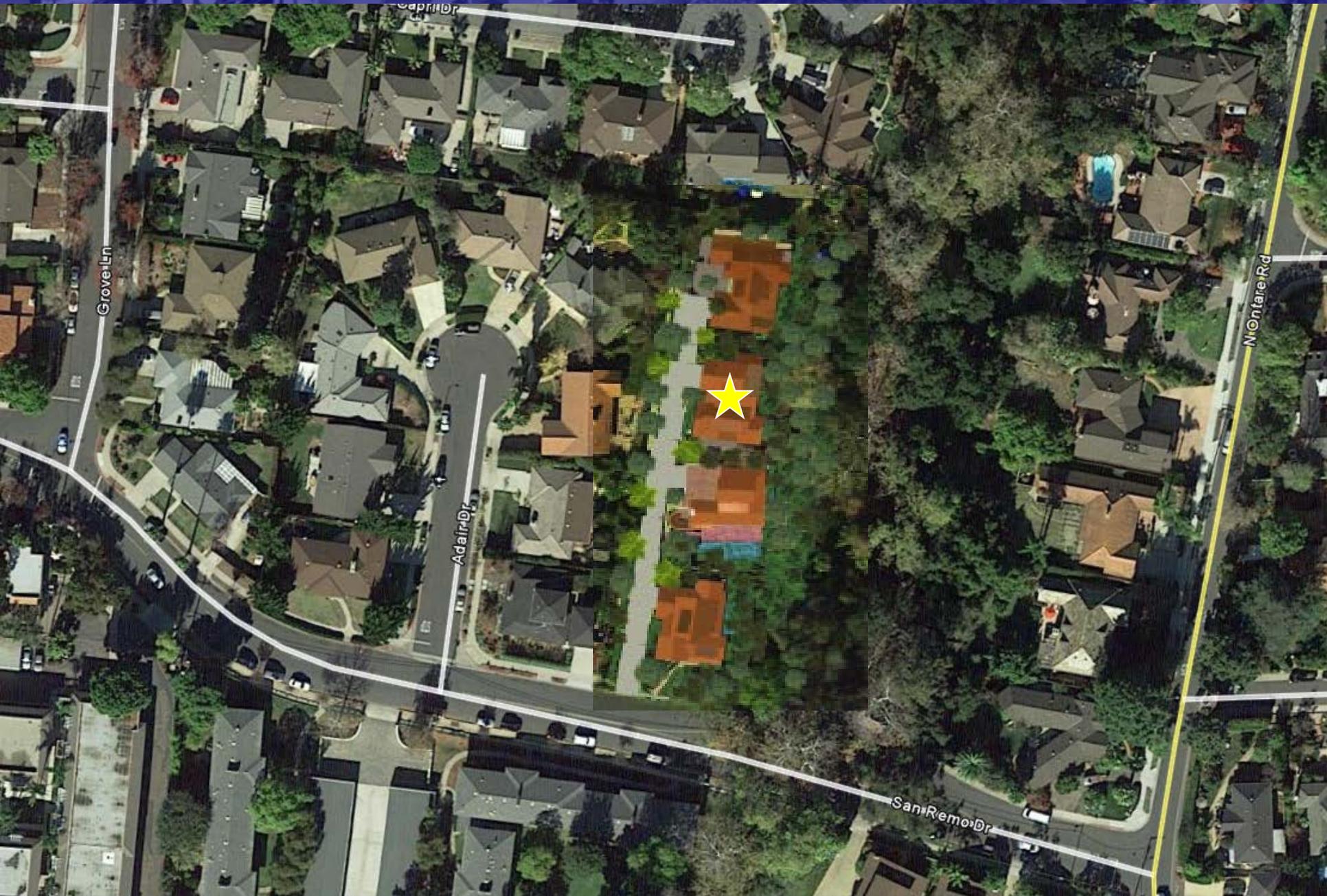












Concurrent Reviews

| | Net Site Area | Total Net Floor Area | % of Max FAR | Reviewer | Status |
|-------------|---------------|----------------------|--------------|----------|----------|
| Lot 1 | 14,190 sf | 3,136 sf | 74% | SFDB | Pending |
| Lot 2 | 14,094 sf | 3,132 sf | 74% | Council | Appealed |
| Lot 3 | 14,925 sf | 3,210 sf | 74% | HLC | Approved |
| Lot 4 | 17,350 sf | 3,292 sf | 75% | SFDB | Pending |
| Subdivision | 60,559 sf | - | - | SFDB | Approved |



9/22 SFDB Decision

- ◆ Initial motion to continue
- ◆ Applicant requested denial
- ◆ SFDB denied the proposal
 - Approved of massing and scale
 - Stated house size was too large



NPO Findings

- ◆ Consistency and Appearance
- ◆ **Compatibility**
- ◆ Quality of Architecture and Materials
- ◆ Trees
- ◆ Health, Safety, and Welfare
- ◆ Good Neighbor Guidelines
- ◆ Public Views



Compatibility Finding

The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and the neighborhood.



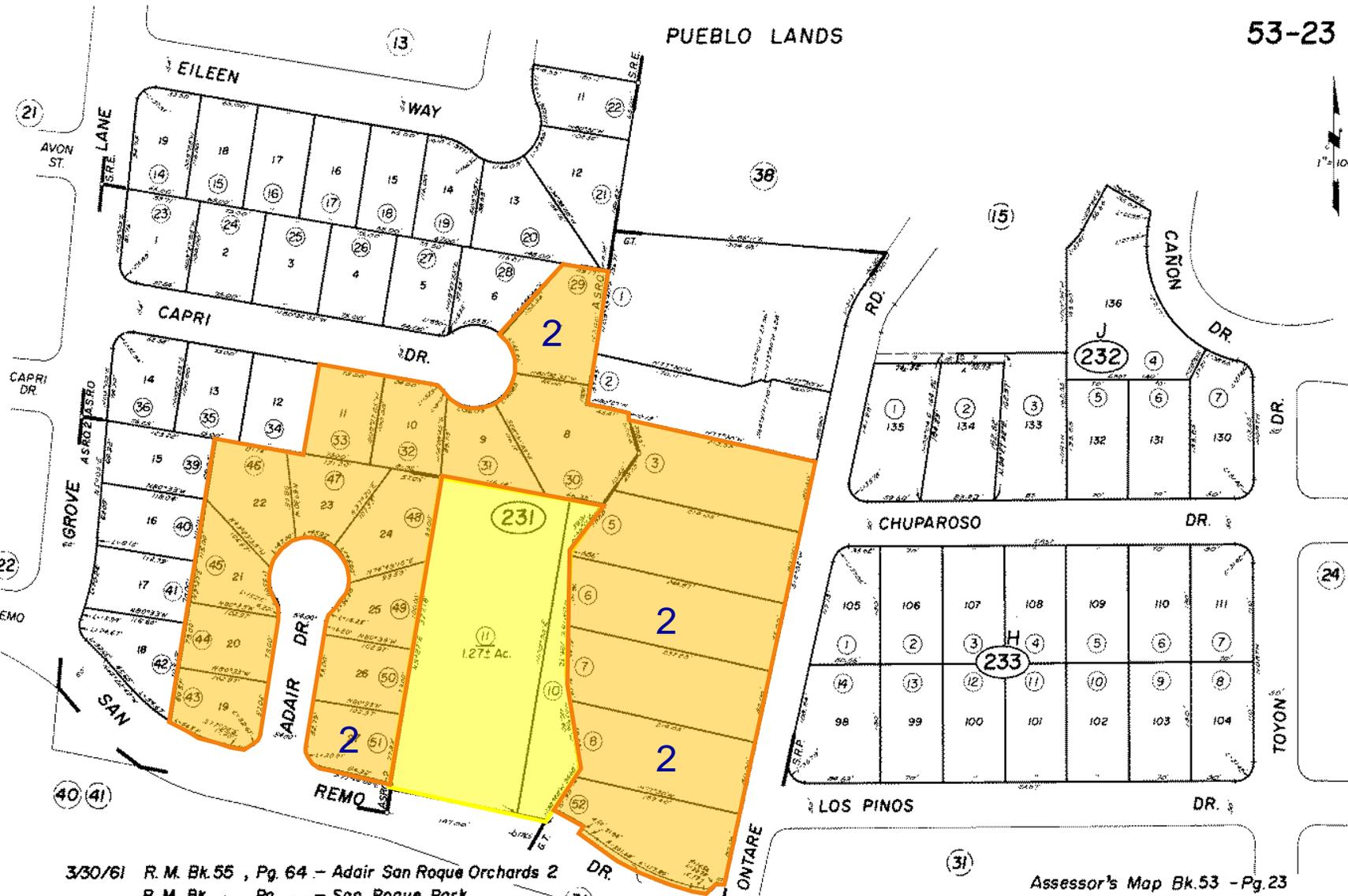
Building Size

- ◆ Two dimensional floor area
 - Includes accessory buildings
- ◆ Difficult to perceive from exterior
- ◆ Limited by zoning ordinance
 - Maximum size based on lot area
 - Guideline for lots >15,000 square feet



Building Size

- ◆ Guidelines encourage designs that are <85% max FAR
- ◆ Designs >85% of max FAR require additional information
- ◆ Max for Lot 2: 4,262 square feet
 - Initial proposal was 78% of max FAR
 - Current proposal is 74% of max FAR



- 3/30/61 R.M. Bk. 55 , Pg. 64 - Adair San Roque Orchards 2
- R.M. Bk. 15 , Pg. 109 - San Roque Park
- 12/19/58 R.M. Bk. 50 , Pg. 23 - San Roque Estates
- 4/7/60 R.M. Bk. 53 , Pg. 58 - Adair San Roque Orchards Green Tract

NOTE Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 53 - Pg. 23
County of Santa Barbara, Calif.

09/81 Correct Box 232.01

20 Closest SFRs

| Address (Optional) | Data Source (Ex: Co. Assessor's Office) | APN | Lot Size in | | | Garage | | FAR | FAR Rank |
|-----------------------|--|-------------|---------------|----------|--------------|------------|--------------|-------------|----------|
| | | | net sq. ft. | Floors | House | /Carport | Total | | |
| 204 Adair Drive | Co. Assessor's Office | 053-231-051 | 7,405 | 2 | 2,228 | 552 | 2,780 | 0.38 | 1 |
| 211 Adair Drive | Co. Assessor's Office | 053-231-044 | 7,405 | 1 | 1,694 | 641 | 2,335 | 0.32 | 2 |
| 210 Adair Drive | Co. Assessor's Office | 053-231-050 | 7,405 | 1 | 1,883 | 420 | 2,303 | 0.31 | 3 |
| 219 Adair Drive | Co. Assessor's Office | 053-231-045 | 7,405 | 1 | 1,607 | 681 | 2,288 | 0.31 | 4 |
| 230 Adair Drive | Co. Assessor's Office | 053-231-047 | 7,405 | 1 | 1,810 | 460 | 2,270 | 0.31 | 5 |
| 216 Adair Drive | Co. Assessor's Office | 053-231-049 | 7,405 | 1 | 1,786 | 441 | 2,227 | 0.30 | 6 |
| 3621 Capri Drive | Co. Assessor's Office | 053-231-033 | 7,405 | 1 | 1,720 | 495 | 2,215 | 0.30 | 7 |
| 3609 Capri Drive | Co. Assessor's Office | 053-231-031 | 7,405 | 1 | 1,681 | 504 | 2,185 | 0.30 | 8 |
| 3615 Capri Drive | Co. Assessor's Office | 053-231-032 | 7,841 | 1 | 1,742 | 528 | 2,270 | 0.29 | 9 |
| 3604 Capri | Co. Assessor's Office | 053-231-029 | 7,405 | 2 | 1,547 | 498 | 2,045 | 0.28 | 10 |
| 3650 San Remo Drive | Co. Assessor's Office | 053-231-043 | 7,405 | 1 | 1,510 | 459 | 1,969 | 0.27 | 11 |
| Lot 2 San Remo | MST Project - Pending/Proposed | | 14,094 | 2 | 2,652 | 479 | 3,131 | 0.22 | 12 |
| 225 Adair Drive | Co. Assessor's Office | 053-231-046 | 9,583 | 1 | 1,643 | 441 | 2,084 | 0.22 | 13 |
| 222 Adair Drive | Co. Assessor's Office | 053-231-048 | 9,583 | 1 | 1,578 | 460 | 2,038 | 0.21 | 14 |
| 201 N. Ontare Road | Co. Assessor's Office | 053-231-008 | 16,553 | 2 | 2,450 | 493 | 2,943 | 0.18 | 15 |
| 213 N. Ontare Road | Co. Assessor's Office | 053-231-006 | 18,731 | 2 | 2,789 | 408 | 3,197 | 0.17 | 16 |
| 121 N. Ontare Road | Co. Assessor's Office | 053-231-052 | 15,682 | 1 | 2,240 | 381 | 2,621 | 0.17 | 17 |
| 3603 Capri Drive | Co. Assessor's Office | 053-231-030 | 15,246 | 1 | 1,932 | 578 | 2,510 | 0.16 | 18 |
| 209 N. Ontare Road | Co. Assessor's Office | 053-231-007 | 18,295 | 1 | 2,506 | 484 | 2,990 | 0.16 | 19 |
| 301 N. Ontare Road | Co. Assessor's Office | 053-231-003 | 16,988 | 1 | 1,554 | 551 | 2,105 | 0.12 | 20 |
| 221 N. Ontare Road | Co. Assessor's Office | 053-231-005 | 18,731 | 1 | 1,666 | 360 | 2,026 | 0.11 | 21 |

Average/Mean Total of House + Garage Size (including project proposal): 2,406
 Average/Mean FAR (including project proposal): 0.24

Revised 8-21-07



← 3638 San Remo Dr
Santa Barbara, California
Street View - Mar 2012



← 3675 Capri Dr

Santa Barbara, California

Street View - Mar 2012





← 3632 San Remo Dr
Santa Barbara, California
Street View - Mar 2012





← 3602 San Remo Dr
Santa Barbara, California
Street View - Mar 2012



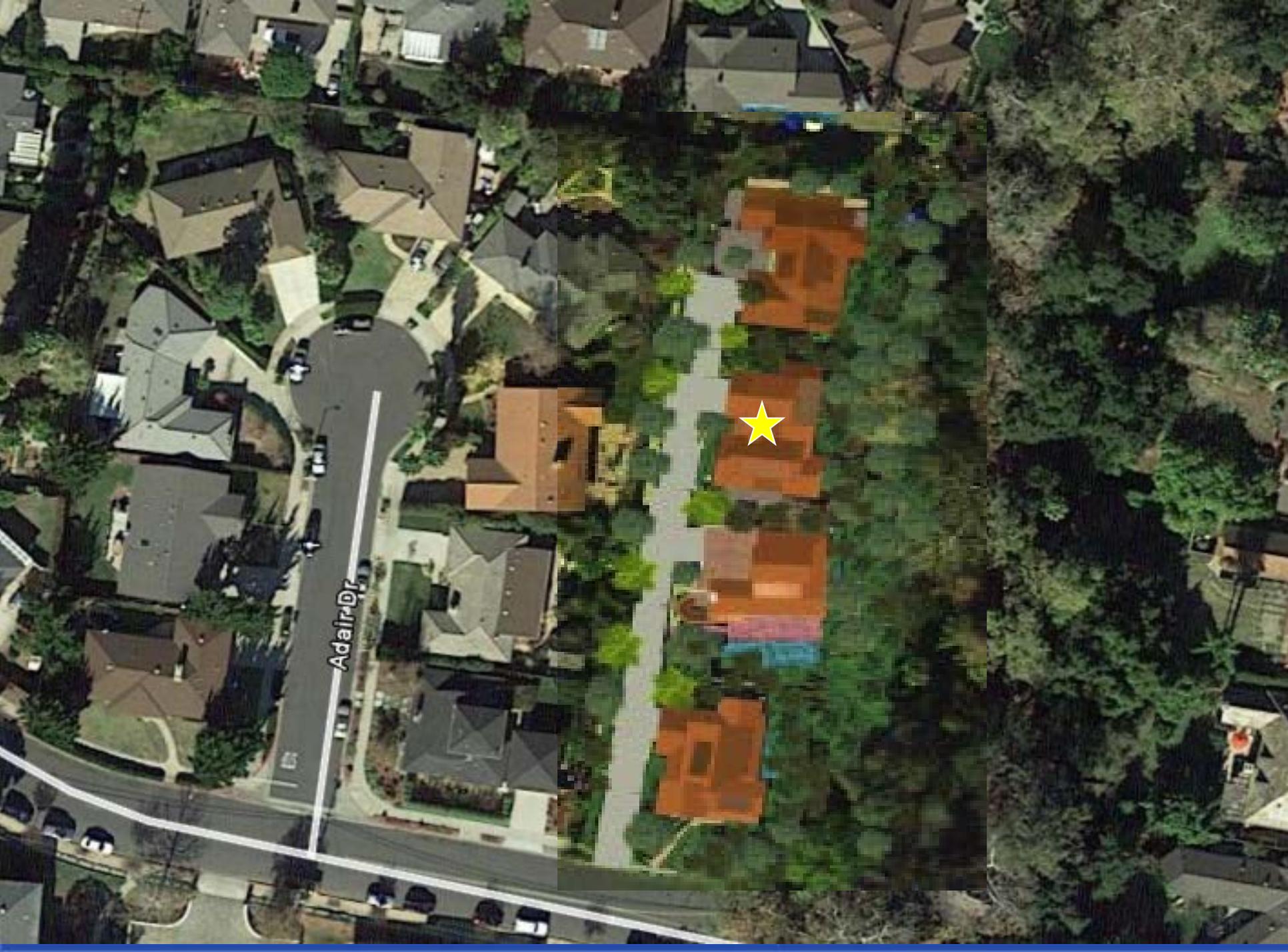


← **119 N Ontare Rd** 

Santa Barbara, California

Street View - Mar 2012

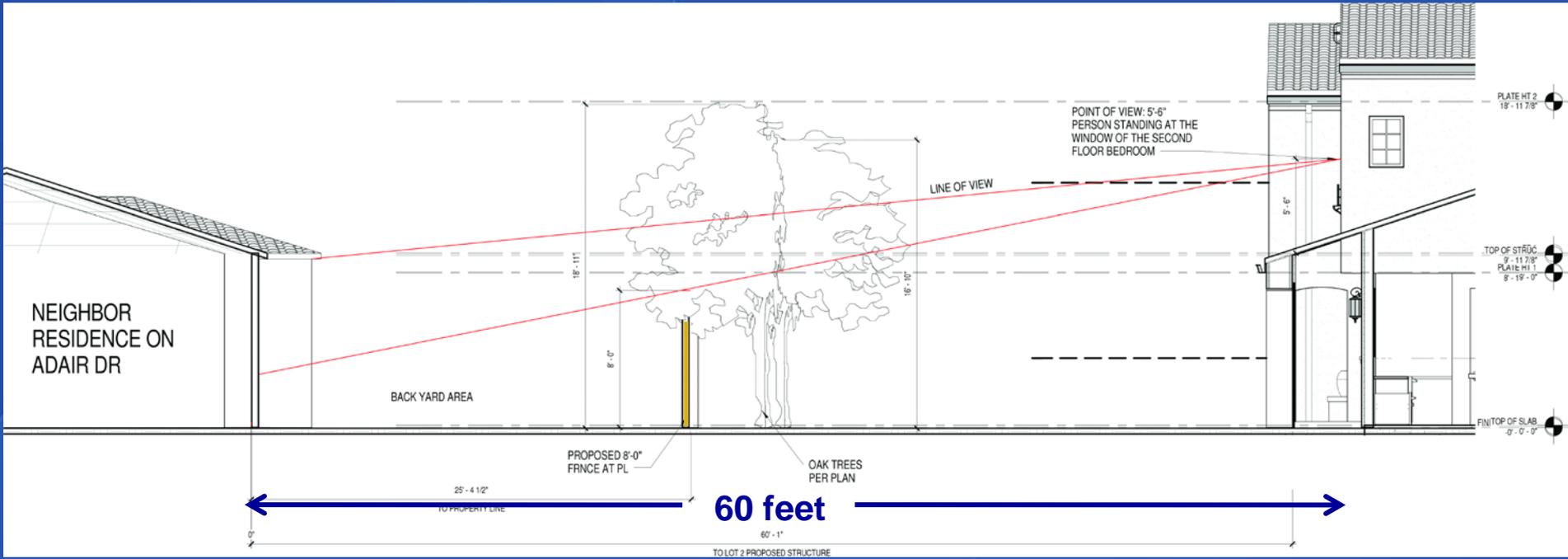




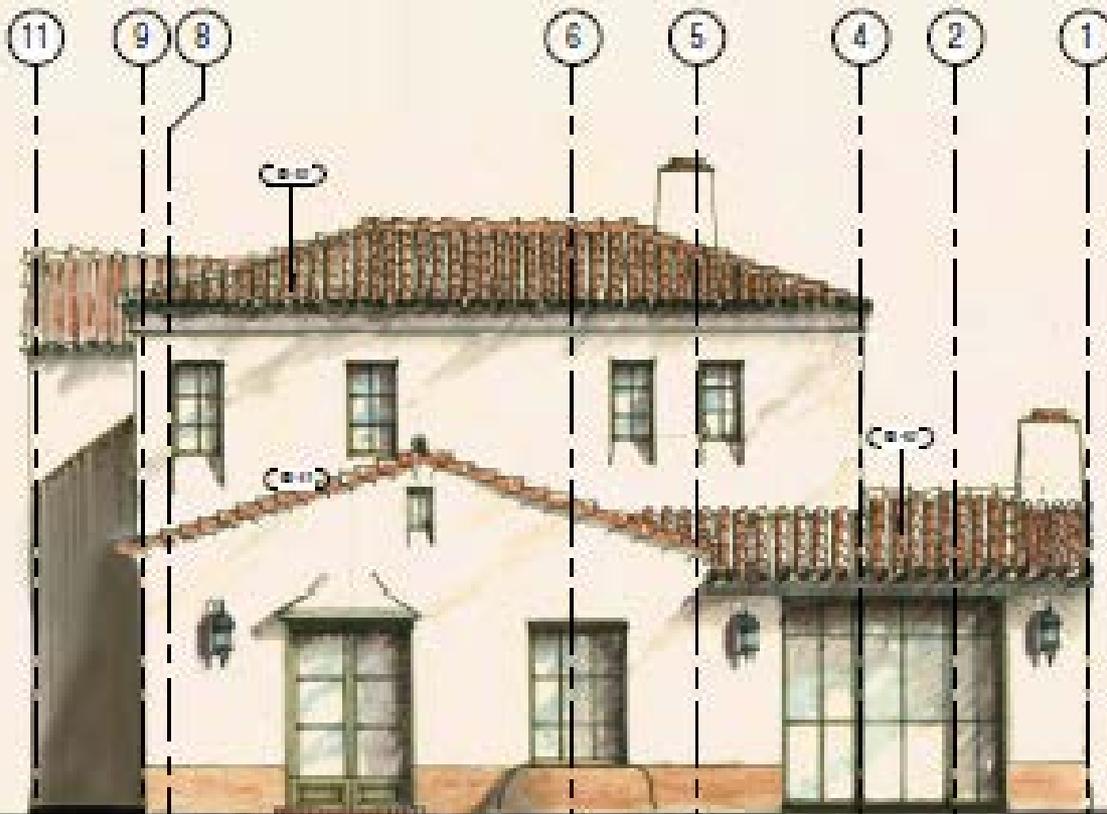
West Elevation



Distance to 216 Adair Dr.



South Elevation



South Elevation

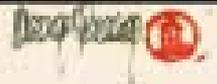


East Elevation

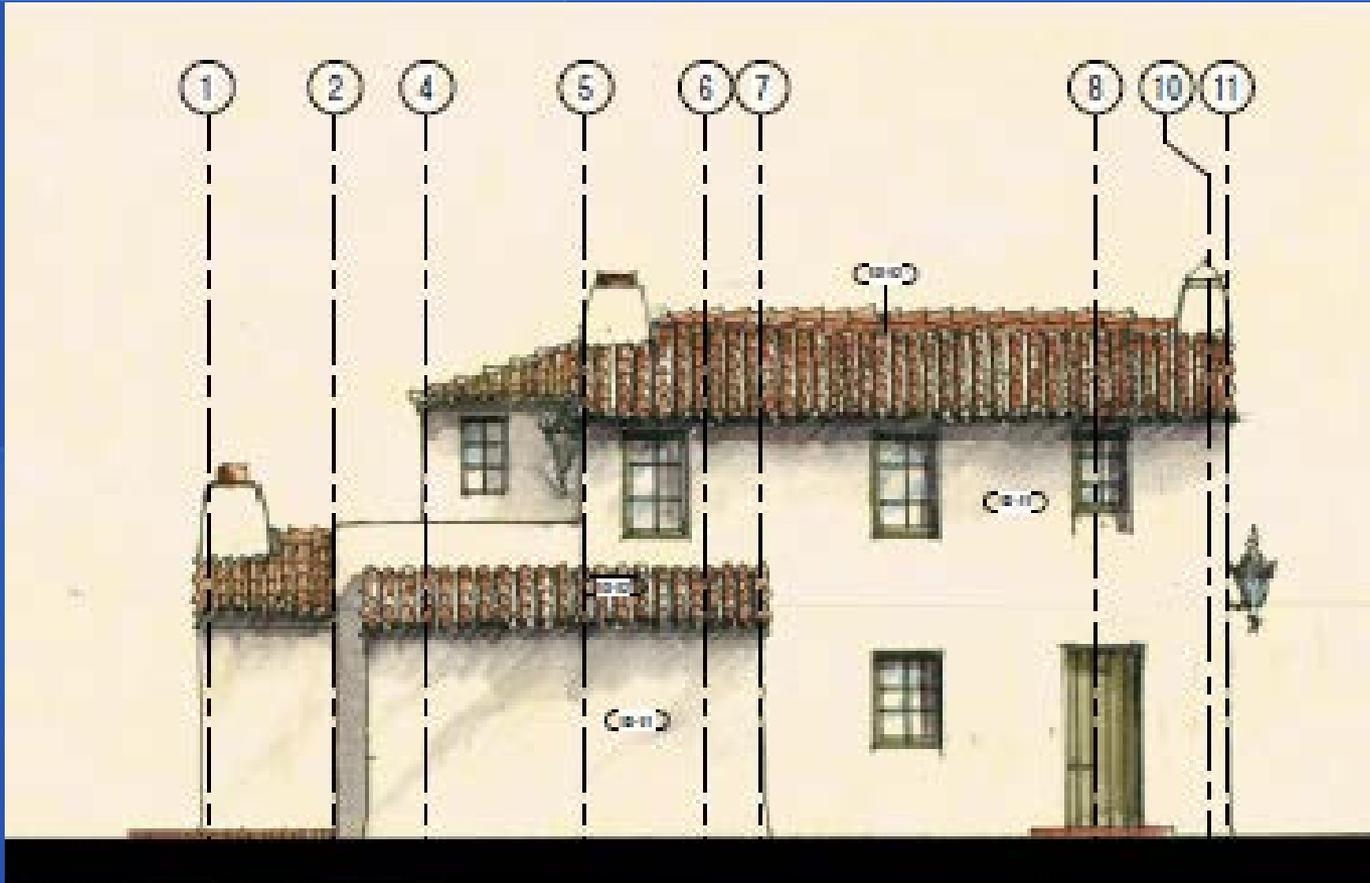


East Elevation

SCALE: 3/16" = 1' - 0"

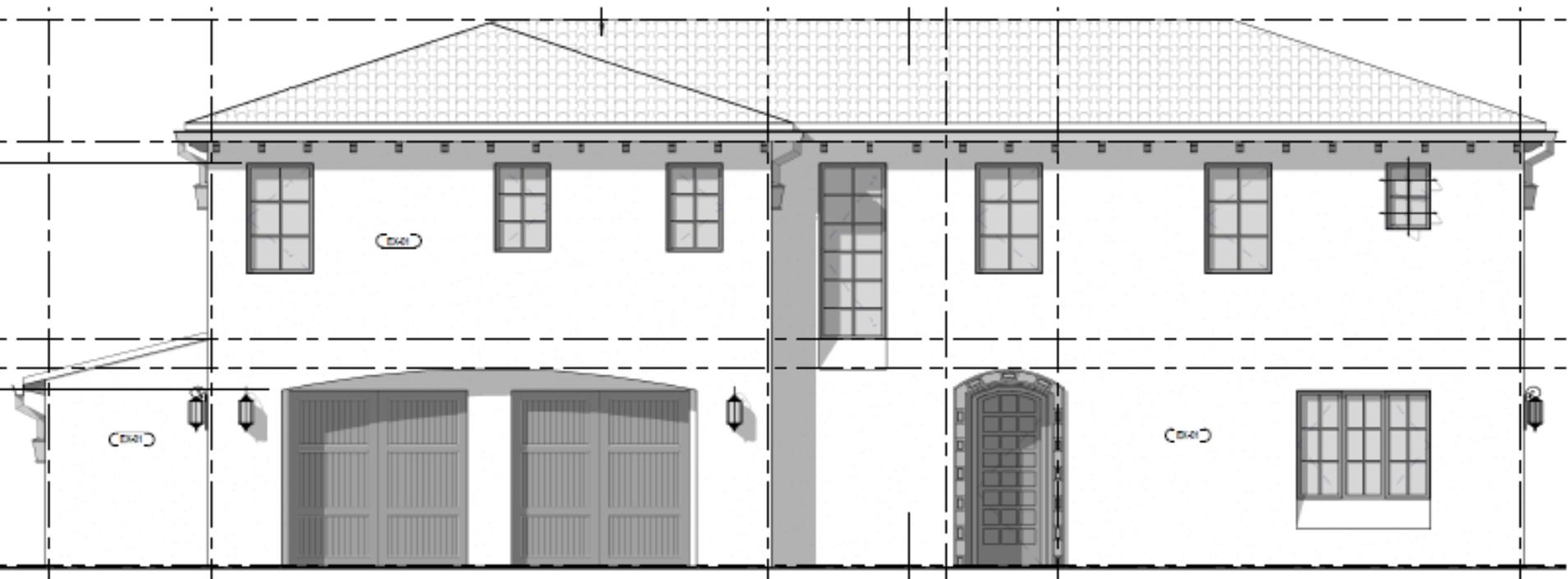


North Elevation



North Elevation

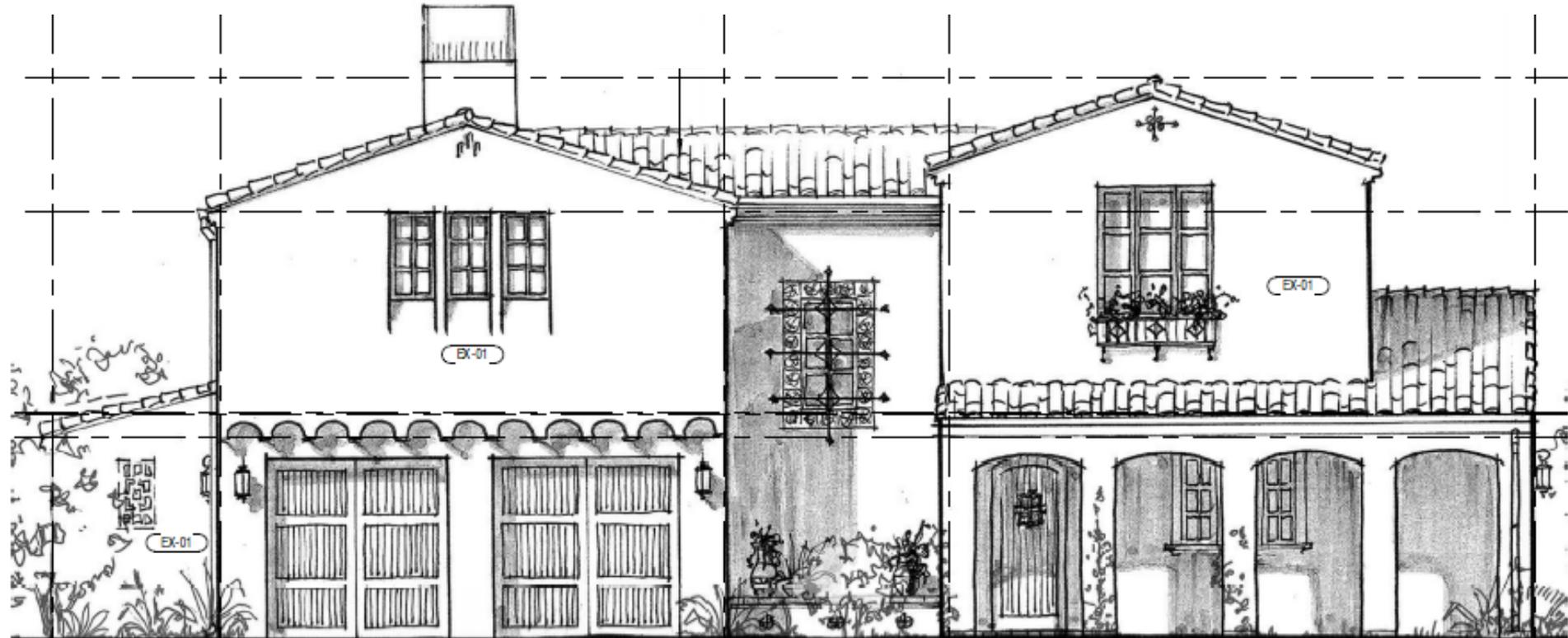
Scale: 3/16"=1'-0"



1st SFDB Review
January 13, 2014



2nd SFDB Review
March 24, 2014



3rd SFDB Review
June 2, 2014

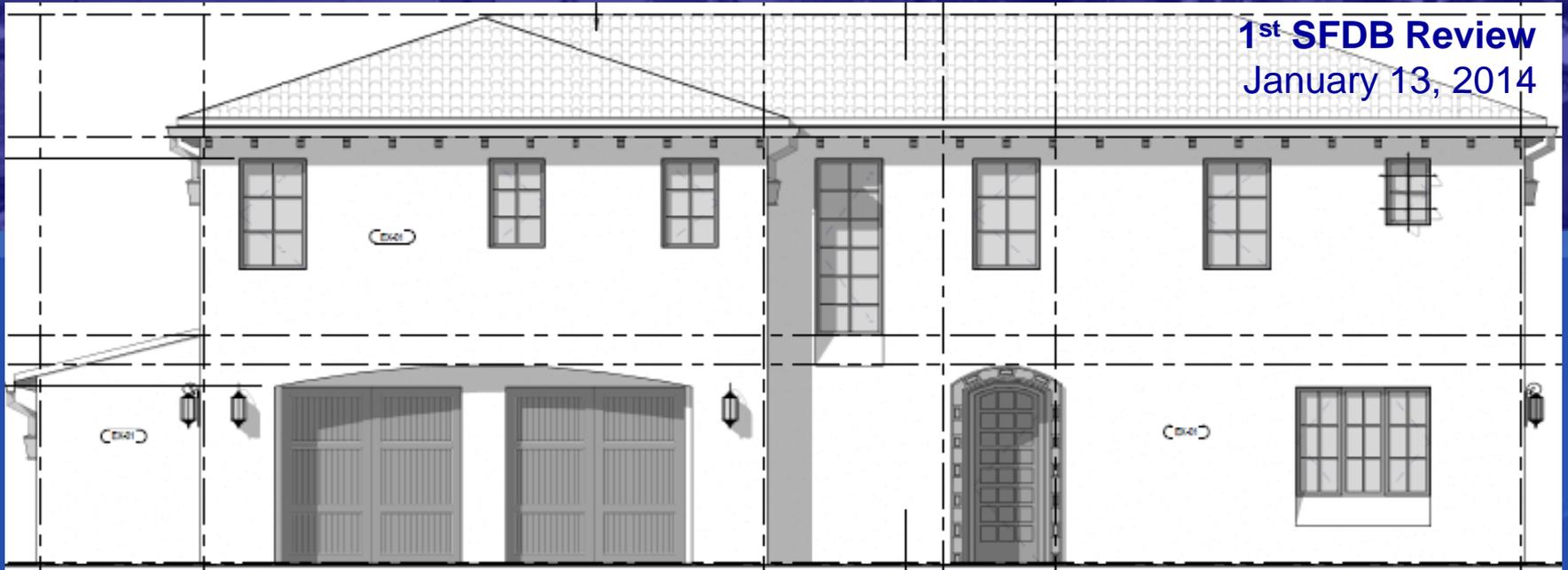


4th SFDB Review
July 14, 2014



5th SFDB Review
September 22, 2014

1st SFDB Review
January 13, 2014



5th SFDB Review
September 22, 2014





Appeal Support

- ◆ House is a reasonable size and consistent with FAR standard range
- ◆ SFDB worked with applicant to reduce volume, mass, bulk and scale
- ◆ Further reductions in floor area are possible, but may not be perceptible

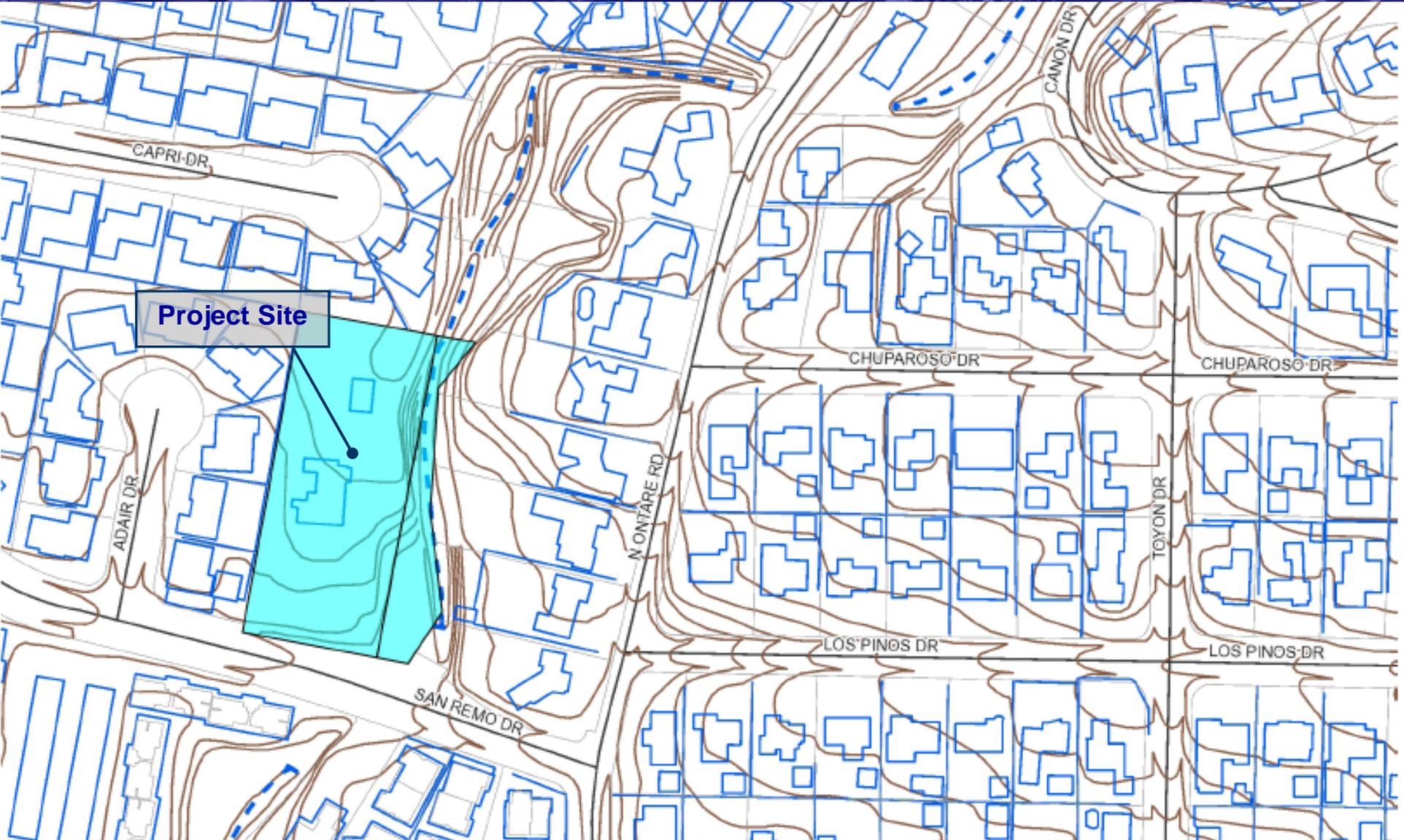


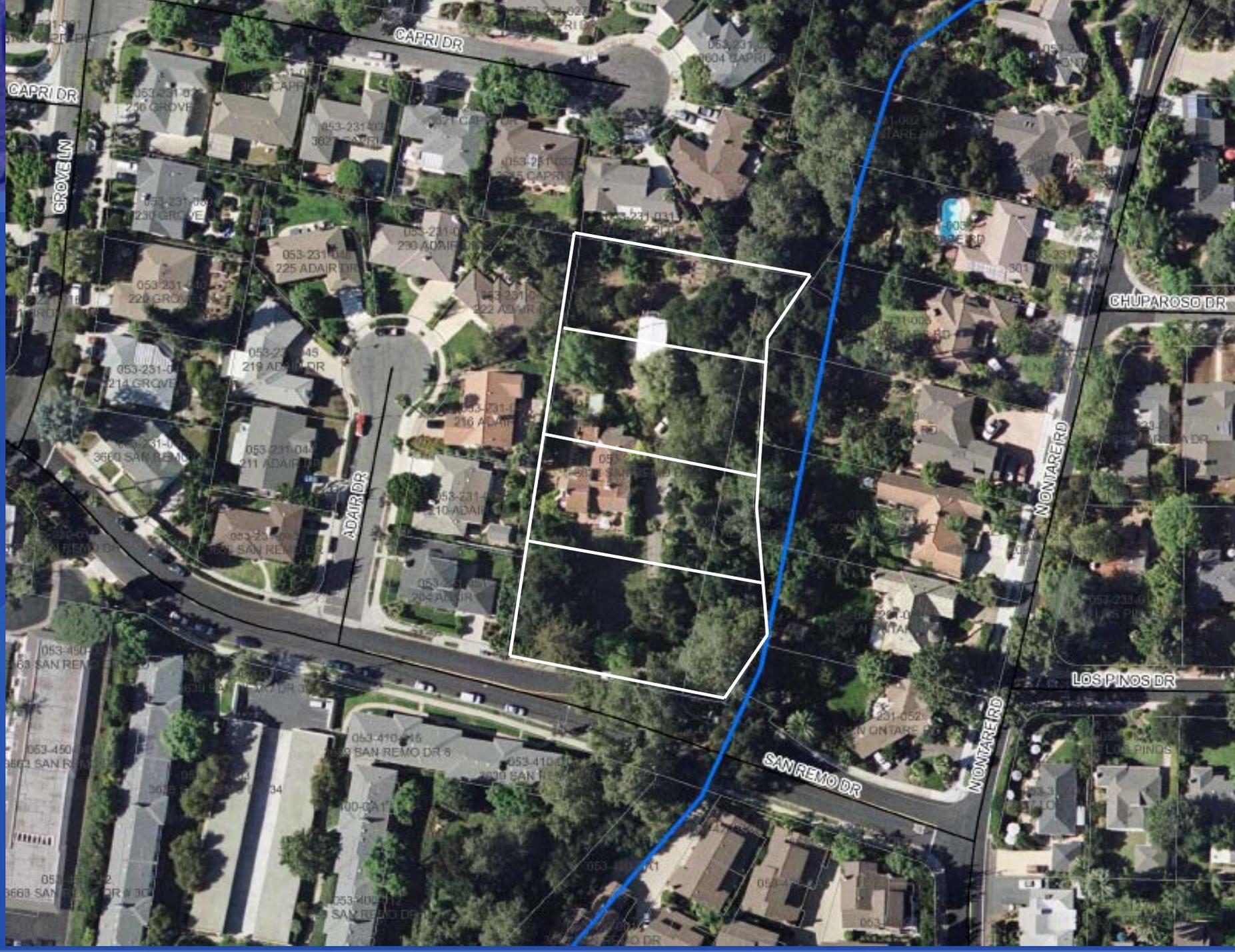
Staff Recommendation

Grant the appeal, granting Project Design Approval for the new single-family residence making Neighborhood Preservation Findings in the Council Agenda Report



END





GROVE LN

CAPRI DR

CAPRI DR

CHUPAROSO DR

ADAIR DR

MONTARE DR

LOS PINOS DR

SAN REMO DR

MONTARE DR

LOS PINOS DR

053-450-163 SAN REMO DR

053-450-366 SAN REMO DR

053-450-366 SAN REMO DR

053-231-027 256 GROVE

053-231-068 230 GROVE

053-231-020 226 GROVE

053-231-021 214 GROVE

053-231-042 366 SAN REMO

053-450-163 SAN REMO

053-450-366 SAN REMO

053-450-366 SAN REMO

053-231-027 256 GROVE

053-231-068 230 GROVE

053-231-020 226 GROVE

053-231-021 214 GROVE

053-231-042 366 SAN REMO

053-450-163 SAN REMO

053-450-366 SAN REMO

053-450-366 SAN REMO

053-231-027 256 GROVE

053-231-068 230 GROVE

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053-231-042 366 SAN REMO

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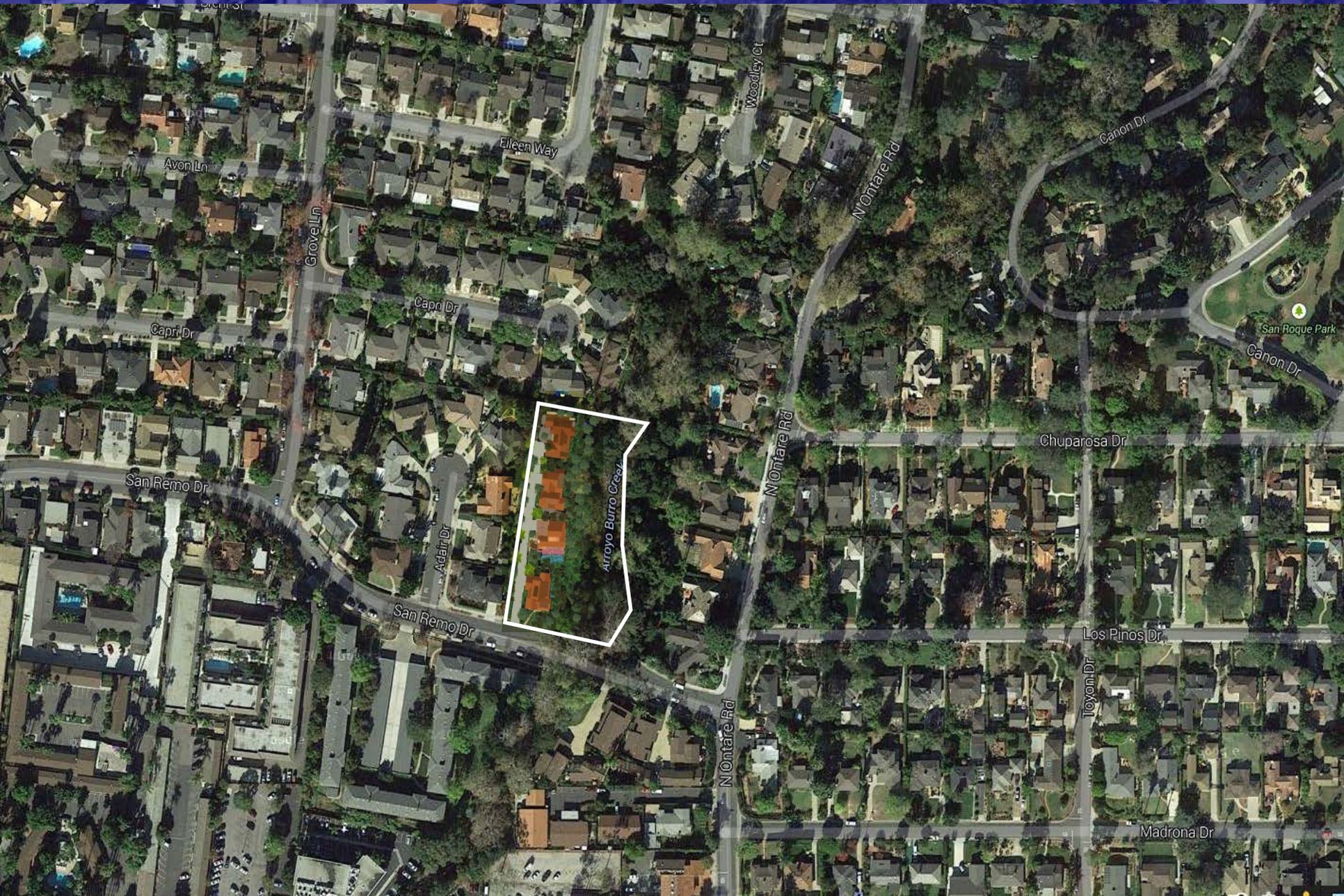
053-450-366 SAN REMO

053-450-366 SAN REMO

053-231-042 366 SAN REMO

053-231-021 214 GROVE

053-231-042



PROPOSED PERMEABLE DRIVEWAY. SEE CIVIL PLANS FOR SLOPE INFO

PROPOSED SEWER BASEMENT. SEE CIVIL PLANS

FUTURE S.F.D.

SLAB-ON-GRADE FOR MECH EQUIP

PROPOSED DEVELOPMENT ENVELOPE

PERVIOUS PATIO ON GRADE

GROSS/ NET LOT AREA

0.32 acres

14,094 SF

PAVED T-106 W/ TRUCK

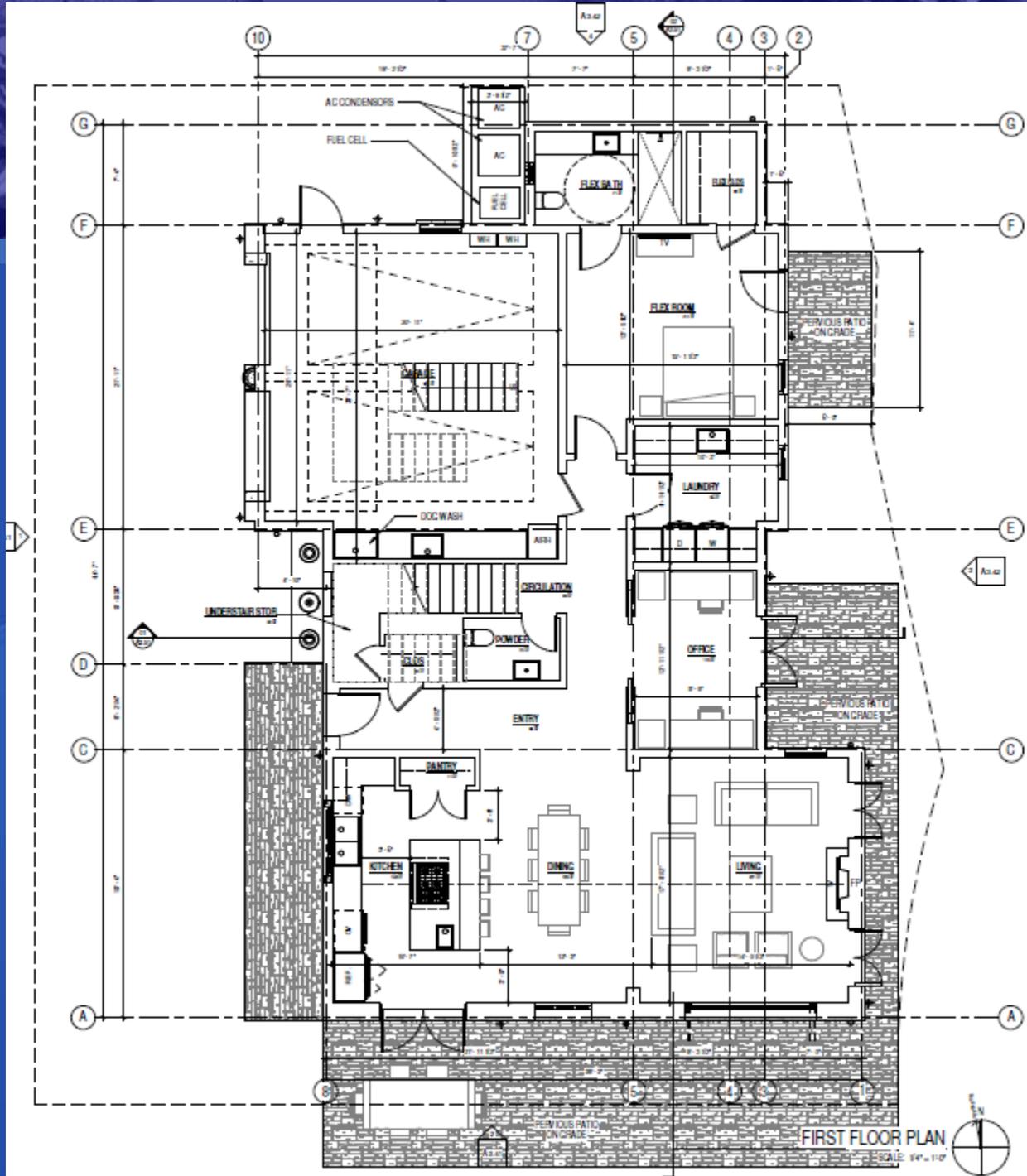
PERVIOUS PATIO ON GRADE

OPEN YARD YARD AREA, SHOWN HATCHED.
1250 SF REQ'D - 1000 SF PROVIDED
300 SF AREA FOR POTENTIAL FUTURE SOLAR ENERGY SYSTEM LOCATION

FUTURE S.F.D.

FF=220.8
FAD=230.8

22.09
17.75



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

