

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE SINGLE FAMILY DESIGN BOARD TO GRANT PROJECT DESIGN APPROVAL AND FINAL APPROVAL FOR A PROPOSED SINGLE FAMILY RESIDENCE AT 2405 STATE STREET

WHEREAS, Dan Underwood applied for a new single-family residence to be located at 2405 State Street, a 7,500 square foot vacant lot located within the City of Santa Barbara.

WHEREAS, the project received its initial concept review by the Single Family Design Board (SFDB) on September 22, 2014 at which time the SFDB reviewed the proposal and indicated that the architecture was pleasing. The SFDB also requested additional information about the streetscape, adjacent homes in the neighborhood, and requested the placement of story poles on the vacant lot.

WHEREAS, the SFDB again reviewed the project on October 6, 2014. During this hearing the appellant, Jim Arnesen, raised concerns with the placement of the garage and driveway and the potential loss of privacy in his adjacent residence to the south of the project. The SFDB asked the architect to study flipping the orientation of the second story floor plan to move some of the mass to the north, study the roof design to possibly add dormer windows, and to reduce the second story plate height from 9 feet to 8 feet.

WHEREAS, on October 20, 2014, the project returned to the SFDB with some of the SFDB's requested design changes incorporated into a revised design. The proposed height of the residence had been reduced two feet and the massing of the second story had been shifted to the north, away from the appellants' residence. While the appellant continued to argue for a garage placed at the rear of the lot, the SFDB indicated a preference for the garage location at the front of the lot.

WHEREAS, the project received its final review before the Single Family Design Board on February 23, 2015. As presented to the Single Family Design Board, the project consisted of a 2,101 square foot two-story, single-family residence, with an attached 505 square foot two-car garage. The Single Family Design Board voted 3/0/2 (Zink and Wollery abstaining) to grant Project Design Approval and Final Approval with conditions finding that the Neighborhood Preservation Ordinance criteria were met with the following comments:

1. The Board appreciates the applicant's efforts.

2. The Board had positive comments regarding the project's consistency and appearance, neighborhood compatibility, and the quality of the architecture and materials.

3. The Board conditioned their approval on the project landscape plan including a grouping of three hymenosporum flavum consisting of two 15 gallon specimens and one 24-inch box specimen and the chimney shall be clad with stucco or stone.

WHEREAS, on March 4, 2015, Jim and Debbie Arnesen, adjacent neighbors to the project living at 2401 State Street, timely filed an appeal regarding the Single Family Design Board decision to grant Project Design Approval and Final Approval. The Arnesens' letter enumerated the following grounds for their appeal:

1. The design of the proposed residence is not consistent with the Single Family Residence Design Guidelines.

2. The proposed residence is out of character with the neighborhood, incompatible with the neighboring property at 2401 State Street, and runs counter to what is suggested in the guidelines including the items listed below:

a. For new construction, garages should not be the predominant feature of the front elevation.

b. Minimize grading both underneath the main building footprint and on the entire site. Only rarely do projects need to approach 500 cubic yards of grading, not including grading under the building footprint, to achieve reasonable development of the property.

c. Avoid crowding or overwhelming neighboring residences.

d. Avoid a "vertical canyon effect" between homes. The space between a proposed two-story home adjacent to a one-story home is important. Space between homes should increase as wall height increases. Consider setbacks greater than those required by the Municipal Code to avoid bulky structures.

e. Set taller portions of structures further away from lot lines to reduce the appearance of height.

f. Structures should be sited such that they do not block light and views for other existing homes.

g. Locate areas that require more privacy away from neighbors. Avoid placing windows in locations that would look into adjacent windows.

WHEREAS, on April 20, 2015, the City Council conducted a duly noticed site visit during which it conducted an inquiry into the physical aspects of the issues presented on appeal; and

WHEREAS, on April 21, 2015, the City Council conducted a duly noticed public hearing on the appeal. The project design presented to the City Council on appeal was the project design approved by the Single Family Design Board on February 23, 2015. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues, and a PowerPoint presentation on the appeal issues – both of which are incorporated by reference into this Resolution (along with the entire record of proceedings).
2. A presentation by attorney Susan Basham, land use planner Christopher Price, and the appellants detailing the grounds of appeals.
3. A presentation by Dan Underwood and his architect, Bill Wolf, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.
4. Comment from Brian Miller, Vice-Chair of the Single Family Design Board explaining the Board's perspective on the Project design and the appeal issues.

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal of the Project and to uphold the decision of the Single Family Design Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the Single Family Design Board and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the April 21, 2015 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. With respect to alleged incompatibility of the project with its neighborhood, using the criteria set forth in Evidence Code section 780, and in particular subsection (f), the Council finds that the appellants were not credible.

SECTION 4. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

A. Neighborhood Preservation Findings. The Council makes the following findings pursuant to the Neighborhood Preservation Ordinance, Santa Barbara Municipal Code section 22.69.050 A. 1-7:

**Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The project site is located within a neighborhood of varying architectural styles. The proposed architecture and size of the proposed residence is consistent with the neighborhood. While the front-facing garage of the proposed residence does not comply with the Single Family Residence Design Guideline recommendation, the proposed location of the garage enables more landscaping on the property and reduces the amount of impervious surfaces on the property. The majority of the Council felt the benefits of the forward-facing garage outweighed any negative aesthetic impacts of the proposed design.

**Compatibility.** The proposed single family residence is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The majority of the Council felt that the applicant had appropriately addressed the size and massing of the proposed residence as requested by the Single Family Design Board. The majority of the Council acknowledges that almost any residence proposed on the project site will result in impacts to the privacy and livability of the appellants' property.

**Quality Architecture and Materials.** The proposed building is designed with quality architectural details and quality materials.

**Trees.** The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. While the project will remove much of the vegetation on the project site, the proposed landscape plan which includes replacement trees was complemented and a majority of the Council appreciated the reduction of hardscape enabled by the forward-facing garage.

**Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved in that the neighborhood will be enhanced in value and design by the proposed development.

**Good Neighbor Guidelines.** While acknowledging the inevitable impacts to privacy for the appellants, a majority of the Council finds the project to comply with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting. Important to this finding was the applicants' redesign of the second story stepping away from the southern property line in order to reduce the canyon effect for their neighbors to the south.

**Public Views.** The development will not affect public views. The property has been densely vegetated blocking any views across the property from public vantage points. The placement of a residence on this lot will have little, if any, effect on public views.

B. All summaries of information in the findings in this Resolution are based upon substantial evidence in the record. The absence of any particular fact from any summary contained in a finding does not indicate that a particular finding is not based upon that fact. All evidence in the record shall be considered when interpreting the findings.

C. California Environmental Quality Act Determination. The project involves the construction of a single family residence within an existing single family zone. The development of a residence on this existing vacant parcel is consistent with the policies of the City's 2011 General Plan Update for which an Environmental Impact Report was certified. City staff examined the proposed residence and determined there are no project-specific significant effects that are peculiar to this project. Therefore, pursuant to State CEQA Guidelines section 15183, the Council determines that no further environmental review is necessary and no unusual circumstances are presented by the location or nature of the project because of the careful design.

SECTION 5. The City Council hereby approves the Project as depicted on the set of architectural plans and landscape plans received by the Community Development Department on January 28, 2015, as presented to the City Council on April 21, 2015.