

To: Mayor Schneider and Members of the City Council

November 8, 2016

From: John and Anna Campbell, Owners of Historic Residence at 131 East Anapamu Street

Re: Restaurant Trash Enclosure Permitted by City Building Department and Approved by Historic Landmarks Committee (Without their Knowledge) to be Constructed by Front Entry Gate of Historic Home across from Courthouse Sunken Gardens Without Giving the Required Notice to the Owners of the Home.

APPEAL TO COUNCIL TO RESCIND HISTORIC LANDMARKS COMMISSION MOTION OF NOVEMBER 2, 2016 ON AGENDA ITEM 14, 129 EAST ANAPAMU, ALONG WITH THE UNDERLYING CONSENT CALENDAR ACTION WHICH WAS MISLEADONGLY OR DECEPTIVELY DESCRIBED TO THE COMMISSION;

TO RESCIND THE RESULTING BUILDING PERMIT bld2016-01091 FOR THE CONSTRUCTION OF THE OFFENDING TRASH ENCLOSURE;

TO UPHOLD THE PLANS APPROVED BY THE HISTORIC LANDMARKS COMMISSION ON SEPTEMBER 9, 2015, AND TO DIRECT STAFF TO UPHOLD THEM.

Dear Mayor Schneider and Members of the City Council,

We are appealing to you to rescind the motion of the Historic Landmarks Commission on November 2, 2016, agenda item 14, along with its underlying consent calendar action which was misleadingly or deceptively described on the HLC agenda of April 6, 2016. We are asking you to rescind building permit BLD2016-01091 allowing the construction of the new trash enclosure by the front entry of the historic home we own because we were not notified of this new construction as required by SBMC 22.68,040, and we are directly affected by this action. We ask for this rescision also because it is invalid because it was based on a Landmarks Commission approval in an action which was described deceptively or misleadingly, on their consent calendar agenda of April 6 2016. We are asking you to uphold the plans which the Historic Landmarks Committee approved for 129 E. Anapamu Street on September 9, 2015 and to direct staff to uphold these plans. These plans call for an interior trash room near the rear of the restaurant and a wheelchair lift on the southeast corner of the building.

We own and cherish the historic home at 131 East Anapamu, directly across from the Courthouse Sunken Garden, in the heart of El Pueblo Viejo. It has been a residence continually since 1901. In the 1940's the Jedlicka family put a cobbler shop/bootery in front and put the front entry porch to their home on the west side of the building. The porch is just 82" from the restaurant building, which expanded to the property line over the years. The restaurant building (and the offending trash enclosure) is just 10 feet away from our bedroom windows. A small locally owned and operated women's clothing boutique, ADORNMENT, is now in front, and several working professionals live in the home behind and above the boutique.

The Little Door restaurant next door at 129 E. Anapamu has been undergoing renovation. The plans which were approved by the Historic Landmarks Commission on September 9, 2015, called for the front patio to be raised four feet, a wheelchair lift to be installed on the east side of the patio adjacent to our property, and a sealed, top-ventilated interior trash room to be located near the rear of the restaurant.

Before the renovations started we looked at the plans and we supported them. We had ourselves listed as "interested parties" so the City would keep us notified of any changes as the plans went through. But

the city did not notify us when major changes were made to the plans, to remove the interior trash room and the wheelchair lift, and to have a new trash enclosure constructed along our property line next to the entry gate to our residence.

We found out by accident. Beginning on August 15, 2016, we started going in to the building department to see the current plans. Finally on September 14, 2016, Anna was able to speak with the building inspector and take a quick look at the plans. I, Anna, glimpsed the words "trash enclosure" where I thought the wheelchair lift was supposed to be! Not being sure, I asked if I could have a better look. She said I could see them at the Archives counter. However, I had to sign up for an appointment. (No-one told me I could see the plans right away if I went to the Planning Counter.) I had to wait two full weeks, till September 28 before I could peruse the plans. We were worried the whole time that a new trash enclosure might be replacing the wheelchair lift, but did not really believe they would actually do that since the patio was raised four feet in the air! On September 28, 2016, our fears were confirmed. These plans removed the previously approved interior trash room and wheelchair lift and added the construction of a new trash enclosure next to our property line instead. We had never received notification of the construction of a new trash enclosure, nor had the project description been amended to include the construction of a new trash enclosure. We were in shock and disbelief. During this period I tried three times to make an appointment with the building inspector, but she finally told me she would not give me an appointment because it was "not my business."

We went to other city building and planning staff to try to find out what happened and why we were never notified of this major change in the project. Though some staff has been helpful, it has been very frustrating as we have been misdirected a number of times. However, we looked online at all the agendas and minutes of Landmarks and watched all the videos. We recently discovered that the substitution was made on the plans which were presented for approval on the consent calendar of the HLC on April 6, 2016. More importantly, we discovered that the members of the Commission were never even informed that they would be approving the removal of a wheelchair lift from the plans and the construction of a new trash enclosure next to the front entry gate of the adjacent home!

Changes of this magnitude in El Pueblo Viejo should not have been handled on the staff level; rather they should have gone to the full Landmarks Commission for consideration on their regular agenda. Instead it was put on the consent calendar of April 6, 2016.

The project description on the consent agenda was not amended to mention the relocation or construction of a new trash enclosure. The description of the action to be taken was also deceptive, describing the action for the Commission to take as approval of merely "Changes to trellis and trash enclosure," as though it were referring to a trash enclosure that was already in existence or at least in the approved plans. In a regular mailing to all interested parties, we had received a copy of that consent calendar and were deceived by the wording. The Commission was obviously deceived as well. We watched all the videos and they never discussed or realized that their approval would be for constructing a new trash enclosure at a grossly inappropriate site in El Pueblo Viejo. What was actually already in the approved plans was the interior trash room on the plans they approved on September 9, 2015. However, their unknowing approval of the consent item was used to justify the issuance of building permit BLD2016-01091 to construct the offending new trash enclosure along our property line and adjacent to the trellised entry gate which is the front entrance to our residence at 131 East

Anapamu. The outside wall of the trash enclosure area actually touches the trellis of the gate which is perpendicular to the property line.

As soon as we comprehended what had happened we went to the Historic Landmarks Commission. Normally there is a 10-day period to appeal a decision by the HLC, but since not even the HLC was aware in April that new construction was being proposed, at the time we had no reason to appeal. Because we were not properly notified of the proposed new construction in April, we had no opportunity to appeal it then. Through our own investigation during the month of October 2016, we put the pieces together, and as soon as we understood what had happened, we tried to get it fixed. Therefore the 10-day appeal period should be extended for the rescission of the consent calendar approval. As soon as possible, within days of figuring it out, we went to the Historic Landmarks Commission and urgently tried to get it remedied.

We sent a letter to the HLC immediately protesting the approval of the consent calendar of April 6, 2016, which approved the altered project, and explaining why the location of the trash enclosure was so detrimental to our property rights and to El Pueblo Viejo. We, along with other advocates for handicapped accessibility, property rights, and fairness, went to the next Historic Landmarks Commission meeting which was on October 19, 2016. We spoke during the public comment at the Commission on October 19, 2016, asking for the wheelchair lift to be restored and the trash enclosure, which is adjacent to the front entrance of our residence, to be moved.

At the October 19, 2016 meeting the Commission was visibly shocked and surprised when their staff person, David Eng, told them that they had approved the trash enclosure! As can be seen in the video of that meeting, three or four members said they did not remember approving the trash enclosure and none of them said they remembered it. They obviously did not know that they had approved it. In fact, they asked staff to write them a report telling them how it came to be that it got approved! Please watch the entire video of that meeting so that you can see the full testimony during public comment and so you can see for yourselves how the Commission responded when they were informed by staff that they had approved the new trash enclosure!

We also came to the next meeting of the HLC on November 2, 2016 when the reinstatement of the wheelchair lift was on the agenda as item 14, to commend the restaurant for deciding to put in the wheelchair lift, and to plead again for the trash enclosure to be moved. Mary Louise Days, who was very concerned about the location of the trash enclosure by our entrance, advised us that we should come during the agenda item rather than at public comment. I called HLC staff to see where we belonged and they said to come and speak to the agenda item, since the two had been intertwined ever since the substitution was made. Please watch this meeting in full as well. At this meeting more Commissioners said they did not remember being informed about the construction of the new trash enclosure. They seemed to feel badly about what had happened to us and made a "bifurcated motion approving the lift and calling for the trash enclosure to be enhanced by being made into a concrete trash room with soundproofing and top ventilation. We appreciate their item to fix their mistake, but we are appealing it because it literally "sets it into concrete." A top-ventilated trash enclosure at that location, will still put the smell into our bedroom windows. We continue to believe that the trash enclosure should be moved from that location. If the HLC approval of September 9 2015 is upheld, the restaurant will have an interior trash room near the back which will not severely impact our property, and the wheelchair lift will also be approved. There are some other options which we will

discuss in another letter. We believe they should have their approved interior trash room along with an outdoor trash enclosure on the west side of their building, away from the home. We have been working with Salud Carpajal's office and the head of General Services in the county to allow them to put an outside trash enclosure in that location on county land. Thank you.

John and Anna Campbell 966-6610.