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September 23, 2009

JOHN B. GALVIN  
*Of Counsel*

**Via Hand Delivery**

The Honorable Mayor Marty Blum  
And Honorable City Council Members  
City of Santa Barbara  
City Hall  
735 Anacapa Street  
Santa Barbara, California 93101

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SEP 23 2009  
CITY CLERK'S OFFICE  
SANTA BARBARA, CA

**Re: 2105 Anacapa Street  
APN 02-242-011  
MST2008-00311  
Hearing Date: October 6, 2009**

Dear Honorable Mayor Blum and Honorable City Council Members:

This office represents Barbara Mathews, M.D. (the "Applicant") regarding the above-referenced project (the "Project").

**I. FACTUAL BACKGROUND.**

**A. Project Description**

The Project site is a 9,372 square foot lot located at 2105 Anacapa Street at the corner of Anacapa and Padre Streets in the City of Santa Barbara. There is currently situated on the lot an existing 1,752 square foot single family residence and a 340 square foot detached garage which is partially below grade. The house currently encroaches into the front yard setback on the east and the secondary front yard setback to the south. The house also encroaches into the side yard setback to the north. The existing garage encroaches into the side yard setback on the west.

The Project consists of the demolition of the nonconforming house and garage and the construction of a new house with a first floor footprint that has a portion rebuilt on the existing house footprint located in the front yard setbacks to the south and east.

The portion of the existing house that is inside the north side yard setback will be rebuilt at the required setback. The wall and roof heights proposed for the new structure are less than or equal to the existing conditions.

The 9,372 square-foot lot is significantly smaller than the required 15,000 square feet requirement for a new lot created in the E-1 Zone District. Also, given its location on the corner, the site is subject to two thirty-foot setbacks, further reducing the developable area of the lot. The proposed design respects the existing site conditions.

Modifications were required to permit window, door and architectural changes within the front setback along Padre and Anacapa Streets. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed window, door and architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

The Project's new design steps with the existing sloped lot and preserves existing trees, stone walls and driveway location. The rooms of the proposed design follow the general location of the existing plan and use portions of the existing footprint. The existing partial basement plan is rebuilt closer to the west property line. The Project's lower level includes a 701 square foot basement and a new 845 square foot partial basement that consists of the garage, laundry room, elevator, a secondary bedroom and bath. The ground level plan is 1958 square feet and contains the primary living spaces. A second level plan totaling 982 square feet is comprised of the master suite and a loft.

On March 25, 2009, the City's Staff Hearing Officer made the required findings and approved the Modifications. Attorney Tony Fischer appealed the Staff Hearing Officer's decision to the City Planning Commission, which appeal was heard on June 4, 2009 and denied. No appeal was taken from the Planning Commission's decision on the Modifications allowing construction within both thirty-foot front setbacks. Thus, the Planning Commission's decision on the Modification is final and not an issue before the City Council on this Appeal. The issues before the Council on this Appeal are confined to the Project's size, bulk and scale and the appropriateness of the Project for the subject lot and neighborhood.

The Project, as redesigned, was reviewed by the Single Family Design Board ("SFDB") on July 20, 2009. The SFDB determined that the Project's proposed design is compatible with the existing neighborhood size, bulk, scale and architectural character and approved the Project by a vote of 4-2.

**B. The Appeal**

On July 30, 2009, Attorney Tony Fischer appealed the SFDB's approval of the Project on behalf of Friends of Upper-Anacapa Street. The issues raised in the Appeal are summarized as follows:

1. Whether the existing house and garage are constructed on grade?
2. Whether the Project's proposed structures are out of scale with the surrounding neighborhood and exceed the maximum FAR?
3. Whether the use of the existing footprint of the removed building as a footprint of the new larger building violates the zoning ordinance?
4. Whether the Project ignores the fact that there is an existing natural slope?
5. Whether the Project's proposed garage/basement is consistent with the goals and purposes of the SFDB Guidelines?

Some of the issues raised in the Appeal are an attempt to reopen issues decided by the Planning Commission on the requested Modifications. As discussed in Section A above, because no appeal was taken from the Planning Commission's decision on the Modifications allowing construction within both thirty-foot setbacks, the Planning Commission's decision on the Modifications is final and not an issue before the Council on this Appeal.

**II. LEGAL ANALYSIS AND DISCUSSION.**

**A. The Proposed Project Will Be Closer to Grade Than the Existing Residence.**

Appellant contends that the existing house and garage are on grade. The existing residence is not constructed on grade. The site survey indicates that the finished floor of the existing house is two feet above grade and rises five feet out of existing grade at the southwest corner of the structure. The existing garage is below grade on three sides and the finished floor of the garage is over two feet below grade at the northeast corner. **Exhibits "A" & "B"**. The proposed Project lowers the garage floor elevation by one foot and lowers the house by two feet. Thus, the proposed design is closer to grade than the existing residence.

**B. The Proposed Project is Compatible with the FARs and the Size, Bulk and Scale of Other Homes in the Surrounding Neighborhood**

The Project's proposed structures are not out of scale with the surrounding neighborhood as determined by quantitative and qualitative definitions set forth in the

Single Family Design Guidelines (“SFDG”), Compatibility Guidelines Chapter, Section 7, Volume, Bulk, Massing, and Scale. The Project is designed to be consistent with the criteria as defined in the Guidelines and was determined by the SFDB to be compatible with the surrounding neighborhood with respect to volume, bulk, massing, scale and architectural style.

A principal exercise in the design process is a thorough analysis of the neighborhood context of the proposed development. The “Neighborhood Context” is defined in the SFDG, “Site Planning and Structure Placement” Chapter, Section 2 and compatibility criteria as set forth in the “Compatibility Guidelines Chapter “Neighborhood,” Section 6. The proposed Project was reviewed and found consistent with three levels of “neighborhood compatibility” recognized by the SFDB. The analysis considered the General Plan Neighborhood, the Immediate Neighborhood, as defined by a “Walkable radius (15 minutes; usually quarter mile radius”) and the Neighborhood Study Area, defined by the twenty closest homes.<sup>1</sup>

The area immediately proximate to the Project lot is a transitional block of the Upper East Side neighborhood. Zoning on the block includes both E-1 and R-2 zones and the neighborhood has both single and two-story homes. Most of the twenty closest lots to the proposed Project are substandard in that they do not satisfy the 15,000 square foot minimum lot size requirement of the E-1 zone district and have homes with non-conforming setbacks. For example, the house immediately to the north at 2109 Anacapa Street also does not satisfy the 15,000 square foot minimum lot size requirement and similarly violates the current front, side and rear yard setbacks. **Exhibit “C”**. The corner lot is consistent with the existing non-conforming setbacks of corner lots in the immediate neighborhood. **Exhibit “D”**.

The quantitative measure for the allowable size of a structure on a given lot is the ratio of net square footage of the proposed development to the gross lot area, i.e., the Floor Area Ratio” (“FAR”). The Project’s FAR is 0.36 and is compatible with the FARs for the neighboring parcels. **Exhibits “E” & “F”**. For example, the immediate neighboring parcel to the north at 2109 Anacapa Street has a 0.37 FAR. Four parcels in the twenty nearest lots studied have FARs in excess of 0.36. **Exhibit “E”**. The Project is now 95.9% of the maximum FAR, whereas the project approved by the Staff Hearing officer was 99.6% of maximum allowed FAR. **Exhibit “G”**. The proposed design FAR ranks fifth relative to the twenty closest homes. SFDB determined that the Project’s proposed design is compatible with the existing neighborhood in terms of size, bulk, scale and architectural character.

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<sup>1</sup> The SFDG examines the twenty closest lots to a proposed project to make a compatibility determination depending on the predominant streetscape, pattern of development, or parcel sizes.

**C. The Use of the Existing Footprint of the Removed Building as the Footprint of the New Larger Building Does Not Violate the Zoning Ordinance.**

The rationale for rebuilding on the existing footprint was based on the hardships resulting from the lot being substandard for the Zone District and subject to two front yard setbacks. This was the very issue decided by the Planning Commission at its June 4, 2009 hearing where it denied Appellant's appeal and upheld the Staff Hearing Officer's decision granting Modifications to allow alterations within both thirty-foot front setbacks. As discussed above, no appeal was taken from the Planning Commission's decision granting the Modifications and therefore that decision is final and not an issue before the City Council on this Appeal.

**D. The Design of the Home Reflects an Appropriate Solution to the Sloped Lot.**

Appellant contends that the Project does not honor or reflect the natural slope of the lot. In fact, the proposed design of the home reflects an appropriate solution to the sloped lot as defined in the SFDG. The Project carefully follows the Hillside Housing Design Guidelines Chapter, Section 26, "Natural Surroundings", to achieve a design that steps with the existing topography. **Exhibit "H"**. The proposed design also follows the Guidelines examples for distributing the massing of the structure consistent with the Guidelines illustration on page 44-H. **Exhibit "I"**. The Project also incorporates examples from "Grading," Section 29, to blend new developed areas with existing site topography. The blending of the existing grade with the proposed floor elevation is further required for accessibility to the open yard as defined in the Zoning Ordinance. The SFDB is supportive of the Project's proposed site development and grading.

The SFDB's preliminary approval was conditional upon the roof height of the family room porch being lowered by one foot. The drawings presented at the SBDB meeting were noted and the change sketched on the set as a record. The SFDB and the Applicant agreed upon the requested change in precise detail. The preliminary approval, with conditions, is a consistent and standard approach to defining minor adjustments that would render the Project acceptable.

**E. The Proposed Garage/Basement is Consistent with the Zoning Ordinance and the SFDB Guidelines.**

The property has an existing slope condition that drops 12 feet in elevation from the front of the lot at Anacapa Street to rear at the western property line. The design of the new plan is stepped to follow the existing slope. The garage at the rear of the property is below grade on three sides, opening at grade on the driveway side only. The proposed finish grade at the northeast corner of the garage is three feet below grade. The new floor area extends from the garage to the east and drops deeper below grade the

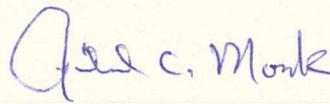
further it extends into the slope. **Exhibit "J"**. The resulting condition is that grade is less than four feet from the ceiling along 75% of the perimeter wall and is defined as a partial basement. The floor area of the partial basement is principally built within the slope and has a minimal impact on the perceived mass of the new structure. The reduced visual impact of the partial basement is recognized in the Zoning Ordinance which allows the garage/partial basement floor area to be reduced by 50% when calculating the FAR. The site design, building footprint, grading and garage/partial basement level of the Project is consistent with City policy as confirmed by City Staff and the SFDB. **Exhibit "K"**. The interpretation of the language of the City's Municipal Code, as applied in the solution, was reviewed and supported by the City Attorney.

**III. CONCLUSION.**

For all of the above reasons, we respectfully urge the City Council to deny the Appeal of the SFDB's decision and allow the Applicant to proceed with the Project.

Respectfully submitted,

HOLLISTER & BRACE  
A Professional Corporation

By 

Richard C. Monk

RCM/crr

cc: Barbara Mathews, M.D.  
Britton Jewett  
N. Scott Vincent, Esq.  
Tony Boughman

# EXISTING HOUSE FLOOR LEVEL

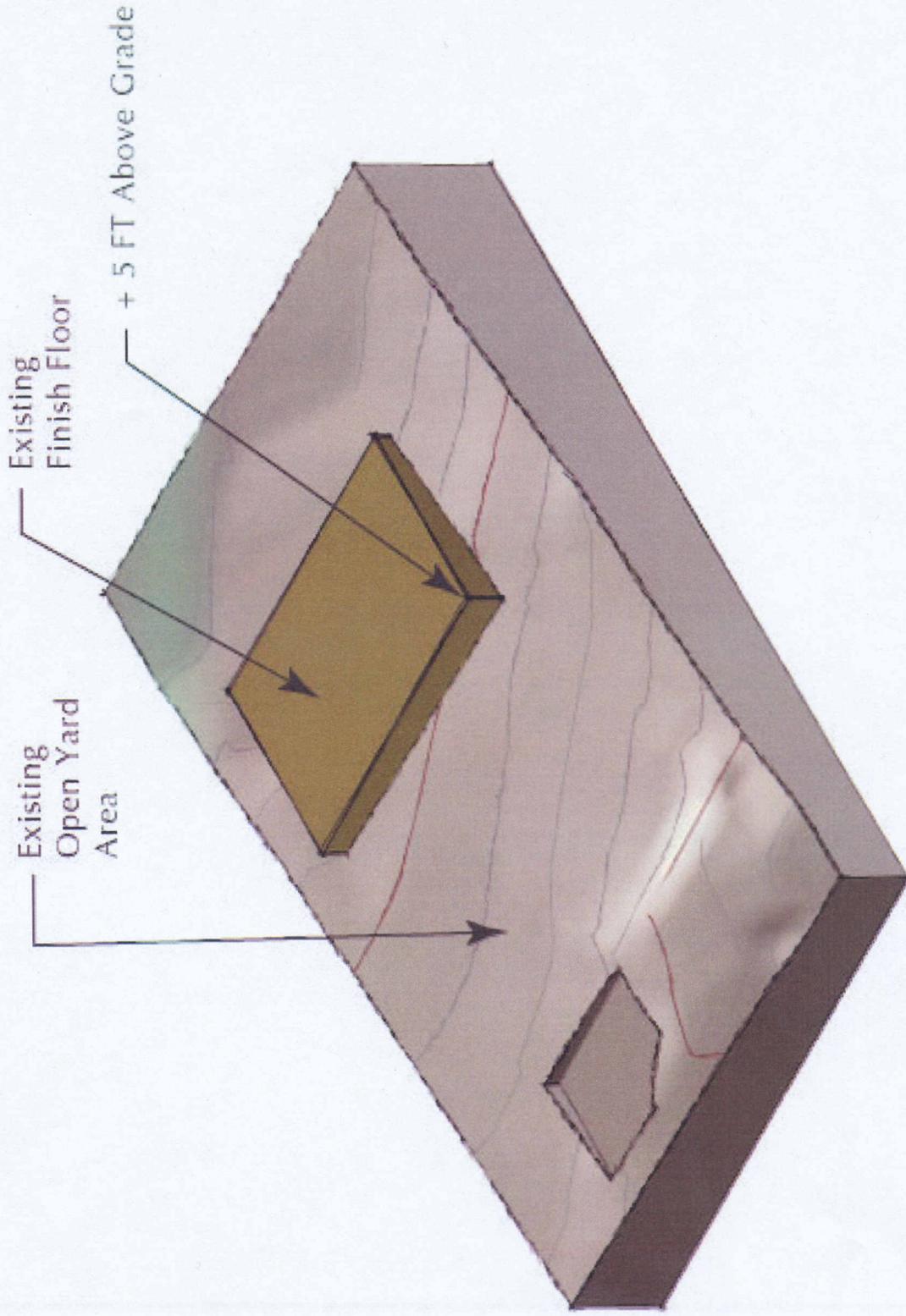


Exhibit A

# RELATIONSHIP OF (E) HOUSE TO GRADE



Windows In (E)  
Partial Basement

Exhibit B

# NON-CONFORMING SETBACKS

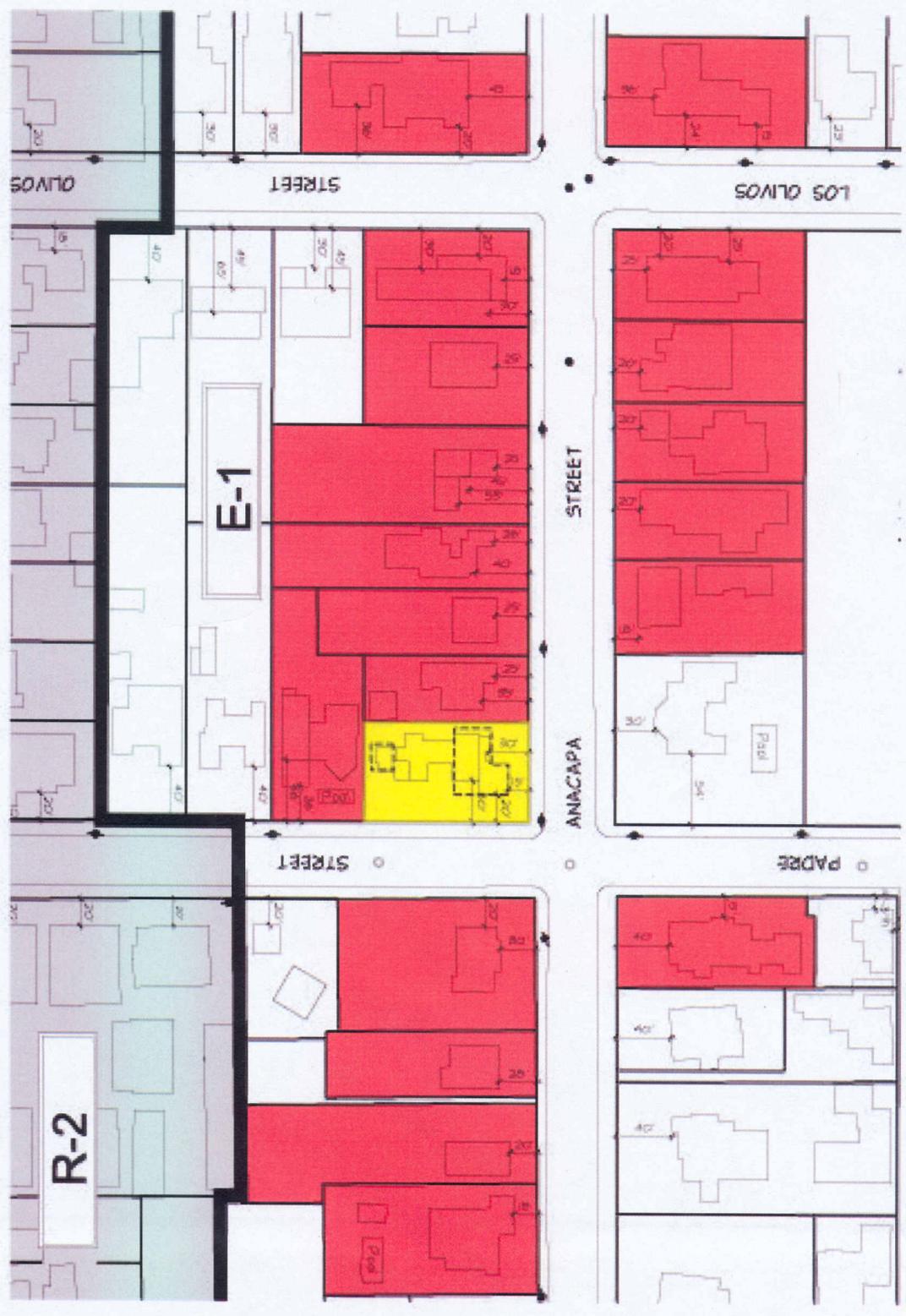


Exhibit C

# NON-CONFORMING CORNER LOTS

within 1/4 mile radius in E-1 zone

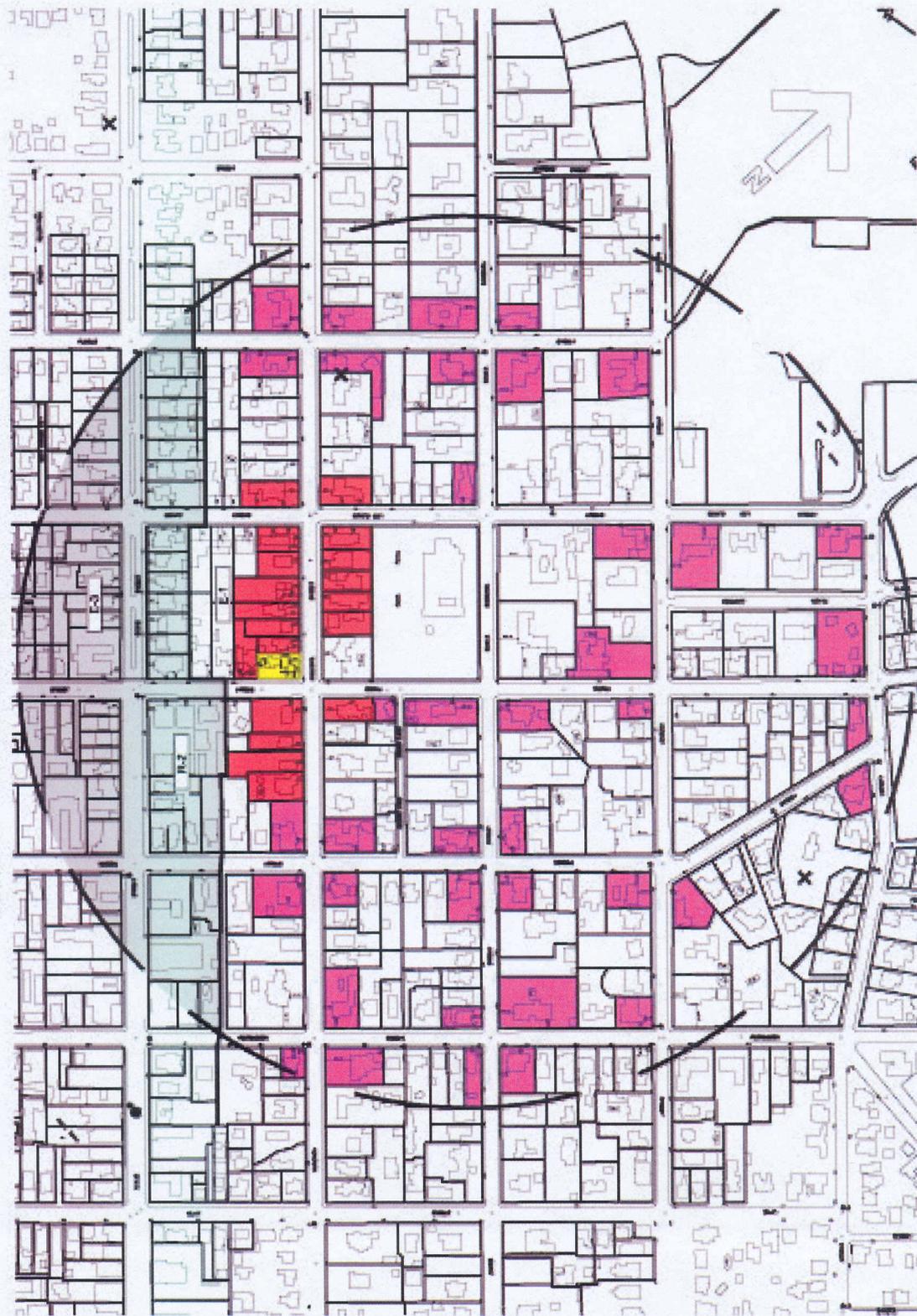


Exhibit D

2105 Anacapa St.  
Santa Barbara, CA

ARCHITECTURE  
& ALLIED ARTS

STUDIO

# 20 CLOSEST LOTS: RANKED BY F.A.R.

Address (Optional)	Data Source (Ex. Co. Assessor's Office)	APN	Lot Size In net sq. ft.	Floors	House	Garage (Carport)	Total	FAR	FAR Rank
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	0.47	1 Largest
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	0.41	2
32 E Padre St	City Street File	025-312-045	7,900	2	2,869	480	3,149	0.40	3
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	0.37	4
<b>2105 Anacapa St</b>	<b>MST Project Proposed</b>	<b>025-242-011</b>	<b>9,372</b>	<b>2</b>	<b>2,940</b>	<b>424</b>	<b>3,364</b>	<b>0.36</b>	5
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	0.32	6
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	0.31	7
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	0.29	8
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	0.28	9
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	0.27	10
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	0.27	11
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	0.25	12
34 E. Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	0.21	13
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	0.21	14
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	0.20	15
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	0.20	16
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	0.19	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	0.16	18
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,428	484	1,910	0.13	19
									20
									21 Smallest

Average/Mean Total of House + Garage Size (including project proposal): **2,657**  
 Average/Mean FAR (including project proposal): **0.28**

Exhibit E

# 20 CLOSEST LOTS: RANKED BY SIZE

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size	Floors	House	Garage /Carport	Total	Rank
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	1 Largest
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	2
<b>2105 Anacapa St</b>	<b>MST Project Proposed</b>	<b>025-242-011</b>	<b>9,372</b>	<b>2</b>	<b>2,940</b>	<b>424</b>	<b>3,364</b>	3
34 E. Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	4
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	5
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	6
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	7
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	8
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	9
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	10
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	11
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	12
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	13
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	14
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	15
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,426	484	1,910	16
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	18
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	19
								20
								21 Smallest

Average/Mean House Size (including project proposal): 2,657

Exhibit F

# S.B. CITY'S F.A.R. CALCULATOR

## F.A.R. Calculator

**Instructions:** Enter the information in the white boxes below. The calculator will calculate the proposed FAR. Blue area values are 100% maximum FAR per the Zoning Ordinance, and the 85% MAX FAR per the Planning Director's. Additionally, red cells indicate whether a FAR application is required.

**The calculator does not include any Public Good elements or Public Good Right of Way areas. The proposed 320M, MAX FAR 313M. Area that include the net floor area of all stories of all buildings. It is not to include basement/under floor area. For further information on these definitions please refer to SBMC 15.020, 15.021, 15.022.**

<b>ENTER</b> Project Address:	2105 Anacapa
Is there a basement or cellar existing or proposed?	Yes
<b>ENTER</b> Proposed TOTAL Net FAR Floor Area (in sq. ft.):	3,364
<b>ENTER</b> Zone ONLY from drop-down list:	E-1
<b>ENTER</b> Net Lot Area (in sq. ft.):	9,372
Is the height of existing or proposed buildings 17 feet or greater?	Yes
Are existing or proposed buildings two stories or greater?	Yes
<b>The FAR Requirements are: REQUIRED**</b>	
<b>ENTER</b> Average Slope of Lot:	8.05%
Does the height of existing or proposed buildings exceed 25 feet?	No
Is the site in the Hillside Design District?	No
Does the project include 500 or more cu. yds. of grading outside the main building footprint?	No
<b>An FAR WOD is not required per SBMC 523.15</b>	
FLOOR AREA RATIO (FAR):	0.36
Lot Size Range:	4,000 - 9,999 sq. ft.
MAX FAR Calculation (in sq. ft.):	1,203 = (0.25 x lot size in sq. ft.)
100% MAX FAR:	0.38
100% MAX FAR (in sq. ft.):	5,543.9
85% of MAX FAR (in sq. ft.):	3,011.5
<b>The 3364 square foot proposed total is 95.0% of the MAX FAR.*</b>	

\* NOTE: Percentage table is included as a guide.  
 \*\*NOTE: If your project is located on a site with multiple or corner lots, please contact Planning Staff to confirm whether the FAR requirements are "Required" or "Optional".

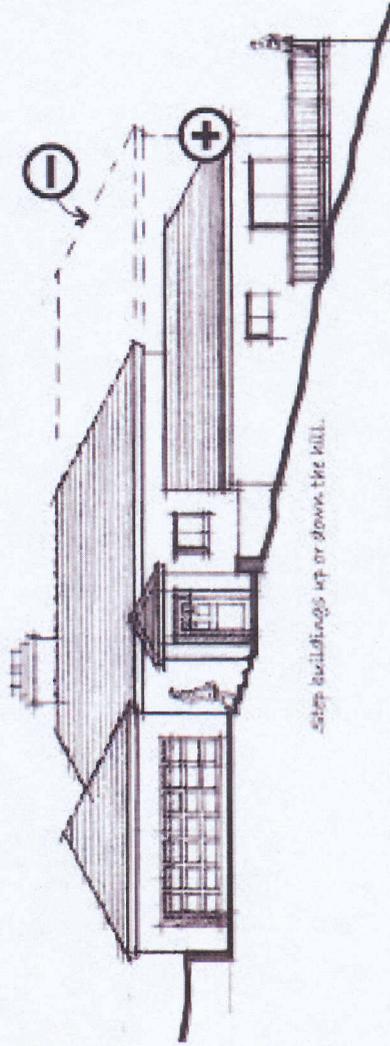
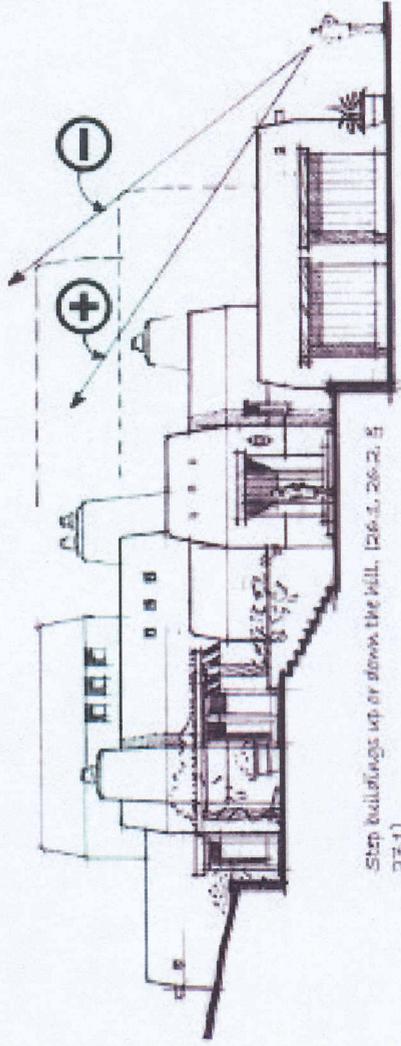
<b>Average Conversion Calculator</b>	
<b>ENTER</b> Average to Convert to square footage:	1.00
Net Lot Area (in sq. ft.):	43,998

## Exhibit C

# S.B. CITY'S HILLSIDE DESIGN GUIDELINE

## HILLSIDE HOUSING DESIGN GUIDELINES

### 26. NATURAL SURROUNDINGS CONTINUED.



Note: The "plus" examples in the illustrations above also comply with guideline 28.1 on page 47-H, which encourages an "apparent height" (lowest point of contact with grade to highest point of building (dimensional)) of less than 30' for hillside homes.



Exhibit H

# COMPLIANCE WITH GUIDELINES

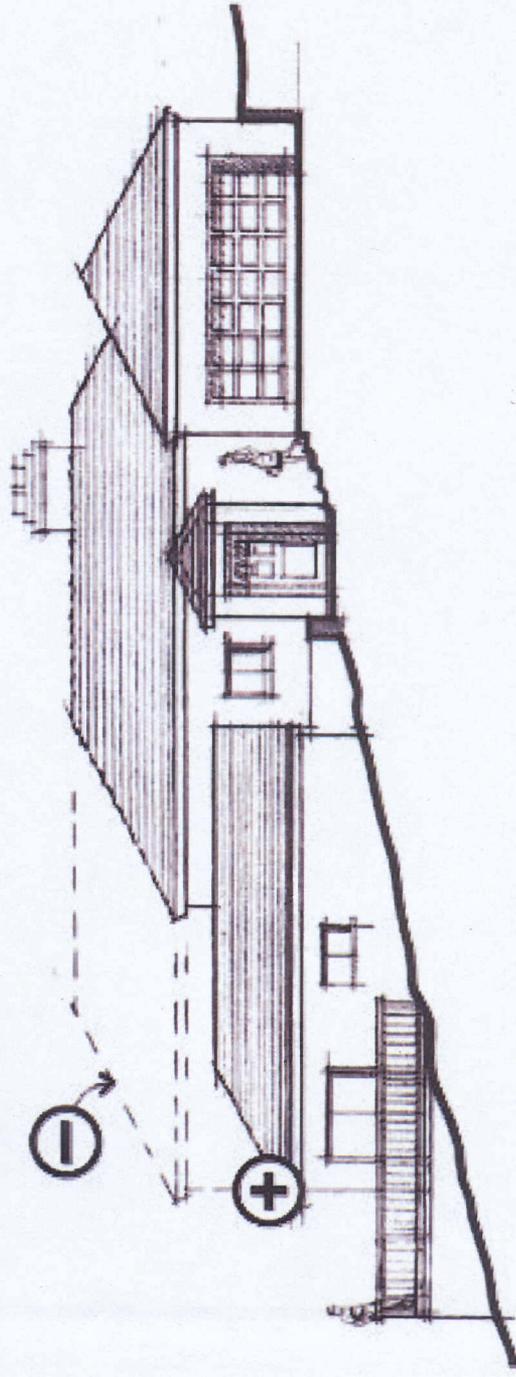
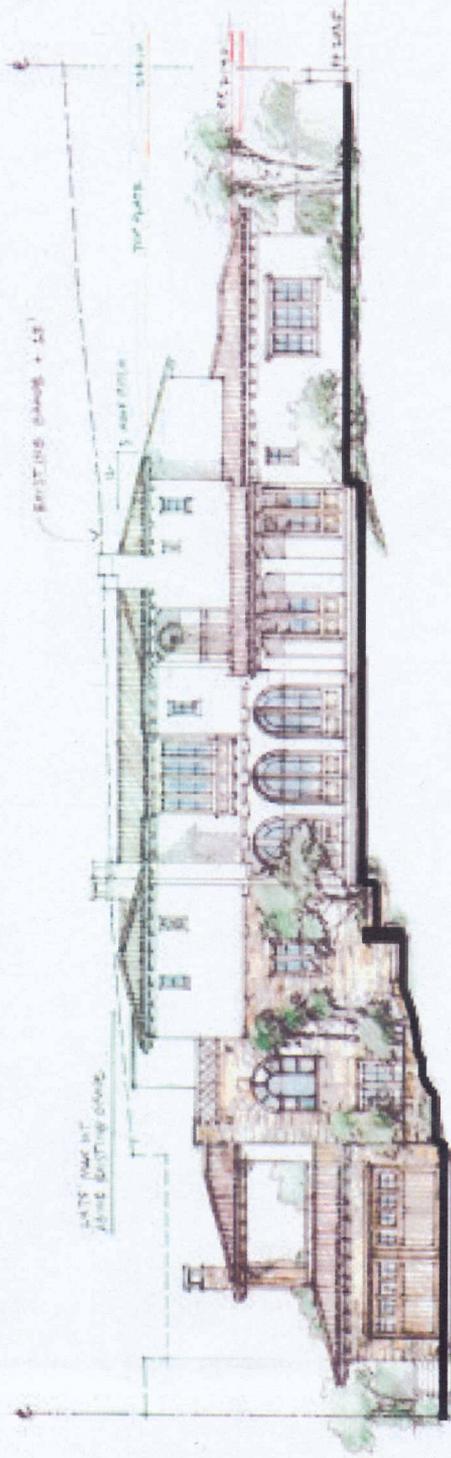
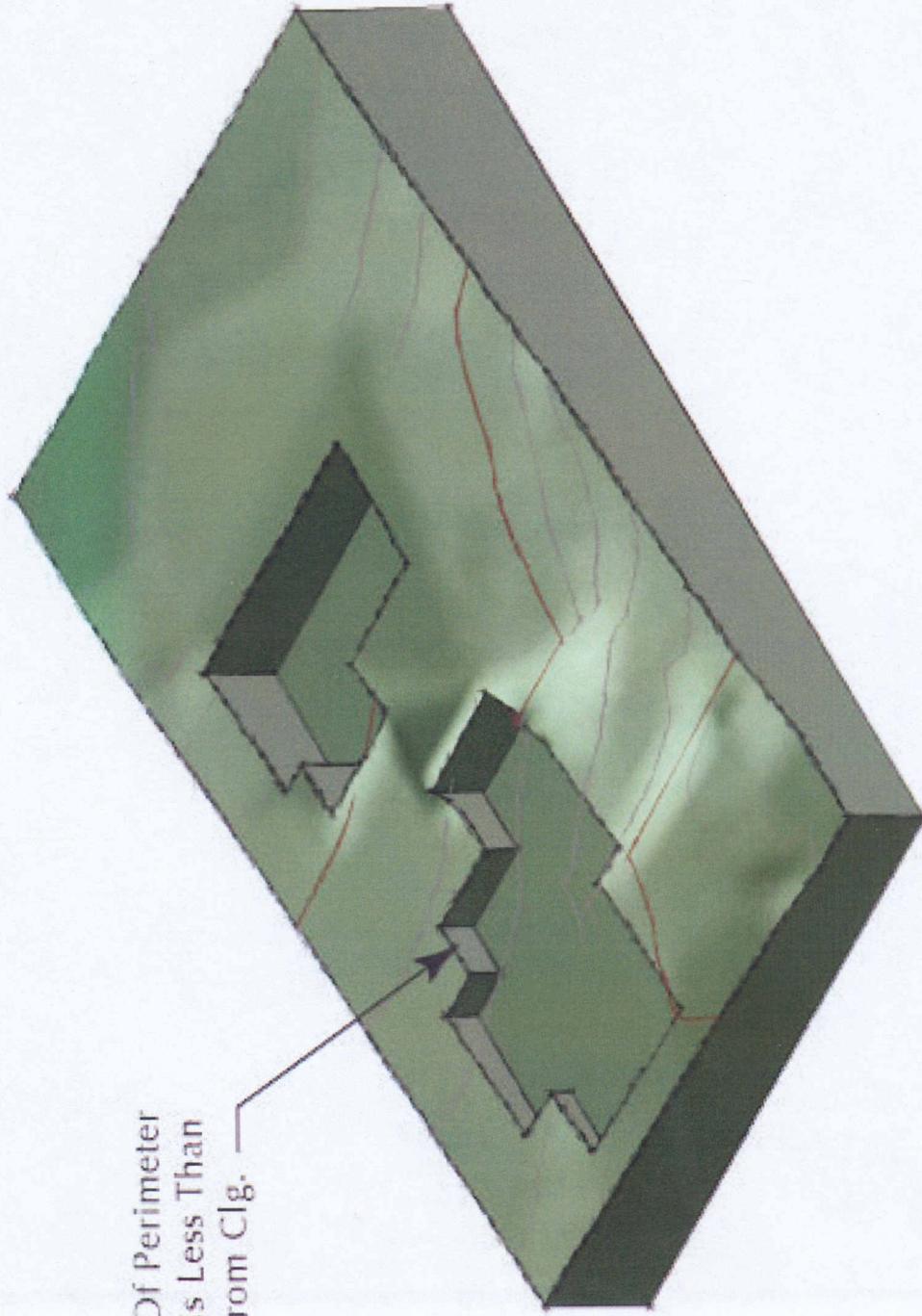


Exhibit I

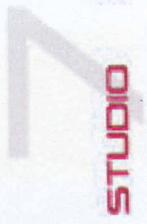
2105 Anacapa St.  
Santa Barbara, CA

# PROPOSED PARTIAL BASEMENT PLAN



75% Of Perimeter  
Wall Is Less Than  
4 Ft From Clg.

Exhibit J



2105 Anacapa St.  
Santa Barbara, CA

# PROPOSED GROUND LEVEL PLAN

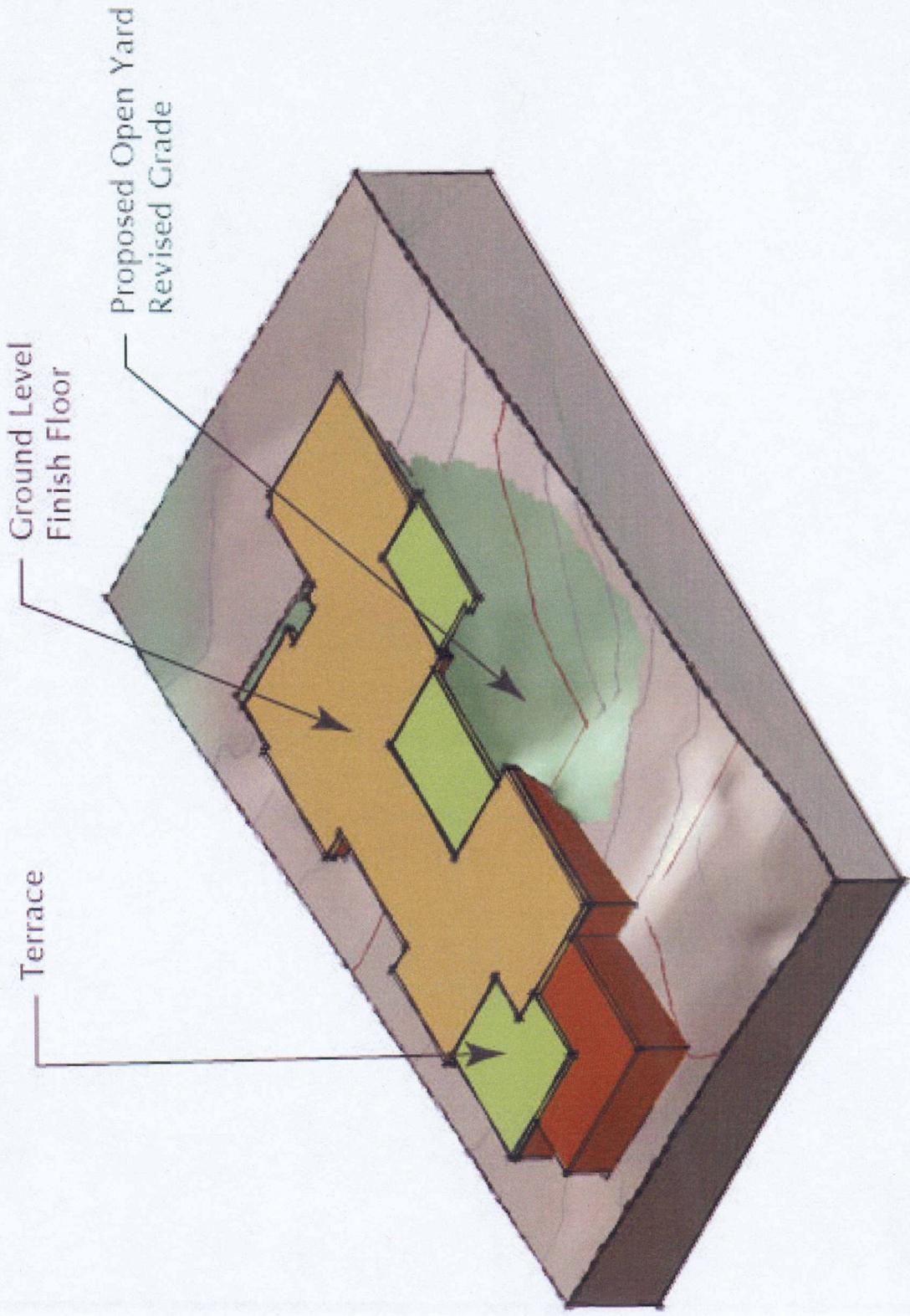


Exhibit K

ARCHITECTURE  
& ALLIED ARTS



2105 Anacapa St.  
Santa Barbara, CA