

Executive Summary from Appellant – Pam Brandon
Re: Appeal of the ABR preliminary approval for 903 W. Mission St.

BACKGROUND

The ABR voted 3 to 1 for the preliminary approval for 903 W. Mission St. Only 4 ABR members voted; one was absent and 2 stepped down from voting due to the fact that they are the architect and landscape architect working on this project.

The Staff Hearing Officer granted 2 modifications from the Zoning Ordinance.

BASIS FOR THE APPEAL

1) **The design plans that were approved are not compatible with the neighborhood in mass, bulk, or architectural style.** The proposed plans are for a very modern architectural style with metal siding, which is not compatible with our neighborhood. The Westside is one of the oldest neighborhoods in Santa Barbara. This industrial looking modern architecture and the large mass of this structure steal the heritage and charm of our neighborhood.

By approving these design plans, the ABR failed to follow the ABR Guidelines, the City Charter, and the Municipal Code. In this packet, I have highlighted sections from the ABR Guidelines and the Municipal Code to show how this project doesn't comply.

Due to the massive size of this structure on the small lot, the project couldn't meet all the standard requirements of the Zoning Ordinance, so 2 modifications were requested.

The modifications approved were:

- 1) for the project to have less open yard space than the required 600 square feet. (the project only has half of the standard requirement.)
- 2) to allow the garage to be built into the required 20 foot front-yard setback.

If my neighbor wants to build more on to her property, it seems there are more appropriate options for this lot, more compatible with the neighborhood, and that comply with the standard rules in the Zoning Ordinance and the Municipal Code.

2) **Throughout the application/approval process for this project, there have been substantive inaccuracies and rules that were not followed which may have impacted the decisions made for the modifications and the design plans.** I ask you to enforce that accurate information be used to make a decision about modification requests and design plans that come before the city, including this project. Here are a few of the inaccuracies and examples of rules that were not followed:

- (I) I did not receive a hand-delivered notification about the project nor did I receive a mailing for the first ABR meeting. According to the planning department, my neighbor was required to hand deliver notification about the project to the 10 closest homes. It was not delivered to my house. I've spoken to one other neighbor about this; he did not receive a hand delivered notification either.
- (II) **There was significant misrepresentation of neighbor support.** At the ABR meeting for the Concept Review (I didn't attend since I wasn't notified; I have since watched the video online) I appreciate that the ABR Chair asked my neighbor if my house had given support for her project. My neighbor said Yes. However, I am the sole property owner and she never talked to me about this project. I was clearly misrepresented as a supporter of the project.

My neighbor also told the ABR she had support from the 4 homes to the right and the 4 in front. On her support letter in the file at the city, there are only 4 signatures with a Mission St. address. One has an address stated as 95 W. Mission, which another neighbor looked up in the records and said this is not a legal address. Two of those 4 signatures are not the property owners; one of which is not even living in Santa Barbara anymore. The fourth Mission St. signature is from the neighbor I describe in more detail in the next paragraph. This is considerable misrepresentation of the neighborhood support she told the ABR she had for her project.

My neighbor told the ABR she showed the plans to residents and that the 2 neighbors on the corner, one directly across Mission and the other to her side across Gillespie were supportive of these plans. Here is an excerpt of a letter from one of these neighbors to the city in opposition: "After initially agreeing to support the project based on a verbal description, a closer examination of the plans for the project and subsequent review of the proposal as laid out for the architectural review board, I have come to the determination that the impact on my own property and others in the neighborhood is greater than originally understood." The other corner neighbor has also since seen drawings and both signed the neighborhood petition included in this packet asking you to overturn this ABR preliminary approval. So far, 38 neighbors have signed the petition.

(III) In the submittal process, the architect is required to include "outlines of adjacent structures on properties abutting project property." The drawings submitted misrepresent my property and the other adjacent property. My house is not nearly as large as it is drawn and therefore the drawing shows my property as having much less open yard space than what actually exists. Also, the drawing says I have a garage and shows it sticks out in front of my house. I do not have a garage; I have a carport and it is in line with the front porch of the house. The reason I think this is an important point is because the modifications requested for 903 W. Mission were for less open yard space than required and to build the garage into the front set-back.

(IV) In the architect's letter requesting modifications to the Staff Hearing Officer, the letter states "There are also several two unit and multi-unit properties on this block on small 5000 sf lots." If you are defining the block by the municipal block there are zero two-unit properties or multi-unit properties on this block on 5000 sf lots. The definition of municipal block, as defined in the NPO update *ISSUE PAPER B: Definition Neighborhood for Compatibility Determinations*, is all properties surrounded by the same closest streets and not transversed by any roadway meant for through traffic. If you go by the street block, which is the 900 block of W. Mission St., technically there are still none, but there is a single story duplex on Monterrey St. at the corner of Mission St., so the side of that property faces Mission St. This is another factor which shows this project isn't compatible with the neighborhood.

3) This project also negatively affects my property because it:

- **invades my backyard's privacy**
- **is imposing**
- **blocks my morning sunlight**
- **takes away my mountain views**
- **takes away open air space**

Therefore, it negatively affects the enjoyment of living on my property and all of this will contribute to reducing my property value.

There are potentially other options to add improvements onto this small lot that are less imposing upon my adjacent property. For example, adding a second story over the existing home eliminates

the requirement to add a 3 car garage and therefore the entire building would be less imposing and massive than building a second story over a new 3 car garage which blocks the air space, sun, and mountain views from my backyard. A second story added over the existing house would also be less invasive of my property's backyard privacy.

PRIOR ATTEMPTS TO RESOLVE THE ISSUES

From my first notification of this project (which was the notice of a public hearing with the Staff Hearing Officer) I tried to talk to my neighbor and work through my biggest concerns even up to the day before submitting my appeal letter, trying to reach an agreement. I would have much preferred to work this out between neighbors rather than both of us having to spend time and money appealing this.

Originally there was a full length window facing my backyard, which was extremely invasive to the privacy of my backyard. That was changed from a full length window to a high window 13 feet long. In a meeting with the architect, he told me they would make the glass obscure. Although I didn't think that solved all the concerns, I suggested to my neighbor if she would put in writing and submit these as conditions – that this window would be frosted or sandblasted, that a high window would be the only window on the second floor wall that faces my backyard and that she would not change that later on – I would not file the appeal. She said she would not put anything in writing.

The window facing into my backyard is just one of the many issues that will negatively affect my property. When I asked the architect about this window, he said the window on this wall is just for light and will be inoperable. When I spoke at the ABR meeting, I suggested some reasonable solutions to the window facing my private backyard:

1. There is another exterior wall in the kitchen which faces the main house on 903 W. Mission. If they want a window in the kitchen, one can be placed on the wall facing their own main house rather than my private backyard.
2. Skylights are a relatively easy solution that allow extra light and wouldn't be an invasion into the privacy of my backyard.

The ABR did not respond to these suggestions.

The homeowner of 903 W. Mission told me skylights could not be put on a metal building. I researched this and found out that skylights are quite common in metal buildings. The architect told me that he would not put in skylights because the architect is legally liable if they leak. I called the California Architect Board and was told that if a standard skylight is installed using standard processes and procedures, the architect would not be liable for the leak.

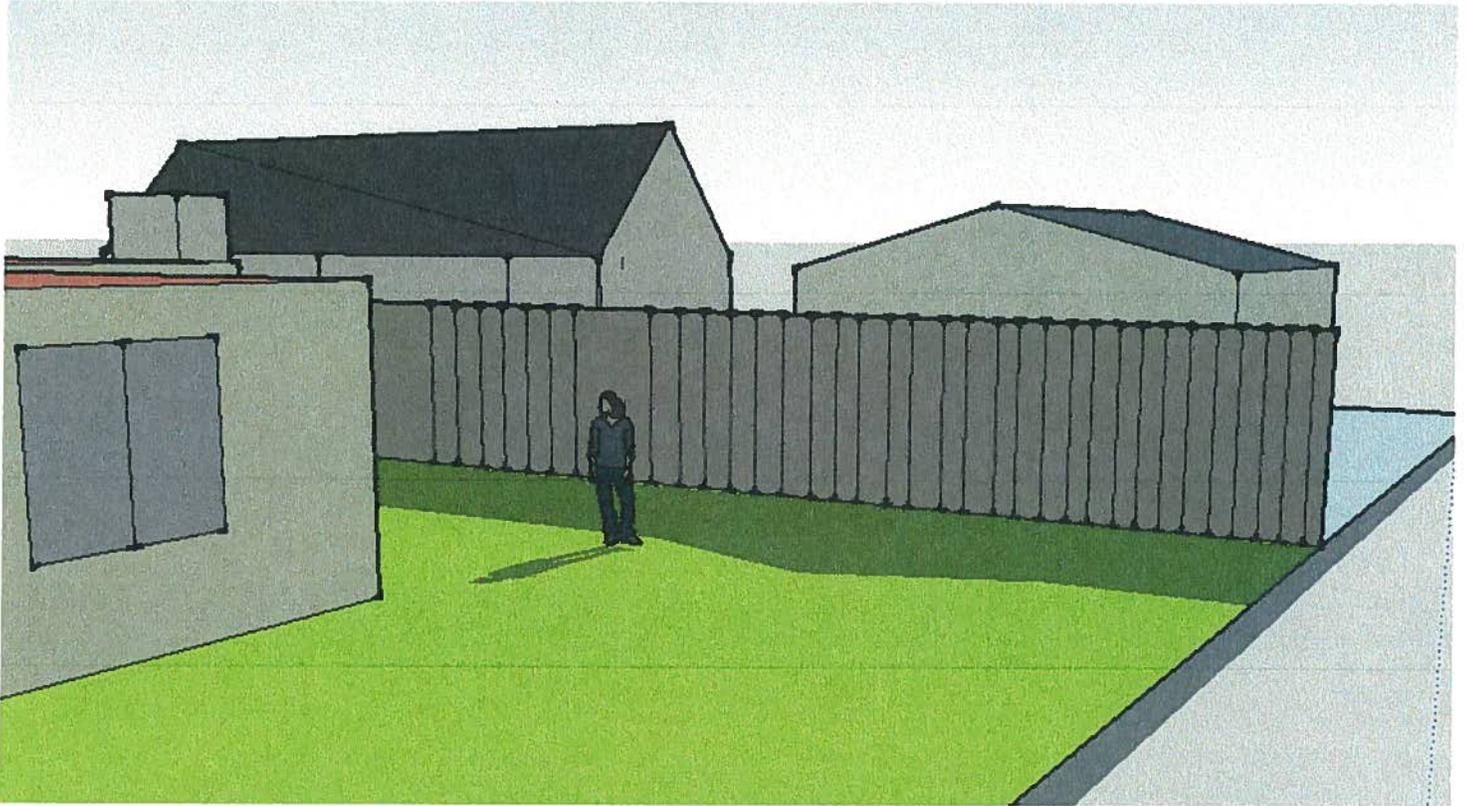
CONCLUSION

As I have spent the last month researching and learning more in depth about this project and its effects on my property and the neighborhood as a whole, I realize this massive project is completely incompatible with the neighborhood, way beyond the window/privacy issue.

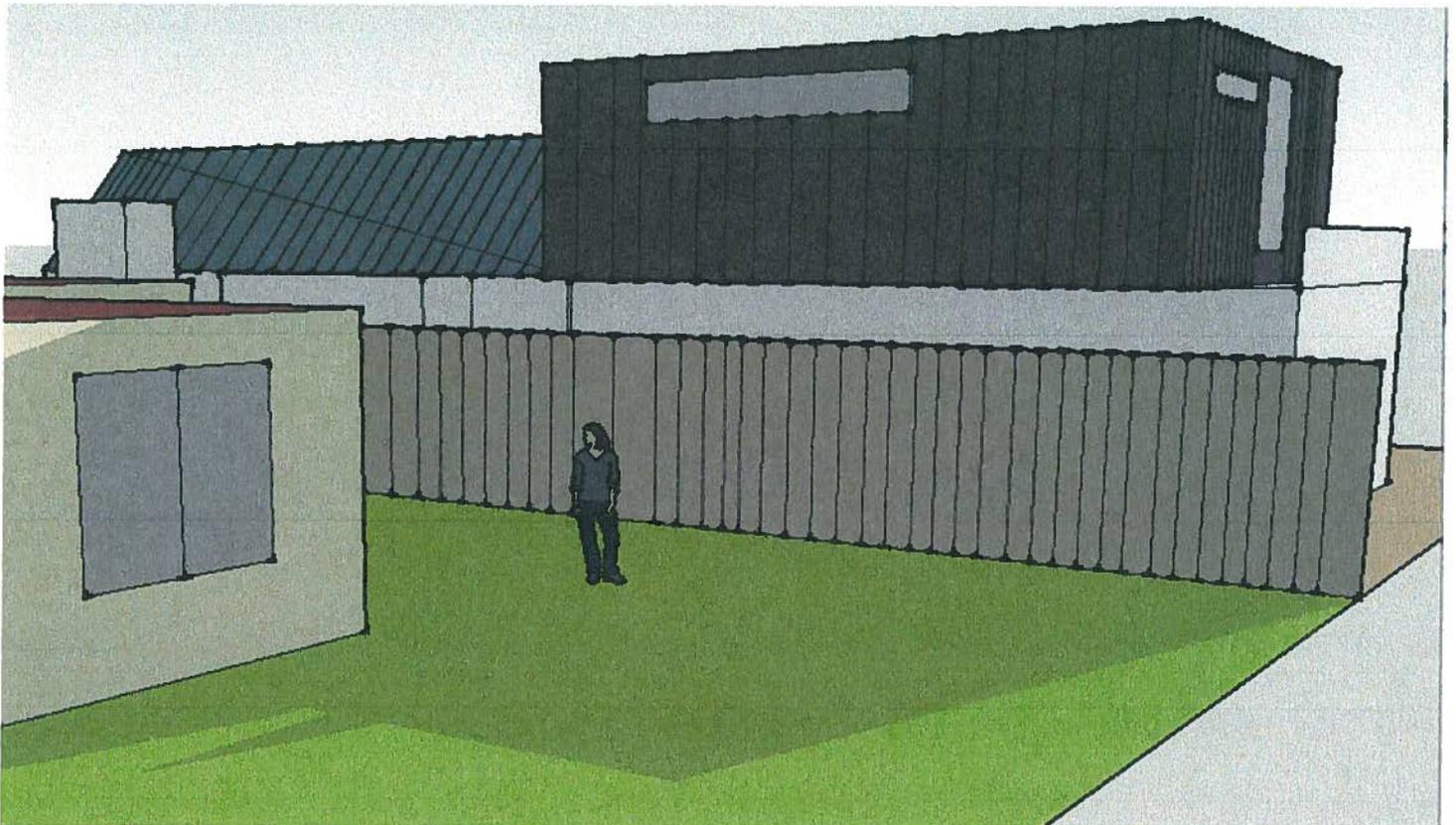
I believe I have given enough facts to support the overturning of the ABR preliminary approval.

Thank you for reading my packet and listening to my concerns. There is also much neighborhood support for this appeal. Other neighbors have written letters to the ABR and the Staff Hearing Officer. I've enclosed a petition from many neighbors who would like to see you overturn this decision of the ABR.

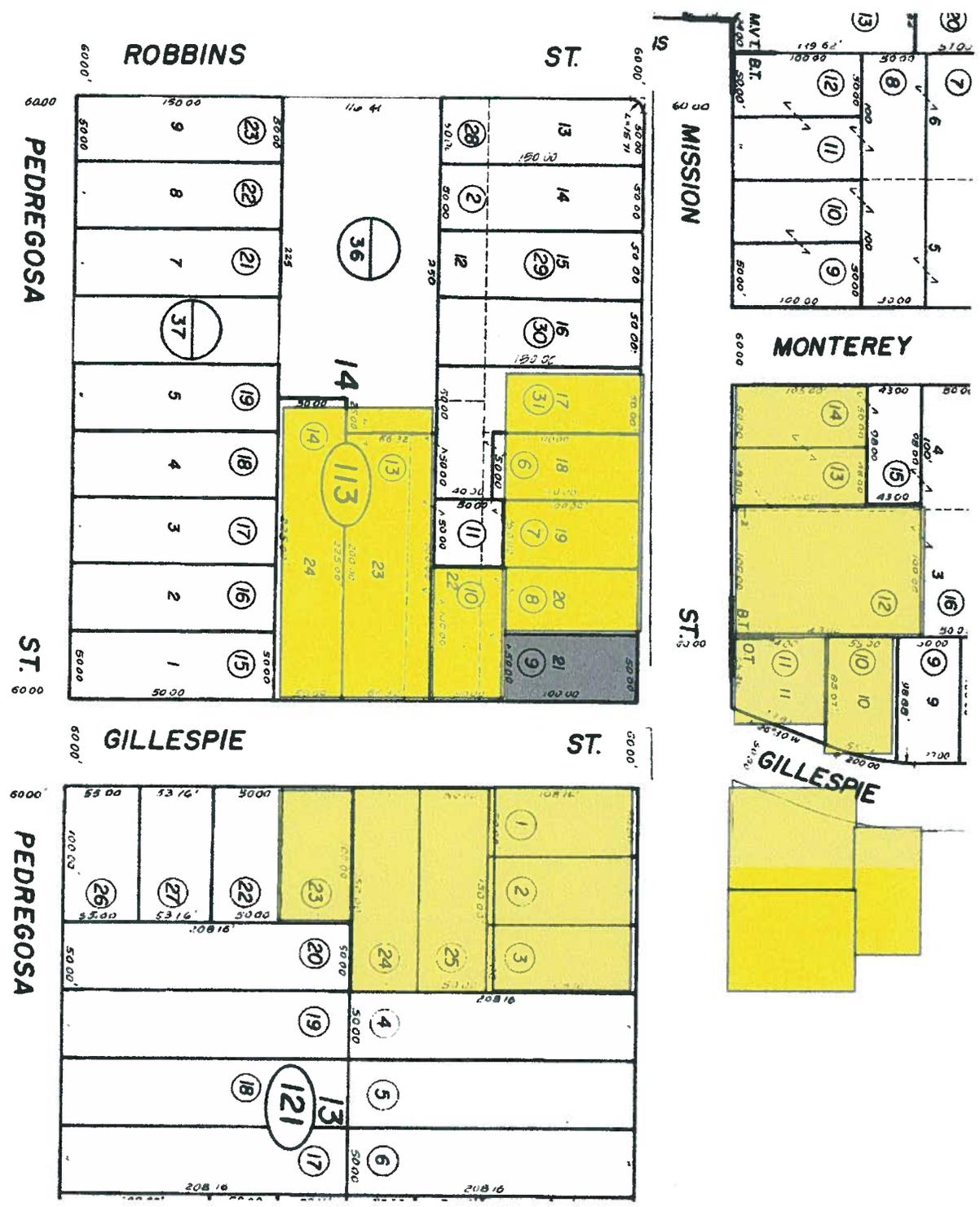
Perspicitve From Backyard of Adjacent Property
Existing home and 2 car garage



Proposed all-in-one structure: main house, accessory dwelling unit, and new 3 car garage



Disclaimer: I can't guarantee the drawings are 100% accurate, but should be very close in size. I made these drawings for the purpose of showing the scale and massiveness of the proposed project. Therefore, I don't have the windows drawn in the first floor, doors, landscaping, etc.



In *ISSUE PAPER B, Definition: Neighborhood for Compatibility Determinations*, the city staff recommends the definition of neighborhood to be the 20 closest residences. Therefore, I have included photos of the 20 closest residences, plus a few others all within 1 block of the proposed project.

Mission St. -- 4 houses to the right and 4 houses to the left of subject property

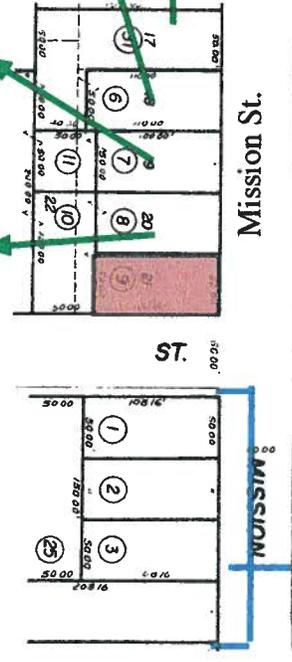


903 W. Mission St.
Subject property

905 W. Mission St.
adjacent to property on right

909 W. Mission St.
2 doors to the right from subject property

915 W. Mission St.
3 doors to the right from subject property



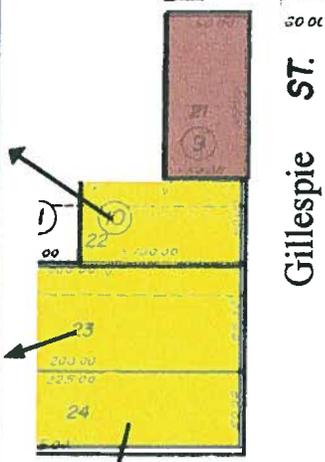
919 W. Mission St.
4 doors to the right from subject property



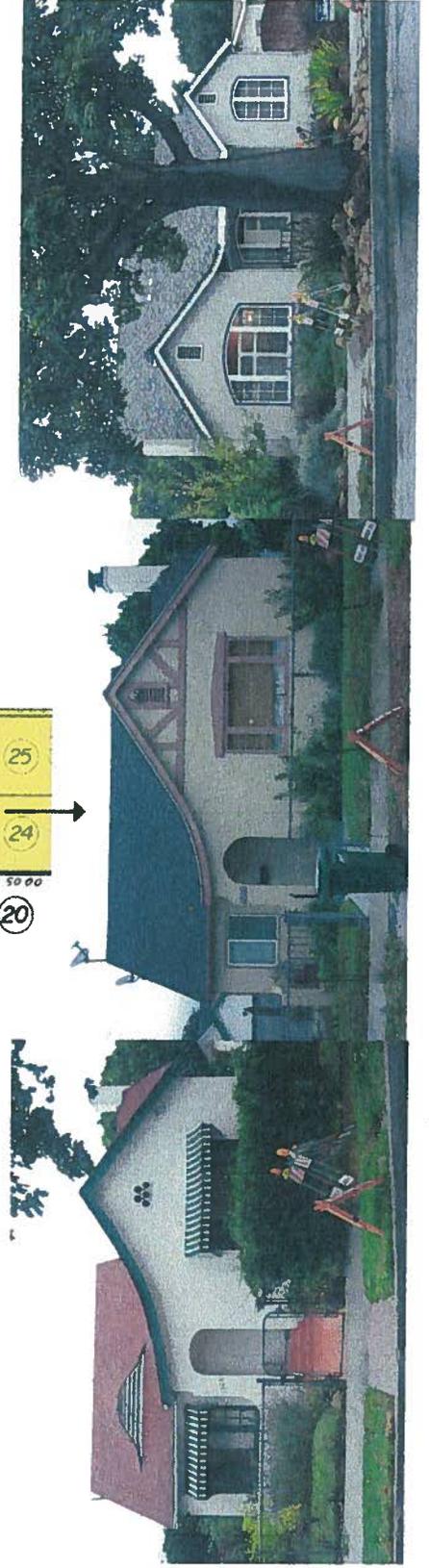
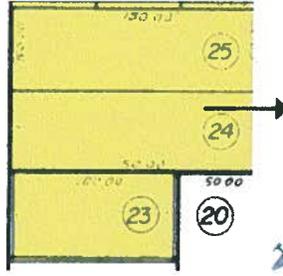
Gillespie St.: 3 houses to left behind the subject home and 3 across Gillespie



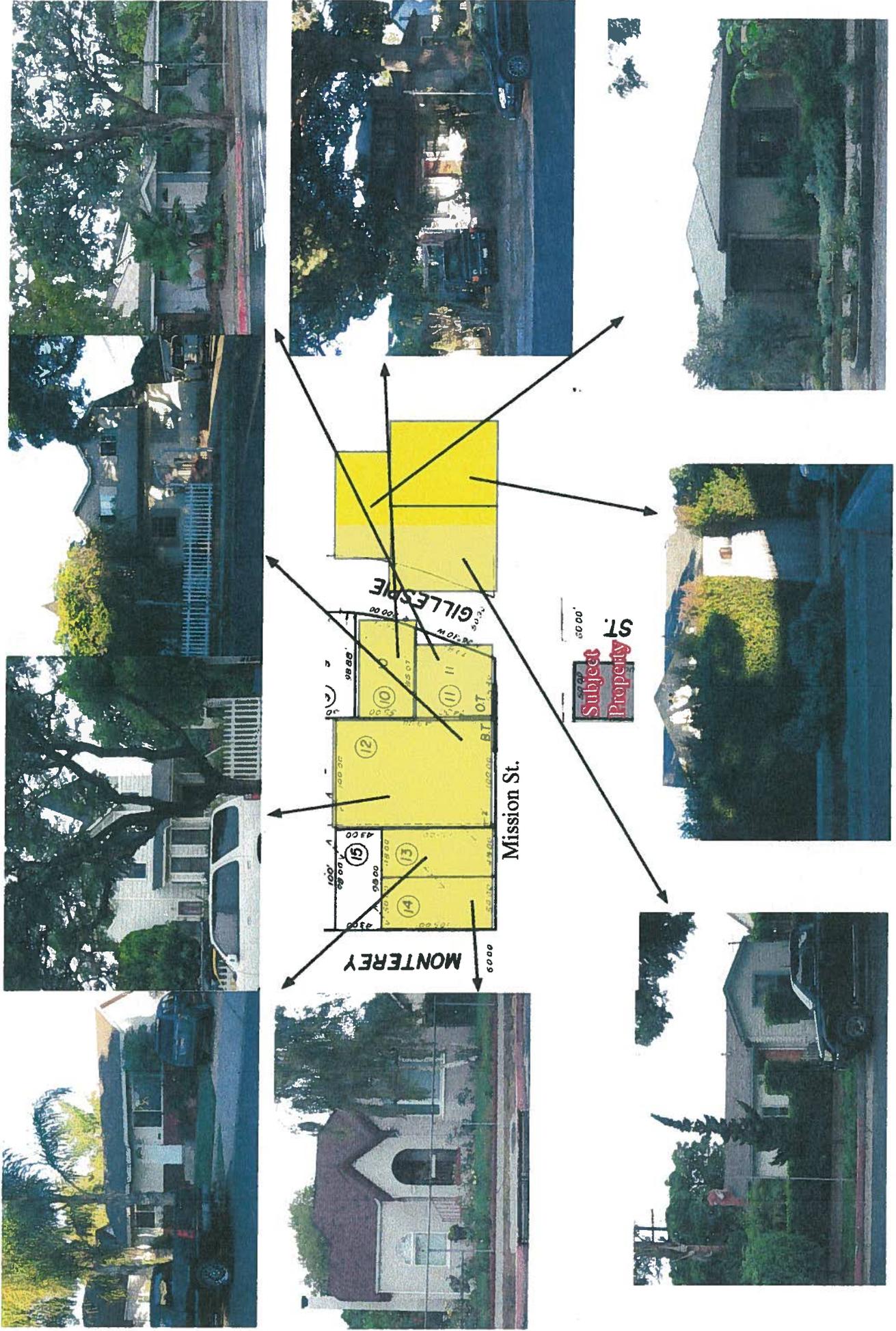
903 W. Mission St.
Subject property



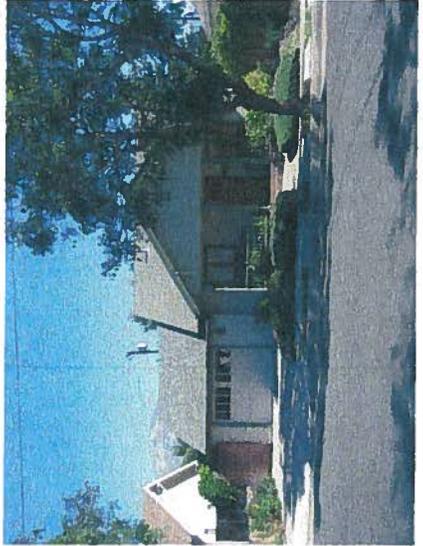
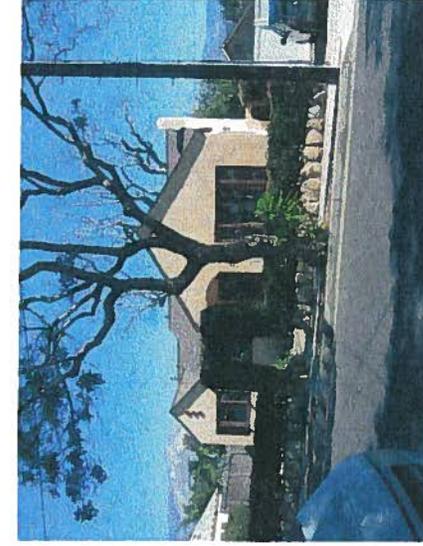
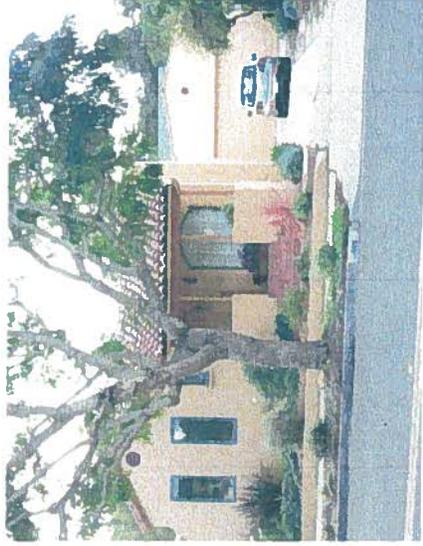
Gillespie ST. 50 00



Mission St. – opposite side of street of subject property and around corner on Gillespie



Other Neighborhood Homes Within 1 Block From Subject Home at 903 W. Mission St.



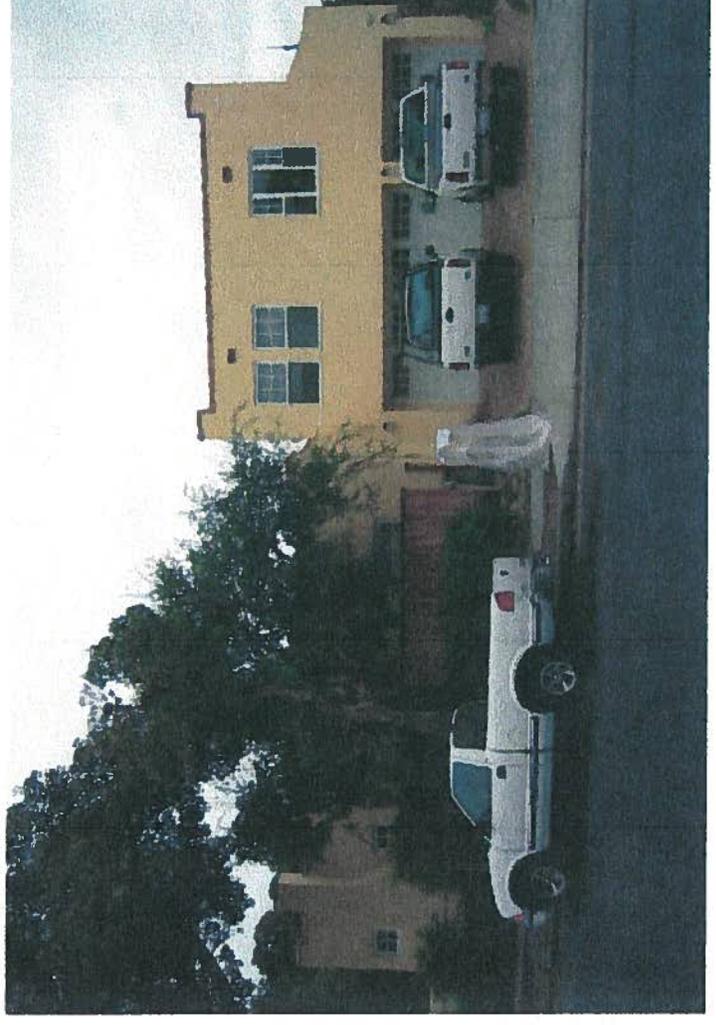


This home is several blocks away at the corner of Pedregosa and Chino. This was an example the architect on 903 W. Mission showed on his plans as a sample photo from the neighborhood.

The design on this project is compatible with the neighborhood with style, color and materials. It also was built to be compatible with the existing architecture of the existing home. This project complies with the Zoning Ordinance. They didn't need any modifications to fit this on the lot as compared to 903 W. Mission which needs 2 modifications to be allowed to build the massive project that is proposed.

Two other points why this project feels less massive than the proposed plan at 903 W. Mission St.:

- 1) this lot is 5400 sq. ft. which is bigger than 903 W. Mission St. (5000 sq. ft.)
- 2) the property that runs adjacent down the side of this lot has its driveway and garage on the side that abuts this lot, which gives some buffer between the neighbor's house and backyard and this 2 story accessory dwelling unit. That makes it feel less imposing on the adjacent property.



Dear City Council,

We are residents of the Westside and have concerns regarding the design plans for 903 W. Mission St. that were given preliminary approval from the ABR.

The design plans that were approved are not in keeping with the neighborhood style and character. The proposed plan is for a pre-fab metal building with a modern style, which is not a style within our neighborhood.

According to the Santa Barbara Municipal Code, one of the criteria that should be looked at by the ABR when it reviews and approves or disapproves the design of a proposed development project is the following question: "Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?" We believe the answer is no. We ask you to overturn the ABR's preliminary approval of these design plans.

Name	Address	Date signed
Pam Braden	905 W. Mission St., SB	9-09-10
Brandon Smith	835 W. Mission St. SB.	9 Sept 2010
Alan	2008 Gillespie St. SB	9/12/10
Tim Cunningham	2008 Gillespie St BB.	9/12/10
Don Harris	2109 Gillespie St.	9/12/10
Don Glasgow	915 W. Mission St.	9/18/10
Dottie Yensen	909 W MISSION ST	9/18/10
J. Glasgow	915 W. MISSION	9-18-10
[Signature]	2007 GILLESPIE ST.	9/19/10
WBLM	905 W MISSION ST	9/19/10
Wm. Amithorn	2025 China St.	9-19-10
Wayne Dahmer	830 W MISSION ST	9-22-10

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Name	Address	Date signed
Kara On	705 W. MISSION ST	9-25-10
David Eggel	2001 Gillespie St.	9/23/10
Steve Hendrick	2008-1/2 Gillespie St.	9/28/10
Russell Clay King	38 Lourinda Place	10/04/10
Maane Soto King	-38 Lourinda Place	S.B. 10-4-10
Soel Bateya	630 W. Mission	SB 10/7/10
Carol [unclear]	2014 Gillespie St. SB	10/9/10
Reynaldo Benitez	929 W. Mission St	10/9/10
[unclear]	929 W. Mission St	10/9/10
Chris J [unclear]	2030 Gillespie St.	10/11/10
Laurel Johnston	2030 Gillespie St.	10/11/10
Captain R. [unclear]	2025 Gillespie St	10/11/10
Jenna B. [unclear]	2025 Gillespie St	10/11/10
Francis J. [unclear]	2027 Gillespie St. S.B	10/11/10
Tom Dore	2018 GILLESPIE ST	10/11/10

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Name	Address	Date signed
Maricela Torres	912 W MISSION	10/11/10
Publio Sanchez	914 W MISSION	10/11/10
Leticia Simentales	914 W. Mission St.	10/11/10
Jim French	2005 MONTEREY ST.	10/11/10
Ryan Jones	2042 MONTEREY ST	10/11/10
W & Green	2102 MONTEREY	10/11/10
Ernest Preston	2110 Monterey	10/11/10
Lois Preston	" "	10/11/10
Antony Pugh	831 W. MISSION ST.	10/11/10
Roy Ben	831 W. Missionst	10/11/10
Andre Vallejo	829 W Mission	10/11/10

The following are excerpts from the the Municipal Code and the ABR Guidelines. I've highlighted specific text that shows, by approving these design plans, the ABR failed to follow the ABR Guidelines, the City Charter, and the Municipal Code.

SANTA BARBARA MUNICIPAL CODE

Chapter 22.68

ARCHITECTURAL BOARD OF REVIEW

22.68.045 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

1. **Compliance with City Charter and Municipal Code; Consistency with Design Guidelines.** Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. **Sensitivity to Adjacent Landmarks and Historic Resources.** Is the design of the project appropriately sensitive to adjacent Federal, State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the project respond appropriately to established scenic public vistas?

6. **Use of Open Space and Landscaping.** Does the project include an appropriate amount of open space and landscaping?

Excerpt from Architectural Board of Review Guidelines

Part 3: Meeting Procedures

Decisions

A. **City Charter.** In reviewing all proposed plans, the ABR is required by Section 814 of the City Charter to "consider and be guided by the protection and preservation as nearly as is 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."

B. **Findings to Approve a Project.** In order to approve a project, the ABR shall make a finding that the project is consistent with any applicable laws and guidelines.

C. **Project Denial.** The ABR may deny a project inconsistent with applicable guidelines. The ABR shall deny a project where a project is inconsistent with

Excerpt from Architectural Board of Review Guidelines

SECTION 1 Site and Surrounding Area Considerations

1.1 **Relation to Site.** Buildings should be designed to relate to the site's existing landforms and contours and to present an integrated appearance. Over-building of a site may be considered grounds for project denial.

1.2 Area Compatibility – Commercial and Multi-Family Residential.

A. **General.** In areas which possess examples of distinctive architecture, structures and additions should present a harmonious character to not dash or exhibit discord with the particular surrounding area in which they are placed. Structure elements should be consistent with the best elements that distinguish the particular area in which they are proposed. These elements include, but are not limited to:

- | | | |
|----------|--------------|-------------|
| • volume | • massing | • rooflines |
| • size | • proportion | • colors |
| | • scale | • textures |
| | • bulk | • materials |

Consideration of the existing setback and patterns of development in the particular area can also be important.

B. **Areas without Distinctive Architecture.** In areas which do not possess examples of distinctive architecture, structures and additions should be designed to lead the area toward designs which are harmonious with Santa Barbara's distinctive built environment.

C. **Transitional Areas.** When a project is within close proximity to a landmark district consideration may be given to that district's guidelines (SBMC 22.22.100 B). In

SECTION 2 SECTION 2 Architectural Imagery

2.1 **Building Design Compatibility and Consistency.** Buildings shall demonstrate compatibility in materials and consistency in style throughout exterior elevations. Building components such as windows, doors, arches and parapets should have proportions appropriate to the architecture. Additions should relate to the existing building in design, details, colors, and materials.

2.2 **Architectural Styles.** The ABR does not mandate required architectural styles for specific areas or locations; however, consideration should be given to several factors that influence the ABR's preference concerning proposed architectural styles. Factors such as an area's prevailing architectural styles, area compatibility and structure visibility are factors which should be considered. One of the ABR's stated goals is to encourage the preservation of pre-1925 and Hispanic styles of architecture. In addition, traditional architectural styles based on the City's Hispanic tradition are preferred at highly visible locations such as: gateway or entry points into the City, hillside development, and locations in close proximity to El Pueblo Viejo Landmark District.

9.2 **R-2 (Two Family) Zone Accessory Dwelling Units.** Review of accessory dwelling units proposed on lots with a total lot area of between 5,000 and 6,000 square feet in the R-2 Zone shall be guided by the following. Also, note landscaping guidelines specific to the R-2 zone in the ABR Landscaping Guidelines.

- A. Accessory Dwelling Units shall be reviewed for neighborhood compatibility and neighborhood character preservation.
- B. Encourage existing building preservation when feasible.
- C. Consider second-story window placement in relationship to neighboring buildings to preserve the privacy of existing uses on neighboring parcels.
- D. Fencing or barriers consistent with zoning shall be required along driveways to prevent parking on front yards.

