



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 19, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Architectural Board Of Review Approval Of 903 West Mission Street

RECOMMENDATION:

That Council deny the appeal of Pamela Brandon and support the Architectural Board of Review's Preliminary Approval of the proposed accessory dwelling unit and new garage at 903 West Mission Street.

DISCUSSION:

Project Description

The proposed project involves the construction of a 525 square-foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of an existing 317 square foot non-conforming garage, an addition of a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage on a 5,000 square foot lot that is currently developed with an 844 square foot single family residence and a 317 square foot detached garage.

Project History

On July 28, 2010, the Staff Hearing Officer (SHO) reviewed and approved two modifications to permit construction of a new garage within the required 20 foot front setback along Gillespie Street (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3). The SHO Resolution #041-01 is attached as Attachment 2.

On August 23, 2010, the Architectural Board of Review (ABR) granted Preliminary Approval by a vote of 3/1/0 of an application for the design review of an accessory dwelling unit above a new garage. The ABR minutes are attached as Attachment 3.

On September 2, 2010, an appeal of the ABR Preliminary Approval was filed by the adjacent neighbor, Pamela Brandon residing at 905 W. Mission Street (Attachment 1). The appeal asserts that the project design is not consistent with the surrounding

neighborhood, the project is not consistent with the Zoning Ordinance, and that the project negatively affects the appellant's property values.

Although the ABR's Preliminary Approval of the proposed project has been appealed, the appellant did not appeal the Staff Hearing Officer's decision to approve the modifications.

APPEAL ISSUES

Neighborhood Compatibility

The appellant states that the modern style of architecture is not consistent with the surrounding neighborhood.

The ABR has reviewed the proposal on four occasions (Attachment 3). The first two times the project was reviewed, the ABR took issue with the lack of neighborhood compatibility and the overall style. The Board requested that the applicant reduce roof pitches and ridge heights, and asked the applicant to study a design that was more compatible in style, massing, and materials with the surrounding neighborhood. The Board was not fully supportive of the modification to provide less than the 600 square feet of required open yard, because the presentation seemed too aggressive for the lot.

On May 17, 2010, the project returned to the ABR with a revised proposal that incorporated changes to the overall design aesthetic, roof forms and building materials. The height of the second story addition was reduced by approximately 5', which in turn reduced the overall mass and bulk of the project. The revisions to the architectural style accomplished a more cohesive proposal and resulted in a reduction in the overall scale of the building that was problematic in the previous design. The Board was supportive of the modern architectural style in this eclectic neighborhood, as modernism is part of the eclectic mix.

The Board thoroughly reviewed the modification requests and supported the modification for the new garage to encroach 18" into the front setback because it enabled a more usable private space in the back yard, and because the plane of the garage is set back from the existing house on site and the structure would not protrude beyond the existing structure on site. The Board supported the modification to provide less than required common area of 600 square feet because of the size of the lot, narrow width and its location on a corner. The Board appreciated the change in architectural design. Satisfied with the revised design, the Board forwarded the project to the Staff Hearing Officer.

One Board member felt that, although this architectural style is seen throughout the City, this proposed design was out of context with the overall neighborhood.

Subsequently, the project was reviewed by the Staff Hearing Officer on July 28, 2010. The appellant, Pam Brandon spoke at the public hearing and voiced her concerns about loss of privacy and reduced property value and suggested having a skylight in lieu of, or relocating, the window overlooking her backyard. The Staff Hearing Officer approved the project with the added condition that the ABR would review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

The project returned to the ABR for Preliminary Review and at that time the applicant proposed clerestory windows so that the new accessory dwelling unit could still receive light from the north while still addressing the privacy concerns of the adjacent neighbor. The ABR granted a Preliminary Approval with comments regarding building materials. The ABR stated that the introduction of clerestory windows on the second story sufficiently addressed the privacy concerns from the adjacent neighbor. (See Attachment 5)

Zoning Ordinance Consistency

The appellant asserts that the project does not comply with the Municipal Code for accessory dwelling units and that the property is less than 5,000 square feet as required per SBMC §28.18.075.E.

The subject property's dimensions are 50' x 100' per the County of Santa Barbara Assessor's Map and, therefore, the size of the lot is 5,000 square feet, which is consistent with the requirements for an accessory dwelling unit.

As summarized in the attached Staff Hearing Officer Staff Report (Attachment 2) dated July 21, 2010, with the approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan.

As of the writing of this report, no other inconsistencies have been alleged by the appellant.

Second Story Window

The appellant states that the approved project negatively affects her property values, because allowing a window on the second story facing west, will encroach upon her privacy.

The applicant proposes a clerestory window that is 7'-6" above the finished floor of the second story (Attachment 5). The ABR stated at the last meeting that the applicant's privacy concerns had been adequately addressed. Staff believes that the clerestory window does not result in a privacy issue.

The proposed clerestory windows are compatible with the proposed modern architectural style; however, if the project were to be revised to a more traditional style, it could result in windows that may actually impact the appellant's privacy.

Additionally, the required interior yard setback is three feet for parking structures, and six feet for the second story. As currently proposed, the garage is set back 10' from the property line and the second story is setback 7.5'. Allowing the building to encroach 18" into the front yard provides an additional buffer between the new structure and the neighbor's property and aids in preserving privacy between the two properties.

CONCLUSION:

The proposed project has undergone a thorough review by staff, the ABR and the Staff Hearing Officer. It is staff's position that: appropriate consideration has been given to the

appellant's issues as part of the Architectural Board of Review and Staff Hearing Officer review processes; the project is compatible with the neighborhood; the project is consistent with the Zoning Ordinance; and the proposed clerestory window does not impact the appellant's privacy.

NOTE: Attachment 5, Project Plans, has been sent separately to Mayor and Council and is available for public review in the City Clerk's office.

ATTACHMENTS:

1. Appellant's letter dated September 2, 2010
2. Staff Hearing Officer Staff Report, Minutes and Resolution #041-10
3. ABR minutes
4. Section showing second story clerestory window
5. Project Plans

PREPARED BY: Kelly Brodison, Assistant Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development Director

APPROVED BY: City Administrator's Office

RECEIVED

September 02, 2010

2010 SEP -2 AM 11:12

Dear City Council,

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

This letter appeals the decision of the ABR from the August 23, 2010 meeting in which the board voted 4 to 1 for the Preliminary Approval for 903 W. Mission St., case MST2009-00388. Only 5 ABR members voted because 2 of the ABR members stepped down from voting due to the fact that they are the architect and landscape architect working on the 903 W. Mission Street project.

As recommended by the City Clerk's office, I will keep my reasons for the appeal brief in this letter. My appeal is based on the following:

- 1) 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?"

- 2) As I've looked through the file at the city Planning & Zoning Department for this property, I have discovered substantive inaccuracies. For example, according to city and county records this property is under 5000 square feet. According to the Santa Barbara Municipal Code, accessory dwelling units are allowed on certain R-2 lots with a total lot area of between 5,000 and 6,000 square feet. See attachment for the city and county records regarding 903 W. Mission Street's lot size. I am preparing a detailed presentation to show these inaccuracies at the appeal meeting. 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.
- 3) This project negatively affects my property value. This project did not fit within the standard rules of the Municipal Code for allowing a second dwelling unit, so the property owner of 903 W. Mission St. had to apply for modifications. The city approved the modifications. Then, the ABR gave preliminary approval to plans that further devalue my property. The city, through those approvals, has given that property a huge boost in property value while bringing my property value down.

My realtor gave her expert opinion to the ABR and the Staff Hearing Officer about the negative affect on my property value due to the modification approval and the design plans. If the city allows this second story dwelling unit, then I would ask that you help minimize the further loss of value on my property by requiring the design to fit within the neighborhood and to not allow any windows on the second story that face into my private backyard, unnecessarily invading my property's privacy. If future buyers of my property walk into my backyard and look up to see a 13'(thirteen feet) wide window peering down on them, it will negatively affect their interest in buying my property.

From my first notification of this project (which was the notice of a public hearing for the Staff Hearing Officer) I tried to talk to my neighbor and work through my biggest concerns even up to the day before submitting this 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 contesting this.

I intend to submit additional documenting evidence to the City Council prior to the hearing of this appeal.

Sincerely,

A handwritten signature in cursive script that reads "Pam Brandon". The signature is written in black ink and is positioned below the word "Sincerely,".

Pam Brandon
905 W. Mission St.
Santa Barbara, CA 93101
805.451.1802
PamBrandon@cox.net

Attachment



Home Government Residents Business Visitors Site Map >> Contact Us >>

THE CITY OF SANTA BARBARA

Home > Residents > Licenses & Permits > Case Status Lookup > Lookup Query Form Search:

Parcel Lookup Results - Details

Parcel Details

[Back](#)

Parcel Address:	903 W MISSION ST
Parcel Number:	043-113-009
Zone District:	R-2
General Plan Neighborhood:	Westside: Westside
Lot Size (from County Assessor's Rolls):	0.11 Acres
Lot Size (Estimate from City's GIS System):	4,975.35 Square Feet
Slope (Estimate from City's GIS System):	1%
High Fire Area:	No

Parcel Tags

ATTACHMENT 1



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 21, 2010
AGENDA DATE: July 28, 2010
PROJECT ADDRESS: 903 W. Mission Street (MST2009-00388)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner
 Kelly Brodison, Assistant Planner

*DNK
KAB*

I. PROJECT DESCRIPTION

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: AB Design Studio, Inc.	Property Owner: Heidi Ferguson
Parcel Number: 043-113-009	Lot Area: 5,000 sq. ft.
General Plan:	Zoning: R-2
Existing Use: One-Family Residence	Topography: Flat

Adjacent Land Uses:

North – One-Family Residence	East - One-Family Residence
South – One-Family Residence	West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	844 sf	557 sf addition = 1,401 sf
Garage	317 sf	623 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,999 sf 40% Hardscape: 513 sf 10% Landscape: 2,488 sf 50%

IV. DISCUSSION

The subject property is located on the corner of West Mission and Gillespie Streets and therefore, has two front yard setbacks. The proposed project involves the construction of an accessory dwelling unit above a new 623 square foot three-car garage. Modification approvals are required for a new garage to be located within the required 20-foot front setback and to provide less than the required common open yard area of 600 square feet.

The existing 317 square foot garage is non-conforming to size and encroaches within the interior setback. The new garage is proposed to provide a third covered parking spot for the accessory dwelling unit, and would comply with the interior setbacks. However, in order to provide the required 10 foot width for the common open yard at the rear of the lot and the required 20' minimum interior depth of the garage, the applicant is requesting a modification for the garage to encroach approximately 18" into the 20' front setback on Gillespie Street. Staff's position is that requiring the garage to meet the 20' setback for garages facing the street would not benefit the project and would, in fact create the need for a modification of the common open yard minimum dimensions. Transportation Staff has reviewed the proposal, and prefers the requested encroachment into the front setback instead of reducing the interior depth of the garage by 18", because 12" of the encroachment is due to the thickness of the walls of the garage. The length of the area in front of the garage door is 19.5', which meets Transportation Division standards.

Two dwelling units are allowed on this 5,000 square foot lot in the R-2 Zone, with the special provisions for accessory dwelling units. Common open yard on lots developed with accessory dwelling units requires that the open yard may be provided in one area of at least 600 square feet or two areas, each of which must be at least 300 square feet, each with a minimum dimension of 10'x10'. The existing house is situated on the lot in such a way that that neither of these open space requirements can be met and additionally, the lot is constrained with two front setbacks. However, the project does meet the locational requirements for the open yard and provides one area of 375 square feet for the new unit residence, two areas of 237 and 130 square feet, each meeting the 10'x10' minimum dimension, for the existing residence. Additionally, the project meets the requirements for the private outdoor living space for both units as well as provides areas for enjoyment of the yard. Although the minimum area of 300 feet is not being met for the front unit, it is Staff's position that adequate open yard is being provided.

V. FINDINGS AND CONDITION

The Staff Hearing Officer finds that the front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Staff Hearing Officer finds that the Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

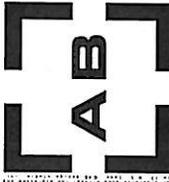
Said approval is subject to a condition that all construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated June 7, 2010
- C. ABR Minutes

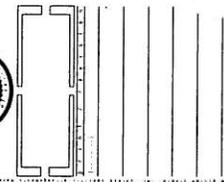
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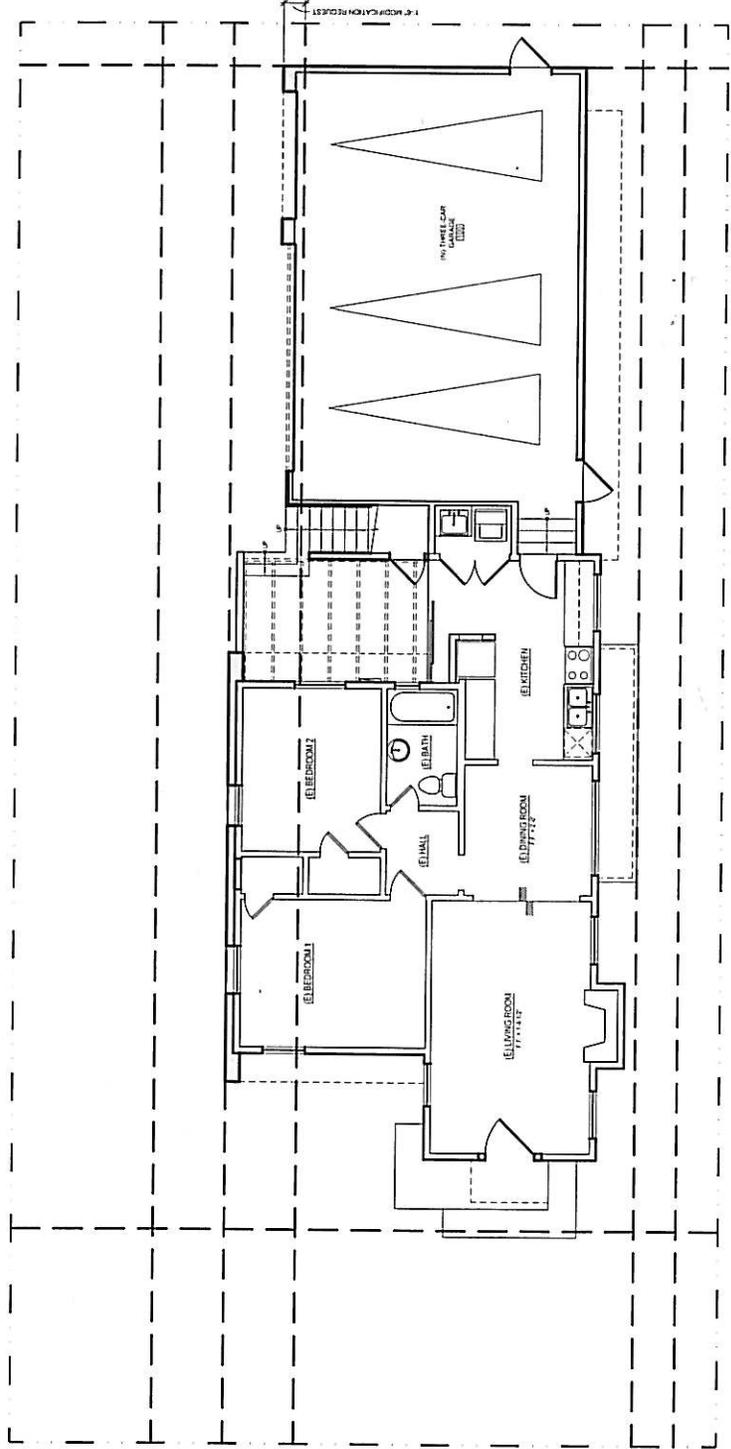
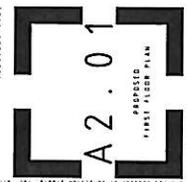


DESIGN STUDIO
ARCHITECTURE
INCORPORATED
1115 S. GATEWAY BLVD
SUITE 100
SAN ANTONIO, TEXAS 78204
PHONE: (214) 520-1115
FAX: (214) 520-1116
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
OWNER: WEST GROUP HOLDINGS INC.
ARCHITECT: AB DESIGN STUDIO
GENERAL CONTRACTOR: [REDACTED]
DATE: [REDACTED]



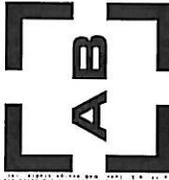
903 WEST MISSION
1115 S. GATEWAY BLVD
SUITE 100
SAN ANTONIO, TEXAS 78204
PHONE: (214) 520-1115
FAX: (214) 520-1116
WWW.ABDESIGNSTUDIO.COM



Wall legend
 || FINISH
 || DEMO
 || REMAIN

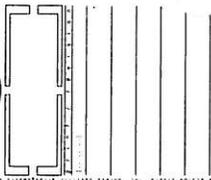
PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

keynotes

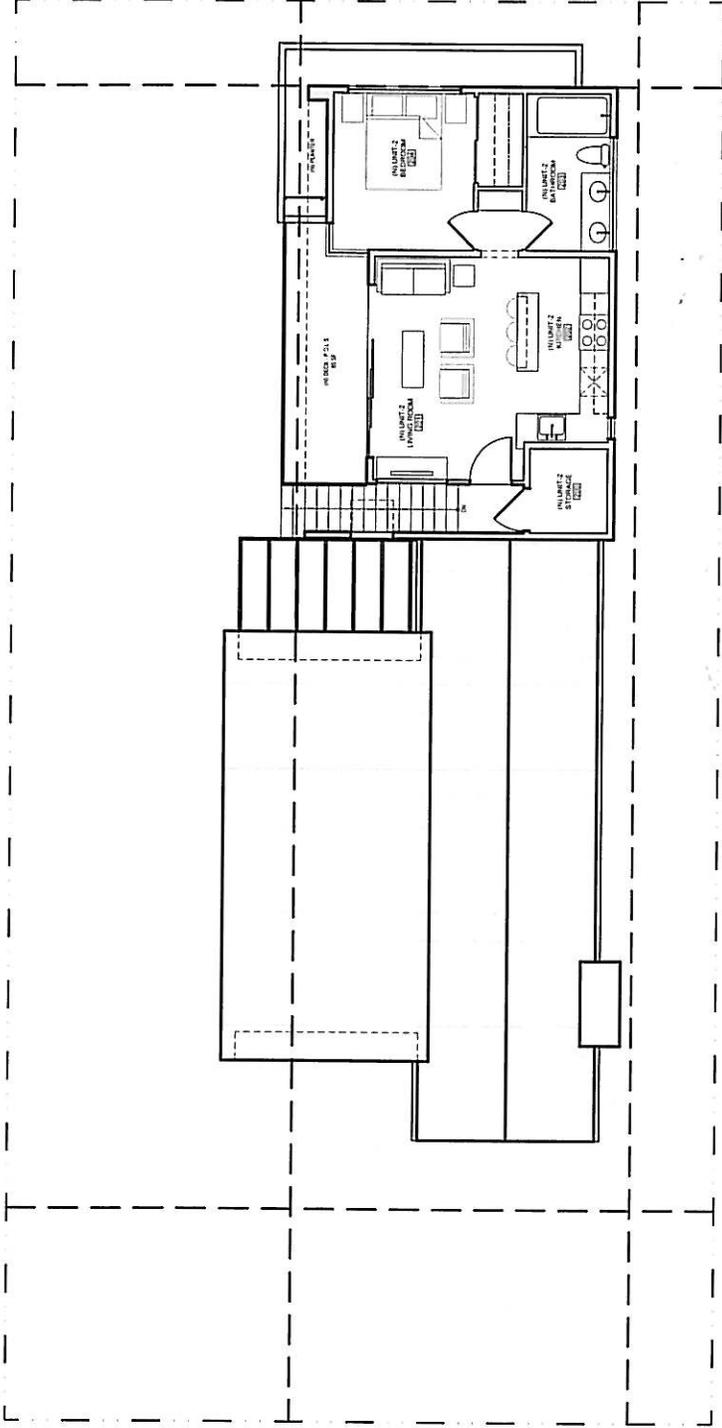


DESIGN STUDIO
INCORPORATED
1000 17TH AVENUE
SUITE 1000
DENVER, COLORADO 80202
TEL: 303.733.1111
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
1000 17TH AVENUE
SUITE 1000
DENVER, COLORADO 80202
ARCHITECT: AB DESIGN STUDIO
OWNER: WEST MISSION PROJECT
GENERAL CONTRACTOR: [REDACTED]
MECHANICAL CONTRACTOR: [REDACTED]
ELECTRICAL CONTRACTOR: [REDACTED]
PLUMBING CONTRACTOR: [REDACTED]
PAINT CONTRACTOR: [REDACTED]
FLOORING CONTRACTOR: [REDACTED]
LANDSCAPE CONTRACTOR: [REDACTED]
CERAMIC CONTRACTOR: [REDACTED]
GLASS CONTRACTOR: [REDACTED]
IRONWORK CONTRACTOR: [REDACTED]
CONCRETE CONTRACTOR: [REDACTED]



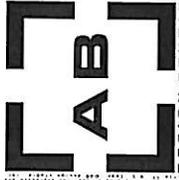
903 WEST MISSION
1000 17TH AVENUE
SUITE 1000
DENVER, COLORADO 80202
ARCHITECT: AB DESIGN STUDIO
OWNER: WEST MISSION PROJECT
GENERAL CONTRACTOR: [REDACTED]
MECHANICAL CONTRACTOR: [REDACTED]
ELECTRICAL CONTRACTOR: [REDACTED]
PLUMBING CONTRACTOR: [REDACTED]
PAINT CONTRACTOR: [REDACTED]
FLOORING CONTRACTOR: [REDACTED]
LANDSCAPE CONTRACTOR: [REDACTED]
CERAMIC CONTRACTOR: [REDACTED]
GLASS CONTRACTOR: [REDACTED]
IRONWORK CONTRACTOR: [REDACTED]
CONCRETE CONTRACTOR: [REDACTED]



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FIN WALL
GEN WALL
FIN WALL TO REMAIN

PROPOSED SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

keynotes



DESIGN GROUP INC.
 1000 WEST 10TH AVENUE
 SUITE 1000
 DENVER, CO 80202
 PHONE: (303) 733-1111
 FAX: (303) 733-1112
 WWW: WWW.ABDESIGNGROUP.COM

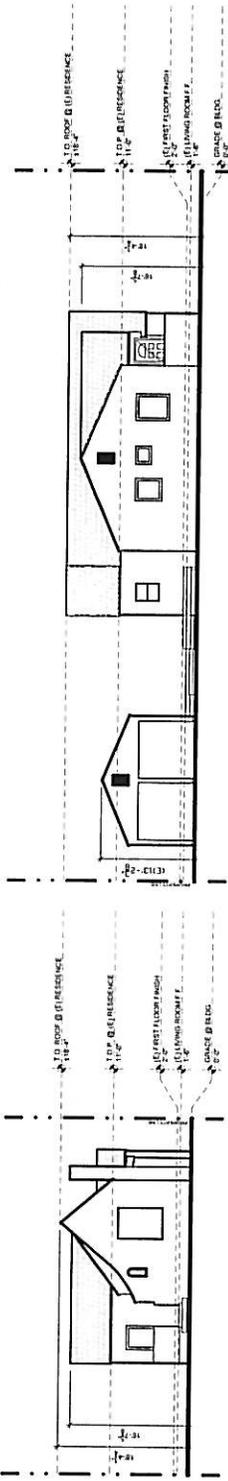
PROJECT INFORMATION

PROJECT NO: 1000 WEST 10TH AVENUE
 PROJECT NAME: 903 WEST MISSION
 PROJECT LOCATION: 903 WEST MISSION AVENUE, DENVER, CO 80202
 PROJECT DATE: 10/2011
 PROJECT STATUS: PRELIMINARY
 PROJECT ARCHITECT: AB DESIGN GROUP INC.
 PROJECT ENGINEER: AB DESIGN GROUP INC.
 PROJECT CONTRACTOR: [REDACTED]



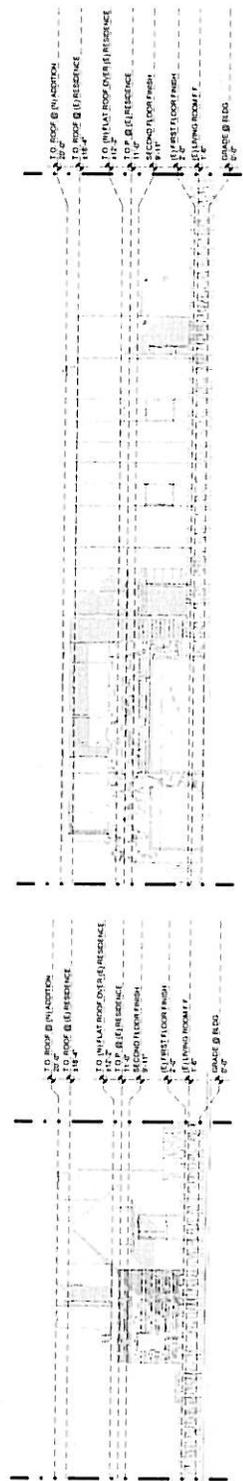
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NO. 2	903 WEST MISSION
NO. 3	903 WEST MISSION
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NO. 50	903 WEST MISSION

903 WEST MISSION
 903 WEST MISSION AVENUE
 DENVER, CO 80202
 PROJECT ARCHITECT: AB DESIGN GROUP INC.
 PROJECT ENGINEER: AB DESIGN GROUP INC.
 PROJECT CONTRACTOR: [REDACTED]



EXISTING WEST ELEVATION 4
 SCALE 1/8" = 1'-0"

EXISTING NORTH ELEVATION 2
 SCALE 1/8" = 1'-0"



PROPOSED WEST ELEVATION 3
 SCALE 1/8" = 1'-0"

PROPOSED NORTH ELEVATION 1
 SCALE 1/8" = 1'-0"



4629
Revised
letter
to come
3 rooms
Jed -

MODIFICATIONS LETTER

June 7, 2010

Roxanne Milazzo
City Of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: 903 W. Mission
Modification Request
APN: 043.113.009; Land-use Zone R-2

Via: Hand Delivered

Dear Staff Hearing Officer

1. There is an existing single-family residence of 844 sf with a detached non-conforming two-car garage of 317 sf on the above referenced property. The property is a corner lot and thus has two front yard setbacks to the Easterly and Northerly. The existing detached non-conforming two-car garage encroaches into the interior yard setback on the Southerly side of the property. All buildings on the lot have building permits. There are no existing enforcement cases open.

The proposal is to add a new 3-car garage with a 525 sf accessory unit above. The existing single-story home will be remodeled on the exterior, the interior will remain as-is. As part of this proposal, the existing non-conforming garage will be removed. A new garage, conforming with interior dimension requirements will be constructed outside of the interior yard setback on the Southerly side of the lot. This garage will be connected to the existing residence. To conform with open yard requirements on this restricted lot, the front face of the garage will encroach into the 20 foot setback, 18".

2. There are two modifications being requested. The first is to allow the new conforming three-car garage to encroach into the front yard setback on the Easterly side (Gillespie) of the lot. The setback for the home is 15 feet, but garages that face streets are to be setback 20 feet. This minor encroachment will allow for a usable open space complying with City Standards to be located behind the new garage. There are other homes (across the street and on the same block) that encroach considerably more than 18". The face of the garage will remaining behind the face of the existing residence.

3. The second modification is necessary to allow the required 600 sf of open yard to be split into two areas. The first area is behind the new garage and totals 375 sf, which complies. The second area is located in the Front Yard and is 237 sf, which does not comply. The Code states that 600 sf is the minimum and can be split into two 300 sf areas on the site. Because our lot is hindered by two front yards and the location of the existing home, we cannot have the other area be larger than 300 sf. This area, however is in the front of the home and adjacent to over 2000 sf of open yard protected by the Setbacks on each street. The area will not be fenced in. This is a common modification for older homes on smaller corner lots with two front yards.

4. These two Modifications allow the homeowner to build a project that fits her needs. They are minor in nature and supported by ABR. There is precedence in the neighborhood of recent projects that have street facing garages encroaching into the front yard setback. There are also several two unit and multi-unit properties on this block on small 5,000 sf lots.

Because this lot has two front yard setbacks, it is impossible for this property to comply with the required 1250 sf open yard requirement for single family. The mod we are requesting for the open yard will not impact the neighborhood, make the home imposing or have an adverse affect on the existing site. The is still ample usable open space that exists today and will remain in perpetuity with this addition. We are actually creating MORE useable open yard for the residents by splitting it up and moving the garage forward.

We feel that this is an appropriate solution in that the addition to the home is consistent with the neighborhood. We have met with many of the neighbors who support the project and modifications. The changes to the exterior will bring this home current and the home owners will be able to raise their family and enjoy it for the next 30 years.

Sincerely,



Clay Aurell, AIA, LEED AP
Principal Architect

CA:ca

cc: Heidi Ferguson



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

903 W MISSION ST

MST2009-00388

R-NEW UNIT

Page: 1

Project Description:

Revised proposal to construct a new 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into the required 20 foot front-yard setback.

Activities:

7/16/2010 *ABR-Posting Sign Issued*

5/17/2010 *ABR-Concept Review (Continued)*

(Third Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for two requested zoning modifications.)

(5:45)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner.

Public comment opened at 6:02 p.m. As no one wished to speak, public comment was closed.

Staff clarified the Alternative Open Yard and Private Outdoor Living Space Requirements, per SBMC 28.18.060.C.3, for proposals involving an accessory dwelling unit.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:
1) *The Board finds the requested modifications acceptable to achieve the open space, recognizing that it is a small corner lot, which makes it difficult for compliance with standard open space lot requirements.*
2) *The Board is appreciative of the proposed change in architectural design as it reduces the overall mass of the building.*

Activities:

3) The Board finds acceptable the second floor setbacks away from the garage, and the inclusion of the planter element to soften that corner of the building.

4) The Board looks forward to refinement of the garage elevation to include secondary architectural elements to add additional scale at the garage doors and the lower wing of the west elevation.

LANDSCAPING:

1) Locate the perimeter fencing five feet back from the existing retaining wall to comply with Ordinance requirements.

2) Study providing a landscape area between the two garage doors.

3) Study introducing a trellis structure on the large garage door to soften with a vine planting.

4) Study incorporating some ground cover relief at the new driveway to be consistent with the character of the neighborhood.

Action: Rivera/Sherry, 4/1/0. Motion carried. (Mosel opposed, Aurell stepped down, Gilliland/Zink absent).

5/12/2010**ABR-FYI/Research**

AB Design Studio is the new architect for the project as of May 2010.

The project had two concept reviews with the previous architect and is now on the third concept review (5/17) with the new architect.

5/4/2010**ABR-Resubmittal Received**

Revised description - updated numbers and mod applications.

12/14/2009**ABR-Concept Review (Continued)**

(Second Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for a modification to provide less than the 600 square feet of the required open yard area.)

(7:35)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 7:46 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Christine Cunningham was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

1) Study reducing the roof pitches on the addition to further reduce the ridge heights.

2) Study ways to uniform the style of the building; particularly the window proportions and style, etc.

3) Eliminate the long shed roof element on the east and west elevation of the addition.

4) Return with building sections and plate heights of the first and second floor.

5) Study the eave of the north elevation over the garage.

6) Study the wood trellis element over the second story balcony.

7) The Board has mixed opinions on the proposed modification, and defers further comment at this time.

Activities:

8) Study introducing dormer elements in the second floor addition to reduce the apparent mass.
Action: Aurell/Gilliland, 5/1/0. Motion carried. (Mosel opposed, Gross/Sherry absent.)

12/8/2009 ABR-Resubmittal Received

received three sets for continued concept review. Applicant needs to do arch letter report and go to SHC for open yard mod.

10/5/2009 ABR-Concept Review (New) - PH

(Comments Only; Project requires Environmental Assessment.)

(3:30)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 3:53 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board understands the constraints involved with corner lots; however, the Board feels the project is moving in the wrong direction as it lacks compatibility with both the existing house and the neighborhood.
 - 2) Study the overall style for a design that is compatible in style, massing, and materials, and provides neighborhood compatibility and continuity of style throughout the project.
 - 3) Provide an entrance to the second unit that incorporates a pedestrian street presence and neighborhood compatibility.
 - 4) Study the proposed fencing and material to be more compatible with the overall style of the house and neighborhood.
 - 5) The Board finds the proposed curb cut to be excessive in length and would prefer to have it minimized. Verify the length of the proposed curb cut with the Transportation Division staff and if possible revise to reduce the length.
 - 6) The Board reserves their comments on the modification at this time pending the above items, as the project has not reached the appropriate project threshold.
- Action: Sherry/Gross, 8/0/0. Motion carried.

10/5/2009 ABR-Mailed Notice Prepared

Prepared 9/14/09; mail out date 9/24/09; applicant prepared mailing labels.

9/16/2009 ABR-FYI/Research

Note: as the proposal is considered an accessory unit for a lot with 5,000 square feet - this imposes specific size conditions on both units. The main residence may not have more than three bedrooms and

Activities:

may not exceed 1200 sq.ft. The accessory unit may not have more than one bedroom and may not exceed 600 sq.ft. This imposes restrictions on any proposed additions to the main residence which, as a result of this proposal, will be a two-bedrooms and 854 square feet.

9/15/2009 ABR-Resubmittal Received

resubmittal to address prelim plan check comments. First concept review scheduled for 10/5/09.

9/10/2009 ABR-Correspondence/Contact

Spoke to applicant regarding PLCK comments and faxed PLCK to architect Marc Perry (805-653-5321) 9/10/09.

Issues to address include: 200 cubic feet of exterior storage; recalculate the P.O.L.S.; the front steps encroaching into the front setback and the maximum 3' x 3' dimensions.

8/27/2009 ABR-FYI/Research

note that the applicant provided the mailing labels and therefore was only charged for the posting sign.

--update-- per Jaime Limon - applicant is to be charged the total fee for postage (# of labels x 0.43).
Postage fee $79 \times 0.43 = 33.97$. MJB 9/8/09

8/27/2009 ABR-Posting Sign Issued

posting sign issued

8/27/2009 ABR-FYI/Research

Note per applicant, they will be widenign the curbcut as part of this permit and applicant was advised that an encroachment permit will most likely be required and to check with P.W. regarding this matter. Also, applicant advised that she spoke to Chelsey in Transportation Planning and they will be relocating an existing no-parking sign at the site.

ACTUAL TIME: 10:05 A.M.

C. **APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)**

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC §28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

Present: Clay Aurell, Architect, AB Design Studio; Heidi Ferguson, Owner.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

Three letters in opposition from Pam Brandon, Brandon Smith and Paula Westbury were acknowledged.

The Public Hearing was opened at 10:26 a.m.

Pam Brandon next door neighbor: concerned about loss of privacy and reduced property value; suggested having a skylight in lieu of, or relocating, the window overlooking her backyard.

Mimi Greenberg: opposed to Ms. Brandon's loss of privacy (submitted written comments).

The Public Hearing was closed at 10:33.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

ACTION:

Assigned Resolution No. 041-10

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The ABR shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:41 a.m.

Submitted by,

Gloria Shafer, Staff Hearing Officer Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 041-10
903 W. MISSION DRIVE
MODIFICATIONS
JULY 28, 2010

APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in opposition of the application, and no people appeared to speak in favor thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 21, 2010.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

- II. Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The Architectural Board of Review shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

This motion was passed and adopted on the 28th day of July, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



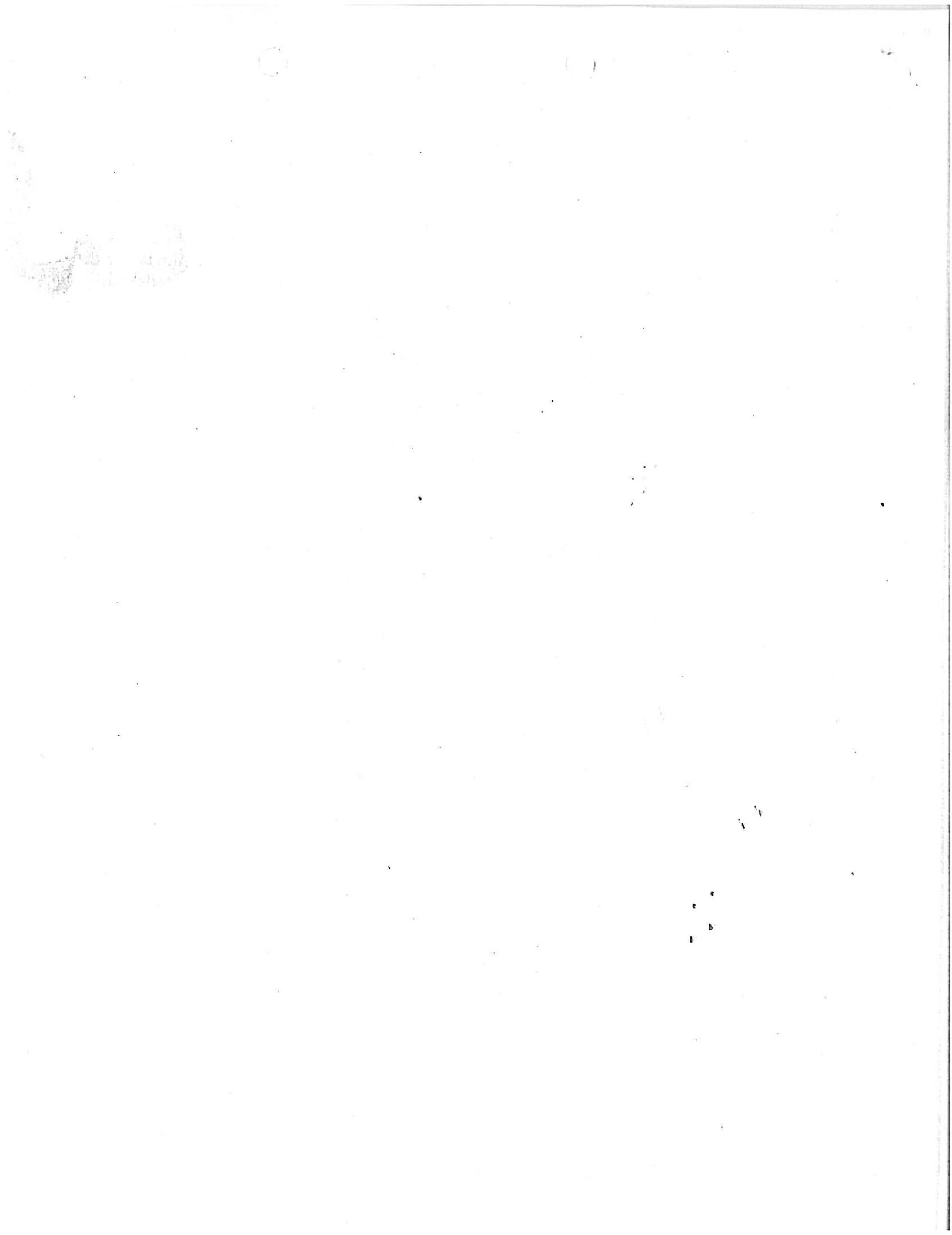
Gloria Shafer, Staff Hearing Officer Secretary

7-29-2010

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.





ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

903 W MISSION ST

MST2009-00388

R-NEW UNIT

Page: 1

Project Description:

Revised proposal to construct a new 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into the required 20 foot front-yard setback.

Activities:

8/23/2010 *ABR-Prelim Approval - Project*

8/23/2010 *ABR-Preliminary Review Hearing*

(Preliminary approval is requested. Project requires compliance with Staff Hearing Officer Resolution No. 041-10.)

(3:36)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner; Chris Gilliland, Landscape Architect; and Kelly Brodison, Assistant Planner.

The Chair read out to the Board the Staff Hearing Officer Resolution #041-10 requirements.

Public comment opened at 3:49 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Mimi Greenberg (submitted letter as adjacent property owner) - in opposition regarding privacy issues and possible decreased property values.*
- 2) Pam Brandon, (submitted letter) - in opposition regarding previous notification issues, privacy issues, possible decreased property values and solar access.*

Activities:

A letter of concern from Paula Westbury was acknowledged by the Board.

Public comment closed at 3:56 p.m.

Motion: Preliminary Approval and continued indefinitely to Full Board with comments:

1) Reconsider the material choice for the entry canopy.

2) Return with sizable material samples of all final finishes, except the concrete, for a final review; the proposed metal finish is to be non-reflective.

Action: Rivera/Sherry, 3/1/0. Motion carried. (Mosel opposed to architectural style. Aurell and Gilliland stepped down, Zink absent).

8/17/2010***ABR-Resubmittal Received***

Rec'd 3 sets for preliminary approval at ABR. Rec'd SHO approval 7/28/10 Reso No 041-10.

7/16/2010***ABR-Posting Sign Issued*****5/17/2010*****ABR-Concept Review (Continued)***

(Third Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for two requested zoning modifications.)

(5:45)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner.

Public comment opened at 6:02 p.m. As no one wished to speak, public comment was closed.

Staff clarified the Alternative Open Yard and Private Outdoor Living Space Requirements, per SBMC 28.18.060.C.3, for proposals involving an accessory dwelling unit.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:

1) The Board finds the requested modifications acceptable to achieve the open space, recognizing that it is a small corner lot, which makes it difficult for compliance with standard open space lot requirements.

2) The Board is appreciative of the proposed change in architectural design as it reduces the overall mass of the building.

3) The Board finds acceptable the second floor setbacks away from the garage, and the inclusion of the planter element to soften that corner of the building.

4) The Board looks forward to refinement of the garage elevation to include secondary architectural elements to add additional scale at the garage doors and the lower wing of the west elevation.

LANDSCAPING:

1) Locate the perimeter fencing five feet back from the existing retaining wall to comply with Ordinance requirements.

Activities:

- 2) Study providing a landscape area between the two garage doors.
- 3) Study introducing a trellis structure on the large garage door to soften with a vine planting.
- 4) Study incorporating some ground cover relief at the new driveway to be consistent with the character of the neighborhood.

Action: Rivera/Sherry, 4/1/0. Motion carried. (Mosel opposed, Aurell stepped down, Gilliland/Zink absent).

5/12/2010 ABR-FYI/Research

AB Design Studio is the new architect for the project as of May 2010.

The project had two concept reviews with the previous architect and is now on the third concept review (5/17) with the new architect.

5/4/2010 ABR-Resubmittal Received

Revised description - updated numbers and mod applications.

12/14/2009 ABR-Concept Review (Continued)

(Second Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for a modification to provide less than the 600 square feet of the required open yard area.)

(7:35)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 7:46 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Christine Cunningham was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) Study reducing the roof pitches on the addition to further reduce the ridge heights.
- 2) Study ways to uniform the style of the building; particularly the window proportions and style, etc.
- 3) Eliminate the long shed roof element on the east and west elevation of the addition.
- 4) Return with building sections and plate heights of the first and second floor.
- 5) Study the eave of the north elevation over the garage.
- 6) Study the wood trellis element over the second story balcony.
- 7) The Board has mixed opinions on the proposed modification, and defers further comment at this time.
- 8) Study introducing dormer elements in the second floor addition to reduce the apparent mass.

Action: Aurell/Gilliland, 5/1/0. Motion carried. (Mosel opposed, Gross/Sherry absent.)

12/8/2009 ABR-Resubmittal Received

received three sets for continued concept review. Applicant needs to do arch letter report and go to SHC

Activities:

for open yard mod.

10/5/2009 ABR-Concept Review (New) - PH

(Comments Only; Project requires Environmental Assessment.)

(3:30)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 3:53 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board understands the constraints involved with corner lots; however, the Board feels the project is moving in the wrong direction as it lacks compatibility with both the existing house and the neighborhood.*
- 2) Study the overall style for a design that is compatible in style, massing, and materials, and provides neighborhood compatibility and continuity of style throughout the project.*
- 3) Provide an entrance to the second unit that incorporates a pedestrian street presence and neighborhood compatibility.*
- 4) Study the proposed fencing and material to be more compatible with the overall style of the house and neighborhood.*
- 5) The Board finds the proposed curb cut to be excessive in length and would prefer to have it minimized. Verify the length of the proposed curb cut with the Transportation Division staff and if possible revise to reduce the length.*
- 6) The Board reserves their comments on the modification at this time pending the above items, as the project has not reached the appropriate project threshold.*

Action: Sherry/Gross, 8/0/0. Motion carried.

10/5/2009 ABR-Mailed Notice Prepared

Prepared 9/14/09; mail out date 9/24/09; applicant prepared mailing labels.

9/16/2009 ABR-FYI/Research

Note: as the proposal is considered an accessory unit for a lot with 5,000 square feet - this imposes specific size conditions on both units. The main residence may not have more than three bedrooms and may not exceed 1200 sq.ft. The accessory unit may not have more than one bedroom and may not exceed 600 sq.ft. This imposes restrictions on any proposed additions to the main residence which, as a result of this proposal, will be a two-bedrooms and 854 square feet.

Activities:

9/15/2009 ***ABR-Resubmittal Received***

resubmittal to address prelim plan check comments. First concept review scheduled for 10/5/09.

9/10/2009 ***ABR-Correspondence/Contact***

Spoke to applicant regarding PLCK comments and faxed PLCK to architect Marc Perry (805-653-5321) 9/10/09.

Issues to address include: 200 cubic feet of exterior storage; recalculate the P.O.L.S.; the front steps encroaching into the front setback and the maximum 3' x 3' dimensions.

8/27/2009 ***ABR-FYI/Research***

note that the applicant provided the mailing labels and therefore was only charged for the posting sign.

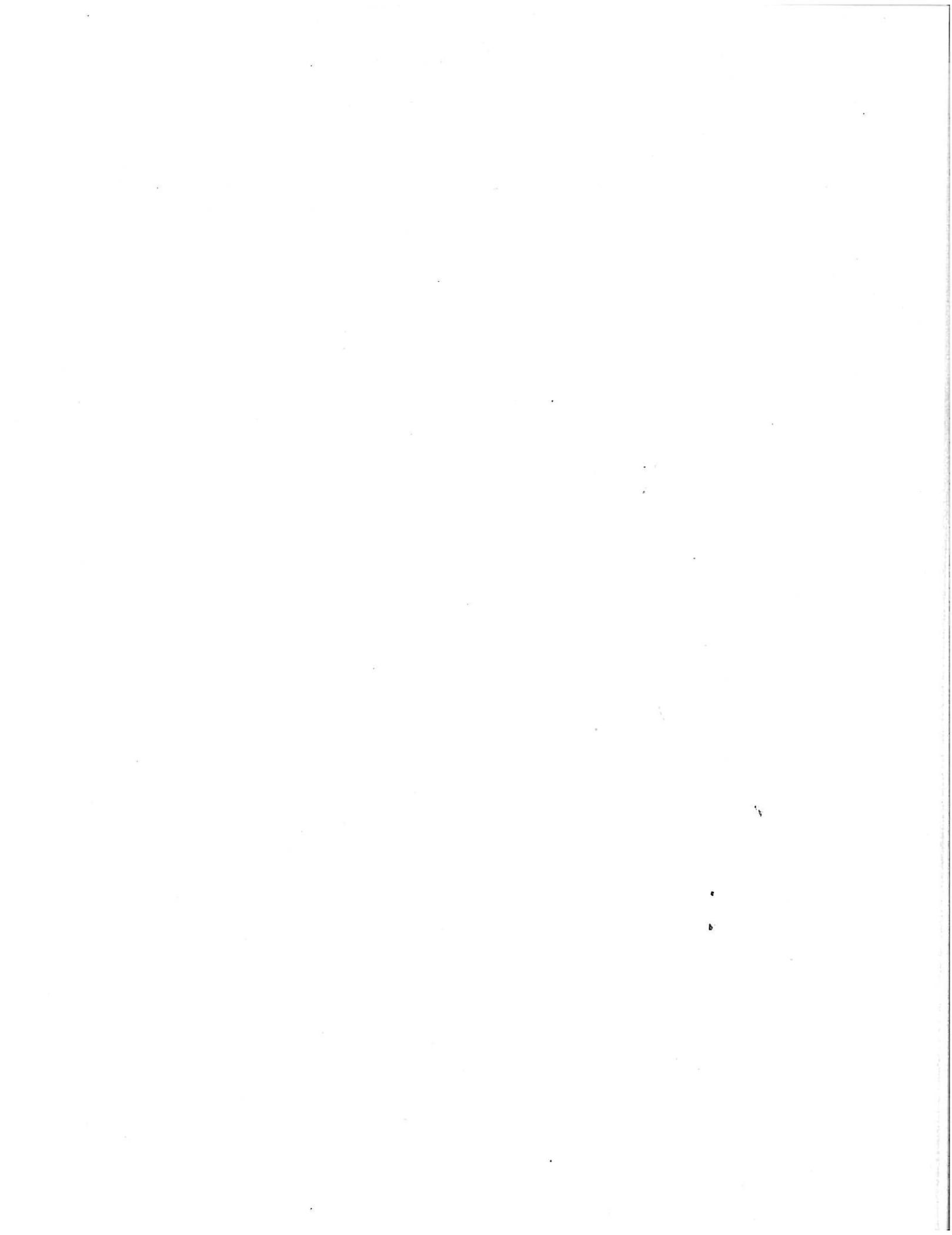
*--update-- per Jaime Limon - applicant is to be charged the total fee for postage (# of labels x 0.43).
Postage fee $79 \times 0.43 = 33.97$. MJB 9/8/09*

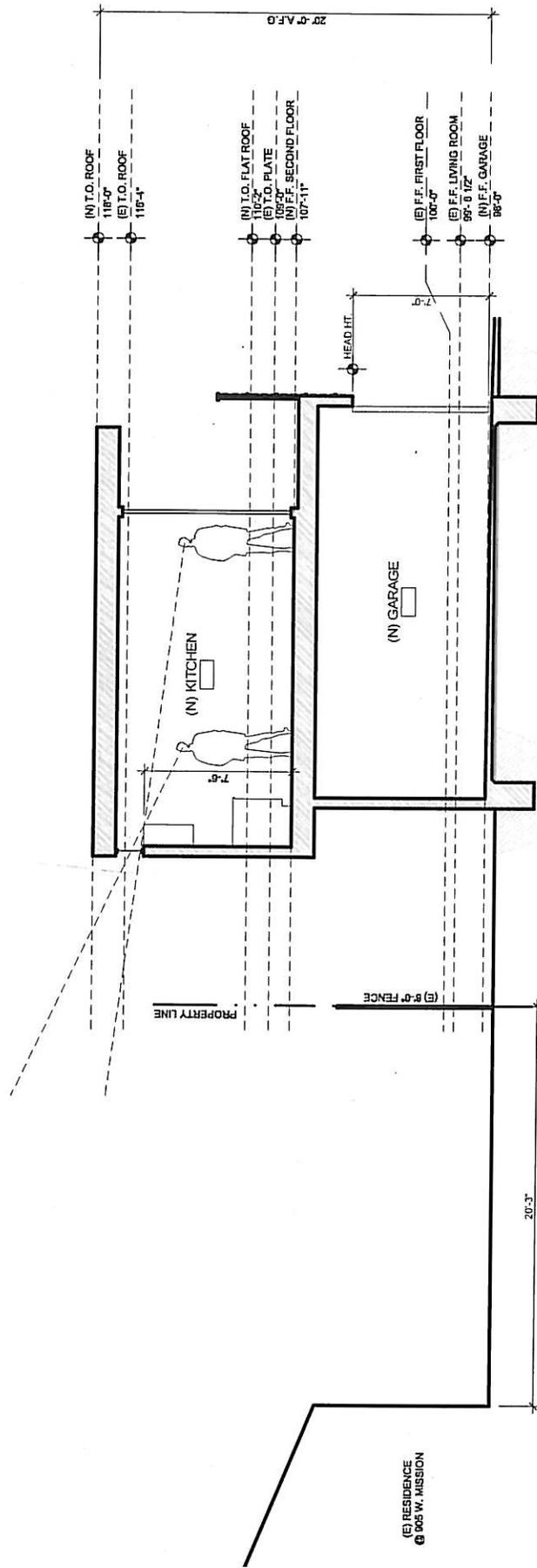
8/27/2009 ***ABR-Posting Sign Issued***

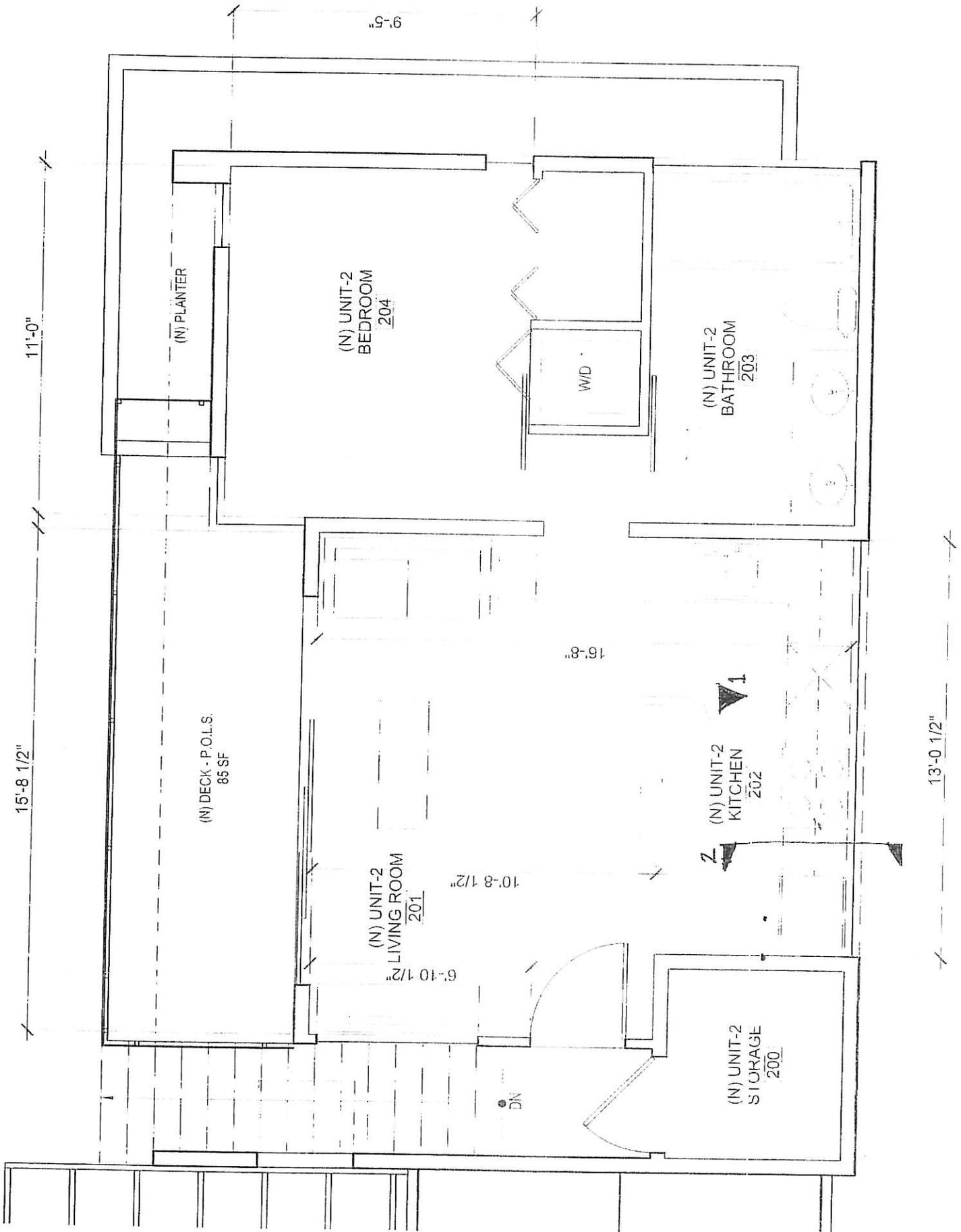
posting sign issued

8/27/2009 ***ABR-FYI/Research***

Note per applicant, they will be widenign the curbcut as part of this permit and applicant was advised that an encroachment permit will most likely be required and to check with P.W. regarding this matter. Also, applicant advised that she spoke to Chelsey in Transportation Planning and they will be relocating an existing no-parking sign at the site.







15'-8 1/2"

11'-0"

9'-5"

13'-0 1/2"

(N) PLANTER

(N) UNIT-2
BEDROOM
204

W/D

(N) UNIT-2
BATHROOM
203

(N) DECK - P.O.L.S
85 SF

(N) UNIT-2
LIVING ROOM
201

(N) UNIT-2
KITCHEN
202

(N) UNIT-2
STORAGE
200

DN

10'-8 1/2"

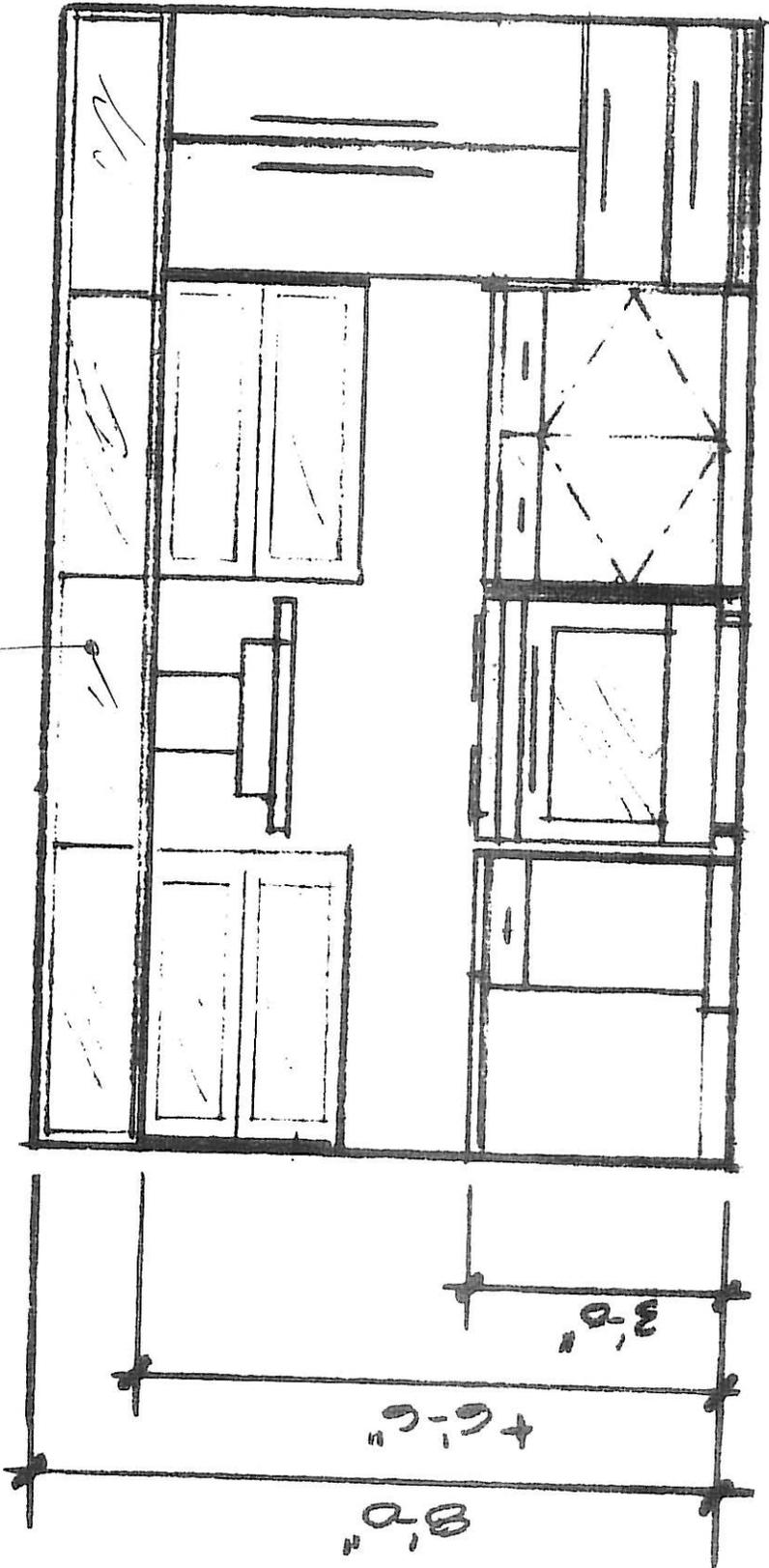
8'-9"

6'-10 1/2"

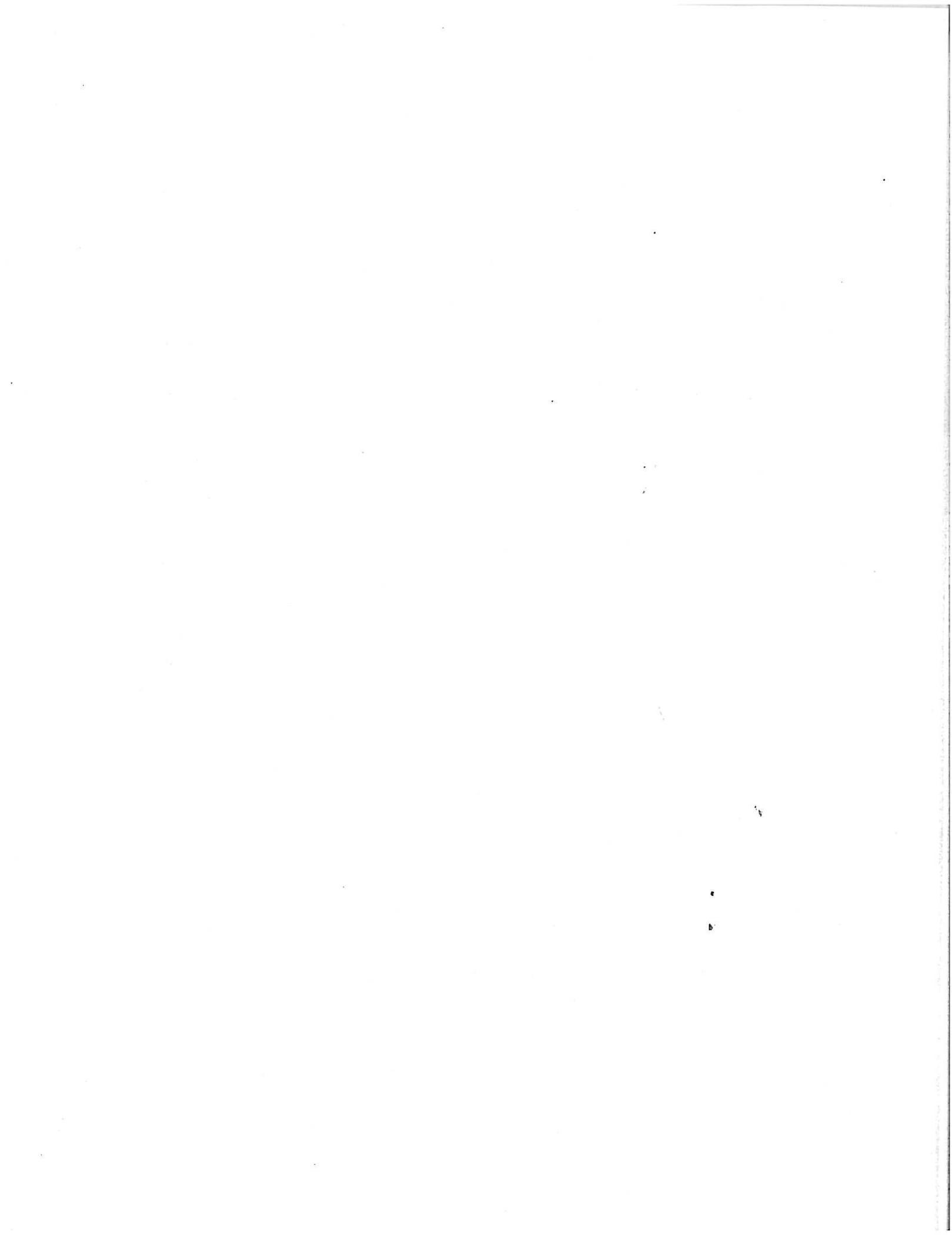
2

1

CLEARESTORY GLAZING



KITCHEN ELEVATION 1
1/2" = 1'-0"



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.

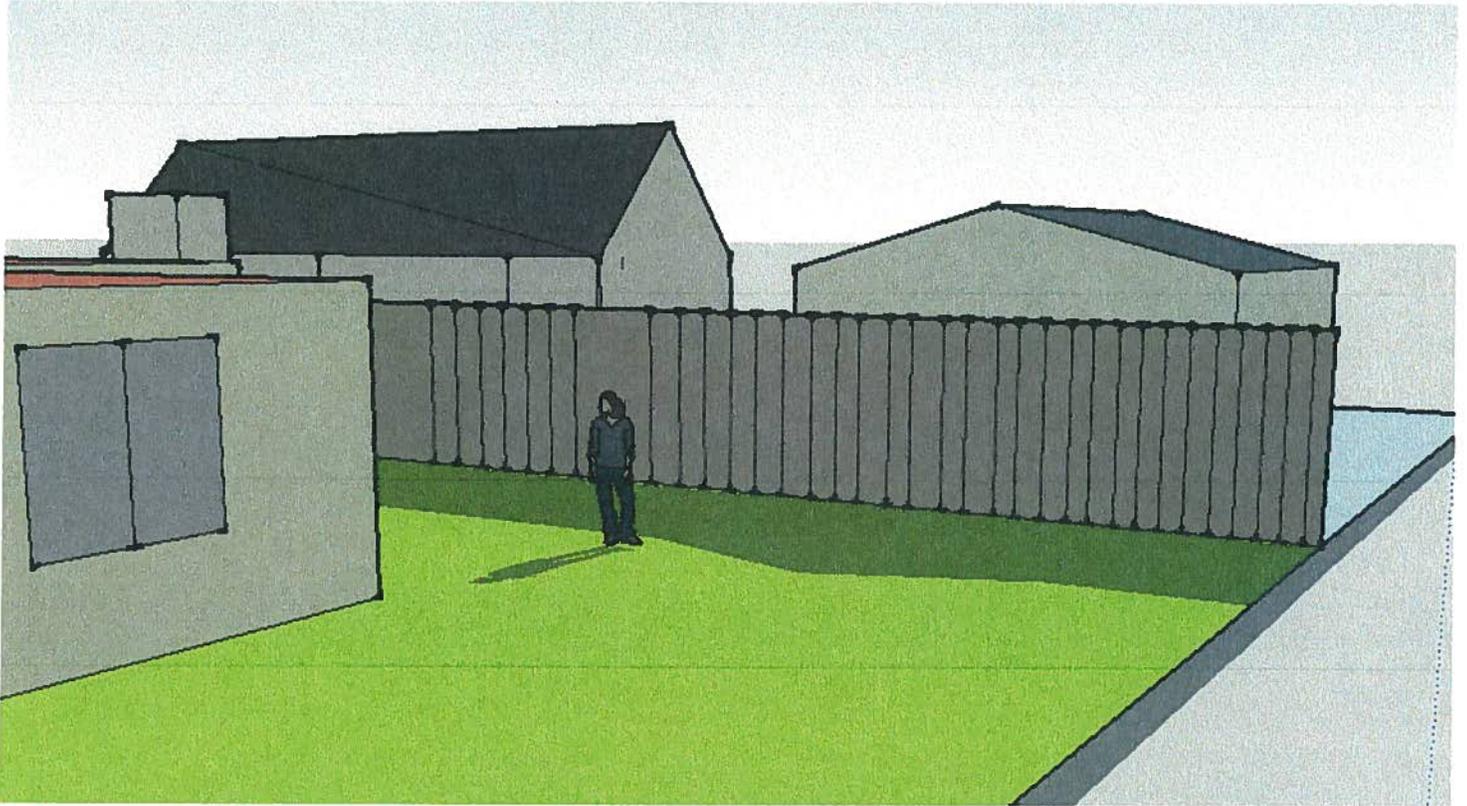
CONCLUSION

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.

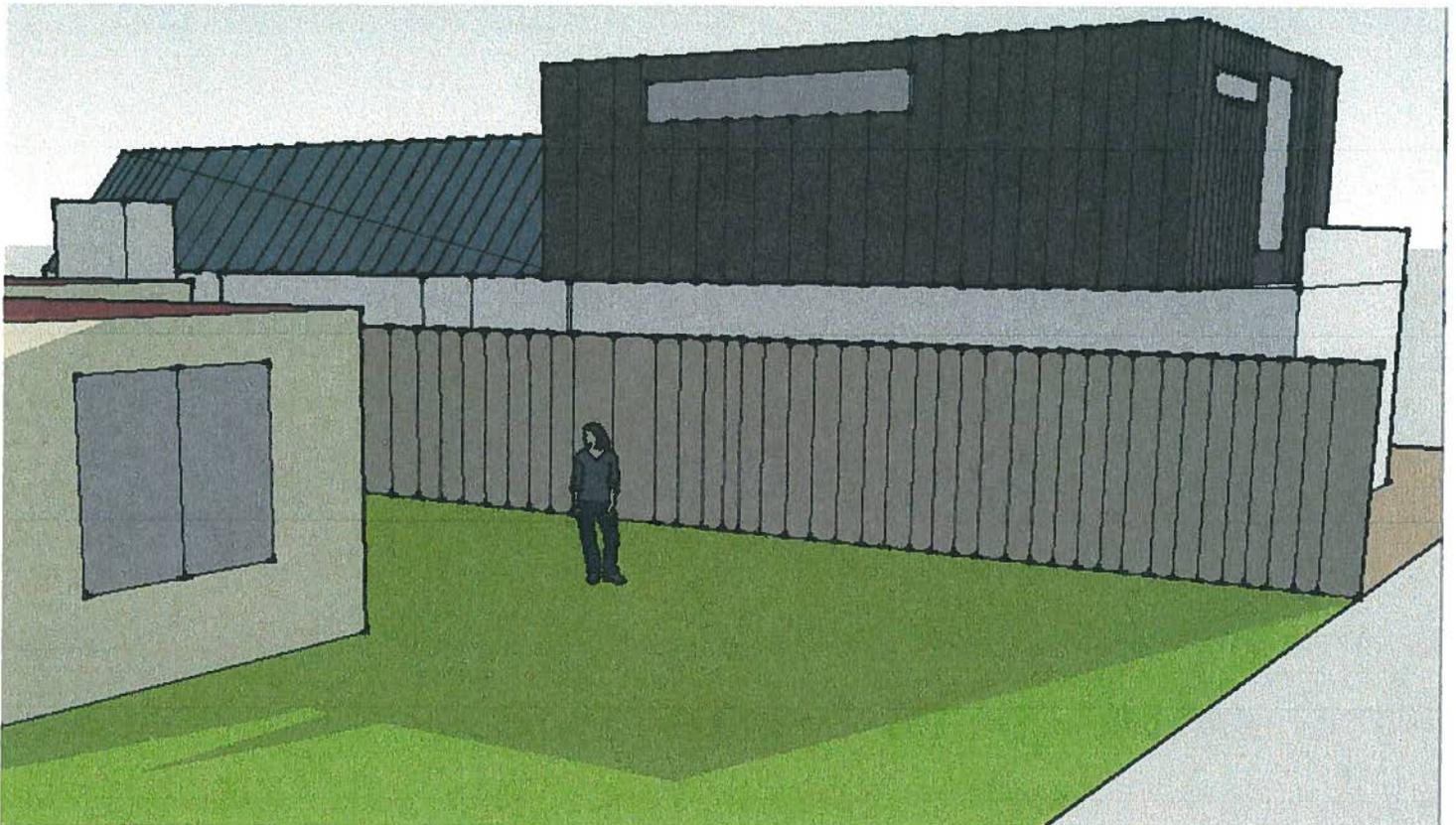
I believe I have given enough facts to support the overturning of the ABR preliminary approval.

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.

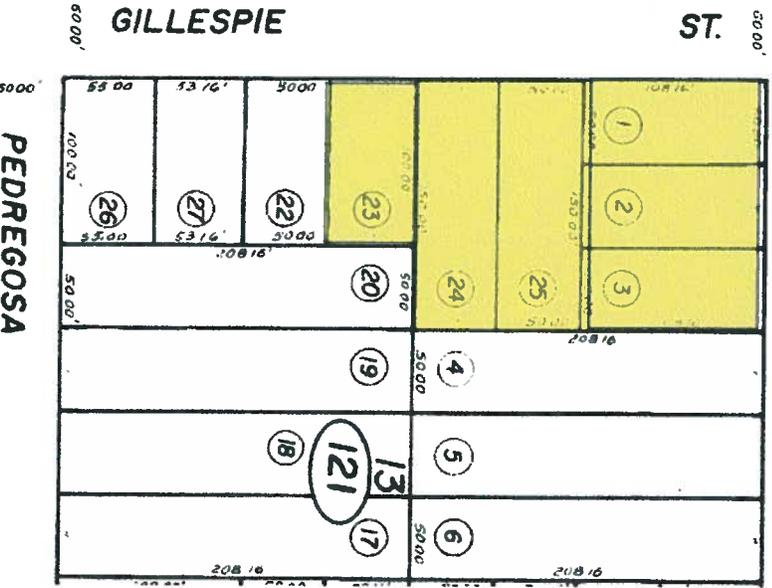
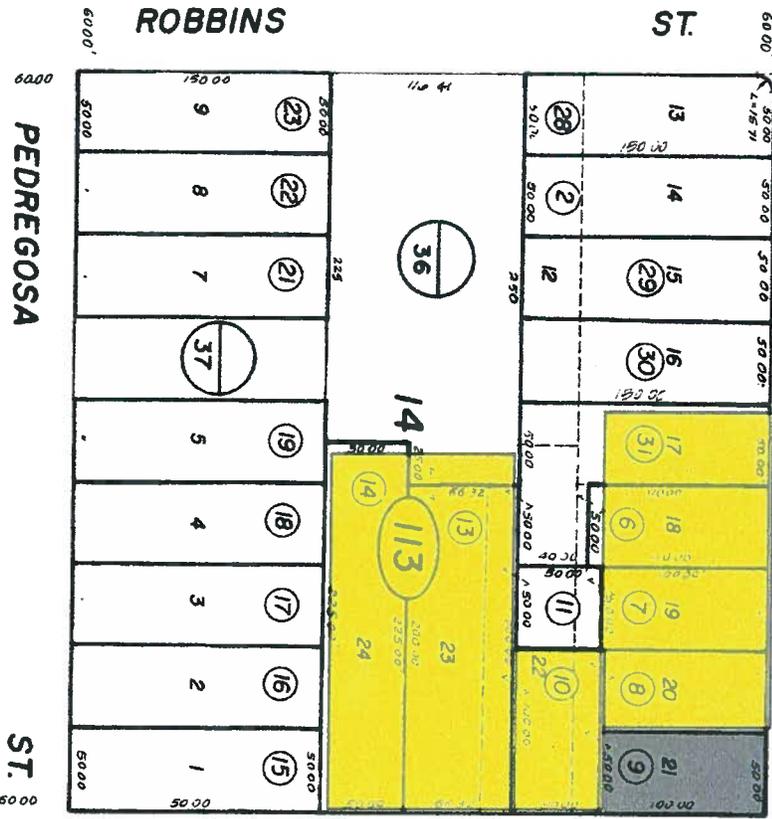
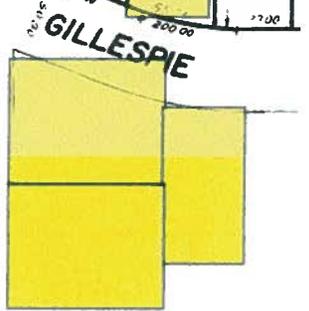
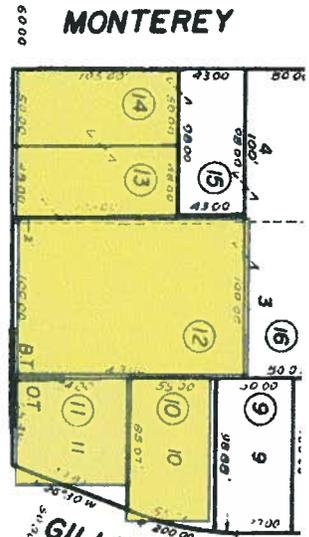
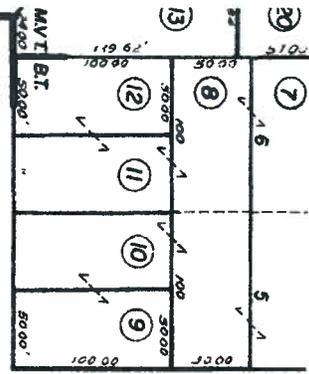
Perspicitve From Backyard of Adjacent Property
Existing home and 2 car garage



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

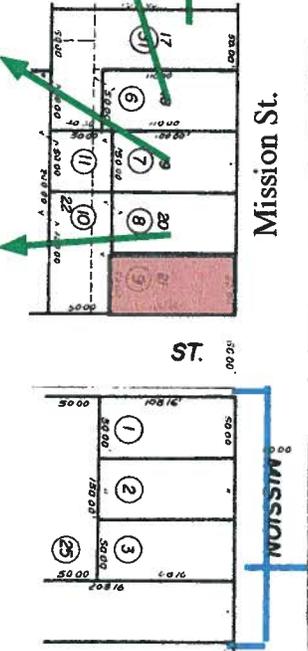


903 W. Mission St.
Subject property

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



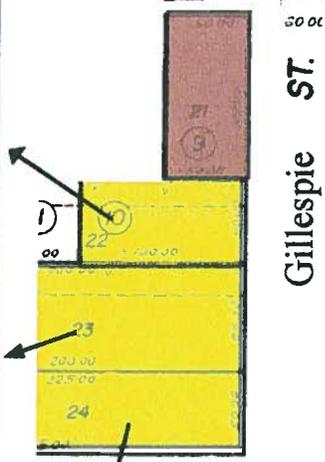
919 W. Mission St.
4 doors to the right from subject property



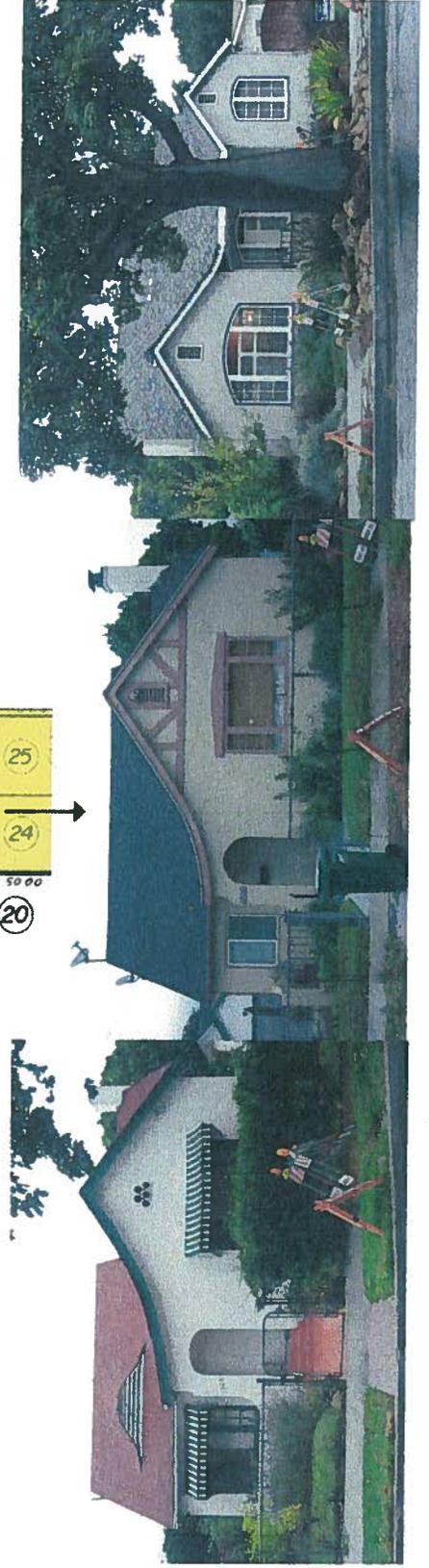
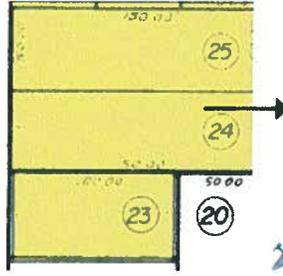
Gillespie St.: 3 houses to left behind the subject home and 3 across Gillespie



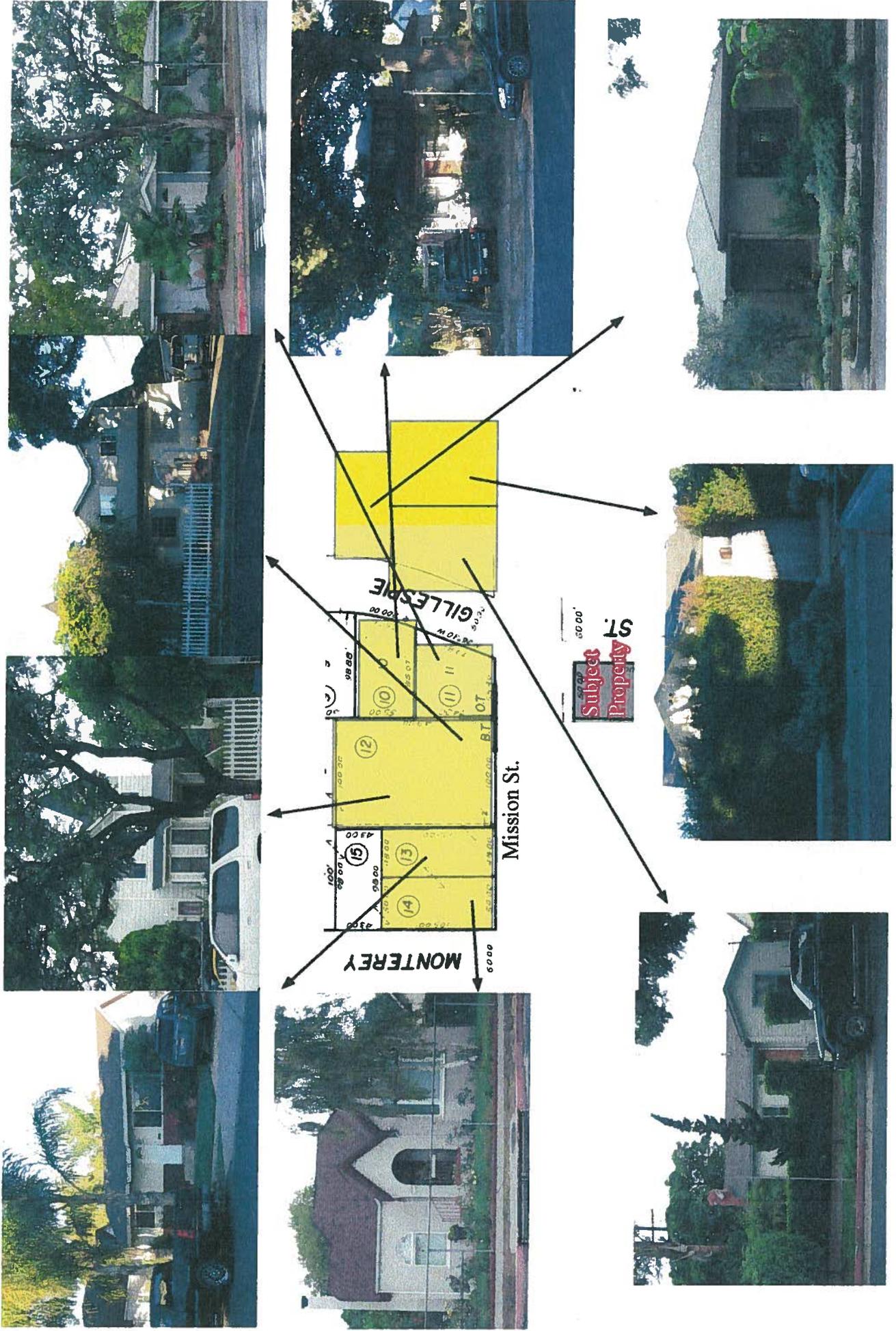
903 W. Mission St.
Subject property



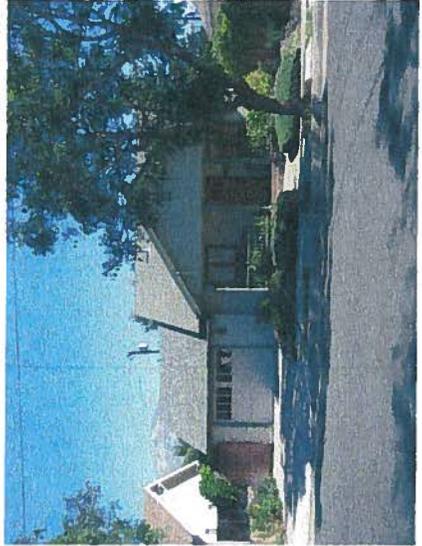
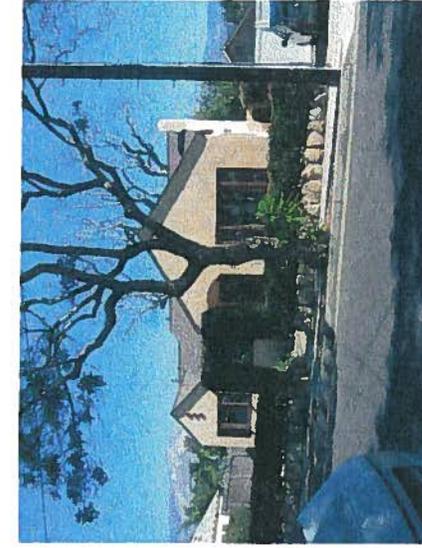
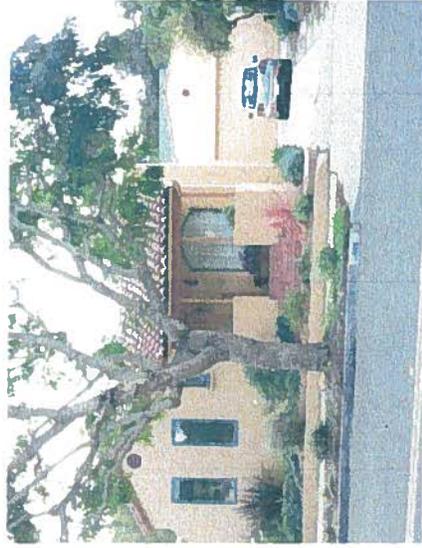
Gillespie ST. 50 00



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.



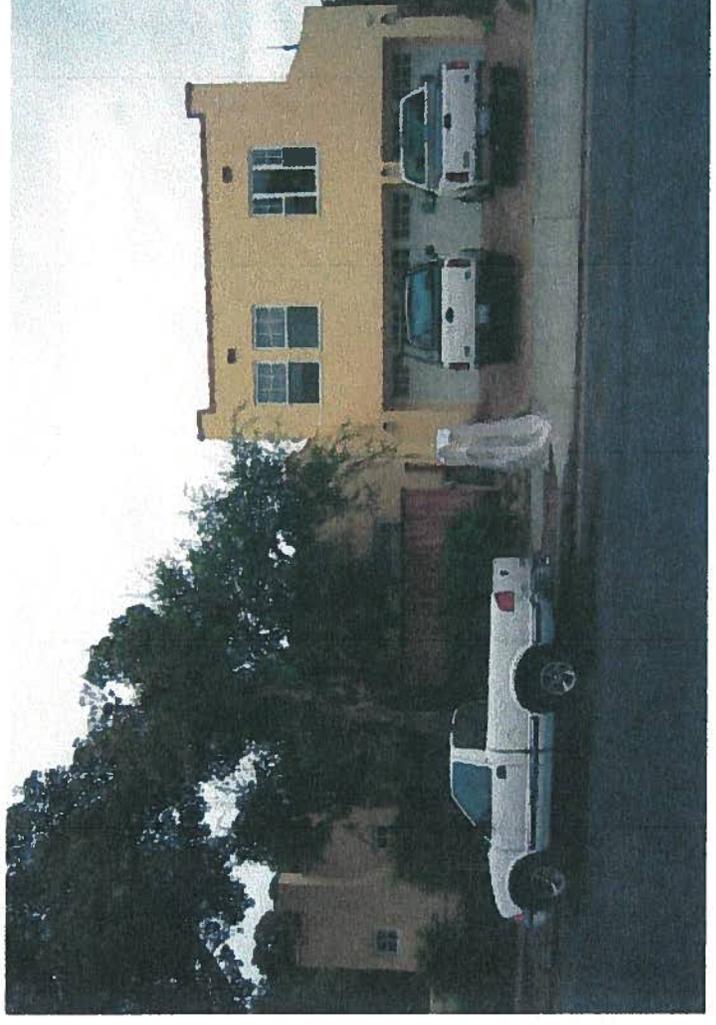


This home is several blocks away at the corner of Pedregosa and Chino. This was an example the architect on 903 W. Mission showed on his plans as a sample photo from the neighborhood.

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 Haws	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 Egg	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. Mission St	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.

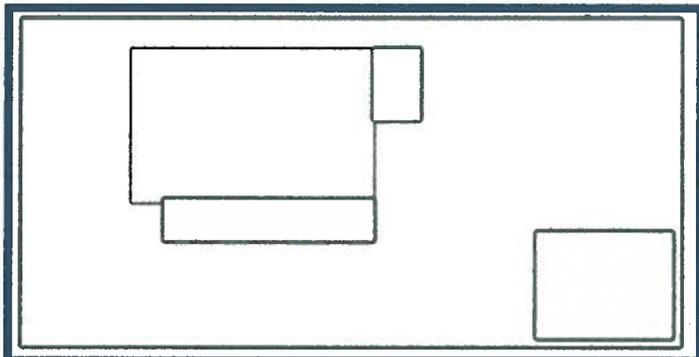
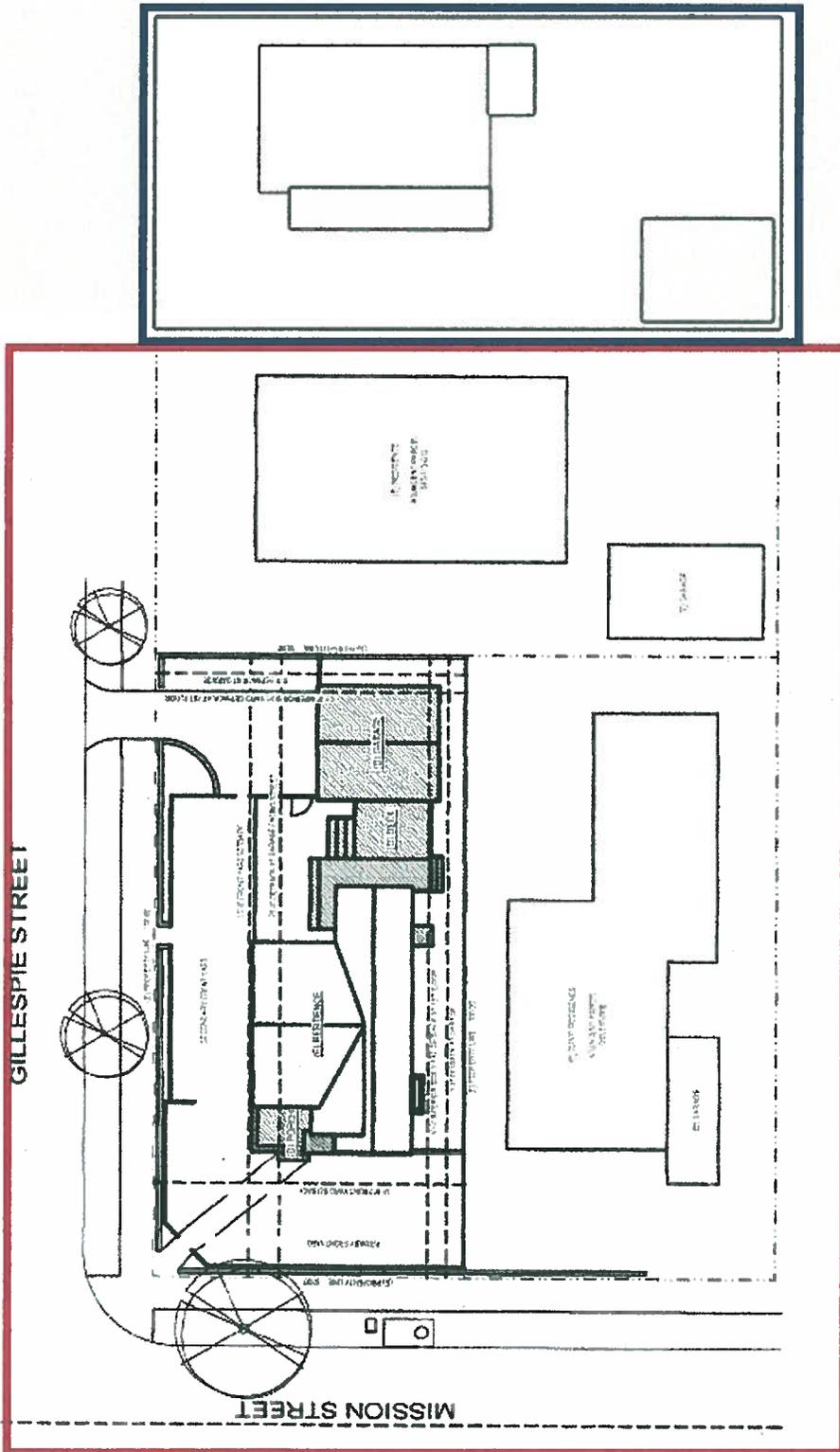
2.2 **Architectural Styles.** The ABR does not mandate required architectural styles for specific areas or locations; however, consideration should be given to several factors that influence the ABR's preference concerning proposed architectural styles. Factors such as an area's prevailing architectural 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.

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

Architect's Drawings Showing Adjacent Structures on Properties Abutting Project Property

The drawings in the red box are drawn by the architect. The drawings in the blue boxes show more accurate representation of the adjacent structures on these adjacent properties.



EXISTING/DEMO SITE PLAN
SCALE 1/8" = 1'-0"

