



# 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.

### **DISCUSSION:**

#### Project Description

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 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 in support 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 plain 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 and Local Coastal 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 process, 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 *SEE ATTACHMENTS OF 8-23-11 CAR*
  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

September 02, 2010

RECEIVED

2010 SEP -2 AM 11: 12

Dear City Council,

CITY OF SANTA BARBARA  
CITY CLERK

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.

ATTACHMENT 1

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 has a fluid, connected style.

Pam Brandon  
905 W. Mission St.  
Santa Barbara, CA 93101  
805.451.1802  
[PamBrandon@cox.net](mailto:PamBrandon@cox.net)

Attachment

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**THE CITY OF SANTA BARBARA**

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**Parcel Lookup Results - Details**

**Parcel Details**

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

**Parcel Tags**





# 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.  
 Parcel Number: 043-113-009  
 General Plan:  
 Existing Use: One-Family Residence

Property Owner: Heidi Ferguson  
 Lot Area: 5,000 sq. ft.  
 Zoning: R-2  
 Topography: Flat

#### Adjacent Land Uses:

North – One-Family Residence  
 South – One-Family Residence

East - One-Family Residence  
 West – One-Family Residence

**B. PROJECT STATISTICS**

|             | <b>Existing</b> | <b>Proposed</b>            |
|-------------|-----------------|----------------------------|
| 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 *SEE ATTACHMENT 3 OF 8-23-11 CAR*



DESIGN STUDIO  
ARCHITECTURE  
1000 S. GILLESPIE STREET  
SANTA BARBARA, CA 93101  
TEL: 805.963.1188  
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION  
1987 GREAT VILLAGE DR  
MONTROSE, CA 93108  
COMPLETION: 2015

OWNER: [REDACTED]  
ARCHITECT: [REDACTED]  
DATE: [REDACTED]

FIRM NAME: [REDACTED]  
CITY/STATE: [REDACTED]  
PHONE: [REDACTED]  
FAX: [REDACTED]

FIRM SIZE: [REDACTED]  
ESTABLISHED: [REDACTED]  
CONTACT: [REDACTED]

FIRM NAME: [REDACTED]  
CITY/STATE: [REDACTED]  
PHONE: [REDACTED]  
FAX: [REDACTED]

FIRM SIZE: [REDACTED]  
ESTABLISHED: [REDACTED]  
CONTACT: [REDACTED]

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CONTACT: [REDACTED]

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PHONE: [REDACTED]  
FAX: [REDACTED]

FIRM SIZE: [REDACTED]  
ESTABLISHED: [REDACTED]  
CONTACT: [REDACTED]

903 WEST MISSION

1987 GREAT VILLAGE DR  
MONTROSE, CA 93108  
COMPLETION: 2015

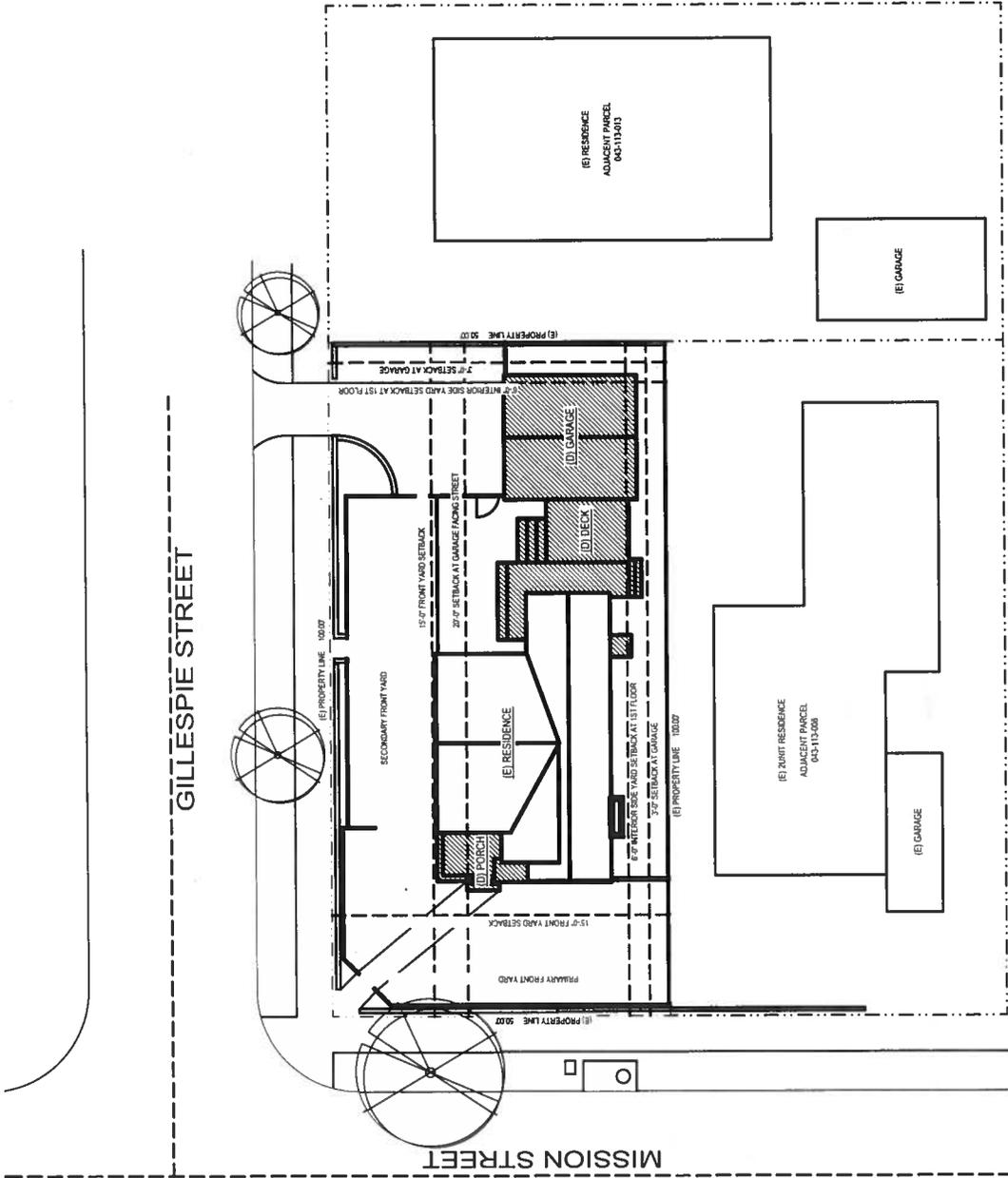
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ARCHITECT: [REDACTED]  
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CITY/STATE: [REDACTED]  
PHONE: [REDACTED]  
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CONTACT: [REDACTED]

FIRM NAME: [REDACTED]  
CITY/STATE: [REDACTED]  
PHONE: [REDACTED]  
FAX: [REDACTED]

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EXISTING/DEMO SITE PLAN



EXISTING/DEMO SITE PLAN  
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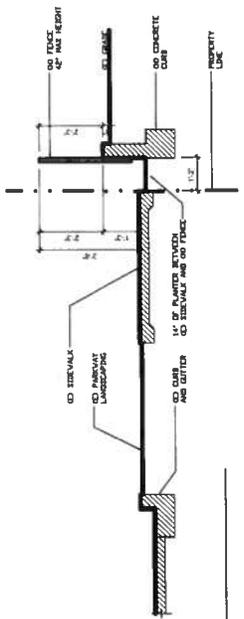
**DESIGN STUDIO**  
 1000 S. GILLESPIE STREET  
 SANTA BARBARA, CALIFORNIA 93108  
 TEL: (805) 965-1100  
 FAX: (805) 965-1101  
 WWW.ABDESIGNSTUDIO.COM

**PROJECT:** 903 WEST MISSION  
**CLIENT:** [REDACTED]  
**ARCHITECT:** [REDACTED]  
**DATE:** [REDACTED]

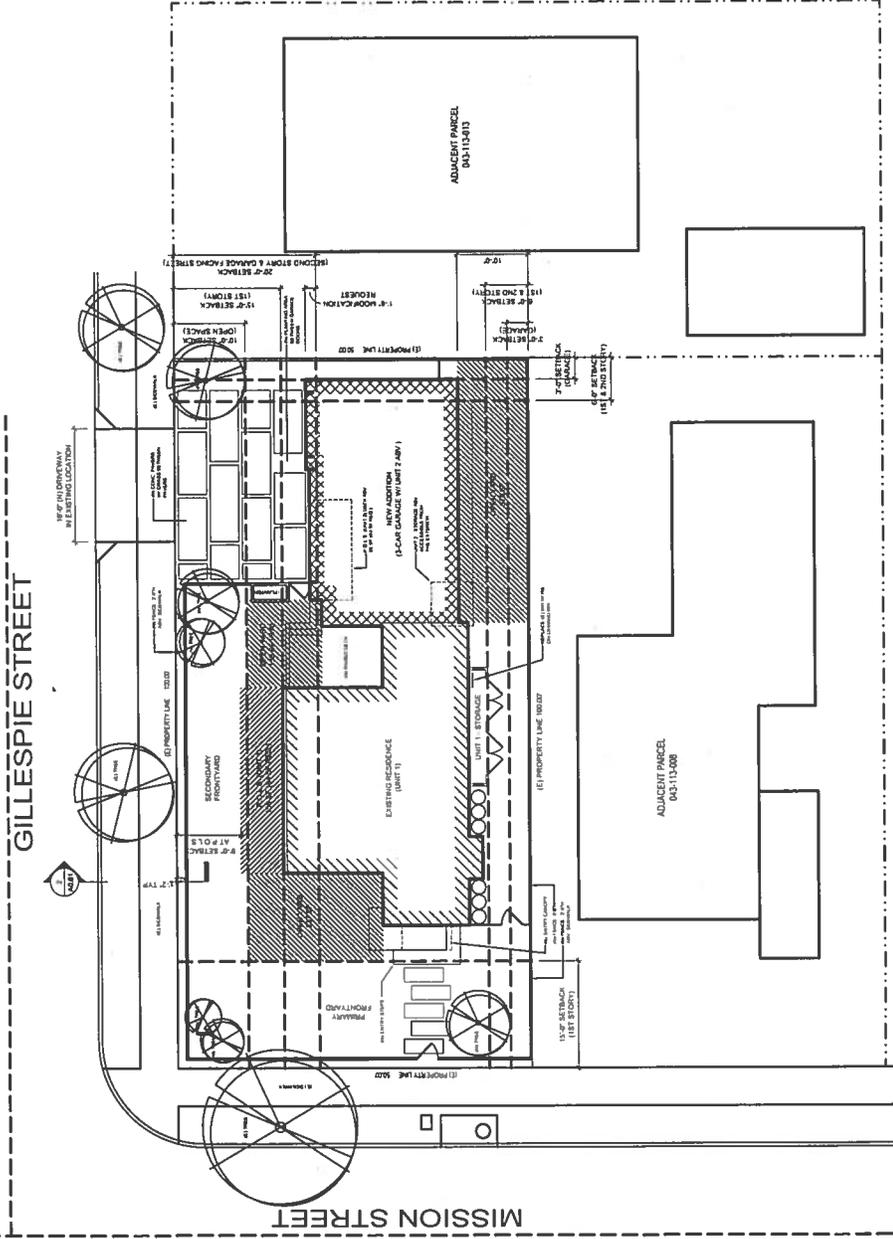


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|-------------|------------------|
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| SCALE       | 1/8" = 1'-0"     |
| DESIGNED BY | [REDACTED]       |
| DRAWN BY    | [REDACTED]       |
| CHECKED BY  | [REDACTED]       |
| DATE        | [REDACTED]       |

**903 WEST MISSION**  
 903 WEST MISSION STREET  
 SANTA BARBARA, CA 93108  
 TEL: (805) 965-1100  
 FAX: (805) 965-1101



**PROPOSED FENCE AT SIDEWALK**  
 SCALE 1/2" = 1'-0"



**PROPOSED SITE PLAN 1**  
 SCALE 1/8" = 1'-0"





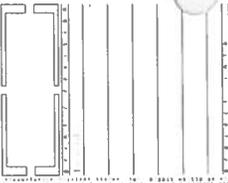
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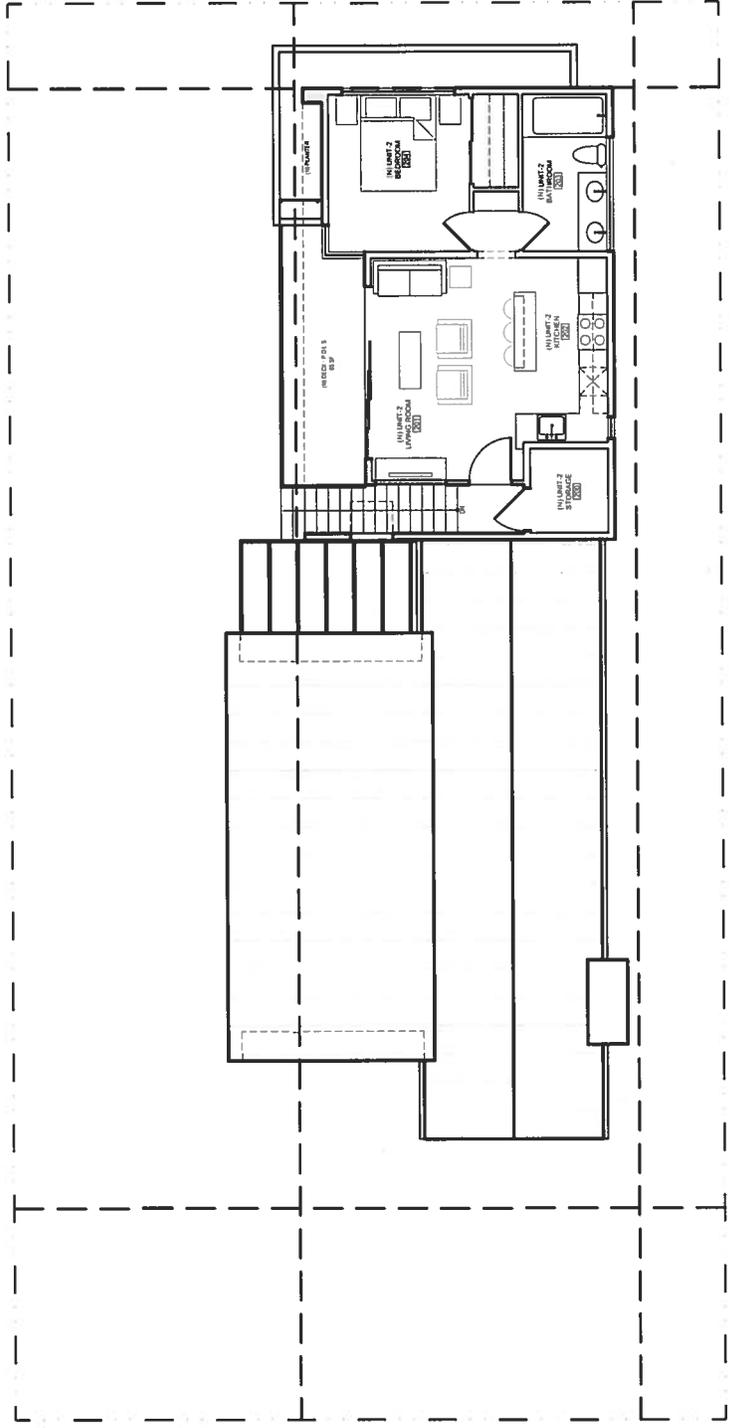


**DESIGN STUDIOS**  
**DESIGN STUDIOS**  
 1000 S. GARDEN ST. #100  
 SANTA ANA, CA 92705  
 TEL: 714.241.1111  
 FAX: 714.241.1112  
 WWW: WWW.ABDESIGNSTUDIOS.COM

**PROJECT INFORMATION**  
 PROJECT NO: 1107 (LAST VISIT: 08/14/11)  
 PROJECT NAME: 903 WEST MISSION  
 PROJECT ADDRESS: 903 WEST MISSION STREET  
 PROJECT CITY: SANTA ANA, CA 92705  
 PROJECT STATE: CA  
 PROJECT ZIP: 92705  
 PROJECT CONTACT: [REDACTED]  
 PROJECT PHONE: [REDACTED]  
 PROJECT FAX: [REDACTED]  
 PROJECT EMAIL: [REDACTED]



**903 WEST MISSION**  
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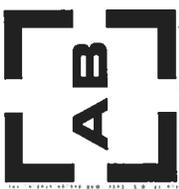


- wall legend**
- || HWY WALL
  - || DEMO WALL
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**PROPOSED SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

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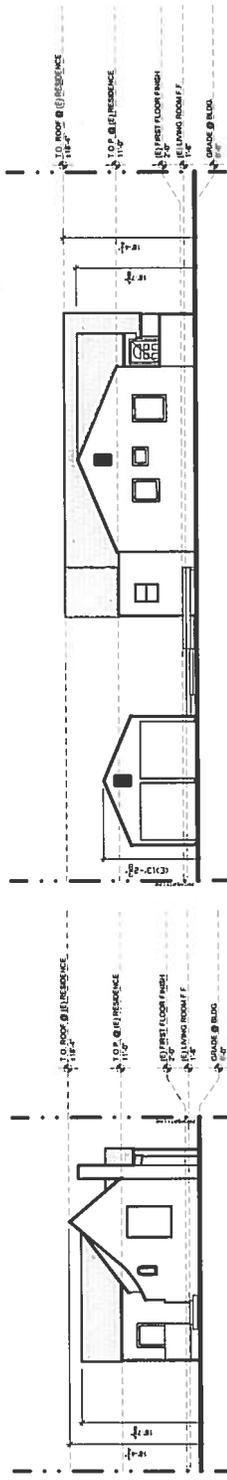
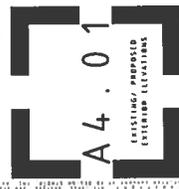


ARCHITECTS  
 1180 EAST VILLAGE AVENUE  
 SUITE 100  
 ANAHEIM, CALIFORNIA 92805  
 PHONE: (714) 771-1111  
 FAX: (714) 771-1112  
 WWW: WWW.ABARCHITECTS.COM  
 SANTA BARBARA, CALIFORNIA 93103  
 PHONE: (805) 965-1111  
 FAX: (805) 965-1112  
 WWW: WWW.ABARCHITECTS.COM

FIRM NAME: AB ARCHITECTS  
 PROJECT: 903 WEST MISSION  
 SHEET: A4.01  
 DATE: 08/14/14  
 DRAWN BY: J. BROWN  
 CHECKED BY: J. BROWN  
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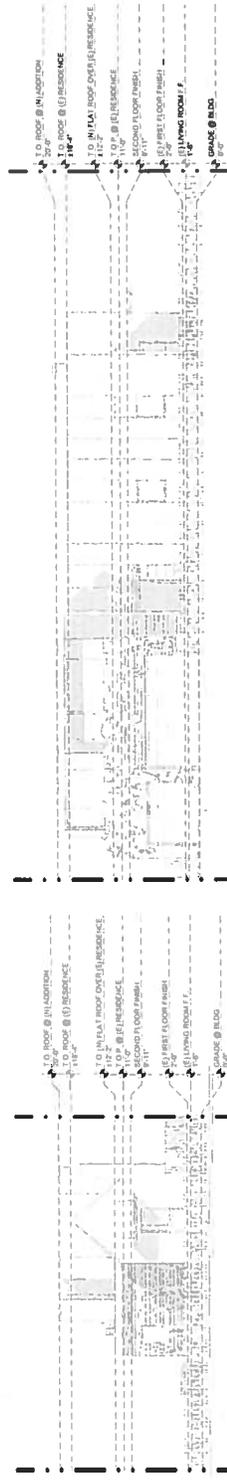


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 CHECKED BY: J. BROWN  
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 PROJECT LOCATION: 903 WEST MISSION, ANAHEIM, CA 92805



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

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



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

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

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

keynotes

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 CITY/STATE  
 ZIP  
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1100 CALIFORNIA STREET, SUITE 100  
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 TEL: (415) 543-2378  
 CONTACT: TARA WARD

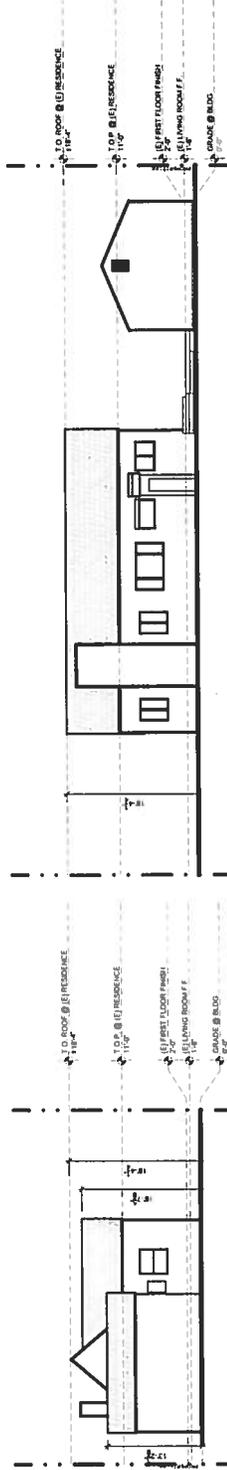
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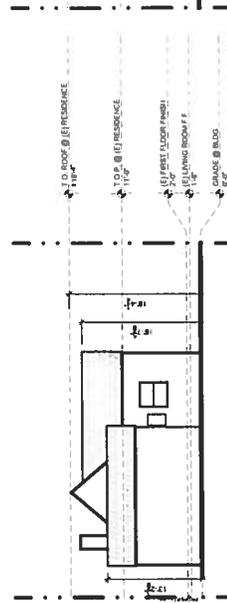
EXISTING SOUTH ELEVATION 2

SCALE 1/8" = 1'-0"



EXISTING EAST ELEVATION 4

SCALE 1/8" = 1'-0"



EXISTING SOUTH ELEVATION 2

SCALE 1/8" = 1'-0"



EXISTING EAST ELEVATION 4

SCALE 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION 1

SCALE 1/8" = 1'-0"



PROPOSED EAST ELEVATION 3

SCALE 1/8" = 1'-0"



FIRM NAME  
 ARCHITECT  
 CITY/STATE  
 ZIP  
 FIRM NO.  
 CITY/STATE  
 ZIP  
 CONTACT  
 PHONE  
 FIRM NAME  
 ARCHITECT  
 CITY/STATE  
 ZIP  
 FIRM NO.  
 CITY/STATE  
 ZIP  
 CONTACT  
 PHONE

1100 CALIFORNIA STREET, SUITE 100  
 SAN FRANCISCO, CA 94109  
 TEL: (415) 543-2378  
 CONTACT: TARA WARD

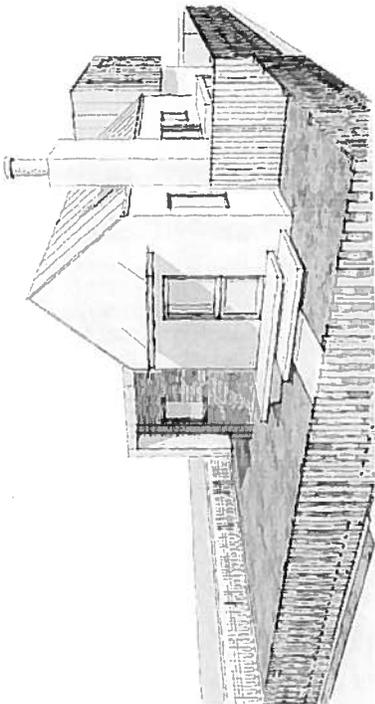
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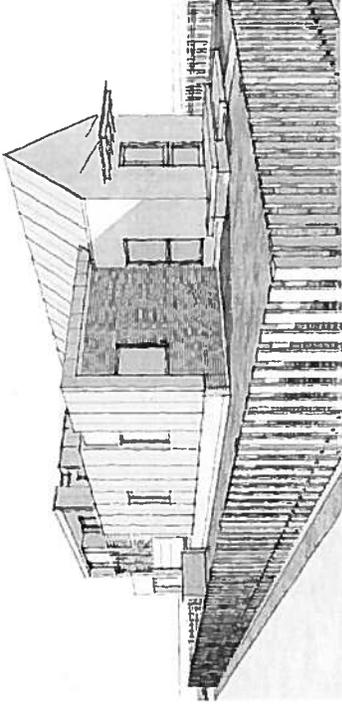
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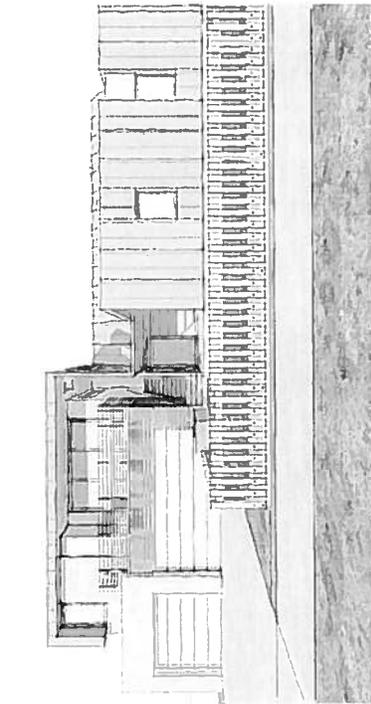
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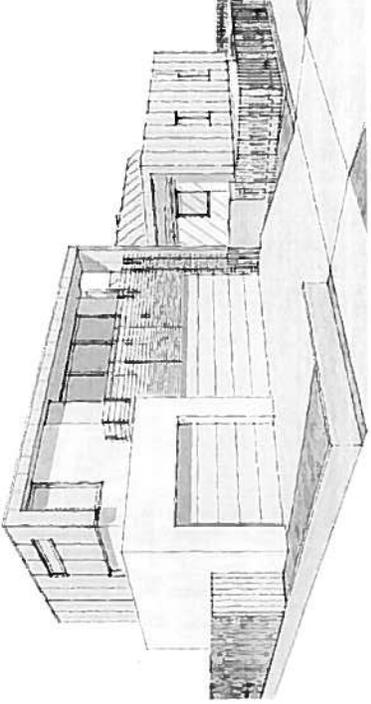
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SCALE N.T.S.



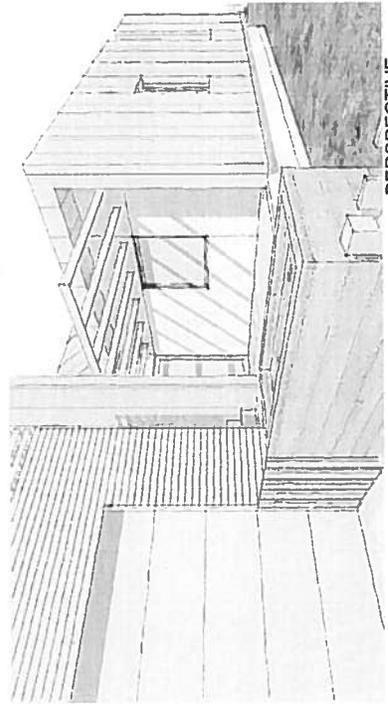
PERSPECTIVE 2  
SCALE N.T.S.



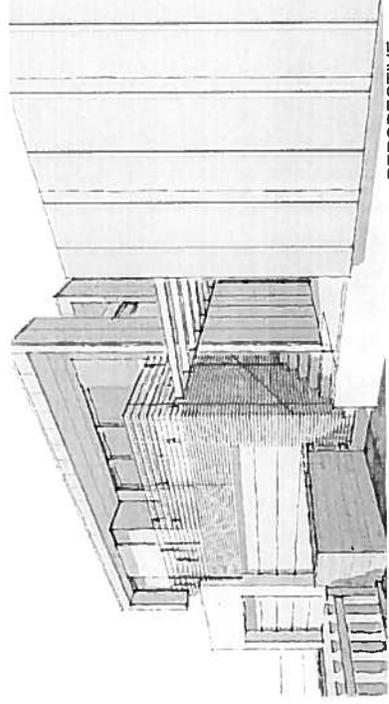
PERSPECTIVE 3  
SCALE N.T.S.



PERSPECTIVE 4  
SCALE N.T.S.



PERSPECTIVE 5  
SCALE N.T.S.



PERSPECTIVE 6  
SCALE N.T.S.



DESIGN GROUP  
ARCHITECTS  
1100 WEST MISSION  
SANTA ANA BARBARA (CALIFORNIA 93103)



1100 WEST MISSION  
SANTA ANA BARBARA (CALIFORNIA 93103)



1100 WEST MISSION  
SANTA ANA BARBARA (CALIFORNIA 93103)

429  
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

**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,

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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.

ATTACHMENT 4

