



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

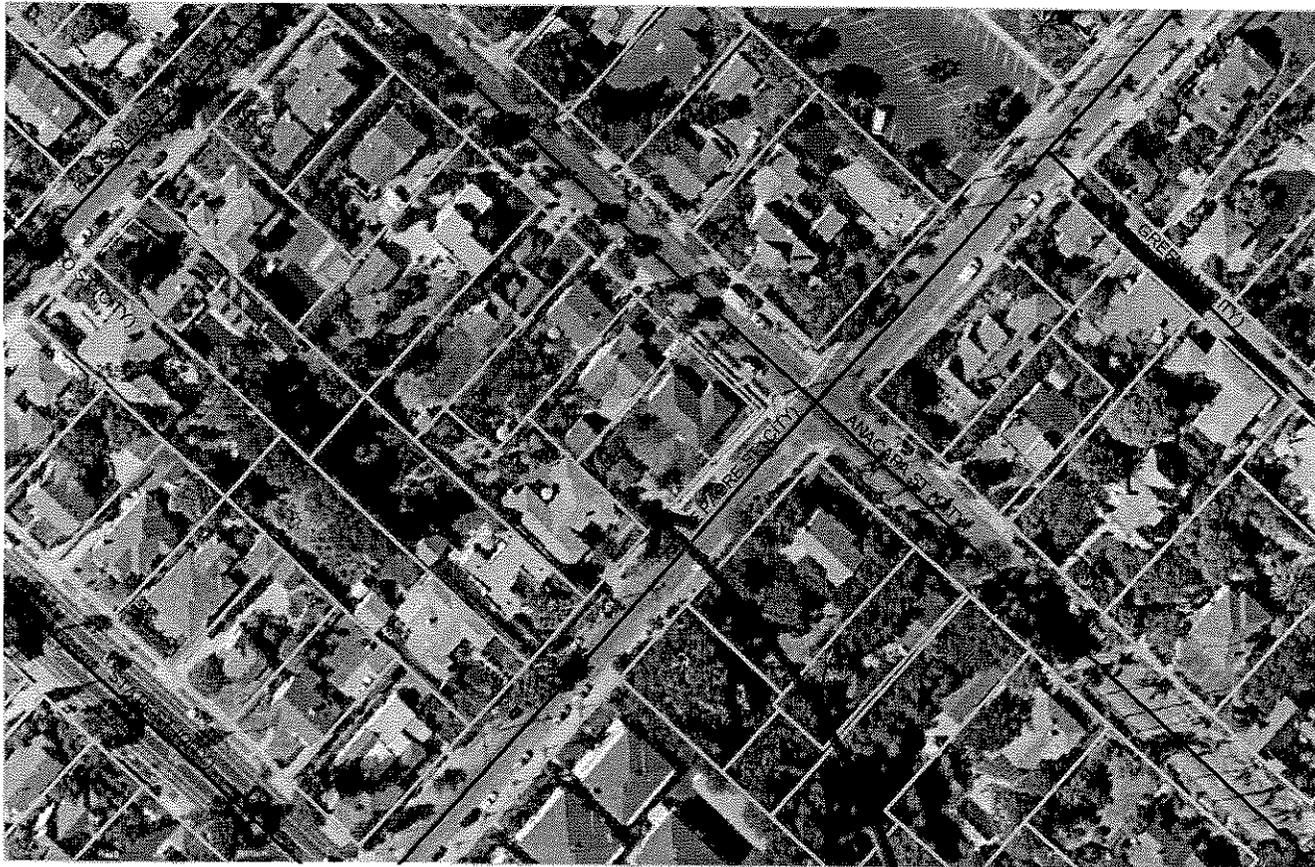
REPORT DATE: May 28, 2009
AGENDA DATE: June 4, 2009
PROJECT ADDRESS: 2105 Anacapa Street (MST2008-00311)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *RLB for DAK*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 9,372 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow alterations within both thirty-foot front setbacks (SBMC §28.15.060). On March 25, 2009, the Staff Hearing Officer made the required findings and approved the project. This is an appeal of that action.

II. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal, upholding the decision of the Staff Hearing Officer and approve the project, making the findings in Section VI of the staff report.



DATE ACTION TAKEN BY THE STAFF HEARING OFFICER:
DATE ACTION REQUIRED:

March 25, 2009
Not Applicable

SITE

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Appellant: Tony Fischer	Property Owner: Barbara Mathews
Applicant: Britt Jewett	Lot Area: 9,372 sf
APN: 025-242-011	Zoning: E-1
General Plan: 3 Units Per Acre	Topography: 8% Slope
Adjacent Land Uses: North – One-Family Residence East – Anacapa Street South – Padre Street West – One-Family Residence	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,752 sf	3,339 sf
Garage	340 sf	420 sf

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Setbacks			
- Front (Anacapa)	30'	15'	15'
- Front (Padre)	30'	20'	20'
- Interior (North)	10'	4'	10'
- Interior (West)	10'	5'	5'
Parking	2 Covered	2 Covered	2 Covered
Open Yard	1,250 sf	± 2,585 sf	1,260 sf

V. DISCUSSION

The existing single family residence and detached garage currently encroach into all front and interior setbacks. The applicant is proposing the complete demolition of the existing structures and the construction of a new single family residence with attached garage. The proposed project would eliminate the existing encroachment into the northern interior setback, improving that nonconforming situation, and would not extend any further into the front setbacks beyond what exists today. The proposed project requires Modifications to allow cosmetic alterations to the building's exterior characteristics within both front setbacks.

The project was reviewed by the Single Family Design Board (SFDB) on January 5, 2009. The SFDB was split (3/3/0) on the current design of project but forwarded the project to Staff Hearing Officer with comments for action on the Modification request. The SFDB felt that the design issues could be worked out when the project returned to the Full Board (See Exhibit B to the Staff Hearing Officer staff report).

VI. APPEAL ISSUES

It is the appellant's position that the Code limits the rebuilding of non-conforming structures to what was previously existing and does not allow for expansion of the non-conforming structure as part of the project. The appellant asserts that once a non-conforming building is demolished, it loses its non-conforming status.

Section 28.87.030.D.1.a.(5) of the Municipal Code allows for an existing non-conforming building to be demolished and rebuilt as long as the basic exterior characteristics of the replacement building are not changed, except as allowed in Section 28.87.030. Section 28.87.030.D.1.a.(6) allows for additions to nonconforming buildings that conform to current zoning standards for the zone.

The operation of Sections 28.87.030.D.1.a.(5) and (6) together allow for the demolition and replacement of an existing nonconforming building and construction of conforming additions. This means that the basic exterior characteristics of the nonconforming portions of the replacement building cannot change and the replacement building cannot exceed the current height or building story limitations. The exterior characteristics of the conforming portions of the replacement building are not subject to this limitation. This is consistent with the application of Section 28.87.030.D.1.a.(6) that allows conforming additions to existing nonconforming buildings in that an addition necessarily involves an alteration to the basic characteristics of a building. Any changes to the basic characteristics of the nonconforming portions of the building would require a Modification.

As part of the project, the applicant is proposing to demolish and rebuild the existing buildings which are nonconforming to the setbacks, with minor changes to the windows, doors and architectural features. No changes are proposed to the building height or roof pitch within the required setbacks. However, because the proposal changes the basic exterior characteristics of the portions of the building within the front setbacks on Padre and Anacapa Streets, the requested Modifications are required. As part of the project, the applicant is proposing a two-story addition that conforms to the setback, open yard, and building height regulations.

Although Staff generally encourages applicants to build structures that conform to the current zoning regulations when nonconforming structures are demolished and the lot is vacant, the Code allows for rebuilding a structure in setbacks. The project site is constrained by two 30' front setbacks on a 9,372 square foot lot. In this case, the use of the nonconforming rebuild provisions of the Code offsets that hardship. The proposed architectural, door and window changes are appropriate improvements and consistent with the purposes and intent of the Zoning Ordinance. They do not increase the square footage or the intensity of use within the setback. Without the proposed architectural, door, or window changes to the nonconforming portions of the building, the Modifications would not be required.

As part of the appeal, the appellant requested that the lot area shown on the plans be verified. Originally, the applicant's architect relied upon lot size shown on the the City's website. Since that hearing, Cardenas & Associates Surveying, Inc. surveyed the site and determined that the subject site is 76 square feet smaller than the figure shown on the City's website. The applicant has adjusted the lot area figure and reduced the proposed floor area to achieve a 97.9% floor-to-lot-area ratio (FAR) which continues to be under the 100% maximum FAR.

The appellant has also questioned the determination that the garage could qualify for a 50% reduction in its floor area by being referred to as basement and whether or not the proposed project is compatible with the FARs and size of other homes in the surrounding neighborhood. Staff has determined that the current garage design qualifies for the 50% reduction in floor area. Neighborhood compatibility will be considered as a part of the Single Family Design Board's review.

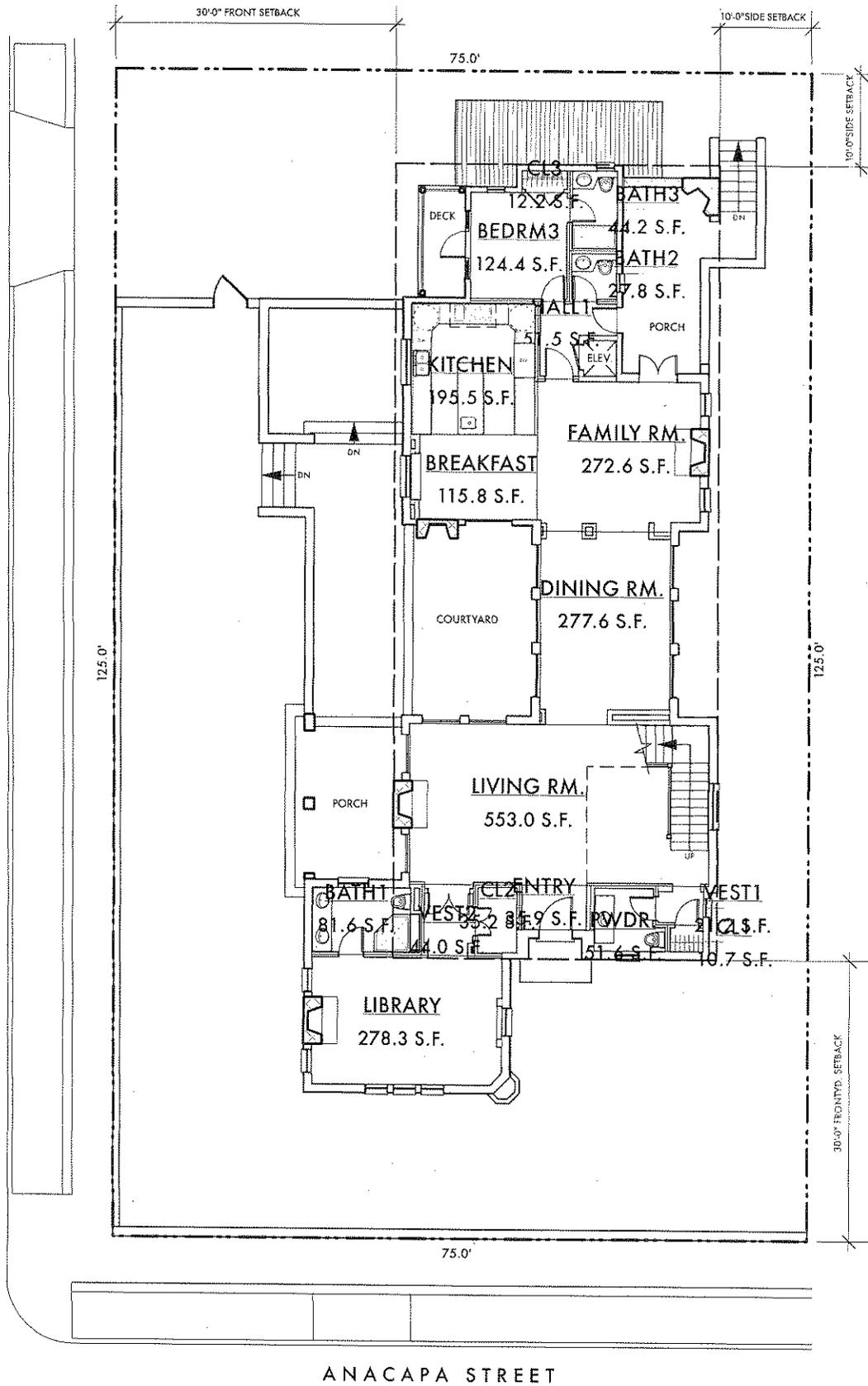
VII. FINDINGS

The Modifications to permit window, door and architectural changes within the front setback along Padre and Anacapa Streets are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The 9,372 square-foot lot is significantly smaller than the required 15,000 square feet for a new lot created in the E-1 Zone. Also, given its location on a corner, the site is subject to two 30' front setbacks, further reducing the developable area of the lot. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed window, door, and architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

Exhibits:

- A. Site Plan
- B. Appellant's letter dated April 5, 2009
- C. Applicant's Agent's Letter dated May 15, 2009
- D. SHO Resolution & Minutes
- E. SHO Staff Report

PADRE STREET



SITE/FIRST FLOOR PLAN

1/16"=1'-0"



Tony Fischer
Attorney at Law
2208 Anacapa St.
Santa Barbara CA 93105
Tel: 805 563 6784
fischlaw@cox.net

RECEIVED
APR 06 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

April 5, 2009

Planning Commission, City of Santa Barbara
630 Garden Street
Santa Barbara CA 93101

Re: Appeal of Staff Hearing Officer Decisions on March 25, 2009
Address: 2105 Anacapa Street, Santa Barbara, CA

Dear Commissioners:

The purpose of this letter is to appeal the approvals granted by the Staff Hearing Officer for the proposed project on March 25, 2009.

The character of a neighborhood changes one building at a time. Therefore each proposed project deserves careful review. The modifications requested should be denied as simply not needed and without legal or factual support. In this case, it is respectfully submitted that assumptions about the site and the applicable sections of the Zoning Ordinance, as put forth in the Staff Report and apparently deemed not reviewable by the Staff Hearing Officer, are in error.

The existing small, single-family house on the corner lot is represented as located 15 feet from Anacapa Street and 20 feet from Padre Street. The detached garage is represented as five feet from the westerly and four feet from the northerly property lines. The setback in the E-1 Zone is 30 feet for the front yards and 10 feet for the side or rear yards.

This project, as supported in the staff report, involves tearing down both structures and replacing them with one structure, a two-story single-family house with attached garage. The structure will occupy the front yards and westerly side yard. Staff represented that even though both buildings will be torn down, the property owner retains the legal right to re-build within the front and side yards to the same extent as the removed buildings. In other words, the current legal non-conforming set-backs are deemed a property right not impacted or changed by the tearing down of the legal non-conforming structures. Is that the current interpretation and/or the intent of revisions to the zoning ordinance? Was that part of the Neighborhood Preservation Ordinance process? If so, it creates the potential for larger structures. In addition, it creates the question why any vacant lot or existing lot in the same neighborhood and zone does not have, in fairness, the opportunity to also invade as a matter of right the side and front yards.

To: Planning Commission, City of Santa Barbara
Re: 2105 Anacapa Street--- Appeal of Staff Hearing Officer decision
Date: April 5, 2009
Page: 2

As stated above, the character of a neighborhood changes one building at a time. Reduction of required front yards and side yards by staff interpretation needs to be carefully reviewed by a review body not controlled by staff. It appears that the Staff Hearing Officer does not believe it is the role of the SHO to question the accuracy of the staff's factual or legal representations and/or the conclusions.

Staff stated that the new structure will be 99.6% of the maximum allowed FAR. However, staff assumed only 50% of the square footage of the garage is counted as part of the total because the new garage will be either a basement or cellar. Without that favorable application, the structure exceeds the maximum by more than 200 square feet. The 50% reduction appears to be in error if one looks at the existing garage which is above ground. The staff report appears to assume that the ground levels on the west, east and north sides of the garage are higher than actual conditions. The Staff Hearing Officer apparently accepted as true the applicant/staff understanding of that site characteristic.

In the calculation of FAR, staff apparently did not do its own calculation of the size of the lot. Drawings presented by Applicant were represented as being to scale but the preparer did not show the distances. To facilitate proper review and oversight, the size of the lot should be clearly disclosed with dimensions on any such plan submitted for review. In this case, the size of the lot, apparently taken from the size displayed on the City's web-site, should be verified. The drawings sets forth the size provided by the City which appears inconsistent with the Assessor's Parcel Map. What is the size of the lot? If smaller than stated, the structure exceeds the maximum allowed FAR even if the garage portion of the calculation is correct.

Please be advised that the Friends of Outer State Street join in this appeal.

You are requested to provide a copy of this letter to each Member of the Planning Commission and Single Family Design Board without delay.

Please contact me regarding setting a date for review by the Planning Commission on appeal.

Very truly yours,



Tony Fischer, Esq.

Appellant and Agent for Friends of Outer State Street

cc: Friends of Outer State Street

HOLLISTER & BRACE

A PROFESSIONAL CORPORATION

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May 15, 2009

JOHN B. GALVIN
Of Counsel

Via Hand Delivery

Honorable Planning Commission
City of Santa Barbara
c/o City Planning Division
630 Garden Street
Santa Barbara, California 93101

Re: **2105 Anacapa Street**
APN 02-242-011
MST2008-00311
Hearing Date: June 4, 2009

RECEIVED
MAY 18 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Honorable Planning Commissioners:

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

I. FACTUAL BACKGROUND.

A. Project Description

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

The Project consists of the demolition of the nonconforming house and garage and the construction of a new 3,236.1 square foot house with a first floor footprint that has a portion rebuilt on the existing house footprint located in the front yard setbacks to the south and east. The portion of the existing house that is inside the north side yard

setback will be rebuilt at the required setback. The Project also consists of the construction of a new attached 468.9 square foot garage/basement on the footprint of the existing garage in the side yard setback to the west. The wall and roof heights proposed for the new structure are less than or equal to the existing conditions. Modifications are required to allow the rebuild of the new house in the location of the existing residence because of changes to the window and door locations and sizes and other architectural changes therein.

The property was the Applicant's childhood home. She lived in the rooms at the corner of Anacapa and Padre Streets and is thus intimately familiar with the neighborhood and the property. She and her husband intend to live in the rebuilt house upon her retirement. Having provided caregiving services to both of her deceased parents, the Applicant became well aware that the existing house is not wheelchair accessible. That experience convinced her that the design for the new house should sensitively incorporate existing, historic site uses and also provide for potential future accessibility needs. With that in mind, the proposed home is designed to be wheelchair accessible and incorporates an elevator, wider hallway widths and accessible bathroom designs. Further, the first floor library with the proposed wheelchair accessible bathroom can be later converted to an accessible bedroom. However, site access and room locations in the proposed design are relatively unchanged from the existing home.

The Project's accessible design also includes an outdoor courtyard adjacent to three principal interior spaces at floor level. The courtyard proposal requires satisfying several restrictions related to site conditions and zoning regulations. The restrictions present hardships that further support the requested Modifications because an open courtyard at floor level must be located within the building envelope. Site constraints require that the location of accessible open space be located within the building envelope. The first floor level is established at the front entry at Anacapa Street. However, the lot falls 10 feet in grade at the rear property line. Thus, accessible open space located at the center of the lot is 4 feet above existing grade. Santa Barbara Municipal Code § 28.15.060.C.1.a requires 1,250 square feet of contiguous open yard area, which may be provided in the secondary front yard along Padre Street. However, the finished grade of the open yard area cannot be greater than three feet above the existing grade.

The Project proposes that the outdoor courtyard be located within the building envelope where it does not decrease the required open yard area. The requested Modifications would allow the floor area that is lost to the accessible courtyard within the building envelope to be relocated within the existing house footprint in the setback. As discussed above, the area within the existing house footprint is designed as a library with a wheelchair accessible bathroom that can later be converted to a bedroom, thereby providing for potential future accessibility needs.

B. City Review of the Project

The Project was reviewed by the City's Single Family Design Board on January 5, 2009 and was forwarded to the City's Staff Hearing Officer.¹ The City Staff Hearing Officer held the required hearing on the Project on March 25, 2009 at which time the following resolution approving the Project was passed and adopted:

"NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer: Approved the project making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed architectural changes will upgrade and enhance the structure without impacts to the neighborhood."

C. The Appeal

The Project was appealed by Tony Fischer on April 6, 2009 on behalf of himself and as agent for Friends of Outer State Street. The issues raised in the appeal are summarized as follows:

1. Whether the property owner retains the legal right to re-build within the front and side yards to the same extent as the removed buildings?
2. Whether the size of the lot originally taken from the size displayed on the City's website is correct?
3. Whether the proposed new structures exceed the maximum FAR?
4. Whether City Staff acted appropriately in counting only 50% of the new garage square footage for the purpose of calculating FAR?

Our factual and legal analysis is set forth below.

II. LEGAL ANALYSIS AND DISCUSSION.

A. The Applicant Retains the Legal Right to Re-build Within the Front and Side Yards to the Same Extent as the Removed Buildings.

The Project is consistent with City Municipal Code provisions regarding nonconforming buildings. Santa Barbara Municipal Code § 28.87.030.D.1 allows for the demolition and replacement of a nonconforming building or structure, provided that: (i)

¹ The Project will require further review by the Single Family Design Board.

the basic exterior characteristics of the replacement building or structure is not changed and (ii) the new structure complies with all applicable height and building story limitations. The proposed Project is designed such that the footprint of the existing structure that encroaches into the front yard setbacks will not change with the new development. The wall and roof heights proposed for the new structure are less than or equal to the existing condition. Thus, the Project will comply with Municipal Code § 28.87.030.D.1 because the basic exterior characteristic of the replacement building is not changed and the new structure complies with all applicable height and building story limitations.

However, Modifications are required to allow the rebuild of the new structure in the location of the existing residence with changes to the window and door locations and sizes. The proposed window and door alterations will not provide additional floor area within the setbacks.

The Modifications are requested because the subject lot presents hardships in the form of site constraints associated with the substandard parcel size for the zone and the corner location requiring two front yard setbacks of 30 feet each. Modifications are, in effect, constitutional safeguards to permit administrative adjustments when application of a general regulation would be confiscatory or produce unique hardship to the property owner. The City's Modification provisions regarding yard, lot and floor area regulations are set forth in § 28.92.026.A.2 of the Municipal Code which allow the Planning Commission to permit, among other things, the following:

“A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement....”

The requested Modifications are necessary in the instant case to secure an appropriate improvement on the lot and prevent unreasonable hardship to the Applicant. The minimum lot size for the E-1 zone district is 15,000 square feet. The subject lot is substandard, being only 9,372 square feet. The parcel size is roughly 63% of the minimum E-1 lot size.

Further, the Applicant's lot is a corner lot and is therefore subject to two 30-foot front yard setbacks that severely restrict the building envelope. The lot is 75 feet wide and the building envelope between the setbacks is 35 feet. The setbacks total 53% of the lot's width. The area inside the setbacks is less than the allowable FAR for the lot. The building envelope is 2,975 square feet, which is 84% of the allowable FAR for the lot. Utilizing the existing footprint creates opportunities to articulate the new plan consistent with the Single Family Design Guidelines. The footprint included in the setback affords flexibility to distribute some of the floor area and provide a courtyard on the ground floor and also allows for second story portions to be smaller.

The Project will eliminate the existing encroachment into the northern interior setback, thereby improving that nonconforming situation. The Modification requested for encroachment into the secondary front yard setback would not extend any further therein than what currently exists. The requested Modification would offset the constrained conditions identified with the lot and would allow for flexibility to design a new structure that respects and is in keeping with the context of the existing neighborhood, streetscape profile and massing of nearby homes.

Thus, the requested Modifications are consistent with the purpose and intent of the Municipal Code and Zoning Ordinance and are necessary to secure an appropriate improvement on the lot and prevent unreasonable hardship.

B. The Proposed Project is Less Than the Maximum FAR.

In the preparation of the initial drawings for conceptual direction from Staff, the Applicant's architect relied upon the lot size shown on the City's web-site which indicated that the lot is 9,448 square feet in size. In his Appeal, Appellant said that "the size of the lot, apparently taken from the size displayed on the City's web-site, should be verified." In response, the Applicant's architect retained José Cardenas of Cardenas & Associates Surveying, Inc., a licensed land surveyor, to investigate the matter. Mr. Cardenas determined the lot size to be 9,372 square feet based upon information obtained from record document No. 2004-0102956 and field ties to City block corners. **Exhibit A.** Thus, the actual lot size is 76 square feet smaller than the lot size shown on the City's web-site. In preparation of detailed Project digital files, the net floor area of the house was reduced and the FAR was reduced from the previous 0.376 to 0.37. As will be discussed below, the immediate neighboring parcel at 2109 Anacapa Street is also 0.37. The Project is now 97.9% of the maximum FAR, whereas the Project approved by the Staff Hearing Officer was 99.6% of maximum allowed FAR. **Exhibit B.**

C. The Staff Hearing Officer Correctly Counted Only 50% of the Square Footage of the Proposed New Garage in the Calculation of FAR.

A portion of the proposed new garage will be below grade and constitutes a "basement" as defined in § 28.04.110 of the Municipal Code: "That portion of a building between floor and ceiling which is partly below and partly above grade ..., but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling...." The portion of the proposed new garage/basement which is below grade satisfies the Municipal Code's definition of "basement."

Municipal Code § 28.15.083 sets forth the methodology for calculating maximum net floor area. Section 28.15.083.B.1.b provides that the "net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling is four feet (4') or less for at least one-half of the circumference of the exterior walls of the basement or cellar." In the instant case, the vertical distance from grade to ceiling of

the proposed new garage/basement is less than four feet for at least one-half of the circumference of the exterior walls of said garage/basement. Thus, Staff correctly reduced the net floor calculation for the garage/basement by 50% in determining the FAR.

D. The Proposed Project is Compatible With the FARs and the Size and Development of Other Homes in the Surrounding Neighborhood.

Neighborhood compatibility is achieved by designing new structures to be consistent with the size and development fabric of parcels immediately proximate to the subject property under review. Neighborhood compatibility is determined through a balanced analysis of the floor area ratios and context of neighboring parcels. The FAR determines the allowable net floor area on a parcel and an analysis of the twenty nearest homes² documents the fabric of the neighborhood by recording the setbacks and building heights of the immediate area.

The area immediately proximate to the Project lot is a transitional block of the Upper East Side neighborhood. Zoning on the block includes both E-1 and R-2 zones and the neighborhood has both single and two-story homes. Most of the twenty closest lots to the proposed Project are substandard in that they do not satisfy the 15,000 square foot minimum lot size requirement of the E-1 zone district and have homes with nonconforming setbacks. **Exhibit C.**

The FAR for the proposed Project was recalculated using the verified lot area as determined by Cardenas & Associates Surveying, Inc. and the floor area calculations obtained from digital floor plan drawings. The recalculated FAR is 0.37 and is compatible with the FARs for neighboring parcels. **Exhibit B.** For example, the FAR for the immediate neighboring parcel to the north at 2109 Anacapa Street is 0.37. **Exhibit D.** And, three other parcels in the twenty nearest lots studied have FARs in excess of 0.37. *Id.*

The two story residence at 34 East Los Olivos Street, located at the north end of the block in which the Project lot is situated, has 3,248 square feet of floor area on a 9,375 square foot lot and an FAR of 0.35. **Exhibit E.** The 3,248 total net floor area is 91.7% of the maximum FAR. *Id.* In the instant case, the proposed Project will consist of 3,470 square feet of floor area on a 9,372 square foot lot and will have an FAR of 0.37. **Exhibit B.** The 3,470 total net floor area is 97.9% of the maximum FAR. *Id.*

² The Single Family Residence Compatibility Guidelines examine the twenty closest lots to a proposed project to make a compatibility determination depending on the predominant streetscape, patterns of development, or parcel sizes.

E. The Applicant's Requested Modifications Are Consistent With Previously City Approved Modifications for Properties in the Same Block as the Project.

The Modifications being requested herein are consistent with previous City approved modifications located on other parcels in the same block as the Project. On October 19, 2005, the City's Modification Hearing Officer granted a modification to rebuild in the 30-foot front yard setback of the two story residence at 34 East Los Olivos Street discussed in Section D above. The lot is similar in dimension to the Project site, being 75 feet in width. The 34 East Los Olivos Street project involved a major remodel, change of architectural style, construction of 1,276 square feet of first and second floor area, demolition and replacement of a two-car garage, and the construction of a new deck with landscaping. The owner of the 34 East Los Olivos Street residence proposed the following changes in the 30-foot front yard setback: (i) removal and addition of cement plaster; (ii) changes in the size and location of windows and doors; (iii) changes to the rafter profiles and the addition of new exposed roof rafter tails; and (iv) change the roof asphalt shingles to two-piece Mexican roof tile. No new floor area was proposed inside the setback. The 34 East Los Olivos Street project is good precedent and serves as the model for the design approach proposed in the Applicant's Project.

In support of his request that the Modifications to allow encroachment into the setbacks be denied, Appellant argues that "The character of a neighborhood changes one building at a time." As demonstrated above, only one of the twenty nearest homes to the Project has a conforming front yard setback. Ironically, the neighborhood would change substantially if the Appeal were granted and the Project was required to conform to the two 30-foot front yard setbacks. By contrast, granting the required Modifications will not change the neighborhood.

III. CONCLUSION.

For all of the above reasons, we respectfully request that the Planning Commission deny the Appeal of the Staff Hearing Officer's decision and allow the Applicant to proceed with the Project.

Respectfully submitted,

HOLLISTER & BRACE
A Professional Corporation

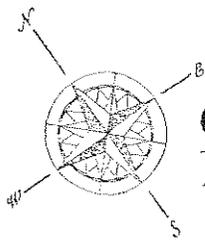
By 

Richard C. Monk

Honorable Planning Commission
May 15, 2009
Page 8 of 8

RCM/crr

cc: Barbara Mathews, M.D.
Britton Jewett
N. Scott Vincent, Esq.
Susan Reardon, Senior Planner, Staff Hearing Officer
Renee Brooke AICP, Senior Planner
Roxanne Milazzo, Associate Planner



CARDENAS AND
ASSOCIATES SURVEYING, INC.

BRITT JEWETT, AIA
112 EAST DE LA GUERRA, STUDIO 7
SANTA BARBARA, CA 93101

ATTENTION: BRITT JEWETT

RE: AREA CALCULATION FOR 2105 ANACAPA STREET

DEAR BRITT,

WE CALCULATED THE AREA OF THE BOUNDARY SHOWN ON OUR TOPOGRAPHIC MAP DATED APRIL 14, 2008 TO BE 9,372 SQUARE FEET. THIS AREA WAS DERIVED FROM RECORD DOCUMENT NUMBER 2004 - 0102956 AND FIELD TIES TO CITY BLOCK CORNERS.

CARDENAS AND ASSOCIATES SURVEYING INC.,


JOSE CARDENAS

7/26/09



201 North Calle Cesar Chavez, Suite 100 • Santa Barbara, CA 93103
P.O. Box 1787 • Goleta, CA 93116
Phone: 805.966.3713 • Fax: 805.966.3271 • Email: jcardenas@casurveying.com

EXHIBIT "A"

F.A.R. Calculator

Instructions: Enter the information in the white boxes below. The spreadsheet will calculate the proposed FAR (floor area ratio), the 100% max FAR (per the Zoning Ordinance), and the 85% max FAR (per the Zoning Ordinance). The **Net Lot Area** does not include any Public Road Easements or Public Road Right-of-Way areas. The proposed **TOTAL Net Floor Area** must include the net floor area of all stories of all buildings. The proposed **TOTAL Net FAR Floor Area** may or may not include basement floor area. For further clarification on these definitions please refer to the "Project Statistics Forms for Design Review Projects" handout and SBMC §28.15.083.

ENTER Project Address:	2105 Anacapa
ENTER Zone ONLY from drop-down list:	E-1

ENTER Net Lot Area (in sq. ft.):	9,372
ENTER Proposed TOTAL Net Floor Area (in sq. ft.):	3,470
ENTER Proposed TOTAL Net FAR Floor Area (in sq. ft.):	3,470

FLOOR AREA RATIO (FAR):	0.37	
Lot Size Range:	4,000 - 9,999 sq.ft.	
MAX FAR Calculation (in sq. ft.):	$1,200 + (0.25 \times \text{lot size in sq.ft.})$	REQUIRED**
100% MAX FAR:	0.38	REQUIRED**
100% MAX FAR (in sq. ft.):	3,543.0	
85% of MAX FAR (in sq. ft.):	3,011.6	REQUIRED**

The 3470 square foot proposed total is 97.9% of the MAX FAR.

****PLEASE NOTE:** If your project is located on a site with multiple or overlay zones, please contact Planning Staff to confirm whether the FAR limitations are "Required" or "Guideline".

Acreage Conversion Calculator

ENTER Acreage to Convert to square footage:	1.00
Net Lot Area (in sq. ft.):	43,560

9372

20 Closest Lots Data Ranked by Size
for: 2105 Anacapa Street

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size	Floors	House	Garage /Carport	Total	Rank
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	1 Largest
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	2
2105 Anacapa St	MST Project Proposed	025-242-011	9,448	2	3,236	234	3,470	3
34 E. Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	4
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	5
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	6
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	7
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	8
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	9
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	10
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	11
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	12
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	13
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	14
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	15
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,426	484	1,910	16
116 E Padre St	Co. Assessor's Office	025-321-002	4,366	2	1,564	242	1,806	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	19
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	18
								20
								21 Smallest

Average/Mean House Size (including project proposal): 2,663

F.A.R. Calculator

Instructions: Enter the information in the white boxes below. The spreadsheet will calculate the proposed FAR (floor area ratio), the 100% max FAR (per the Zoning Ordinance), and the 85% max FAR (per the Zoning Ordinance). The **Net Lot Area** does not include any Public Road Easements or Public Road Right-of-Way areas. The proposed **TOTAL Net Floor Area** must include the net floor area of all stories of all buildings. The proposed **TOTAL Net FAR Floor Area** may or may not include basement floor area. For further clarification on these definitions please refer to the "Project Statistics Forms for Design Review Projects" handout and SBMC §28.15.083.

ENTER Project Address:	34 Los Olivos
ENTER Zone ONLY from drop-down list:	E-1

ENTER Net Lot Area (in sq. ft.):	9,375
ENTER Proposed TOTAL Net Floor Area (in sq. ft.):	3,248
ENTER Proposed TOTAL Net FAR Floor Area (in sq. ft.):	3,248

FLOOR AREA RATIO (FAR):	0.35	
Lot Size Range:	4,000 - 9,999 sq.ft.	
MAX FAR Calculation (in sq. ft.):	$1,200 + (0.25 \times \text{lot size in sq.ft.})$	REQUIRED**
100% MAX FAR:	0.38	REQUIRED**
100% MAX FAR (in sq. ft.):	3,543.8	
85% of MAX FAR (in sq. ft.):	3,012.2	REQUIRED**

The 3248 square foot proposed total is 91.7% of the MAX FAR.

****PLEASE NOTE:** If your project is located on a site with multiple or overlay zones, please contact Planning Staff to confirm whether the FAR limitations are "Required" or "Guideline".

Acreage Conversion Calculator

ENTER Acreage to Convert to square footage:	1.00
Net Lot Area (in sq. ft.):	43,560

**20 Closest Lots Data Ranked by FAR
for: 2105 Anacapa Street**

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size in net sq. ft.	Floors	House	Garage /Carport	Total	FAR	FAR Rank
2028 Anacapa St	Co. Assessor's Office	025-321-003	7,405	2	2,984	506	3,490	0.47	1
116 E Padre St	Co. Assessor's Office	025-321-002	4,356	2	1,564	242	1,806	0.41	2
32 E Padre St	City Street File	025-312-045	7,900	2	2,669	480	3,149	0.40	3
2105 Anacapa St	MST Project Proposed	025-242-011	9,372	2	3,236	234	3,470	0.37	4
2109 Anacapa St	Co. Assessor's Office	025-242-010	6,098	1	1,874	400	2,274	0.37	5
2030 Anacapa St	Co. Assessor's Office	025-321-009	7,840	2	2,303	200	2,503	0.32	6
2120 Anacapa St	Co. Assessor's Office	025-251-009	8,712	1	2,196	480	2,676	0.31	7
2025 Anacapa St	Co. Assessor's Office	025-312-003	7,840	1	1,796	480	2,276	0.29	8
104 E Padre St	Co. Assessor's Office	025-321-001	10,890	1	2,395	654	3,049	0.28	9
2126 Anacapa St	Co. Assessor's Office	025-251-008	8,712	1	1,922	437	2,359	0.27	10
23 E Padre St	Co. Assessor's Office	025-242-012	10,455	2	2,401	396	2,797	0.27	11
2100 Anacapa St	Co. Assessor's Office	025-251-010	18,730	2	4,249	361	4,610	0.25	12
34 E. Padre St	Co. Assessor's Office	025-312-044	15,246	2	2,553	648	3,201	0.21	13
2121 Anacapa St	Co. Assessor's Office	025-242-007	14,625	2	2,604	400	3,004	0.21	14
15 E. Padre St	City Street File	025-242-013	14,625	2	2,315	624	2,939	0.20	15
2115 Anacapa St	Co. Assessor's Office	025-242-008	9,750	1	1,655	288	1,943	0.20	16
2111 Anacapa St	Co. Assessor's Office	025-242-009	7,840	1	1,176	323	1,499	0.19	17
2116 Anacapa St	Co. Assessor's Office	025-251-011	10,019	1	1,353	288	1,641	0.16	18
2021 Anacapa St	Co. Assessor's Office	025-312-015	14,375	1	1,426	484	1,910	0.13	19
									20
									21

Average/Mean Total of House + Garage Size (including project proposal): 2,663
Average/Mean FAR (including project proposal): 0.28

Revised 8-21-07



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 024-09
2105 ANACAPA STREET
MODIFICATION
MARCH 25, 2009

APPLICATION OF BRITT JEWETT FOR BARBARA MATHEWS, 2105 ANACAPA STREET, APN 025-242-011, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00311)

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow construction within both thirty-foot front setbacks (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 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 thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 18, 2009.
2. Site Plans
3. Correspondence received in opposition to the project:

Paula Westbury, 650 Miramonte Drive

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

Approved the project making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

This motion was passed and adopted on the 25th day of March, 2009 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

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 Single Family Design Board (SFDB) 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.

STAFF HEARING OFFICER MINUTES SUMMARY FROM 3-25-09

**APPLICATION OF BRITT JEWETT FOR BARBARA MATHEWS,
2105 ANACAPA STREET, APN 025-242-011, E-1 ONE-FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00311)**

Present: Britt Jewett, Applicant.

Roxanne Milazzo, Associate Planner gave the Staff presentation and recommendation. Ms. Milazzo clarified that a revised site plan was submitted eliminating a modification for encroachment into the required open yard.

Ms. Reardon questioned the height above grade of the rear deck and within the required open yard. Ms. Reardon clarified that a raised deck located in the setback would require a modification. Ms. Milazzo explained that raised decks in the interior setbacks adjacent to other uses are not typically supported by staff. Mr. Jewett responded that it is possible to drop down to grade so use of a deck is not needed.

Ms. Reardon commented that recent Zoning Ordinance amendments now allow sites with two front yards to have the secondary front yard used as the required open yard.

The Public Hearing was opened at 9:29 a.m.

1. Chuck Maunz, opposed: concerned about a modification which would allow the house to be close to Anacapa Street.

2. Tony Fischer, opposed: addressed noticing issues and staff report project description. Addressed discrepancy in lot size, FAR, slope, misinterpretation of Zoning Ordinance regarding rebuilding of nonconforming structures.

A letter from Paula Westbury expressing concern for the project was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Mr. Reardon clarified that the modification request before the Staff Hearing Officer is to allow window, door and architectural changes to the portions of the residence within the front setback and are appropriate improvements. Ms. Reardon expressed concern with the project size in relation to neighborhood, but reiterated that for the modification request before the Staff Hearing Officer, size is not in the Staff Hearing Officer purview.

ACTION:

Assigned Resolution No. 024-09

Approved the project making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed window, door and architectural alterations to the one-story portion of the re-built structure will not provide additional floor area within the setbacks. The proposed architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

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



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 18, 2009
 AGENDA DATE: March 25, 2009
 PROJECT ADDRESS: 2105 Anacapa Street (MST2008-00311)
 TO: Susan Reardon, Senior Planner, Staff Hearing Officer
 FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow alterations within both thirty-foot (30') front setbacks (SBMC §28.15.060).

Date Application Accepted: January 20, 2009 Date Action Required: April 20, 2009

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Britt Jewett	Property Owner: Barbara Mathews
Parcel Number: 025-242-011	Lot Area: 9,448 sf
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: One-Family Residence	Topography: 8% slope

Adjacent Land Uses:

North – One-Family Residence	East - Anacapa Street
South – Padre Street	West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,752 sf	3,339 sf
Garage	340 sf	420 sf

C. PROPOSED LOT AREA COVERAGE

Building: 2,253 sf 24% Hardscape: 2,240 sf 24% Landscape: 4,955 sf 52%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.38 Proposed FAR: 0.376 = 99.6% of Max. Allowed FAR

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Setbacks			
- Front (Anacapa)	30'	15'	15'
- Front (Padre)	30'	20'	20'
- Interior (North)	10'	4'	10'
- Interior (West)	10'	5'	5'
Parking	2 Covered	2 Covered	2 Covered
Open Yard	1,250 sf	± 2,585 sf	1,260 sf

V. DISCUSSION

This project was reviewed by the Single Family Design Board (SFDB) on January 5, 2009 and forwarded to the Staff Hearing Officer with comments. This project will require further review and approval by the SFDB.

The existing single family residence and detached garage currently encroach into all front and interior setbacks. The applicant is proposing complete demolition of the existing structures and construction of a new single family residence with attached garage. The proposed project requires Modifications to allow alterations within both front setbacks. At the time that the public notice was released for this project, a third Modification was necessary to allow encroachments into the required open yard area. The proposed open yard area was subsequently re-designed to meet the requirements in terms of size, location, and configuration, eliminating the need for a Modification.

Santa Barbara Municipal Code (SBMC) §28.87.030 allows for the demolition and replacement of non-conforming buildings, as long as the basic, exterior characteristics of the replacement structure are not changed. The proposed project is designed such that the footprint of the existing structure that encroaches into the front setbacks will not change with the new development. The footprint, wall heights, and roof pitch will be replaced "in-kind" in this area of the lot; however, Modifications are necessary to allow for proposed window, door and

architectural changes to the portions of the residence that are currently non-conforming to front setbacks.

Although the Code allows for rebuilding a structure in setbacks, Staff's position is that once a nonconforming structure is demolished, and the lot is vacant, every opportunity should be made to design a project that conforms to all current zoning regulations. The applicant's position is that there are recognized site constraints associated with two 30' front setbacks on a 9,448 square foot lot, and that utilization of the non-conforming rebuild provisions of the Code offset the hardship conditions unique to this lot.

The 9,448 square-foot lot is significantly smaller than the required 15,000 square feet for a new lot created in the E-1 Zone. Also, given its location on a corner, the site is subject to two 30' front setbacks, further reducing the developable area of the lot. The proposed project would eliminate the existing encroachment into the northern interior setback, improving that nonconforming situation, and would not extend any further into the front setbacks beyond what exists today.

Given that the Municipal Code allows for the demolition and reconstruction of nonconforming structures, the residence could potentially be re-built in the proposed footprint without the need for Modifications. Thus, the only element of the project that requires consideration of Modifications is the proposed window, door and architectural changes to the east and south facades of the one-story portion of the structure.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed window, door and architectural alterations to the one-story portion of the rebuilt structure will not provide additional floor area within the setbacks. The amount of separation between the residence and the street is adequate and consistent with development in the surrounding neighborhood, and the proposed architectural changes will upgrade and enhance the structure without impacts to the neighborhood.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated January 20, 2009
- C. SFDB Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470

January 20 2009
Staff hearing officer
City of Santa Barbara
P.O. box 1990
Santa Barbara, Cc 93102-1990

Re: Modification request for 2105 Anacapa Street,

Dear staff Hearing Officer:

1. There is an existing single family house (1,752 sq. ft.) and a detached two car garage (340 sq. ft.) on the property. The house currently encroaches into the front yard setback on the East and secondary front yard setback to the South. The garage encroaches into the side yard setback on the West. The existing nonconforming house is currently proposed to be demolished. The proposal is to build a new home with a first floor footprint that has a portion rebuilt on the existing house footprint located in the front yard setbacks and rebuilding on the footprint of the existing garage in the sideyard setback.
2. The modification being requested is to allow the rebuild of the new structure in the location of the existing residence. The wall and roof heights as proposed for the new structure are less than or equal to the existing conditions. The lot is substandard size for E-1 zone, being roughly sixty three percent of the minimum size. In addition the property is a corner lot and has two front yard setbacks that restrict the building envelope, the building envelop between setbacks is only forty feet of the seventy five foot lot width. Utilizing the existing footprint allows flexibility to distribute more plan area of the new home on the first floor, keeping the second story portions smaller. The proposed design also respects the existing neighborhood character by keeping the massing of the existing home at the corner.
3. A modification requested for encroachment into the Front Yard Setback allows the plan at the eastern side to be developed with a courtyard at the center of the house, necessary to create the required contiguous usable open yard area. The break in the plan is separated by twenty feet, the sum of E-1 side yard setbacks, allowing the side of house to read with massing consistent with the front elevation separations on Padre and Anacapa Street. That is, rather than the house having a long unbroken side elevation the massing is divided into two massing elements in scale with neighboring house fronts. The proposed design therefore blends favorably with the existing neighborhood fabric and massing of the block. The modification requested for encroachment into the Secondary Front Yard setback contributes to the opportunity to achieve the required open yard area and is necessary to achieve the plan massing as described. The modification requested for the side yard setback reuses the existing garage footprint and therefore allows the driveway location to remain in its present location. The driveway as located at the western property line maintains a greater portion at the interior of the lot that can be used as open yard area. If the garage were moved further into the lot it would take away from the usable open yard in the center of the lot by creating a small unusable strip along the western property line. The modification requested for the open yard area is in response to the slope of the lot. The terracing necessary to provide flat usable yard area creates a grade change greater than thirty inches at the western edge of the open yard.
4. The requested encroachments offset hardship conditions unique to the lot, specifically the sub standard size of the lot for the E-1 zone, the corner condition requiring two front yard setbacks totaling forty percent of the lot width and the existing topography that drops a full story from the front to the rear of the lot. The modifications will allow for the flexibility to design a new structure that respects and is in keeping with the context of the existing neighborhood, streetscape profile and massing of nearby homes.

Sincerely,

Britton Jewett



Exhibit A

2105 ANACAPA STREET – SINGLE FAMILY DESIGN BOARD MINUTES SUMMARY

January 5, 2009

Straw vote: how many can support a recommendation to the Staff Hearing Officer to grant the modifications. 3/3/0.

Motion: Continued to the Staff Hearing Officer with the following comments:

1) Some Board members do not support the modification request or the current design because the existing structure in the 30 foot setback is too close to the corner, other structures on Anacapa Street are setback, the garage is not subterranean enough to mitigate 100% maximum FAR, and the project is too linear and should be reduced in size.

2) Some Board members do support the modification request and the current design because the existing single-story house which is already in the setback will be retained in the new design, alterations within the setbacks are reasonable, and the whole Board agrees the design is very nice.

Action: Mosel/Deisler, 6/0/0. Motion carried. (Zink abstained.)

