

Allied Neighborhoods Association

P. O. Box 31064
Santa Barbara, California 93130

December 6, 2004

Santa Barbara City Council
City of Santa Barbara
De La Guerra Plaza
Santa Barbara, California 93101

Re: Agenda, December 7, 2004, 6:00 p.m., Item No. 21
Appeal - 425 Stanley Drive

Honorable Mayor and Council Members:

Allied Neighborhoods Association (“Allied”) is an umbrella organization of neighborhood associations which includes Bel Air Knolls, Braemar, Bungalow Haven, Eastside Study Group, Eucalyptus Hill Association, Foothill Preservation League, Grove Lane Area Neighborhood Association (GLANA), Harbor Hills, Hidden Valley Residents Association, Hitchcock Ranch Association, La Cumbre Park/East San Roque, La Mesa Neighborhood Association, Marine Terrace, Mission Canyon Association, Riviera Association, Samarkand District Improvement Association and Westside Study Group. Allied is composed of volunteers with the goals of neighborhood preservation and the protection of the people who live in those neighborhoods and the protection of Santa Barbara’s zoning laws that have helped to create and preserve the beautiful neighborhoods we now enjoy.

There is no right or entitlement to a modification. The burden should be on applicants to show that special conditions exist to grant modification of zoning laws, not on the neighbors seeking compliance with long established zoning requirements. The supporting facts do not exist to justify a modification in this matter. The requested modification is unnecessary, unjustified, and would have serious long-term negative consequences for this lovely street as well as for the integrity of Santa Barbara’s Zoning Ordinance.

COMPLIANCE WITH ZONING HAS COMMUNITY-WIDE IMPORTANCE

Allied considers this appeal to be a matter of community-wide importance. Therefore, Allied strongly supports the Stanley Drive neighbors’ appeal of the grant of a modification for an unnecessary encroachment into the required front yard at 425 Stanley Drive. Stanley Drive was created in February 1925 by the Samarkand Hills Subdivision. The setbacks for front yard were incorporated into the original Covenants, Restrictions and Conditions [C, C & Rs] for the Subdivision. In 1930, the City’s Zoning Ordinance [one of the first in the United States] imposed the required front yard [setback] by City law. Over the last 80 years, a neighborhood

and streetscape have developed along Stanley Drive with almost all of the houses having the minimal front yard [setback].

The result of this consistency is a lovely streetscape, seeming much wider and spacious than most streets of the same width. The setbacks have created the character of Stanley Drive. The modification proposed for 425 Stanley Drive would be a “Blockbuster” that would overturn the historical development along Stanley Drive. If the requested modification is granted, it would be inconsistent with the almost 80 years of historical development along Stanley Drive.

Santa Barbara Municipal Code Section 28.01.001 articulates the purpose for the adoption of the Zoning Ordinance. It states that the Zoning Ordinance was:

“adopted and established to serve the public health, safety, comfort, convenience and general welfare and to provide the economic and social advantages resulting from an **orderly** planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of said City.”
[emphasis added]

**THERE ARE REASONABLE ALTERNATIVES TO GRANTING A FRONT YARD
MODIFICATION AND GRANTING A MODIFICATION WOULD
ADVERSELY IMPACT A VALUABLE HISTORIC RESOURCE**

Starting with Ordinance No. 1203, adopted in 1924, various required yard [setback] requirements in City Zoning Ordinances have established orderly development. The houses along Stanley Drive are a good example of diverse designs that foster a rich neighborhood, while still operating within the strict setback requirements of the Zoning Ordinance. The requested modification should not be granted to set aside the minimum uniform limits (setbacks) that have been accepted over the last 80 years.

The lot at 425 Stanley Drive has 9,000 sq. ft. (60' x 150'). Its large size provides the opportunity for many design alternatives which would provide the additional area that the applicants say that they need, yet avoid encroaching unnecessarily into the required front yard. Architect and Planning Commissioner Bill Mahan suggested several alternatives for expansion to the rear, but applicants and their architect were not interested in those alternatives.

In an attempt to confirm the facts, understand the applicants' viewpoints and desires and develop a compromise acceptable to all parties, three members of Allied's Executive Committee met with the applicants and their architect at 425 Stanley Drive. Several other alternatives were proposed, but they were not acceptable to the applicants. Nobody on Allied's Executive Committee is a trained mediator.

The Samarkand neighborhood, especially along Stanley Drive, is a valuable historic resource. The granting of this modification would adversely impact that historic resource.

LIVING WITHIN LIMITS AS WITH THE SISTINE CHAPEL

Several Allied Board members and others have observed that more creative design can be encouraged by requiring compliance with zoning setbacks and limits. Recall what Michelangelo managed to do despite the limits of the Sistine Chapel's ceiling where it was not merely the size of the entire ceiling but the size and shape of its various "subdivisions" that challenged Michelangelo's creativity. We may not expect our architects to create unique master pieces but we should increase their motivation to explain to their clients the necessity of staying within the zoning rules and limitations governing the utilization of the pre-given size and shape of Santa Barbara's subdivisions. Allied believes that Santa Barbara's fine architects and designers have the ability to meet this challenge.

OTHER REASONS TO DENY MODIFICATION

In addition to Allied's fundamental belief that the City cannot validly make findings which are a legal prerequisite to issuance of a modification, and that the granting of the proposed modification would cause serious detriment not only to Stanley Drive, but to the integrity of the Zoning Ordinance itself, Allied believes that these points are important:

1. **ECONOMICS AND COSTS DO NOT JUSTIFY THE GRANT OF A MODIFICATION:** The applicants have stated it would be more costly (1) to expand in the rear if more costly foundations or cantilevering were needed to protect the Sycamore tree or (2) build a second story. However, individual economic circumstances or additional costs to an applicant are not a finding upon which to grant a modification. There is a body of law that supports the principle of not granting an approval due to the individual economic circumstances of an applicant or to save costs for an applicant. This principle is recognized in Santa Barbara Municipal Code Section 28.92.010 which states:

“Individual economic circumstances are not a proper consideration for the granting of a variance”

Moreover, it was noted at the Planning Commission that there is a public cost (impact) of losing the public setbacks [open space].

2. **OLIVE TREE REMOVAL:** The proposed expansion into the required front yard would require removal of a mature olive tree. In contrast, expansion into the rear yard does not have to result in the destruction of the Sycamore tree. The loss of the mature tree is certain if the modification is approved and the proposed construction goes forward and there is no guarantee that the Sycamore will survive, even if nothing is done to it.

3. **PRECEDENT, FUTURE CONSTRUCTION WITHIN THE MODIFICATION AREA:** The proposed project will create a precedent for Stanley Drive and the foundations that are poured for the proposed project could last for more than 100 years. And who knows what will be built in the future on the expanded area that has been enabled by the modification.

MEDIATION

Neighborhood disputes can be very emotional and unnecessarily fracture a neighborhood.

There should be a way to calm neighborhoods. The County of Santa Barbara has adopted a mediation procedure for appeals from the Planning Commission to the Board of Supervisors. Such a procedure can reduce neighborhood friction and the parties might be able to develop an acceptable solution with minimal compromise. This might result in a win/win situation with a better resolution than if the resolution were imposed by an outsider. Moreover, the City could save time and money. This approach is worth considering. It is Allied's understanding that mediation has resolved neighborhood disputes including the proposed expansion at the Music Academy of the West.

It is Allied's position that this appeal should be granted and the modification request be denied. Then the interested parties could follow Good Neighbor policies, perhaps including mediation, that would be satisfactory to all parties.

CONCLUSION

There is no right or entitlement to a modification, especially when nobody else on Stanley Drive has the right to encroach into the front yard (except to a very minor extent). Allied requests that the Council protect the Stanley Drive neighborhood and streetscape, deny the discretionary modification and grant the appeal of the Stanley Drive neighbors. Thank you for your consideration.

Board of Directors
Allied Neighborhoods Association

xc: Members, Allied Neighborhood Association