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July 24, 2024

**Re: 2632 Montrose Place
Santa Barbara
APN 023-112-030
Land Use Permit: 21LUP-00000-00401**

Dear Board of Supervisors:

Since November of 2020 we have worked diligently to create a project that is thoughtful, considerate, and respectful to the Mission Canyon neighborhood, and specifically, to the adjacent neighbors at 2634 and 2630 Montrose Place as well as the neighbors below at 1108 Palomino Rd.

As with any project, and particularly with development of a vacant lot, the effects of landscape creep and lot line encroachment, the maximization of existing views and the preservation of privacy for the neighbors were all of primary concern when considering the design of this single-family dwelling. Although “across lot” views are not protected in the County Code, our clients encouraged us to engage with the neighbors and to develop a project that best addressed these issues.

We have voluntarily met with the neighbors on numerous occasions (see attached list) and toured their homes to understand the impact of our proposed project. We have been in each of the neighbors’ rooms with windows that overlook our property, as well as on their patios and decks to better understand specific views and privacy concerns. We have also presented sketches and diagrams while on site to better explain how we arrived at our design choices.

Additionally, we have listened to the guidance of the Board of Architectural Review (BAR) and we have positively responded to all of their comments and concerns. The neighbors were present at these meetings and were given time to speak. Through this process we arrived at the current design which includes many features sensitive to the neighbors’ concerns, not limited to: a small and minimal quantity of windows facing the adjacent neighbors, privacy wing walls on the upper-level deck, a staggered footprint that helps preserve side (“across lot”) views for the neighbors to the west and a low and stepped roofline that helps preserve side (“across

lot”) views for the neighbors above to the east. Care was also given to the landscape design which proposes strategic screening along the property lines.

Although not required, we have also presented the project to the Mission Canyon Association’s Architectural and Design Review Committee at the time of each BAR submittal. At each step, the Committee has provided letters of support for the project (attached), expressing the project’s benefit to the site and neighborhood.

Lastly, we have hired professional consultants in all required disciplines, including: Land Surveying, Geotechnical Engineering, Geology, Structural Engineering, Civil Engineering, Arboriculture, and Landscape Architecture. Standard issues including soil stability, structural integrity and drainage will be designed by professionals and approved by the County’s Building Department before a permit is issued. As with any project, this project will also undergo all required inspections by the County while under construction to ensure a safe and successful building process.

Throughout this process, we have diligently listened to the appellants’ concerns, completely redesigning the project three times in attempts to please them. In our final design, we located the residence as far back toward the street as the County would allow, and pulled the Garage 15 feet away from the appellants’ property line. It takes an extraordinary amount of work each time significant changes such as these are made. Behind the three official versions that made it to the Board of Architectural Review, dozens more were studied as we explored the best options for this site, our clients, the neighbors, and the County. What we have proposed is a thoughtful, modest home for our client, which is equal to or smaller in size than the adjacent homes of the appellants.



The County has asked us to respond to the following assertions made by the appellants. The remaining claims will be responded to by the County Planners and Steve Davis Land Surveyor. We will begin our response by first providing a short background:

At the start of this project in 2020, Davis Land Surveying performed a Site Survey and presented it to the Architect, per standard practice. The survey showed the encroachment of landscaping elements by the neighboring properties on both the east and west sides, one of which is the lot line shared with the appellants. Since being presented with this Site Survey, the neighbors (now appellants) have repeatedly claimed that the Survey is “wrong” without providing any evidence, despite having had four years to do so. Over the course of this project, the appellants claim to have hired three licensed surveyors, yet still have provided no evidence that opposes the work by Davis Land Surveying. As architects, we rely on professional surveyors and on the accuracy of their surveys in order to perform our work.

The survey revealed to the appellants that their landscape stair was built partially on our client’s lot. From the start, our clients have recognized that this is an inconvenience to the neighbors and offered to share the space with them (correspondence recorded March 2021). The appellants refused this offer, choosing instead to maintain the claim that the survey was

“wrong.” To this day, our clients have continued to offer 2634 Montrose Pl an official easement for their stairway, but that offer has yet to be accepted by the appellants.

1. The appellant asserts that the applicant misled the Planning Commission regarding communication with the neighbors. They assert that the applicant did not communicate with the appellant, Sena Woodall, about the project.

This assertion is false. At no point did our office mislead the Planning Commission. At the Planning Commission hearing, we described our interactions with the neighbors with accuracy. As described above, we met many times with the Noyes and the Affifis, owners of 2634 & 2630 Montrose Pl respectively. We have met numerous times on their patios, inside their homes, and at our project site. Not only do we have extensive email records of these interactions, but we also have photos from many of these meetings, which were taken to better understand their views and other specific concerns. Throughout this process, our clients have also had countless meetings and continue to have email correspondence with the appellants, always with the aim of coming to a resolution.

The other appellant, Sena Woodall, appeared for the first time at the second BAR meeting on 8/26/2022, one year after we first submitted the plans. At that Planning Commission meeting, Ms. Woodall identified herself as a co-owner of 2634 Montrose Place and asserted that we had not notified her about the project. This was the first time that Ms. Woodall’s existence was made known to us, as the county’s records list 2634 Montrose Pl as a Single-Family Dwelling, and the Noyes did not inform us that *another* resident and dwelling existed within their home. In the two times we toured their home, it was not mentioned that there was a co-owner and that she lived there. The County, along with our office, sent all notices and queries to the address of 2634 Montrose Place. Any and all notifications from the County would be expected to be shared amongst the owners of 2634 Montrose Place. If Sena Woodall was unaware of the project, it can only be assumed that her co-owners failed to share the notifications with her.

We have painstakingly listened to the appellants’ concerns throughout this process, and as a result have proposed three separate designs to the neighbors, the BAR and the County. Each design includes concessions that were made generously and voluntarily to the neighbors, most of which will ultimately add cost to the overall project. The final design includes the following concessions, to name a few: the location of the Residence, Garage and guest parking space on the lot, a minimal quantity of windows on the east and west elevations, a staggered footprint to provide across-lot views for the neighbors, and a low, stepped roofline to provide “across-lot” views for the neighbors. Our clients have gone above and beyond what is required and could ever be expected of them in attempts to appease the appellants.

2. The appellant asserts that the applicant refused to have a phone conference or meeting to discuss a resolution of the issues prior to the Planning Commission hearing.

This is a false assertion. Despite frequent contact between all parties, we are unaware of any attempts by the appellants to contact our office with a specific request for a phone conference or meeting in the time between the final BAR Approval and the Planning Commission appeal hearing. Our office has always been available to meet at any time.

3. The appellant asserts that the applicant failed to have constructive communications with the neighbors in the last two years after changing the plans from those originally presented to the neighbors.

This assertion is confusing. The appellants assert that our communications were not constructive, yet we changed our design multiple times at their request. With each redesign, the appellants would add new and often unreasonable requests. We know that the board can understand and respect that an architect is hired and contracted by their client, and not their client's neighbor. Despite that, our clients have made countless concessions to the appellants. We are proposing a modest and considerate single-family home for our client, in size than the home of the appellants.

4. The appellant asserts that the applicant had promised to submit a new survey for evaluation by county experts 2 years ago and has not done so.

I, the architect, was unaware of such a promise, as we have never needed to have a survey evaluated by the County before. Since this appeal, however, the survey has been submitted to the County for review and recordation. After almost four years and the hired help of three additional surveyors, the appellants are still unable to provide evidence to support their false claim that the survey is inaccurate.

5. The appellant asserts that a Planning Commissioner was unable to be impartial due to his deep connections and personal relationships with the applicant's agents.

This assertion is ridiculous. I don't personally know any of the Planning Commissioners. Apparently, my oldest brother coached Pee Wee Baseball for a summer in 1965 at Ortega Park and one of the Commissioners, who would've been 8 years old at the time, thought my brother was a good baseball coach. My brother and the Commissioner have not spoken in 60 years, and they likely didn't speak much in 1965.

The Planning Commission's denial of the appeal was unanimous, and the resulting outcome would have been the same regardless of the aforementioned Commissioner's support for the project.

Almost four years have passed since we began working on this project. We have designed and redesigned the building many times to satisfy the neighbors, the BAR and the Planning Department. Last fall, we received Final Approval from the BAR. When that approval was appealed to the Planning Commission, the Planning Commission unanimously denied the appeal. Despite all of our concessions to the neighbors, we find ourselves here. We have followed all instructions from the BAR and Planning Department, adhering to all codes and ordinances, and done our best to appease our neighbors. This project is thoughtful and deserves to be built.

We ask that you please deny this appeal.

Thank you,

Jeff Shelton
ARCHITECT

NEIGHBOR CORRESPONDENCE LIST

The following is brief attempt at documenting the meetings and correspondences that have taken place between the Architect, the Project Owners, and the Appellants.

This list is by no means exhaustive and does not cover the full extent of correspondence that has occurred with the project appellants via email, site visits, etc.

2021

- August 29, 2021** Stuart Law (owner) meeting with Noyes and Afifis to discuss the project
- September 17, 2021** Stuart Law meeting with Ian Noyes
- September 18, 2021** Stuart and Tess meet with Walid and Tammy Afifi
- October 15, 2021** **SBAR REVIEW #1 – Concept Review (DESIGN #1)**
PROJECT DESIGN #1 MODIFIED per SBAR & Neighbor Comments (**DESIGN #2**)
- December 10, 2021** Shelton & Stuart meet with Noyes to show design revisions

2022

- January 16, 2022** Shelton and Stuart meeting with Walid and Tammy Afifi
PROJECT REDESIGNED per NEIGHBOR COMMENTS
- April 6, 2022** Shelton and Stuart meeting with Noyes
- August 12, 2022** Story Poles Erected (**DESIGN #3**)
- August 26, 2022** Story Pole viewing and meeting at Site. SBAR Board Members & Shelton meet at site, tour neighbors' homes, Shelton meeting with Noyes, Afifis & Linda Kaplan & Brian Robbins
SBAR REVIEW #2 – Concept Approval (DESIGN #3)
Shelton meets with Linda Kaplan and Brian Robbins post Review.
PROJECT REDESIGNED per PLANNING DEPARTMENT COMMENTS

2023

- August 11, 2023 SBAR MEETING #3 - Preliminary (DESIGN #4)
- December 15, 2023 SBAR MEETING #4 - Final Approval (DESIGN #4)

2024

PROJECT APPROVAL APPEALED to PLANNING COMMISSION by Neighbors Noyes/Woodall.

- March 6, 2024 **PLANNING COMMISSION HEARING- Neighbor Appeals Denied.**
Shelton meets with Brian Robbins & Linda Kaplan post Planning Commission Hearing and requests project plans.
- March 11, 2024 Shelton emails plans to Linda Kaplan as requested, no response.
- March 27, 2024 Shelton check in via email with Linda Kaplan, no response.

PLANNING COMMISSION DECISION APPEALED to BOARD OF SUPERVISORS by Neighbors Noyes/Woodall.

- August 15, 2024 County Facilitation Meeting between Owners and neighbors, Noyes & Woodall
- August 28, 2024 Site Meeting to discuss site drainage, civil engineering, landscaping, existing site walls. In attendance: Jeff Shelton Architect, Soils Engineer Brad Bucher, Civil Engineer Jason Gotsis, Appellant Mindy Noyes, Neighbor Brian Robbins (1108 Palamino Rd)

PLANS REVISED based on Appellant & Neighbor Requests

- September 6, 2024 Revised Plans sent to Noyes/Woodall & Kaplan/Robbins
- September 24, 2024 Continued email correspondence with Noyes/Woodall
No response from Kaplan/Robbins