

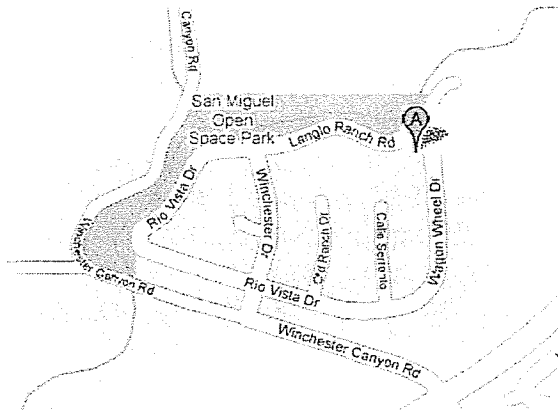
**TO:** Planning Commission Chair and Members

**FROM:** Steve Chase, Planning and Environmental Services Director

**CONTACT:** Patricia S. Miller, Manager, Current Planning  
Brian Hiefield, Planning Technician

**SUBJECT:** 08-171-APP: Vandeman Appeal of the Design Review Board Preliminary Approval of 08-090-DRB, a Single Family Dwelling Remodel, located at 7837 Langlo Ranch Drive; APN 079-600-030

**LOCATION:**



**RECOMMENDATION:**

The Planning Commission's action should include the following:

1. Adopt Planning Commission Resolution 09-\_\_\_ entitled "A Resolution of the Planning Commission of the City of Goleta, California Upholding Appeal 08-171-APP of Design Review Board Approval of 08-090-DRB for 7837 Langlo Ranch Road" (Attachment 1).

**APPLICANT**

James Kirwan III  
7837 Langlo Ranch Road  
Goleta, CA 93117

**APPELLANT**

Gary Vandeman  
250 Salisbury Avenue  
Goleta, CA 93117

## REQUEST

A hearing on the request of Gary Vandeman, appellant, to consider case number 08-171-APP pursuant to the City of Goleta Municipal Code, Chapter 35, Article III Section 35-327, in the R-1 zone district. This is an appeal of the Design Review Board's Preliminary approval of 08-090-DRB, which is an application for first-floor additions and a partial garage conversion to a single family dwelling located at 7837 Langlo Ranch Road.

## JURISDICTION

In accordance with Section 35-327 of the City of Goleta Municipal Code, Chapter 35, Article III, the request for an appeal of a Preliminary DRB approval is under the jurisdiction of the Planning Commission.

## BACKGROUND:

### Permit History

The subject property was created upon recordation of subdivision map Rancho Los Dos Pueblos. Land Use Rider 55080 was issued on November 3, 1972 permitting a single family dwelling and a two car garage. Land Use Rider 77269 was issued on November 10, 1977 permitting an addition of 245 square feet to the first-floor. On February 27, 1990 Land Use Permit 133361 was issued permitting 990 square feet in additions, including a 290-square foot first-floor addition and a 700-square foot new second story. The 290-square foot first-floor addition included a Variance to allow a 13 foot setback from right-of-way in the secondary front yard setback, instead of the 20 feet required at the time.

The resulting development on the lot includes a 2-story single family residence of 2,482 square feet, and an attached 463-square foot 2-car garage.

In May of 2008, applications for a Land Use Permit (LUP) and Design Review Board (DRB) review were submitted by Lawrence Thompson as agent for James Kirwan III, property owner. This was a request for 174-square feet in additions, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposed to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room.

Through Conceptual DRB review the square footages were revised, and the proposal changed slightly with regards to the garage conversion and the utility shed. The DRB granted Preliminary approval on September 9, 2008. An appeal of the Design Review Board's Preliminary approval of 08-090-DRB was filed prior to the end of the appeal period on September 22, 2008 by Gary Vandeman.

## Appeal Hearings

The Planning Commission heard the appeal for the first time on January 12, 2009. The Planning Commission continued the item with comments (described below) to March 9, 2009. The March 9, 2009 Planning Commission was cancelled and the item was rescheduled to April 13, 2009. The April 13, 2009 hearing will be the second time the appeal is in front of the Planning Commission.

## **DISCUSSION:**

### Project Data

- Owner: James Kirwan III
- Agent/Architect: Lawrence Thompson
- Parcel Size: 7,533-square feet
- Zone District: DR-4 (Design Residential; 4 units per acre)
- General Plan Land Use Designation: Single Family Residential
- Application submitted May 27, 2008, for DRB review (08-090-DRB) and a Land Use Permit (08-090-LUP)

### Summary

The proposed project consists of additions to a single-family dwelling. The existing development on the lot includes a 2-story single family residence of 2,482 square feet, and an attached 463-square foot 2-car garage. The DRB granted Preliminary approval of the applicant's proposal to construct 94 square feet in additions, consisting of a 24-square foot bathroom addition (habitable), a 58-square foot garage addition (non-habitable), and a 14-square foot attached water heater closet (non-habitable). The applicant also proposes to convert 119 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The dwelling would consist of 2,625 square feet plus an attached 400-square foot 2-car garage, and a 14-square foot water heater closet.

This proposal exceeds the recommended maximum allowable floor area ratio guidelines for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. Of the approximately 300 square feet in excess of the guidelines, 143 square feet are associated with this project while the remainder of the excess already exists on the property under previous permit.

### Planning Commission Hearing of January 12, 2009

At the January 12, 2009 hearing several members of the Planning Commission expressed concern regarding neighborhood compatibility based on comment letters and testimony submitted by several neighbors in opposition of the project. Concern was

raised regarding various aspects of the DRB review process such as neighborhood compatibility, floor area ratio (FAR), and parking.

It was felt in light of previous additions reaching lot coverage maximums that adding more square footage would be a detriment to neighborhood compatibility. The existing dwelling exceeds current FAR standards even before considering the proposed project. The concern over parking is that the vehicles associated with the property cannot be contained within the two spaces required under the R-1 parking standards and therefore adversely affecting intensity of use.

The Planning Commission directed the applicant to work with staff and the DRB representative (Tom Smith) to consider relocation of the proposed new bathroom out of the garage.

Action Following the PC Hearing of January 12, 2009

Larry Thompson, agent for the applicant, and Tom Smith, the DRB representative did meet to discuss alternatives for the proposed new bathroom. Submittal of revised plans, however, was not authorized by the applicant. Staff followed up in a meeting with the applicant on March 12, 2009 and was informed that the owner believed there were no other suitable alternatives for the proposed new bathroom.

Staff Recommendation

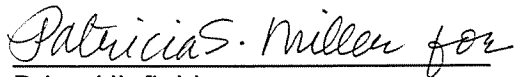
The proposed increase in habitable square footage, including the conversion of a portion of the garage, generates issues with respect to required findings for approval, including neighborhood compatibility, FAR's, intensification of use, and parking.

Taking into consideration the lack of a revised plan set along with the issues raised at the January 12, 2009 hearing, staff can no longer support this project. Staff also feels that there is sufficient space within the existing floor plan to improve the bedroom to bathroom ratio as well as provide an accessible bathroom for the disabled. Therefore staff recommends upholding the appeal submitted by Mr. Vandeman thereby denying the project.

## APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the City Council within 10 calendar days following final action.

Submitted By:



Brian Hiefield  
Planning Technician

Approved By:



Patricia S. Miller  
Planning Commission Secretary

## ATTACHMENTS:

1. Planning Commission Resolution 09-\_\_
2. DRB Meeting Minutes (partial) dated 8/12/08 and 9/9/08
3. Planning Commission Minutes dated 1/12/09
4. Appeal Application dated 9/19/08
5. DRB Staff Report dated 8/12/08
6. Project Plans Granted Preliminary Approval by the DRB on 9/9/08 (11 x 17 reductions)



ATTACHMENT 1

Planning Commission Resolution 09-\_\_\_\_





**PLANNING COMMISSION  
RESOLUTION NO. 09-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
GOLETA, CALIFORNIA UPHOLDING APPEAL 08-171-APP OF  
DESIGN REVIEW BOARD APPROVAL OF 08-090-DRB FOR 7837  
LANGLO RANCH ROAD; APN 079-600-030**

**WHEREAS**, an application was submitted on May 27, 2008 by Lawrence Thompson as Agent for James Kirwan III, Property Owners, requesting Design Board Review approval; and

**WHEREAS**, the Design Review Board granted Preliminary approval of the proposal on September 9, 2008; and

**WHEREAS**, an appeal was filed by Gary Vandeman on September 19, 2008, of the Design Review Board's preliminary approval of permit 08-090-DRB; and

**WHEREAS**, the procedures for processing the appeal have been followed as required by state and local laws; and

**WHEREAS**, the Planning Commission of the City of Goleta has considered the appeal of the Design Review Board's approval of 08-090-DRB in accordance with Article III, Section 35-327 of the Goleta Municipal Code; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the appeal on January 9, and April 13, 2009, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff reports, as well as oral and written testimony from interested persons; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Goleta hereby finds and determines as follows:

**SECTION 1. Recitals**

The Planning Commission hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are correct.

**SECTION 2. Findings**

The findings set forth in Exhibit 1 to this Resolution, which are incorporated herein by reference, are hereby adopted.

**SECTION 3. Upholding the Appeal**

Appeal 08-171-APP is granted, the decision of the Design Review Board is reversed, and the DRB application is hereby denied Preliminary approval (08-090-DRB; September 9, 2008).

**SECTION 4. Documents**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

**SECTION 5. Certification by City Clerk.**

City Clerk shall certify as to the adoption of this resolution.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
BRENT DANIELS  
PLANNING COMMISSION CHAIR

ATTEST:

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SANTA BARBARA        )     ss.  
CITY OF GOLETA                        )

I, Deborah Constantino, City Clerk of the City of Goleta, do hereby certify that the foregoing Resolution No. 09-\_\_\_\_ was duly adopted by the Planning Commission of the City of Goleta at a meeting, held on the \_\_\_\_ day of \_\_\_\_\_ 2009, by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK



## FINDINGS FOR APPROVAL OF THE DRB APPLICATION

### Required Findings

In order to grant final approval to a project, City Code Section 2.30.150 requires the DRB (Planning Commission) to determine, among other matters, whether the buildings, structures, landscaping and signs are appropriate and of good design in relation to other buildings, structures, landscaping and signs, on-site or in the immediately affected area. Such determination shall be based on the following findings (from Section 6.2 of the DRB Bylaws and Guidelines), as well as any additional findings required pursuant to the City's Zoning Ordinances:

1. The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.
2. Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well-designated relationship to one another, and to the environmental qualities, open spaces and topography of the property.
3. The project demonstrates a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
4. There is harmony of material, color, and composition of all sides of a structure or buildings.
5. A limited number of materials will be on the exterior face of the building or structure.
6. There is consistency and unity of composition and treatment of exterior elevation.
7. Mechanical and electrical equipment is well integrated in the total design concept and screened from public view to the maximum extent practicable.
8. All visible onsite utility services are appropriate in size and location.
9. The grading will be appropriate to the site.
10. Adequate landscaping is provided in proportion to the project and the site with due regard to the preservation of specimen and landmark trees, and existing native vegetation.
11. The selection of plant materials is appropriate to the project and its environment, and adequate provision will be made for the long-term maintenance of such plant materials.

12. The project will preserve and protect, to the maximum extent practicable, any mature, specimen or skyline tree, or appropriately mitigate the loss.
13. The development will not adversely affect significant public scenic views.
14. Signs, including their lighting, are well designed and are appropriate in size and location.
15. All exterior site, structure and building lighting is well-designed and appropriate in size and location.
16. The proposed development is consistent with any additional design standards as expressly adopted by the City Council.
17. The development will enhance the appearance of the neighborhood.
18. The public health, safety and welfare will be protected.
19. The project architecture will respect the privacy of neighbors and is considerate of private views and solar access.
20. The project will provide for adequate street design and sufficient parking for residents and guests in a safe and aesthetically pleasing way.

### **Findings of the Planning Commission**

The Planning Commission is unable to make findings of approval due to the incompatibility of the proposed project in regards to compatibility with the neighborhood (Finding 6.2.1); inappropriate size for the neighborhood (Finding 6.2.1); maximum allowable floor area ratio guidelines (6.2.16); insufficient parking for residents and guests in a safe and aesthetically pleasing way (6.2.20).

ATTACHMENT 2

DRB Meeting Minutes (partial) dated 8/12/08 and 9/9/08







# DESIGN REVIEW BOARD MINUTES - APPROVED

Planning and Environmental Services  
130 Cremona Drive, Suite B, Goleta, CA 93117  
(805) 961-7500

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## REGULAR MEETING

Tuesday, August 12, 2008

### CONSENT CALENDAR

Scott Branch, Planning Staff

### SIGN SUBCOMMITTEE – 2:00 P.M.

Members: Carl Schneider, Cecilia Brown, Thomas Smith

### STREET TREE SUBCOMMITTEE

Members: Chris Messner, Bob Wignot, Simon Herrera

### ADMINISTRATIVE AGENDA – 3:00 P.M.

### REGULAR AGENDA – 3:15 P.M.

**GOLETA CITY HALL – COUNCIL CHAMBERS  
130 CREMONA DRIVE, SUITE B, GOLETA, CALIFORNIA**

#### Members:

Bob Wignot (At-Large Member), Chair  
Thomas Smith (At-Large Member), Vice Chair  
Scott Branch (Architect)  
Cecilia Brown (At-Large Member)

Simon Herrera (Landscape Contractor)  
Chris Messner (Landscape Contractor)  
Carl Schneider (Architect)

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#### A. CALL MEETING TO ORDER AND ROLL CALL

The regular meeting of the City of Goleta Design Review Board was called to order by Chair Wignot at 3:15 p.m. in the Goleta City Hall, 130 Cremona Drive, Suite B, Goleta, California.

Board Members present: Bob Wignot, Chair; Thomas Smith, Vice Chair; \*Cecilia Brown; Scott Branch; Simon Herrera; Chris Messner; and Carl Schneider. \*Member Brown exited the meeting at 5:40 p.m.

Board Members absent: None.

Staff present: Scott Kolwitz, Senior Planner; Shine Ling, Assistant Planner; Brian Hiefield, Planning Technician; and Linda Gregory, Recording Clerk.



## L-2. DESIGN REVIEW BOARD PERMIT NO. 08-090-DRB

7837 Langlo Ranch Road (APN 079-600-030)

This is a request for *Conceptual/Preliminary* review. The property includes a 3,086-square foot two-story residence and an attached 446-square foot 2-car garage on a 7,533-square foot lot in the DR-4 zone district. The applicant proposes to construct 174-square feet in additions on the first-floor, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposes to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The resulting 2-story structure would be 3,260 square feet, consisting of a 2,814-square foot single-family dwelling and an attached 446-square foot 2-car garage. This proposed project exceeds the maximum allowable Floor Area Ratio Guidelines (FAR) for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. All materials used for this project are to match the existing residence. The project was filed by agent Lawrence Thompson on behalf of James Kirwan III, property owner. Related cases: 89-V-028 J; 90-LUS-136; 08-090-LUP. (Brian Hiefield)

Site visits: Made by all members present except Branch and Schneider.

Ex-parte conversations: None.

The plans were presented by agent Lawrence Thompson on behalf of James Kirwan III, property owner, and James Kirwan. Lawrence Thompson clarified that he presented the following corrected data to staff: a) the size of the garage will be basically reduced; b) the proposed bathroom infill is 24 square feet instead of 44 square feet; c) the proposed size of the structure is 3,083 square feet; and d) the habitable size of the proposed structure is 2,670 square feet. Lawrence Thompson stated that currently there are six bedrooms and only two bathrooms in the house; therefore, there is a need for decent sanitary facilities, as well as a need by the family for a handicapped accessible bathroom. He believes there is no intensity question because there are no upper floor additions, no new bedrooms, and the same number of occupants. He stated that based upon his calculations, the project exceeds the Floor Area Ratio (FAR) by 357 square feet. James Kirwan III, property owner, commented that the proposed project would only add 24 new square feet to the existing building. He stated that he wants to work with his neighbors regarding the parking concerns. He noted that the occupants of his property park their vehicles in front of the house or across the street where there is a creek, but do not park in any neighbors' space.

Planning Technician Brian Hiefield discussed the following two issues in the staff report for consideration: a) the proposed exceeds Floor Area Ratio Guidelines (FAR) by 500.75 square feet; and b) the proposed garage measures 19' x 19' clear (internal dimensions). He clarified that project is before the DRB for review because the proposed project exceeds the Floor Area Ratio Guidelines.

Documents: Letters received from: 1) Donald and Stephanie Wilson, dated August 8, 2008, in opposition to the project; 2) Ted and Sharon Zrelak, dated August 5, 2008, in opposition to the construction proposed in the notice; 3) Bruce and Louise Keeler, dated August 10, 2008, recommending denial of the request; 4) Vicki Slocum, dated August 5, 2008, urging denial of the project; 5) Bernie Schaeffer, dated August 5, 2008, requesting denial of the project; and 6) Kris O'Leary-Hayes, dated August 11, 2008, in opposition to the project.

## Speakers:

Kris O'Leary-Hayes read her letter dated August 11, 2008, in opposition to the project. Her concerns included: a) the proposed exceeds the maximum allowable Floor Area Ratio Guidelines; b) the existing structure is inconsistent with current City ordinance and design standards due to its size, height and setbacks in proportion to lot size; c) the current home is ostentatious and does not blend in with the existing neighborhood; d) the project does not meet required Finding 1 with regard to appearance of the neighborhood, Finding 17 that the project will enhance the appearance of the neighborhood, and Finding 20 with regard to adequate street design and sufficient parking for residents and guests; e) the removal of square footage from the garage will make it inadequate and insufficient for two cars to fit; f) the existing driveway is quite short making multiple vehicle parking and access difficult; g) she believes that the intent of the design review process was to address the issue of on-street parking within the residential areas; h) the intensity of use is a key issue because of the current high number of occupants on the property there have been between 9 and 13 cars parked in the driveway, but never in the garage, and on the surrounding neighborhood streets; i) noted that there are several unregistered vehicles associated with this property; j) allowing the garage conversion will limit any future owner's ability to park vehicles under cover and off the street; k) conversations with several neighbors reveal they are frustrated by the vehicles parked on the public street and not on the property; and l) presented photographs of the project site.

Gary Vandeman, Goleta, requested that a bathroom not be allowed within the garage or immediately adjacent, opening into the garage, which he believes would invite the potential for a non-permitted garage conversion. He recommended that the rules should be followed.

William Campbell, Goleta, neighbor immediately across the street, for thirty-five years, commented that there have been many people living in the house and he does not believe the garage has been used for parking cars since it was purchased by the current owners. He expressed concern that if the house is expanded any further it would invite the potential for an apartment use for more occupants. He recommended that the application be denied and strongly urged consideration of the present use which he believes can be verified by the neighbors. He noted that there have been some nice second-story additions in the neighborhood that were needed for families that have grown because the initial houses were small. He provided a photograph of parked vehicles.

## Comments:

1. Member Branch commented: a) the impacts to the neighborhood have already occurred with regard to the project's current size, bulk and scale; b) the intensity of use already exists with the current bedrooms, making note that no more bedrooms are being added; c) there is a need for more bathrooms with regard to the many bedrooms; d) the proposed size of the square footage is not significant, noting that the current project exceeds the FAR Guidelines; moreover, the square footage existed prior to the institution of the FAR guidelines; e) noted that the public comment indicates that there are a lot of neighbors who expressed concerns; and f) he could probably support the project.

2. Vice Chair Smith commented: a) agreed with Member Branch's comments with regard to existing impacts to the neighborhood and intensity; b) the proposed architecture is fine and it continues with the appearance of the existing architecture; c) extending the depth of the garage would hopefully accommodate the parking of cars; d) there have been a lot of issues expressed by neighbors in the area with regard to the applicant's property; e) he is cognizant of the comments made by speaker Gary Vandeman with regard to the handicapped bathroom; and g) he would probably support the project.
3. Member Herrera commented: a) expressed concern that new square footage would be added to the project which already exceeds the FAR Guidelines; and b) the neighbors' comments indicate they have concerns with regard to problems in the neighborhood.
4. Member Messner commented: a) upon review of the photographs, noted that there is a trench covered with boards; however permits have not been issued yet to install the sewer line.
5. Chair Wignot commented: a) the proposed amount of square footage to be added to the footprint is not a substantial change and could be considered for approval; b) the neighbors' comments in opposition to the project express concerns with regard to the applicant's property, particularly parking issues; and c) although the parking issues are not within the DRB's purview, he would support the applicant making the choice to address the neighbors' concerns as a "good neighbor".
6. Member Schneider commented: a) agreed with Member Branch that the intensity of use already exists; b) the proposed addition of square footage for the bathroom in the southeast corner is reasonable, not visible, and does not add to the mass, bulk, and scale; c) he cannot support the proposed garage conversion, the addition of the handicapped bathroom in the garage, or compromising the existing garage space, particularly since the garage is not currently being used for vehicle parking, and the neighbors have concerns with regard to parking for cars generated by the project site; and d) he understands the need for the handicapped bathroom and suggested there may be another place in the house to locate the handicapped bathroom.

**MOTION:** Schneider moved, seconded by Branch and carried by a 6 to 0 vote (Absent: Brown) to continue Item L-2, No. 08-090-DRB, 7837 Langlo Ranch Road, to September 9, 2008, with the following comments: 1) the proposed addition for the bathroom in the rear, in the southeast corner, is acceptable; 2) the applicant is requested to restudy the bathroom, laundry, and garage area in an effort to maintain at least a 20' depth, or possibly more, in the garage to reduce the impact to the garage; and 3) the applicant is encouraged to restudy relocating the handicapped bathroom in another location in the interior space of the house; and to continue to September 9, 2008.





## DESIGN REVIEW BOARD MINUTES – APPROVED

Planning and Environmental Services  
130 Cremona Drive, Suite B, Goleta, CA 93117  
(805) 961-7500

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### REGULAR MEETING

**Tuesday, September 9, 2008**

#### **CONSENT CALENDAR – 2:45 P.M.**

Scott Branch, Planning Staff

#### **SIGN SUBCOMMITTEE – 2:30 P.M.**

Members: Carl Schneider, Cecilia Brown, Thomas Smith

#### **STREET TREE SUBCOMMITTEE**

Members: Chris Messner, Bob Wignot, Simon Herrera

#### **ADMINISTRATIVE AGENDA – 3:00 P.M.**

#### **REGULAR AGENDA – 3:15 P.M.**

**GOLETA CITY HALL – COUNCIL CHAMBERS  
130 CREMONA DRIVE, SUITE B, GOLETA, CALIFORNIA**

#### **Members:**

Bob Wignot (At-Large Member), Chair  
Thomas Smith (At-Large Member), Vice Chair  
Scott Branch (Architect)  
Cecilia Brown (At-Large Member)

Simon Herrera (Landscape Contractor)  
Chris Messner (Landscape Contractor)  
Carl Schneider (Architect)

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#### **A. CALL MEETING TO ORDER AND ROLL CALL**

The regular meeting of the City of Goleta Design Review Board was called to order by Chair Wignot at 3:06 p.m. in the Goleta City Hall, 130 Cremona Drive, Suite B, Goleta, California.

Board Members present: Bob Wignot, Chair; \*Cecilia Brown; Scott Branch; Chris Messner; and Carl Schneider. \*Member Brown entered the meeting at 3:10 p.m.

Board Members absent: Thomas Smith, Vice Chair; and Simon Herrera.

Staff present: Scott Kolwitz, Senior Planner; Alan Hanson, Senior Planner; Laura Vlk, Associate Planner; Shine Ling, Assistant Planner; Brian Hiefield, Planning Technician; Natasha Heifetz Campbell, Contract Planner; and Linda Gregory, Recording Clerk.





#### L-4. DESIGN REVIEW BOARD PERMIT NO. 08-090-DRB

7837 Langlo Ranch Road (APN 079-600-030)

This is a request for *Conceptual/Preliminary* review. The property includes a 3,086-square foot two-story residence and an attached 446-square foot 2-car garage on a 7,533-square foot lot in the DR-4 zone district. The applicant proposes to construct 174-square feet in additions on the first-floor, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposes to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The resulting 2-story structure would be 3,260 square feet, consisting of a 2,814-square foot single-family dwelling and an attached 446-square foot 2-car garage. This proposed project exceeds the maximum allowable Floor Area Ratio Guidelines (FAR) for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. All materials used for this project are to match the existing residence. The project was filed by agent Lawrence Thompson on behalf of James Kirwan III, property owner. Related cases: 89-V-028 J; 90-LUS-136; 08-090-LUP. (Continued from 8-12-08) (Brian Hiefield)

The plans were presented by agent Lawrence Thompson on behalf of James Kirwan III, property owner, and by James Kirwan III, property owner. Lawrence Thompson stated that that project description should be changed for accuracy to indicate that the 44-square foot bathroom addition is actually a 24-square foot bathroom; and that the 24-square foot living room addition has been deleted from the plans. He said that the owner proposes adding a pair of tandem parking spaces with decorative interlocking paving on the west side of the garage in the side yard. He also stated that a tool shed is being proposed to make the garage useable. He stated that the relocation of the bathroom to another space in the interior of the house was restudied but the impact was too much of a problem because it would have practically limited the use of a bedroom. James Kirwan III, property owner, stated that he plans to keep vehicles associated with the site parked in his driveway and noted that the property's residents and visitors are respectful of the neighbors.

Speaker:

Gary Vandeman, Goleta, spoke in opposition to placing a bathroom in a garage, expressing concern that it would be an invitation for an unpermitted garage conversion. He believes there is an opportunity to use the other new proposed bathroom for the handicapped accessible bathroom, which would be adjacent to a bedroom rather than the kitchen and garage.

Comments:

1. Member Branch commented: a) achieving the 20-foot depth in the garage makes the plans work; b) the impacts to the neighborhood have already occurred with regard to the project's current size, bulk and scale, and the intensity of use; and c) the overall project is relatively minor and simple.
2. Member Schneider commented: a) agreed with Member Branch that the neighborhood impacts have already occurred; b) the extra square footage for the proposed storage shed may not be needed considering the number of bedrooms and study area; and c) there needs to be room for a water heater.
3. Member Brown commented: a) agreed with comments made by Members Branch and Schneider.

4. Chair Wignot commented: a) the issues raised by neighbors at the last meeting related mostly to the number of vehicles associated with the property, and that vehicles are not being parked in the garage; b) given the number of bedrooms, it seems reasonable to add the number of bathrooms; and c) noted that the addition of a bathroom in proximity to the garage the garage may invite the potential for an unpermitted unit, but he does not believe this concern is within the DRB's mandate.

**MOTION:** Schneider moved, seconded by Branch and carried by a 5 to 0 vote (Absent: Herrera, Smith) to grant Preliminary Approval of Item L-4, No. 08-090-DRB, 7837 Langlo Ranch Road, as submitted, with the following comment: 1) the proposed storage shed on the west side yard shall be reduced in size to be big enough only to encompass the water heater; and to continue to September 23, 2008, for Final review on the Consent Calendar.

ATTACHMENT 3

Planning Commission Minutes dated 1/12/09





**PLANNING COMMISSION  
MEETING MINUTES  
MONDAY, JANUARY 12, 2009**

6:00 P.M.  
City Hall  
130 Cremona Drive, Suite B  
Goleta, California

***Members of the Planning Commission***

*Brent Daniels, Chair  
Julie Kessler Solomon, Vice Chair  
Doris Kavanagh  
Bill Shelor  
Jonny Wallis*

*Patricia Miller, Secretary  
Tim W. Giles, City Attorney  
Linda Gregory, Recording Clerk*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:00 p.m. by Acting Chair Daniels followed by the Pledge of Allegiance.

**ROLL CALL OF PLANNING COMMISSION**

Present: Planning Commissioners Daniels, Kavanagh, Shelor, Solomon, and Wallis.  
Absent: None.

Staff present: Director of Planning and Environmental Services Steve Chase, Current Planning Manager Patricia Miller, City Attorney Tim W. Giles, Senior Planner Alan Hanson, Planning Technician Brian Hiefield, and Recording Clerk Linda Gregory.

**PUBLIC FORUM**

No speakers.

**AMENDMENTS OR ADJUSTMENTS TO AGENDA**

None.



**C-2. 08-171-APP: Vandeman Appeal of the Design Review Board Preliminary Approval of 08-090-DRB, a Single Family Dwelling Remodel, located at 7837 Langlo Ranch Road; APN 079-600-030.**

Recommendation:

- A. Adopt Planning Commission Resolution No. 08-\_\_ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the Goleta City Council Denying Appeal 08-171-APP of Design Review Board Approval of 08-090-DRB for 7837 Langlo Ranch Road".

Site Visits and Ex-parte Conversations: Chair Daniels, Vice Chair Solomon, Commissioner Kavanagh, Commissioner Shelor and Commissioner Wallis reported site visits.

Documents: 1) E-mail from William Campbell, dated January 9, 2009, urging that the request for an additional bathroom and garage extension be denied; 2) Letter from Bernie Schaeffer, dated November 18, 2008, in opposition to the proposed home expansion; and 3) Cover sheet with six letters of opposition to 08-090-DRB presented to the DRB before approval (submitted by the appellant).

Staff Speakers:

Planning Technician Brian Hiefield

Current Planning Manager Patricia Miller

Director of Planning and Environmental Services Steve Chase

City Attorney Tim Giles

The staff report and PowerPoint were presented by Planning Technician Brian Hiefield. He stated that he did not find any zoning violations with regard to the property during his investigation of the project.

Gary Vandeman, appellant, pointed out, on the applicant's drawing, two rectangles next to the lot line which are noted as "parking spaces" that would need to be built and maintained if approved with the proposed project. He expressed concern that the parking spaces would be used as storage pads for items that would possibly include cars or trailers, and requested that the item be referred back to the DRB to remove the "parking spaces". He believes that the need for a bathroom can be provided without the partial garage conversion. He has provided two examples of alternatives and believes an architect and contractor could provide other alternatives. He expressed concern that in today's climate there is approximately a one hundred percent likelihood of a full garage conversion that would become an unpermitted unit. He believes that a seventh bedroom, or a second living unit in the house, are not warranted. He also believes it is a bad precedent to allow a garage conversion without a compelling hardship case, noting that in this case the partial garage conversion is merely the applicant's preferred choice. He presented a packet of six letters in opposition to the proposed home expansion that were presented to the DRB before the approval. He stated that the nearby neighbors expressed concern that the building is too big and did not want additional space added.

Lawrence Thompson, agent representing the applicant, stated that the proposed plans are the best solution that the applicant could choose to fill the family's need. He stated that the proposed parking spaces are an offer from the applicant to provide for

off-street parking to address concerns of the neighbors, and there are no plans to use the spaces for storage. He stated that the concern expressed by the appellant that the garage would be used as an unpermitted unit is speculation. He noted that the size of the addition has been reduced, having been through a lengthy DRB process, and that the proposed project is a design project to address simple, basic needs.

PUBLIC HEARING OPENED AT 9:40 P.M.

Speakers:

Stew Baker, neighbor, neighbor, stated that his house directly looks at the applicant's house which he believes is an eyesore. He expressed concern that there has been a minimum of fifteen cars in front of the house and inoperable automobiles on the property. He noted that there have been excessive renters on the property. He also expressed concern that if the project were approved the conditions on the site would become worse.

Bernie Schaeffer, neighbor on Langlo Ranch Road, spoke in support of the appeal, stating that he shares concerns regarding this home which has been expanded several times in the past. He stated that he was surprised that the DRB approved the current proposed project considering there was opposition from the neighbors and the project exceeds the maximum allowable floor ratio guidelines for this property. He stated that he opposes any changes in the home, but on the other hand, he understands the handicapped needs that have been expressed, and requested that any impacts on the neighborhood be minimized.

Louise Keeler, Goleta, neighbor on Wagon Wheel Drive, urged that the request be denied to increase the floor space of this house which has been previously remodeled twice and currently exceeds the maximum allowable floor area ratio guidelines. She believes that the house is currently too large for the neighborhood and would be more excessive if the additional floor space were allowed. She believes the approval of the request would set an unwanted precedent. She requested that any remodeled home in the City be compatible with nearby homes and maintain the neighborhood character.

Kris O'Leary-Hayes, stated that she does not believe that the proposed project meets some of the DRB Findings, including neighborhood compatibility and enhancement of the appearance of the neighborhood. She expressed concern that there have consistently been twelve vehicles associated with the property. She suggested that an option would be to consider making the extra bathroom handicapped accessible rather than adding a bathroom conversion in the garage which may have the potential to be an unpermitted unit in the future.

Thomas Smith, DRB Vice Chair, represented the DRB regarding review of the project and the DRB action granting Preliminary Approval. He stated that the approval was granted with the idea that the need for a handicapped bathroom for a family member would be met and that the garage would become a garage with parking to be provided on the side to alleviate some of the problems expressed by the neighbors. He stated that the DRB believed the action was in the best interests within the guidelines. He clarified that the DRB believed that locating the handicapped bathroom in the garage was the only choice without drastically redoing the interior of the house, and not the preferred choice.



In rebuttal, Lawrence Thompson, agent for the applicant, stated that the comments made by the DRB representative cover the situation. He suggested that consideration needs to be given in situations when a house currently exceeds the maximum allowable floor area ratio guidelines that would recognize that a small addition would be appropriate if justified during discretionary review.

Gary Vandeman, appellant, requested that the proposed project be returned to the DRB to confine the remodel within the envelope. His appeal letter proposed two options to meet the bathroom needs that would eliminate the added garage space and the bathroom in the garage.

MOTION: Commissioner Wallis moved/seconded by Commissioner Shelor to continue the Planning Commission meeting after 10:00 p.m.

VOTE: Motion carried by unanimous voice vote.

PUBLIC HEARING CLOSED AT 10:03 P.M.

Commissioner Wallis commented that she is concerned regarding neighborhood compatibility because the neighbors have presented letters in opposition to the project and that no letters of support were received.

Commissioner Solomon commented that she believes that the neighbors need to be considered when making decisions with regard to neighborhood compatibility. She requested that ideas be included intact with the proposed project with regard to moving cars off of the street to address neighbors' concerns in the interest of neighborhood compatibility.

Commissioner Kavanagh commented that she has concerns with regard to situations when a project currently exceeds the maximum allowable floor area ratio guidelines.

Commissioner Shelor suggested that the proposed project be returned to the DRB for further exploration to determine whether there are other alternative locations within the envelope to meet the bathroom needs.

Chair Daniels commented that with the proposed addition to the property, the handicapped needs would be met and there will be room for a two-car garage and a parking space for another car in the rear yard setback. He suggested consideration of adding a Notice To Property Owner that would address the concern with regard to the potential for an unpermitted unit. He suggested that there may be a way to reconfigure the proposed design so that there is no communication with the garage into the washer/dryer, bathroom area.

Commissioner Wallis suggested that the applicant be directed to work with staff and the DRB representative to consider relocating the handicapped bathroom outside of the garage. She requested that consideration be given to whether some space from an existing room could be donated towards the bathroom.

MOTION: Commissioner Wallis moved/seconded by Vice Chair Solomon that: 1) the Planning Commission shall retain jurisdiction of the project; 2) the applicant shall be directed to work with staff, and coordinate with the DRB representative, to consider relocation of the handicapped bathroom

outside of the garage; and 3) the item shall be continued to March 9, 2009.

VOTE:

Motion carried by the following voice vote. Ayes: Vice Chair Solomon; Commissioners Kavanagh, Shelor, and Wallis; Noes: Chair Daniels.

ATTACHMENT 4

Appeal Application dated 9/19/08



03-171-APP; Hiefield



RECEIVED

SEP 19 2008

City of Goleta  
Planning & Environmental Svcs. 130 Cremona Drive, Suite B, Goleta, CA 93117  
Phone: (805) 961-7500 Fax: (805) 685-2635

PLANNING APPEAL

In accordance with the provisions of the Appeal Procedures of the City Zoning Ordinances (Goleta Municipal Code §35-182 [Coastal Zone]; §35-327 [Inland Zone]; §35-12 [Signs]), I hereby appeal the decision of the Design Review Board made on September 9 2008

The decision regarding Case No(s): DRB-08-090 079-600-030 was as follows:  
Preliminary Approval of project, with minor changes

The specific grounds of appeal are: See Attached note

I request that the following action be taken: Return to DRB with instructions to remove the Bathroom from the Garage

Name of Appellant: Gary Vandeman

Address and Telephone No. of Appellant: 250 Salisbury Ave  
968-1143

G. Vandeman (Signature of Appellant) 19 Sep 08 (Date)

(Signature of Appellant) (Date)

(FOR STAFF USE ONLY)

Fee Receipt No. 14245 Appeal(s) Case Nos. \_\_\_\_\_

Received By: Shirley Date: 9/19/08

**RECEIVED**

SEP 19 2008

City of Goleta  
Planning & Environmental Svcs.

Attachment to Appeal of DRB-08-090

September 19, 2008

I hereby appeal the decision of the Design Review Board made on September 9, 2008.

The decision of the DRB regarding Case No. 08-090-DRB was faulty. The DRB did not correctly make Finding One regarding the compatibility with the neighborhood.

Finding 1: The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and to the location.

Who better knows the neighborhood, the DRB or the people that actually live there? Five nearby residents wrote letters objecting to the project. The DRB ignored this local input. The neighbors also pointed out that the current size of the house is substantially in excess of the FAR and that additional square footage is unwarranted. The DRB approval allows for the addition of approximately 177 feet of habitable space on the first floor. The size is increased from 112% of the FAR to 117%.

The project should be returned to the DRB with direction to eliminate the added garage space, and the bathroom in the garage. There are other viable options that the DRB rejected and/or did not consider.

It is acceptable to add the bathroom at the Southeast Corner (Rear left viewed from the front), as it is within the existing building envelope. This adds only 55 sf of habitable space. The plan to move the water heater outside is immaterial to the issue.

The bathroom in the garage is unacceptable in this community. The economics of an illegal garage conversion are very tempting. The inclusion of a bathroom within, or directly accessible from the garage creates a problem waiting to happen. This bathroom will create an illegal unit. It is only a matter of time.

Additional information:

This project has several problems. The current size of the house is a documented problem for the community. The best compromise of the applicants desire and the community good is to allow only the permanent addition of a bathroom in the Southeast corner.

The applicants need for the garage bathroom is only temporary. The garage bathroom will become a permanent change to the neighborhood, to address a temporary problem for one person.

I propose that the two most reasonable options are:

Option One

In order to meet the applicants stated need for modifications to facilitate the care of his elderly parent, the Southeast bath can be built to meet his requirements. The space available is exactly the same size as the proposed Garage bathroom. There are other changes that need to be made, but the total cost of these changes will be considerably lower than the extension of the garage by 3 feet.

Temporarily removing the wall between that bedroom and the adjacent one, will create a space ideal for the care and support of a handicapped parent. If additional space is needed for the bathroom, the bathing area could be extended into the adjacent space. There is now room for a hospital type bed, wheel chair, and accommodations for a caregiver bed and chair. The very small doorways currently in place will become a single large doorway.

At a future time, the wall could be restored.

Option Two

To avoid the future conversion of the garage to an illegal unit, the City may require that the bath area be restored to garage space on sale.

Gary Vandeman  
250 Salisbury Ave.

968-1143





ATTACHMENT 5

DRB Staff Report dated 8/12/08





## DESIGN REVIEW BOARD Staff Report

Planning and Environmental Services  
130 Cremona Drive, Suite B, Goleta, CA 93117  
Phone: (805) 961-7500 Fax: (805) 961-7551  
[www.cityofgoleta.org](http://www.cityofgoleta.org)

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### AGENDA ITEM L-2

DATE: August 12, 2008  
TO: Goleta Design Review Board  
FROM: Brian Hiefield, Planning Technician  
SUBJECT: 08-090-DRB; 7837 Langlo Ranch Road; APN 079-600-030

**APPLICANT:** Lawrence Thompson  
70 Loma Media Road  
Santa Barbara, CA 93103

#### PROJECT DESCRIPTION:

This is a request for *Conceptual/Preliminary* review. The property includes a 3,086-square foot two-story residence and an attached 446-square foot 2-car garage on a 7,533-square foot lot in the DR-4 zone district. The applicant proposes to construct 174-square feet in additions on the first-floor, consisting of a 44-square foot bathroom, a 24-square foot living room, 53-square foot garage, and a 53-square foot attached utility shed. The applicant also proposes to convert 133 square feet of the existing garage into habitable square footage for a bathroom and laundry room. The resulting 2-story structure would be 3,260 square feet, consisting of a 2,814-square foot single-family dwelling and an attached 446-square foot 2-car garage. This proposed project exceeds the maximum allowable Floor Area Ratio Guidelines (FAR) for this property, which is 2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage. All materials used for this project are to match the existing residence. The project was filed by agent Lawrence Thompson on behalf of James Kirwan III, property owner. Related cases: 89-V-028 J; 90-LUS-136; 08-090-LUP.

#### BACKGROUND:

The project was submitted on May 27, 2008. This is the first time the project has been before the DRB. The 133 square feet of garage conversion proposed for a bathroom and laundry room is currently partially converted without permit, being used as storage and a laundry room.

**ANALYSIS:**

**Zoning Consistency:**

	Required	Proposed	Consistent Y/N
Front/Secondary Front Yard Setback	50 feet from Centerline 20 feet from right-of-way 10 feet from right-of-way on secondary front yard setback	50 feet from Centerline 20 feet from right-of-way 13 feet from right-of-way on secondary front yard setback	Yes
Side Yard Setback	10% of Width (6.2) feet	West elevation: 10.0 feet	Yes
Rear Yard Setback	25 feet	11 foot minimum	Yes (w/ existing County permit)
Floor Area Guidelines	2,313.25 square feet plus an allocation of 440 square feet for a 2-car garage	2,814 square feet plus an attached 446-square foot 2-car garage	TBD
Building Height	35 feet	24 feet	Yes
Parking requirement	2 enclosed spaces	2 enclosed spaces	Yes

The proposed project is consistent with the above requirements of Article III, Chapter 35, Inland Zoning Ordinance, subject to approval of the proposed FAR in excess of the guidelines.

**ISSUES:**

- ***The proposed project exceeds Floor Area Ratio Guidelines (FAR) by 500.75 square feet.***
- ***The proposed garage measures 19' x 19' clear (internal dimensions).***
  - ***Zoning ordinance provides 8.5' x 16.5' for uncovered residential parking spaces. The zoning ordinance does not provide dimension for enclosed residential parking spaces.***
  - ***Administrative policy requires all "garage parking area shall be maintained free of any plumbing, mechanical, electrical, or other permanent structures, from floor to ceiling in order to provide required parking. All 2-car garages shall provide and maintain a 20-foot by 20-foot clear space for required parking."***

**ATTACHMENTS:**

- Reduced 11" x 17" copies of site plans and elevations.
- FAR Guidelines handout
- Ordinance No. 03-05



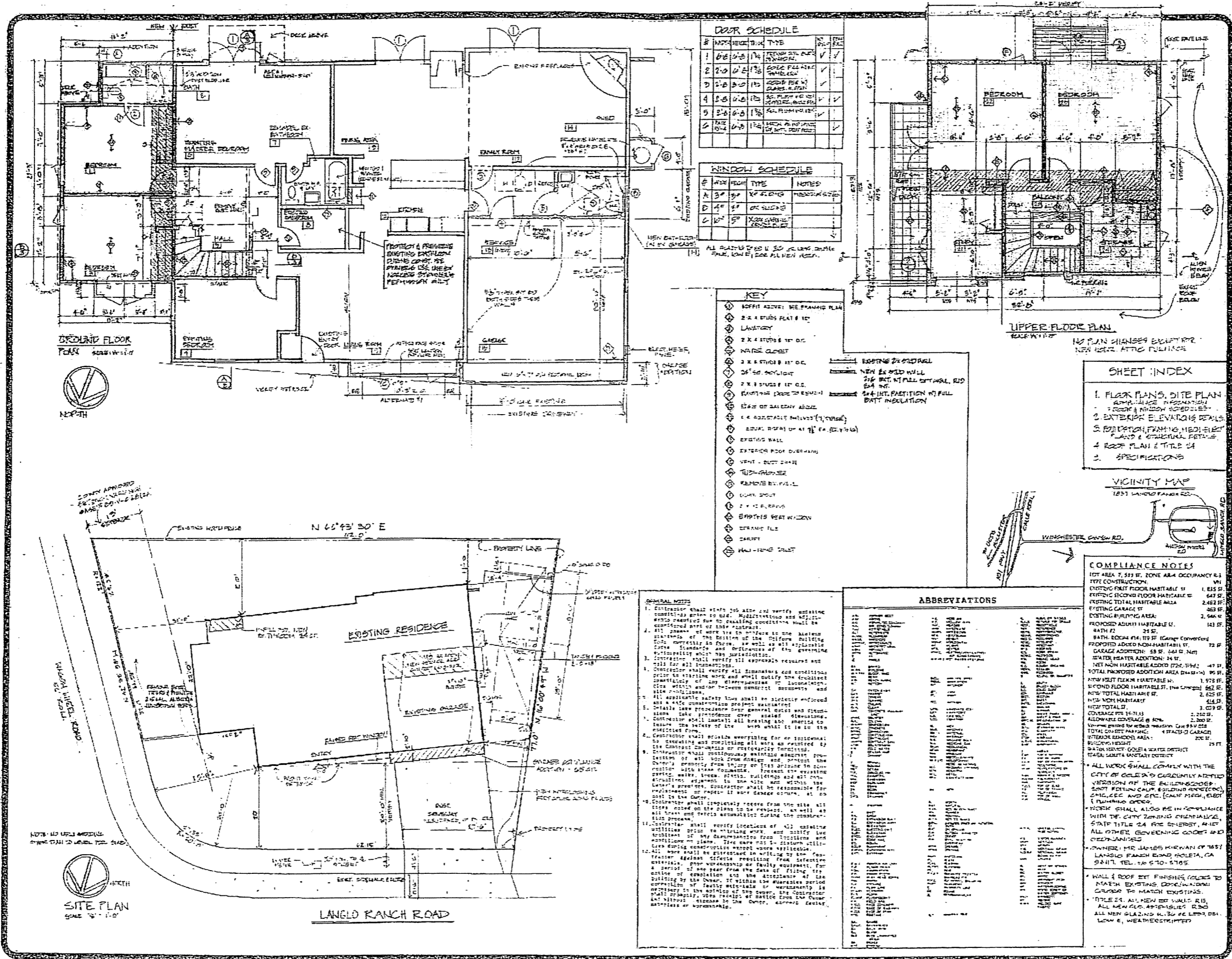
ATTACHMENT 6

Project Plans Granted Preliminary Approval by the DRB on 9/9/08

(11 x 17 reductions)







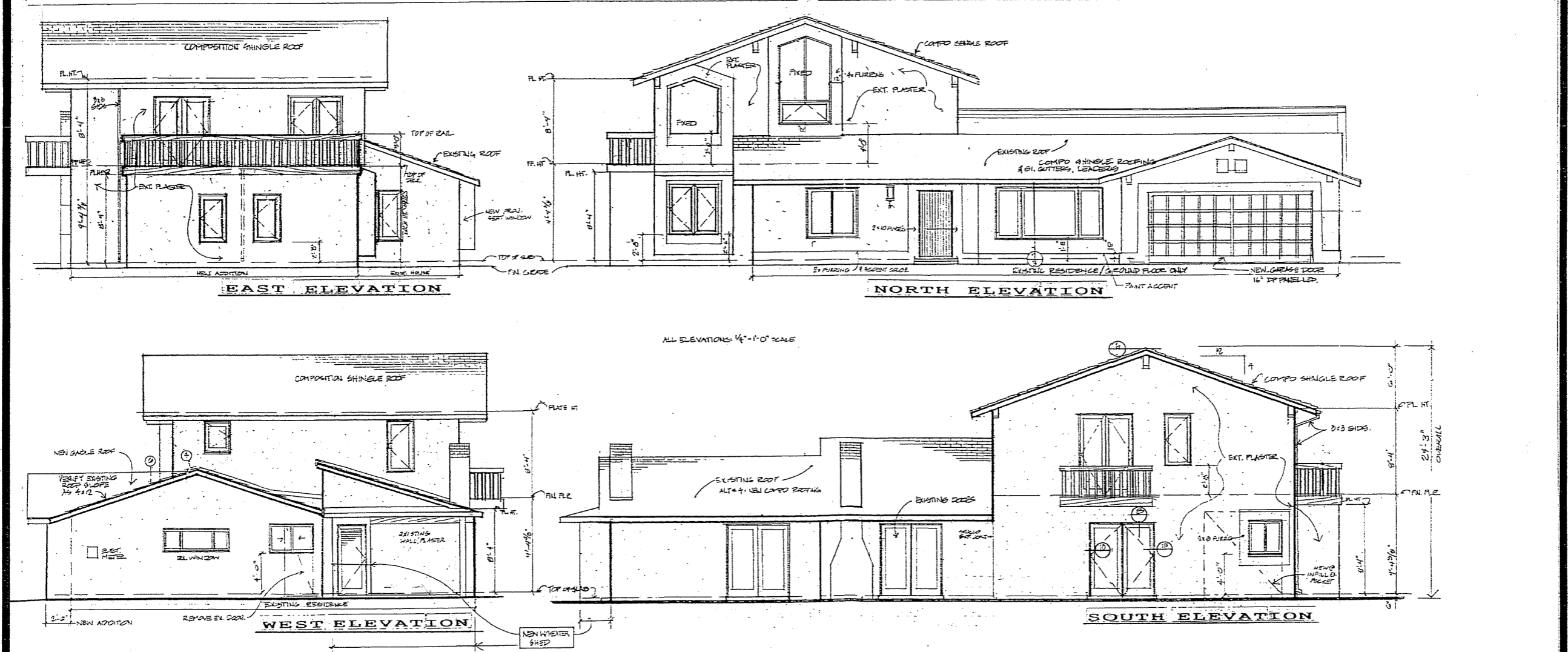
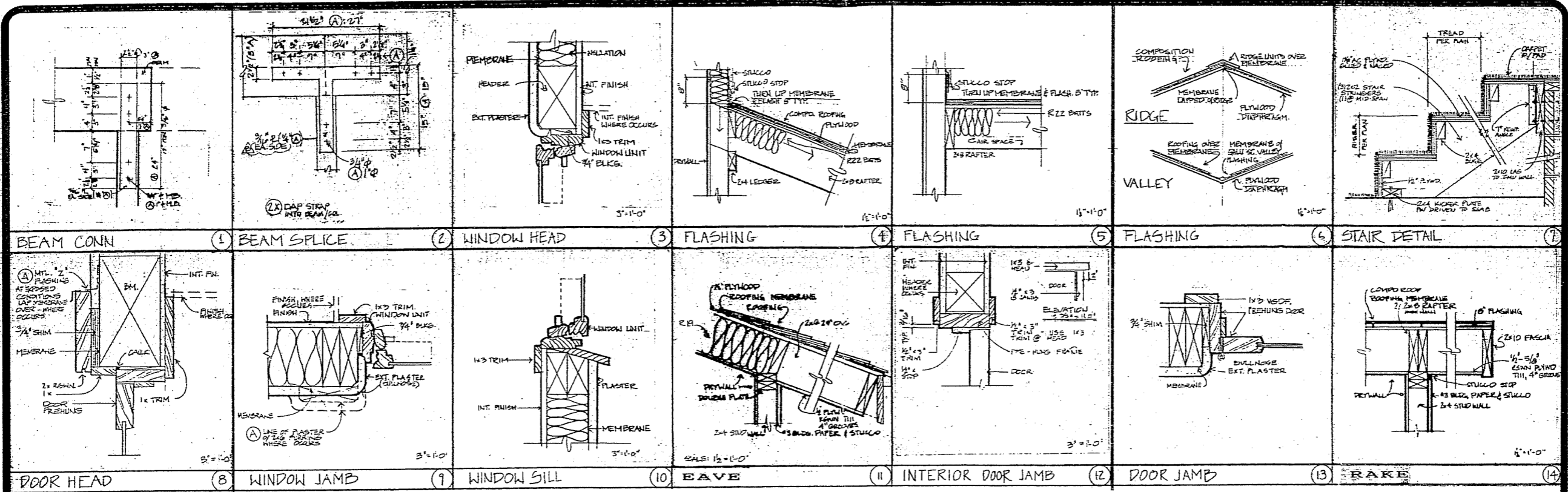
Lawrence E. Thompson  
Architects, Inc.  
17000 Lantana Lane, Suite 100, San Diego, CA 92127

REMODEL & ADDITIONS FOR MR.  
**JAMES KIRWAN**  
7837 LANGLO RANCH ROAD, GOLETA, CA.

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JAN 07 2009  
City of Goleta  
Planning & Environmental Svcs

APPROVED	
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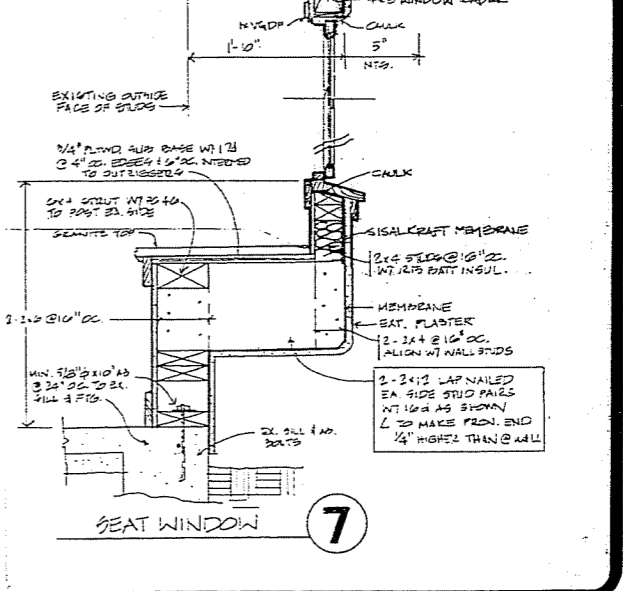
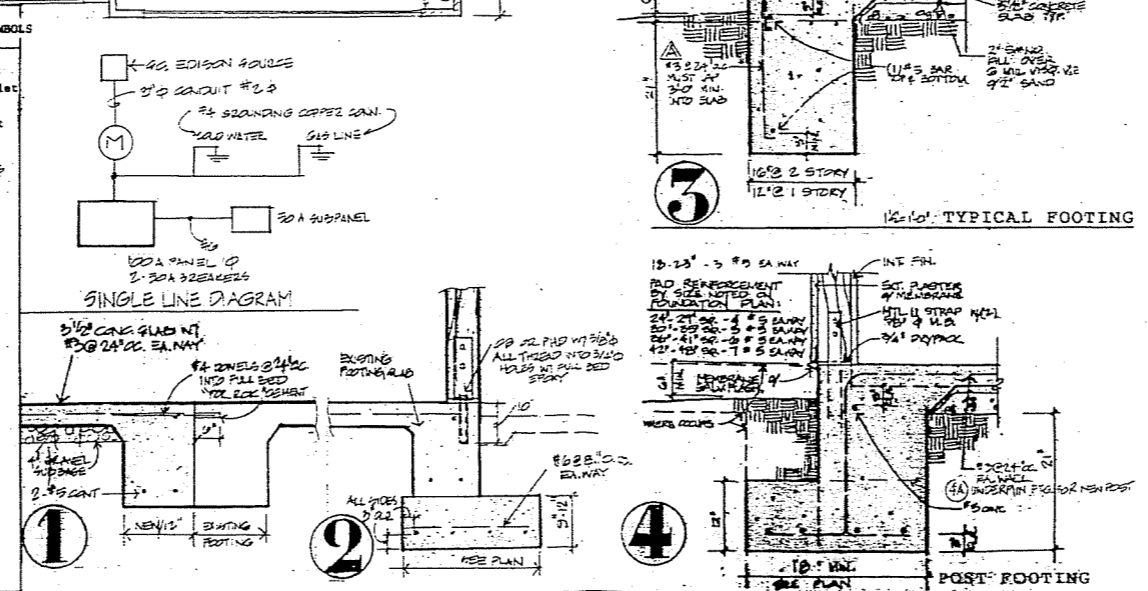
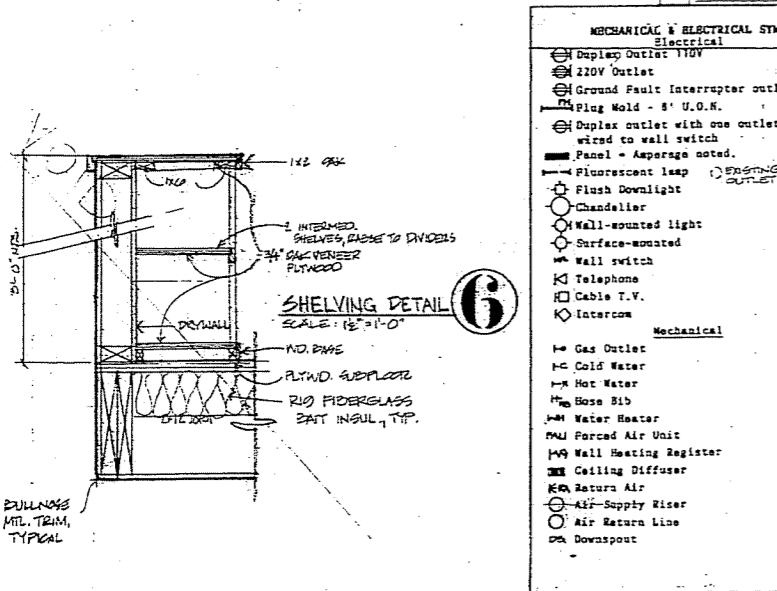
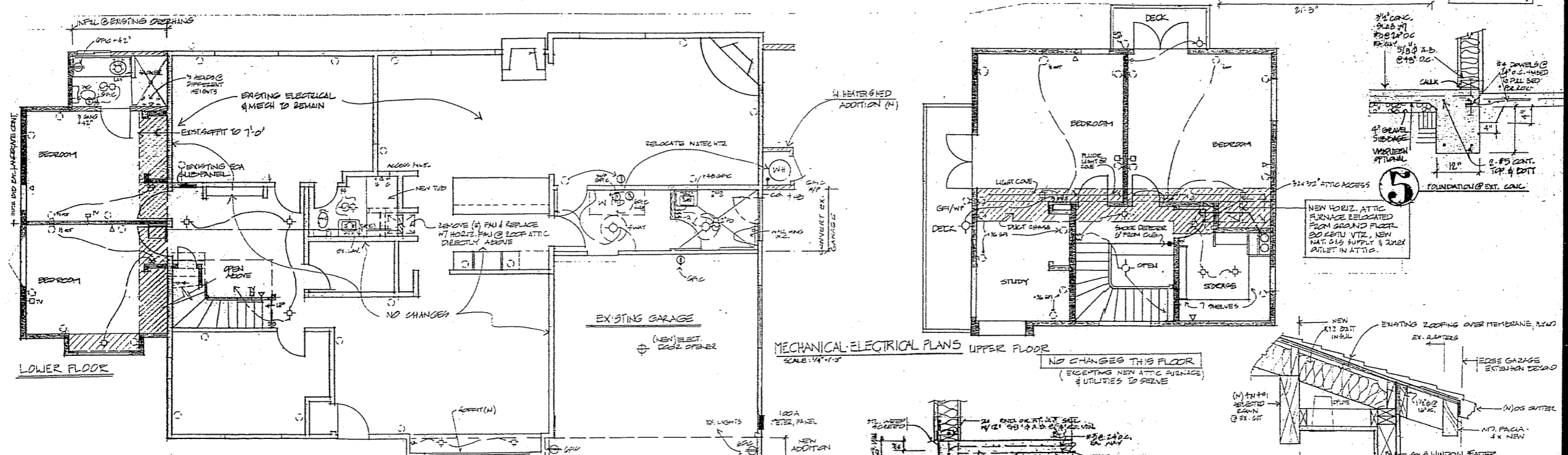
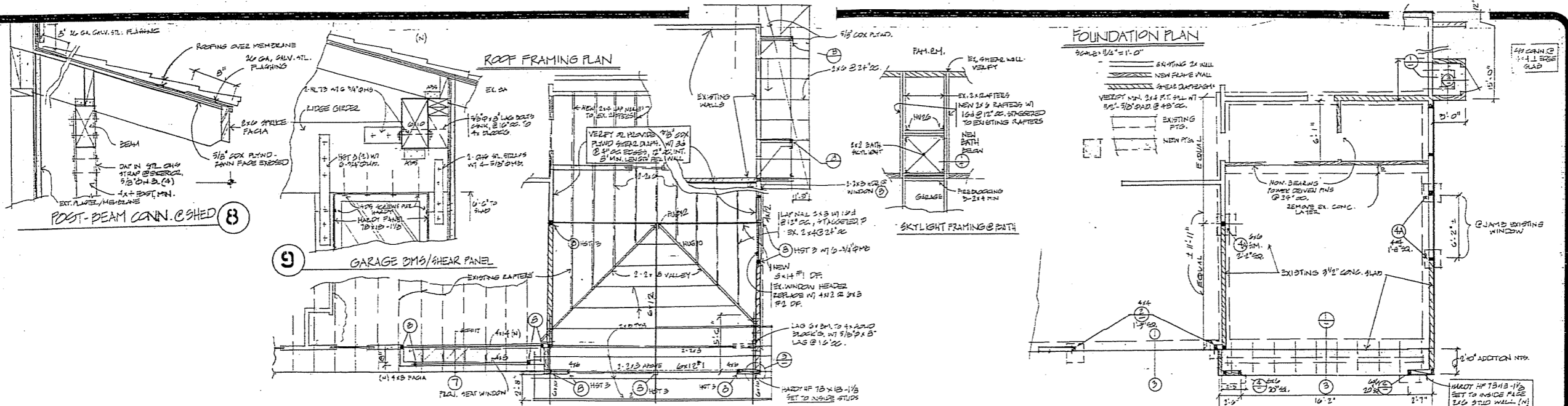




APPROVED: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 Lawrence E. Thompson,  
 Architects, Inc.  
 9240 MacArthur Blvd., Suite 100, Irvine, CA 92618  
 949.453.1111

REMODEL & ADDITIONS FOR MR.  
**JAMES KIRWAN**  
 7837 LANGLO RANCH ROAD, GOLETA, CA.  
 PROJECT NO. \_\_\_\_\_  
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REVISIONS: \_\_\_\_\_

Lawrence E. Thompson,  
Architects, Inc.

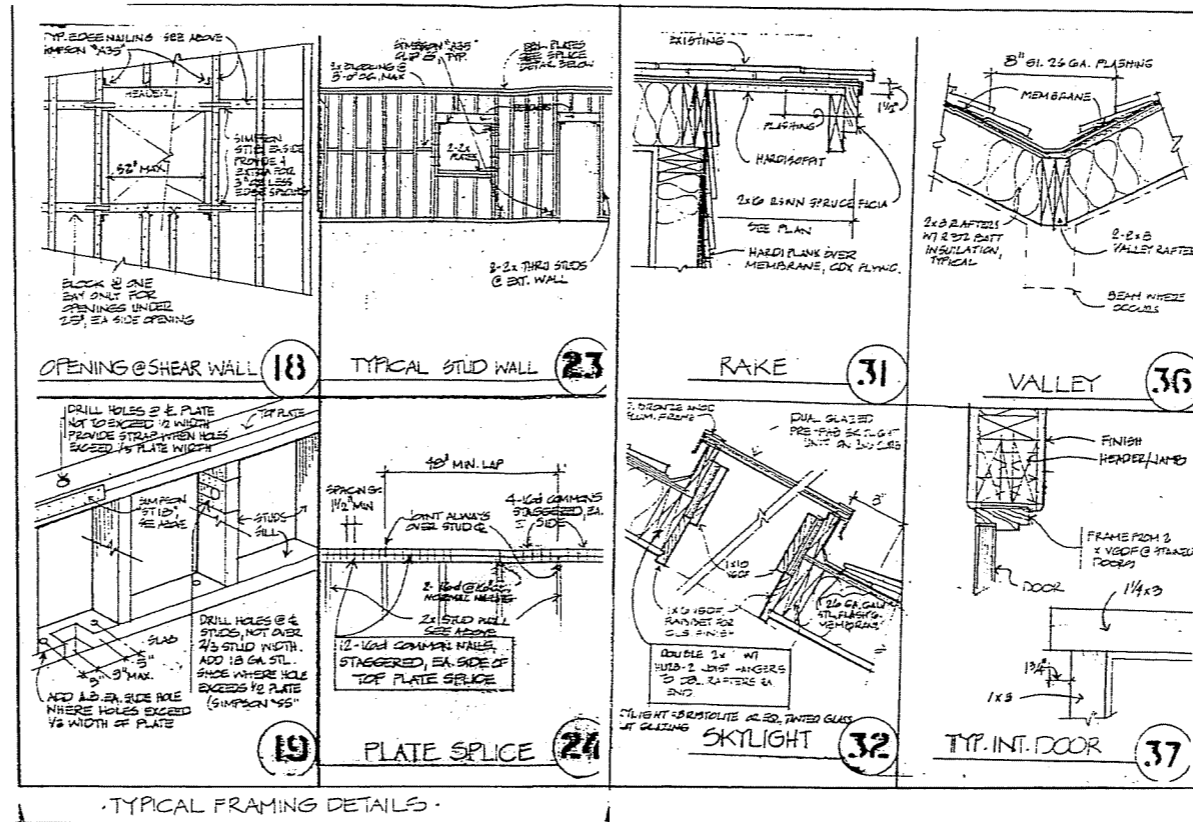
sanjose@lathompson.com | 950.960.2336



REMODEL & ADDITIONS FOR MR.  
**JAMES KIRWAN**  
7837 LANGLO RANCH ROAD, GOLETA, CA.

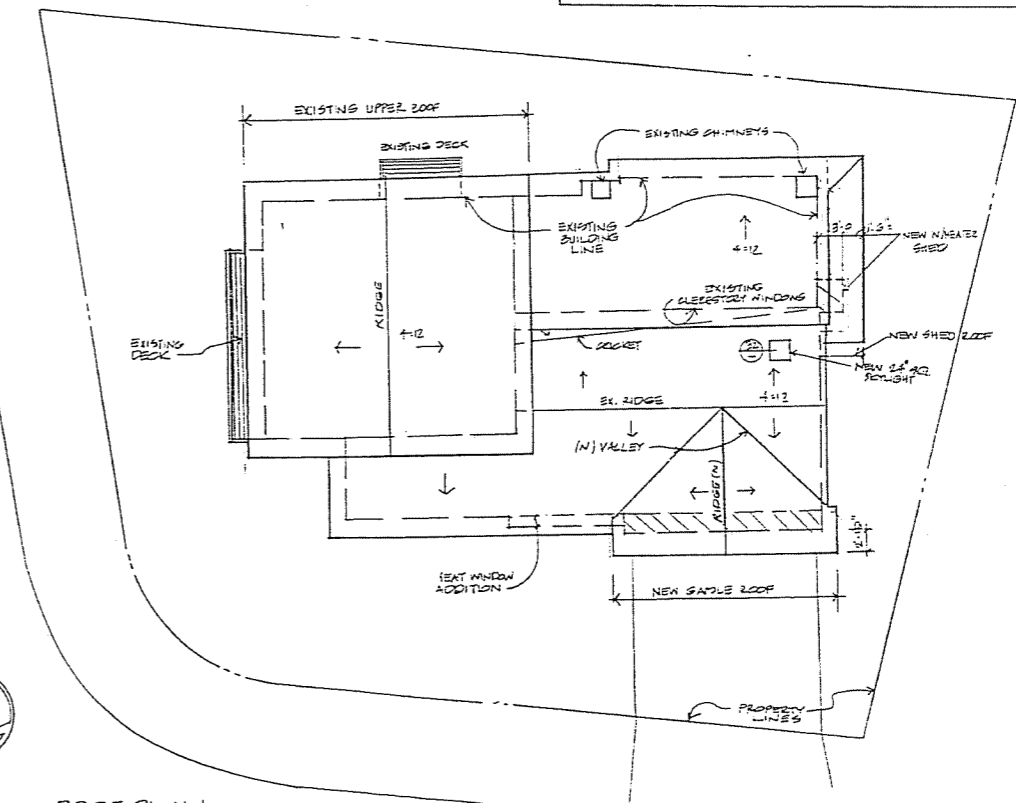
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TYPICAL FRAMING DETAILS

ABBREVIATIONS	
1. 1/2" PL	1/2" PL
2. 2" x 4"	2" x 4"
3. 2" x 6"	2" x 6"
4. 2" x 8"	2" x 8"
5. 2" x 10"	2" x 10"
6. 2" x 12"	2" x 12"
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ROOF PLAN  
SCALE = 1/8" PER FOOT

APPROVED: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_

Lawrence E. Thompson,  
Architects, Inc.  
70 Luna Media Road, Santa Barbara, CA 93103 805 962-2236

REMODEL & ADDITIONS FOR MR.  
**JAMES KIRWAN**  
7837 LANGLO RANCH ROAD, GOLETA, CA.

PROJECT NO. \_\_\_\_\_  
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SHEET NO: **4**

