

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE SINGLE FAMILY DESIGN BOARD TO GRANT PROJECT DESIGN APPROVAL AND FINAL APPROVAL WITH FINDINGS FOR PROPOSED ADDITIONS TO A SINGLE FAMILY RESIDENCE LOCATED AT 215 LA JOLLA DRIVE

WHEREAS, on December 23, 2013, Marlene and Frank Bucy applied for a major façade and interior remodel to an existing, 1,533 square foot, one-story, single-family residence located at 215 La Jolla Drive in the City of Santa Barbara, including a proposed new 379 square foot second-story addition above a new two-car garage. The proposal also includes a 394 square foot one-story addition to the front of the home to expand the living room area, and an 86 square foot, second-level deck. The proposed garage reconstruction received approval for zoning modifications from the Staff Hearing Officer involving reconstruction and expansion of the two car garage. The net floor area of the proposed project is 2,293 square feet, which is just under 85% (84.93%) of the required floor-to-lot area ratio (FAR) for the subject lot; and

WHEREAS, the Single Family Design Board (SFDB) initially reviewed the project on February 10, 2014. During this meeting, a large amount of neighborhood comment was received consisting of numerous letters and speakers in support of or against the project. The SFDB supported the request for zoning modifications involving the garage location but requested the architect provide a landscape plan, study possible night glow impacts from new second story windows and explore alternatives to the proposed second story deck screening. Story poles were also requested to be placed on the property prior to the next review. On July 28, 2014, a site visit was conducted by the SFDB prior to the next scheduled meeting to view the erected story poles. Some of the SFDB members walked the immediate neighborhood to examine possible view blockage concerns. The SFDB reviewed the project later that same day and focused their comments on the privacy screen proposed on the second story deck area. On August 11, 2014, the applicant returned to the SFDB and the SFDB voted to grant approval of the project. The SFDB made the required Neighborhood Preservation Ordinance (NPO) findings; and

WHEREAS, on August 21, 2014, Marc Chytilo, attorney and agent for a nearby neighbor Rhonda Seiter timely filed an appeal regarding the SFDB approval. The appellant requested that Council deny the project, asserting that the proposed project should not have been approved by the SFDB and requested that the single-story character of the street be maintained. The appeal letter expands further by

listing several arguments as to why the project design was not analyzed correctly by planning staff and that the project will result in the following impacts:

- Impacts to privacy and "virtually eliminate ocean views" of appellant Seiter;
- Introduce lighting that will be visible from a substantial portion of the neighborhood;
- Approval of the first two-story home on the block is inconsistent with original stepped lot one-story design of the subdivision;
- Incompatible development with the existing homes in the "immediate" neighborhood; and
- The project is inconsistent with the city's applicable guidelines, coastal policies and the General Plan; and

WHEREAS, on September 29, 2014, the City Council conducted a duly noticed site visit during which it conducted an inquiry into the physical aspects of the issues presented on appeal, including the alleged view impacts from both the appellant's home, the immediate neighborhood, and the nearby Douglas Family Preserve; and

WHEREAS, on September 30, 2014, the City Council conducted a duly noticed public hearing on the appeal. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues, and a PowerPoint presentation on the appeal issues – both of which are incorporated by reference into this Resolution (along with the entire record of proceedings);
2. A presentation by the appellant of her concerns, including a letter dated August 21, 2014 from Marc Chytilo and a package dated September 29, 2014, entitled, "Is a Second Story at 215 La Jolla Drive Compatible with the Neighborhood" which was submitted to Council during the hearing on September 30, 2014;
3. A presentation by the Bucy's representative, attorney Derek A. Westen, including a PowerPoint presentation prepared by the Project's architect and a letter from Mr. Westen dated September 19, 2014, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.
4. Public comments from two members of the Single Family Design Board explaining their views on the Project design and the appeal issues.

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted unanimously to direct the preparation of written findings which, consistent with the oral findings made by Council, would

deny the appeal of the Project and to uphold the decision of the Single Family Design Board, with an additional City Council direction that the Project applicant consider thinning a tree in their backyard as an accommodation to the appellant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the Single Family Design Board and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the September 30, 2014 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. With respect to alleged visual and view impacts, using the criteria set forth in Evidence Code section 780, and in particular subsection (f), the Council finds that the appellant, her witnesses and her attorney were not credible.

SECTION 4. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

- A. There will be no significant view or visual impacts caused by the small second story addition proposed by the Project applicants. The story poles on the Project site, which were accepted by the appellant as factually true, accurately depicted the outline of the proposed second story addition as well as its impacts on the appellant's views and views of the site from the Douglas Family Preserve. From the appellant's property which sits one house removed from and above the Project site, the story poles covered only a very minor section of ocean view that is already substantially blocked by distant vegetation which is outside the control of either party;
- B. The appellant's privacy will not be substantially impacted by the proposed second story because the proposed second story is approximately 120 feet distant, is on a lot approximately 10 feet lower than the appellant's property, is less than 17 feet in height and there will be carefully placed screening material and the second story clerestory window placement is designed to minimize off-site privacy impacts;
- C. The Council has carefully considered the neighborhood study area for the project, as that term is defined under the City's Single Family Residence Design Guidelines (as authorized and made applicable to this Project by Santa Barbara Municipal Code section 22.69.020 L. (the "Guidelines")). In this case, the Project and in particular the second

story addition is compatible with the twenty (20) lots closest to the Project site; however, pursuant to the Guidelines, the Council has determined that additional lots within a 15 minute walking radius were properly considered because the predominant streetscape, patterns of development and parcel sizes within that radius are consistent and compatible with the Project site. Moreover, the Council finds that the twenty lots closest to the Project site are not the relevant immediate neighborhood, but only a portion thereof.

SECTION 5. The Council makes the following findings pursuant to the Neighborhood Preservation Ordinance, Santa Barbara Municipal Code section 22.69.050 A. 1-7:

Consistency and Appearance. The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood by proposing an architectural style consistent with modern styles located in residential zones within the City. The relatively flat roofline of the proposed second story is consistent with the “Eichler”-style development in the neighborhood study area.

Compatibility. The proposed single family expansion project is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The West Mesa neighborhood has a variety of architectural styles, house sizes, and lot sizes. At approximately .85 FAR, the size is well within the city’s adopted FAR standards. The proposed high-quality materials and colors are appropriate for the neighborhood.

Quality Architecture and Materials. The proposed building is designed with quality architectural details and quality materials. The architectural design is of high quality in that it reproduces an “Eichler”-like second story addition which is no more than seventeen feet in height, the height to which a single story could be constructed without additional design review.

Trees. The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. Only one other tree is proposed for removal.

Health, Safety, and Welfare. The public health, safety, and welfare are appropriately protected and preserved in that the neighborhood will be enhanced in value and design by the proposed additions.

Good Neighbor Guidelines. The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting. The applicant had meetings with surrounding neighbors to inform them of the project and to seek their comments and suggestions.

Public Views. The development, including proposed structures and grading, will preserve any significant public scenic views of and from the hillside. The project will not be readily or inappropriately visible from the adjacent Douglas Family Preserve due to its proposed height and the location of other homes that are in closer proximity.

SECTION 6. The residential addition is consistent with all applicable coastal regulations and will not have significant environmental or public view impacts. The subject parcel is not in a sensitive location even though the site is near the Douglas Family Preserve. The property is not located within 50 feet of an ocean bluff-top and therefore, qualifies for a coastal exemption. No significant impacts to public ocean views or from indoor lighting are expected to result from the project given the site location is set back away from any scenic ocean views available from the Douglas Family Preserve. The project is an addition to an existing structure and use of a categorical exemption per State CEQA Guidelines section 15301 is appropriate; no unusual circumstances are presented by the location or nature of the project because of the careful design. It is also correct to apply the coastal exemption because of the size of the project and the project does not pose a risk of adverse environmental effect as defined in the coastal regulations.

SECTION 7. The City Council hereby approves the Project as depicted on the set of plans dated August 11, 2014, as presented to the City Council on September 30, 2104.