

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO GRANT A COASTAL DEVELOPMENT PERMIT AND THE DECISION OF THE SINGLE FAMILY DESIGN BOARD TO GRANT PROJECT DESIGN APPROVAL FOR A PROPOSED SINGLE FAMILY RESIDENCE AT 511 BROSIAN WAY

WHEREAS, on April 2, 2014 John and Grace Park applied for a new single-family residence to be located at 511 Brosian Way, a 2.2 acre vacant lot located within the City of Santa Barbara.

WHEREAS, the project received its initial concept review by the Single Family Design Board (SFDB) on April 7, 2014 at which time the Park's architect, Brian Cearnal, explained the primary goals of the project were to provide a residence with an ocean view and to have an accessible floor plan on a single level in order to enable the Parks' extended family to age in place.

WHEREAS, the SFDB further reviewed the project on June 16, 2014 and October 20, 2014. During the October 20, 2014 hearing, the SFDB granted an indefinite continuance with positive comments for the project to proceed to the Planning Commission for an action upon the project's application for a Coastal Development Permit.

WHEREAS, on November 6, 2014, the project was presented to the Planning Commission for consideration of the project's application for a Coastal Development Permit. As presented to the Planning Commission, the project consisted of a 5,886 square foot, two-story, single-family residence with an attached three-car garage, pool, spa and landscaping. This iteration of the project proposed 3,870 cubic yards of fill grading and 510 yards of cut grading.

WHEREAS, the Planning Commission voted unanimously (6-0, with Commissioner Bartlett absent) to find the project exempt from further environmental review pursuant to CEQA Guideline 15183 as a project consistent with the policies of a general plan for which an EIR was previously certified.

WHEREAS, the Planning Commission voted unanimously (6-0, with Commissioner Bartlett absent) to approve the Coastal Development Permit finding: 1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including hazards, views and public access as described in Section VI.B of the Staff Report dated October 30, 2014, and 2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Santa Barbara Municipal Code because the project will not increase hazards related to sea cliff retreat or

fire services, will not affect lateral access across the beach, will not impact public views, and is compatible with the neighborhood as described in Sections VI.B and VIII of the Staff Report dated October 30, 2014.

WHEREAS, on November 14, 2014, Patricia Foley, a neighbor to the project, timely filed an appeal regarding the Planning Commission approval of the Coastal Development Permit. Ms. Foley's appeal requested that the City Council require the applicant to: reduce the scope of the project, reduce the size of the proposed residence, design a house that is sympathetic to the neighborhood, lower the height of the building pad, and respect the City's hillside design guidelines. Ms. Foley enumerated 14 grounds supporting her requests:

1. The proposed grading of 3,870 cubic yards of fill exceeds the recommended limit of 500 cubic yards found in the City's Single Family Residence Design Guidelines.
2. The applicant failed to hand deliver notices to neighbors.
3. Portions of the lot within the recommended creek setback should not be included in the lot area calculation for purposes of calculating the floor to lot area ratio (FAR).
4. The size of the proposed residence is not compatible with the neighborhood.
5. Using fill to raise the building pad for the residence is not compatible with the neighborhood.
6. The project does not respect the Hillside Design District.
7. This is a flatland house being placed on an artificially created building pad.
8. The modern architectural style of the proposed residence is not compatible with the rural nature of the neighborhood.
9. The applicant's desire for an ocean view does not justify artificially raising the building pad 10 feet with fill grading.
10. The large walls of glass will be another series of lights lighting up the night sky.
11. The appellant rejected the comments of some Planning Commissioners that described the neighborhood as being in transition.
12. The project must comply with the City's Hillside Design Guidelines.
13. Allowing this proposal will create a negative precedent for other projects within the City.

14. The testimony of two persons who spoke in favor of the project should be discounted for self interest.

WHEREAS, on December 15, 2014, the project was presented to the Single Family Design Board for consideration of Project Design Approval. As presented to the Single Family Design Board, the project consisted of a 5,387 square foot, one-story, single-family residence with an attached two-car garage, one-car carport, pool, spa and landscaping. This iteration of the project proposed 3,560 cubic yards of fill grading and 600 yards of cut grading. The Single Family Design Board voted 5/0/1 (Bernstein abstaining) to grant Project Design Approval as submitted, finding that the Neighborhood Preservation Ordinance criteria were met with the following comments:

1. The Board finds the FAR appropriate for the neighborhood given that the project is on a 2.2 acre lot.

2. The NPO findings can be made as follows: the project provides consistency and appearance, it is in an eclectic neighborhood and there are other modern homes in the neighborhood; it is compatible in its size, bulk, and scale since there are many other homes above 4,000 square feet; the quality of architecture and materials is exemplary.

3. The Board made the grading findings that the proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and the proposed grading will not cause a substantial loss of southern oak woodland habitat.

WHEREAS, on January 5, 2015, Patricia Foley, a neighbor to the project, timely filed an appeal regarding the Single Family Design Board decision to grant Project Design Approval. Ms. Foley's appeal enumerated 14 grounds for her appeal:

1. The proposed grading of approximately 3000 cubic yards of fill exceeds the recommended limit of 500 cubic yards found in the City's Single Family Residence Design Guidelines.

2. The applicant failed to hand deliver notices to neighbors.

3. The applicant had not posted the City's notice of pending development on the project site.

4. The applicant's architect erroneously stated that the property is not located within the Hillside Design District.

5. City staff omitted two comment letters in opposition to the project from the materials submitted to the SFDB members at the December 15, 2014 meeting.

6. The comments of some of the SFDB members during the December 15, 2014 hearing indicated that they did not think it important to follow the Hillside Design District Guidelines and rather they were basing their decision on the needs of the applicant.

7. The project does not respect the Hillside Design District.

8. Using fill to raise the building pad for the residence is not compatible with the neighborhood.

9. The project must follow the Hillside Design District Guidelines.

10. Allowing the house to be built on a building pad raised 10 feet with fill grading will start a trend that is of concern to many areas of the City.

11. Allowing the house to be built as designed will encourage other designers to flaunt City guidelines.

12. The applicant's desire for an ocean view does not justify artificially raising the building pad 10 feet with fill grading.

13. The modern architectural style of the proposed residence is not compatible with the rural nature of the neighborhood.

14. The large walls of glass will be another series of lights lighting up the night sky.

WHEREAS, on January 26, 2015, 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 site planning, the scope of the proposed grading, and the proposed floor elevation; and

WHEREAS, on January 27, 2014, the City Council conducted a duly noticed public hearing on the appeal. The project design presented to the City Council on appeal was the project design approved by the Single Family Design Board on December 15, 2014. 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 PowerPoint presentation by the appellant detailing the grounds of her appeals;

3. A PowerPoint presentation by the Parks' architect, Brian Cearnal, 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 the chairs of the Single Family Design Board and the Planning Commission explaining their views on the Project design and the appeal issues.

5. Public comment from members of public, some of whom spoke in favor of the proposed project and some of whom spoke in opposition to the project.

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 decisions of the Planning Commission and the Single Family Design Board.

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, Planning Commission, 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 January 27, 2015 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. With respect to alleged incompatibility of the project with its neighborhood, using the criteria set forth in Evidence Code section 780, and in particular subsection (f), the Council finds that the appellant and her witnesses 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. Coastal Development Permit Findings. The Council makes the following findings pursuant to the Coastal Zone Ordinance, Santa Barbara Municipal Code section 28.44.150 A - B:

State Coastal Act Consistency. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including hazards, views and public access as described in Section VI.B of the Planning Commission Staff Report dated October 30, 2014.

Local Coastal Plan Consistency. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Santa Barbara Municipal Code because the project will not increase hazards related to sea cliff retreat or fire services, will not affect lateral access across the beach, will not impact public views, and is compatible with the neighborhood as described in Sections VI.B and VIII of the Planning Commission Staff Report dated October 30, 2014.

B. Neighborhood Preservation Findings. 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 proposed project is located within a neighborhood of varying architectural styles and the size of the proposed residence is consistent with the size of its immediate neighbors.

Compatibility. The proposed single family residence is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The Campanil Neighborhood and the Braemar Ranch sub-neighborhood have a variety of architectural styles, house sizes, and lot sizes. At approximately 95% of the maximum guideline FAR, the size of the proposed residence is within the city's adopted FAR guidelines. The proposed high-quality materials are appropriate for the neighborhood. While the amount of grading exceeds the general recommendation of 500 cubic yards found in the Single Family Residence Design Guidelines, the size of the lot and the manner of placement of the proposed fill is compatible with the neighborhood. The fact that finished height the proposed residence is less than the allowed building height within the zone, even when including the height of the fill under the building pad, factored significantly in the Council's decision.

Quality Architecture and Materials. The proposed building is designed with quality architectural details and quality materials.

Trees. The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed landscaping plan preserves the existing oak trees on the property and will add several new trees to the project site.

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. The applicant's voluntary willingness to consider the private views of the adjacent neighbors demonstrated the applicant's desire to be a good neighbor and was appreciated by the Council.

Public Views. The development, including proposed structures and grading, will preserve any significant public scenic views of and from the hillside. The project is located on a private street and will not be readily or inappropriately visible from public locations.

C. Hillside Design District Findings. The Council makes the following findings pursuant to Santa Barbara Municipal Code section 22.69.050 B. 1-2:

Natural Topography Protection. The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside because the fill grading merely continues topographical form of adjacent properties and the fact that the subject property is approximately 2.2 acres in size enables the amount of grading to be contoured on the building site in a natural manner.

Building Scale. The development maintains a scale and form that blends with the hillside by minimizing the appearance of structures and the overall height of structures. The proposed residence is of a single story design with a maximum building height of 23.5 feet including the height of the fill grading. This design minimizes the visual appearance and overall height of the structure when measured against the maximum building height allowed in the zone of 30 feet. The structure is located on a portion of the property that is level with adjacent residences.

D. Grading Findings. The Council makes the following findings pursuant to Santa Barbara Municipal Code section 22.69.050 C. 1-2:

1. The proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains due to the fact that the actual grading will be conducted in accordance with the City's erosion control best management practices and the final design of the grading and slopes will be subject to the highest level of erosion and siltation control measures under the City's Storm Water Management Program. In fact, some members of the Council opined that the post-project condition of the project will actually be more protective of the adjacent seasonal watercourse due to the implementation of the identified measures as compared to the current undeveloped condition of the property.

2. The proposed grading will not cause a substantial loss of southern oak woodland habitat. The project's landscape plan shows that the oak trees located on the property are to remain and will be protected during construction as required in the Planning Commission's conditions of approval.

E. California Environmental Quality Act Determination. The project involves the construction of a single family residence within an existing single family zone. The development of a residence on this existing vacant parcel is consistent with the policies of the City's 2011 General Plan Update for which an Environmental Impact Report was certified. City staff examined the proposed residence and determined there are no project-specific significant effects that are peculiar to this project. Therefore, pursuant to State CEQA Guidelines section 15183, the Council determines that no further environmental review is necessary and no unusual circumstances are presented by the location or nature of the project because of the careful design.

SECTION 5. The City Council hereby grants Project Design Approval for the project as depicted on the set of architectural plans received by the Community Development Department on December 10, 2014 and the set of Landscape Plans received by the Community Development Department on December 11, 2014, as presented to the City Council on January 27, 2015.

SECTION 6. The City Council hereby grants the Coastal Development Permit for the project subject to the conditions of approval recorded in Planning Commission Resolution No. 027-14.