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Santa Barbara City Council
City of Santa Barbara
De La Guerra Plaza
735 Anacapa Street
Santa Barbara, CA 93101
Hand-delivered to City Clerk office

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Dear Council Members:

This will inform you that the undersigned citizens and citizens group, Save Coast Village Road, are appealing the Planning Commission's March 20, 2008 decision to approve the proposed project to redevelop 1298 Coast Village Road (MST2004-0493), changing it from a gas station to a mixed-use building.

The Planning Commission's recommendation and decisions are arbitrary, capricious and the result of a failure to comply with the procedures required by law for a land use decision. The following is a summary of the deficiencies in the process and failure to comply with legal requirements and a more detailed list of concerns. If the required land use approval process had been followed, additional grounds for a required denial of the project may have surfaced. It is the duty of the City staff and the applicant to justify their proposed project. The members of the public do not have the burden of proof.

The project as described and proposed is out of character with the neighborhood as to both public and private views, privacy, size, bulk, scale, and design. As proposed and as approved, it violates the California Coastal Act, the Subdivision Map Act, the Environmental Quality Act, Zoning and Planning Laws of the State of California and the applicable requirements of the Santa Barbara Municipal Code. The process required by the Coastal Act and Regulations has not been followed in that the Coastal Act requires an open public hearing process based upon accurate notice and opportunities to be heard. The Coastal Act required the decision making process to study the impacts on the City and the unincorporated areas of the County located outside the City.

The City has not complied with the letter or spirit of the laws. Misleading, incomplete and inaccurate information has been provided by staff. Persons with conflicts of interest have been involved in providing "official" comments and have influenced both the design and proposed review process. The entire process for this project should be considered void and the only appropriate action is a denial. Descriptions in staff reports beginning with the Initial Study and continuing through the Planning Commission staff reports have been unrealistic. For example, to dismiss the impact on views as insignificant or minimal is unbelievable when placed in the context of the Coastal Act, the General Plan and the zoning restrictions on the size and bulk of buildings.

The involvement of persons with conflicting interests in the initiation of the zone change and the initial "comments" of the ABR, which have never been updated or reviewed, has prevented appropriate review and has given a false description of the site design, the size, bulk, scale and architecture.

Due process has been violated and evaded by lack of clarity and inadequate content of public notices and proposed impacts. For example, the requirements of setback ordinances and policies have been ignored and/or by-passed by purported approval of modifications without basis in law or facts. Failure to comply based upon ignorance or lack of knowledge of the law by City Planning Staff and the Office of the City Attorney is no excuse for inadequate notices and disclosures. Zoning ordinance requirements - applicable under the City Charter and the Coastal Act - have been dismissed as if they did not exist. For example, section 28.87.150 of the Municipal Code, which, based upon the rules of construction in the Zoning Ordinance, is entitled to preference over any other code section, was not part of any requirement, legal notice or staff report or presentation. Attempts to have it considered at the Planning Commission were wrongfully rejected.

Notices of hearings, meetings, and sessions of review bodies, including but not limited to the ABR and Planning Commission have been defective by failing to give notice of dates and times of meetings, applicable requirements and policies along with unrealistic and defective descriptions.

Staff is required by the spirit and letter of the applicable land use laws to present accurate and informed information and not to provide only the view of the project as desired by the Applicant or by persons under the employ or control of the Applicant. This requirement exists in the written reports, the conduct of public hearings, site visits and placement of story poles, which were intended to be informative to the public but were fully installed only for a short period of time while shorter poles were displayed for a longer period without informing the public that the poles were incomplete.

We are appealing all aspects of the Planning Commission's approval for many reasons, including but not limited to the following: 1) A zoning change from R-2 to C-1, where the parcel zoned R-2 was so zoned to act as a buffer from protecting the adjacent single family residence from the C-1 area. It is our understanding that individual economic circumstances are not a proper consideration for granting of such a zoning variance; 2) Three requested setback modifications, which have the effect of placing the proposed structure too close to Olive Mill Road, Coast Village Road and the adjacent residence at 115 Olive Mill Road; 3) An unmentioned fourth setback violation that fails to meet SBMC section 28.21.060 minimum setback requirements; 4) The proposed building would eliminate a major part of the best public mountain view from anywhere on Coast Village Road; 5) The applicant's traffic study is flawed, based mainly on conclusions drawn from studies of communities wholly unlike

Montecito/Santa Barbara and irrelevant to the gas station at the corner of Coast Village Road and Olive Mill Road. Further, the traffic study does not adequately analyze potential traffic going (and waiting to go) in and out of the sole driveway, on residential Olive Mill Road, to the on-site parking for eight condominiums with fifteen bedrooms and 5,000 sq. ft. of commercial space. All of this is on the already extremely busy corner with five stop signs and a freeway on-ramp entrance and eleven different lanes for cars, plus bike lanes; 6) The applicant's solar access calculations conclusions are flawed, not showing that the rear portion of the neighboring property and the adjacent office building at 1290 Coast Village Road will lose sunlight by the proposed three-story building; 7) The proposed building will add to the already seriously strained water resources of the Montecito Water District; 8) The building could meet the city's acceptable interior ambient noise level only by requiring three of the condominiums to have their doors and windows closed; 9) The proposed building, too bulky and tall and out of character for the location has been characterized as being "consistent with the surrounding neighborhood," but the term "surrounding neighborhood" has been incorrectly defined to mean only the neighborhood directly across the street and to the west; 10) The story poles showing the height and width and depth of the proposed building were erected for too short a period of time (the tallest ones were up barely overnight), not allowing enough local residents to see how big and bulky the building would be; 11) The requested modification to put open space on the second floor, which adds to the project's bulk, does not comply with the intent of the open space requirement; 12) Contrary to the California Environmental Quality Act, no Environmental Impact Report has been prepared and none has been requested by the city planning staff; 13) Three planning commissioners recused themselves from the final two public hearings and voting process, but they had participated in at least one prior site visit and an unknown number of discussions about the project (the application was submitted by the applicant in 2004). Two of the commissioners are or were employed by the applicant; one is currently the applicant's planning consultant.

Sincerely,



Jeff Farrell
Save Coast Village Road



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Phoebe Alexiades
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