

Friends of Outer State Street

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March 31, 2008

RECEIVED

City Clerk's Office
735 Anacapa Street
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MAR 31 2008
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CITY CLERK'S OFFICE
SANTA BARBARA, CA

Re: Appeal of Planning Commission actions on March 20, 2008, Item III
1298 Coast Village Road, all approvals including adoption of Negative Declaration

The Friends of Outer State Street ("FOOSS") appeal all of the Planning Commission's approvals and recommendations for approval of the referenced project, including the adoption of a Negative Declaration. The proposed development is the wrong project for this site, especially when it could not be approved without (i) a re-zoning from residential to commercial, (ii) granting of three or four zoning modifications and (iii) amending of the Local Coastal Plan for a specific project. A project could have been designed to conform to its land use requirements rather than so drastically changing the law and other land use requirements for a specific project.

FOOSS expressly appeals the approval of the Negative Declaration for this controversial, precedent setting project which would have significant adverse environmental impacts.

This proposed project is too much development in the wrong location on a site that is too small (0.41 acre). There was no meaningful attempt to live within the limits of the site as indicated by the number of zoning modifications and re-zoning needed to gain approval. The northerly portion of the project site is zoned R-2 (two-family residences) and forms a buffer for the adjacent single-family zoning and residences in Montecito. The proposed project is TOO MUCH ON TOO LITTLE IN THE WRONG PLACE. There may be a smaller project that is appropriate for this site, but the proposed project is not appropriate for the gateway to Coast Village Road.

FOOSS is concerned about over-development in both the Outer State Street area and throughout the entire City. FOOSS has an interest in the proposed development because it is not an appropriate project for the site and will set a bad precedent for both Coast Village Road and the rest of the City.

At this time, FOOSS will focus on following problems:

1. PROPOSED PROJECT VIOLATES CHARTER SECTION 1506

The northern portion of the property is now a buffer between commercial uses and buildings along Coast Village Road and the single-family zoning and residences in Montecito. It has been

zoning is removed. Santa Barbara City Charter Section 1506 limits building heights in two-family zones to 30 feet and states, in relevant part, that:

“It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. **Building heights are limited to 30 feet in areas zoned for single-family and two-family residences** *** .” (emphasis added)

It would violate both the spirit and intent of Charter Section 1506 to remove the 30 foot height limitation for a two- family zone by re-zoning that site to C-1, thereby removing existing Charter 1506 protections and overturning the will of the electors when they adopted Charter Section 1506.

2. THE ABR NEVER FOUND THE PROPOSED PROJECT COMPATIBLE WITH THE NEIGHBORHOOD

The Staff Report erroneously stated the proposed project was reviewed by the ABR and “considered compatible with the neighborhood” [Staff Report, p. 16 (last sentence) to p.17], but the ABR made no such determination during the only time it reviewed (concept) this project more than two years ago on November 14, 2005 (see Exhibit D to Initial Study). Moreover, the minutes for that meeting concluded “It is understood that the project was not noticed” which indicates that the ABR did not receive adequate comments and input from those individuals and groups that would have opposed the project.

3. INITIAL STUDY ERRORS - VISUAL IMPACTS

The Initial Study incorrectly states the facts in many places. In reference to Scenic Views, it concludes:

“The visual change resulting from the proposed project would not substantially obstruct any important visual resources as viewed from public vantage points and would not be visible from Highway 101; therefore, the impacts to scenic views would be less than significant.” (Initial Study, page 6, second full paragraph)

We were amazed by that fallacious assertion because it was so easy to see the views that would be destroyed when one viewed the short lived story poles. The proposed project would be clearly visible from the Olive Mill off-ramp (part of 101) and would block mountain views. It would also destroy views of the Santa Ynez Mountains from Coast Village Road, Jameson Lane and Olive Mill Road. The Initial Study did not use story poles but relied on simulations (apparently provided by the developer). The pictures that were used were taken from very selective distances which would not destroy or significantly impact mountain views.

4. TENTATIVE MAP SHOULD NOT BE APPROVED BECAUSE THE PROJECT IS INCONSISTENT WITH THE ZONING AND GENERAL PLAN

In order to approve a Tentative Subdivision Map in the City, that Map must be consistent with the both the zoning and General Plan and comply with other laws (such as City Charter). The

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Noise Element of the General Plan establishes a maximum noise level of 60 dBA. However, the Staff Report states that the levels in the area range up to 65 dBA (Page 13, Item 6). Hence, Staff has conceded that the proposed project does not comply with the Noise Element of the General Plan which would require denial of the Tentative Subdivision Map.

A re-zoning and three or four zoning modifications would be needed for approval of the proposed project. The proposed project is not consistent with the zoning and the granting of zoning modifications does not make it consistent for the purpose of approving a Tentative Map. Moreover, the proposed project would not comply with the Charter height limitation of 30 feet. The proposed project does not come close to complying with the zoning. Granting three or four modifications and re-zoning this property in order to approve this project would make a mockery of the zoning laws in Santa Barbara.

5. AN EIR SHOULD BE PREPARED FOR THIS PROJECT

Before there are any approvals related to this project, an **independent** Environmental Impact Report ("EIR") should be prepared for this project concerning at least aesthetics, blockage of views, traffic, noise and water resources. There were numerous major errors in the Initial Study. The Initial Study also relied too heavily on reports submitted by the developer. Little, if any public notice, was given of the so-called "environmental review" until the project was to be considered by the Planning Commission. An EIR would restore public confidence concerning the review of this project and give some transparency to this project.

It is our hope that the open process for an EIR could expose these errors and other significant adverse environmental impacts with sunlight so that they could be fully and fairly evaluated. Moreover, an EIR would have to evaluate alternatives which might provide an acceptable project for this site. There are too many controversial and controverted issues to proceed any further without an independent EIR.

We hope that all approvals for this Project are denied and that the Planning Commission make it clear that before this project proceeds any further that it be required to be evaluated in an EIR before any further approvals are considered. There are too many exceptions and questions relating to this Project to grant any type of approval. There is nothing in the law that requires granting these discretionary approvals. To the contrary, the law prohibits granting these approvals. Moreover, the controversy surrounding this project requires the preparation of at least a focused EIR.

Save the charm of Coast Village Road by granting the appeals, denying the requests to (i) rezone the residential buffer parcel to commercial and (ii) amend the Local Coastal Plan, thereby rejecting the proposed project.

Submitted by.
Friends of Outer State Street