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MAR 05 2009
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CITY CLERK'S OFFICE
SANTA BARBARA, CA

March 3, 2009

Re: 1298 Coast Village Road Re-development Project

Mayor Marty Blum and City Council Members
735 Anacapa Street
Santa Barbara, CA 93101

Dear Mayor Blum and Council Members:

We are writing to express our surprise and dismay that the Architectural Board of Review is prepared to approve the 1298 Coast Village Road project in spite of your specific direction to the ABR to reduce the project's apparent size, bulk and scale with emphasis on compatibility with the Olive Mill neighborhood.

The revised plans change the size, bulk and scale very little. It appears that a total of 74 square feet have been taken from the gross residential area and 200 square feet from the commercial space. It still has a third story and a height and thickness that are excessive for its location and small parcel size. It is not in any way compatible with the Olive Mill neighborhood – a residential (no longer rural but certainly not urban) street with mainly single-story houses and no sidewalks or street lights.

At the initial and lengthy, thorough City Council appeal hearing on this project last August, we were encouraged that every City Council member objected to the proposed design that had been approved by the Planning Commission, especially criticizing the size, bulk and scale and lack of compatibility with the Olive Mill neighborhood. Mayor Blum and Council Members Falcone and Francisco went so far as to object to the third story, but the remaining Council members said they might be open to a modified third story.

Here are some of your comments, taken from the transcript of the hearing.

Council Member Horton: "I do find I would like to see the project at a lesser bulk. It... just consumes too much bulk for me to feel confident that it's the right project for that corner. I would be very interested in seeing if the designers could work with the ABR and come up with... a project that would be less intrusive on the corner and would fit better, I think, with the neighborhood. I'm not totally opposed to the third floor if it can be redesigned in such a way as to be less bulky...."

The goal is to have real clear direction (to the ABR). And if there were an appeal, one would expect it to be that they weren't consistent with the direction (from the Council)."

Council Member Falcone: “So the main issue for me with this particular building is its size, bulk and scale....For me, it’s just too big. I can’t go for the third story. It changes the dynamic.... I just...can’t go for it...I just can’t make the findings of compatibility and the modifications.”

Council Member House: “...There’s something that we just can’t overlook...the appearance of the bulk of the building.... The theme that I get from the neighborhood, from the community is a concern about the...appearance of the size of the structure and so that worries me.

The question is compatibility with the adjoining neighborhood, and that has come up loud and clear and we hear it over and again....”

Council Member Francisco: “ So, I think what this really comes down to is...the size, bulk and scale. That’s really what this is about and it’s really what it’s been about from the beginning....The ABR only saw this project once and, as they noted, it was not publicly noticed.... So perhaps the solution here is, as Mr. Horton suggested... very strong direction to the ABR that size, bulk and scale has to be reduced and the compatibility on the neighborhood side is...the urgent item that needs to be addressed.”

Council Member Schneider: “...I think everyone I’ve heard, in one way or another, would like to see something nice there. They just want to make sure it fits in with what they viewed as compatibility....I do think that the issue of shrinking things in a bit through the Architectural Board of Review, creating less massing, might be a way to go. Am I willing to say yes or no to the third story? I ...don’t know if that’s really going to answer the concern that I’m hearing....it sounds like the best way to go would be to send a strong message to the Architectural Board of Review....to really try to shrink it back quite a bit, in terms of the apparent massing.”

Council Member Williams: “I do agree though that...it’s still a little big and I think there’s something that could be done about that.... I would advocate that we deny the appeal, re-zone the project, but mandate that the second floor setback modification is denied, suggest that ABR get rid of the tower and essentially send this back to ABR for the final design.”

Mayor Blum: “If you take that third story off, the building, I think, looks better.... It’s bulky.... I think we’re all kind of saying the same thing....the rear yard modification and the third story is real problematic....”

On a four to three vote you ultimately approved the project in principle but sent it to ABR with specific direction “to work with the Applicant to reduce the apparent bulk of the building with emphasis on compatibility with the ...Olive Mill Road neighborhood.”

The transcript of the hearing makes it appear that your strong feelings were watered down in the resolution that was sent to the ABR. In fact, Mr. Francisco attended one of the

ABR meetings and he, himself, recognized aloud that what was being discussed at that meeting did not accurately represent what was actually said at the August City Council appeal hearing.

If the project is built as now approved it will set a precedent for Coast Village Road. Other land owners will naturally feel entitled to construct over-sized buildings, and the village atmosphere could be lost to a lower Chapala-type development. This building alone, with its size and bulk, is already a short-term and a long-term detriment to our precious small-scale niche enhanced by public vistas. What's more, should this building be approved, the approval process itself could set a precedent for future City Council, ABR and Planning Commission hearings.

Let us reflect for a moment. Planning Commissioners who later, at the end of the Commission's examination and approval process, had to step down from hearing this project due to their relationship with the developer and/or investors/lawyers actually voted on it previously, while in their same positions. It was only when relationships were made public that these planning commissioners stepped down.

Community associations who have simply *received* letters and opinions (unlike any public relations firms that *searches* for letters and opinions) have heard from their members to such a degree that these associations have asked you to either deny the project's approval or, at the very least, significantly reduce its size, bulk and scale.

As of August, you seemed to agree with this community feedback for reduction. But your direction to the ABR got diluted and now has not been followed. Less than 300 square feet is hardly the reduction the community requests and your comments suggested. None of this reflects well on the City and its processes, and, ultimately, it will be the community of Montecito and the City's Coast Village Road area that will suffer. At this time we humbly ask that you please lead this project and our community in a proper direction.

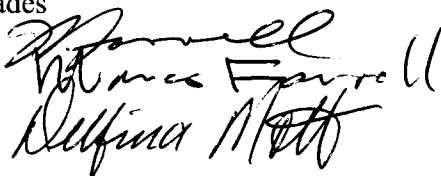
Sincerely,

Phoebe Alexiades

Jeff Farrell

Marco Farrell

Delfina Mott

The image shows three handwritten signatures in black ink. The first signature is for Jeff Farrell, the second is for Marco Farrell, and the third is for Delfina Mott. The signatures are written in a cursive style and are positioned to the right of the printed names.

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Tony Fischer
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CITY CLERK'S OFFICE
SANTA BARBARA, CA

March 4, 2009

Mayor Marty Blum and Members of the City Council
City of Santa Barbara
City Hall
Santa Barbara CA 93101

**Re: Notice of Appeal of ABR granting of a preliminary
approval on February 23, 2009 for 1298 Coast Village Road**

Dear Mayor Blum and Members of the City Council:

The undersigned represents Protect Our Village (POV). POV is a California non-profit membership organization dedicated to orderly and responsible community planning and development in the Coast Village Road neighborhood in Santa Barbara. Some members of the POV reside in Santa Barbara, in the vicinity of the project. POV files this appeal of the granting of a preliminary approval on its own behalf, for its members, and in the public interest. POV has participated in the public meetings of the Architectural Board of Review and has submitted written and oral comments, as have many others, related to the proposed excessive and inappropriate development at 1298 Coast Village Road.

This appeal is based upon the following:

1. This three story project is excessive development not consistent with the standards and good design expected in the City of Santa Barbara and particularly at this entrance to the City. As proposed, it is too big, too tall and eliminates and sacrifices significant views of the mountains to achieve an inappropriate development. It creates a horrible precedent for the future development in the area and ignores the expressed desires of the residential and business interests in the area.
2. The design of a project is required by the policies expressed in the adopted Local Coastal Plan and other adopted policies and guidelines of the City to be compatible with the existing neighborhood. It is not.
3. There is a long established neighborhood pattern which is still desired by the area as evidenced by the standards adopted by the Coast Village Road Association. This project violates that neighborhood pattern. The Association, after conducting public meetings, has advocated for a 30 foot height limit and a maximum of two stories for buildings fronting on Coast Village Road.

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4. It violates the standards for approval of design as set forth in the Charter, the Guidelines and the historical standards of the City of Santa Barbara which calls for well designed buildings which are suitable for the location and the neighborhood.

5. It is inconsistent with the pages 70-71 and 76-77 of the Land Use Element of the General Plan and the Local Coastal Plan as amended in July, 1994 which describes the area as appropriate for providing services to visitors and freeway travelers.

6. The proposed blocking of the views of the mountains is directly contrary to the requirements of the Coastal Act as expressed in *Public Resources Code section 30251* which states:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.”

6. The proposed project violates the standards of the community. Coast Village Road Association calls for 30 feet maximum height on Coast Village Road a maximum of two above ground floors and a Floor Area Ratio consistent with the 30' height limit and the limit of two floors above grade.

7. The design needs significant changes before it is acceptable:

a. The below ground parking garage is not well designed to maximize the parking and thereby eliminate most, if not all, of the ground level parking. The third level of the building could be greatly reduced, if not eliminated by maximizing the use of the below ground parking and/or by some reduction in square footage to be more consistent with neighborhood standards. Elimination of the third floor would improve the “green” objective because an extra level increases use of materials and cost of construction and results in higher heating and cooling costs. The entrance to the ground level parking is from the driveway leading into the below ground parking. The turn into the above ground parking is through an opening only large enough for one way traffic. That is not consistent with accepted traffic engineering standards and City guidelines. It will likely not be adequate and will cause conflicts with the movement of traffic out of the below ground parking garage. It is requested that these matters be carefully reviewed by experts before approval and not at the end of construction as was done for the recent Granada Garage. Despite repeated

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statements by the architect for the Applicant that the alternate plans were carefully reviewed and rejected by City Transportation staff and the Applicant's expert, the more recent proposal did not exist at the times the Architect and the City's Project Planner claim the proposal was reviewed. In other words, the assertion that this plan was reviewed is not believable.

b. The use of two levels for each condominium unit causes the waste of space for stairwells to have access within the units. With each unit on one level, the inefficient use of space for stairwells is eliminated. It is common sense that one level units use less energy to heat or cool. The elimination of stairwells results in being able to use that wasted space for residential use and elimination of considerable bulk from the building. Each stairwell consumes approximately 100 square feet per floor per unit. Elimination of eight stairwells reduces/saves approximately 1600 square feet.

8. In granting preliminary approval, the ABR ignored the direction intended to be forwarded to ABR by Council Member House and the other City Council Members who had supported the project on appeal from the Planning Commission back on July 15 and August 19, 2008. The City Council directed that ABR undertake to **substantially** reduce the apparent bulk of the building. The motion passed 4-3. The request to have the ABR directed to pursue the substantial reduction in the apparent bulk was expressed in the approved Minutes of the Meeting of the City Council dated July 15, 2008 and approved on August 5, 2008. That direction was again confirmed in the discussion regarding those minutes and the Council reiterated the direction as it made the motion to approve the Resolution on August 19, 2008.

The ABR disregarded the City Council direction because the ABR was directed by City Attorney Stephan Wiley, City Planner Bettie Weiss, Project Planner Peter Lawson and Processing Supervisor Jaime Limon to disregard the desire of the City Council to undertake a **substantial** reduction in the apparent bulk as expressed during those City Council meetings. In a rare personal appearance at an ABR meeting, the City Attorney directed the ABR to only look to the words in the "Resolution" and to ignore all others. He directed the ABR to ignore the wording of the Approved Minutes of the City Council or the words expressed during the City Council meeting leading to the approval of the Resolution. This was the only meeting of the ABR attended by the City Attorney and by the attorney representing the Applicant. At subsequent meetings, that direction was echoed repeatedly by the Staff Planner and on one occasion by Bettie Weiss, City Planner, who came apparently for the express purpose to remind the ABR members of the direction provided by

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the City Attorney. The ABR action reflects their compliance with the direction of the City Attorney and staff as opposed to the direction desired by the City Council.

These pro-developer communications interfered with the ABR's review of the project as required by the City Charter and the adopted regulations and also interfered with the desire, as expressed at two City Council meetings, to have the ABR pay special attention to the bulk of the building and to substantially reduce the apparent bulk.

Compared to the project forwarded to ABR for changes, the project proposed at the last meeting of the ABR:

- a. Continues to be three stories above ground with no reduction in height.
- b. Has no perceptible change in the amount of residential square footage.
- c. The building will continue to block significant views intended to be preserved.
- d. While the interior courtyard has been reduced in size and one side of the top floor has been shifted and roofed balconies partly replace solid walls, the impact on blockage of views is not changed.
- e. The north elevation visible from the residential properties had at one time a break in the continuous walls at the second and third story levels. The current plan has more apparent bulk because separation has for all practical purposes been eliminated.
- f. Continues to be incompatible with the neighborhood on all sides.

9. The project's negative impacts have not changed from the project forwarded for review by the ABR. It was always assumed by the members of the neighborhood and the community that the architect would be able to design an attractive building with the help of the ABR. It is the size, bulk and scale at this location which violates the design standards of the City.

10. During the years that this project has been pending, the perceived unmet demand for market rate condominiums and the real estate market has changed. It is not appropriate to sacrifice this important location to provide more market rate condominiums.

11. It should be noted that the drawings as submitted to ABR and likely viewed on TV are misleading. While it is logical to expect the Architect to attempt to bring to the ABR a presentation of the building which gives the best chance at approval, it is not expected that

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the shading of the drawings mislead the viewer as to the true impact of the size, bulk and scale. In particular, the north elevation, as depicted in the drawings, appears as two towers or separate buildings above the parking level with a significant view opening between them. However, that is not accurate because the opening between the two has been greatly diminished

12. The lack of neighborhood compatibility violates the expressed goals of the ABR as expressed in the Architectural Board of Review Guidelines. .

13. The project violates the City policy to promote use of solar and to protect the ability of property owners to use solar by placing a tall building next to the residential use.

14. As noted at the last ABR review, the construction of the underground parking will necessitate the cutting away of the soil which supports the existing hedge.

15. The process of review by the ABR was flawed:

A. ABR discretion was controlled and limited in a manner inconsistent with the powers granted in the Charter and the direction given by the City Council. See the previously mentioned interference in the process by the City Attorney and staff. (Paragraph 8 above.)

B. Personal meetings took place between the applicant/agent and individual members of the ABR. While it was stated that some meetings took place, the topics discussed and the information or understandings reached were not revealed. From the tapes, it appears that the applicant and the individual members reached an understanding regarding acceptable changes to the project which would result in a positive vote. Attempts by others to meet with individual ABR members were not responded to. It is not a fair process when only the applicant is afforded personal meetings with the individual members of the Board.

C. Minutes of the meetings do not reflect accurately what was presented at meetings of the ABR. Some written correspondence was noted, others was not. Some comments made to the Board were detailed, others were not. Some letters were merely inserted into the file and it is unclear what documents were even presented to the Members of the ABR. It is noted that all emails between staff and Applicant are public record and should be disclosed and not deleted or destroyed.

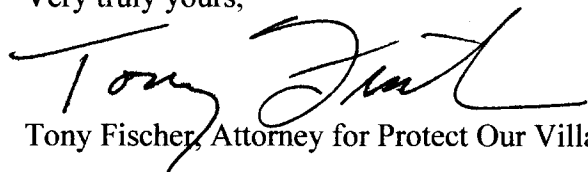
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D. Photos presented at ABR meetings and some drawings are not in the file. The Administrative Record is therefore not complete.

E. The initial comments at concept review of the project in 2005 by the ABR had expired long before the project was submitted to Planning Commission and City Council. In addition, those comments included participation by an architect who later revealed that he had been hired by the Applicant on another project prior to the ABR concept review. That architect, later appointed to the Planning Commission, then revealed he needed to recuse himself due to a conflict of interest. It is further noted that one ABR Member voiced favorable comments about the project at the first meeting after the project returned to ABR. She later announced she needed to step down due to a conflict of interest.

In conclusion, there continues to be significant public opposition to an overly large project. While not as tall as the bloated buildings on Chapala Street, the size is inconsistent with the neighborhood and will have a similar negative impact and reaction. It is requested that the City Council make the changes necessary to make the project acceptable.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tony Fischer". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Tony Fischer, Attorney for Protect Our Village.