



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 2, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Architectural Board Of Review Preliminary Approval Of 1298 Coast Village Road

RECOMMENDATION:

That Council deny the appeals of Save Coast Village Road and Anthony Fischer, Attorney, representing Protect Our Village, and uphold the Architectural Board of Review's Preliminary Approval of the mixed-use development at 1298 Coast Village Road.

EXECUTIVE SUMMARY:

On February 23, 2009, the Architectural Board of Review granted preliminary approval by a vote of 8/0/0 (ABR member Sherry stepped down) of the mixed-use project located at 1298 Coast Village Road. The project was reviewed over the course of four hearings after the City Council approved the project on appeal, on July 15, 2008. At each of the ABR hearings, several people spoke in opposition to the project in general and to specific design elements, as well. Members of the public also objected that the direction that the City Council provided in their resolution was not being followed. The written minutes from the City Council hearing last July erroneously included the word "substantial" in the Council motion directing the applicant to reduce the size, bulk and scale of the project along Olive Mill Road. This error was pointed out by Councilmember House at the City Council meeting of August 19, 2008 when the City Council adopted a resolution containing its findings concerning the 1298 Coast Village Road Planning Commission appeal. Staff informed the ABR of this error when it became a point of contention at the ABR hearing. In addition, the City Attorney provided the ABR with a copy of the City Council's findings resolution and advised the ABR that they should consider the Council resolution to be the "controlling" direction from the City Council to the ABR. As part of the appeal, the appellant is objecting to staff correcting this error as undue influence on the ABR members.

The appeal submitted by the two parties (Attachment 1) on March 5, 2009, reflects the comments stated at the ABR hearings, and also includes objections to the ABR process,

development of residential condominiums and general plan consistency. This report will address issues raised by both of the appellants related to the ABR review and will also address the changes the applicant incorporated into their project to receive a unanimous preliminary approval by the ABR. In summary, staff is of the opinion that the ABR reviewed the project consistent with Council direction, the City Charter, and Ordinances, and thus found the project consistent with the appropriate design guidelines. Additionally, all interested parties were afforded the opportunity to provide input and took the opportunity to provide oral and written testimony at each of the hearings. Therefore, staff recommends that Council deny the appeals and uphold the Architectural Board of Review Preliminary Approval.

PROJECT DESCRIPTION

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed-use building. The new 17,270 square foot mixed-use building would be composed of eight residential condominiums and approximately 4,800 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Six residential units would include two bedrooms and two units would include one bedroom each. 36 parking spaces are provided, with 8 covered parking spaces located at grade level and 28 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot site is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The City Council approved a rezone of the portion of the subject property zoned R-2 and it is now pending at the California Coastal Commission. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request

DISCUSSION:

Background

City Council Approval

The project was approved by the Planning Commission on March 20, 2008 and that decision was appealed to the City Council. The City Council approved the project, with the exception of part of a Modification, on July 15, 2008. The Council provided direction to the Architectural Board of Review to work with the applicant to reduce the size, bulk and scale of the project. Resolution Number 08-084, which was adopted by Council on August 19, 2008, included specific direction to the ABR that the scale of the project along Olive Mill Road is to be reduced, to allow a transition into the adjacent residential neighborhood. By approving the project, the Council found it to be consistent with the General Plan, the Local Coastal Plan and the Zoning Ordinance. Additionally, the Negative Declaration

prepared for this project, which concluded that there were no significant impacts, was adopted and certified by the City Council.

Architectural Board of Review (ABR)

The ABR reviewed the project over the course of four meetings (Attachment 2) before taking action. The first ABR meeting on October 20, 2008 was a conceptual review of the project, which was centered on the Board reviewing the changes to the project since their last review on December 14, 2005. The majority of this hearing was spent on public testimony and reviewing both the Planning Commission and City Council resolutions. The next two hearings focused on reducing the mass on all elevations.

Prior to the first ABR hearing, after the Council approval, the applicant had revised the plans to show a greater setback of the second and third floors from Olive Mill Road. The Board considered this change to the elevation and provided direction on other elevations. Several Board members focused on the north elevation, facing the residential neighborhood, and were concerned with the building face not having enough relief to transition into the neighborhood. Solutions to provide relief included using wrought iron railings instead of solid railings, landscaping, and a trellis. Along the western elevation, the third-floor roof line was broken up and set further back in some areas. On the second floor, contrasting rooflines were added. At the fourth hearing, the Board determined that the development massing was sufficiently reduced. By granting Preliminary Approval of the project, the ABR found the project consistent with all applicable design guidelines, as well as the City Council resolution.

Appeal Issues (Note: The appeal concerns raised by the two appellants will be grouped and given a staff response on an issue-by-issue basis):

1. *The project violates the long established neighborhood development pattern and it continues to be incompatible with the neighborhood on all sides. The project creates a horrible precedent for future development.*

In granting preliminary approval of the project, the ABR found the project compatible with the surrounding commercial and residential neighborhood, due in part to the development's scale being less than the ordinance allows. The Board appreciated the pedestrian-friendly entrance into the commercial space and provided comments on improving the landscaping between the public sidewalk and the building. The Board considered all elevations for neighborhood compatibility, including directing the applicant to provide more relief of the western elevation, which faces a commercial parking lot.

When discussing the precedent of a project, it should be noted that public hearings, including appeals of projects, aid in setting the tone for future development of an area. The project was reviewed at three Planning Commission hearings and at one City Council hearing, which resulted in the elimination of one Modification and the reduction

of a second Modification, along with direction to reduce the size, bulk and scale along Olive Mill Road. Finally, the long established neighborhood of Olive Mill Road and Coast Village Road is almost built out. Because Coast Village Road is almost built out and because some of the existing development is legal nonconforming under the current zoning for either setbacks, height, and/or parking to name a few, it would be difficult for this project to create a precedent for future development.

2. The below grade parking is not well designed to maximize the parking. If the below grade parking lot is maximized, the on-grade parking could be eliminated. The entrance to the on-grade parking is not adequate. The development of the underground garage will impact the existing ficus hedge.

It is staff's position that Council did not direct the applicant to consider a revised parking plan with no on-grade parking component. The underground parking lot, approved by Council as part of the overall project, was reviewed by the Transportation Planning Division of Public Works on several occasions, including in response to this appeal. Transportation staff determined that the layout of parking spaces under the current proposal is consistent with current parking design standards. With the changes to the footprint of the building in response to both the Planning Commission and the City Council approvals, the access to the on-grade parking lot continues to meet the minimum access requirements. Transportation staff reviewed the proposed at-grade parking entrance in response to a letter submitted at the last ABR meeting in February and provided suggestions to the applicant to improve the entrance. The applicant has agreed to provide a wider entrance, which will provide better visibility and maneuvering.

The location of the underground garage has not changed since the previous appeal was heard at Council last July. As stated at that hearing, the arborist for the applicant determined that the ficus hedge will be minimally impacted and the conditions of approval for the project include provisions to replace the hedge in the unlikely event it should be damaged.

*3. In granting approval of the project, the ABR ignored the direction intended to be forwarded to ABR by Council Member House and the other City Council Members... City staff members directed the ABR to disregard the City Council's direction to **substantially** reduce the bulk of the project... The pro-developer comments interfered with the ABR's review of the project as required by the City Charter... The ABR discretion was controlled and limited in a manner inconsistent with the powers granted...*

The ABR was provided the adopted City Council resolution and the draft Planning Commission resolution. The ABR reviewed and required changes on all elevations, floor plans and the landscape plan. Additionally, the appellant attended all four hearings, as well as the hearings that involved adoption of the minutes involving the project, and provided comment at each hearing.

Members of the public who opposed the project stated that the resolution did not accurately reflect the minutes of the City Council hearing. Unfortunately the written minutes included the word "substantial" in the motion made by Councilmember House. This was an error. When reviewing the written minutes and the video simultaneously, it is very clear that Council member House in his motion did not state the word "substantial" regarding the reduction of the bulk of the building. Mr. Derek Westen, attorney for a neighbor opposing the project, provided a transcript of the July 15, 2008 City Council hearing to staff, and it includes the dialogue leading up to and through the motion to deny the appeal. The certified transcripts that Mr. Westen provided also did not include the word "substantial."

The ABR discretion was not limited, and the ABR conducted its review as allowed under the City Charter. The ABR is experienced in taking direction from decision-makers, and knowledgeable in requiring design changes to reduce size, bulk and scale. Although this project did not use the recently adopted compatibility criteria, the same design principles apply. Thus in granting preliminary approval, the ABR found the project consistent with the design guidelines and the Council resolution.

While the height and square footage of the building did not change, a number of components (Attachment 4) were rearranged to reduce the massing and increase the setback from the property line. This included placing all, except one, of the patios on the outside perimeter of the building. This allowed the interior space of the building to be reduced and a greater setback for the second and third floor of the west and Olive Mill Road elevations. Solid stair and patio railings were changed to wrought-iron railings. Along the Coast Village Road elevation, the colors and materials differ along the façade to provide an appearance of several buildings constructed at one time. Finally, during their deliberation, the City Council carefully considered that their direction to the ABR in the resolution (Attachment 5) to reduce the overall bulk not be so specific that it did not provide the Board options. Thus, the resolution did not state that the third floor should be removed, that a specific amount of square footage should be eliminated, or a particular height should be achieved.

4. The process of review by the ABR is flawed. ABR discretion was limited. Personal meetings took place between the applicant and individual members of the ABR. Minutes of the meetings do not reflect accurately what was presented.

As a general rule, discussions outside of the noticed hearings are discouraged. However, the architect for the project contacted three members of the ABR: Paul Zink, Carol Gross, and Chris Manson-Hing. Board members contacted staff and stated on the record that they had spoken to the architect. The purpose of the contact was to clarify some points of the project, in light of the project's long history. Also, the architect changed the plans to reflect the Council decision prior to the first ABR hearing after the appeal. This proved a challenge to describe the plans Council considered and the revised plans being presented to the ABR to determine consistency with the Council resolution. Neighbors of the project also requested through staff that they wanted to

meet with all of the ABR members and that request was passed to all of the Board members; however, the Board members chose not to have meetings with the neighbors.

All written correspondence received is retained in the file as a public record. While the Chair of the Board does state that the public comments should focus on the project, many times these comments can include neighbor relations, past discretionary approvals or other statements not related to design review. The summary of public comments in the ABR minutes is intended to be a brief itemization of the statements from interested parties, and it was never intended to be a complete transcription of the hearing. If some comments were more detailed than others it was unintentional and members of the public can view the entire hearing online or obtain a recording of the hearing.

CONCLUSIONS AND FINDINGS:

The Architectural Board of Review recognized that this project is an important corner of Coast Village Road, which serves as a gateway into both the commercial area and the Montecito Community residential area. The Board heard the concerns of the neighbors, as well as the Montecito Association regarding the project and carefully considered all information to arrive at a decision. The ABR carried out their review of the project consistent with Section 814 of the City Charter, which states, in part, that they shall review and approve, conditionally approve, or disapprove applications for a building permit for the erection or exterior alteration of any type, nature or kind of building. Staff supported the Board in their review of the project by providing accurate information as requested and did not restrict their review. Adoption of the minutes of each of the four hearings took place in a public forum, which allowed proponents and opponents an opportunity to provide input on what occurred at each meeting. Therefore, staff recommends that Council deny the appeals and uphold the ABR preliminary approval.

NOTE: Project plans have been separately delivered to the City Council for their review and are available for public review in the City Clerk's Office:

- ATTACHMENTS:**
1. Appellants' (Save Coast Village Road and Protect Our Village) letters dated March 3, and March 4, 2009
 2. ABR minutes dated October 20, 2008, December 15, 2008, February 9, 2009 & February 23, 2009
 3. Site Plan
 4. Table contrasting building changes
 5. City Council Resolution 08-084 ABR Excerpt

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PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



RECEIVED

MAR 05 2009
2:15pm 98
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

Handwritten signatures of Jeff Farrell, Marco Farrell, and Delfina Mott. The signatures are written in black ink and are positioned to the right of the printed names.

RECEIVED

MAR 05 2009

Tony Fischer
Attorney at Law
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Santa Barbara CA 93105
805 563 6784
fischlaw@cox.net

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.

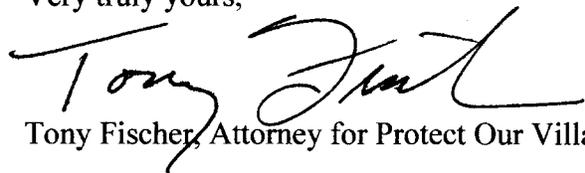
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D. Photos presented at ABR meetings and some drawings are not in the file. The Administrative Record is therefore not complete.

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.

CONCEPT REVIEW - CONTINUED ITEM**4. 1298 COAST VILLAGE RD****C-1/R-2/SD3 Zone**

Assessor's Parcel Number: 009-230-043
 Application Number: MST2004-00493
 Architect: Jeff Gorrell
 Owner: Olive Oil & Gas L P
 Applicant: John Price

(Proposal to demolish the existing gas station and service bays and construct a new three-story, mixed-use building on an 18,196 square foot lot. The 16,992 square foot building would include 4,800 square feet of commercial space on the ground floor and 12,192 square feet of residential space on the second and third floors. The residential component would include 8 units, which would include two one-bedroom and six two-bedroom units. A total of 36 parking spaces are proposed to include 19 commercial spaces and 17 residential spaces. A total of 11,000 cubic yards of cut and fill is proposed. Project received Planning Commission approval, with conditions, on 3/20/08 and City Council approval on appeal, with conditions, on 7/15/08 for a Local Coastal Plan Amendment, a Zone Change, a Tentative Subdivision Map, a Coastal Development Permit, Development Plan Approval, and Modifications. The project requires compliance Council Resolution No. 08-084.)

(Second Concept Review. Project requires compliance with City Council Resolution No. 08-084.)

(5:23)

Present: Jeff Gorrell, Architects, Sam Maphis, Landscape Architect, John Price, Owner, and Peter Lawson, Associate Planner.

Staff comments: Mr. Lawson reviewed a memorandum provided to the Board that summarized City Council Resolution, City Council minutes, and the Planning Commission minutes. Additionally, the City Council, on appeal, approved a three story building and provided direction in their Resolution to eliminate a second floor Modification along the north elevation, to restudy the tower element, to work with the Board to reduce the apparent bulk of the building with emphasis on compatibility with the Olive Mill Road neighborhood and study the relationship between the second and third floor setbacks to reduce the apparent bulk of the building.

Public comment of *action* minutes opened at 6:02 p.m.

The following members of the public spoke in opposition:

Michael Vance, Charles Crail, John Wallace, Harry Wallace, Sandy Wallace, Bill Horstman, Robert Burnap, Jim Fabio, Phoebe Alexiades, Jeff Farrell, Juesgen Behr, Tom Bollay, Danny Capris, Roxanne Nomvia, Robert and Kathleen Lorrain, Chris Wilkinson, Tony Fischer for Jim Westby, Delfina Mott, Marco Farrell, Bill Palladini (President of Montecito Association), and Derek Westen, Attorney (an email letter and identical hard copy letter were also acknowledged from Derek Weston).

An opposition email from Jean Von Wittenburg was acknowledged.

An opposition letter from Paula Westbury was acknowledged.

Mr. John Wallace also provided the Board with a copy of City Council minutes from the July 15, 2008, City Council meeting.

The following members of the public spoke in support:

Rob Vance, Leone Murphy, David Pintard, Ed Edick, and Linda Wellner.

Public comment closed at 7:05 p.m.

Dale Francisco, City Council ABR Liaison, clarified City Council action and comments from the final approved minutes at the July 15, 2008 City Council meeting. Mr. Francisco indicated that Council's final motion was to uphold the Planning Commission decision which passed by a 4 to 3 vote. Mr. Francisco read into the record the actual Council minutes. He was in the minority citing his reason for opposing the motion and that some Council members did not want a third floor. The majority of the Council did agree that the apparent mass, bulk, and scale of the project needed to be reduced. Council was reluctant to tell the ABR how to do these reductions.

Staff comments: At the request of the ABR, Mr. Lawson explained the previous actions and changes made by the Planning Commission. Mr. Lawson also reviewed the final minutes and read comments made by Planning Commissioners at their March 20, 2008 meeting.

Motion: Continued indefinitely to Full Board with the following comments:

ARCHITECTURE:

- 1) The Board is still satisfied with the direction that the proposed project is going aesthetically, but the Board continues to find problems with the massing of the third story.
- 2) Restudy the pedestrian aspects of the proposed project including the corner condition, the sidewalk, and paseo for more interesting dynamics and nicer aesthetics.
- 3) The Board understands that there is a lack of information regarding the number of tenants for the commercial spaces, but looks forward to future pedestrian-friendly proposals; such as fountains and axial experience. One suggestion is to have more doorways on the south portion of Coast Village Road to allow the ability to have more than one commercial space on Coast Village Road.
- 4) Regarding animation of the street experience: Restudy the type of windows and relationship to the pedestrian experience (window shopping).
- 5) The Board would like to see a focal element as seen from the axis of Jamison Road, such as architectural features, landscaping, a fountain or other element.
- 6) The Board finds that the crosswalk access across the street at the corner is minimal in nature and requests the applicant to re-examine that area.
- 7) Some Board members found the corner jack arch condition for the storefront windows to be acceptable in that they reference the Montecito Inn across the street. Some Board members found it lacked a pedestrian-friendly storefront shopping experience. Applicant to study and return.
- 8) A majority of the Board is concerned with the too prominent trash location and functionality. And it requires more study for solutions regarding different access point for trash removal.
- 9) The Board encourages the applicant to return with simple three dimensional massing studies and provide renderings of all sides of the proposed project. It is also extremely important to show elevations, including streetscape elevations, to show how the proposed project fits into the Olive Mill Road neighborhood.

LANDSCAPING:

- 1) Applicant to study the introduction of more landscaping on the north elevation between the driveway and the building.

Action: Manson-Hing/Mosel, 6/0/0. Motion carried. (Sherry stepped down, Aurell absent.)

*** THE BOARD RECESSED FROM 7:09-7:35 P.M. AND FROM 9:26- 9:29 P.M. ***

Present: Brian Cearnal and Joe Andrulaitis, Architects.

Public comment opened at 4:46 p.m.

An opposition letter from Paula Westbury was acknowledged.

Public comment closed at 4:47 p.m.

- Motion:** Continued four weeks to return to Full Board with the comments:
- 1) O2 Units: Study the yellow color to dampen/mute the bright color.
 - 2) The gables are very dark and should have more contrast.
 - 3) H1 Units: The color is too close to the stone. Applicant to study a different and possibly contrasting color.
 - 4) Brackets should be introduced in different colors for additional contrast.
 - 5) The door surround entry for Units #3 and #4 are to be revised 4 to 6 inches for more projection.
 - 6) Entry for Unit #7 needs a slightly taller plinth above the column for the entry post base.
 - 7) Restudy entry Unit #7 for the detailing for the roof portion of the entry.
 - 8) The Board appointed Board members Manson-Hing, Aurell, and Blakeley to a subcommittee to review project proposals and to make project recommendations for approval by the Board.
 - 9) Board member Zink is scheduled to review the project at Consent Review.
- Action:** Aurell/Gross, 7/0/0. Motion carried. (Wienke stepped down).

**** THE BOARD BRIEFLY RECESSED AT 5:07 P.M. AND RECONVENED AT 5:17 P.M. ****

**** THE BOARD RECESSED AT 5:18 P.M. AND RECONVENED AT 5:42 P.M. ****

PRELIMINARY REVIEW

3. 1298 COAST VILLAGE RD C-1/R-2/SD3 Zone

Assessor's Parcel Number: 009-230-043
 Application Number: MST2004-00493
 Architect: Jeff Gorrell
 Applicant: John Price
 Owner: Olive Oil & Gas L P

(Proposal to demolish the existing gas station and service bays and construct a new three-story, mixed-use building on an 18.196 square foot lot. The 16,992 square foot building would include 4,800 square feet of commercial space on the ground floor and 12,192 square feet of residential space on the second and third floors. The residential component would include 8 units, which would include two one-bedroom and six two-bedroom units. A total of 36 parking spaces are proposed to include 19 commercial spaces and 17 residential spaces. A total of 11,000 cubic yards of cut and fill is proposed. Project received Planning Commission approval, with conditions, on 3/20/08 and City Council approval on appeal, with conditions, on 7/15/08 for a Local Coastal Plan Amendment, a Zone Change, a Tentative Subdivision Map, a Coastal Development Permit. Development Plan Approval, and Modifications. The project requires compliance Council Resolution No. 08-084.)

(Project requires compliance with City Council Resolution No. 08-084.)

(5:43)

Present: Jeff Gorrell, Architect; Sam Maphis, Landscape Architect; Bettie Weiss, City Planner; and Peter Lawson, Associate Planner.

Bettie Weiss requested the Board observe previous City Council direction on nine specific areas and to include those areas in their comments.

Jeff Gorrell, Lenvik and Minor, presented the project to the Board and provided the information that the Board requested at the October 20, 2008 hearing.

Public comment opened at 6:55 p.m.

The following members of the public spoke in opposition to the proposed project:

Delphina Mott, Derek Weston, Robert Burnap, Phoebe Alexiades, Kathleen Laurain, John Wallace for Protect Our Village and speaking for Bill Horstman, Thomas Bollam, and Tony Fischer for Protect Our Village and speaking for Harry and Sandy Wallace.

An opposition letter from Paula Westbury was acknowledged.

Public support letters were acknowledged and read into the record from the following: Helen and Andy Arnold, Sharon Fisher, Ted Garner, Robert and Lois Gundry, Bob Latham, and Susan Evans.

Public comment closed at 7:32 p.m.

Mr. Lawson responded to several public comments, and addressed concerns regarding the parking garage entrance ingress and egress. Additionally, Mr. Lawson responded to an alternative parking proposal presented by a member of the public. The proposal was reviewed by Transportation Planning Division staff prior to the City Council appeal hearing and determined that it did not provide adequate maneuvering room.

Public comment reopened at 7:37 p.m. for a member of the public, Thomas Bollay, to respond to staff's comments regarding his proposed alternative parking plan. Mr. Bollay stated that the plans were prepared that day and were similar in configuration to a recently constructed City garage.

Public comment closed again at 7:43 p.m.

Straw vote: How many members of the Board believe the applicant has studied the relationship between the second and third story setback and reduced the apparent bulk of the building along Olive Mill Road, as well as, become compatible with the neighborhood, consistent with the direction of the City Council resolution? 4- no 3 - yes (Gross, Blakeley, Zink, and Manson-Hing no.).

Motion: Continued indefinitely to return to Full Board with the comments:

- 1) Provide bike parking on Coast Village Road.
- 2) Study locating the water meter, valves, and the backflow devices inside the on-grade parking garage.
- 3) Applicant to restudy and verify with the Transportation Division staff whether the drop-off zone off Coast Village Road is appropriate and not too close to the corner.

ARCHITECTURE:

- 1) The Board appreciates the design of the roofscape which allows for the future use of photovoltaic panels.
- 2) Continue to study the relationship between the setbacks and the third story elements along the Olive Mill side of the building, particularly between Units #1 and #2.

- 3) Restudy the banding between the second and third level as it appears more horizontal and large.
- 4) Study the detailing of the trim on the flat roof portion for a more authentic and old antiqued conditioned roofline.
- 5) Restudy the horizontality of the ridge line of the west and northwest corner of the building and look for more ways to breaking up the massing, such as landscaping, which is still of concern to the Board.
- 6) Study the north elevation columns in front of the on grade parking area and how the columns relate to the floors above.
- 7) The west elevation facing the parking lot shall have more design articulation than is currently proposed.
- 8) A majority of the Board finds that the closet in the master bedroom for Unit #1, which is a bridge elevation that connects to Unit #7, should be removed to reduce the apparent size, bulk and scale of the building, and improve the views from the courtyard.
- 9) On the Coast Village element, study the use of textures, materials and color changes to enhance and to create a subtle difference in the materiality and massing of the building to fit in within the rhythm of the older buildings along Coast Village Road.
- 10) Continue to study the interior courtyard for more charm-giving elements.
- 11) Applicant to return with cross sections through the courtyard.

LANDSCAPING:

- 1) Applicant to study a landscaping solution to mitigate the size, bulk, and scale of north east corner of the building adjacent to the driveway. One Board member suggested softening of this north-east wall element with more texture and porosity in the wall.
- 2) Applicant to study and check with staff regarding compliance with the ordinance requirements, for the height requirements of plants in the pedestrian right of way.
- 3) Provide landscaping along the west property line.
- 4) Maximize the landscaping and minimize the hardscaping wherever possible, and to study softening the bend area (the east sidewalk bulge-back around the existing eucalyptus tree).

Action: Aurell/Mosel, 7/0/0. Motion carried. (Sherry stepped down).

**** THE BOARD BRIEFLY RECESSED AT 9:00 P.M. AND RECONVENED AT 5:17 P.M. ****

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

4. 1309 BLANCHARD ST

R-2 Zone

(30 min) Assessor's Parcel Number: 031-391-034
 Application Number: MST2008-00535
 Owner: Jose Luis Gonzalez
 Architect: Jose Luis Esparza

(Proposal to construct a new 600 square foot, two-story, one-bedroom accessory dwelling unit with an attached 447 square foot two-car garage: a new 223 square foot second story addition, with a 62 square foot second story deck, to the existing 967 square foot main residential unit on a 5,125 square foot lot in the R-2 Zone. The proposal includes demolition of an existing 241 square foot studio unit and an existing detached 298 square foot, legal non-conforming, one-car garage. The proposal will include a total of three on site parking spaces, provided in a two-car garage and one uncovered tandem space. Also proposed is 200 cubic feet of lockable storage space, for each unit, located inside the proposed two-car garage.)

(Comments only; project requires Environmental Assessment.)

Motion: Preliminary Approval and return to the Consent Calendar with the following conditions:

ARCHITECTURE:

- 1) Return with details for the roof overhang, including rafter tails.
- 2) Return with a color board and provide manufacture colors to match the existing building.

LANDSCAPING:

- 1) Return with a complete site landscape plan showing all existing landscaping and any improvements on the property; include any existing parkway landscaping or other proposed improvements.
- 2) Return with additional information regarding the existing fence along the front property line that is being altered to comply with the City height requirements. The altered fence is to look like a finished product at the end.

Action: Zink/Gilliland, 7/0/1. Motion carried. (Aurell abstained, Blakeley absent).

***** THE BOARD RECESSED AT 4:57 P.M. AND RECOVERED AT 5:26 P.M. *****

PRELIMINARY REVIEW

4. 1298 COAST VILLAGE RD

C-1/R-2/SD3 Zone

Assessor's Parcel Number: 009-230-043
 Application Number: MST2004-00493
 Architect: Jeff Gorrell
 Applicant: John Price
 Owner: Olive Oil & Gas L P

(Proposal to demolish the existing gas station and service bays and construct a new three-story, mixed-use building on an 18,196 square foot lot. The 16,992 square foot building would include 4,800 square feet of commercial space on the ground floor and 12,192 square feet of residential space on the second and third floors. The residential component would include 8 units, which would include two one-bedroom and six two-bedroom units. A total of 36 parking spaces are proposed to, include 19 commercial spaces and 17 residential spaces. A total of 11,000 cubic yards of cut and fill is proposed. Project received Planning Commission approval, with conditions, on 3/20/08 and City Council approval on appeal, with conditions, on 7/15/08 for a Local Coastal Plan Amendment, a Zone Change, a Tentative Subdivision Map, a Coastal Development Permit. Development Plan Approval, and Modifications. The project requires compliance Council Resolution No. 08-084.)

(Project requires compliance with City Council Resolution No. 08-084.)

(5:26)

Present: Jeff Gorrell, Architect: Sam Maphis, Landscape Architect; and Peter Lawson, Associate Planner.

Public comment opened at 5:57 p.m.

An opposition email from Ms. Michael Self was acknowledged by the Board, with the request to the Board to reduce the mass, bulk, and scale of the project.

An opposition letter from Paula Westbury was acknowledged by the Board.

A submitted a letter from Kellam de Forest was acknowledged by the Board and read into the record.

The following members of the public expressed opposition to the proposed project:

Phoebe Alexiades, Tom Bollay, Sandy Wallace (also submitted letter), Peter Van Duinwyk, Robert Lorrain, Robert Bernap, John Wallace (also submitted letter), Tony Fischer (also submitted letter), and Derek Westen.

The following members of the public expressed support for the proposed project:

Dave Pintard, Ed Edick, and Leone Murphy.

Mr. Lawson clarified the following:

1. The Transportation Division reviewed the proposed project's parking lot design as well as an alternative plan presented by an interested party.
2. The alternative plan included additional parking spaces in the below grade portion of the parking area; however the Transportation Division determined that there is insufficient space for these additional parking spaces.
3. Transportation Division determined that the vehicular maneuvering room and ingress and egress are adequate for the surface parking lot.
4. The Solar Ordinance is not applicable to the project lot as the ordinance applies to residential *zoned* lots. The project approved by City Council included a rezone of a portion of the lot to C-1 zoning, consistent with the General Plan.
5. The Coast Village Business Association presented a vision plan for Coast Village Road to the City Council in December 2008 as part of the Plan Santa Barbara hearing. To date there is no additional overlay for Coast Village Road beyond the current Zoning Ordinance, the Local Coastal Plan or General Plan.
6. The term "substantial" does not appear in the City Council Resolution No. 08-084.
7. The Planning Commission approval was appealed to City Council. In July 2008, Council upheld the Planning Commission approval except for denying the second floor modification along the northern property line.

Public comment closed at 6:26 p.m.

Straw vote: How many of the Board would like the applicant to study the 10 to 12-inch off-set (relief) along the front façade of the building? 4 - yes, 3 - no (passed).

Motion: Continued two weeks to Full Board with comments:

ARCHITECTURE:

- 1) The Board feels the mass, bulk, and scale is acceptable as presented with the following comments:
- 2) Return with further architectural embellishment on the northwest (rear) elevation above the garage (opening).
- 3) Study the northwest corner, particularly Unit #8 facing the Longs Drug parking lot and its architectural detailing, particularly the way a portion of the third floor over the patio is supported by a beam and offset column.
- 4) Applicant to return with more courtyard details for an in-progress review.
- 5) Study the articulation for a 10 to 12-inch off-set (relief) at the front façade of the building along Coast Village Road.
- 6) Provide suggestions for breaking up the massing of the northwest side of the building.

LANDSCAPING:

- 1) Provide more landscaping on the northwest corner of the property.
- 2) Provide in-ground plantings adjacent to the building where feasible.
- 3) The landscape plant palette should be more elegant.

Action: Gross/Zink, 6/1/0. Motion carried. (Manson-Hing opposed, Sherry stepped down, Blakeley absent).

Motion: **First Concept Review of "Concept B" the Office Proposal. Continued indefinitely to Planning Commission and return to Full Board with comments:**

OFFICE BUILDING CONCEPT:

- 1) The Board appreciates the alternative application presented as a superior solution compared to the hotel solution.
- 2) The office building on the corner of Hitchcock should relate better to corner in its architecture.
- 3) The open yard space at State Street could be relocated into the center of the housing project.
- 4) Carry forward all the previous hotel proposal ("Concept A") comments (incl. light wells in the parking garage, similar to the approach at the Ralphs Store at Chapala and Carrillo Streets).
- 5) Study reducing the 40-foot paved width area at the entrance to the complex between the park and the office building.
- 6) Study the relationship of the affordable units to the adjacent office parking and common open space, and consider mixing the affordable units into the residential project component.

Action: Zink/Rivera, 9/0/0. Motion carried.

PRELIMINARY REVIEW

3. 1298 COAST VILLAGE RD

C-1/R-2/SD3 Zone

Assessor's Parcel Number: 009-230-043

Application Number: MST2004-00493

Architect: Jeff Gorrell

Applicant: John Price

Owner: Olive Oil & Gas L P

(Proposal to demolish the existing gas station and service bays and construct a new three-story, mixed-use building on an 18,196 square foot lot. The 16,992 square foot building would include 4,800 square feet of commercial space on the ground floor and 12,192 square feet of residential space on the second and third floors. The residential component would include 8 units, which would include two one-bedroom and six two-bedroom units. A total of 36 parking spaces are proposed to include 19 commercial spaces and 17 residential spaces. A total of 11,000 cubic yards of cut and fill is proposed. Project received Planning Commission approval, with conditions, on 3/20/08 and City Council approval on appeal, with conditions, on 7/15/08 for a Local Coastal Plan Amendment, a Zone Change, a Tentative Subdivision Map, a Coastal Development Permit, Development Plan Approval, and Modifications. The project requires compliance Council Resolution No. 08-084.)

(Project requires compliance with City Council Resolution No. 08-084.)

(5:28)

Chair Manson-Hing explained that at the beginning of the meeting a comment on the February 9th draft minutes regarding the interior elevations will be reviewed during an in-progress review after preliminary approval and before final approval is granted.

Present: Jeff Gorrell, Lenvik & Minor Architects; Sam Maphis, Landscape Architect; and Peter Lawson, Associate Planner for the City of Santa Barbara.

Public comment opened at 5:43 p.m.

An opposition letter from Paula Westbury was acknowledged by the Board.

The following members of the public expressed concerns and opposition to the proposed project: John Wallace, Tony Fischer for Protect Our Village (submitted a letter), Tom Bollay, Peter Van Duinwyk (Montecito Association).

The following members of the public expressed support for the proposed project: Linda Wellner and Jeff Overeen.

Public comment closed at 6:00 p.m.

Mr. Lawson clarified that the parking design and location of the underground parking were points of concern at City Council's appeal hearing in July 2008. As discussed before and at the hearing, both Transportation Division and Engineering staff determined that the proposed project design and layout were adequate in terms of both the surface, as well as, the below ground parking. Also, regarding the third modification request for a covered balcony facing Coast Village Road, the Ordinance allows *uncovered* balconies to encroach into a setback up to approximately 3 feet, but the Ordinance does not address *covered* balconies such as the requested 3-foot covered balcony encroachment into the setback; however, this modification request was reviewed and approved by both the Planning Commission and by City Council.

Motion: Preliminary Approval and continued indefinitely to Full Board with conditions:

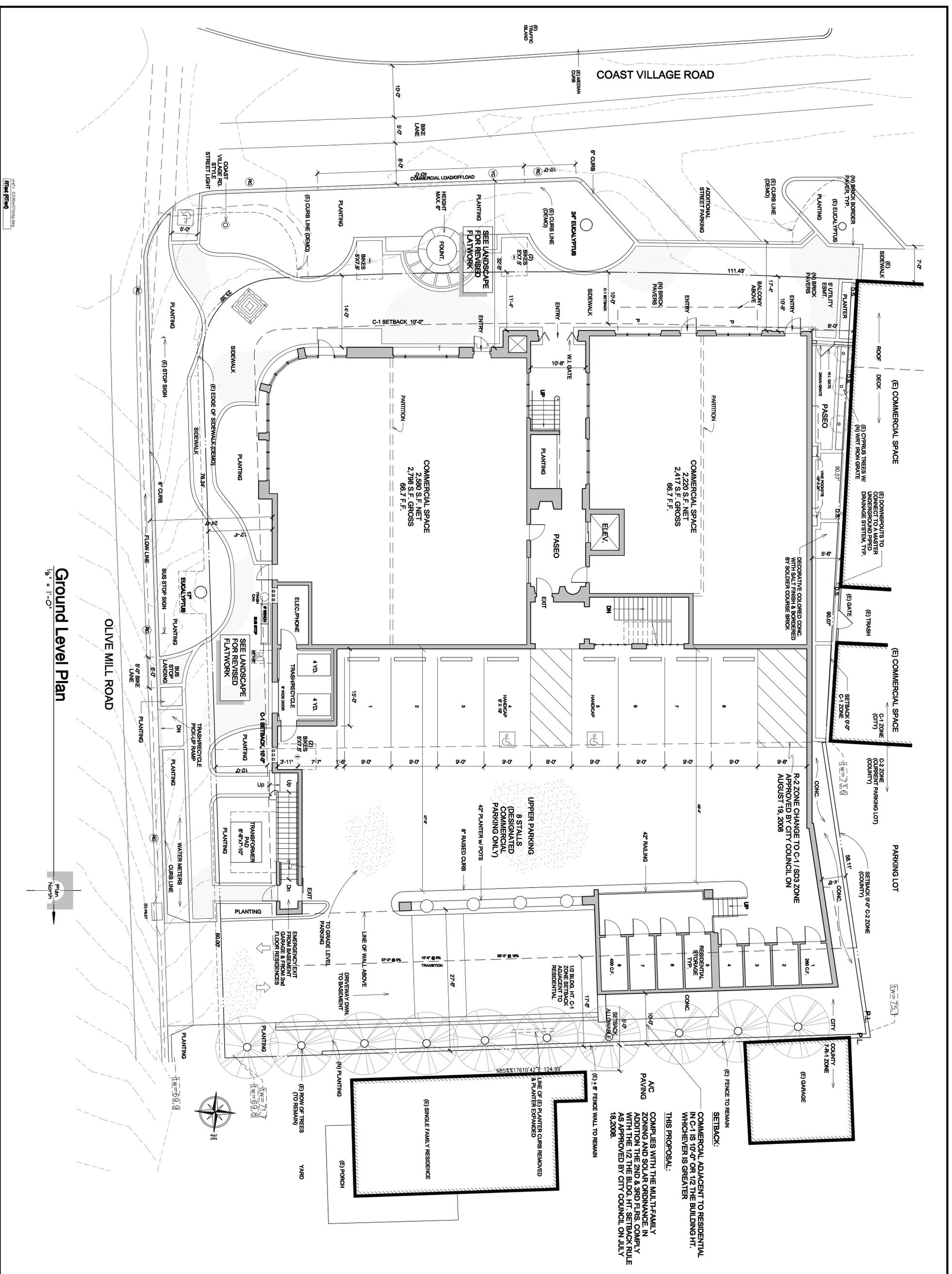
- 1) The Board appreciates the applicant's effort on the amount of requested detailing of the proposed project, which is moving in a very positive direction.
- 2) Applicant to return to the Full Board for an In-Progress Review regarding the internal/courtyard elevations.
- 3) Study the northwest elevation (at the third story, unit 8) for further details and architectural embellishments.

Action: Mosel/Rivera, 8/0/0. Motion carried. (Sherry stepped down).

Staff informed the Board that Tony Fischer submitted a letter from Orosz Engineering to be distributed to the Board, after the public comment period had closed. The letter is available to distribute to each Board member and a copy will be available in the ABR File.

Staff clarified that Mr. Fischer's request for public disclosure made during public comment was in regards to the request made by Mrs. Sandy Wallace to meet with the Board in a separate meeting outside of a regular scheduled ABR meeting to discuss the project at 1298 Coast Village Rd. Staff responded to Mrs. Wallace's request for a separate meeting and stated that at her request the Board was informed of her request for such a meeting, however, she was also advised that city staff would not participate in nor facilitate any such meetings outside of the regular city scheduled ABR meetings. The Board members acknowledged that they received the email from staff. The Board acknowledged that no Board member had participated in any such meeting, with Mrs. Wallace or any other individuals regarding this project, and therefore there was no need for public disclosure.

**** THE BOARD RECESSED AT 6:22 P.M. AND RECONVENED AT 6:50 P.M. ****



Ground Level Plan

1/8" = 1'-0"



THIS PROPOSAL:
 COMPLES WITH THE MULTI-FAMILY ZONING AND SOLAR ORDINANCE IN ADDITION THE 2ND & 3RD FLS. COUNTY AS APPROVED BY CITY COUNCIL ON JULY 18, 2008.

SETBACK:
 COMMERCIAL ADJACENT TO RESIDENTIAL IN C-1 IS 10'-0" OR 1/2 THE BUILDING HT. WHICHEVER IS GREATER

SETBACK:
 COMMERCIAL ADJACENT TO RESIDENTIAL IN C-1 IS 10'-0" OR 1/2 THE BUILDING HT. WHICHEVER IS GREATER

LENVIK & MINOR ARCHITECTS

315 West Haley Street
 Santa Barbara, CA 93101
 (805) 963-3357 Fax (805) 963-2785
 A California Corporation

Consultant

Client
Mr. John Price
 P.O. Box 6106
 Santa Barbara, CA 93160
 Tel. (805) 564-1144

Price Mixed Use
 1298 Coast Village Rd.
 Montecito, CA 93108

Revisions

Date	#	Remarks

Job Number: 0336
 Drawn By: RLB
 Checked By: JAG
 Sheet of: 1
A2.1
 GROUND LEVEL PLAN

City Council to ABR Changes

	July 16, 2008 City Council	February 23, 2009 ABR Preliminary Approval
North Elevations	10' – 28 – 1 st Floor	10' – 28 – 1 st Floor
Bld distance to property line	10' – 31' – 2 nd Floor 17.5' - '31' – 3 rd Floor	17.5' – 31' – 2 nd Floor 17.5' - '31' – 3 rd Floor
South Elevation (Coast Village Rd)	10' – 14' 1 st & 2 nd Floor	10' – 14' - 1 st & 2 nd Floor
Bld distance to property line	22' – 27' – 3 rd Floor	22' – 27' – 3 rd Floor
East Elevation (Olive Mill Road)	10' – 12' 1 st & 2 nd Floor	10' – 14' 1 st & 2 nd Floor
Bld. distance to property line	12' – 17' 3 rd Floor	25' – 33' - 3 rd Floor
West Elevation	5' – 8' – 1 st Floor	5' – 8' – 1 st Floor
Bld distance to property line	5' – 9' – 2 nd Floor 7' – 12' 3 rd Floor	5' – 9' – 2 nd Floor 5' – 17' 3 rd Floor
Height	35' (overall)	35' (overall)
Overall Building Square Footage	17,070 square feet	17,
Total Private Outdoor Space	2,220 square feet	1,816 square feet
Total Common Space	2,164 square feet	2,337 square feet
2 nd Floor Center Area Dimension	38' X 44' Dimension includes both private patios & common open space	27' X 34' Dimension includes common open space only. All private patios, except for one, were moved to the outside of the building.

- D. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Landscaping & Development Adjacent to Trees.** Landscaping & development of the driveway adjacent to the Ficus tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Bill Spiewak, dated June 1, 2006, shall be implemented. (BIO-1)
 2. **Landscape Screening.** The existing Ficus trees along the northern property line shall continue to be maintained to buffer the parking area and site development from the adjacent residential zoned lot.
 3. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 4. **Minimize Visual Effect of Paving.** Where feasible and consistent with Fire Department regulations, textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 5. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 6. **Northerly Interior Yard Setback.** The northerly side of the project shall be redesigned such that there will be no setback encroachment on the second floor of the building.
 7. **Reduce Apparent Bulk.** Work with the applicant to reduce the apparent bulk of the building, with emphasis on compatibility with the Olive Mill Road neighborhood.
 8. **Tower Element.** Study or consider removal or relocation of the tower element.
 9. **Second and Third Floor Restudy.** Study the relationship between the second and third floor setbacks to reduce the apparent bulk of the building.

CORRESPONDENCE RELATED TO THIS ITEM



The voice of our community

May 13, 2009

RECEIVED
MAY 20 2009
MAYOR'S
SANTABARBARA

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

RE: Appeal of ABR Approval of Proposed Development at 1298 Coast Village Road, City Council Agenda of June 2, 2009

Dear Mayor and Council Members:

The Montecito Association respectfully requests that you grant the appeal of the Architectural Board of Review's preliminary approval of the 1298 Coast Village Road mixed-use project. We do not believe that the Council's intent with respect to reduction in the bulk and scale of the project was carried through or that an appropriate buffer between the development and neighboring residentially zoned land has been provided.

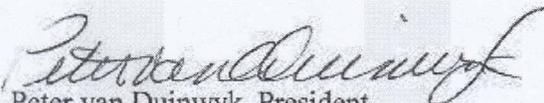
The scale of development permissible at the back of the site resulting from the rezone is contrary to the long-standing agreement and historic cooperation between the County and City that has maintained a buffer between commercial uses on Coast Village Road and neighboring residential uses. The approved design should respect this historic mandate.

When you granted the appeal of the Planning Commission's decision, your direction to reduce the project's apparent size, bulk and scale with emphasis on compatibility with the Olive Mill neighborhood was clear. The ABR approval does not implement your action and, in fact, the height and massing of the third story remain essentially the same. As a result, compatibility with the neighboring single story residential neighborhood to the north and east has not been achieved.

In closing, we believe it is feasible to redesign the project in a manner that is compatible with the surrounding residential neighborhood and that does not establish the wrong precedent for development on Coast Village Road. We urge you to take the actions necessary to achieve an appropriate solution, including retaining jurisdiction to ensure your intent is carried out.

Thank you for your attention to these comments.

Sincerely,


Peter van Duinwyk, President

cc: Peter Lawson, Community Development

2009 Officers:

Peter van Duinwyk
President
William Palladini
1st Vice President
Diane Pannkuk
2nd Vice President
Monica Brock Petersen
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The voice of our community

Marty

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MAY 18 2009

MAYOR & COUNCIL
SANTA BARBARA

May 13, 2009

Honorable Chair and Members of the California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: MAJ-3-08, City of Santa Barbara Local Coastal Program Amendment
(Coast Village Road/Olive Mill Road Rezone)
Request for Continuance to a Southern California Meeting

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Dear Honorable Chair and Members of the Commission:

The Montecito Association and members of the Montecito community are extremely concerned about the proposed Local Coastal Program Amendment for 1298 Coast Village Road. In fact, the Montecito Association had a member of our Board of Directors in attendance at your April 9, 2009 meeting in Oxnard. Unfortunately, as a result of a noticing error, this item was continued and we and other interested members of the public were not allowed to provide public testimony.

We understand that this item is tentatively scheduled for the June meeting in Marina del Rey. We would like to stress the importance of this item being heard at a location reasonably accessible from Santa Barbara so we and other interested parties have a full opportunity to participate in the public hearing process.

Sincerely,

Peter van Duinwyk, President

cc: Supervisor Salud Carbajal, Santa Barbara County Board of Supervisors,
123 E. Anapamu Street, Santa Barbara, CA 93101
Mayor Marty Blum, City of Santa Barbara, 735 Anacapa Street, Santa
Barbara, CA 93101
Peter Lawson, Community Development, City of Santa Barbara, 630
Garden Street, Santa Barbara, CA 93101
James Johnson, Coastal Program Analyst, California Coastal Commission,
89 South California Street, Ventura, CA 93001

Attachment