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21 September 2009

City Clerk
The Mayor and City Council
City of Santa Barbara
De La Guerra Plaza
P.O. Drawer P-P
Santa Barbara, CA. 93102

(805) 564-5309

Re: Appeal of Planning Commission Approval
on 10 September 2009 – 1900 Lasuen
El Encanto Hotel Revised Master Plan

Dear Mayor Blum and Council members:

As noted in my 10 September letter to the planning commissioners, and in the brief time allotted for my comments to the board it appears the above approvals are in violation of our City Zoning Ordinances, the City Parking Standards, California State Building Code Title 24 and the California Environmental Quality Act.

This appeal should be considered as a continuation of the 12 February City approvals, which are part of the disputed planning issues, as discussed in the Planning Commission comments on 10 September.

Enclosed is my check #3528 in the amount of \$395.00 for the requested filing fee.

Respectfully Submitted,



Trevor J. Martinson
Architect, Planner & Forensic



1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385

10 September 2009

Planning Commission
City of Santa Barbara
City Hall-De La Guerra Plaza
735 Anacapa Street
Santa Barbara, CA. 93101

Re: 1900 Lasuen Road
El Encanto Hotel Revised
Master Plan

Dear Chairperson and Commissioners:

As you may recall the City Council Appeal Hearing on 28 April 2009 covered many issues of concern and not just the northwest corner mentioned in your Staff Report. My comments made to the Draft Mitigated Negative Declaration, in my 6-page letter of 15 January 2009, expressed these concerns, which were overlooked by planning staff and were then reiterated by me at the appeal hearing. Having represented the three appellants, before my stepping down on 23 March 2009, I am pleased that the City and the Orient Express have resolved the northwest corner issue to their satisfaction and have gained their support.

I think it's fair to say we all supported the 2004 Master Plan proposed by the Orient Express but the changes proposed in the 2006 revisions created most of the problems we face today and they are:

MAIN BUILDING

The demolition of this historic structure has brought many issues to impact the new proposed building now under construction. The existing square footage of 16,676, as certified by the County Assessors office, is much lower than the 20,389 noted and claimed on the plans. The proposed increase in height of only two feet is not believable when compared to the City Archival

Historic photographs and measurements of the demolished main building. These concerns must be investigated and verified by the commission.

MISSION VILLAGE

This proposed component violates several of the R-H zoning 28.27.050 Building Regulations that are: 1. SETBACK the proposed project has requested a modification to encroach into the front yard setback and interior yard setback areas contrary to the legislative intent of the ordinance. 4. HEIGHT LIMITATIONS, ALL OTHER BUILDINGS: Buildings, other than the main building, shall not exceed two (2) stories in height. The proposed four (4) two (2) story buildings over a subterranean parking garage cannot be allowed as they are three (3) stories in height.

Zoning determinations, contrary to the R-2-4.0-R-H zone, are being made by City staff in regard to the Mission Village proposal. Previous discussions between the City and applicant focused on the R-H Zone and that buildings other than the main building may not exceed two stories in height. The applicant could not comply and the City repeated this problematic issue again in another letter to the applicant. However, this was resolved by the City in an E-mail to the applicants which said: *"After much discussion here at the City, Staff has determined that, for zoning purposes, the Mission Village buildings are two story buildings and the underground parking structure is a separate building not counted as part of the building."* Clearly, this decision is contrary to the R-H zone and City Zoning Ordinance Interpretations for Basements & Cellars nor does it comply with Chapter 5 of the 2007 California Building Code, which clearly determines these buildings are all three stories and would not be allowed under the R-H zoning.

Planning staff cannot change these rules of building height and only a Variance (Chapter 28.92090) submitted to the Planning Commission or City Council will allow this change to happen to the R-H zone height limitations. Also, the Commission or Council may upon their own motion, in specific cases, initiate proceedings for granting of a variance. I believe all the neighbors adjacent and near to the proposed Mission Village would be in favor of this and I would also support such a motion.

PARKING

The proposed 52-car tandem-parking garage under the Mission Village Complex has raised several concerns as it must use City streets (Mission Ridge and Alvarado) to access and connect to the Main Building. As some of you are aware the California Environmental Quality Act (CEQA) has new guidelines for mitigation of greenhouse gas emissions as well as their effects on the environment. Some reasonable conditions of use should be reviewed and considered for this parking arrangement.

Bicycle parking is required for this project at a ratio of 1 space per 7 cars and is not identified nor shown on the plans. Parking spaces of 100 cars require 14 bicycle spaces to be located near to and visible from the Main building and the public street frontage on Alvarado Street. As more than 5 bicycle spaces are needed a shelter may also be required to protect the bicycles, preferably integral with the architecture of the main building.

RECENT CORRESPONDENCE from ORIENT- EXPRESS

I received a letter from Philip Gesue, Director of Global Real Estate for Orient-Express Hotels, which updated the status of their renovations. I agreed with this letter and definitely do support his efforts to get El Encanto up and running again.

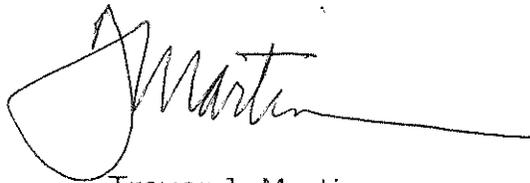
However, I must amend one of his statements regarding the surveys made by two structural engineering firms. None of these reports deemed the original main building as "structurally unsound" but identified the existing building structure and earthquake resisting systems which would, under the proposed additions and renovations, need to be brought up to current 2001 California Building Codes (CBC). I received these two reports and one other from the City after weeks of waiting for the City to locate them. The 5 page report from local engineering firm of Ehlen Spiess & Haight and the 54 page Nabih Youssef & Associates structural evaluations both incorporated the 2004 future remodeling proposed and Nabih Youssef also noted, while the existing building does not pose an immediate life-safety concern, moderate

to major levels of damage to the structural and non-structural systems would be expected during a major level earthquake. All of these reports suggested ways to bring the existing building up to minimum compliance with the 2001 CBC without demolition of the existing main building.

The necessary upgrading to the 2001 CBC plus the ambitious 2006 revisions being proposed by the Orient-Express really decided the need to demolish the original Historic Main Building.

Having been a guest at the El Encanto many years ago and now living a block away for the past 30 years I really do support the Orient-Express and will help in any way I can to see the El Encanto reborn. Let's just do it by the rules and regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Martinson', with a long horizontal line extending to the right.

Trevor J. Martinson
Architect, Planner & Forensic

1849 Mission Ridge Road
Santa Barbara, CA. 93103-1857

(805) 965-2385
FAX 965-5457