

## LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

May 5, 2011

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CITY OF SANTA BARBARA  
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Santa Barbara City Council  
c/o Santa Barbara City Clerk  
735 Anacapa Street  
Santa Barbara, California 93101

VIA HAND DELIVERY

RE: Appeal of April 25th, 2011 Single Family Design Board (Project Design Approval)  
MST2010-00186; 1233 Mission Ridge Road

*Mayor Schneider and Members of the City Council,*

This office represents Judy and David Denenholz who hereby appeal all aspects of the Single Family Design Board's ("SFDB") Project Design Approval on April 28, 2011 of the proposed residential project located on the private Green Ridge Road in Santa Barbara's upper Riviera neighborhood but with a street address of 1233 Mission Ridge Road ("Project"). Our clients have also appealed the Planning Commission's March 10, 2011 decision to uphold the issuance of a Performance Standard Permit authorizing a second dwelling unit. (See Appeal Letter, March 17, 2011). City staff has agreed that both appeals will be heard by the City Council on the same date.

Our clients own a home near the Project and are concerned about several aspects of the Project including the size, bulk and scale of the project; the Project's blockage of views from the homes, streets and open space areas of the ocean and city; the adequacy of existing roadways, in particular Green Ridge Road, to provide safe and adequate ingress and egress during wildfire-induced emergency conditions; and safety issues surrounding emergency vehicle access based on past experience. A number of other neighbors have expressed strong reservations about the Project and appeared in opposition before the SFDB, the Staff Hearing Officer and the Planning Commission.

Pursuant to the Neighborhood Protection Ordinance ("NPO") prior to approval of any project, the Single Family Design Board ("SFDB") shall make seven distinct findings regarding: 1) Consistency and Appearance, 2) Compatibility, 3) Quality Architecture and Materials, 4) Trees, 5) Health Safety and Welfare, 6) Good Neighbor Guidelines and 7) Public Views. SBMC § 22.69.050A.

For projects located in the Hillside Design District, the SFDB must also make findings regarding: 1) Natural Topography Protection, and 2) Building Scale. SBMC § 22.69.050B.

Additionally, the SFDB must make findings related to grading and vegetation removal. SBMC § 22.69.050C&D.

The preliminary issues in this appeal are contained in three letters we previously submitted to the City: LOMC to SFDB, March 25, 2011 (particularly Exhibit 3: SFDB Findings, Preliminary Analysis)(attached hereto); 2) LOMC to Planning Commission, February 7, 2011(attached to Appeal of Planning Commission action); and 3) LOMC to Planning Commission, March 3, 2011 (attached to Appeal of Planning Commission action). The issues are summarized as follows:

**Issue #1: Consistency and Appearance**

The Project (which has been characterized by the applicant as a 'compound') is large and includes an entry portal, motorcourt and long exterior wall of garages which is inconsistent with the scenic character of the City and does not enhance the appearance of the neighborhood.

**Issue # 2: Compatibility**

The SFDB did not make sufficient findings or rely on reliable information to determine whether the Project was compatible with the immediate neighborhood or the Riviera.

The Project is inconsistent with the Single Family Residence Design Guidelines ("guidelines") in the following ways:

1. Height - The Project is 28 feet high. The guidelines recommend homes no higher than 25 feet in the Hillside Design District.
2. FAR – The Project is in best case scenario calculated at 99% of FAR. The guidelines recommend not exceeding 85% FAR.
3. Excessive covered porches – The Project proposes 23% of total net structure square footage of covered porches. The guidelines suggest no more than 10%.
4. Garage Placement - The bulky front of the Project including the portal and two garages (four bays) and a workshop that is plainly designed to be converted to a garage that cumulatively dominate the view in contradiction to the guidelines.
5. Second story - The second story looks over the lower neighbor's home to the south posing significant privacy issues.
6. Wall and Roof Size – The building has considerable massing from the walls facing north and west and considerable amount of exposed and visible roof.

**Issue # 3: Trees**

The General Plan states that "(m)ature trees should be integrated into project design rather than removed...." (See GP Conservation Element § 4.1)

The SFDB must find that "the proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive trees with a trunk diameter of four inches (4") or more measured four feet (4') above natural grade." SBMC § 22.69.050A.4.

The Project site contains several oak trees and palm trees with trunk diameters greater than four inches. The applicant has proposed to move the largest palm tree and has trimmed the oak trees to display a reduced drip zone necessary to accommodate the second house. Development overlies the root zone of oak trees, and foundations will be installed on top of the oak tree root zone. There is ample room for a reasonable development on the site without endangering the oak trees. There is no finding that the design and siting preserve trees "to the maximum extent feasible" nor facts in evidence in light of pre-approval oak tree trimming and development in oak tree root zones.

**Issue #4: Health, Safety and Welfare**

The SFDB failed to find that "the public health, safety, and welfare are appropriately protected and preserved." Green Ridge Road is a dead-end road that narrows to between 14 and 16 feet wide. It serves six residences (and potentially seven if this Project is approved) in the High Fire Hazard Area and the California Fire Code and City ordinance mandate a 20-foot width. The narrow, non-conforming road poses significant safety risks for residents and guests in emergency evacuation conditions and compromises emergency vehicle access as described in detail in the letter from Marc Chytilo to the Planning Commission, dated February 7, 2011 (pp. 3-6).

**Issue #5: Good Neighbor Guidelines**

The SFDB did not make a finding that the Project "generally complies with the Good Neighbor Guidelines." The applicant has not made a good faith effort to address the invasion of privacy, the blockage of neighbors' views or the effect of the Project's large mass, bulk and scale upon surrounding properties, and thus this finding cannot be made.

**Issue #6: Public Views**

The Project site is visible from most of the homes on High Ridge and Green Ridge Roads and the roads themselves. From several locations it blocks views of the City, the Channel Islands, Chase Palm Park and sunset views. A finding cannot be made that this Project "preserves significant public scenic views of and from the hillside.

**Issue #7: Natural Topography Protection**

The Project proposes excessive grading to accommodate an oversized motorcourt and associated garages and the "workshop." The height of the structure and grading is not appropriate to this site located in the Hillside Design District and should be reduced.

**Issue #8: Building Scale**

The Project overwhelms this Riviera lot and does not "maintain a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of the structures" as required by the NPO.

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**Issue #9: Grading**

This large project includes a substantial amount of pavement including two driveways and a large motorcade worthy of a hotel. See Letter from Marc Chytilo to Planning Commission, dated March 4, 2011 (pp. 3-4) regarding grading and drainage impacts.

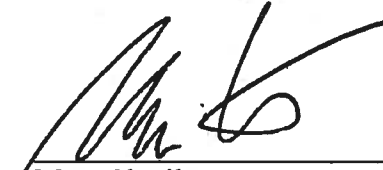
Conclusion

In conclusion, we request that you deny the Project based on the inability to make the findings required by SBMC § 22.69.050, or in the alternative require the applicants to alter the Project to conform with the City's ordinances and guidelines.

We reserve the right to supplement this appeal with additional information and argument prior to the hearing date.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo

Enclosures:

LOMC to SFDB, March 25, 2011, with Exhibits (Attached)

Appeal letter from M. Chytilo to Planning Commission, February 7, 2011 (Incorporated by reference - attached to March 17, 2011 Appeal to Council of Planning Commission Approval of Second house)

Supplemental appeal letter from M. Chytilo to Planning Commission, March 3, 2011 (Incorporated by reference - attached to March 17, 2011 Appeal to Council of Planning Commission Approval of Second house)

# LAW OFFICE OF MARC CHYTILO

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## ENVIRONMENTAL LAW

March 25, 2011

Single Family Design Board  
Community Development Department  
Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RE: Project Design Hearing: March 28, 2011  
Application # MST2010-00186  
1233 Mission Ridge Road

Dear Single Family Design Board,

This letter is submitted on behalf of Judy and David Denenholz in regard to the proposed project located at 1233 Mission Ridge Road ("Project"). The Denenholzs are homeowners near the Project with concerns over several aspects of the Project including the size, bulk and scale of the project; the Project's blockage of views from homes, streets, and open space areas of the Ocean and City; and safety issues surrounding emergency vehicle access. They understand and appreciate the desire to redevelop the subject property, and are eager to work with the applicant to try to resolve their concerns, however have been unable to, in large part due to the delays in installing story poles, and now from the incomplete nature of the story poles.

1. The Story Poles are Incomplete - SFDB Should Direct Additional Poles for Garage, Entry Portal and Second Unit

Unfortunately, up to this time, we have been thwarted in our efforts to have story poles installed to allow us to consider this project. We submitted a letter in December 2010 requesting that the story poles be installed prior to the Staff Hearing Officer's (SHO) January 26, 2011 hearing so the neighbors could visualize the Project. The City Planning staff declined, but twice advised us that if we appealed the SHO decision to the Planning Commission, staff would require installation of story poles prior to the Planning Commission appeal hearing. (communications from J. Limon, 12/2/2010 and K. Brodison, 1/18/2011). The SHO approved the second house, we appealed, but then staff reneged on their prior commitment and determined that story poles would only be installed prior to the next SFDB meeting.

Similarly, we explained in writing to staff why "Full" levels of story poles were appropriate, based on this Project meeting 5 of the 6 criteria established in Part 3 of the SFDB Guidelines. (Letter, Marc Chytilo to J. Limon, 12/28/2010, attached as Exhibit 1). Staff advised us that the story poles would focus only on the second story components, ignoring the four other criteria.

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Significantly, SFDB Guidelines provide that when a proposal involves second story elements "This type of project will likely be required to provide full level story pole." (SFDB Guidelines § 6.3.B (emphasis added). This direction was also ignored.

When staff provided a copy of the Story Pole Plan to the neighbors, we again requested that story poles be installed that represented the garages, entry portal, and second unit. I spoke at length with Mr. Kato over the need to supplement the Story Pole Plan. Mr. Kato stated he understood our needs, agreed that it would be useful to install poles for the garage and entry portal and disagreed as to the need for story poles for the second unit, based on his belief that the neighbors to the north, the Wrights, supported the Project. I explained that the Wrights did not support the project and had concerns. After my meeting with Mr. Kato I alerted the Wrights to the City's belief, and they requested I give Mr. Kato the letter that is attached as Exhibit 2. Unfortunately, there was no amendment to the Story Pole Plan and the garages, portal and second unit are not represented.

Unfortunately, the story poles are limited to only the main residence, focusing on the second story features of the Project. While these poles show how the Project will block views from surrounding properties and from High Ridge Road, they don't show how the mass of the garages, front entry portico and second house will affect my clients' home and the neighborhood generally.

**We request that the SFDB direct the applicant to install story poles for the garage wing, the entry portal, and the second house, and defer SFDB action until these are installed and considered by the affected community.**

2. A Preliminary Landscape Plan is Required

The SFDB Submittal Checklist on the agenda states that preliminary landscape plans are required for Project Design Approval for single family homes where grading occurs. The Project involves 170 CY of grading, and thus a Preliminary Landscape plan is required. We have made inquiries, and no landscape plans whatsoever are available. Landscaping is germane to the neighborhood's concerns for privacy and visual impacts. No Project Design Approval may be granted at this time, and we respectfully request an opportunity to consider and comment on the proposed landscape plan prior to your Board's review and consideration.

3. Required Findings May Not Be Made

Pursuant to the Neighborhood Protection Ordinance prior to approval of any project, the Single Family Design Board ("SFDB") shall make seven distinct findings regarding: 1) Consistency and Appearance, 2) Compatibility, 3) Quality Architecture and Materials, 4) Trees, 5) Health Safety and Welfare, 6) Good Neighbor Guidelines and 7) Public Views. SBMC § 22.69.050A.

Single Family Design Board  
March 23, 2011  
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For projects located in the Hillside Design District, the SFDB must also make findings regarding: 1) Natural Topography Protection, and 2) Building Scale. SBMC § 22.69.050B. The Project is located within the Hillside Design District.

Additionally, the SFDB must make findings related to grading and vegetation removal. SBMC § 22.69.050C&D.

In the interest of a brief letter, I am attaching our preliminary views on the findings as an attachment - Exhibit 3 to this letter. We believe the findings issues cannot be addressed until the remaining story poles are installed and the landscape plan submitted.

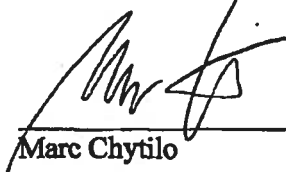
In closing, it is our hope that the City's Good Neighbor Guidelines will be followed and the neighbors affected by the Project can meet and work with the applicant to achieve a project everyone can support. This meeting and attempted resolution has been delayed by the delays in installing story poles. We ask that the SFDB assist the affected community in achieving a project design that avoids unnecessary impacts to the community, minimizes impacts that cannot be avoided, and addresses the concerns of the immediate neighbors.

**These goals can be best achieved by the SFDB directing the installation of a "Full" level of story poles, including representation of the garage, entry portal structure, and the second residence.**

Thank you for your consideration of our views and concerns.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo

**Exhibits**

- Exhibit 1: Letter, Marc Chytilo to Jaime Limon, re: Story Poles, 12/28/2010
- Exhibit 2: Letter, Charles and Joyce Wright to Danny Kato, re: Story Poles, 3/17/2011
- Exhibit 3: Preliminary Findings Analysis, Marc Chytilo, 3/25/2011

# LAW OFFICE OF MARC CHYTILO

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ENVIRONMENTAL LAW

December 28, 2010

Community Development Department  
Planning Division  
Mr. Jaime Limón  
Design Review Supervisor  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RE: Application # MST2010-00186  
1233 Mission Ridge Road

Dear Mr. Limón:

I am writing on behalf of my clients Judy and David Denenholz to request that you require the applicants of the project located at 1233 Mission Ridge Road ("the project") to install story poles at the "Full Level" as described in the SFDB Guidelines, Part 3: Meeting Procedures ("Guidelines") §6.4(A).

The project meets five out of six of the story pole criteria delineated in the Guidelines §6.3 and should be required to install the full level of story poles.

**A. High FAR Applications.** The Guidelines §6.3(A) require a full level of story pole installation if the FAR of a proposed development exceeds 100%. This lot was fictionally split into two for the purpose of calculating the FAR for two residential complexes. The applicant has proposed that the FAR of Unit 1 be calculated in such a way that the FAR for the first fictional lot is 99.9% and the FAR for the development proposed on the second lot is 34%. If the FAR had been calculated for the total amount of development associated with the principal residential unit on the one lot it would exceed 100%. Additionally, even if the lot were properly split into two, the apportionment of the square footage of the dwellings to Unit 1 and Unit 2 is arbitrary and misleading. The 459 square foot garage and the 192 square foot storage unit attached to Unit 1 have been attributed to Unit 2 for FAR calculation purposes. This appears to have been apportioned to ensure that the Unit 1 FAR is less than 100%. Given that even in the best case scenario Unit 1 is calculated at essentially 100% FAR and that there are issues of arbitrary apportionment based on a fictional lot split, this project should be considered to have a "high FAR" and be required to install the full level of story poles.

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**EXHIBIT \**



- B. Upper Story Applications.** §6.3(B) states that projects involving a second floor covering 50% or more of the first floor “will likely be required to provide full level story poles ...”. The second story in this project covers 55% gross area of the first floor. Therefore, the full level of story poles should be installed.

Other factors that may trigger this requirement include high vertical design elements including steep roof pitch, high volumes, 10 feet or greater plate heights and towers; and neighborhood context where the project is significantly taller than other structures in the immediate neighborhood (20 closest homes). The project, at 5,899 square feet total, should be considered “high volume.” And, although the applicant’s plans do not include dimensions, it appears that the plate heights of the living room are 10 feet or greater. These factors again should trigger the implementation of the full level of story poles.

- C. High Visibility Locations.** §6.3(C) states that projects based on location, may be required to provide full level story poles if “1) For Hillside Design District projects, projects with a potential visual impact to the streetscape, 2) Significant topography of the building site and significant property slope, 3) In open hillside areas, near ridgelines and adjacent to public views.” This project is located in the Hillside Design District and currently has two one-story residences. The proposed project is over twice the size of the existing residences and will be two stories high. The visibility from public and private streets is in question, as is the project’s overall impact to the streetscape and public views, in addition to private views raised before the SFDB. This increase in size, mass and scale creates a “potential visual impact to the streetscape” and should require the full level of story poles. Additionally, a full level of story poles will be necessary to determine whether a public view is affected by this project.
- D. Hillside Area Locations.** Projects “located within the Hillside Design District may be required to provide full level ( . . . ) story pole requirements ...”. §6.3(D). The project meets all three of the triggers for this requirement: “1) Significant topography of the building site and percentage or degree of property slope; 2) Potential looming nature and height of the proposal; and 3) The proposed structure will likely involve blockage or substantial reduction of an important public scenic view or will likely violate good neighbor policies and guidelines related to privacy or private view concerns.” §6.3(D). At both Concept Review hearings neighbors complained about violating good neighbor policies, and were concerned with their privacy as well as private views. Therefore under this section, the full level of story poles should be required.
- E. Other Bases.** Projects “where concerns are raised from public testimony or from written comments that the Board considers legitimate concerns may be required to meet story pole or visual aid requirements as deemed appropriate by the Board...”. §6.3(F). At both the 8/10/10 and 11/22/10 Concept Review hearings several neighbors commented on privacy, view and mass issues and requested story poles including showing the 2<sup>nd</sup> story

Mr. Jaime Limón  
December 28, 2010  
Page 3

windows. We request the same courtesy, requiring the applicant to install the full level of story poles.

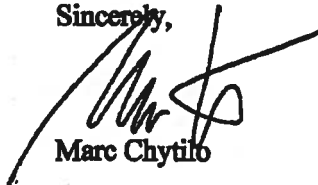
The project meets five out of the six criteria for implementing the full level of story poles delineated in the Guidelines §6.3. We ask that you require the applicants to install the full level under these Guidelines.

Please contact me if you have any questions and to notify me of your decision of the level of story poles to be installed and the expected date that the story poles will be erected. You have stated the City will provide timely notice to the interested neighbors before the story poles are installed so we look forward to having as much advance notice as possible.

Given the level of community concerns, we strongly urge that the City require installation of the story poles BEFORE the SHO hearing. Further, it is imperative that the story poles remain in place for enough time for all potentially affected neighbors to view and consider them with plans in hand. Since some owners do not live full time in the area and some have medical and health challenges that limit their ability to view the poles at any given time, we request the poles remain in place for at least one week, preferably two. If there is inclement weather during that period, the time they are up should be extended.

Thank you for your consideration of our concerns.

Sincerely,



Marc Chytilo

CC: Client

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March 17, 2011

Mr. Danny Kato  
Senior Planner/Design Supervisor  
City Of Santa Barbara  
Planning Department

RE: Project at 1233 Mission Ridge Road

Dear Mr. Kato:

My wife and I have lived at 1231 Mission Ridge Road for over 25 years. As we have written in the past, we are concerned about the project being planned for 1233 Mission Ridge Road and at this point, would like to see full story poles erected for the entire project, including the second house which is close to our home, so we can determine the full impact from our property.

Thank you.

*Charles Wright March 17 2011*

Charles Wright

Joyce Wright

*J. Wright - March 17<sup>th</sup> 2011*

**EXHIBIT 2**

**Exhibit 3**  
**1233 Mission Ridge Road - SFDB Findings**  
**Preliminary Analysis**

**A. Consistency and Appearance**

The SFDB must find that “the proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood.”

The house complex is large and visible from Arbolado and High Ridge Roads.

The entry portal, motorcourt and wall of garages creates a highly visible "hotel" feel from Greenridge that might be considered consistent in appearance to the El Encanto, but not this neighborhood.

**B. Compatibility**

The SFDB must find that “the proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood.”

The Single Family Residence Design Guidelines (“SFRD Guidelines”) provide guidance on compatibility specifically addressing 1) neighborhood, 2) volume, bulk massing and scale, and 3) floor to lot area ratios (FAR).

**(a) Neighborhood**

Compatibility Guideline #6 states that an applicant should “design a project to be compatible with the immediate neighborhood, and carefully consider the neighborhood study area for a project.” SFRD Guidelines, p. 15-C. The SFDB may consider three types of neighborhood study areas.

First, they may consider a neighborhood designated in the General Plan. This Project is located in “the Riviera” neighborhood. SFRD Guidelines, p. 15-C, 16-C (Map).

The second type of neighborhood that may be considered is the “Immediate Area”. Generally this is an area smaller than the General Plan neighborhood that has a combination of similar zoning, properties built as part of the same original subdivision, common access routes, walkable radius (usually quarter mile), similar architectural styles, similar tree and landscaping patterns, main streets or bridges as corridors. “Also, it should be noted that highly visible properties, such as those in hillside areas, can have an impact beyond their immediate neighborhood.” SFRD Guidelines, p. 15-C.

In the absence of a landscape plan, no finding can be made.

**EXHIBIT 3**

Third, the SFDB may consider the "Neighborhood Study Area" which includes the twenty closest lots to a proposed project. "Additionally lots may be considered to make a compatibility determination depending on the predominant streetscape, patterns of development, or parcel sizes." SFRD Guidelines, p. 15-C.

There are several sets of documents available in the record that appear to summarize the surrounding parcels. The documents we have seen contain significant errors and do not identify their source, and thus should not be relied on.

### **(b) Volume, Bulk, Massing and Scale**

Compatibility Guideline #7 states that "design structures [should] be compatible with neighboring houses in terms of volume, size, massing, scale and bulk." SFRD Guidelines, p. 17-C. According to SFRD Guidelines, p. 20-C, the SFDB should consider the following bulleted, italicized issues related to volume, mass, bulk, size and scale:

- *Compatibility: How compatible is the structure's volume, bulk and scale with the volume, bulk and scale of the existing neighborhood homes?*

The volume of this project is considerable, totaling 15,651 square feet of development. The gross square footage of both structures is 7,170 square feet; covered porches, decks and trellises total 1,352 square feet; uncovered patios total 2,128 square feet; the pool and spa are approximately 800 square feet; and additional paved surfaces add another 4,201 square feet.

The SFRD Guidelines advise applicants to avoid excessive building height, which is overtly defined as 25' or more. "Homes taller than 25' tall are usually incompatible in most single family neighborhoods." SFRDG, p. 26-C, § 9.2; see also id p. 53-H, §29.2 (Hillside District projects usually have a height of 25' or less, especially where the slope is less than 25% and even though the zoning ordinance allows 30'). This project, at 29 feet 6 inches, exceeds these guidelines and in many cases exceeds the height of the surrounding homes. Further, for those houses that are 30', they are located in a recessed portion of their lot. The subject house is 29.5 feet tall from a point that is graded up from the existing grade and is prominent at its tallest point.

- *FAR: Is structure's size appropriate for its lot size?*

See discussion below regarding FAR.

- *Second Story Decks: Do wall elements, guardrails, furniture, or outdoor fireplaces contribute to the bulk or scale of the project?*

The elements of the second story deck have not been provided by the applicant and should be provided prior to SFDB approval.

- *Covered Porches, Loggias, and Covered Decks:*

*Do the covered porches, loggias, and/or covered decks enhance the building's design, appearance, and function? Do they contribute to excessive mass, scale and bulk? Careful consideration should be given to projects that propose greater than 250 square feet of these areas, or when they are greater than 10% of the total net square footage of the structure. Because they include roof structures these areas might easily be enclosed in the future, possibly without design review. Future enclosure of existing covered areas may contribute to unacceptable size, bulk, and scale, eliminate a desirable architectural feature, or exceed FAR limits.*

The Project proposes 1,352 gross square feet of covered porches, decks and trellises, which constitute 23% of the total net square footage of the structures (using 5,899 net square feet for both structures). If we consider Residence 1 only, the percentage of covered porches, etc. to the total net square footage is 27% (1190 s.f. divided by 4,395 s.f.). These proposed porches, decks, loggias and trellises clearly exceed the maximum percentages and square footage recommended by the guidelines.

*Garage Door Design and Placement: Does the garage design minimize an appearance of bulk? Is the scale of the garage appropriate in comparison to the portion of the house visible from the street?*

The SFRD Guidelines, p. 12-SP 5.2 also advise that "garages should not be the predominant feature of the front elevation ... and that design solutions which locate the garage behind the main residence are preferred, where feasible."

The Project's four garages are located in front of the main residence, near the street and visible from Green Ridge Lane. The driveways, both on the west side of the property and the front "motorcade" add to the excessive pavement (4,201 square feet) and predominant view of garages and driveways from the front elevation.

- *Second-Story Setbacks: How does the second-story volume affect the streetscape or neighboring backyards? How bulky does a structure appear from the front or the back of a house because of how the massing of a building is composed?*

The second story overlooks the neighboring residence to the south and poses significant privacy issues. It also has the potential to look northward into the adjoining properties there, compromising privacy on that side.

The portal, located at front of the property, very near Green Ridge Lane, adds to a bulky front appearance. The size, dimensions and story poles representing the portal have not been provided by the applicant and should be prior to approval.

- *Canyon Effect: How close is the volume of a proposed second-story structure to the volume of any adjacent property's existing second-story volume?*

The distance from the project's second story to the adjacent second story property should be identified.

- *Wall Size: How does a large expanse of wall contribute to a structure's appearance of bulk? How can a structure's volume be articulated consistent with an architectural style? Do building wall heights allow proportional human scale window and door details?*

The building has considerable massing from walls facing north and west, and the project appears quite bulky from the primary view corridor and from High Ridge Road.

*Roof Size: How does a large expanse of roof contribute to a structure's appearance of bulk? How can a structure's massing be changed to avoid large expanses of roof?*

There is a considerable amount of exposed and visible roof.

*Plate Height: Do building plate heights allow for appropriately scaled wall, window and door details?*

The ten foot living room plate on an elevated portion of the house unnecessarily increases the bulk and mass.

#### **(c) Floor to Lot Area Ratio (FAR)**

The project's size exceeds the recommendations for Floor to Lot Area Ratios (FAR) delineated in the SFRD Guidelines. Compatibility Guideline No. 8 states that applicants should strive for a project which falls in the "less than 85% of maximum FAR" range for the project size. SFRD Guidelines, p. 21-C. Although maximum FARs are applied as guidelines rather than requirements on lots that are 15,000 square feet or larger, the SFR Guidelines have calculated recommended FARs for projects that exceed 15,000 square feet. This 31,584 square foot lot is just under  $\frac{3}{4}$  acre. According to the SFRD guidelines the recommended dwelling area (85% of maximum FAR) for a  $\frac{3}{4}$  acre lot is 4,127 square feet. (SFR Guidelines, p. 23-C). The Project's total net square footage for all site structures is 5,899 square feet, exceeding the maximum recommended area by 1,772 square feet.

Apparently in order to circumvent the FAR guideline, the FAR for the Project has been calculated assuming that the single lot has been split into two lots: one measuring 15,000 square feet and one measuring 16,584 square feet. With this arbitrary lot division, the FAR of Unit 1 is calculated to be 99.9% and the FAR of Unit 2 at 34%. However, even though they are physically attached to Unit 1, the 459 square foot garage and 125 square foot storage unit have both been attributed to Unit 2. This appears to have been apportioned to ensure that the Unit 1 FAR is less than 100%. Regardless of whether the lot is split or not, or whether a garage and storage structure are located adjacent to Unit 1 and attributed to Unit 2, the maximum FAR guidelines of 85% have been exceeded.

#### **C. Trees**

“The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive trees with a trunk diameter of four inches (4”) or more measured four feet (4’) above natural grade. If the project includes the removal of any healthy, non-invasive tree with a diameter of four inches (4”) or more measured four feet (4’) above natural grade, the project includes a plan to mitigate the impact of such removal by planting replacement trees in accordance with applicable tree replacement ratios.”

The applicant is required to submit landscape plans prior to Preliminary Review pursuant to SFDB Guidelines, Part II, Section 1.1.

D. Health, Safety and Welfare

The SFDB must find that “the public health, safety, and welfare are appropriately protected and preserved.” See letter from Marc Chytilo to the Planning Commission, dated February 7, 2011, pages 3-6 for a discussion of the hazards surrounding Green Ridge Lane relating to emergency vehicle access and fire hazards.

E. Good Neighbor Guidelines

“The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.”

We regret that there has been no consideration of the concerns of the immediate neighbors. The good Neighbor Guidelines have not been faithfully observed.

F. Public Views

“The development, including proposed structures and grading, preserves significant public scenic views of and from the hillside.”

The Riviera is renowned for its views of the City, the waterfront and the Ocean. Chase Palm Park offers a visual punctuation to the interface of sea and land, while sunsets and sunrises inspire on a daily basis. From High Ridge and Green Ridge Roads, the site is visible, as it is from most of the residences on these streets.

G. Natural Topography Protection

“The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.”

The grading adds height to the structure and should be reduced.



#### H. Building Scale

“The development maintains a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of structures.”

The amount of building overwhelms the lot.

#### I. Grading

“The proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and ... will not cause a substantial loss of southern oak woodland habitat.”

See Letter from Marc Chytilo to Planning Commission, dated March 4, 2011, pages 3-4 regarding grading and drainage issues.

#### J. Vegetation Removal

“The proposed vegetation removal will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and ... will not cause a substantial loss of southern oak woodland habitat; and ... will comply with all applicable provisions of Chapter 22.10, “Vegetation Removal,” of this Code.”

The applicant is required to submit landscape plans prior to Preliminary Review pursuant to SFDB Guidelines, Part II, Section 1.1.

### Applicable Authority

#### SBMC

#### 22.69.050 Neighborhood Preservation, Grading and Vegetation Removal Ordinance Findings.

If a project is referred to the Single Family Design Board for review pursuant to Section 22.69.020 and the Single Family Design Board Guidelines, the Single Family Design Board shall make the findings specified below prior to approving the project.

**A. NEIGHBORHOOD PRESERVATION FINDINGS.** Prior to approval of any project, the Single Family Design Board shall make each of the following findings:

- 1. Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood.
- 2. Compatibility.** The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood.
- 3. Quality Architecture and Materials.** The proposed buildings and structures are designed with quality architectural details. The proposed materials and colors maintain the natural appearance of the ridgeline or hillside.

**4. Trees.** The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive trees with a trunk diameter of four inches (4") or more measured four feet (4') above natural grade. If the project includes the removal of any healthy, non-invasive tree with a diameter of four inches (4") or more measured four feet (4') above natural grade, the project includes a plan to mitigate the impact of such removal by planting replacement trees in accordance with applicable tree replacement ratios.

**5. Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved.

**6. Good Neighbor Guidelines.** The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.

**7. Public Views.** The development, including proposed structures and grading, preserves significant public scenic views of and from the hillside.

**B. HILLSIDE DESIGN DISTRICT AND SLOPED LOT FINDINGS.** In addition to the findings specified in Subsection A above, prior to approval of any project on a lot within the Hillside Design District described in Section 22.68.060 or on a lot or a building site that has an average slope of 15% or more (as calculated pursuant to Section 28.15.080 of this Code), the Single Family Design Board shall make each of the following findings:

**1. Natural Topography Protection.** The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.

**2. Building Scale.** The development maintains a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of structures. 425-4 rev. 6/30/10

**C. GRADING FINDINGS.** In addition to any other applicable findings specified in this Section 22.69.050, prior to approval of any project that requires design review under either Paragraph 22.69.030.C.11 or Subsection 22.69.030.E of this Chapter, the Single Family Design Board shall make each of the following findings:

- 1. The proposed grading will not significantly increase siltation in or decrease the water quality of streams, drainages or water storage facilities to which the property drains; and**
- 2. The proposed grading will not cause a substantial loss of southern oak woodland habitat.**

**D. VEGETATION REMOVAL FINDINGS.** In addition to any other applicable findings specified in this Section 22.69.050, prior to approving a vegetation removal permit that requires design review under Subsection 22.69.030.F of this Chapter, the Single Family Design Board shall make each of the following findings:

- 1. The proposed vegetation removal will not significantly increase siltation in or decrease the water quality**

- of streams, drainages or water storage facilities to which the property drains; and
2. The proposed vegetation removal will not cause a substantial loss of southern oak woodland habitat; and
  3. The proposed vegetation removal will comply with all applicable provisions of Chapter 22.10, "Vegetation Removal," of this Code. (Ord. 5444, 2008; Ord. 5416, 2007.)

**22.69.055 Green Building Standard for Large Residences.**

**If a project proposes more than 500 square feet of new net floor area (new construction, replacement construction, or additions), and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City. (Ord. 5518, 2010.)**