

Tom and Barbara Sanborn
1233 Mission Ridge Road
Santa Barbara, CA 93103
805-845-8338

July 5, 2011

City of Santa Barbara City Council
735 Anacapa St.
Santa Barbara, CA 93101

RE: 1233 Mission Ridge Road

The problem with communication is the illusion that it has occurred.
George Bernard Shaw

Mayor Schneider and Members of the City Council:

Please allow the following to summarize the principal events over the past year concerning the above referenced property.

Existing Site

The property is a gently sloping parcel, open to the south and accessed off the end of Green Ridge Lane. Three structures are currently sited on the property; a two bedroom two bath residence originally constructed in the late 1920s as an accessory structure for a prior estate, a second two bedroom two bath accessory structure permitted and constructed in the late 1940s and a permitted two car detached garage. The secondary structure and garage were constructed within the current side yard setbacks and are considered non-conforming. Two mature oaks are located on the easterly third of the property.

Project Design

The current approved design proposes to remove the three existing structures and construct a new three bedroom, three and a half bath primary residence with attached garages (Residential Unit 1) and a second one bedroom two bath guest house referenced as Residential Unit 2. The primary residence is located in the center of the property along an east-west axis. Its design places a two story element adjacent to the mature oaks to the east and steps progressively down in height to the west in order to open up a view corridor. The current guest house site has been relocated from the southwesterly edge of the property to an area just north of the mature oaks. Both structures are organized around a circular motor court which is visually buffered by an arched entry portal aligned with Green Ridge Lane. The portal is set 30 feet back from the property line and provides a sense of transition from public to private access while providing for a terminus at the end of the lane.

Design Review and Approvals

Five design review hearings on the project were held by Single Family Design Board, one Performance Standard hearing was held by the Staff Hearing Officer and one appeal of the Staff Hearing Officer's approval was heard by the Planning Commission.

First SFDB Hearing- July 19, 2010

The initial plan proposed a larger 4 bedroom 3 ½ bath primary residence. The SFDB supported the overall architectural design but suggested that the applicant study reducing the size, bulk and scale of the primary residence. The Performance Standard was determined to be appropriate due to the existing guest house. The front entry portal was strongly supported. A motion to approve these findings was made and passed unanimously.

Second SFDB Hearing- August 30, 2010

A revised plan proposed reducing the square footage of the primary residence by 176 sf, reducing the ridge heights 6" to 15" and revising the westerly roofline to a hip roof. The house was re-sited to the north and east. The SFDB requested that we study further the potential of reducing the square footage.

Third SFDB Hearing- November 22, 2010

A new revised plan was submitted proposing to reduce the original square footage of the primary residence by 1614 sf, along with an additional 65 sf reduction from the garages. The house was reduced from four to three bedrooms. The two secondary bedrooms were redesigned as split levels in order to drop the lower bedroom finished floor to grade and reduce the upper bedroom ridgeline to the height of the adjacent single story living room roofline. The master bedroom view deck and kitchen loggia were eliminated and the living room loggia was reduced. The exterior courtyard stairway and balcony overlook were eliminated, along with the upper gallery and breakfast room. The result was a significant reduction in the mass, bulk and scale of the house and an expansion of the westerly view corridor. The reduced scale compressed the building footprint to the south and west as well as adjacent to the existing oaks. The Board complimented the quality of the architecture and expressed their appreciation for the revisions. They noted that the quality and style of the architecture were well integrated with the lot and neighborhood and expressed that they thought the entry portal was well executed. The Board provided the option of either returning to the Full Board after standard story poles were installed or proceed to the Staff Hearing Officer prior to returning to the Full Board. A motion of support for these findings was made and passed unanimously.

Staff Hearing Officer- January 26, 2011

Chapter 28.93 of the Municipal Code provides the opportunity for additional dwelling units on single family lots through the approval of a Performance Standard Permit (PSP). The criteria for granting a PSP require that there be adequate lot area, egress and ingress and the location of the additional dwelling complies with all applicable ordinances. The subject property is zoned E-1 which requires a minimum lot area of 15,000 sf per unit with an average slope of

under 10 %. The existing lot square footage of 31,584 sf provides adequate lot area for the two residences. Access to the lot and ingress/egress to each unit is provided by Green Ridge Lane. The location of both proposed residential units conforms to the requirements of the Zoning Ordinance. Jim Austin, Fire Inspector III/ Investigator testified at the hearing that access to the site met the Department's requirements and that the proposed design would bring all structures into conformance with current codes and standards and improve the Department's ability to respond to a fire or other emergency. The Staff Hearing Officer approved the Performance Standard Permit subject to three conditions. Those conditions require 1) that the two existing oaks be preserved, protected and maintained, 2) that construction vehicles/equipment/materials and staging be provided for on-site unless specifically permitted by the Transportation Manager with a Public Works permit, and 3) parking for construction workers be provided on-site or off-site subject to the approval of the Transportation Manager.

Planning Commission Appeal- March 10, 2011

The Planning Commission heard an appeal of the Staff Hearing Officer's approval of the PSP filed by David and Judy Denenholz of 717 S. Madison Ave., Pasadena CA. The Denenholz also own a home at 1225 Mission Ridge Road and expressed their concern that the conditions of the PSP had not been met. Paul Zink of the SFDB spoke in support of the PSP. After due consideration, a motion to deny the appeal and uphold the decision of the Staff Hearing Officer was made and confirmed by the Planning Commission unanimously.

Fourth Single Family Design Board Hearing- March 28, 2011

Prior to the fourth SFDB hearing, standard story poles were erected on the site in conformance with the approved story pole plan. Following an on-site review of the story poles, the Board expressed their satisfaction with the results but asked the applicants whether any further reductions in the height of the structures would be possible. The Board also asked whether the principal residence could be shifted to the east without affecting the privacy of the neighbors to the south and whether the bulk of the entry portal could be further reduced. The applicants agreed to study these issues further.

Fifth Single Family Design Board Hearing- April 25, 2011

A new revised plan was submitted to the SFDB, reducing the ridgelines of the principal residence by 6" to 21". The ridgelines of the guest house were also reduced by 6" to 24". The bulk of the entry portal and trash enclosure were reduced by an additional 24". The adjacent neighbors to the south have consistently expressed a concern for maintaining their existing privacy and a conscious effort was made in the design and placement of the new structures to meet those expectations. After further study, it was determined that the privacy of these neighbors would be negatively impacted by shifting the house further to the east while providing little to no benefit to any other neighbors. The Board considered these changes and expressed their appreciation for the changes and for the integrity and beauty of the design. The Board voted to approve the Preliminary Design unanimously.

Efforts to Address the Current Appeal

Well before beginning the public review, we began walking our community and meeting with our neighbors to discuss our plans for a new home. During this period, we gathered numerous signatures in support of the project and developed a deeper appreciation for the qualities that drew us to the Riviera in the first place. Over the past year, since beginning the approval process, we have made a sincere effort to work with our neighbors as well as the Riviera Association and the City's staff and Boards in the hope of creating a consensus of support for our new home. I regret that we have not been entirely successful.

Our neighbors, the Denenholz have elected to appeal our current approvals, first to the Planning Commission and now to the Council. In the hope of resolving our differences prior to burdening the Council with our problems, we asked the Denenholz to identify their specific concerns and in late May, we received a letter setting forth their areas of concern. Since that time we have exchanged our thoughts and ideas on how these issues could best be resolved but to date we have regrettably not reached a resolution.

Many of the issues that have been raised, such as the hours of construction, inspections, notifications, parking, staging, dust and noise controls are addressed by the existing codes and regulations of the City. If the City fails to inspect or to require compliance with the codes, they certainly have the right to bring this to the attention of the City Council or the City Attorney. To the extent that there are applicable building or planning regulations, we believe it would only cause confusion to enter into a private construction management agreement. We fully intend to keep the Denenholz and all other interested neighbors advised of all major construction phases throughout the building process.

The Denenholz have also expressed concerns regarding the location of our house, its height, landscaping, colors and massing. These issues have been addressed on numerous occasions at every level of the City and have resulted in the unanimous support of all of the City's Boards and Commissions that have considered the project. Throughout this process, we have made numerous changes and redesigns which have resulted in a softening of its appearance and a greater conformity with the neighborhood. We now have a project which is significantly different from the concept that we started with but one which we believe produces the most good for the most people. We are extraordinarily proud of this final design.

In evaluating the appropriateness of this current appeal, we would ask the Council to consider the photos of the story poles as viewed from the appellant's property. These particular photos were taken by Paul Zink, Chairperson of the SFDB at the time our project was being considered. They were taken to illustrate the actual impacts of our project from the perspective of the Denenholz home and I believe they tell a positive story. We have also included a photo rendering prepared by DesignArc of how our home will actually appear from the vantage point of the Denenholz upper corner bedroom. It should be pointed out that these photos and renderings were taken prior to the last design amendment which lowered all of the ridgelines by an additional 6" to 24".

We greatly appreciate the help and guidance of the City's staff and Boards, the Riviera Association and our neighbors throughout this process. We look forward to the day when we can welcome you all to our new home.

Sincerely,

Tom and Barbara Sanborn

Attachments:

Denenholz June 30, 2010 Letter

Photo- View From Denenholz Residence First Floor Living Room Deck

Photo- View From Denenholz Residence First Floor Covered Corner Deck

Photo- View From Denenholz Residence Second Floor Corner Bedroom Balcony

Photo- View From 1231 Mission Ridge Road Residence Rear Deck

Photo- View From 1220 High Ridge Road taken from Upper Driveway

Photo- Computer Model View From Denenholz Upper Bedroom Balcony

Judy and David Denenholz
717 South Madison Avenue
Pasadena, CA 91106
626-233-4212
Fax: 626-796-9318

By Email

June 30, 2011

Thomas and Barbara Sanborn
1233 Mission Ridge Road
Santa Barbara, CA 93103

Dear Tom and Barbara,

We too are glad we had the opportunity to get together on Memorial Day. It was great to meet and review our concerns. We appreciate your letter dated June 2 and your understanding of our issues. We are hopeful that we can reach a mutually acceptable understanding between us and put that into a written agreement, which would ideally be completed in advance of the scheduled July 19 City Council hearing on your project. Assuming we reach agreement, we understand that we can use the appeal hearing to simply memorialize our consent to your project.

We will respond to your June 2 letter containing your thoughts on how to address the issues contained in Mr. Chytilo's letter.

1. Monitoring of construction for conformance with approved plans.

The Building Department is responsible for ensuring conformance with the approved plans. Non-conformance can result in penalties, removal and replacement of work or red-tagging of the entire project. It is my understanding that the City has a reputation for aggressively pursuing conformance with codes and plans. Nonetheless, we would be happy to have you review our progress as the project proceeds.

We have been told that the City inspection team is not as vigilant as it has been in the past, and that variances of 6-12" in building heights have been overlooked and even knowingly tolerated. For us, the height of the building is a critical dimension, and if the roofline is even

6" higher than shown on plans, we lose that much more of our view of the ocean. You worked hard to reduce the height by 6" and more, and we simply want to be able to assure ourselves (and you) that the agreed-upon maximum height won't be exceeded.

We believe it would be appropriate to have a qualified non-city building inspector review the progress, as you indicate, and confirm the footprint, floor elevation and maximum height. We have identified a building consultant that is so qualified and familiar with this type of review. We will of course bear all of the expense for the inspector and indemnify you and your contractors for any liability associated with the inspections. We anticipate the confirmation will require just several visits at specific moments - such as when the foundation is poured, the floor elevation established, and when the roof is framed. And we would be pleased to meet with you informally to review your progress over a glass of wine. We (and probably you also) will appreciate having the assurance along the way that there are no problems.

2. Responsible individuals to address neighborhood concerns.

Ultimately, we are the ones responsible for the project and I encourage all of our neighbors to call us directly at anytime if there is an issue with the project. Once we have a general contractor and project supervisor, I will provide you with their contact information as well.

We appreciate your understanding the importance of a 24/7 contact person to respond to issues.

3. Hours of construction.

The Building Department will limit construction hours as specified in the City's Municipal Code. If you or any of our immediate neighbors have a special event which would be impacted by our construction activities, please notify us and we will do our best to limit those activities during that period. We will do our best at all times to minimize disturbances caused by the construction of our home. It has been my experience that minimizing the term of construction is the most effective means of reducing its overall impact. We of course share your desire to complete our home in as short a period as possible.

Our request was to have a comprehensive construction management program addressing your issues # 2--9. We did not, in our letter, state our desire that you complete your construction as quickly as possible - that was something you mentioned in your response. Residents in Santa Barbara and elsewhere are aware that it is a common practice

for some developers to ask dispensation from neighbors for extra noise, hours of impacts, nuisance and inconvenience under the guise of "finishing more quickly." Should you request that along the way, we will certainly consider it, but it is our desire at this point to state clearly the hours of construction and all other parameters in a written construction management program, and that your contractor have a clear and unambiguous understanding of expectations in that regard.

4.Parking.

The Staff Hearing Officer placed the following condition on the approved plans:

"C. During construction, free parking spaces for construction workers shall be provided on-site and off-site in a location subject to approval of the Transportation Manager."

5.Staging on and off site.

The Staff Hearing Officer placed the following condition on the approved plans:

"B. Construction vehicles/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way or Greenridge Lane, unless specifically permitted by the Transportation Manager with a Public Works permit."

6.Dust control.

The Building Department will require that we meet all Best Management Practices applicable to our project. These will include detailed dust control measures.

7.Traffic control.

At this time, we do not envision any off-site work that would necessitate a road closure. If any off-site work is required, we will observe all conditions for traffic control required by the Public Works permit.

As some of the most affected parties, we and probably many of the residents of Green Ridge would like to know how you intend to comply with issues 4-7 in advance, and to offer our input on your proposed solutions.

8.Notice of pending construction activities.

We will notify you when we are aware of pending phases of construction.

For the purposes of this discussion, a phase of construction might be something like "foundations" when concrete would be arriving and forms constructed or "framing," when lumber would be delivered and walls erected. Often, these phases overlap and there is not a distinct demarcation. If we are able to produce a reliable work schedule, we will provide you with a copy.

We will appreciate as much advance notice of major construction activities, including "foundations" and "framing," and also including "grading and excavation" "stucco application" and similar noisy activities or those that involve large construction equipment. We understand construction management must be fluid to address changing conditions, but would like to know what your general schedule is and be updated as specific activities that may cause particularly significant impacts to the neighborhood are planned.

9. Prohibit use of specific driveways.

I recognize that this kind of thing can get out of hand. We should be able to accommodate all the maneuvering of construction traffic on-site. As we discussed, we cannot assure you that it still won't happen on occasion. To help avoid the use of your driveway by vehicles during construction, I would propose that we add specific language to the construction documents prohibiting its use and install a small sign at the base of your drive stating "Private Driveway, No Turn Around" or as you might direct.

We would support including these terms into the terms of the permits for reproduction onto the plans. It could also be addressed through the written construction management plan, which could then be reviewed and implemented by your general contractor.

10. Notice of pending hearings and administration requests pertaining to the project.

Subsequent to receiving our final approvals and permits, should additional hearings or administration requests be required, we will notify you of their schedule and purpose. I do not anticipate that there would be any further such hearings at that point.

Great. We would expect this includes administrative requests, such as a substantial conformity determination or minor permit modification that might not need a hearing or noticing.

11. Notice of proposed changes to design, siting, or other external changes to approved project.

To the degree that this notice represents a more substantive change than those contemplated in Item 10 above, we will notify you as soon as we are aware of the nature and purpose of such changes as well as the hearing date. Again, we do not contemplate the need for any such changes.

Great, including our prior comment about modifications and actions that don't entail a hearing.

12.Exterior color palette and roof tiles.

A formal submittal will be made to the SFDB of the color palette and materials proposed for our home. I will notify when that hearing is scheduled. To give you an idea of our thoughts on an appropriate color scheme, I would direct you to the Biltmore. Like a lot of things, I think they get it pretty close to right.

As we have discussed, we share your appreciation for the Biltmore property. We want to avoid bright colors and stark contrasts that can cause the structures to pop out visually. We note that the Biltmore is in a more lush coastal setting where wall and roof colors are tempered by adjacent and overhanging vegetation, while your home must maintain fuel modification zones and thus involves considerably greater expanses of exposed walls. We of course will look over your roof for our views of the Pacific.

13.Final landscape plans.

A Final Landscape Plan will be submitted to the SFDB. This plan will be based on the approved Preliminary Landscape Plan and will include detailed irrigation and drainage plans. We will notify you when that hearing is scheduled.

Our principal interest is in the perimeter and tree elements to address screening, views and privacy. We will appreciate having the opportunity to work with you before landscaping plans are submitted for approval and your commitment to try to reach consensus with your neighbors on perimeter landscaping and trees to address reasonable concerns over privacy, screening and views.

14.Maintain Green Ridge Lane.

I agree entirely that we should be responsible for any damage or deterioration to Green Ridge Lane caused by our construction activity. We will send a letter to all of the property owners who currently share

responsibility for the right of way maintenance (six properties including ourselves) that we intend to have a survey of the road's current condition conducted by a reputable paving contractor prior to the start of construction and will commit to restoring it to like or better condition upon completion. If needed, we will make temporary repairs during construction. As we discussed, I will try to get an understanding from the paving contractor concerning what issues might improve the right-of-way for its long term maintenance and appearance and relay that on to the Green Ridge residences.

We appreciate your commitment to restore Green Ridge Road. It is not clear to us what you intend regarding seeking an "understanding" from a paving contractor pertaining to "long term maintenance and appearance," and suggest that Green Ridge Road's appearance, maintenance and management is a conversation that the entire neighborhood should be engaged in, independent from the impacts of your development.

15. Move house 3' to 5' to the east.

Prior to our last SFDB hearing, we looked carefully at the possibilities of re-siting the home to the east. While it appeared that this change would have little benefit for the properties above us, it was felt that it would have a significant negative impact on the privacy of our neighbors to the south. The SFDB considered these changes and elected to approve the design as currently sited.

We are aware that you have elected to elevate the concerns of one family below you over the concerns of the several families located above you, including us. We are having a hard time not being at least somewhat put off by your conclusion of "little benefit" from such an action, when we think it could have significant benefits. We were provided a copy of a letter from your attorney to ours inviting him to the Bay Area to view your home there and talk with your neighbors. Mr. Varni explained that you are loved in your Bay Area neighborhood because your home "does not interfere with the view of the people across the street." It's hard to forget your telling the SFDB that you could not reduce the floor height further, since you want to create your ocean views, thereby interfering with our existing views of the ocean. We don't see your behavior here in Santa Barbara to be "particularly" consistent with the "we respect the concerns of our neighbors" philosophy your attorney espouses for you in the Bay Area. We are resigned to the loss of some of our incredible ocean view as a result of your development. We ask that you meet us half way and do everything possible to reduce the impact, and to value our concerns

equally to those of your downhill neighbors. We would like, some ten years from now, to be able to offer the same recommendations that your Bay Area neighbors do now. Please offer us the same courtesy so we can do so.

16.Lower house 6" to 12".

Prior to our last SFDB hearing, we were asked to study whether the height of the house could be further reduced. We returned with a plan that reduced the entire structure from 6" to 21" overall. These changes are now part of the current approved plans. The composite rendering we looked at while we were at your home was based on the prior elevations and does not reflect these changes.

See previous response. We did prepare and present an updated visual simulation to the SFDB reflecting your modified project and demonstrating the loss of views of Chase Palm Park and the City's waterfront.

17.Reduction of bulk.

At the previous SFDB hearing, we were also asked to study whether the appearance of the entry portal could be reduced. We returned with a plan that reduced both the mass of the portal's surround as well as its depth. The net effect is a visual reduction of its perceived bulk. These changes are also now a part of the approved plans. The rendering does not reflect these changes but probably would not be noticeable from the vantage point of your home.

See previous two responses.

18.Size of trash enclosure.

Within the northerly leg of the entry portal is an area reserved for trash cans. They will be under the tile covered roof and screened from view by the adjacent hedges. I am confident that you will not be able to see this area from your home. I am concerned that reducing the leg of the portal further would give the structure a spindly appearance.

To us, this seems like adding unnecessary bulk at the point closest to our home. It is hard to imagine how such a massive and bulky complex could be characterized as "spindly." Our preference would be to balance the remainder of the complex and structures with the "spindly" trash enclosure. Architecture is an expression of taste and preferences, and as the SFDB made clear, they will only go so far. If the trash enclosure cannot be reduced, the need for cooperation and

coordination between us to reach consensus on screening in the perimeter landscaping is underscored.

19. Size of motor court.

Prior to beginning the design, we consulted with a traffic engineer on the correct size for a residential motor court. His answer was, without hesitation, a 52 foot minimum diameter. He told us that anything less would not work. Since then, we have mocked up various diameter motor courts with chalk on an open parking lot and tried to negotiate them with various vehicles. We found that we could make it work with a 50-foot diameter, which is what the current design is based on. The center of the motor court will contain a 14 foot wide landscaped area. The motor court will be paved with a permeable Cherokee Creek Tumbled Flagstone paver over a 6" road base with D.G. grout giving it a Santa Barbara sandstone appearance. I don't believe you will be able to see any of the motor court from your home.

A motor court, common in motels and hotels, is uncommon to unheard of at most residences in Santa Barbara. Again, while it is your design preference, it has community consequences. Have you considered if the size can be reduced if you used a hammerhead at one end, a few straight-in parking spaces, or allowed for a three-point turnaround? We will accept your statement that the surface of the motor court will be completely un-viewable from any point of our home if it is a guarantee, but what should be the consequences if you are incorrect and we see it plainly? To now, the City has allowed the motor court, and our request is that you continue to try to reduce its size. If you are unable and cannot forgo this architectural statement, we will likely just live with it, but expect that you will more fully address some have the other design and structural issues we raise above.

We appreciate your initial response to our concerns, and believe that we have gotten more than half way in addressing our concerns. As we discussed a few weeks ago, the success of us becoming the good neighbors that we each want to be to one another, will be largely dependant on the mutual extension of both good faith and trust. We are committed to working with you towards that end. As we've said earlier, we sincerely hope that we can get a written agreement and ask that you give additional thought to addressing our outstanding issues.

Sincerely,

Judy and Dave Deneholz