

MONTECITO PLANNING COMMISSION
Staff Report for Decker Appeal of MBAR Denial

Hearing Date: August 26, 2009

Staff Report Date: August 17, 2009

Case Nos.: 09APL-00000-00020; 08BAR-00000-00145

Deputy Director: Dave Ward

Division: Development Review South

Supervising Planner: Anne Almy

Supervising Planner Phone #: (805)568-2053

Staff Contact: Sarah Clark

Planner's Phone #: (805) 568-2853

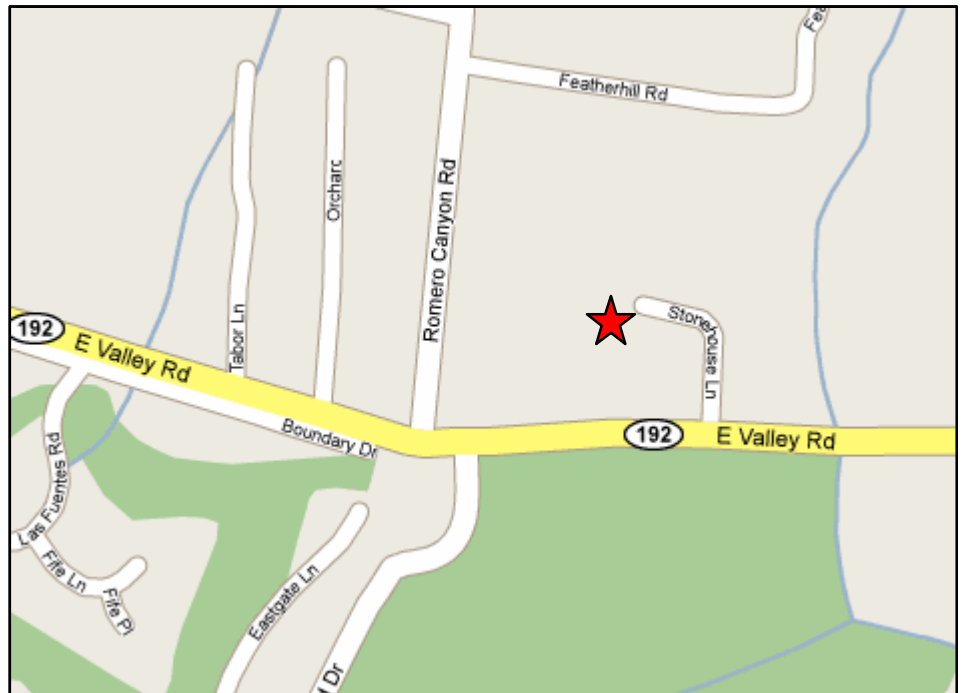
Environmental Document: Not subject to CEQA, Section 15270

OWNER/APPELLANT:

Steve Decker
670 Stonehouse Lane
Santa Barbara, CA 93108
(805) 708-6400

AGENT:

Larry Graves
811 Gardner Avenue
Ventura, CA 93004
(805) 701-1510



This site is identified as Assessor Parcel Number 155-060-030, located at 680 Stonehouse Lane, Montecito, 1st Supervisorial District.

MBAR Application Filed: June 10, 2008

Land Use Permit Application Filed: August 4, 2008

MBAR Denial: June 29, 2009

Appeal of MBAR Denial Filed: July 8, 2009

1.0 REQUEST

Hearing on the request of Steve Decker, appellant, to consider Case No. 09APL-000000-00020, [filed on July 8, 2009] to appeal the decision of the Montecito Board of Architectural Review to deny the application for Design Review, Case No. 08BAR-00000-00145; in compliance with Section 35.492 of the Montecito Land Use and Development Code, on property zoned 2-E-1, for a new 5,857 square foot residence with 1,409 square foot attached garage and an 800 square foot guest house.

The application involves AP No. 155-060-030, located at 680 Stonehouse Lane in the Montecito area, 1st Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case No. 09APL-00000-00020, marked "Officially Accepted, County of Santa Barbara August 26, 2009, Montecito Planning Commission Attachment A-E," based upon the project's inconsistency with the Montecito Community Plan, the Comprehensive Plan, and the Montecito Land Use and Development Code, and the inability to make the required MBAR findings.

Your Commission's motion should include the following:

1. Adopt the required findings to support the denial of Case No. 09APL-00000-00020, specified in Attachment A of this staff report, including CEQA findings;
2. Deny the appeal, Case No. 09APL-00000-00020; and
3. Deny the project design, Case No. 08BAR-00000-00145.

Alternatively, Refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based on Section 35.492.040.A.1 of the Montecito Land Use and Development Code (MLUDC), which designates the Montecito Planning Commission as the appellate review authority for any decision by the Montecito Board of Architectural Review to grant or deny preliminary approval.

4.0 ISSUE SUMMARY

On June 29, 2009, the Montecito Board of Architectural Review (MBAR) denied 08BAR-00000-00145 due to the inability to make the following five out of 10 required findings, as specified by MLUDC Section 35.472.070.F.1:

- a. *Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.*
- f. *Site layout, orientation and location of structures and signs will be in an appropriate and well-designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).*
- g. *Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.*
- h. *Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.*
- j. *The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection G (Local design standards) below.*

The appeal letter is included in this staff report as Attachment B. The appellant cites the following two issues with the MBAR decision as the basis for his appeal:

1. Neighborhood Compatibility; Size, Bulk, and Scale: The appellant contends that the proposed development is similar to development on neighboring parcels of similar size and is compatible with the surrounding neighborhood. The proposed residence is 7.4% above the recommended maximum floor area for the lot.

Response: In the surrounding neighborhood, the median home size is 1.6% *below* the recommended maximum floor area. Other residences in the neighborhood feature lower-pitched

roofs with varied rooflines and heights and dispersed massing. The proposed residence features a long, unbroken roofline and high pitched roof, and appears wide and bulky.

2. Abuse of Discretion: The applicant contends that the MBAR abused its discretion by inappropriately applying various development standards to the proposed project.

Response: The MBAR is required by the Montecito LUDC to apply the adopted Montecito Architectural Guidelines and Development Standards (“Guidelines”) to all development in the Montecito area. Application of the Guidelines is necessary in order to make the required findings, and MBAR’s review of the project against the guidelines was an appropriate application of their discretion, as described in Section 6.0.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban; SRR-0.5: Single Family Semi-Rural Residential/Maximum density 0.5 units/acre
Zone	2-E-1: Single Family Residential/Minimum parcel size 2 acres
Site Size	2.01 acres
Present Use & Development	Vacant
Surrounding Uses/Zoning	<i>North:</i> 2-E-1: Single Family Semi-Rural Residential <i>South:</i> 2-E-1: Single Family Semi-Rural Residential <i>East:</i> 2-E-1: Single Family Semi-Rural Residential <i>West:</i> 2-E-1: Single Family Semi-Rural Residential
Access	Private driveway off of Stonehouse Lane
Other Site Information	Created by Phase II of the Cross Creek Ranch Subdivision; TM 14,469
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire Protection District

5.2 Setting

The subject parcel is located at the terminus of Stonehouse Lane in Montecito. The parcel slopes gently downward towards its southern boundary from the entrance at Stonehouse Lane. The property is surrounded by residential development.

5.4 Description

The Montecito Board of Architectural Review (MBAR) application was submitted in compliance with MLUDC Section 35.472.070.B.1, which requires design review for any new structure. The accompanying Land Use Permit request is for construction of a new 5,857 square foot single-family residence with attached 1,409 square foot garage, with a maximum height of 30.5 feet, an 800 square foot guest house, site and retaining walls up to seven feet high, and a new entry gate. The project would require 100 cubic yards of cut and 400 cubic yards of fill and removal of two oak trees and one black acacia tree.

5.5 Background Information

The subject parcel was created as part of Phase II of the Cross Creek Ranch subdivision (TM 14,496), approved on September 1, 1999. The property is currently undeveloped.

On June 10, 2008, Planning and Development (P&D) received the subject MBAR application. The project received initial conceptual review on July 14, 2008. The accompanying LUP application was filed on August 4, 2008. The project returned to the MBAR for further conceptual/preliminary review on March 9, 2009, at which point the MBAR requested story poles. Story poles were erected and the project returned for further conceptual review/preliminary approval and a site visit on May 4, 2009. The MBAR made comments and requested several changes to the project design (See Section 6.5, Design Review). The project returned to the MBAR for preliminary approval on June 29, 2009, at which time MBAR denied the project. This decision was appealed on July 8, 2009. All MBAR minutes from review of this project are included under Section 6.5, Design Review.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The design review decision does not require environmental review pursuant to Section 15270 of the State Guidelines for Implementation of CEQA, which states that CEQA does not apply to projects that are disapproved by a public agency.

6.2 Appeal Issues and Discussion

On June 29, 2009, the Montecito Board of Architectural Review (MBAR) denied 08BAR-00000-00145 due to the inability to make findings A, F, G, H, and J, as required by MLUDC Section 35.472.070.F.1. The appellant has responded to each of the MBAR's adopted findings for denial in his appeal letter. Below are the appellant's statements and P&D's responses.

Appellant Statement – Finding A:

- *At 7.6% above the Montecito Guidelines' recommended maximum floor area ratio (FAR), the proposed development is in proportion to other existing structures in the surrounding area. The FARs for the nine existing residences within the Cross Creek Ranch subdivision range from 25.09% over, to 12.92% under, their respective recommended ratios. Therefore, the median FAR is 6.5%. At 7.6%, the proposed project's FAR is essentially at the median of the surrounding properties. **The decision is not supported by the evidence presented.***
- *The proposed residence is not too bulky and is factually comparable in bulk and scale to surrounding properties. Other than a list of FARs for the surrounding properties, MBAR did not request additional information regarding the bulk and scale of surrounding properties. However, applicant did offer a detailed comparison of one property, similar in lot size, which showed the comparison structure to be substantially greater in volume than the proposed structure. **The decision is not supported by the evidence presented.***
- *As the Montecito Guidelines require, the MBAR failed to restrict its FAR comparison to other existing homes on **similar** sized lots in the surrounding neighborhood. **The MBAR abused its discretion in failing to do so and their decision was not supported by the evidence presented.***
- *Comparing a proposed design to that of its design inspiration is not a basis for denial of a project. There is nothing in the Montecito Land Use and Development Code and the Montecito Architectural Guidelines and Development Standards that requires such a comparison or finding. **The MBAR abused its discretion in basing its denial on such a comparison.***

P&D Response:

The Montecito Architectural Guidelines and Development Standards provide the maximum recommended floor area based on the size of the lot. Section III.B.3.a states:

The floor area of a proposed house should be in scale with development on similar sized parcels in the immediate area. Table 1 [which provides recommended maximum net floor area for parcels of different sizes] shall serve as a reference for this purpose. A project with a floor area (size) substantially in excess of the floor area of the immediately surrounding properties will have the burden of demonstrating that the project cannot be viewed by surrounding property owners due to siting or that its spatial volume (mass, bulk and scale) when taken together with its lot size, setbacks and landscaping does not make it incompatible with similar surrounding properties.

The recommended maximum floor area (commonly referred to as Floor-to-Area Ratio, or FAR) is provided in order to assist in the evaluation of the size, bulk, and scale of a proposed project, and therefore its compatibility with the surrounding neighborhood. In evaluating neighborhood

compatibility, MBAR routinely compares the FAR of a proposed project to the FARs of parcels in the surrounding neighborhood. The proposed project is 7.4% above the recommended maximum floor area. As such, per the above referenced section of the Guidelines, the applicant must demonstrate that the project cannot be viewed by surrounding property owners or that its spatial volume is not incompatible with similar surrounding properties.

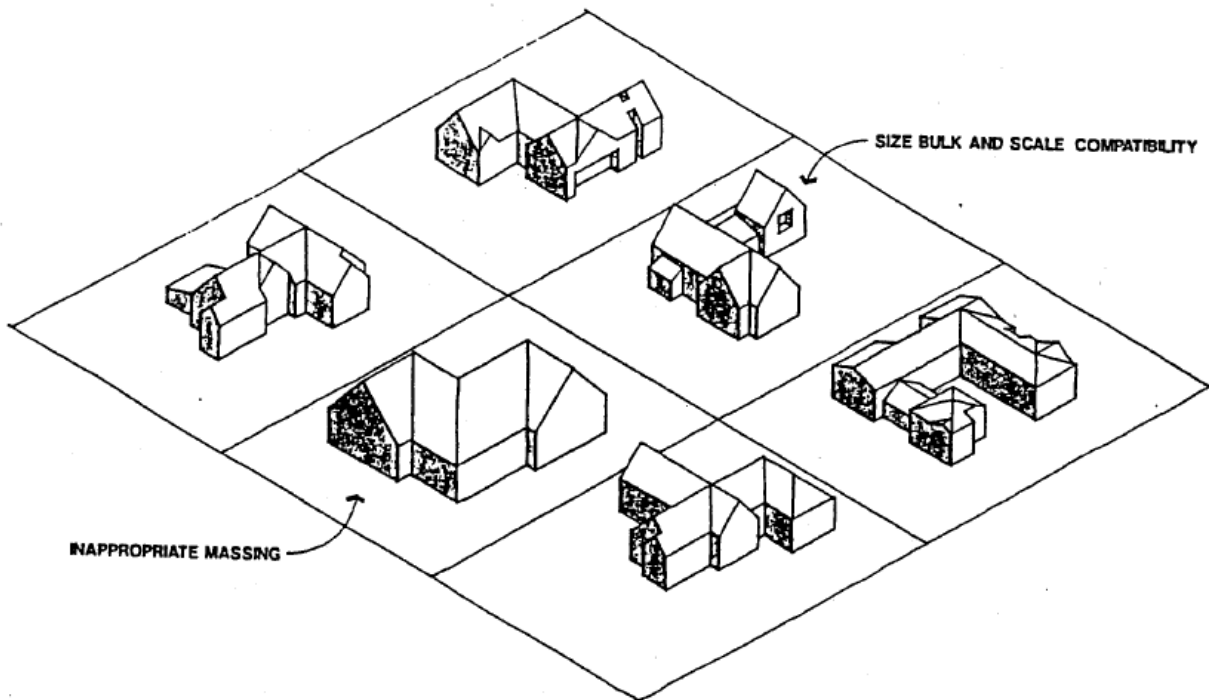
According to the Montecito FAR Database, residences in the surrounding neighborhood range in size from 2,358 square feet (as used to calculate FAR) to 6,361 square feet, with a mean size of 4,738 square feet. These residences range from 60.8% below recommended floor area (670 Stonehouse, the 2.01-acre parcel adjacent to the subject parcel) to 24.2% over recommended floor area (2222 East Valley Road). The average percentage of recommended floor area is -5.6%, and the median is -1.6%.

The two other parcels of similar size to the subject parcel are 660 Stonehouse Lane (2.04 acres) and 670 Stonehouse Lane (2.01 acres). 660 Stonehouse Lane is currently developed with a 6,197 square foot residence with a 964 square foot attached garage (4.8% over recommended floor area). 670 Stonehouse Lane is developed with a 2,358 square foot residence (60.8% below recommended floor area). The proposed residence is 5,857 square feet with a 1,409 square foot attached garage. At 7.4% above recommended floor area, it exceeds the floor area recommendation by more than either of these two equally-sized properties. Only two other properties in the neighborhood exceed the recommended floor area by a greater amount. Please see Attachment D for a detailed FAR study.

In denying preliminary approval of the project, the MBAR found that “The proposed residence is too tall, too wide, and too bulky... The height of the structure, the length of the roofline, and the large, high pitched roof are not compatible with surrounding homes or with the mountainous backdrop of the neighborhood.” Montecito Architectural Guidelines Section B.3 states:

- b. Mass of a building should be broken up in order to create interplay between the various building elements in a manner consistent with its architectural style.*
- f. The height of building elements should be varied where appropriate to the design.*
- g. Roof lines should be varied where appropriate to the design.*

These guidelines are illustrated in the following graphic, found on page 13 of the Guidelines:



The proposed design is 30.5 feet tall and features a long, unbroken roofline (see the roof plan included in Attachment C). As shown in the aerial photograph provided as Attachment F, homes in the surrounding neighborhood feature varied rooflines and heights and the mass of the structures is broken up. The proposed design is inconsistent with the provisions of the Guidelines cited above and is not compatible with existing development in the surrounding neighborhood.

The appellant states that “Comparing a proposed design to that of its design inspiration is not a basis for denial of a project.” The Montecito Architectural Guidelines define “architectural style” as “a consistent design theme that is manifested on the exterior form and decorative elements of the project.” Guidelines Section III.F.3 states:

- a. *Design elements should be consistent within the project.*
- b. *Building height and scale should be compatible with the style of the house.*

In denying the project preliminary approval, MBAR found that, “the proposed residence is too high, too wide, and too bulky and is not consistent with the style that inspired the design.” The applicant has stated during the design review process that the house was designed in a French cottage-type architectural style. At both the March 9 and May 4, 2009 hearings, MBAR commented that the “house is too wide and doesn’t appear to match the inspiration for the design.” At the May 4 hearing, MBAR also stated that, “the width of the house is a fundamental design issue.” The scale and height of the building are not compatible with the style of the house. The findings required for design review by MLUDC section 35.472.070.F.1 include the following:

The proposed development shall be consistent with any additional design standards expressly adopted by the Board for a specific local community, area, or district in compliance with Subsection G (local design standards) below.

As such, the MBAR acted within its discretion when denying this project due to inconsistency with the Montecito Architectural Guidelines and Development Standards, as described above. Because the proposed design is not compatible with the architectural style of the house, the project is not consistent with the Guidelines and the above finding cannot be made.

Appellant Statement – Finding F:

- *The orientation of the residence had been previously accepted by the MBAR and is consistent with the topographical orientation of other residences in the neighborhood.*
- *The proposed residence is not within the Hillside District. The proposed residence has no impact on public views of the hillsides or ocean as viewed from any scenic corridor as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03). **The MBAR abused its discretion by applying this requirement to the proposed residence.***
- *The MBAR erroneously found the height, roofline length, roof pitch not compatible with surrounding homes. The proposed residence is comparable to the surrounding homes as to height, etc. **The decision is not supported by the evidence provided.***
- *There is no requirement in the Montecito Architectural Guidelines that a proposed residence, which is not within the Hillside District, be compatible with the mountainous backdrop of the neighborhood. **The MBAR abused its discretion denying the project based on such a requirement.***

P&D Response:

At the March 9, 2009 hearing, MBAR commented, “Restudy where the house sits on the lot,” and, “This is the wrong site development for the lot. Too much development against the grade.” Although the May 4, 2009 MBAR minutes contain the comment, “Orientation of the footprint is acceptable,” at that hearing MBAR also stated, “(Needs addressing) Restudy where the house sits on the lot,” “(Needs addressing) This is the wrong site development for the lot. Too much development against the grade,” and, “The footprint within the building envelope is tight.” At the June 29, 2009 hearing, MBAR commented, “The entirety of the house is oriented in the wrong direction.” MBAR had indicated on several occasions that the site design was inappropriate. The May 4 comment indicating the acceptability of the orientation of the footprint was clearly contradicted by the MBAR’s other statements.

Although the proposed development is not subject to hillside/ridgeline standards, several Guidelines encourage respect for views from neighboring properties (“view” being defined as “the ability to see the ocean and/or mountains from a particular site, public roadway, public trail, or community area.”). Specifically, Section III.C.3 states:

- a. *The siting of new structures in relationship to existing structures should take into account the impact upon views from neighboring sites.*
- b. *The height and roof pitch of structures should take into account their impact upon views from neighboring sites.*
- c. *Variations in roof mass and pitch should be considered to avoid unreasonably impairing views from neighboring sites.*
- f. *Structures should be located and designed to avoid obstructing views from living areas of adjacent properties.*

Additionally, the Guidelines contain several provisions that encourage all development, regardless of hillside location, to minimize grading and respect existing site topography. MBAR applied its discretion appropriately in requiring the proposed development to respect surrounding views from neighboring parcels (e.g. mountains, hillsides) and minimize grading to blend with existing site topography.

Appellant Statement - Finding G:

- *The project's existing vegetation would substantially screen the structure from neighboring properties. Particularly when compared to the landscaping of the surrounding residences. The additional landscaping proposed only serves to augment the already considerable existing vegetation. Notwithstanding, there is no required finding that the proposed residence be "adequately" screened. **The decision is not supported by the evidence presented and is an abuse of discretion.***
- *The plain language of section "g" is inapplicable to the stated reason for denial under this section. **The decision is an abuse of discretion.***

P&D Response:

Finding G states, "Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping."

Guidelines Section III.H.3. states:

Guidelines: All properties shall be landscaped so that the landscape design is consistent with the design of the project and with the following guidelines:

- a. *The appearance of architectural features should be blended or softened with landscaping.*
- b. *Plantings should enhance the architecture and be appropriately designed to the style of architecture.*
- c. *Privacy between adjoining properties should be maximized.*

- d. New structures, trash areas, and large parking areas shall be screened from offsite view using earth berms, plant materials, and/or fences to the maximum extent feasible.*

MBAR found that, “proposed landscaping does not adequately screen the structures and does not resolve the proposed project’s design issues.” In making Finding G, MBAR evaluated the proposed landscaping against the landscaping standards set forth in the Guidelines. MBAR applied its discretion appropriately in determining that the proposed project was not adequately screened.

Appellant Statement – Finding H:

- *The MBAR has inappropriately applied Hillside District guidelines to the proposed residence. The denial reasoning cannot be found in the Guidelines’ ten required findings. **The denial decision reasoning is an abuse of discretion.***
- *The finished floor elevation of the proposed residence only reaches 6.5 feet above existing grade at one singular point, in the southwest corner of the house. All other points in the house substantially decrease in elevation above existing grade to a point where the house is set at or below existing grade. **The decision is not supported by the evidence presented.***
- *As to Section III, Residential Architectural & Landscape Design Guidelines A.3.b., it requires a project’s neighborhood compatibility be evaluated as to the topography. The proposed residence is oriented in the same manner as virtually all the other nine residences within Cross Creek Ranch. **The decision is not supported by the evidence provided.***
- *The proposed grading does not create visible scarring. The grading is consistent with that of the surrounding properties as to the quality of cut and fill and grade change practices through the use of retaining walls. **The denial based on this reasoning is an abuse of discretion.***
- *The published minutes of the 7/14/2009 MBAR states that the “orientation of the footprint is acceptable.” **In the face of their prior acceptance of the orientation of the residence, the denial on this basis is an abuse of discretion.***

P&D Response:

As discussed under Finding F, all proposed development is required to minimize grading and harmonize with the natural topography, regardless of hillside location. Orienting the structure perpendicular to the existing grade, as proposed, necessitates increased grading quantities (400 cubic yards of fill and 100 cubic yards of cut) and development of retaining walls up to seven feet high. The proposed grading results in a finished floor elevation of the proposed residence that would be as much as 6.5 feet above existing grade, and an approximately 118-foot long retaining wall ranging in height from approximately four to approximately seven feet. The motorcourt would be raised as well. Given that the parcel is not located in a hillside location, the

proposed extent of grading is inappropriate. MBAR repeatedly requested that the applicant re-orient the residence or step it down with the grade in order minimize fill. MBAR applied its discretion appropriately in determining that the orientation of the residence and amount of grading is inappropriate.

6.3 Comprehensive Plan Consistency

Although the findings for Design Review approval do not require consistency with the Comprehensive Plan, all MBAR decisions are made in the context of County land use policies. As such, the following is a discussion of policies relevant to aesthetics and visual resources.

REQUIREMENT	DISCUSSION
<p>Hillside and Watershed Protection Policy #1: <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p>Hillside and Watershed Protection Policy #2: <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p>	<p>Inconsistent. The project site is currently vacant. The applicant proposes to place the structure onto the site perpendicular to the existing grade. Placing the structure on the site in this fashion necessitates increased grading quantities and the development of retaining walls in excess of six feet in height.</p>
<p>Visual Resources Policy #3: <i>In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</i></p> <p>Policy VIS-M-1.1: <i>Development shall be subordinate to the natural open space characteristics of the mountains.</i></p>	<p>Inconsistent. As the MBAR found in the adopted findings for denial, at 7.4% over the recommended maximum floor area, the proposed residence is not in proportion to other existing structures in the area surrounding the property. The proposed residence is too bulky, and the height of the structure, the length of the roofline, and the large, high pitched roof are not compatible with surrounding homes or with the mountainous backdrop of the neighborhood.</p>

6.4 Montecito LUDC Consistency

With respect to height and setbacks, parking, and use, the proposed project is consistent with the provisions of the Montecito LUDC and the Conditions of Approval of TM 14,496. However, design review is required for any new structure pursuant to MLUDC Section 35.472.070.B.1. On June 29, 2009, MBAR denied the project preliminary approval due to the inability to make the required findings, as described in Attachment A. Because design review is required for all new structures in Montecito, and MBAR has declined to approve the project, the project is not consistent with the provisions of the Montecito LUDC.

6.5 Design Review

The project has been heard by the MBAR on four occasions. At the initial conceptual review on July 14, 2008, the MBAR made the following comments:

- *Heights appear high on the façade.*
- *There appears to be a lot of roof for the structure in the attempt to create a one story appearance.*
- *Study roof pitches.*
- *Consider consolidating the two interior stairwells.*
- *Shutters need to be functional.*
- *Why isn't the house brought down to meet grade?*
- *Show existing and finished grade on elevations.*
- *Prepare complete plan sets, so far we have only seen pieces and not the whole house.*
- *Provide, at a minimum, axonometric complete structural views.*
- *Provide site sections for the house and guesthouse, particularly in terms of grade.*
- *Provide FAR study.*
- *Provide the approved conditions of approval for the map to MBAR.*
- *Show adjacent and accurate structural footprints, not the adjacent building envelopes.*
- *Show photos of the design concepts you researched.*
- *Complete and provide the standard FAR form.*
- *The project will require story poles but not prior to the next meeting.*
- *Return for further conceptual review after planner assignment.*

The project returned to MBAR for further conceptual review and preliminary approval on March 9, 2009. MBAR made the following comments:

1. *Incorporate the Arborist's tree plan in to the landscape plan, e.g. show canopies, critical root zone, drip lines.*
2. *Concerned with driveway to the east and paving.*
3. *Consider a stepped down or angled design that avoids the heightened finished floor elevation.*
4. *Consider dropping the roof so that the eaves meet the top of the windows.*
5. *Consider lowering the ridgeline on the area of the house where the second story living area ends.*
6. *Restudy where the house sits on the lot.*
7. *19-20 % over the FARs is too much.*
8. *This is the wrong site development for the lot. Too much development against the grade.*

9. *House is too wide doesn't appear to match the inspiration for the design.*
10. *Provide an accurate FAR study.*
11. *Erect story poles: Follow the Story Pole Guidelines; show finished floor, highest ridge, ridge over the garage and main house, eave lines. Show height of guardrail and finished grade in south east drive area.*

The applicant then erected story poles, and the project returned to MBAR on May 4, 2009, for further conceptual review/preliminary approval. MBAR made a formal site visit to view the story poles both on the site and from adjacent roads and properties. MBAR made the following comments:

1. *Turf block is a good change.*
2. *The olive tree additions are good.*
3. *Orientation of the footprint is acceptable.*
4. *Two of the comments from the 3/9/09 MBAR comments have been addressed. Several others have not and still apply, as follows:*
 1. *(Done) Incorporate the Arborist's tree plan in to the landscape plan, e.g. show canopies, critical root zone, drip lines.*
 2. *(Needs addressing) Concerned with driveway to the east and paving.*
 3. *(Needs addressing) Consider a stepped down or angled design that avoids the heightened finished floor elevation.*
 4. *(Needs addressing) Consider dropping the roof so that the eaves meet the top of the windows.*
 5. *(Needs addressing) Consider lowering the ridgeline on the area of the house where the second story living area ends.*
 6. *(Needs addressing) Restudy where the house sits on the lot.*
 7. *(Needs addressing) 19-20 % over the FARs is too much.*
 8. *(Needs addressing) This is the wrong site development for the lot. Too much development against the grade.*
 9. *(Needs addressing) House is too wide doesn't appear to match the inspiration for the design.*
 10. *(Done) Provide an accurate FAR study.*
 11. *(Done) Erect story poles: Follow the Story Pole Guidelines; show finished floor, highest ridge, ridge over the garage and main house, eave lines. Show height of guardrail and finished grade in south east drive area.*
5. *Additionally:*
 6. *The width of the house is a fundamental design issue*
 7. *Study stepping the building down.*
 8. *Concerned with bulk of the house. The mid and south and west sections are particularly bulky.*
 9. *Concerned with the long ridgeline, especially on the southwest corner. Break up the roof line.*
 10. *Provide more animation for the roof*
 11. *The footprint within the building envelope is tight*
 12. *Concerned with FAR overages*
 13. *Elevation of first floor is too massive.*
 14. *Landscaping is not enough to resolve the architectural design issues.*
 15. *Italian Cypress will not screen the structures.*
 16. *MBAR anticipates formal action at the next meeting.*

Based on the above comments, the applicant made several changes to the project. These included replacing some of the proposed gravel motorcourt with turf block, lowering the maximum height of the structure from 35 feet above existing grade to 30.5 feet above existing

grade by altering plate heights and some roof pitches, lowering the finished floor elevation by 2.2 feet, and reducing the square footage of the structure from 6,552 square feet to 5,857 square feet by re-designating a portion of the second story as attic space. The project then returned to MBAR for preliminary approval on June 29, 2009, at which time the MBAR denied the project, making the following comments:

1. *MBAR is not comfortable with the revisions. They are minimal.*
2. *Inappropriate use of attic to reduce FAR.*
3. *The project has not progressed over multiple meetings.*
4. *Trees to screen structures are not appropriate when the bulk of the house eliminates views.*
5. *A finished floor elevation of up to 6 ½ - 7' above existing grade is significant concern.*
6. *The entirety of the house is oriented in the wrong direction.*
7. *MBAR supports the findings for denial as drafted by staff in staff's memo, dated June 29, 2009.*

MBAR denied the project based on the inability to make the required findings, as detailed in Attachment A.

7.0 APPEALS PROCEDURE

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision by the applicant or an aggrieved person. The appeal fee to the Board of Supervisors is \$643.

ATTACHMENTS

- A. Findings
- B. Appeal Letter
- C. Project Plans
- D. Floor Area Study
- E. Aerial Photo

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Planning Commission finds that the proposed project not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270, which states that CEQA does not apply to projects which are disapproved by a public agency.

2.0 DESIGN REVIEW FINDINGS

Design Review applications shall be approved or conditionally approved only if the Montecito Board of Architectural Review first makes all of the findings specified in Section 35.472.070.F.1. The following five of the 10 required findings cannot be made:

- a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.*

At 7.6% over the recommended maximum floor area, the proposed residence is not in proportion to other existing structures in the area surrounding the property. The proposed residence is too bulky and the width of the house is inappropriate given the design inspiration. This finding cannot be made.

- f. Site layout, orientation and location of structures and signs will be in appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).*

The proposed residence is oriented against the natural grade of the property. This orientation does not minimize grading or make use of the existing site topography. The height of the structure, the length of the roofline, and the large, high pitched roof are not compatible with surrounding homes or with the mountainous backdrop of the neighborhood. This finding cannot be made.

- g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.*

Proposed landscaping does not adequately screen the structures and does not resolve the proposed project's design issues. This finding cannot be made.

- h. Grading and development is designed to avoid visible scarring and will be in appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.*

The proposed project is not located on a hillside or ridgeline. However, the orientation and design of the house and proposed driveway will require approximately 100 cubic yards of cut

and 400 cubic yards of fill. The proposed residence has not been stepped down or designed to blend with the natural topography of the site. As a consequence, the finished floor elevation of the residence is as much as six and a half to seven feet above existing grade. Excessive grading has raised the driveway and motorcourt area to as much as approximately four feet above existing grade. The motorcourt area will be surrounded by retaining walls up to 6 feet, 8 inches high. This finding cannot be made.

- j. The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area, or district in compliance with Subsection G (local design standards) below.***

The proposed project is inconsistent with the Montecito Architectural Guidelines and Development Standards. The project is 7.6% above the recommended maximum floor area and is not in scale with surrounding development. The proposed residence is too tall, too wide, and too bulky, and is not consistent with the style that inspired the design. The finished floor elevation is too high. The height of the structure, the length of the roofline, and the large, high pitched roof are not compatible with surrounding homes or with the mountainous backdrop of the neighborhood. The residence is not oriented or designed to minimize grading or to make use of existing site topography. This finding cannot be made.

ATTACHMENT B: APPEAL LETTER

Decker SFD, 680 Stonehouse Lane
08LUP-00000-00471; 08MBAR-00000-00145

Reasons for Appeal

Montecito Land Use and Development Code Section 35.472.070.F.1

a.

- At 7.6% above the Montecito Guideline's recommended maximum floor area ratio (FAR), the proposed development *is* in proportion to other existing structures in the surrounding area. The FARs for the nine existing residences within the Cross Creek Ranch subdivision range from 25.09% over, to 12.91% under, their respective recommended ratios. Therefore, the median FAR is 6.5%. At 7.6%, the proposed project's FAR is essentially at the median of the surrounding properties. ***The decision is not supported by the evidence presented.***
- The proposed residence is not too bulky and is factually comparable in bulk and scale to surrounding properties. Other than a list of FARs for the surrounding properties, the MBAR did not request additional information regarding the bulk and scale of surrounding properties. However, applicant did offer a detailed comparison of one property, similar in lot size, which showed the comparison structure to be substantially greater in volume than the proposed structure. ***The decision is not supported by the evidence presented.***
- As the Montecito Guidelines require, the MBAR failed to restrict its FAR comparison to other existing homes on *similar* sized lots in the surrounding neighborhood. ***The MBAR abused its discretion in failing to do so and their decision was not supported by the evidence presented.***
- Comparing a proposed design to that of its design inspiration is not a basis for denial of a project. There is nothing in the Montecito Land Use and Development Code and the Montecito Architectural Guidelines and Development Standards that requires such a comparison or finding. ***The MBAR abused its discretion in basing its denial on such a comparison.***

f.

- The orientation of the residence had been previously accepted by the MBAR and is consistent with the topographical orientation of other residences in the neighborhood.
- The proposed residence is not within the Hillside District. The proposed residence has no impact on public views of the hillsides or ocean as viewed from any scenic corridor as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03). ***The MBAR abused its discretion by applying this requirement to the proposed residence.***

- The MBAR erroneously found the height, roofline length, roof pitch not compatible with surrounding homes. The proposed residence is comparable to the surrounding homes as to height, etc. ***The decision is not supported by the evidence presented.***
- There is no requirement in the Montecito Architectural Guidelines that a proposed residence, which is not within the Hillside District, be compatible with the mountainous backdrop of the neighborhood. ***The MBAR abused its discretion denying the project based on such a requirement.***

g.

- The project's existing vegetation would substantially screen the structure from neighboring properties. Particularly when compared to the landscaping of the surrounding residences. The additional landscaping proposed only serves to augment the already considerable existing vegetation. Notwithstanding, there is no required finding that the proposed residence be "adequately" screened. ***The decision is not supported by the evidence presented and is an abuse of discretion.***
- The plain language of section "g" is inapplicable to the stated reason for denial under this section. ***The decision is an abuse of discretion.***

h.

- The MBAR has inappropriately applied Hillside District guidelines to the proposed residence. The denial reasoning cannot be found in the Guidelines' ten required findings. ***The denial decision reasoning is an abuse of discretion.***
- The finished floor elevation of the proposed residence only reaches 6.5 feet above existing grade at one singular point, in the southwest corner of the house. All other points in the house substantially decrease in elevation above existing grade to a point where the house is set at or below existing grade. ***The decision is not supported by the evidence presented.***
- As to Section III, Residential Architectural & Landscape Design Guidelines A.3.b., it requires a project's neighborhood compatibility be evaluated as to the topography of the neighborhood and how other neighborhood structures are sited on the topography. The proposed residence is oriented in the same manner as virtually all the other nine residences within Cross Creek Ranch. ***The decision is not supported by the evidence presented.***
- The proposed grading does not create visible scarring. The grading is consistent with that of the surrounding properties as to the quantity of cut and fill and grade change practices through the use of retaining walls. ***The denial based on this reasoning is an abuse of discretion.***

- The published minutes of the 7/14/2009 MBAR states that the "orientation of the footprint is acceptable." ***In the face of their prior acceptance of the orientation of the residence, the denial on this basis is an abuse of discretion.***

j.

The citing of this code section appears to be an unnecessary redundancy. The reasons for denial have all been cited previously and they are rebutted above.

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Hearing Date: August 26, 2009
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ATTACHMENT C: PROJECT PLANS

ATTACHMENT D: FLOOR AREA STUDY

Address	Owner	Parcel Size (acres)	Floor Area (ft²)	Recommended Floor Area (ft²)	Percentage of Guideline (ft²)
2222 East Valley	Turner	0.87	4935	3975	24.2%
2224 East Valley	Draine	0.80	4000	3825	4.6%
610 Stonehouse	Nulty	1.36	4568	4912	-7.0%
615 Stonehouse	Barrett	1.15	3780	4555	-17.0%
620 Stonehouse	McFarland	1.30	5504	4810	14.4%
625 Stonehouse	Purkait	1.09	4002	4453	-10.1%
630 Stonehouse	Reynolds	1.67	5645	5439	3.8%
640 Stonehouse	Tegart	1.51	4500	5167	-12.9%
660 Stonehouse	Stone	2.04	6361	6068	4.8%
670 Stonehouse	Decker	2.01	2358	6017	-60.8%
680 Stonehouse	Decker	2.01	6466	6017	7.5%

Mean Floor Area = 4738.1

Mean % = -5.6%

Median %= -1.6%

ATTACHMENT E: AERIAL PHOTO

