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COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

July 15, 2016

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**VIA HAND DELIVERY**

Peter Adam, Chair  
Santa Barbara County Board of Supervisors  
105 East Anapamu Street  
Santa Barbara, CA 93101

RE: Olsten Trust Appeal from Montecito Planning Commission Denial, July 19, 2016  
Hearing, 16APL-00000-00007

Dear Chair Adam and Honorable Supervisors:

Brownstein Hyatt Farber Schreck represents the Olive Mill Trust (the Hair family), owner of the property located directly adjacent to and easterly of the Olsten Trust property that is the subject of this appeal. We urge your Board to deny this appeal and to send a strong message to the citizens and property owners of this County that the goals and policies of the Montecito Community Plan will be enforced.

As you know, no project can be approved if it is not in compliance with the Comprehensive General Plan, of which the Montecito Community Plan is a part. Each Community Plan is a unique reflection of what community members want for the future of their community. This project violates the Montecito Community Plan goals and policies and should not be approved.

**Introduction**

This project has undergone countless hearings at the Montecito Board of Architectural Review and has been denied by the Montecito Planning Commission on three separate occasions, primarily because of the size, bulk and scale of the project, but most particularly because it proposes a second story that is double that of the existing structure, despite the fact that the existing house that was built prior to the Montecito Community Plan (MCP) implementation is so large and imposing that it never could have been approved under the MCP goals and policies.

The applicants are from the East Coast and apparently either don't appreciate or choose to disregard the importance to the Montecito community of the MCP. We ask all Board members not to encourage this disregard for the Plan.

The MCP was the first Community Plan adopted by the County of Santa Barbara. It resulted from hundreds of hours of dedicated work by community representatives and was written by the Montecito General Plan Advisory Committee with substantial community input. In short, it represents the desire of the community and its citizens, who trust their County Supervisors to enforce the rules by which land is developed.

The first few words of the MCP explain why the Plan was adopted and could not be more apt when considering the Olsten trust project:

“Recent construction of large state homes have led to substantial alteration in the character of portions of the community. . . . Potential continuance of this trend, . . . reconstruction of homes could further alter the community's character . . . as the high cost of property continues to exert pressures to construction larger and larger structures.”

The applicants may have spent a great deal to purchase their lot, but so has everyone else on Channel Drive, Hill Road, and the rest of Montecito. The MCP protects the integrity and value of every community. All of Montecito is beautiful, but Channel Drive has special value because of its coastal location and its attraction for those of us who live here and for people from all over the nation and the world who visit Montecito. As one public speaker at a recent Montecito Association Land Use Committee said, Channel Drive is the “jewel of Montecito.” It is the true gateway for Montecito – it is the first part of the community seen by many visitors who walk and bicycle from the Cabrillo Boulevard recreational and hotel areas

Granting this appeal would result in a precedent that would change the entire Channel Drive frontage, which still has many modest single-story homes. It certainly will send a message to the owners of those homes that the door is open to enlarge their homes and add second stories. If the Olsten Trust home is approved as proposed, on such a small but highly visible lot, why wouldn't every other single story home on Channel Drive not be eligible for the same treatment?

Sadly, land use issues seem to be taking a back seat to political parlaying in this case. Rather than revising the house design to comply with the MCP goals and policies, the project team has resorted to intense lobbying and political pressure. The issue has ceased to be what is best for the community and Channel Drive and has become a question of who can exert the greatest political muscle.

**This Is a Brand New Project, Not a Remodel.**

The applicants' team repeatedly compares the proposed project with the existing home, as if the existing sets the standard for appropriate design. It does not. This is a new project that, unlike the existing, must conform to the MCP. The applicants propose to scrape the lot, dig a basement, and build a brand new home with a second story that is double the size of the current story. The site must be viewed as a vacant lot. And the question must be asked -- would the County approve such a large 2-story (largely glass) building with a second story that blocks ocean views for neighboring residences and mountain views from Channel Drive? The answer must be "no."

**The Montecito Community Plan Goals and Policies**

Unlike guidelines, the MCP goals and policies are absolute. They are not flexible and they cannot be overlooked.

We attach the full text of the MCP goals and policies with which the project conflicts, but summarize them below:

**GOAL LU-M-1** – this is the very first land use goal in the MCP and it calls for promoting neighborhood compatibility by **protecting public views, "and to the maximum extent feasible, private view of the mountains and ocean."**

The proposed second story blocks public views of the mountains and private views of the ocean. The Hair family is on record stating that they would not oppose a second story if it did not exceed the size of the second story on the existing home on the project site. This generous offer would still allow the project to violate the MCP. This new home is entirely subject to the MCP and any second story would block mountain views for the public using Channel Drive and the beach. It also would block private ocean views of Hill Road neighbors.

**GOAL LU-M-2** – this requires that all development along roads be designed so it doesn't impinge upon the character of the roadway.

Policy LU-M-2.1 states it more clearly: New structures **shall be** designed, sited, graded and landscaped in a manner which **minimizes their visibility from public roads.**"

Policy VIS-M-1.3: Development of property should minimize impacts to open space views as seen from public roads and viewpoints.

The second story element of this proposal will tower over Channel Drive (exacerbating the current imposing second story) and is not designed to minimize its visibility from Channel Drive. The applicants now propose a landscape plan and privacy wall to try to hide the structure, but they can't hide the second story. We enclose sample photographs

of the landscaping proposed. The applicants propose a landscape plan that includes large trees that would further block private ocean views and public mountain views. Landscaping is intended to enhance design – it cannot cover for inappropriate design and should not be allowed to create view blockage to accommodate a new house that is too large for its site.

The project also has a distinct lantern effect that will change the night sky along Channel Drive. MCP Policy LU-M-2.2 states that “**Lighting of structures, roads and properties shall be minimized** to protect privacy, and to **maintain the semi-rural, residential character of the community.**” The proposed house will increase the amount of glass that fronts on Channel Drive, replacing a Mediterranean style with a large, square box with floor to ceiling windows. Despite the applicants’ claim that the new “shutters” they have added will reduce glare, the glazing remains and the shutters are moveable. There is simply too much glass and there will be a lantern effect. See the attached photograph depicting the night view of this house. Please also see the applicants’ Photo-shopped photograph that purports to depict the current lighting at the site and at the adjacent properties. The applicant’s manipulated photo may accomplish misdirection, but it is irrelevant to the issue of conformity of the proposed project to the MCP.

The Montecito Guidelines include one uniquely applicable prohibition (note the use of the word “shall” – not usually included in guidelines): “There shall be a harmonious relationship with existing developments in the surrounding neighborhood.” The controversy alone should be a good indication that this structure does not have a harmonious relationship with its existing neighbors.

### **The Project Exceeds the Floor Area Ratios Imposed by the MCP**

Through clever manipulation of square footage (using a full height basement, a cabana that is nowhere near the beach or the pool, and roof decks), the applicants have reduced the structure’s FAR but it still exceeds the FAR permitted by the MCP. More important to consideration of whether or not the project fits its 0.44 acre lot size is the total square footage proposed – 5,318 square feet (1,252 square feet on the second story).

We also enclose floor plans of the proposed project because one of the applicants has claimed that the second bedroom that makes the second story so large is essential housing for a future caregiver! While a compelling story, it is not credible that these applicants intend to share their upstairs bedroom suite, including the sole bathroom, with their future caregiver rather than having the caregiver use the large bedroom suite in the basement (served by an elevator).

**Air Quality and Traffic Impacts of Exporting Soil for the Basement Have Not Been Identified and Analyzed.**

The project plans grossly understate the cubic yardage resulting from excavation and export of the soil displaced by the basement construction. Mr. Hair estimates the export at approximately 1,000 cubic yards. The plans say 400 cubic yards but fail to disclose how they arrived at such a low figure. Channel Drive essentially dead-ends to west. To the east, there is poor access to other surface streets because of the unique configuration of Coast Village Road, and because Highway 101 at Coast Village Road offers only a southbound entrance that doesn't meet freeway safety standards, being short and forcing merging traffic to compete with exiting traffic at San Ysidro Road. To catch Highway 101 north, hauling trucks either must enter 101 southbound and immediately exit at San Ysidro Road, then lumber across the crowded and undersized San Ysidro Road bridge and re-enter 101 northbound, or travel through the Lower Village, brave a roundabout with a tight turning radius and fast-moving cars, then enter Highway 101 northbound at Hot Springs Road. Occurring at the same time as the Highway 101 widening, this project will have considerable traffic impacts and may pose a serious hazard to existing local traffic trying to deal with the freeway construction. The air quality impacts on the community and the traffic hazard from these trucks have not been analyzed – the CEQA exemption is inadequate and inappropriate.

**The Findings for Denial Are Amply Supported by the Evidence in the Record**

The Montecito Planning Commission devoted 3 hearings – hours of testimony – to this project, and even asked the applicants to reduce the square footage of the second story to improve the project. The applicants flatly refused. The applicants are not entitled to preferential treatment because they have influential friends. Many neighbors of the project oppose it. The two closest neighbors would lose a substantial amount of their view and of their privacy if this project is approved. That is directly contrary to the Montecito Community Plan.

**Conclusion**

This project must be denied and the applicants sent back to the drawing board. A contemporary home, property designed in a way that honors the MCP, reduces exterior glazing, and avoids invading neighbors' privacy and compromising public and private view could be designed. As proposed, the site is over-developed and the residence overly imposing. At night, it will shout "Look at me!!" That may make directing dinner guests to the site easier for the applicants, but it is precisely what the MCP was intended to prevent. The neighborhood may have older homes that don't conform to the MCP because they predated the Plan. The Plan was adopted to stop the perpetuation of

Peter Adam, Chair  
July 15, 2016  
Page 6

larger and more imposing structures. We ask the Board to support the Montecito Community Plan and the Montecito Planning Commission, and deny this appeal.

Sincerely,



Susan F. Petrovich

Enclosures: 12

## MONTECITO COMMUNITY PLAN POLICIES VIOLATED BY 1154 CHANNEL DRIVE

**GOAL LU-M-1:** In Order To Protect The Semi-Rural Quality Of Life, Encourage Excellence In Architectural And Landscape Design. Promote Area-Wide And Neighborhood Compatibility; Protect Residential Privacy, Public Views, And To The Maximum Extent Feasible, Private Views Of The Mountains And Ocean.

**GOAL LU-M-2:** Preserve Roads As Important Aesthetic Elements That Help To Define The Semi-Rural Character Of The Community. Strive To Ensure That All Development Along Roads Is Designed In A Manner That Does Not Impinge Upon The Character Of The Roadway.

**Policy LU-M-2.1:** New structures shall be designed, sited, graded and landscaped in a manner which minimizes their visibility from public roads.

**Policy LU-M-2.2:** Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.

**Policy VIS-M-1:** Development shall be subordinate to the natural open space characteristics of the mountains.

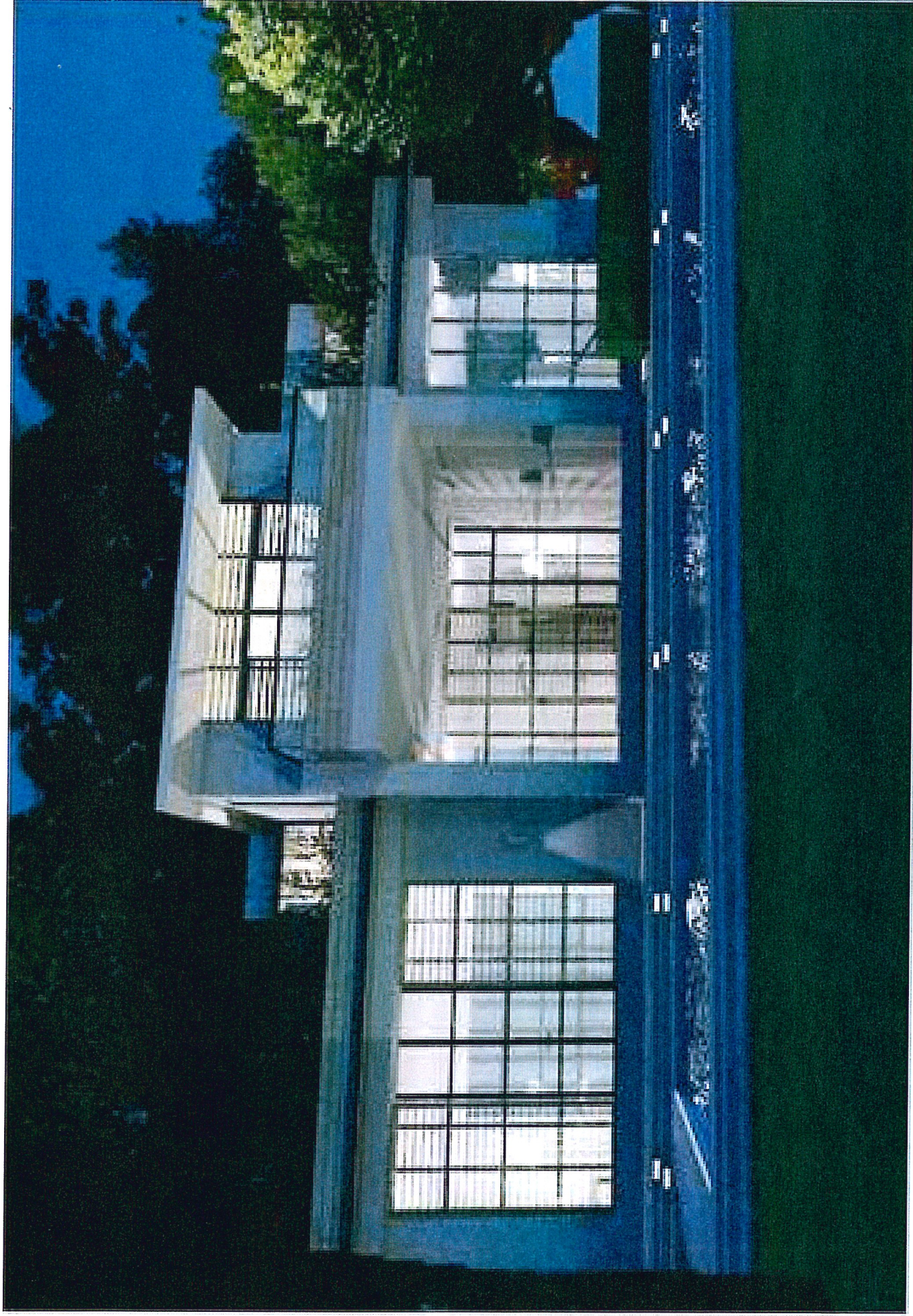
**Policy VIS-M-1.3:** Development of property should minimize impacts to open space views as seen from public roads and viewpoints.

### **Montecito Architectural Guidelines/Development Standards**

“Structures should be located and designed to avoid obstructing views from living areas of adjacent properties.”

“There **shall** be a harmonious relationship with existing developments in the surrounding neighborhood . . . .”

**1154 Channel Drive**

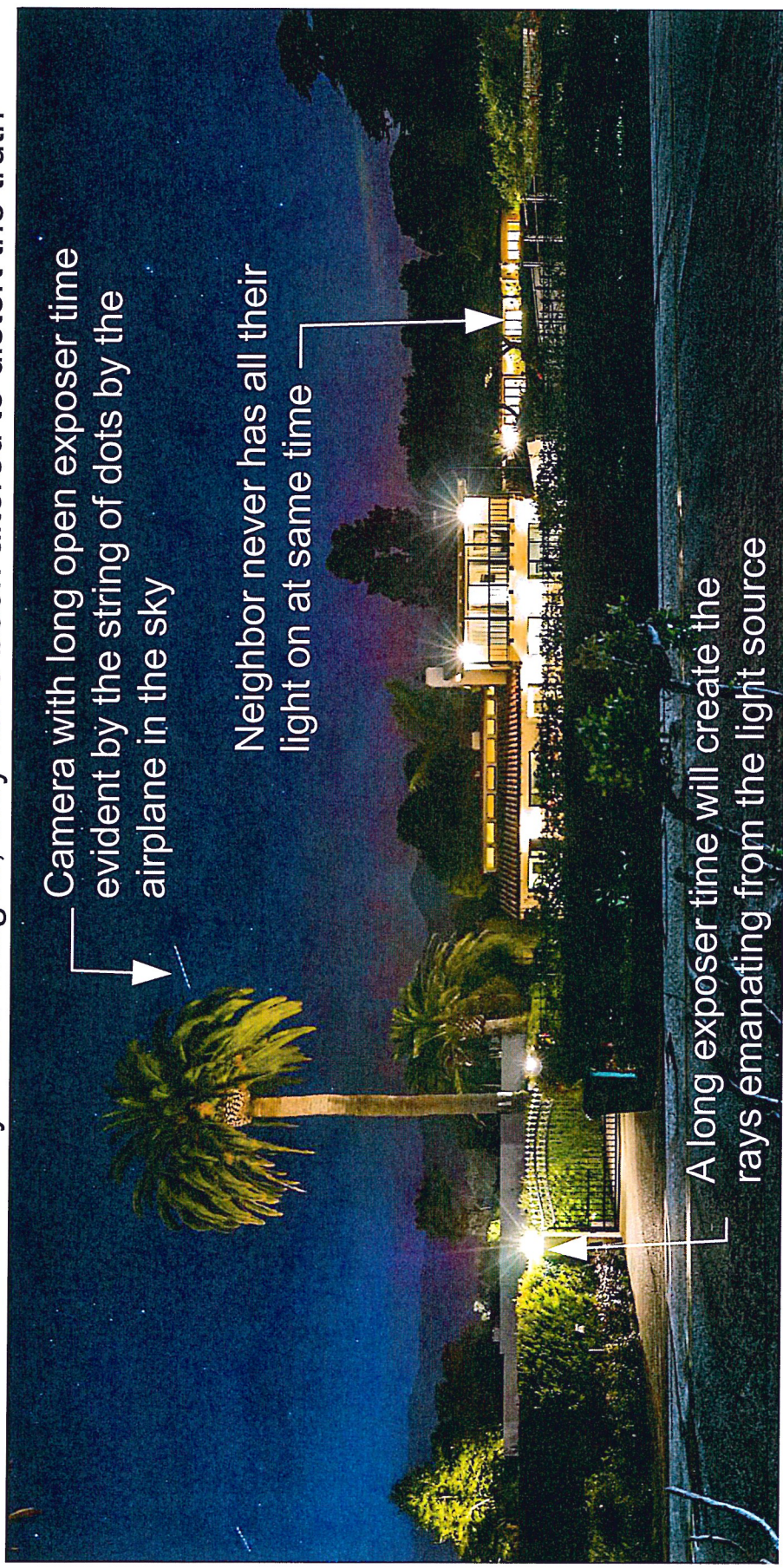


**LANTERN EFFECT: Lamps and sconces**



# 1154 Channel Drive: Olsten Trust, Architect's photograph

Do not be fooled by these images, they have been altered to distort the truth



Camera with long open exposer time  
evident by the string of dots by the  
airplane in the sky

Neighbor never has all their  
light on at same time

A long exposer time will create the  
rays emanating from the light source

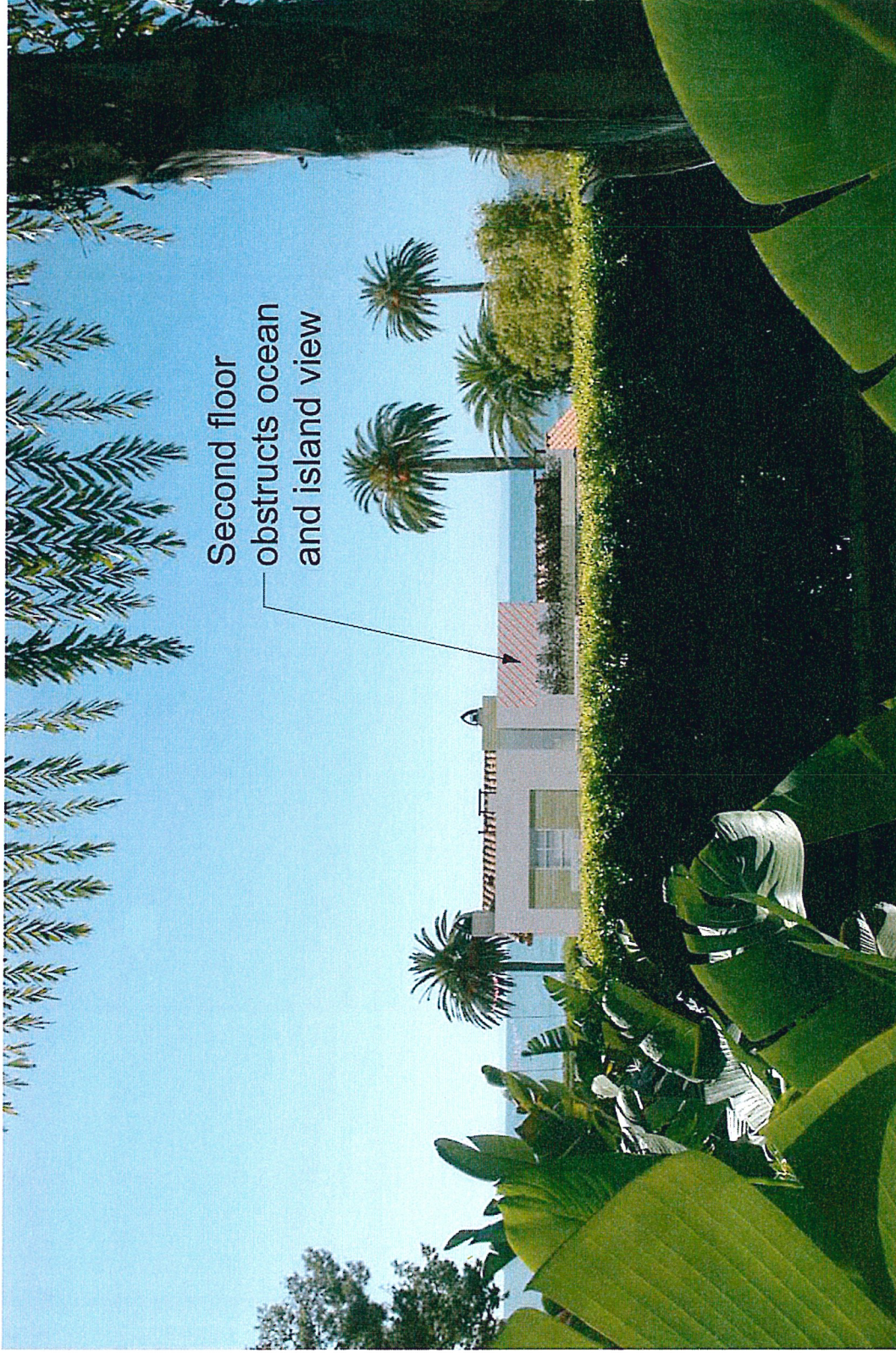
1159 Hill Road / from Sturgess deck



Existing Residence

6A

**1159 Hill Road / from Sturges deck**



**Proposed two-story residence**

**6B**

**1159 Hill Road / from Sturgess deck**



**Proposed two-story residence with proposed oak trees**

**1159 Hill Road / from Sturgess deck**

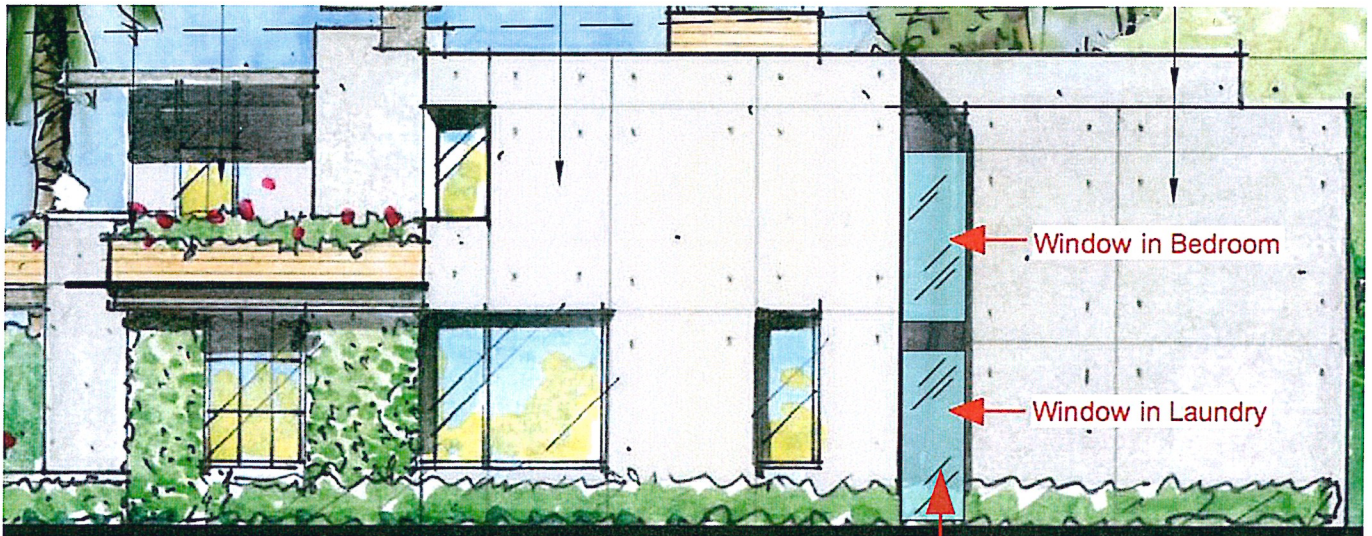
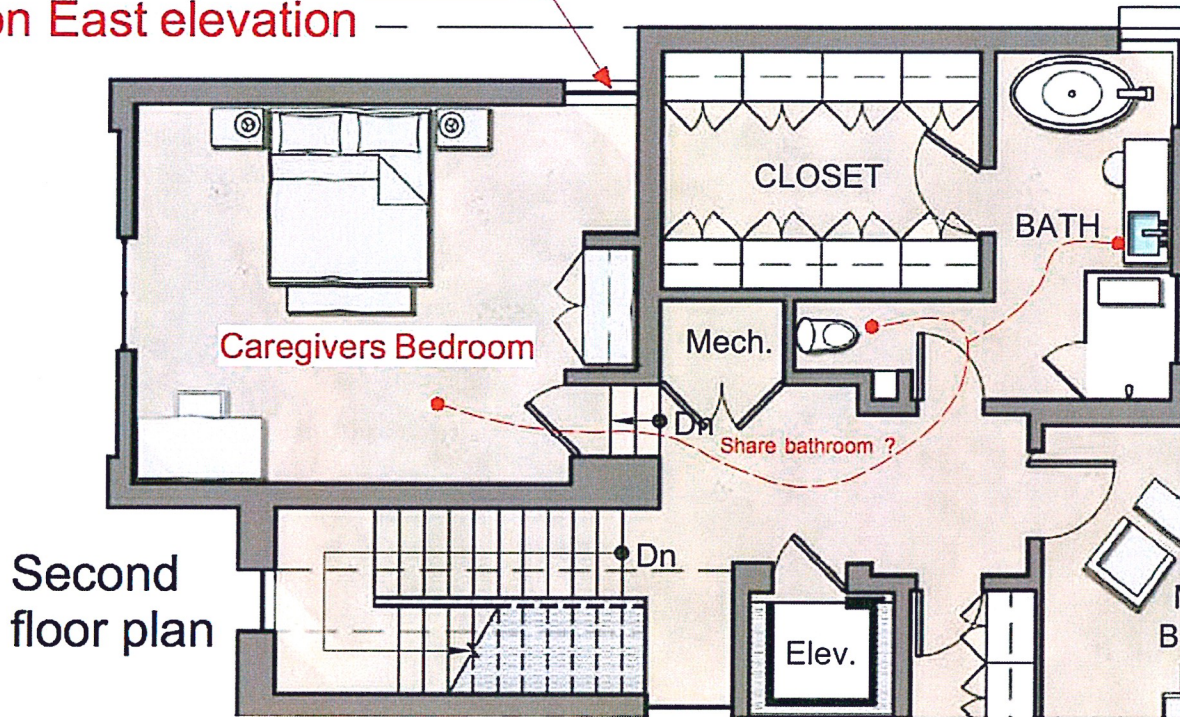


**Proposed two-story residence with proposed sycamore trees**

## Second Floor Plan:

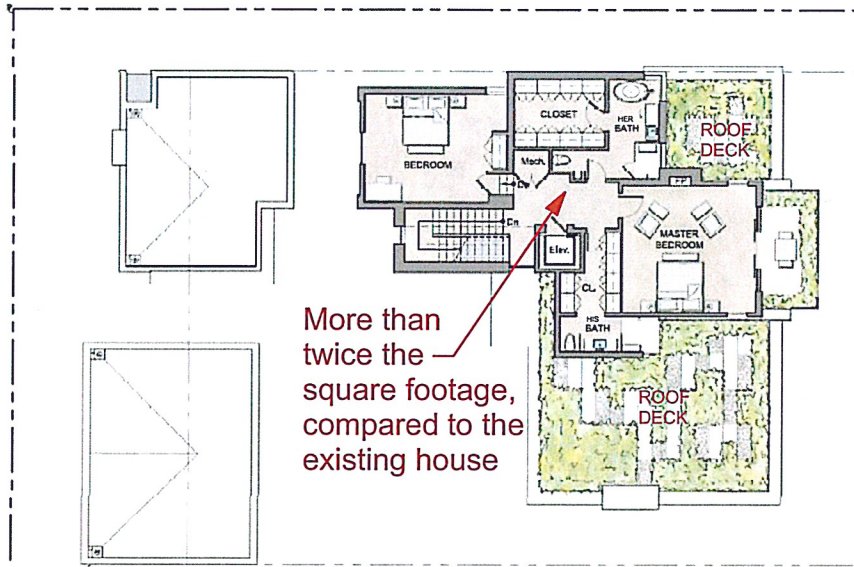
The second bedroom will have to share the master bathroom?

Floor to ceiling window shown in shadow on East elevation

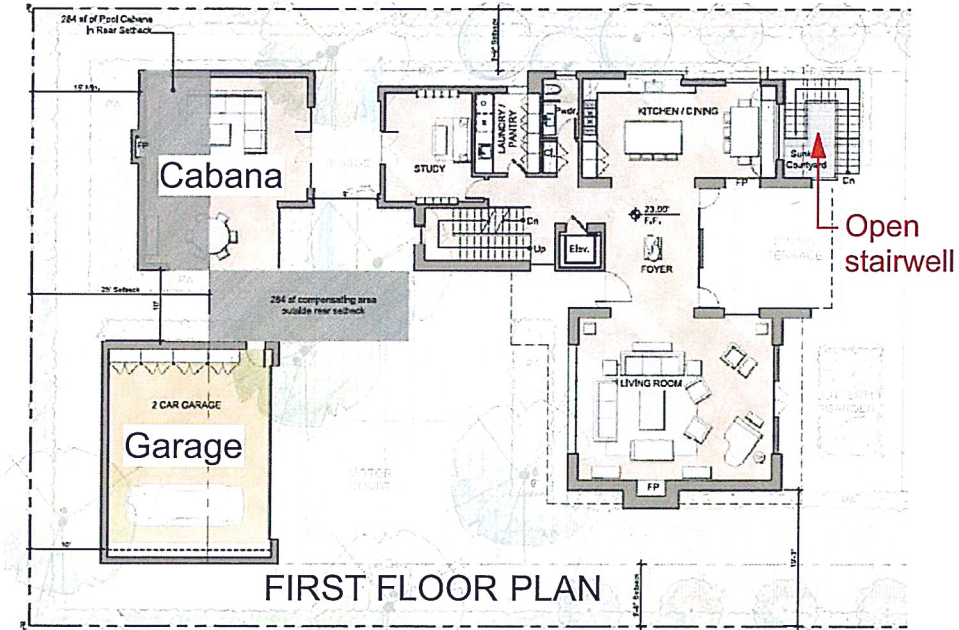


East Elevation

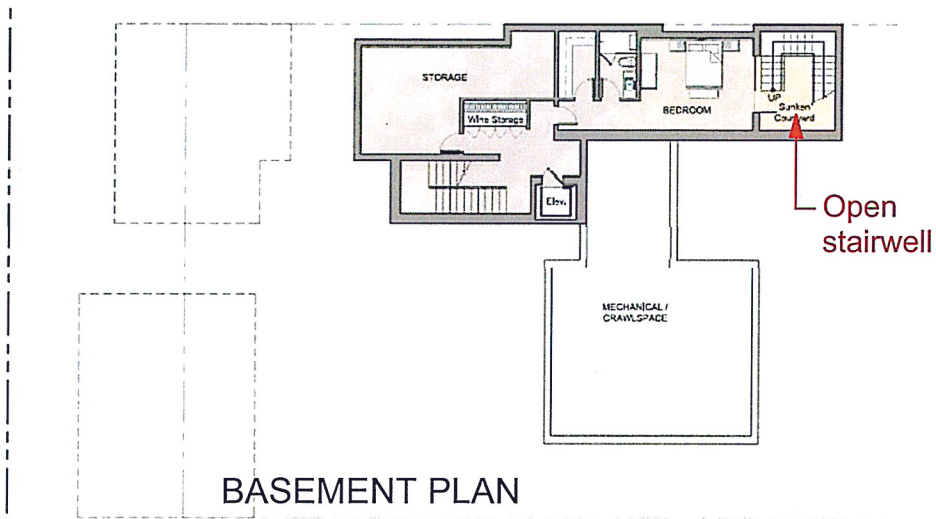
These windows are hidden in the Architects graphic shadow



SECOND FLOOR PLAN

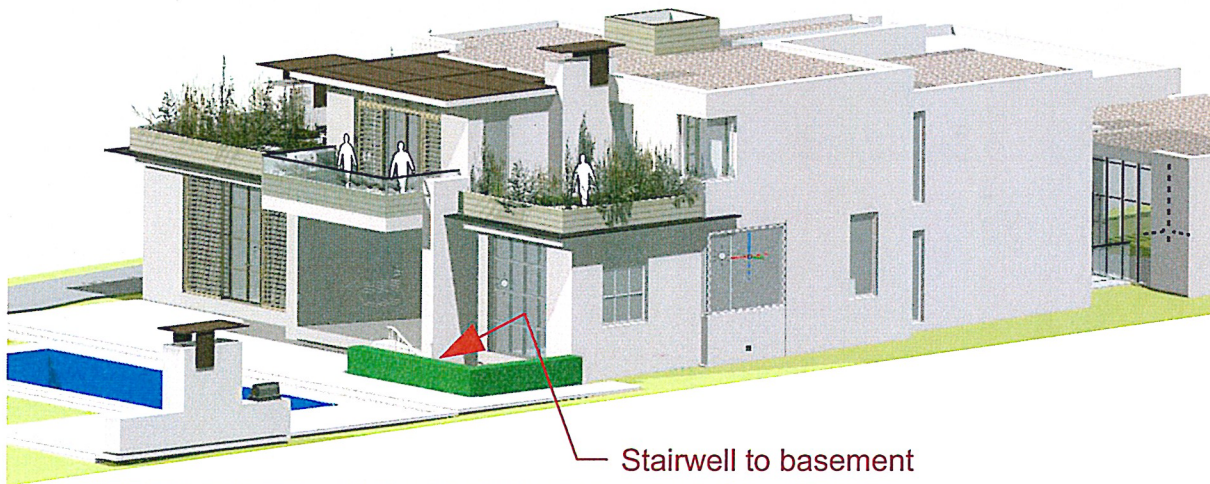


FIRST FLOOR PLAN



BASEMENT PLAN

# 1154 Channel Drive: Stairwell to basement

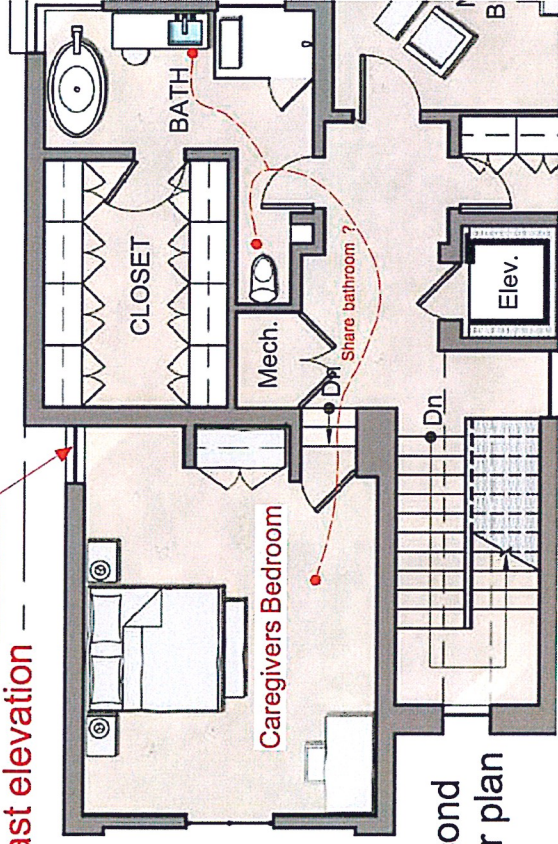




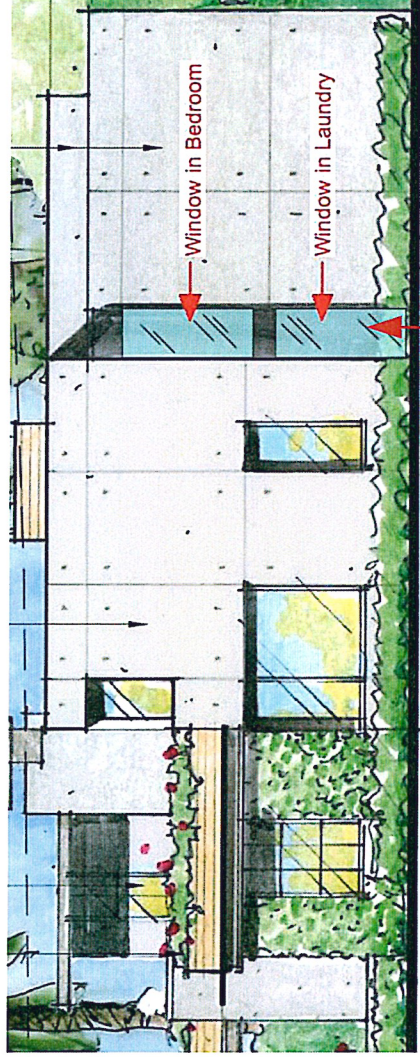
**Second Floor Plan:**

The second bedroom will have to share the master bathroom?

Floor to ceiling window shown in shadow — on East elevation



Second floor plan



East Elevation

These windows are hidden in the Architects graphic shadow

# 1154 Channel Drive

<u>Existing House</u>	<u>Proposed House</u>
Basement: 0	881 sf
1 <sup>st</sup> Floor: 3,136 sf	1,935 sf
2 <sup>nd</sup> Floor: 666 sf	1,252 sf (Two times larger)
Attached Garage: 576 sf	0
Detached Garage: 0	680 sf
Detached Cabana: 0	570 sf
<u>Roof Decks:</u> 0	<u>914 sf</u>
Total development	4,378 sf
	5,318 sf