

Mindy A. Wolfe / Attorney

Real Estate and Land Use Legal Counsel

July 13, 2016

Santa Barbara Board of Supervisors  
c/o Clerk of the Board  
105 East Anapamu Street  
Santa Barbara, CA 93101

Re: Letter in Support of Montecito Planning Commission  
1154 Channel Drive, Santa Barbara, CA (APN 009-352-019)  
Case Number: 14CDH-00000-00014 (Olsten Montecito Trust)

Dear Chairman Adams and Supervisors:

Our office represents CP Farms, LLC owner of the property at 1159 Hill Road immediately adjacent to the 1154 Channel Drive project (Project). Over the past two years, my clients have appeared at or had representation at over 14 public hearings related to this Project-the applicants appeared at only one of these meetings.

The system of public hearings worked for this Project, rejecting a proposal that did not conform to the community plan goals and policies and did not blend in harmony with the neighborhood. This appeal should be rejected because the Project does not meet the standards of the Montecito Community Plan or Design Guidelines. The Montecito Planning Commission (MPC) in denying this Project refused to allow the domino effect of overbuilding to adversely impact the entire Santa Barbara Community.

### **Project Historic Setting**

The original single-story home on the Project site was built in 1975. Almost twenty years later in 1994, a 666 square-foot addition was added creating the existing second-story. In 1995, less than a year after the second-story approval, the Montecito community rallied to create and accept the Montecito Guidelines. The community cry was to preserve the understated nature of Montecito and to protect mountain and ocean views that were being blocked by overbuilt projects. Under the Guidelines, the mountain views previously existing over the Project site would most likely have been protected and the 1994 second-story would not likely have been permitted. As you know, the Guidelines and Community Plan were created in response to overbuilding and the negative impact caused by projects that did not blend with the existing neighborhoods.

The Guidelines came in just a year too late to protect the mountain views currently blocked by the existing house but because the current Project includes a complete tear down of the existing structure, this Project should be viewed as if it were a blank lot, as if the mountain views now obscured by the second story were totally visible since there is no precedent for a second-story.

In rejecting the proposed Project, the MPC recognized its ability to turn back time and consider the development on this lot as if it was the first time and to preserve and enhance the mountain and ocean views around this property. Despite the MPC's specific

feedback related to view impacts, the Applicant failed to reduce the second story by a single square inch when given the chance for a redesign. Instead the Applicant proposed landscaping that entirely blocks views of the mountains for the public and views of the ocean for the neighbors.

### **Second Story Still Impacts Mountain and Ocean Views**

Of highest concern is the proposed second story that continues to double the square footage of the existing second story. The Applicants claim they have “significantly reduced” the “width and massing” of the second story, but the square footage calculations they provide for the second story, 1252 square feet, still doubles from the existing size. The design before you failed to respect the MPC’s directive of a major redesign to respect mountain and ocean views and therefore justified the MPC’s rejection of the Project. This project must adhere to the Montecito Guidelines since it is a complete tear down and new construction—there is no grandfathered entitlement allowed in the Community Plan or guidelines they can claim for the second story.

At the May 2015 hearing, Commissioner Cole said “the second story does block mountain views...so as far as I am concerned, the second story is up for grabs.” Commissioner Brown shared her concern that “any second story should settle in” and also said “(the project) does not subordinate to its surroundings.” This second story is double the existing square footage and sticks out like a sore thumb against the backdrop of the magnificent Montecito mountains. The Applicant continues to say the same thing, as if repeating it will make it true, “the project does not block mountain views.” The MPC saw photographic evidence and made the conclusion based on that evidence that the second story in this location does block mountain views, some views for the first time in history and some views that were already blocked by the 1994 addition but now can be opened up to the community again.

The Montecito Guidelines Finding Number 6 requires the Project site layout, orientation, location and **size** take into consideration the public views of the hillsides. The Project could have easily kept a lower profile and protected mountain views, by pushing the square footage downstairs where there is ample room at the ground level. The topography of this particular lot and building site sets the second story of this Project up into the mountain view causing irreversible impacts on the Channel Drive experience of viewing the ocean and the mountains simultaneously. These facts and findings by the MPC support denial of this appeal.

### **Size, Bulk and Scale Remain Incompatibly with Neighborhood**

The Project is out of character in its bulk and height especially when considering its small parcel size. This lot is substandard in size for its zoning. By surpassing the scale of the neighborhood, the Project as proposed sets a bad precedent of oversized modern buildings totally out of character with the surrounding homes, the historic Biltmore and neighboring community.

## Mindy A. Wolfe / Attorney

Real Estate and Land Use Legal Counsel

The Applicant proposes to increase the development on the lot more than 1000 square feet over the current development. It should not matter what label the Applicant gives a building when it comes to the “feel” of overdevelopment. The existing house has 4,378 square feet of development and the proposed Project includes 5,318 square feet. The current second story is 666 square feet and the proposed Project is 1,252 square feet, doubling the impact on my client’s historic ocean views from immediately north of the Project. The Applicant is calling the detached building at the north of the property a “pool cabana,” in the past versions presented to the Montecito Board of Architects the same building in the same place was called an “artist studio,” a “residential second unit,” and other names...really it is just an avoidance of inclusion of the square feet in the floor area calculation. This additional accessory square footage demonstrates the lots is being overbuilt and misleads as to the floor area ratios (FARs) of the Project and its impacts on the neighborhood.

The Project is such an overbuild of square footage for this small lot that they are pushing the accessory building and garage into the rear yard setback. While this intrusion is allowed in a variable setback, it is indicative that there is too much square footage on this lot. All square footage contributes to the feel of the Project on the community and the immediately adjacent neighbors who have to live next door to this Project in the years to come. The accessory structure, by whatever name they call it, is too much additional square footage for the lot because the main residence already exceeds the maximum recommended FAR. Being out of scale and overbuilding are additional justifications used by the MPC in denying this Project.

### **Impacts on Night Sky with Oversized Windows**

The MPC reviewed images that proved the severe impact caused by the increase in windows on the night sky along Channel Drive. This road is a favorite spot in the County for viewing the stars and the ocean at night. The Project’s modern design and increase in windows will cause a glow that will light up the sky and decrease night visibility. The Applicant’s attempt to “diminish” these impacts with removal shutters that still let light through was not persuasive to the MPC because it failed to mitigate the negative impacts sufficiently. At the prior MPC hearing, the MPC requested a reduction in windows...the Applicant refused to reduce the size of the windows even one square inch. Instead the Applicant added removable louvered shutters that only block some of the emitting light. One of the Commissioners reflected on the Applicant’s failure to comply with the MPC’s request that the Project comply with Montecito Community Plan Policy LU-M-2.2 requiring lighting of structures to be minimized to protect privacy and to maintain the semi-rural character of the community. The Commissioner’s specific comment was “...I don’t think that the solution brought today does that. I actually was quite disappointed that a shutter was put up that’s not even a storm shutter, it’s a louvered, you know, it’s a sort of a filtering shutter, so that part was very disappointing to me.” The MPC’s denial of the Project was supported by the failure to comply with the policy established in LU-M-2.2 requiring lighting impacts be minimized.

Mindy A. Wolfe / Attorney

Real Estate and Land Use Legal Counsel

### Landscaping

The Project's landscape plan is entirely out of character with the existing Channel Drive landscape feel. The MPC viewed photographic renderings proving that the proposed trees when full grown would cast my client's property in perpetual shade and completely obscure their historic ocean views. One MPC Commissioner stated "I am concerned about the potential for blocking views...of having east and west plantings as well as those along the north wall, which all seem to have the potential." The same trees completely block out any remaining mountain views that existed around the proposed bigger second story from the public vantage point of Channel Drive. The MPC's denial of the Project and rejection of the landscape plan supported protection of existing ocean views, existing mountain views and the goals of the Montecito Community Plan.

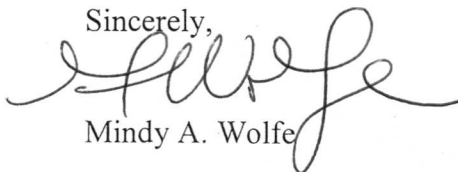
### Conclusion

It is impossible to exaggerate the value to the entire Santa Barbara community in preserving the Channel Drive neighborhood. It is a unique setting where residents and visitors can stand at the ocean and view the panoramic mountains from many public vantage points. Because of the Project's excessive size and dramatic shift upstairs of the overflowing square footage, mountain views are being obscured and historic private ocean views are being blocked for the first time. The MPC embraced its unique position of being able to turn back time and consider the development on this lot as if it was the first time. The Commissioners, in denying the Project, made the decision that this plan on this site was incompatible with the neighborhood and had adverse impacts that were not mitigated in the design.

We request your Board protect the historic mountain views from Channel Drive, preserve the nature and feel of this significant public corridor and act for the benefit of the entire Santa Barbara community by denying this appeal. Make a statement that Santa Barbara demands better and will not forfeit its commitment to the community and world famous setting for the temporary satisfaction of one member.

We are available should you desire to meet with us and discuss our concerns in specific. Also, we can also make a site visit from the neighbor's vantage points available prior to the hearing should any Supervisor wish to tour the neighborhood.

Sincerely,



Mindy A. Wolfe

MAW/mth  
cc: T. Sturgess