November 1, 2009

Mayor and City Council
City of Santa Barbara

Re: El Encanto Master Plan Appeal

Dear Mayor and Council members,

We are residents of the Riviera area of the City. We are fully supportive of the El Encanto Master Plan and urge you to deny the appeal that is scheduled for a hearing before you on November 10.

Thank you for your consideration of our views.

Respectfully submitted,

David and Linda Hughes
1608 Lasuen Road

TREVOR J. MARTINSON
ARCHITECT & PLANNER

1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385

04 November 2009

City Clerk
The Mayor and City Council
City of Santa Barbara
De La Guerra Plaza
P.O. Drawer P-P
Santa Barbara, CA. 93102

(805) 564-5309

Re: Appeal of Planning Commission Approval
on 10 September 2009 – 1900 Lasuen
El Encanto Hotel Revised Master Plan

Dear Mayor Blum and Council members:

As noted, in my enclosed letters of 10 September 2009 to the Planning Commission (Attachment "A") , 23 March 2009 to Kathleen Kennedy (Attachment "B") and 15 January 2009 Public Comment to Kathleen Kennedy (Attachment "C") it appears the above approvals are in violation of our City Zoning Ordinances, the City Parking Standards, California State Building Code Title 24 and the California Environmental Quality Act.

The North-West corner issue was just a portion of the public concerns mentioned at your City Council Hearing of 28 April and planning staff has ignored these other important issues by meeting privately with the appellant and excluding all other interested parties from this meeting.

Issues brought to your attention and planning staff is:

MAIN BUILDING

Staff in quoting the applicant, inferred several structural engineers reports deemed the original building as "unsound" and justified demolition of the historic building. This was not true and these reports suggested ways to

bring the existing building up to minimum compliance with the 2001 California Building Code without demolition of the existing main building.

The existing square footage, of the existing main building, was not 20,389 but 16,676 as certified by the County Assessors office records. Clearly the Assessor's office, mandated by state law, must keep detailed records of every building in its jurisdiction and tax only what has been legally built thereon. As required, copies of all building permits and plans issued in the jurisdiction must be sent to the Assessor's office for their review and updating of taxable improvements on all properties.

The increase of two feet in height of the new main building is not believable. It appears an increase much greater in height has been constructed.

SUGGESTED COURSE OF ACTION – MAIN BUILDING

1. Verify the Assessor's records by requesting the Orient Express to allow review of these private files and building plans by all interested parties. This must be requested, in writing, on the Assessor's forms and agreed to by the Orient Express.

2. Have a forensic surveyor review and verify the two-foot maximum increase over the original main buildings height limit.

MISSION VILLAGE

This proposed component violates several of the R-H zoning 28.27.050 Building Regulations that are: 1. SETBACK the proposed project has requested a modification to encroach into the front yard setback and interior yard setback areas contrary to the legislative intent of the ordinance. 4. HEIGHT LIMITATIONS, ALL OTHER BUILDINGS: Buildings, other than the main building, shall not exceed two (2) stories in height. The proposed four (4) two (2) story buildings over a subterranean parking garage cannot be allowed as they are three (3) stories in height.

Zoning determinations, contrary to the R-2-4.0-R-H zone, are being made by City staff in regard to the Mission Village proposal. Previous discussions between the City and applicant focused on the R-H Zone and that buildings other than the main building may not exceed two stories in height. The applicant could not comply and the City repeated this problematic issue again in another letter to the applicant. However, this was resolved by the City in an E-mail to the applicants which said: *"After much discussion here at the City, Staff has determined that, for zoning purposes, the Mission Village buildings are two story buildings and the underground parking structure is a separate building not counted as part of the building."* Clearly, this decision is contrary to the R-H zone and City Zoning Ordinance Interpretations for Basements & Cellars nor does it comply with Chapter 5 of the 2007 California Building Code, which clearly determines these buildings are all three stories and would not be allowed under the R-H zoning.

Planning staff cannot change these rules of building height limits in the R-H zone and only a **Variance** (Chapter 28.92090) submitted to the Planning Commission or City Council will allow this change to happen to the R-H zone height limitations. Also, the Commission or Council may upon their own motion, in specific cases, initiate proceedings for granting of a variance. I believe all the neighbors adjacent and near to the proposed Mission Village would be in favor of this and I would also support such a motion.

SUGGESTED COURSE OF ACTION – MISSION VILLAGE

1. City Council should consider a motion to propose a zoning Variance (Chapter 28.92090) to allow the applicant to have an additional four (4) three (3) story buildings on this site at the Mission Village Complex.

PARKING

The parking proposed (100 spaces) doesn't provide enough spaces to accommodate the intended users e.g. hotel guests, employees and general public use of the dining rooms, spa etc.

The proposed 52-car tandem-parking garage under the Mission Village Complex has raised several concerns as it must use City streets (Mission Ridge and Alvarado) to access and connect to the Main Building which is prohibited under City Parking Design Standards 28.90.045 (4.) which states: "Vehicle movements necessary to move cars parked in a tandem arrangement shall not take place on any public street or alley." As some of you are aware the California Environmental Quality Act (CEQA) also has new guidelines for mitigation of greenhouse gas emissions as well as their effects on the environment, which apply to this issue. Some reasonable conditions of use should be reviewed and considered for this parking arrangement.

Bicycle parking is required under City Parking Design Standards 28.90.045 (5.) for this project at a ratio of 1 space per 7 cars and is not identified nor shown on the plans. Parking spaces of 100 cars require 14 bicycle spaces to be located near to and visible from the Main building and the public street frontage on Alvarado Street. As more than 5 bicycle spaces are needed a shelter may also be required to protect the bicycles, preferably integral with the architecture of the main building.

PARKING – SUGGESTED COURSE OF ACTION

1. Count spaces required for the Hotel Guests, employees and general public uses in the hotel complex and come back with revised totals. The City Council could consider a reasonable modification of these revised totals if this compromises the "historic" nature of this site.

2. Tandem parking could be kept intact if the hotel operations stationed parking attendants at the Mission Village Complex and hotel guests went their to retrieve their vehicles. As handicapped parking and an elevator are already present in the garage this would appear to be a minor change in the operations of the garage.

3. Bicycle parking is required and should be designed and integrated into this hotel project.

Our zoning and parking ordinances at the City level must be enforced especially in the unique R-H zone which was to insure the least possible conflict with or disturbance of the amenities attached to and associated with adjoining residential areas which is the legal and legislative intent of the R-H zoning. Also, the State of California, California Environmental Quality Act (CEQA) must be enforced and obeyed. As I mentioned, in my closing, to the Planning Commissioners, "Having been a guest at the El Encanto many years ago and now living a block away for the past 30 years I really do support the Orient-Express and will help in any way I can to see the El Encanto reborn. Let's just do it by the rules and regulations."

Please feel free to contact me if you have any questions.

Respectfully Submitted,

Trevor J. Martinson
Architect, Planner & Forensic

1849 Mission Ridge Road
Santa Barbara, CA. 93103-1857

(805) 965-2385
FAX 965-5457

Attachments: "A", "B" and "C"

10 September 2009

COPY

Planning Commission
City of Santa Barbara
City Hall-De La Guerra Plaza
735 Anacapa Street
Santa Barbara, CA. 93101

Re: 1900 Lasuen Road
El Encanto Hotel Revised
Master Plan

Dear Chairperson and Commissioners:

As you may recall the City Council Appeal Hearing on 28 April 2009 covered many issues of concern and not just the northwest corner mentioned in your Staff Report. My comments made to the Draft Mitigated Negative Declaration, in my 6-page letter of 15 January 2009, expressed these concerns, which were overlooked by planning staff and were then reiterated by me at the appeal hearing. Having represented the three appellants, before my stepping down on 23 March 2009, I am pleased that the City and the Orient Express have resolved the northwest corner issue to their satisfaction and have gained their support.

I think it's fair to say we all supported the 2004 Master Plan proposed by the Orient Express but the changes proposed in the 2006 revisions created most of the problems we face today and they are:

MAIN BUILDING

The demolition of this historic structure has brought many issues to impact the new proposed building now under construction. The existing square footage of 16,676, as certified by the County Assessors office, is much lower than the 20,389 noted and claimed on the plans. The proposed increase in height of only two feet is not believable when compared to the City Archival

ATTACHMENT "A"

Historic photographs and measurements of the demolished main building. These concerns must be investigated and verified by the commission.

MISSION VILLAGE

This proposed component violates several of the R-H zoning 28.27.050 Building Regulations that are: 1. SETBACK the proposed project has requested a modification to encroach into the front yard setback and interior yard setback areas contrary to the legislative intent of the ordinance. 4. HEIGHT LIMITATIONS, ALL OTHER BUILDINGS: Buildings, other than the main building, shall not exceed two (2) stories in height. The proposed four (4) two (2) story buildings over a subterranean parking garage cannot be allowed as they are three (3) stories in height.

Zoning determinations, contrary to the R-2-4.0-R-H zone, are being made by City staff in regard to the Mission Village proposal. Previous discussions between the City and applicant focused on the R-H Zone and that buildings other than the main building may not exceed two stories in height. The applicant could not comply and the City repeated this problematic issue again in another letter to the applicant. However, this was resolved by the City in an E-mail to the applicants which said: *"After much discussion here at the City, Staff has determined that, for zoning purposes, the Mission Village buildings are two story buildings and the underground parking structure is a separate building not counted as part of the building."* Clearly, this decision is contrary to the R-H zone and City Zoning Ordinance Interpretations for Basements & Cellars nor does it comply with Chapter 5 of the 2007 California Building Code, which clearly determines these buildings are all three stories and would not be allowed under the R-H zoning.

Planning staff cannot change these rules of building height and only a Variance (Chapter 28.92090) submitted to the Planning Commission or City Council will allow this change to happen to the R-H zone height limitations. Also, the Commission or Council may upon their own motion, in specific cases, initiate proceedings for granting of a variance. I believe all the neighbors adjacent and near to the proposed Mission Village would be in favor of this and I would also support such a motion.

PARKING

The proposed 52-car tandem-parking garage under the Mission Village Complex has raised several concerns as it must use City streets (Mission Ridge and Alvarado) to access and connect to the Main Building. As some of you are aware the California Environmental Quality Act (CEQA) has new guidelines for mitigation of greenhouse gas emissions as well as their effects on the environment. Some reasonable conditions of use should be reviewed and considered for this parking arrangement.

Bicycle parking is required for this project at a ratio of 1 space per 7 cars and is not identified nor shown on the plans. Parking spaces of 100 cars require 14 bicycle spaces to be located near to and visible from the Main building and the public street frontage on Alvarado Street. As more than 5 bicycle spaces are needed a shelter may also be required to protect the bicycles, preferably integral with the architecture of the main building.

RECENT CORRESPONDENCE from ORIENT- EXPRESS

I received a letter from Philip Gesue, Director of Global Real Estate for Orient-Express Hotels, which updated the status of their renovations. I agreed with this letter and definitely do support his efforts to get El Encanto up and running again.

However, I must amend one of his statements regarding the surveys made by two structural engineering firms. None of these reports deemed the original main building as "structurally unsound" but identified the existing building structure and earthquake resisting systems which would, under the proposed additions and renovations, need to be brought up to current 2001 California Building Codes (CBC). I received these two reports and one other from the City after weeks of waiting for the City to locate them. The 5 page report from local engineering firm of Ehlen Spiess & Haight and the 54 page Nabih Youssef & Associates structural evaluations both incorporated the 2004 future remodeling proposed and Nabih Youssef also noted, while the existing building does not pose an immediate life-safety concern, moderate

to major levels of damage to the structural and non-structural systems would be expected during a major level earthquake. All of these reports suggested ways to bring the existing building up to minimum compliance with the 2001 CBC without demolition of the existing main building.

The necessary upgrading to the 2001 CBC plus the ambitious 2006 revisions being proposed by the Orient-Express really decided the need to demolish the original Historic Main Building.

Having been a guest at the El Encanto many years ago and now living a block away for the past 30 years I really do support the Orient-Express and will help in any way I can to see the El Encanto reborn. Let's just do it by the rules and regulations.

Sincerely,

COPY

Trevor J. Martinson
Architect, Planner & Forensic

1849 Mission Ridge Road
Santa Barbara, CA. 93103-1857

(805) 965-2385
FAX 965-5457

23 March 2009

COPY

Kathleen Kennedy
City of Santa Barbara, Planning Division
P. O. Box 1990
Santa Barbara, CA. 93102-1990

(805) 564-5470

Re: 1900 Lasuen Road, El Encanto Hotel

Subject: Appeal to City Council

Dear Ms. Kennedy:

Please be advised, as of this date, I no longer represent the three (3) neighbors, appellants on the above referenced matter.

However, as an individual, interested professional and nearby resident, I would still request that I receive all City notifications regarding the proposed project in the future.

Thank you for your professional attention to this matter.

Sincerely,

Trevor J. Martinson
Architect, Planner and Forensic

CC: Jan Marco & Joanna von Yurt
Farrokh & Sally Nazerian
Robert & Elizabeth Leslie
Marc Chytilo, Attorney

ATTACHMENT "B"

Tjmltr cc 04november09

15 January 2009

COPY

Kathleen Kennedy
City of Santa Barbara, Planning Division
P. O. Box 1990
Santa Barbara, CA. 93102-1990

(805) 564-5470

Re: 1900 Lasuen Road, El Encanto Hotel

Subject: Draft Mitigated Negative Declaration
Public Comment

Dear Ms. Kennedy:

As you know I am a registered California Architect, licensed in 1970 and came to Santa Barbara in 1972. In 1978 I stayed at the hotel and then moved to 1849 Mission Ridge Road living there for over 30 years. I think it's fair to say I am very familiar with the El Encanto and, not owning a car, have walked through and around the hotel to the Old Mission (Line 22) Bus stop at Lasuen and Alvarado Place to go downtown. I have eaten frequently at the restaurant and played tennis on the hotel court with the resident tennis professional Bob Sherman who lived in one of the cottages at the time. I represent, in conjunction with Marc Chytilo, Attorney, the three property owners who have appealed this project to the City Council.

PROJECT DESCRIPTION

Site History: As a basis, to determine and compare the existing 2004 Master Plan with the Revised 2008 Master Plan now proposed I obtained a copy of the Cover Letter (Exhibit A) and A.L.T.A. Survey (Exhibit B) by Waters Land Surveying prepared for El Encanto Associates/Eric Friden in October 1990 which was sent to Mary Louise Days, Assistant Planner, City of Santa Barbara Planning Division, requesting the City's identification of nonconforming standards and setbacks in the R-2-4.0-R-H zone for the Hotel. Her reply, on 05 November 1990, (Exhibit C) identified and addressed these concerns. The focus of this action was to identify non-conforming

ATTACHMENT "C"

buildings on the site and to locate the distances of intrusions into the R-2-4.0-R-H setbacks for establishing conforming action to be taken in the future development of the site. This was to insure the least possible conflict with or disturbance of the amenities attached to and associated with adjoining residential areas which is the legal and legislative intent of the R-H zoning.

I have several concerns regarding the Substantial Conformance Determination made by staff on the Main Building demolition and reconstruction. My inquiries to how and why staff and the applicants structural engineer came to this conclusion has not been satisfied, especially when I requested a copy of the structural engineers report and its findings and the City could not find it for my review. Furthermore, the square footage calculations of the main building appear to be grossly inflated as described below:

To verify this issue I reviewed the Planning Commission's approval set of the 2004 Master Plan. The first sheet T1.0 Cover Sheet, Project Information and Sheet Index has both building area tabulations and proposed area calculations in the upper right hand corner (Exhibit D). These calculations, when compared to the County of Santa Barbara Assessors Records, were over estimated by 5,390 square feet. The demolished Main Building calculated at 20,389 on the 2004 Master Plan was, on the Assessor's Record, (Exhibit E) only 16,676 square feet, a difference of minus 3,713 square feet or over a 17 percent error. Furthermore, the Assessor's breakdown of the Main Building (Exhibit F) shows the following facts: Hotel 1st Floor 8585 square feet, Hotel 2nd Floor 2089 square feet, Basement Hotel Rooms 2281 square feet, Finished Basement 3721 square feet for a total of 16,676 square feet. The 2004 Master Plan did not mention nor indicate the Basement Hotel Rooms in their tabulations (Exhibit G) for existing keys (guest rooms). Please note, the Assessor's Appraiser, Melissa Bonillo, is visiting the El Encanto site on a weekly basis to check progress on construction and demolition. The Assessor's figures and calculations appear to be accurate when checking the dimensions and square footages on the A.L.T.A. Survey (Exhibit B) by Waters Land Surveying to several cottages (7 &13) shown on the site. Has the applicant inflated these figures to obtain more square footage to the Main Building and the Project? Where did they

obtain these numbers? A complete review of all the buildings, on site, and the demolished Main Building should be required to investigate and determine this matter. This new discovery and action certainly should require an E.I.R.

As staff has noted, the project was not categorically exempt under CEQA and the above stated issues are new facts, which must be investigated.

Proposed Project Components: 1.) *Utility distribution facility and surface valet parking lot with operations facility below.* This proposed component clearly violates the R-H zoning mandates and the legislative intent of SBMC 28.27.005 which state: "The purpose of the R-H Zone is to provide for the highly specialized uses that are associated with the development and operation of resort-residential hotels and to insure the **least** possible conflict with or disturbance of the amenities attached to and associated with adjoining residential areas." (Ord. 3710, 1974; Ord. 2585, 1957.) The proposed Utility Distribution Facility, shown combined yet separated from the proposed underground Operations Facility and surface Valet Parking for 47 parking spaces, is asking for modifications to encroach into two front yard setbacks on Mission Ridge Road and Alvarado Place. This request impacts the adjacent residential area under CEQA Guidelines and is also contrary to the legislative intent of the R-H zoning and is not necessary. The existing power plant is now located in the center of the project as shown on the A.L.T.A. Survey (Exhibit B) by Waters Land Surveying. An alternate site location, as suggested by the CEQA Guidelines, is available at the proposed Pool and underground Fitness Center, which has been reviewed and accepted by the Historic Landmarks Commission. This site would accommodate the Utility Distribution Facility underground requirements and be adjacent to Orpet Park on Lasuen Road and away from the residential area impacts.

The above proposed project, as presented, has unmitigated impacts and requires an E.I.R.

2.) *Mission Village.* This proposed component violates several of the R-H zoning 28.27.050 Building Regulations that are: 1. SETBACK the proposed

project has requested a modification to encroach into the front yard setback and interior yard setback areas contrary to the legislative intent of the ordinance. 4. HEIGHT LIMITATIONS, ALL OTHER BUILDINGS: Buildings, other than the main building, shall not exceed two (2) stories in height. The proposed five (5) two (2) story buildings over a subterranean parking garage cannot be allowed as they are three (3) stories in height.

Zoning determinations, contrary to the R-2-4.0-R-H zone, are being made by the City in regards to the Mission Village proposal. Previous discussions on 15 August 2008 between the City and applicant (Exhibit H) Item 14. On page 4, focused on the R-H Zone and that buildings other than the main building may not exceed two stories in height. The applicant could not show it and the City repeated compliance with this and the problematic issue again in the 18 September letter to the applicant. However, this was resolved by the City in an 01 October E-mail (Exhibit I) to the applicants which said: "After much discussion here at the City, Staff has determined that, for zoning purposes, the Mission Village buildings are two story buildings and the underground parking structure is a separate building not counted as part of the building." The 10 October letter to the City by the applicant repeats this E-mail and mentions that City staff also visited the site to evaluate this matter. Clearly, this decision is contrary to the City Zoning Ordinance Interpretations for Basements & Cellars (Exhibit J) nor does it comply with Chapter 5 of the 2007 California Building Code on pages 133 and 43 (Exhibit K) which clearly determines these buildings are all three stories and not allowed under the R-H zoning.

The above proposed project, as presented, has unmitigated impacts and requires an E.I.R.

Visual Aesthetics-Existing Conditions and Project Impacts

1.a) Scenic Views

The noted height increase of the new main building over the demolished one appears to be much higher than the stated two (2) foot increase mentioned by the applicant and staff.

Our clients, the Leslies at 1970 Mission Ridge Road, have a wonderful view of the Channel Islands and the El Encanto. Much to their surprise, their view of the City and specifically the tower spire of the Arlington Theatre are going to be blocked by the new construction of the main building. A panoramic color photograph (Exhibit L) shows the structural steel frame now being erected at the main building. A close-up of this photograph (Exhibit M) shows the Arlington spire in the middle of this framework. This spire was clearly visible to my clients when they bought their house in 2004. This is not a two (2) foot increase in height but more like eight (8) to ten (10) feet or perhaps even more! How did this happen?

The noted suspicions mentioned above are also based on the City Archival photographs 31 and 32 of the west elevation of the main building (Exhibits N) and (Exhibit O) note the stonewall in Exhibit N is about four (4) feet high. Now compare this photograph with ones taken just this week (Exhibit O). Note the wood framed construction fence is eight (8) feet high and this elevation clearly shows the new building much higher than the original taken before demolition of the existing main building.

The above proposed and approved main building project, as is now being built and presented, has new discovered and unmitigated impacts and now requires an E.I.R. and also another review by the planning commission.

Cultural Resources-Existing Conditions and Project Impacts

4.b) Historic Resources

The addendum, by Preservation Planning Associates, did not clearly reference nor discuss objectively the original findings on the proposed northwest corner development. As mentioned, originally this site contained three (3) Craftsman Cottages surrounded by a number of eucalyptus trees as well the existing parking lot. My recollection of this site was one of stepping back in time. In the 1970's when I stayed at the El Encanto I was given a map (Exhibit P), which had, all the rooms and parking areas noted. You will note the red arrows showing access to the northwest corner area, the heavy lines are paved pathways and the spaced circle lines were meandering stepping-stones through a magical garden area planted between

the three cottages. As noted in the addendum; "The historical spatial relationships that characterize El Encanto are clusters of small cottages in both the Craftsman and Spanish Colonial Revival styles united by meandering paths and lush landscaping." Neighbors, on Mission Ridge, Alvarado Place and above, would use these pathways to go to the main building for cocktails and dinner enjoying the gardens and fishpond arbor areas on their way. The parking lot here was much smaller, as shown, and heavy with lush landscaping. It was, in looking back now, a mistake to replace this with a larger parking lot. However, the proposed improvements and cumulative impacts (2004-2008) on this proposed Utility Distribution Facility, surface valet parking lot and underground operations facility will completely destroy and obliterate this corner. Clearly, under The Secretary of Interior's Standards 1. through 6. have been ignored by the addendum in citing the 2004 approved project as a done deal and turning a deaf ear to it and the R-H zoning standards compromised. Despite the addendum's circular logic presented several cumulative and unmitigated impacts have occurred and will require an E.I.R.

Thank you for the opportunity to submit the above comments

Sincerely,

COPY

Trevor J. Martinson
Architect, Planner and Forensic

1848 Mission Ridge Road
Santa Barbara, CA. 93103-1857

(805) 965-2385

Attachments: Exhibits "A" through "O" & "P"