

RECEIVED  
JAN 15 2009



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

15 January 2009

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

CITY OF SANTA BARBARA  
PLANNING DIVISION

(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

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 1<sup>st</sup> Floor 8585 square feet, Hotel 2<sup>nd</sup> 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,

A handwritten signature in black ink, appearing to read "T. Martinson", with a long horizontal flourish extending to the right.

Trevor J. Martinson  
Architect, Planner and Forensic

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

(805) 965-2385

Attachments: Exhibits "A" through "O"  $\phi$  "P"



J. E. WATERS L. S. 3804  
5553 Hollister Ave., Suite D  
Goleta, California 93117  
805-967-4416

CITY OF SANTA BARBARA/Zoning Division  
630 GARDEN STREET  
SANTA BARBARA, CA. 93101  
Attn:Ms. Mary Louise Days

Oct. 29, 1990

Re:El Encanto Hotel/A.P.#'s.19-170-01,12 & 14

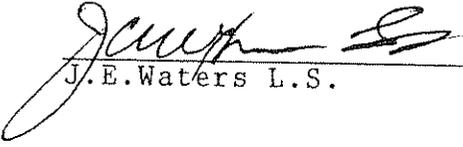
Dear Ms. Days

This letter is submitted as a request to obtain a certification from the City Zoning Department regarding the status of the existing structures located on the above stated property.

It is our understanding that "Specified Buildings" do not conform to the current zoning, (R-2-4.0-R-H) standards and therefore are considered "Non-Conforming".

We are therefore requesting your review of the attached A.L.T.A. Map with regards to this request.

Very truly yours,

  
\_\_\_\_\_  
J.E. Waters L.S.

cc.Steffel, Levitt & Weiss Attys.  
El Encanto Associates.



CITY OF SANTA BARBARA

COMMUNITY DEVELOPMENT DEPT.

Planning Division 564-5470  
Housing & Redevelopment Division 564-5461  
Division of Land Use Controls 564-5485  
Director's Office 564-5455

630 GARDEN STREET  
P.O. DRAWER P-P  
SANTA BARBARA, CA 93102



November 5, 1990

J.E. Waters, L.S.  
Waters Land Surveying Inc.  
5553 Hollister Avenue, Suite D  
Goleta, California 93117

SUBJECT: El Encanto Hotel, Setback Conformity

Dear Mr. Waters:

In response to your letter of October 29, 1990, which was hand delivered on October 30, I have examined the yard setbacks and distances between buildings as scaled from the A.L.T.A. survey map dated October 1990 provided with your letter. The survey map does not contain setback dimensions or building heights in feet.

Based on the current requirements of the property's R-2-4.0-R-H land use zone classification, the following buildings are nonconforming due to yard setback insufficiency:

The main building; Building Nos. 7, 9, 10, 11, 19, 20, 22, 23, 24, 25, and 26.

The following building combinations are or may be nonconforming due to distance between buildings insufficiency:

Building Nos. 4 and 5, 5 and 6, 12 and 13, 16 and 18, 16 and 20, 22 and 23, 23 and 24, 24 and 25, 25 and 26.

I hope this contains the information you seek.

Sincerely,

*Mary Louise Days*

Mary Louise Days  
Assistant Planner  
City of Santa Barbara Planning Division

Exhibit C

TJMItr15jan2009

# TELEAS

1900 LASUEN RD  
 BLDG # PLANNING  
 APN 018-170-022  
 Location: HG  
 Date: 11/5/07  
 Over Scaled: 7 Sets  
 Approved by: [Signature]  
 Date: [Blank]  
 Cross Reference: COM Air HOSP RES AT

Approved by Planning Commission  
 with Conditions of Approval  
 12/19/04  
 Planning Commission Chairman [Signature]

**PROJECT DATA**  
 AGE GROSS EXISTING/ PROPOSED: 294,868 (6.77 ACRES)  
 AGE NET EXISTING/ PROPOSED: 291,242 (6.69 ACRES)  
 APPROX. 12%  
 REF. SHEET C3  
 44,034 S.F. / 15.0%  
 REF. SHEET C3  
 44,034 S.F. / 15.0%

## BUILDING AREA TABULATION

| EXISTING AREA CALCULATIONS              |                | GUEST ROOMS (KEYS) |    |
|---|----------------|--------------------|----|
| BUILDING 1                              | MAIN BUILDING  | 20,389             | 0  |
| BUILDING 2                              | HARBOR VIEW    | 2,165              | 4  |
| BUILDING 3                              | ROSE           | 1,287              | 3  |
| BUILDING 4                              | PEPPER TREE    | 520                | 1  |
| BUILDING 5                              | CAMELIA        | 1,908              | 3  |
| BUILDING 6                              | PALM           | 2,265              | 5  |
| BUILDING 7                              | IVY            | 1,236              | 2  |
| BUILDING 8                              | OLIVE TREE     | 1,180              | 3  |
| BUILDING 9                              | FOUNTAIN       | 1,517              | 3  |
| BUILDING 10                             | PRESIDENTIAL   | 2,616              | 5  |
| BUILDING 11                             | WISHING WELL   | 1,371              | 2  |
| BUILDING 12                             | OVERLOOK       | 3,076              | 6  |
| BUILDING 13                             | HONEYMOON      | 873                | 1  |
| BUILDING 14                             | TWIN PINES     | 3,442              | 4  |
| BUILDING 15                             | WATERFALL      | 1,964              | 4  |
| BUILDING 16                             | GERANIUM       | 3,733              | 11 |
| BUILDING 17                             | VERANDA        | 913                | 3  |
| BUILDING 18                             | ARBOR          | 691                | 2  |
| BUILDING 19                             | PORCH          | 1,087              | 2  |
| BUILDING 20                             | EUCALYPTUS     | 509                | 1  |
| BUILDING 21                             | MISSION        | 1,618              | 2  |
| BUILDING 22                             | COURT COTTAGES | 4,028              | 8  |
| BUILDING 23                             | COURT COTTAGES | 3,293              | 6  |
| BUILDING 24                             | COURT COTTAGES | 3,293              | 6  |
| TOTAL EXISTING BUILDING SQUARE FOOTAGE: |                | 65,177 S.F.        | 88 |

| PROPOSED AREA CALCULATIONS           |               | GUEST ROOMS (KEYS) |    |
|--------------------------------------|---------------|--------------------|----|
| PROPOSED NEW BUILDINGS               |               |                    |    |
| BUILDING 25                          | COTTAGE 25    | 648                | 1  |
| BUILDING 26                          | COTTAGE 26    | 648                | 1  |
| BUILDING 27                          | COTTAGE 27    | 612                | 1  |
| BUILDING 28                          | COTTAGE 28    | 1,224              | 2  |
| BUILDING 29                          | COTTAGE 29    | 2,627              | 4  |
| ADDED S.F. PER PROPOSED REMODEL      |               |                    |    |
| BUILDING 1                           | MAIN BUILDING | 2,251              |    |
| TOTAL ADDED BUILDING SQUARE FOOTAGE: |               | 8,010              | 9  |
| PROJECT TOTAL:                       |               | 73,187 S.F.        | 97 |

| ALLOWABLE AREA INCREASE PER MEASURE E |                |               |                |
|---------------------------------------|----------------|---------------|----------------|
| MEASURE E ALLOCATION                  | AVAILABLE S.F. | EXPENDED S.F. | REMAINING S.F. |
| MINOR ADDITION                        | 1,000          | 1,000         | 0              |
| SMALL ADDITION                        | 2,000          | 2,000         | 0              |
| VACANT PROPERTY                       | 2,400          | 2,400         | 0              |
| DEMOLITION/REBUILD                    | 2,748          | 2,610         | 138            |
| GRAND TOTAL                           | 8,148 S.F.     | 8,010 S.F.    | 138 S.F.       |

15 West Mason Street  
 Santa Barbara, California 93101  
 P 805 968-5538 F 805 968-3348  
 WWW.LYVA.COM  
**L.Y.V.A., Inc.**

JOB NUMBER: 0106-ELC  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

DATE: 11/22/04  
 Exhibit D  
 T:\M11115\Jan2009

1900 LASUEN RD  
019-170-022

Sq. Ft. Accessories

|                         |       |              |      |
|-------------------------|-------|--------------|------|
| Bldg. 2 "Harbor View"   | 2048  | Demo'd Pool  | 760  |
| Bldg. 3 "Rose"          | 1223  | Tennis Court | 7380 |
| Bldg. 4 "Pepper Tree"   | 487   | Garage       | 1622 |
| Bldg. 5 "Camelia"       | 1607  |              |      |
| Bldg. 6 "Palm"          | 2569  |              |      |
| Bldg. 7 "Ivy"           | 1057  |              |      |
| Bldg. 8 "Olive Tree"    | 1434  |              |      |
| Bldg. 9 "Fountain"      | 1374  |              |      |
| Bldg. 10 "Presidential" | 2597  |              |      |
| Bldg. 11 "Wishing Well" | 1326  |              |      |
| Bldg. 12 "Overlook"     | 3286  |              |      |
| Bldg. 13 "Honeymoon"    | 836   |              |      |
| Bldg. 14 "Twin Pines"   | 2404  |              |      |
| Bldg. 15 "Waterfall"    | 1933  |              |      |
| Bldg. 16 "Geranium"     | 3648  |              |      |
| Bldg. 17 "Veranda"      | 882   |              |      |
| Bldg. 18 "Arbor"        | 1224  |              |      |
| Bldg. 19 "Porch"        | 901   |              |      |
| Bldg. 20 "Eucalyptus"   | 502   |              |      |
| Bldg. 21 "Mission"      | 1143  |              |      |
| Bldg. 22 no name        | 4014  |              |      |
| Bldg. 23 no name        | 3308  |              |      |
| Bldg. 24 no name        | 3308  |              |      |
| Total Sq. Footage       | 43111 |              |      |
| Demo'd Structure        | 16676 |              |      |
| Sq. Ft Including Demo'd | 59787 |              |      |

760  
7380  
1622

**Exhibit E**  
TJMItr15jan2009

STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA  
I DO CERTIFY THAT THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL IN THIS  
OFFICE

JOSEPH E. HOLLAND  
County Clerk, Recorder and Assessor

By *Joseph E. Holland*  
This 22 day of 20 08

| Demo'd Structure       | Sq. Footage |
|------------------------|-------------|
| Hotel 1st Floor        | 8585        |
| Hotel 2nd Floor        | 2089        |
| Basement Hotel Rms     | 2281        |
| Fin. Basement          | 3721        |
| Total Demo'd Structure | 16676       |

STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA  
I DO CERTIFY THAT THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL IN THIS  
OFFICE.

JOSEPH E. HOLLAND  
County Clerk, Recorder and Assessor

By *J. Holland*  
This 22 day of DEC 20 08

# BUILDING AREA TABULATION

RD  
 1/28/04  
 47

| EXISTING AREA CALCULATIONS              |                | GUEST ROOMS (KEYS) |
|---|----------------|--------------------|
| BUILDING 1                              | MAIN BUILDING  | 20,389             |
| BUILDING 2                              | HARBOR VIEW    | 2,165              |
| BUILDING 3                              | ROSE           | 1,287              |
| BUILDING 4                              | PEPPER TREE    | 520                |
| BUILDING 5                              | CAMELIA        | 1,609              |
| BUILDING 6                              | PALM           | 2,265              |
| BUILDING 7                              | IVY            | 1,236              |
| BUILDING 8                              | OLIVE TREE     | 1,480              |
| BUILDING 9                              | FOUNTAIN       | 1,517              |
| BUILDING 10                             | PRESIDENTIAL   | 2,616              |
| BUILDING 11                             | WISHING WELL   | 1,371              |
| BUILDING 12                             | OVERLOOK       | 3,078              |
| BUILDING 13                             | HONEYMOON      | 873                |
| BUILDING 14                             | TWIN PINES     | 3,442              |
| BUILDING 15                             | WATERFALL      | 1,984              |
| BUILDING 16                             | GERANIUM       | 3,733              |
| BUILDING 17                             | VERANDA        | 913                |
| BUILDING 18                             | ARBOR          | 891                |
| BUILDING 19                             | PORCH          | 1,087              |
| BUILDING 20                             | EUCALYPTUS     | 509                |
| BUILDING 21                             | MISSION        | 1,618              |
| BUILDING 22                             | COURT COTTAGES | 4,026              |
| BUILDING 23                             | COURT COTTAGES | 3,293              |
| BUILDING 24                             | COURT COTTAGES | 3,293              |
| TOTAL EXISTING BUILDING SQUARE FOOTAGE: |                | 65,177 S.F.        |
|   |                | 88                 |

| PROPOSED AREA CALCULATIONS           |               | S.F.        | GUEST ROOMS (KEYS) |
|--------------------------------------|---------------|-------------|--------------------|
| PROPOSED NEW BUILDINGS               |               |             |                    |
| BUILDING 25                          | COTTAGE 25    | 648         | 1                  |
| BUILDING 26                          | COTTAGE 26    | 648         | 1                  |
| BUILDING 27                          | COTTAGE 27    | 612         | 1                  |
| BUILDING 28                          | COTTAGE 28    | 1,224       | 2                  |
| BUILDING 29                          | COTTAGE 29    | 2,627       | 4                  |
| ADDED S.F. PER PROPOSED REMODEL      |               |             |                    |
| BUILDING 1                           | MAIN BUILDING | 2,251       |                    |
| TOTAL ADDED BUILDING SQUARE FOOTAGE: |               | 8,010       | 9                  |
| PROJECT TOTAL:                       |               | 73,187 S.F. | 97                 |

| ALLOWABLE AREA INCREASE PER MEASURE E |                |               |                |
|---------------------------------------|----------------|---------------|----------------|
| MEASURE E ALLOCATION                  | AVAILABLE S.F. | EXPENDED S.F. | REMAINING S.F. |
| MINOR ADDITION                        | 1,000          | 2,000         | 0              |
| SMALL ADDITION                        | 2,000          | 2,400         | 0              |
| VACANT PROPERTY                       | 2,400          | 2,610         | 138            |
| DEMOLITION/REBUILD                    | 2,748          | 8,010 S.F.    | 138 S.F.       |
| GRAND TOTAL                           | 8,148 S.F.     | 8,010 S.F.    | 138 S.F.       |

|          |          |
|----------|----------|
| DATE     | 11/22/04 |
| REVISION |          |

JOB NUMBER:  
0106-ELC

DRAWN BY:  
**EDV**

CHECKED BY:  
**SJY**

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1627



**L.Y.V.A., inc.**  
 15 West Mason Street  
 Santa Barbara, California 93101  
 P 805 966-5639 F 805 966-3349  
 www.lyva.com

**and presented to the HLC; the project received positive mass, bulk and scale comments at the June 11, 2008 hearing.**

13. It is unclear as to whether any of the Mission Village cottages encroach into the required setbacks. Show the required setbacks on the plan.

**Mission Village cottages #32, 33, & 34 encroach into the front and interior yard setbacks. Both the 30' and 40' setbacks have been indicated on the site plans.**

14. In the R-H Zone, buildings other than the main building may not exceed two stories in height. Show how the Mission Village buildings comply with this requirement (i.e. how the parking level is not considered a story).

**Refer to Sheets M.01 and M.02. The east and west sections indicate that the podium parking structure does not constitute a story as the vertical distance from existing grade to the finished floor of the parking structure is greater than the vertical distance from existing grade to the parking deck.**

15. A Modification to allow the three new parking spaces within the setback along Mission Ridge is required. Additional fees are required.

**The three parking spaces proposed along the entry drive off of Mission Ridge have been eliminated.**

16. Historic Resources: A letter addendum to the Historic Structures/Sites Report is required for all proposed changes.

**A letter addendum to Historic Structures/Sites Report for El Encanto Hotel, Revised Master Plan, prepared by Preservation Planning Associates dated August 14, 2008 has been included in the submittal package.**

17. Environmental Review: The noise study is adequate; therefore, we have no comments. Are any trees proposed to be removed that were not part of the original approval? If so, an arborist's report will be required.

**Refer to Sheet L-L1.0 Tree Protection Plan which indicates the proposed tree removals due to the proximity of the proposed Operations Facility. Email communication with staff concluded that an arborist report would not be necessary for these tree removals.**

18. Water Resources: The City and State requires that onsite capture, retention, and treatment of storm water is incorporated into the design of the project. In an attempt to treat the small, frequent storm events that impact water quality in Santa Barbara, you must design the project site to capture and treat the calculated amount of runoff for a 1 inch storm event. This can be accomplished by implementing water treatment design techniques such

**Trish Allen**

**From:** Kennedy, Kathleen [KKennedy@SantaBarbaraCA.gov]  
**Sent:** Wednesday, October 01, 2008 6:02 PM  
**To:** Trish Allen; James Jones; Minh Pham  
**Cc:** Kato, Danny  
**Subject:** El Encanto

**RECEIVED**

OCT 10 2008

CITY OF SANTA BARBARA  
PLANNING DIVISION

Hello all,

After much more 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 buildings above.

Thank you,

**Kathy**

**Exhibit I**

TJMltr15jan2009

10/8/2008



# Zoning Ordinance Interpretations

## BASEMENTS & CELLARS

### DISCLAIMER

All City policies & procedures are guidelines that may be changed at any time without notice.

### INTRODUCTION

SBMC §28.04.090 defines a **basement** as:

That portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall be counted as a story.

SBMC §28.04.140 defines a **cellar** as:

That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this chapter) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. A cellar shall not be counted as a story if the vertical distance from grade to ceiling is four feet (4') or less on all sides.

The purpose of this policy is to clarify the distinctions between the two, and to determine when a basement or cellar is considered a "story" (a.k.a. floor) for building height calculations.

### INTERPRETATION

Both basements and cellars are areas of buildings that are beneath other portions of the building. Both basements and cellars can be partially below grade, but only cellars can be completely below grade. A basement is **always** counted as a story. A cellar is only counted as a story if the vertical distance from grade to the ceiling is four feet (4') or less on all sides.

To determine whether an area is a basement or cellar, use the following steps:

1. Compare the area to the definition of basement. If the area meets the definition of basement, then it is a basement, and not a cellar. If it doesn't meet the definition of basement, then:
2. Compare the area to the definition of cellar. If the area meets the definition of cellar, then it is a cellar.
3. Determine whether the cellar is counted as a story by measuring the vertical distance between grade and the ceiling. If it is four feet (4') or less on all four sides, then it is not counted as a story.

It is possible for a cellar that is not counted as a story, to be "habitable space," as defined by the Uniform Building Code (UBC). Two exits are required, and one of them is usually the interior stairway. The second can be another stairway, or an exterior window. In order to allow a cellar that is not a story to be designated as habitable space by the Uniform Building Code (UBC), an exemption from the four foot vertical distance is allowed for the area outside the egress window (i.e. a "light/exiting well"). This "well" shall have sides that are no longer than the width of the minimum egress window that is allowed by the Uniform Building Code, and there shall be only one such well per habitable-room within the cellar.

## CHAPTER 5

# GENERAL BUILDING HEIGHTS AND AREAS

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures.

**[F] 501.2 Address numbers.** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

### SECTION 502 DEFINITIONS

**502.1 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**AREA, BUILDING.** The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

**BASEMENT.** That portion of a building that is partly or completely below grade plane (see "Story above grade plane" in Section 202). A basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

**EQUIPMENT PLATFORM.** An unoccupied, elevated platform used exclusively for mechanical systems or industrial process equipment, including the associated elevated walkways, stairs and ladders necessary to access the platform (see Section 505.5).

**GRADE PLANE.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

*[HCD 1 & HCD 2] "Grade or grade plane" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet*

*(1524 mm) from the building, between the building and a line 5 feet (1524 mm) from the building. For additional information, see Health and Safety Code, Section 19955.3 (d).*

**HEIGHT, BUILDING.** The vertical distance from grade plane to the average height of the highest roof surface.

**HEIGHT, STORY.** The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**MEZZANINE.** An intermediate level or levels between the floor and ceiling of any story and in accordance with Section 505.

### SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

**503.1 General.** The height and area for buildings of different construction types shall be governed by the intended use of the building and shall not exceed the limits in Table 503 except as modified hereafter. Each part of a building included within the exterior walls or the exterior walls and fire walls where provided shall be permitted to be a separate building.

*Exception: [HCD 1] Limited-density owner-built rural dwellings may be of any type of construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by Section 17920.3 of the Health and Safety Code.*

**503.1.1 Special industrial occupancies.** Buildings and structures designed to house special industrial processes that require large areas and unusual heights to accommodate craneways or special machinery and equipment, including, among others, rolling mills; structural metal fabrication shops and foundries; or the production and distribution of electric, gas or steam power, shall be exempt from the height and area limitations of Table 503.

**503.1.2 Buildings on same lot.** Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building if the height of each building and the aggregate area of buildings are within the limitations of Table 503 as modified by Sections 504 and 506. The provisions of this code applicable to the aggregate building shall be applicable to each building.

**503.1.3 Type I construction.** Buildings of Type I construction permitted to be of unlimited tabular heights and areas are not subject to the special requirements that allow unlimited area buildings in Section 507 or unlimited height in Sections 503.1.1 and 504.3 or increased height and areas for other types of construction.

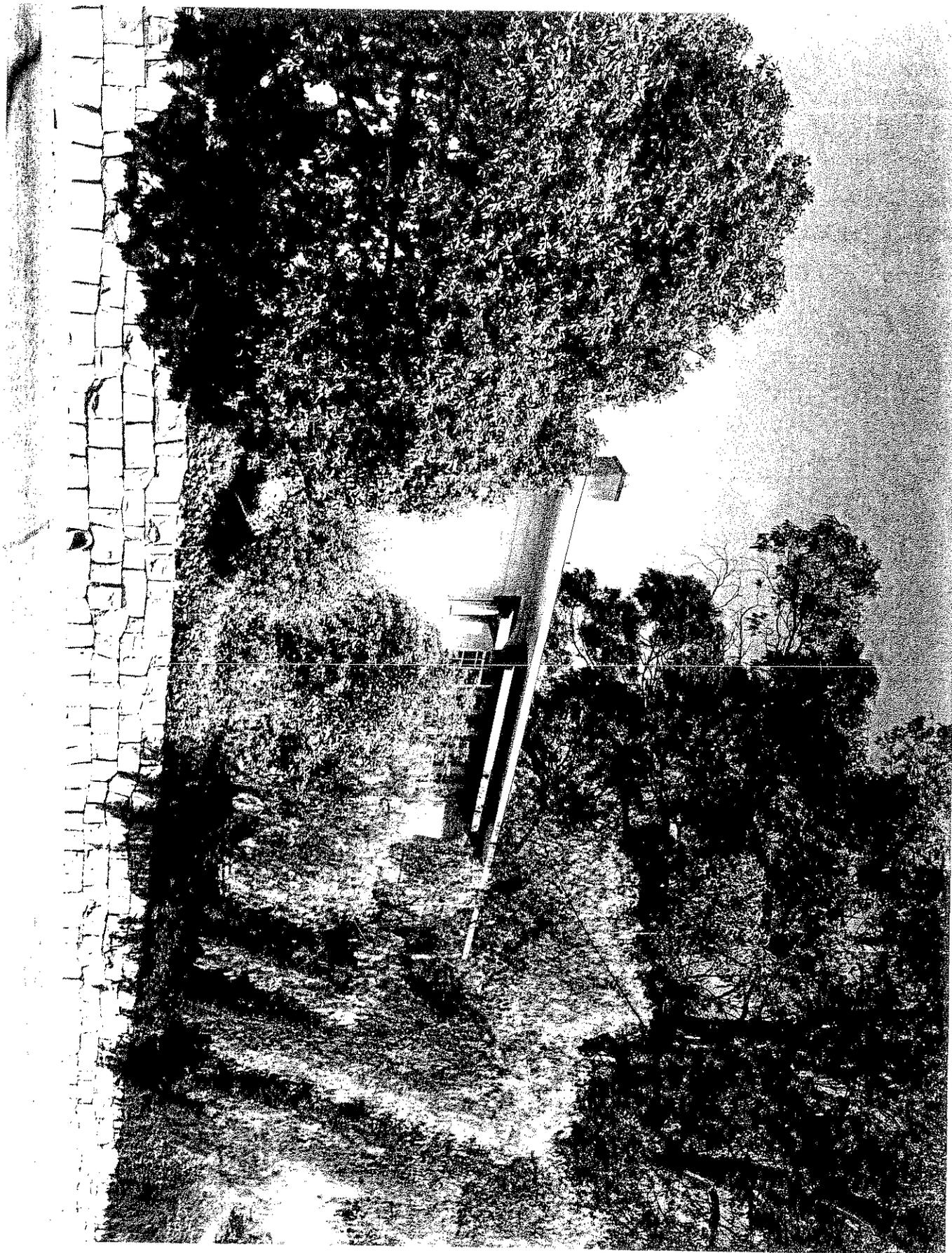
- SPECIAL ACCESS LIFT.** [DSA-AC & HCD-IAC] See Chapter 11A, Section 1107A.19-S, and Chapter 11B, Section 1102B.
- SPECIAL AMUSEMENT BUILDING.** See Section 411.2.
- SPECIAL INSPECTION.** See Section 1702.1.
- Special inspection, continuous.** See Section 1702.1.
- Special inspection, periodic.** See Section 1702.1.
- SPECIAL FLOOD HAZARD AREA.** See Section 1612.2.
- SPECIFIED.** See Section 2102.1.
- SPECIFIED COMPRESSIVE STRENGTH OF MASONRY ( $f'_m$ ).** See Section 2102.1.
- SPECIFIED PUBLIC TRANSPORTATION.** [DSA-AC] See Chapter 11B, Section 1102B.
- SPLICE.** See Section 702.1.
- SPRAYED FIRE-RESISTANT MATERIALS.** See Section 1702.1.
- STACK BOND.** See Section 2102.1.
- STAGE.** See Section 410.2.
- STAIR.** See Section 1002.1.
- STAIRWAY.** See Section 1002.1.
- STAIRWAY, EXTERIOR.** See Section 1002.1.
- STAIRWAY, INTERIOR.** See Section 1002.1.
- STAIRWAY, SPIRAL.** See Section 1002.1.
- [F] STANDPIPE SYSTEM, CLASSES OF.** See Section 902.1.
- Class I system.** See Section 902.1.
- Class II system.** See Section 902.1.
- Class III system.** See Section 902.1.
- [F] STANDPIPE, TYPES OF.** See Section 902.1.
- Automatic dry.** See Section 902.1.
- Automatic wet.** See Section 902.1.
- Manual dry.** See Section 902.1.
- Manual wet.** See Section 902.1.
- Semiautomatic dry.** See Section 902.1.
- START OF CONSTRUCTION.** See Section 1612.2.
- STATE-OWNED/LEASED BUILDING [SFM]** is a building or portion of a building that is owned, leased or rented by the state. State-leased buildings shall include all required exits to a public way serving such leased area or space. Portions of state-leased buildings that are not leased or rented by the state shall not be included within the scope of this section unless such portions present an exposure hazard to the state-leased area or space.
- STEEL CONSTRUCTION, COLD-FORMED.** See Section 2202.1.
- STEEL JOIST.** See Section 2202.1.
- STEEL MEMBER, STRUCTURAL.** See Section 2202.1.
- STEEP SLOPE.** A roof slope greater than two units vertical in 12 units horizontal (17-percent slope).
- STONE MASONRY.** See Section 2102.1.
- Ashlar stone masonry.** See Section 2102.1.
- Rubble stone masonry.** See Section 2102.1.
- [F] STORAGE, HAZARDOUS MATERIALS.** See Section 415.2.
- STORY.** The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is not a ceiling, to the top of the roof rafters.
- [DSA-AC] See Chapter 11B, Section 1102B.
- STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:
1. More than 6 feet (1829 mm) above grade plane; or
  2. More than 12 feet (3658 mm) above the finished ground level at any point.
- STORY, FIRST.** [DSA-AC] See Chapter 11B, Section 1102B.
- STRENGTH.** See Section 2102.1.
- Design strength.** See Section 2102.1.
- Nominal strength.** See Sections 1602.1 and 2102.1.
- Required strength.** See Sections 1602.1 and 2102.1.
- STRENGTH DESIGN.** See Section 1602.1.
- STRUCTURAL COMPOSITE LUMBER.** See Section 2302.1.
- Laminated veneer lumber (LVL).** See Section 2302.1.
- Parallel strand lumber (PSL).** See Section 2302.1.
- STRUCTURAL FRAME.** [DSA-AC] See Chapter 11B, Section 1102B.
- STRUCTURAL GLUED-LAMINATED TIMBER.** See Section 2302.1.
- STRUCTURAL OBSERVATION.** See Section 1702.1.
- STRUCTURE.** That which is built or constructed.
- SUBDIAPHRAGM.** See Section 2302.1.
- SUBSTANTIAL DAMAGE.** See Section 1612.2.
- SUBSTANTIAL IMPROVEMENT.** See Section 1612.2.
- SUNROOM ADDITION.** See Section 1202.1.
- [F] SUPERVISING STATION.** See Section 902.1.
- [F] SUPERVISORY SERVICE.** See Section 902.1.
- [F] SUPERVISORY SIGNAL.** See Section 902.1.
- [F] SUPERVISORY SIGNAL-INITIATING DEVICE.** See Section 902.1.



**Exhibit L**  
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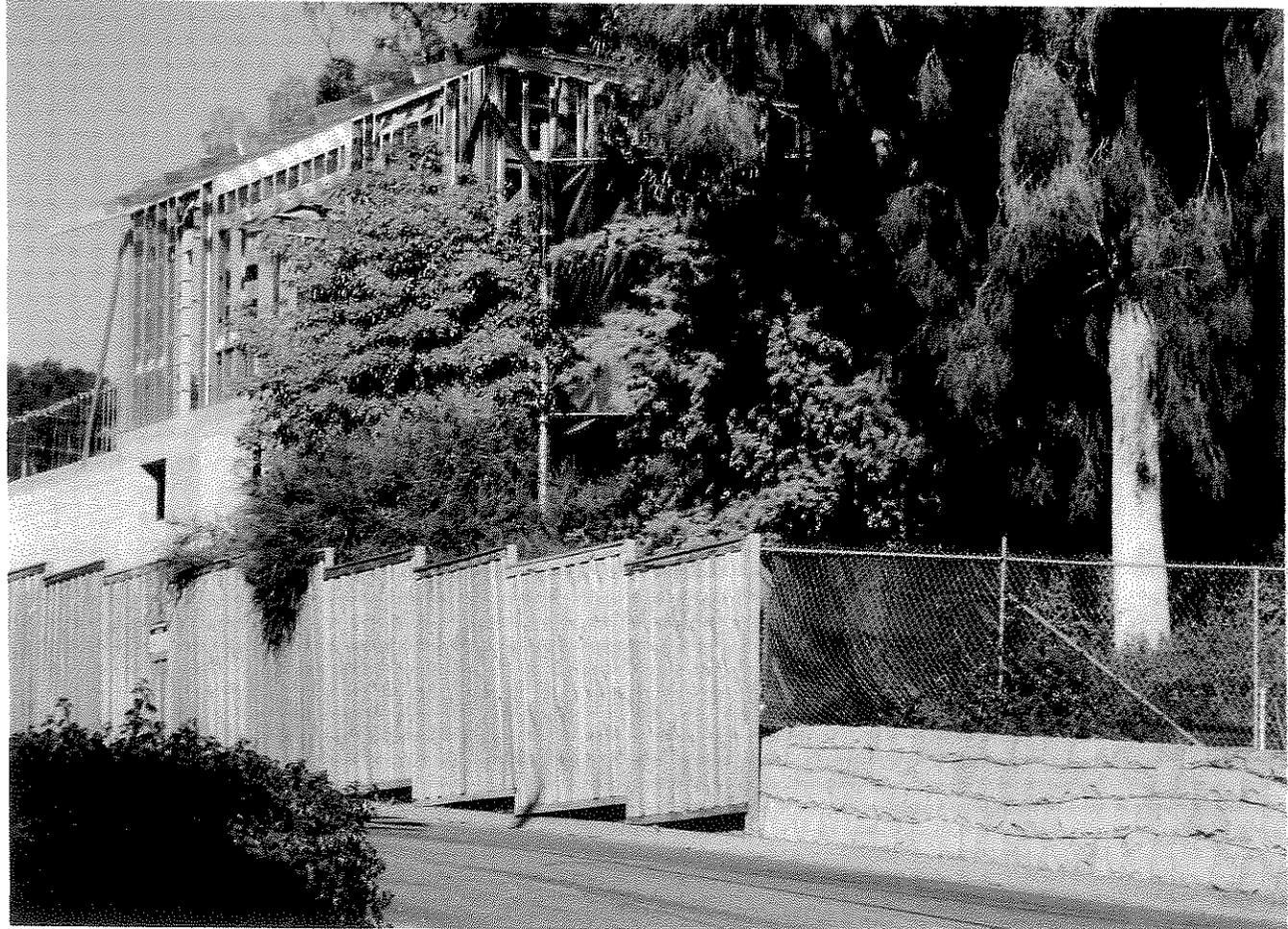
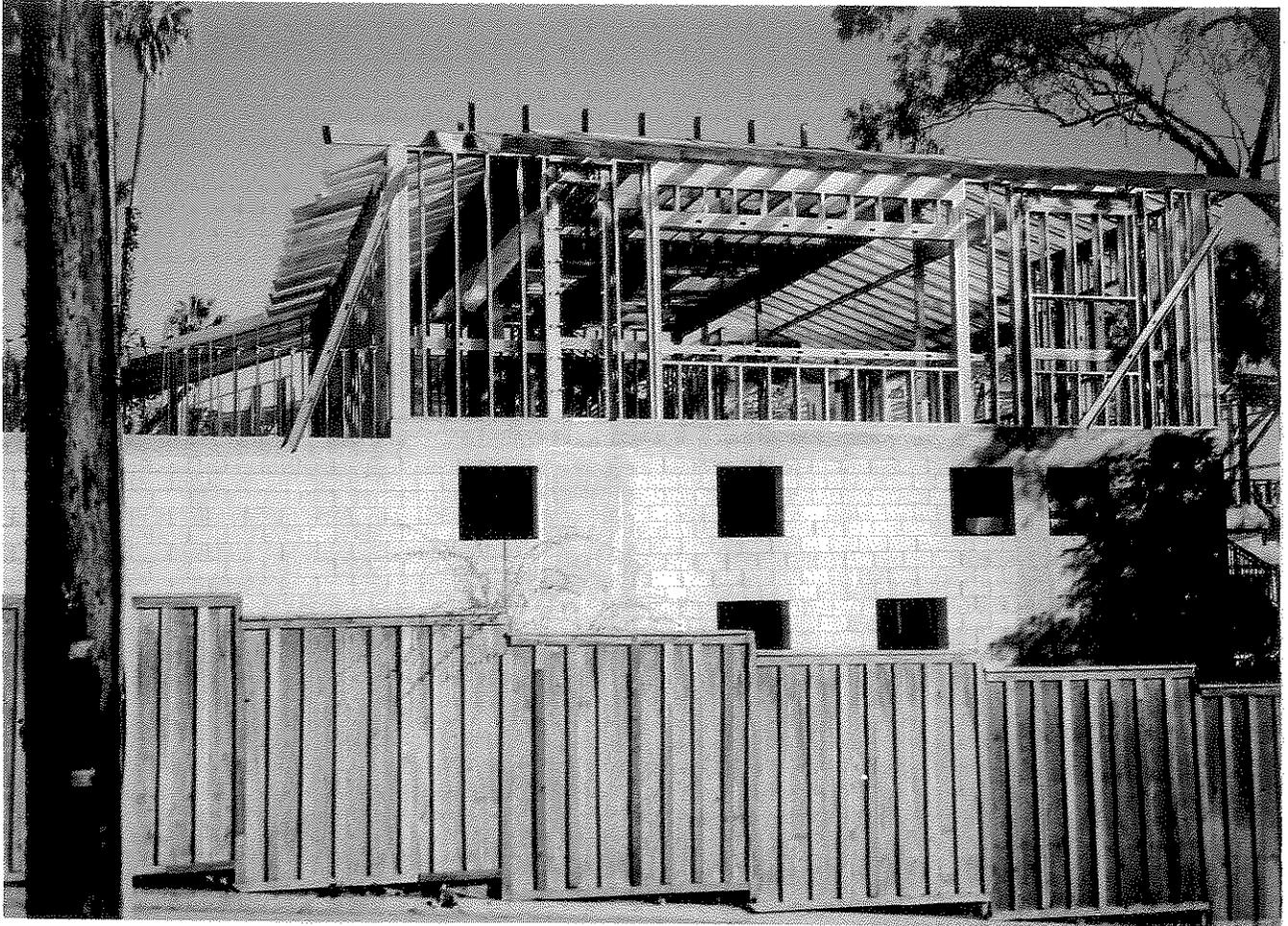


**Exhibit M**  
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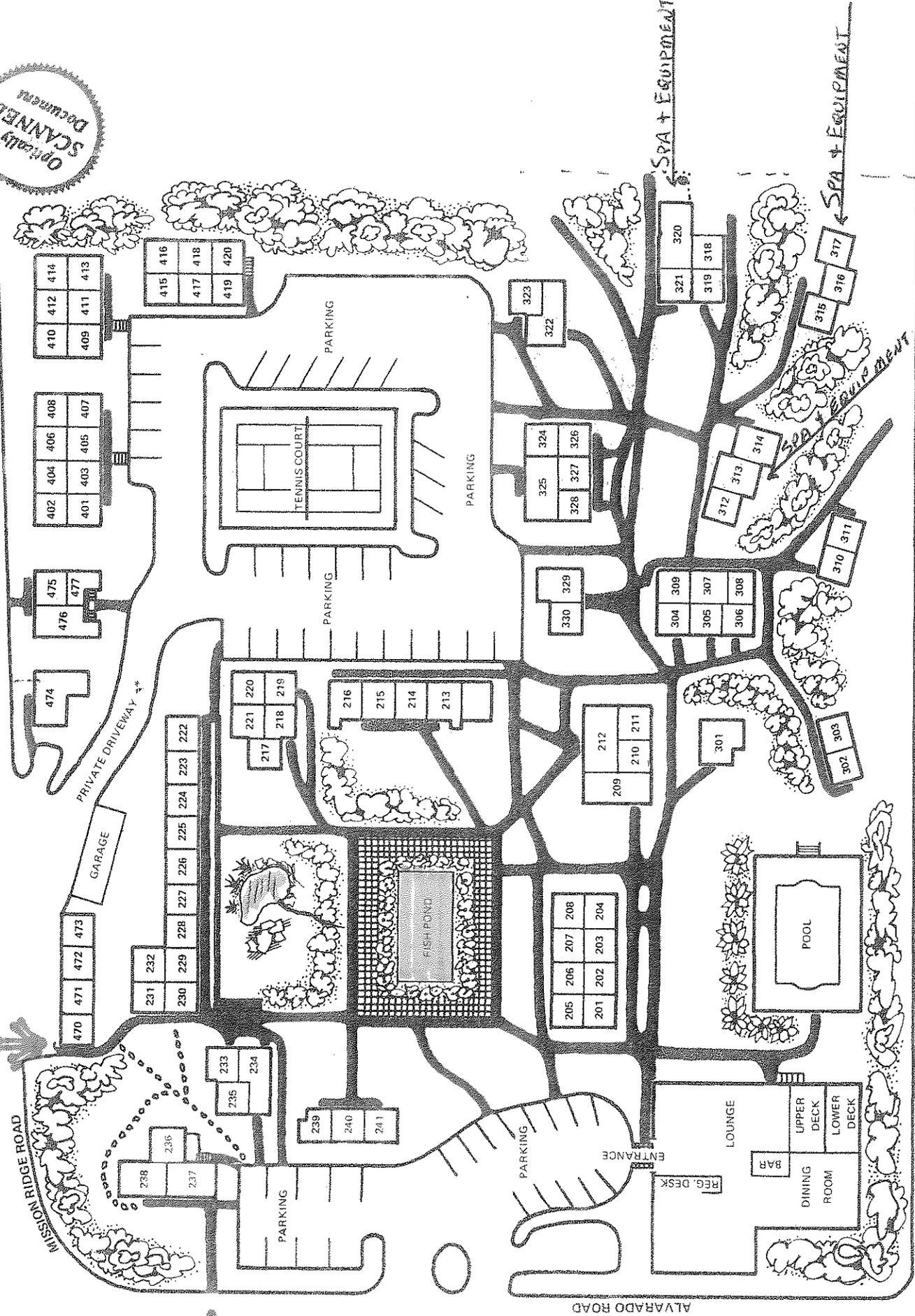
**Exhibit N**

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**Exhibit O**  
TJMItr15jan2009

# EL ENCANTO Hotel and Garden Villas



## ROOM LOCATOR MAP