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25 June 2015

City Clerk
The Mayor and City Council
City of Santa Barbara
De La Guerra Plaza
P. O. Box 1990
Santa Barbara, CA. 93102-1990

Re: 1912 Mission Ridge Road
Single Family Design Board (SFDB)
Final Approval MST2014-00585 on Monday,
15 June 2015 Item 6.

Subject: Filing of Appeal SBMC §1.30.050
and SBMC §22.69.080 A

Mayor Schneider and Council members:

I am appealing the City SFDB decision referenced above on behalf of Mr. and Mrs. Rinaldo Brutoco and the immediate Riviera Neighborhood, on the grounds that the Final Approval exceeds and violates the Project Design Approval previously given.

Background Information & Reasons for the Appeal

In 1963 the City permitted this home and garage, located at 1912 Mission Ridge Road, on 18 February 1963 to Owner/Builder, William Nels, General Contractor's License 211379. The City Building Application and Permit is enclosed as (**Attachment "1-A"**) which also had on the back side of this permit, three (3) additional requirements noted by the Public Works Department which is shown on (**Attachment "1-B"**) Please take note of item number two (2) Drainage Provisions which states; **"All run-off to be conducted on driveway to Mission Ridge Road surface."** As we know now, Storm Water Management Program Compliance is a part of the Single Family Design Board General Design Guidelines. How did the original builder

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get away with not providing the required Drainage Provisions on his permit and avoid being caught by the City Building and Public Works Inspectors? As noted in my previous comments to the City, Mr. Nels, the original owner/builder was a very frugal person and never spent money if he could somehow avoid it! Cleverly, he put a new fence and masonry wall on his property located just before his new dirt-building pad went down the hill toward the neighboring property and established it as his southerly property line. Obviously, this ploy worked well and everyone bought into this for over fifty years until a surveyor proved it wrong! Every property owner buying in at 1900 and 1915 Mission Ridge Road over the years thought this was their property division line and the Zoning Information Reports never caught it!

Clearly, two issues arise from this dilemma, one is the downhill property owner at 1900 Mission Ridge Road appears to have the necessary elements for a Prescriptive Easement and could potentially take away and own this divided parcel for their own use. This would, of course, significantly reduce the lot area available to this proposed project and elevate the Floor to Area Requirements (FAR) to a very high level. Issue two: if the downhill neighbor passes on the easement issue, the uphill neighbor Morrison, the applicant, will still have to provide a significant retaining wall and storm water diversion at the property line to their paved driveway. The original City permit requirements and California State Law require this action. This is not optional under Santa Barbara ordinances.

The final review plans submittal by the Architect, Jeff Shelton, were inaccurate and incomplete as follows:

1. The Drainage Plan, shown on Sheet A1.5 is incomplete. It does not show the existing grade contour line elevations or the downhill drainage pattern from the noted existing fence and Concrete Masonry Wall (CMU)

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1. cont.

to the downhill neighbor's property at 1900 Mission Ridge Road. As it relates to this first point, Mr. Brutoco testified at the SFDB hearing hereby being appealed that a "Required" submission for initial "Concept Review" pursuant to the SFDB's published "Submittal Checklist" *includes* a "site topography, conceptual grading & retaining walls...."

Mr. Brutuco then went to testify that no accurate contour map showing the actual slope of the lot in question had ever been filed at the Concept Review stage nor had one been put forth as of the "Final & Consent" stage now being appealed. This failure by the SFDB to require the accurate site topography, he testified, in summary fashion constituted a *per se* violation, of the SFDB's own published rules. Failure to follow those rules and giving Final Approval to this project would thereby constitute a Due Process violation of all affected parties as there was no final lawful, complete submission of the required documentation thereby invalidating any action taken by the SFDB in violation of its own published rules. The Council should note that "Project Design Approval" requires all the documentation that was required in the Concept Review stage to be present at the Project Design Approval stage with additional materials to be submitted. In a similar fashion Final & Consent requires all the documentation from the two prior phases plus additional materials. Mr. Brutuco correctly pointed out that a failure to supply the accurate site topography (which would have shown the subject property's real contours) at the outset was a continuing invalidating condition thereby making it impossible to render a Final & Consent decision. A review of the record will reveal that the Chair did not address this point in proceeding to call for a Final & Consent vote, which is what gives rise to the Due Process violation as a basis for this appeal.

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2. The existing foundation detail shown on Sheet A2.2 Crawl Space Plan **(Attachment "2")** is not believable and must be corrected by the SFDB. My letter of 15 June 2015 to the SFDB focused on this incorrect detail and the SFDB chair, Fred Sweeney, brushed it off as a Building Department issue. This is a two-story detail and does not exist on this site or the existing building and cannot be used as a ploy or excuse for support of the proposed project. Additional Section Details on Sheets A3.2, A3.3, A3.4 and A3.5 do not show the existing exterior foundation details used by the original builder. Enclosed are copies of the Uniform Building Code Dwelling House Construction details used in the 1960-70's era as **(Attachment "3")** and **(Attachment "4")** No two-story, or for that matter, a single story building can structurally support the proposed heavy two piece Mexican tile roof on the existing 1960 era footings and wood stud framing being proposed to the SFDB. This erroneously approved project by the SFDB cannot be allowed to continue through the design process any further and must be corrected and sent back for further review!

Mr. Brutuco also commented, with regard to the second issue above, regarding the existing foundations, said: It appears *highly likely* that the proposed structure will not survive a Building Department inspection. He requested that inspection to occur at the SFDB hearing and was told that it was not the concern of the SFDB. That is, at best, a very cavalier response. If, as in this case, it appears that a structure may get all the way to Building Department review and then be rejected is a very good reason to withhold final approval until the Building Department can provide its findings thereby saving the SFDB and this Council the necessity of a prolonged process that will, at the end, fail to be approved and, of course, constructed. What is the rush here? Does anyone doubt

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2. cont.

the evidence I already produced, and does it not leave the highly likely conclusion that the subject footings are inadequate for a single story structure with a heavy tile roof let alone an addition of a second story?

In closing, it's my feeling and my clients, along with their neighbors, that an error in judgment has occurred by City Staff and the SFDB by ignoring the facts presented in the meetings held and that we all agree with the single member of the SFDB, who at the last meeting, felt that the SFDB did not adequately apply the Design Guidelines and Good Neighbor Guideline & Tips to this project for the neighbors and voted no on the motion for approval by the SFDB.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "T. Martinson", with a large, stylized initial "T" that loops around the start of the name.

Trevor J. Martinson
Architect, Planner & Forensic

Attachments:

1-A, 1-B, 2, 3 and 4

XC: Mr. & Mrs. Brutoco
The Riviera Association

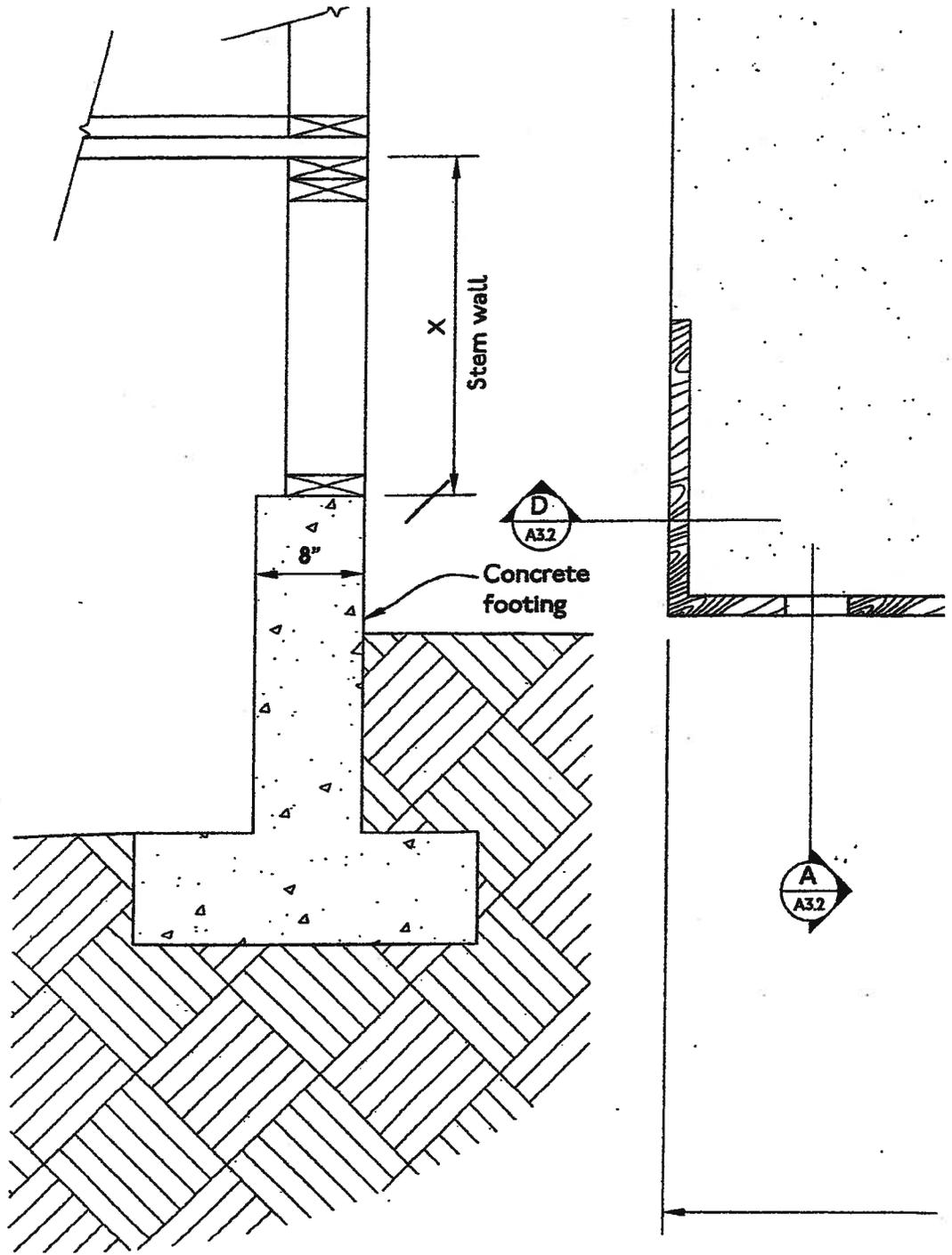
| PERMIT REQUIREMENT REPORT | | | |
|----------------------------|--------------|-----|---|
| SUBDIVISION PLAN | | | |
| ITEM | PERMIT NO. | YES | DISAPPROVED |
| CITY SEWER COLLECTION | | | |
| DRIVEWAY GRADE AT R/W LINE | ① <u>na</u> | 2/8 | |
| DRAINAGE PROVISIONS | ② <u>na</u> | 2/8 | |
| SUBDIVISION REQUIREMENTS | ok <u>na</u> | 2/8 | Koefod Lot Split Recorded 2-1-63 BK A PG 96 |

Sewer in Runnin Rd. Rd. Map No. 15

- ① Subject to driveway grade at R/W being constructed to 1/4" to 1" above top of curb.
- ② All run-off to be conducted on driveway to Mission Ridge Road surface.
- ③ Subject to re-location of existing sewer serving existing house above subject property -

Attachment "1-B"

TJMItrCCApp25June2015



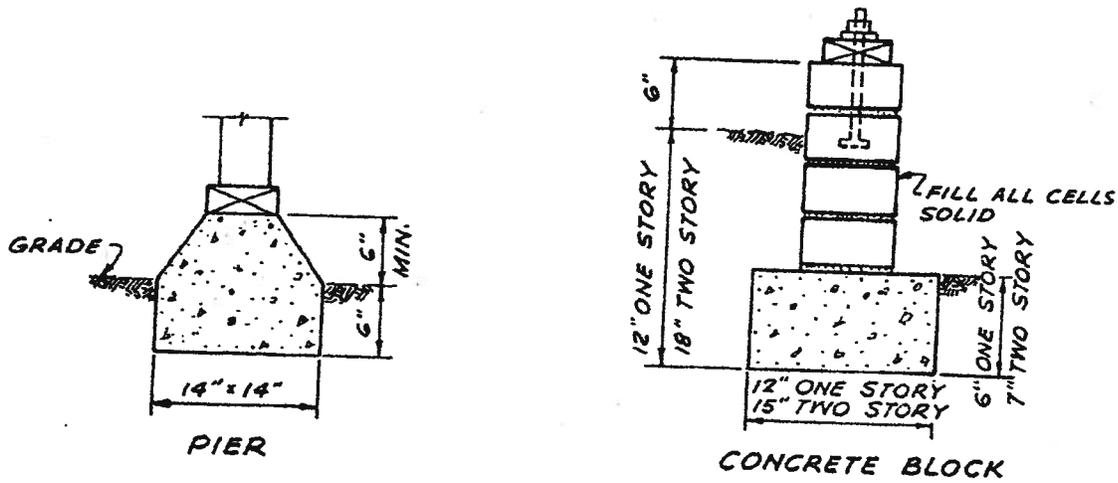
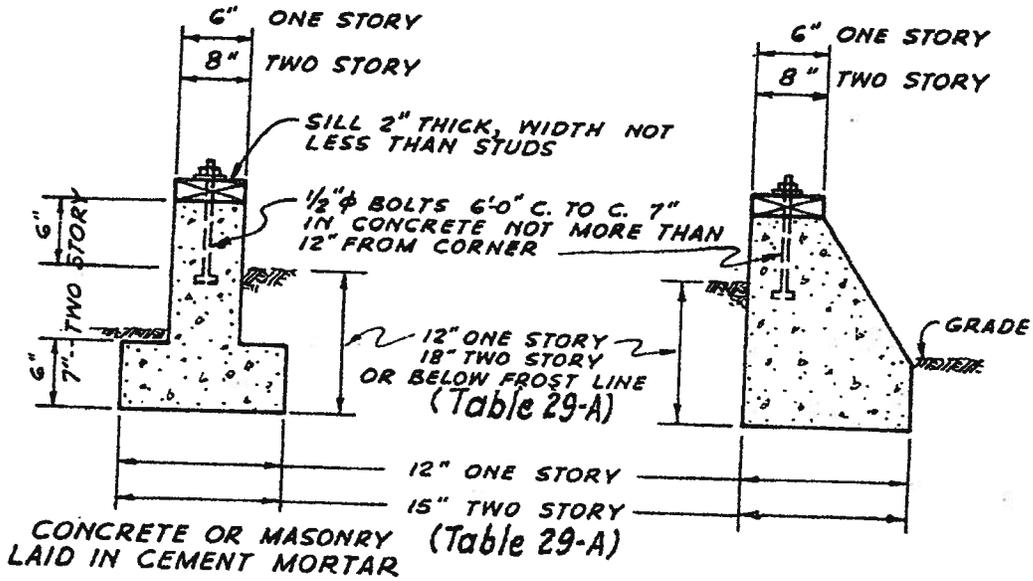
2 (E) STEM-WALL HEIGHT

1/4"=1'-0"

UNDER FLOOR V

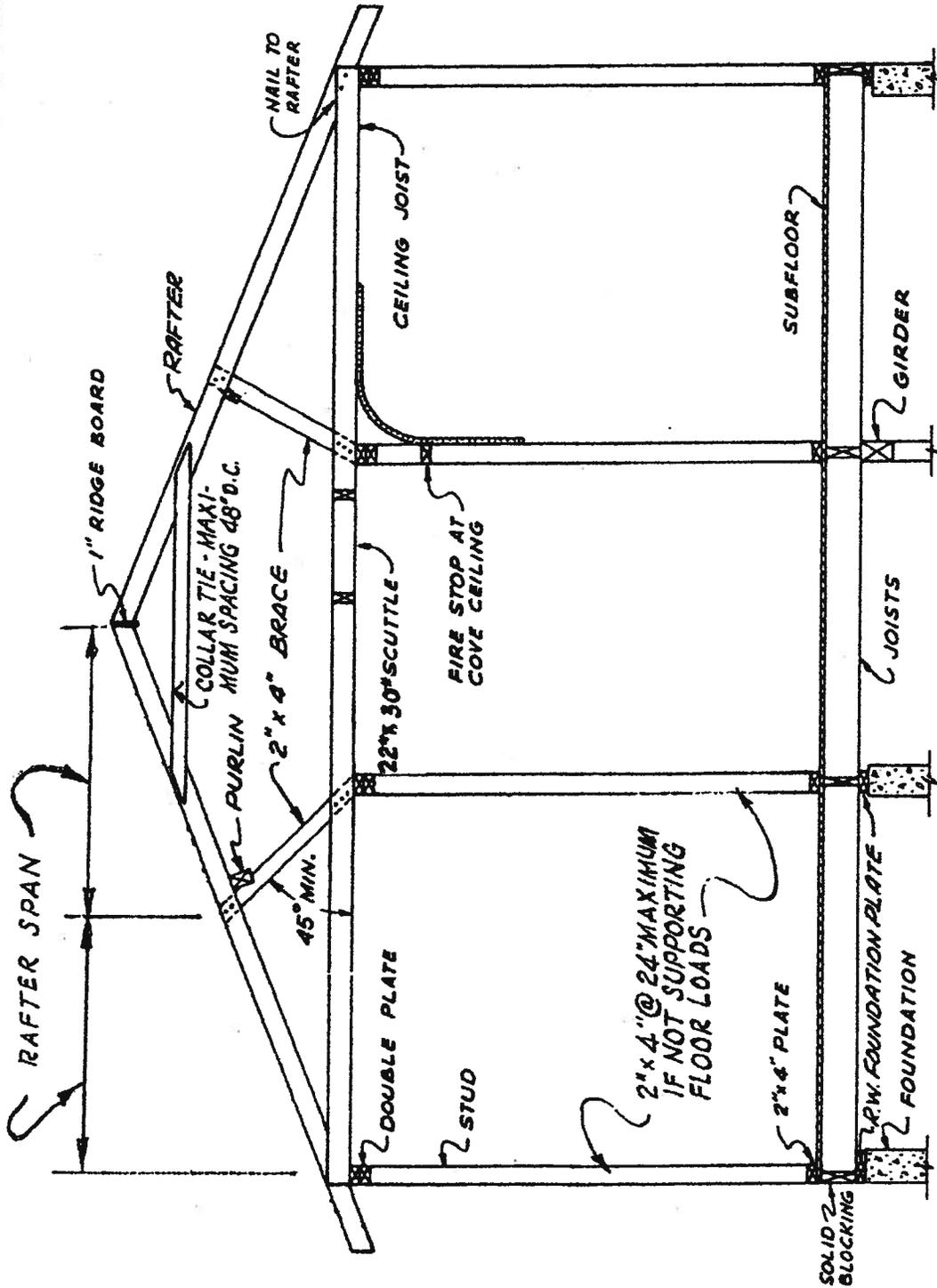
Attachment "2"

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ALL FOUNDATIONS TO EXTEND INTO NATURAL UNDISTURBED GROUND BELOW FROST LINE.

FOUNDATIONS



Attachment "4"