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J. TERRY SCHWARTZ
DAVID W. VAN HORNE
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IAN M. FISHER
SHEREEF MOHARRAM
SAM ZODEK
KRISTEN M. R. BLABEY
LAUREN B. WIDEMAN
DREW MALEY

COUNSELLORS AT LAW

200 EAST CARRILLO STREET, SUITE 400
SANTA BARBARA, CALIFORNIA 93101-2190

MAILING ADDRESS P.O. BOX 99
SANTA BARBARA, CA 93102-0099
WWW.PPPLAW.COM

TELEPHONE (805) 962-0011
FAX (805) 965-3978

E-MAIL: SMB@PPPLAW.COM

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

OF COUNSEL
ARTHUR R. GAUDI
MICHAEL J. HURLEY, JR.
DAVID D. SLAUGHTER
ERIC P. HVOLBØLL
KENNETH J. PONTIFEX
SUSAN M. BASHAM
STEVEN K. MCGUIRE
MATTHEW T. ALLEN

LOS OLIVOS OFFICE
2963 GRAND AVENUE, SUITE D
LOS OLIVOS, CA 93441

MAILING ADDRESS
P.O. BOX 339
LOS OLIVOS, CA 93441

TELEPHONE (805) 962-0011
FAX (805) 738-3121

OUR FILE NUMBER:

23025

February 4, 2015

VIA HAND DELIVERY

Mayor Helene Schneider and Members of the Santa Barbara City Council
City Hall
735 Anacapa Street
Santa Barbara, CA 93101

Re: Appeal of Single Family Design Review Board Approval
1912 Mission Ridge Road (MST2014-00585)

Dear Mayor Schneider and Council Members:

We represent Roger and Stefanie Bacon and Rinaldo and Lalla Brutoco who are owners of real property located at 1901 East Las Tunas Road and 1920 Mission Ridge Road respectively (the "Appellants"). Pursuant to Section 1.30.050 of the Santa Barbara Municipal Code, the Appellants hereby appeal the final action by the Single Family Design Review Board ("SFDRB") on January 26, 2015 to conditionally approve a residential remodel at 1912 Mission Ridge Road proposed by Craig Morrison and identified by the City as MST2014-00585 (the "Project").

Appellants' properties are immediately adjacent to the site of the existing Morrison residence at 1912 Mission Ridge Road. Appellants appeared either in person or through counsel at the hearings of the SFDRB on December 15, 2014 and January 26, 2015 and expressed their opposition to various aspects of the Project.

The Project consists of a 552 square foot addition to an existing 2,146 square foot existing residence with a 658 square foot attached garage. The addition includes a 530 square foot second story addition with a 158 square foot deck above the existing garage.

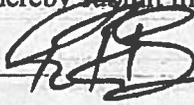
Appellants assert that the SFDRB's decision concerning the Project was an abuse of discretion and not in accord with the provisions and purposes of the City's Zoning Ordinance (Title 28 of the Municipal Code) and the Single Family Residence Design Guidelines, including Compatibility Guidelines and Good Neighbor Guidelines and Tips. At the SFDRB meetings of December 15, 2014 and January 26, 2015, the Appellants identified the Project's specific incompatibilities with the neighborhood and the proponent's failure to adequately address privacy and view impacts on the neighboring residences. Their oral comments are incorporated herein by reference.

The issues to be raised on appeal are summarized as follow:

1. **Compatibility.** The SFDRB is required to make a specific finding that the proposed development will be compatible with the immediate neighborhood, and its size, bulk and scale will be appropriate to the site and neighborhood (Finding 2). The SFDRB abused its discretion in approving the Project given the size and bulk of the second story addition. The massing of the second story master bedroom addition and deck is out of proportion with the existing structure and adds significant volume and bulk which will loom over adjacent residences and be visually intrusive as viewed from surrounding public roads. In addition, the roof pitch and plate height of the second story add unnecessary volume to the structure and further detract from the character of the immediate neighborhood. Therefore the findings to approve the Project cannot be made and the project must either be denied or the SFDRB must be directed to study an alternative design with reduced massing.
2. **Good Neighbor Guidelines: Privacy.** The SFDRB must also make the finding that "the project generally complies with applicable privacy, landscaping, noise, and lighting Good Neighbor Guidelines." The SFDRB abused its discretion in approving the Project given that the second story addition and deck will result in direct window to window views of the Appellants' residences and sight lines into their private yard and pool areas. The SFDRB acknowledged these significant privacy concerns in conditioning the Project to remove the master suite deck on the west elevation and "study" window on the north elevation. However, the 158 square foot second story deck on the south elevation and second story west facing windows will continue to intrude on the privacy of the occupants of 1920 Mission Ridge Road. Similarly, the windows on the north elevation of the second story master suite will continue to have direct sight lines into the private pool and yard areas, as well as window to window views to the entire south elevation of 1901 East Las Tunas Road. Given the lot sizes and close proximity of the Project to the

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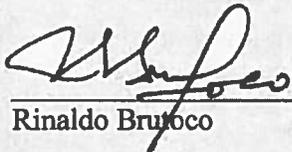
Appellants hereby submit this appeal through their legal representatives.



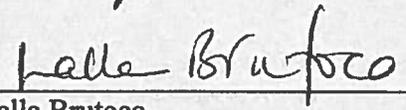
Roger Bacon



Stefanie Bacon



Rinaldo Brutoco



Lalla Brutoco

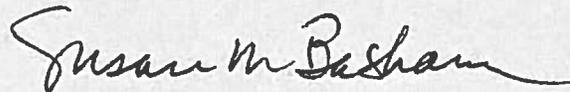
neighbors' homes, these privacy impacts will be significant and will severely impinge on the peace and enjoyment of the Appellants' properties. Therefore the findings to approve the Project cannot be made and the project must be either denied or redesigned to ensure privacy is maintained between the Project and all adjacent residences.

3. **Views.** The Single Family Residence Design Guidelines include Good Neighbor Tips for considering neighbors' views. The Project as designed will directly intrude into the viewshed of 1901 East Las Tunas Road. Given the height and scale of the second story addition above the garage, a substantial portion of the existing city and ocean views from the entire first floor and yard area will be lost. The proponent's effort to capture second story views of the city will not be compromised by making adjustments in height. Reducing the pitch of the roof of the proposed addition, with a resultant lowering of the roof peak height, would provide an additional benefit by reducing the massing of the structure, thereby improving neighborhood compatibility and preserving a fair portion of the viewshed of the Appellants' property.

In summary, while the Project is relatively modest in terms of overall square footage, the height, orientation, and proximity to adjacent properties is incompatible with the neighborhood and will result in unacceptable privacy and view impacts for the Appellants. We believe the opportunity exists for the Council to reach an outcome that upholds the integrity of the City's Single Family Residence Design Guidelines and provides a fair result for the neighbors who would otherwise bear the burden of the Project. We urge you to reverse the decision of the SFDRB, thereby sustaining the appeal, and either denying the project outright or requiring a substantive redesign as discussed above.

The Appellants reserve their right to present additional information and evidence prior to the Council's hearing on this appeal. We look forward to your consideration of these important issues.

Very truly yours,



Susan M. Basham
for PRICE, POSTEL & PARMA LLP