



Public Comment Received for:
Item D: 276 Santa Monica Way
(PLN2021-00528)

Name of Sender	Distributed prior to hearing	Distributed after the hearing
1. Mr. & Mrs. Harry Bowie	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Mark & Karen Madden	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. K. Belinda Salazar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Richard & Nancy Tobin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Tom & Cathy Fishkin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Michael Riley	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Craig Rice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Jack Eisenhauer	<input type="checkbox"/>	<input checked="" type="checkbox"/>

From: [harry bowie](#)
To: [Community Development, SFDB Secretary](#)
Subject: Objecting to roof deck @ 276 Santa Monica Way
Date: Sunday, September 25, 2022 2:55:33 PM

EXTERNAL

Regarding the home at 276 Santa Monica Way and submitted requests for permits;

My husband and I bought our home at 252 Santa Monica Way in 1970. Many of our

current neighbors were already owners at that time. We have been down this road before.

The last effort to add a 2nd story or major addition was squelched by the same concerns

we have at this time. This is a small, narrow street. The homes are very close together.

Any large addition, additional roofing and/or decks would directly effect the privacy,

peace and quiet of each adjacent home. If you need a large home on a large lot with room

for more than these home offers, you should look elsewhere and leave well enough alone.

It has long been our understanding that the owner of this home lives, at least part time,

out of the country, and most of us don't even know the folks who occupy the home, as they

are not out among us. Please help us preserve the quality of life we all appreciate so much

on our beloved Santa Monica Way.

Mr. and Mrs. Harry W. Bowie
252 Santa Monica Way
Santa Barbara, CA 93109

From: [Mark Madden](#)
To: [Community Development, SFDB Secretary](#)
Subject: Project Address 276 Santa Monica Way
Date: Sunday, September 25, 2022 4:46:07 PM

You don't often get email from markmadden57@outlook.com. [Learn why this is important](#)

EXTERNAL

We live next door to the property requesting design approval for a new roof deck among other items. The application number is PLN2021-00528.

My wife and I have lived at 280 Santa Monica Way since April of 1989 and strongly object to a roof deck at the next door house listed above. Strongly object!

It would loom over our home, take away the privacy we have had for over 30 years. The planned deck is within a few feet of our property line. Houses on Santa Monica Way are quite close to each other, this deck would be on top of us. It would look into our bathroom, two bedrooms, side yard, and hot tub. It would be an invasion of privacy, my family's privacy and that of other neighbors.

There is currently a fence with gardening and has been in place for 30 years, to offer both homes privacy and separation from view and noise. If this deck is built, the enjoyment of our long time home would be greatly diminished.

Historically the homeowners on Santa Monica Way have restricted homes to not exceed one story in height. A deck on top of the main house is more than one story, thus conflicts with long standing policy and neighbor courtesy.

I invite anyone that has decision making power in this matter to come to our house to observe how incredibly close this planned structure is to our property line and our house. When we say feet, it is literally just a few feet. Please do so prior to any decision that would allow building of a deck that would disturb our household in a major way.

In conclusion my wife and I again state that we strongly object to this application and proposed project. We request that you do not allow this project to go forward.

Regards,
Mark and Karen Madden
280 Santa Monica Way

Sent from [Mail](#) for Windows

From: [Belinda Salazar](#)
To: [Community Development, SFDB Secretary](#)
Subject: 276 Santa Monica Way
Date: Sunday, September 25, 2022 5:12:06 PM

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EXTERNAL

I'm submitting comments **objecting to the roof deck!**

There's a existing court order that homeowners on Santa Monica Way established to prohibit this type of development which specifically says "No structures shall be erected, altered, placed, or permitted to remain on any residential lot other than one single family dwelling, not to exceed one story in height".

A roof top deck is the same as having a second story, if not worse, an invasion of privacy, noise and lights!

I also noticed there is no yellow sign "Notice of Development" posted in front of the house.

Please consider these comments. I've lived here for 39 years because because of the neighborhood and the privacy we all have! And the quietness!

Thank you,

K. Belinda Salazar (Carolyn J. Nielsen passed away on 11-5-21)
295 Santa Monica Way
805-729-2308

[Sent from the all new AOL app for iOS](#)

From: [Rich Tobin](#)
To: [Community Development, SFDB Secretary](#)
Subject: Objection to proposed roof deck development at 276 Santa Monica Way, Application PLN2021-00528. Hearing date 9/26/2022
Date: Sunday, September 25, 2022 5:50:51 PM
Attachments: [Roof deck proposal PLN2021-00528.pdf](#)
[Santa Monica Way CC&R.pdf](#)

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EXTERNAL

September 26, 2022

Single Family Design Board
City of Santa Barbara
c/o SFDBSecretary@SantaBarbaraCA.gov

RE: Objection to proposed roof deck development at 276 Santa Monica Way
(Application PLN2021-00528)

Thank you for inviting comment on the homeowner's proposal to (1) add 575 square feet of living space, (2) remodel and authorize an existing unpermitted accessory building as an ADU, and (3) construct a roof deck over the existing home. My objection is with the proposed roof deck for the following reasons:

Conflict with court order. Homeowners and successors on Santa Monica Way have a court ordered restriction prohibiting this type of development. Specifically, "No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single-family dwelling, **not to exceed one story in height.**" (See attached Court Order.) The proposed roof deck is essentially a second story structure.

If approved, this project opens the door to further development that threatens the integrity of the court order and the character of the neighborhood. Other homeowners will consider an approval of the roof deck as a go-ahead to build second story structures and decks, challenging the court order that has held this enclave of homes together as a cohesive neighborhood.

Conflict with enjoyment of property. Outdoor living on the Mesa is integral to the enjoyment of our properties. The proposed roof deck faces and overlooks adjacent homes, creating an unobstructed window into the outdoor living space of every adjacent family. The roof deck may also provide direct viewing into our homes into which a neighbor can peer into our private lives at any time. A roof top deck, especially one placed so close to the property line, is the practical equivalent of a second story regarding an invasion of privacy, noise and lights. In some respects, the impacts of an unenclosed roof deck are even more significant than an enclosed structure because

soundproof or windowless walls can mitigate noise and light emanating from a home. Most of the lots in our neighborhood are small parcels, increasing the likelihood that privacy conflicts will result from the construction of roof decks.

This conflict is not an idle concern. I lived in Goleta where construction of a second story was permitted next to my residence. Despite assurances to protect privacy, the neighbor's everyday use of this second story living space became an ever-present presence in our lives that violated and compromised our privacy in our yard and inside our home. We moved from our home in Goleta specifically to a home in Santa Barbara with covenants intended to prevent construction of a second story.

Conflict with historic integrity of the neighborhood. The proposed development is not compatible with the historical appearance of the existing compact beach cottages on small parcels that comprise our neighborhood and were originally built over 65 years ago.

Conflict with proper noticing. There is no yellow "Notice of Development" posted at the home, and the homeowners have made no attempt to contact their neighbors to discuss their proposal despite written recommendations from the city to share this information with affected neighbors. Thankfully we received a "Notice to Neighbor" postcard alerting us to this proposed development.

I urge you to not approve the proposed roof deck.

Thank you for considering our comments.

/s/ Richard Tobin /s/ Nancy Tobin
263 Santa Monica Way
Santa Barbara, CA 93109

P.S. Special thanks to City Staff members Holly Garcin and Tony Boughman for their informative response to our questions regarding this proposal and the review process.

--

Richard B. Tobin
263 Santa Monica Way
Santa Barbara, CA 93109
805-698-6915 (c)
richardb.tobin@gmail.com

FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS

Page 2

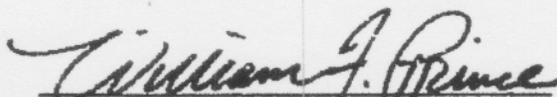
1. Restriction "A" is amended to read in its entirety as follows:

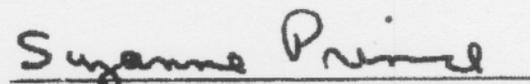
"All lots in the tract shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single-family dwelling, not to exceed one story in height, and an attached or detached garage for not more than two cars, not to exceed one story in height, and necessary outbuildings, not to exceed one story in height; with the exception that the owners of Lot 14 of Cypress Park shall be permitted to maintain a second story addition to their single-family residence in accordance with the terms of the Stipulation For Entry Of Judgment."

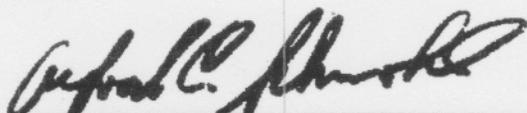
2. The third paragraph on the first page of said Declaration of Restrictions, which ends with the word "violations," is amended by the addition of the following sentence:

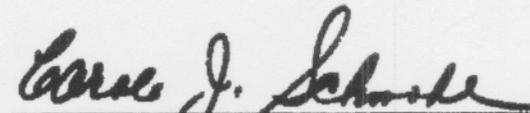
"Should any proceedings at law or in equity be commenced to prevent the violation of any such Restriction, Condition or Covenant or for damages, the prevailing party shall be entitled, in addition to any other relief, to recover reasonable attorneys' fees and costs."

Except as herein modified, said Declaration of Restrictions is hereby ratified, confirmed and reaffirmed. Said Declarations of Restrictions, as amended herein, shall remain in full force and effect and shall burden and benefit each and every lot in the subdivision known as Cypress Park in accordance with a common plan to preserve the value and qualities of the land for the benefit of present and future owners, and shall be binding on the owners of each and every lot in the subdivision known as Cypress Park and on all persons claiming ownership through them, whether as heirs, assigns, successors in interest, or otherwise.


WILLIAM F. PRINCE
Lot No. 5


SUZANNE PRINCE
Lot No. 5


ALFRED SCHMOEL
Lot No. 5


CAROLE SCHMOEL
Lot No. 5

From: [Rich Tobin](#)
To: [Community Development, SFDB Secretary](#)
Subject: Comments to application PLN2021-00528
Date: Sunday, September 25, 2022 5:58:16 PM
Attachments: [PLN2021-00528 Tom Fishkin Cathy Fishkin.pdf](#)

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EXTERNAL

Attached please find a letter from Mr & Mrs Tom Fishkin regarding this proposal. Tom and Cathy do not have a computer, and asked that I scan and send a copy of their letter to you in time to meet the September 26, 2022 comment deadline.

--

Richard B. Tobin
263 Santa Monica Way
Santa Barbara, CA 93109
805-698-6915 (c)
richardb.tobin@gmail.com

For your consideration
regarding the single story home
at 276 Santa Monica Way building
application PLN 2021-00528.

We have lived at 251 Santa Monica Way
for 50 plus years and have enjoyed
our back yard privacy immensely. We
strongly object to any roof top decks
that would change our privacy by
three possible 2nd story roof decks
looking down on us and end our
blessed tranquility. We say No.

Tom D. Fishkin

Cathy Fishkin

Tom D. Fishkin

Cathy J. Fishkin

Sept 25, 2022

From: [Michael Riley](#)
To: [Community Development, SFDB Secretary](#)
Subject: Building Application PLN2021-00528
Date: Sunday, September 25, 2022 10:16:13 PM

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EXTERNAL

My name is Michael Riley. I live at 258 Santa Monica Way. The intent of this email is to address concerns regarding a single-family residence building plan for 276 Santa Monica Way. The proposed project includes a roof deck above the existing home. This would create a "second story" which exceeds the single-story height restriction for this parcel. The proposed roof deck would cause invasive visual sight lines onto adjacent properties. The surrounding properties, save for one, on Santa Monica Way are all single story houses. The scope of this project exceeds development (we did an extensive remodel in 2002 but did not "go up") of remodels and renovations which have been done in this neighborhood. Please consider the neighborhood when making authorizations for this project.
Michael Riley
258 Santa Monica Way
Sent from my iPad

From: [Craig Rice](#)
To: [Community Development, SFDB Secretary](#)
Subject: Community thoughts on building application PLN2023-00528
Date: Monday, September 26, 2022 8:48:35 AM

[You don't often get email from craigwrice@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL

Regarding the plans for 276 Santa Monica Way.

We are neighbors at 292 Santa Monica Way. We are well aware of the covenant that restricts all residences to one story. We feel that the proposed deck violates the spirit of that covenant. our understanding is that this deck will be close to the property line between 276 and their neighbor in 280 Santa Monica. This, to us, implies more invasion of privacy than an actual 2nd story as decks do not have walls. People on this deck would have a commanding view over their neighbor's house and yard.

We have no objections to the other aspects of this proposal.

Regards,
Craig Rice
292 Santa Monica Way
805 708-4517

PLEASE BE ADVISED

The following public comment was not received in time to process. Distribution to the SFDB Board occurred after the meeting.

From: [Tony Boughman](#)
To: [Community Development, SFDB Secretary](#)
Subject: FW: Design Review of 276 Santa Monica Way
Date: Monday, September 26, 2022 3:20:55 PM

FYI, Comment received just now for this morning's hearing.

Tony Boughman

Associate Planner

CITY OF SANTA BARBARA, Community Development

(805) 564-5470 dial 7 then ext. 4539 | TBoughman@SantaBarbaraCA.gov

From: Jack Eisenhauer <jleisenhauer@gmail.com>
Sent: Monday, September 26, 2022 3:19 PM
To: Tony Boughman <tboughman@SantaBarbaraCA.gov>
Subject: Design Review of 276 Santa Monica Way

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EXTERNAL

Dear Mr. Boughman,

We received a "Notice to Neighbor" card in the mail for the Single Family Design Board review of 276 Santa Monica Way on the evening of 9/24 when we returned from a 10-day trip to the East Coast. The notice was postmarked 9/15, the day after we began our trip. This provided very little time (one day) to review the detailed design documents for the proposed project at 276 Santa Monica Way. As a result, we were unable to provide timely comments for the hearing held today.

I don't know if it is too late to voice our views but we are concerned about the proposed construction of the second story deck at the property. Homeowners on Santa Monica Way are restricted from erecting structures that exceed one story in height. This covenant has been in place for the Cypress Park subdivision (all of Santa Monica Way) and was confirmed by court order in 1987. My wife and I have owned our home at 308 Santa Monica Way since 1974 and recently renovated the house (during 2019-2020). We used a neighborhood architect (Dennis Thompson) to ensure that our rebuild fit into the historical design of the neighborhood. We complied with the order, even though our lot is very constrained and adding a second story would have provided much greater flexibility and benefits.

I believe there needs to be a consistent and fair application of the covenants for the Cypress Park subdivision and the proposed second story deck at 276 Santa Monica Way violates this restriction.

Thank you for the opportunity to share our concerns on this important matter.

-- Jack Eisenhauer