

Mullen & Henzell L.L.P.

ATTORNEYS AT LAW

e-mail: cbargiel@mullenlaw.com

April 25, 2011



By Hand Delivery

Attention: Hearing Support
Planning and Development
Montecito Board of Architectural Review
123 East Anapamu Street
Santa Barbara, CA 93101

J. ROBERT ANDREWS
JAY L. BECKERMAN
JOSEPH F. GREEN
MACK S. STATON
GREGORY F. FAULKNER
WILLIAM E. DEGEN
CHRISTINE P. ROBERTS
MICHAEL E. CAGE
LORI A. LEWIS
PAUL K. WILCOX
JARED M. KATZ
DEBORAH K. BOSWELL
RAMÓN R. GUPTA
GRAHAM M. LYONS
RAFAEL GONZALEZ
JANA S. JOHNSTON
LINDSAY G. SHINN
ROBERT D. DOMINGUEZ
JENNIFER S. ADKINS
JARED A. GREEN

Re: MBAR Public Hearing April 25, 2011
1717 Fernald Point Lane
11BAR-00000-00024
Conceptual Review Agenda Item No. 4

Dear Board Members:

On behalf of the Trustees of the various Trusts who own 1711 Fernald Point Lane, the property to the south of 1717 Fernald Point Lane, *objection* again is made to the addition of a second story to 1711 Fernald Point Lane. The addition of a second story to 1717 is inappropriate to the neighborhood and interferes with the privacy of 1711. Additionally, notice hereby is given that, if the request is granted, the addition of a second story to 1717 Fernald Point Lane may not – at any time in the future – be used as a reason to interfere with any proposed additions and/or improvements to 1711 Fernald Point Lane. Finally, the comments/objections/suggestions in my letter of March 14, 2011 are hereby reasserted. (A copy of that letter is enclosed for your convenience.)

Your consideration of these comments and objections are very much appreciated.

Very truly yours,

Charles S. Bargiel
Mullen & Henzell L.L.P.

DENNIS W. REILLY
CHARLES S. BARGIEL
KIRK R. WILSON
OF COUNSEL

THOMAS M. MULLEN
1915-1991

ARTHUR A. HENZELL
RETIRED

CSB:mks
Enclosure
cc: Nicole Lieu (*by hand delivery*)
Trustees

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March 14, 2011

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Attention: Hearing Support
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Montecito Board of Architectural Review
123 East Anapamu Street
Santa Barbara, CA 93101

Re: MBAR Public Hearing March 14, 2011
Conceptual Review
Item 5: 11BAR-00000-00024
Van Vliet Addition and Remodel
1717 Fernald Point Lane

Dear Board Members:

This letter constitutes the objections, comments and concerns of our clients, the Trustees who own a property at 1711 Fernald Point Lane, just south of 1717 Fernald Point Lane, which properties share a common driveway for access off of Fernald Point Lane. Up until approximately 1965, 1711 and 1717 Fernald Point Lane were a single parcel. Our clients' property is located immediately to the south of 1717 Fernald Point Lane ("1717").

Our clients' objections, comments and concerns are as follows:

1. *Construction noise, debris and interference with access.* Because 1711 Fernald Point Lane ("1711") is located immediately to the south of 1717 and because the two properties share a common driveway, the owners of 1711 request that a specific written protocol which guarantees open and uninterrupted access at all times and controls noise and debris be a specific condition of any project that ultimately may be approved. Because, noise is a concern, hours of work should strictly be limited.
2. *Proposed location for pool equipment.* The project proposes that the pool equipment be relocated much closer to the property at 1711. Because of noise

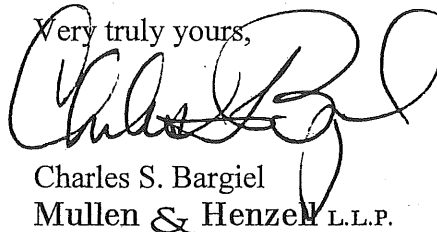
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March 14, 2011
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concerns, the owners of 1711 request that the pool equipment be moved north, closer to where it is now.

3. *Lighting.* The owners of 1711 express their concern about the addition of lighting and the affect it will have on the 1711 property. Prior to any approval, a specific written lighting plan should be submitted for review and consent by the neighbors.
4. *Second story.* A second story will interfere with the existing privacy and, therefore, is objected to.

Very truly yours,



Charles S. Bargiel
Mullen & Henzel L.L.P.

CSB:lch