



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 9, 2008  
**AGENDA DATE:** January 16, 2008  
**PROJECT ADDRESS:** 2420 Calle Galacia (MST2007-00518)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor  
 Roxanne Milazzo, Associate Planner

*Handwritten initials: DM, JMK, RM*

### I. PROJECT DESCRIPTION

On November 7, 2007 the Staff Hearing Officer held a Public Hearing and reviewed a request for a 10,000 square foot project site developed with a single-family residence, attached garage, and "as-built" pergola, fireplace, and counter. The applicant was requesting a Modification to permit the pergola, fireplace, and counter to be located within the required ten-foot (10') interior yard setbacks (SBMC §28.15.060). The item was continued to provide the applicant an opportunity to revise/reduce the amount of encroachment being requested. This is the revised project.

Date Application Accepted: October 15, 2007      Date Action Required: Not Applicable 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Stanton & Janice Howell	Property Owner:	Same as Applicant
Parcel Number:	041-423-014	Lot Area:	10,000 sf
General Plan:	3 Units Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	16% Slope
Adjacent Land Uses:			
	North - One-Family Residence		East - One-Family Residence
	South - One-Family Residence		West - One-Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,425 sf	No Change
Garage	360 sf	No Change
Accessory Space	None Existing	No Change

**III. LOT AREA COVERAGE**

Lot Area:	10,000 sf
Building:	2,121 sf; 21%
Hardscape:	1,000 sf; 10%
Landscape:	6,879 sf; 69%

**IV. DISCUSSION**

On November 7, 2007 a Public Hearing was held by the Staff Hearing Officer (SHO) to review a request for “as-built” installations within required yards. The SHO expressed concern regarding the substantial “as-built” structures and concurred with staff that their location within the 10-foot side yard setback was not consistent with Zoning Ordinance regulations. The SHO also recognized that there were backyard open space constraints and continued the item with direction to the applicant to reduce the amount of encroachment by pulling the shade structure away from the fence and reducing its size, and removing the fireplace and chimney.

On January 4, 2008, a revised plan showing removal of the fireplace and chimney, reduction of the pergola within two-foot four-inches of the rear property line, and removal of the portion of the counter within five-feet (5’) of the interior lot line, was provided for Staff’s review. It is the applicant’s position that this complies with the direction he was given by the SHO at the previous meeting, and is asking for approval of the project as revised.

Staff position is that the reductions as shown are not adequate to provide a buffer zone of separation between residential neighbors. The subject shade and food prep installations do exactly the opposite in that they encourage socializing, cooking, food preparation, and congregation. If the applicant had come in with these requests prior to constructing the amenities, they would have been told that the findings of purpose and intent could not be made. The fact that the installations have already been completed should not direct Staff’s decision making process.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer deny the project by taking the position that the “as-built” installations violate the purpose and intent of the ordinance and are not necessary to secure appropriate improvements on this site.

STAFF HEARING OFFICER STAFF REPORT  
2420 CALLE GALICIA (MST2007-00518)  
OCTOBER 31, 2007  
PAGE 3

Exhibits:

- A. Revised Site Plan
- B. SHO Minutes Summary
- C. Previous Staff Report with attachments

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

## SHO MINUTES SUMMARY FROM NOVEMBER 7, 2007 MEETING

Ms. Weiss requested the applicant to clarify some questions regarding solar and compliance to the Zoning Ordinance for setback restrictions.

Ms. Weiss acknowledged receiving the following names in letter correspondence for this meeting, both:

In support of the proposed project:

- a) Rick and Linda Trigueiro
- b) Brian and Dena McCague
- c) Jerry Chiu
- d) Christy Roan
- e) Roland and Carmela Jurgens
- f) Joe Blum
- g) Alison Jordan
- h) Ms. Paula Westbury

And in opposition to the proposed project:

- a) Mr. Stan Tabler
- b) Victor and Jennifer Plana

**Ms. Weiss expressed concern regarding the substantial “as-built” structures, but recognized the backyard open space constraints.**

**Ms. Weiss concurred with staff that the “as-built” structures located within the 10-foot side yard setback are not consistent with Zoning Ordinance regulations and are therefore not supportable. In an effort to work with the applicant toward a mutual resolution, she suggested that the applicant pull the shade structure away from the fence, and reduce it in size, and remove the chimney feature for a more minor encroachment reduce the as-built counter.**

**ACTION:**

Continued to the January 16, 2008 meeting, with direction to the applicant to return with revised and more accurate and detailed plans.



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 31, 2007  
**AGENDA DATE:** November 7, 2007  
**PROJECT ADDRESS:** 2420 Calle Galacia (MST2007-00518)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Zoning & Enforcement Supervisor *DK*  
Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 10,000 square foot project site is currently developed with a single-family residence, attached garage, "as-built" pergola, fireplace, and counter. The proposed project involves legalization of the "as-built" structures. The discretionary application required for this project are Modifications to permit the pergola, fireplace, and counter to be located within the required ten-foot (10') interior yard setbacks (SBMC §28.15.060).

Date Application Accepted: October 15, 2007      Date Action Required: January 15, 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Stanton & Janice Howell	Property Owner:	Same as Applicant
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**IV. DISCUSSION**

A citizen complaint filed with the City resulted in a site inspection to the subject property. That inspection revealed that a food prep counter, outdoor fireplace, and shade structure were either built or under construction, without benefit of a permits, and located within required setbacks. The property owner's have obtained letters of support from numerous neighbors and are asking the City to allow their outdoor living improvements to be legalized in their current locations. It is Staff's understanding that the purpose and intent of a required yard is to provide a buffer zone of separation between residential neighbors. By not allowing installation of structures that encourage congregation, the setbacks provide relief for noise, odor and privacy impacts. The subject shade, food prep and fireplace installations do exactly the opposite in that they encourage socializing, cooking, food preparation, congregation, and extended hours of use. If the applicant had come in with these requests prior to constructing the amenities, they would have been told that the findings of purpose and intent could not be made. Because the installations have already been completed should not direct Staff's decision making process.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer deny the project by taking the position that the "as-built" installations violate the purpose and intent of the ordinance and are not necessary to secure appropriate improvements on this site.

Exhibits:

- A. Site Plan
- B. Applicant's letter
- C. Neighborhood Letters

STAFF HEARING OFFICER STAFF REPORT  
2420 CALLE GALICIA (MST2007-00518)  
OCTOBER 31, 2007  
PAGE 3

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

To whom it may concern,

Stanton & Janice Howell, resident owners of our home located at 2420 Calle Galicia have been in the process of Fixing / repairing / remodeling our back yard since June 2007. It started with the need to fix our pool. Resurfacing the plaster, replacing the waterline tile and Coping. Of course you notice other flaws in your backyard as you begin to plan your remodel. The cement apron / decking around the pool was cracking so we investigated replacing it, We decided on pavers to keep from having this problem again in the future. One side of our pool has a raised bond beam of brick and there is an existing retaining wall faced with brick as well. Some of the bricks were cracking chipping etc. so we refaced them as well.

I, Stanton was raised in Santa Barbara and grew up on the Mesa. I have been a caterer in Santa Barbara since 1988. As a Caterer I get to visit and see many of Santa Barbara's finest homes. In fact many of the parties are simply to show and share their wonderful back yards, many of them new, with their friends, coworkers and family. In doing so I got a lot of ideas for how to make our backyard a wonderful place to be.

We have a very small ocean view from the side of our house and wanted to make the most of it so we built a Counter with cabinets to store towels and pool equipment. It is a solid structure built quite sound using rebar, cement, block, stainless steel doors, and granite top. I have seen many BBQ's Bars & Counters just like this one around Santa Barbara, often against a fence or property line. I have to claim ignorance on this one. It was built one foot away from the fence, but since it is only 37" high I did not think it was in any violation of codes. I had always been told that if you were making changes less than 4' you were not required to have building permits. Again ignorance, but to remove it would be a huge expense. It is unmovable and there is no other place inside our setbacks even if we could move it. I would like to ask for a modification on this as it again is only 37" high and is adjacent to a 60' fence that separates us from our next door neighbor. Their property is about 12 feet below ours and their house is about 25' away. They have lived there for many years and plan to stay. I have included a letter from them in favor of our project since they are the only people who could possible be effected by this counter. The fact is that it will not bother anyone ever. It also adds value to our home by taking advantage of the small ocean view we do have. It does not restrict the flow around our house or pose any danger to anyone or anything. Please consider this for approval.

We also talked about placing a pergola in the rear of the yard that would support solar panels to heat our pool. It would also provide us with a little privacy since the neighbors to the rear of our house have a two story that looks down into our backyard, especially our Jacuzzi. I have discussed our project with them as well and they also have no problem with it. Note the pergola and fireplace stack are both below the fence line that separates there property and ours. However, this was more of a structure to me and I did wonder if I needed a building permit for this one. So I called the city Zoning department and talked with a representative about the project. She asked me if it would take up more than 20% of my open space in the back yard. No . I explained that it would have no walls and that it was simply a pergola to hold solar panels. She said that it sounded exempt and that they weren't concerned with it. Then I asked if there was anyone else I should talk to. She then transferred me to someone; I did not take his name unfortunately. I think they were in the building and safety. I proceeded to tell them about the project explaining

**EXHIBIT B**

that I was concerned about the setbacks. He asked if it had walls? I said no but I do plan on putting a solid roof with solar panels on it. He asked if it was going to take up more than 20% percent of my backyard ? Again I said no. Then I stressed that it was planned to be built 1" from the rear fence, and wanted to be sure that I was not going to be in any violation. He assured me that if there was no walls, didn't take more than 20% of my backyard and was well built they were (quote) not interested in it. Then he suggested that I build it with 8"x 8" post and beams well secured to the ground so as not to pose any danger of falling over on to the fence just to be safe. With that we rejoiced and went forward with our plans. As for why we decided on that location for the pergola, it is the only logical place for it. It is at the north end of our property which has the most southern sun exposer in our back yard. We don't have to remove any trees. It is close to the pool pumps for efficiently. It has the least impact on our neighbors. Much of our back yard is hill side and higher levels. Although it is only 1' foot from the fence it is also only 2' from the pool. If you look at the site plan you can see that there is no place in our set backs that we could place this with out it being in the pool. We have plans to place solar panels on the roof in the front of the house for electric as we are trying to go as green as possible. We have been using solar to heat our water for our house for over fifteen years.

We decided to put in a "built in" Fireplace. I had seen them all over town. I inquired as to where to by them and who to have build them. I contacted a fireplace specialist and had them install it attached to the retaining wall atop a very deep strong foundation built special to support the weight of the unit. It too was built with rebar, etc. to make it completely earthquake retrofit. It also serves as reinforcement for the retaining wall. Although the fireplace has a zero clearance rating we built it to have a two foot clearance from the top of the Pergola. We have already done some very nice tile work on the face of the fireplace. It would be a shame to have to destroy such a thing of beauty. As for its location we chose it to be in the center of the pergola and centered on the retaining wall in the safest place in our back yard.

If it sounds like a beautiful backyard, it is. We were so excited and thought we had done everything correct. It is a very large investment that we had been putting off for a while. We plan to live here for the rest of our lives and then pass it on to our son. We live in a modest Santa Barbara Mesa tracked home and the backyard was an attempt to make our home a very nice place to be. I understand many of the reasons for our local ordinances and codes, and agree with them for the most part. With out them Santa Barbara would not be the same. The large boarder to border homes amidst modest homes and the illegal poorly built shacks are the true reasons for most of these codes. I believe that everything we are doing fits with the flavor of Santa Barbara. All of the improvements we are trying to do are done very tastefull and with full regard to our neighbors. It does not obstruct any portion of anyone's view or inconvenience anyone in any way. I am hoping and praying that this can be resolved and Modifications to the ordinances can be made with out costing us anymore than it already has. Thank you for your consideration. I am sure we will be talking to you soon. Feel free to call with any questions 805-962-8663.

Stanton Howell

**PUBLIC COMMENT CORRESPONDENCE:**

DISTRIBUTED ON: 10/30/07

SHO (4):

- STAFF HEARING SUPERVISOR (Bettie Weiss)
- ORIGINAL to STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

October 26, 2007

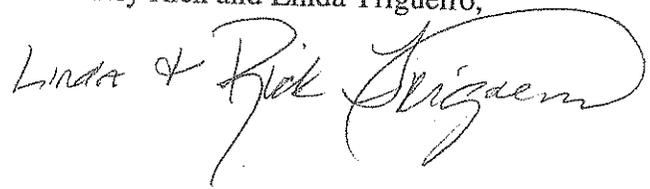
To Whom It May Concern:

This letter is in support of our neighbors Stanton and Janice Howell. The Howells live at 2420 Calle Galica and we live two houses up the hill at 2430 Calle Galica. We moved to this neighborhood over 12 years ago and have no intentions of moving. We did not know any of our neighbors prior to moving here. We feel privileged and fortunate to live in such a beautiful neighborhood, and lucky to have such great neighbors as the Howells.

The Howells have been working and upgrading their backyard since the beginning of the summer. On multiple occasions my wife and I have looked at their project while progress was being made. We have been very impressed with the concept of design and the quality of the workmanship.

As a whole the Howell's project has not had a negative impact on our property or the neighborhood as a whole. In my opinion the project has had a positive impact on our neighborhood by increasing the property values of our homes. This is a beautiful and tasteful project that we fully support.

Sincerely Rick and Linda Trigueiro,



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- ORIGINAL to STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

October 24, 2007

City of Santa Barbara

To whom it may concern,

We are writing this letter in support of our neighbors, Stanton & Janice Howell in reference to a project they are requesting a modification variance for.

My wife and I live two doors away from the Howell's at 2412 Calle Galicia and have know them as good neighbors for over 10 years.

We are familiar with the modifications they have made and wish to complete in their back yard. We would like to make the following observations in support of their request;

Based on conversations we have had with the Howell's we truly believe they thought they were doing the work legally. They had made the effort to speak with individuals at the building department to clarify prior to doing the work.

They hired professional contractors to insure the actual work was being doing safely and to proper building techniques and codes.

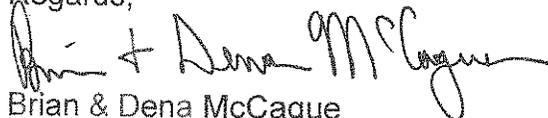
Based on our hillside neighborhood only a very small portion of the work can be seen by any of their neighbors.

Our entire tract development, Westwood Hills was built in the late 60's. Many of the homes are still in their original condition. We welcome any of our neighbors to make improvements to their homes which can only improve our overall neighborhood and the value of our properties.

We have recently seen the work that has already been completed and they have explained to us what they wish to finish. The project has been beautifully done and well thought out. It is definitely an improvement to their home and our neighborhood in general.

We urge you to work with the Howell's on their request and grant them the necessary modifications.

Regards,



Brian & Dena McCague  
2412 Calle Galicia  
Santa Barbara, CA 93109  
805-962-7058

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- ORIGINAL TO STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

September 25, 2007

To Whom It May Concern:

I am writing this letter in support of Stan and Janice Howell. My wife and I are their immediate neighbors to the south. We have lived in this neighborhood for well over 20 years and our plans are to stay here, eventually passing our home to our children. The Howell's are in the middle of a project where they are redoing their backyard. Recently I had the opportunity to visit their project. I was truly amazed by the quality of the design and the quality of the construction. When completed the finished project will be an asset to the neighborhood and will positively affect the property values.

I understand that the counter is of a concern to the City. It sits next to the fence that separates our two properties. My wife and I have no concerns about the location of the counter. It cannot be seen from our property because of the fence and because our property sits below theirs. I was not even aware of its existence until my visit. Also, where it is situated makes the most sense. Its on the perimeter of their usable space, not in the middle of traffic patterns.

The outdoor fireplace chimney is also not of a concern to us. Our property sits down below theirs about all we will see is just a bit of the top of the pergola.

My wife and I are in total support of Stan and Janice's project. It is a quality project.

Sincerely,

  
Jerry Chiu  
2416 Calle Galicia  
Santa Barbara, CA 93109

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**PUBLIC COMMENT CORRESPONDENCE:**

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SHO (4):

- STAFF HEARING SUPERVISOR (Bettie Weiss)
- ORIGINAL to STAFF HEARING OFFICER (ROX)
- PLANNING TECH FOR ITEM
- APPLICANT

To Whom It May Concern,

10/24/07

I am writing to express our support for Stan and Janice Howell's backyard renovations. My family has lived at the property located directly above the Howell's since 1967. While I grew up in this home, it is my parents who own this property and have graciously allowed my family and I to live here for the last 11+ years.

The current additions to the Howells backyard will not impact our views or property line. If anything this and all of the upgrades that the have occurred in the neighborhood have increased the appeal to live in this area, thus increasing the property values.

The Howells addition to their backyard has been thoughtful of the neighboring properties, creative in the use of space, and tasteful. We are supportive of allowing them to continue and complete this project.

Thank you,



Christy Roan  
2424 Calle Galicia  
Santa Barbara, CA 93109

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- APPLICANT

October 26, 2007

To Whom It May Concern:

We are writing this letter in support of Stan and Janice Howell, resident owners of their home at 2420 Calle Galicia. We are neighbors directly across the street from them. We have lived in our home for 37 years and we plan to live here indefinitely.

We feel that the quality of the design and construction of their backyard project is superior. The counter, the outdoor fireplace chimney and the pergola are of no concern to us. The backyard is beautiful and very well done. This project has no impact on us other than improving our neighborhood.

We are both in total support of Stan and Janice's project.

Sincerely,

*Roland R. Jurgens Carmela Jurgens*

Roland R. Jurgens and Carmela Jurgens

2419 Calle Galicia

Santa Barbara, CA 93109

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Joe Blum  
2425 Calle Andalucia  
Santa Barbara, CA  
October, 8,2007

To whom it may concern:

My family and I have been a neighbor of the Howells for many years. They live at 2420 Calle Galicia and we live almost in back of them at 2425 Calle Andalucia.

They have been great neighbors. On several occasions over the years their trees and hedge grew to block a significant part of our small view of the ocean. They were very accommodating in having them trimmed to preserve our view.

From our house, their newly remodeled backyard has no affect on us whatsoever.

Today I stood in their back yard and I don't understand how the remodel could affect any of their surrounding neighbors.

Thank you for considering their modifications.

Yours truly,



Joe Blum

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- PLANNING TECH FOR ITEM
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September 25, 2007

To Whom It May Concern:

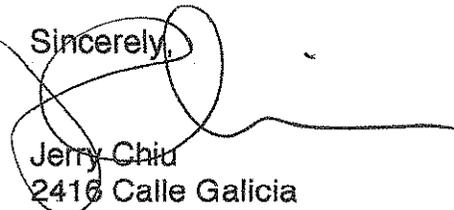
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I understand that the counter is of a concern to the City. It sits next to the fence that separates our two properties. My wife and I have no concerns about the location of the counter. It cannot be seen from our property because of the fence and because our property sits below theirs. I was not even aware of its existence until my visit. Also, where it is situated makes the most sense. Its on the perimeter of their usable space, not in the middle of traffic patterns.

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