



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 10, 2008
AGENDA DATE: April 17, 2008
PROJECT ADDRESS: 2420 Calle Galicia (MST2007-00518)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

The 10,000 square foot project site is currently developed with a single-family residence, attached garage, "as-built" pergola, "as-built" fireplace, chimney and storage area, and "as-built" food preparation counter. The proposed project involves legalization of the "as-built" structures. The discretionary applications 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).

On January 16, 2008, the Staff Hearing Officer (SHO) approved the pergola with conditions and denied the fireplace and counter. Although the applicant has agreed to remove the fireplace, an appeal was filed on the denial of the food preparation counter located within the setback.

II. RECOMMENDATION

The purpose and intent of a setback is to provide a buffer zone between neighboring residential properties. Neither the pergola nor the outdoor food preparation counter in the setback is an appropriate improvement, in that they encourage congregation in buffer areas, and are not consistent with the purpose or intent of the ordinance. Staff recommends that the Planning Commission: 1) deny the appeal, thereby upholding the decision of the Staff Hearing Officer regarding the food preparation area; 2) affirm the Staff Hearing Officer's denial of the "as-built" fireplace, chimney and storage area; and 3) deny the Modification request for the pergola, thereby overriding the approval of the Staff Hearing Officer.



APPLICATION DEEMED COMPLETE: October 15, 2007
DATE ACTION TAKEN BY SHO: January 16, 2008
DATE ACTION REQUIRED: Not Applicable

III. 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

	Existing	Proposed
Living Area	1,425 sf	No Change
Garage	360 sf	No Change
Accessory Space	None Existing	No Change

IV. LOT AREA COVERAGE

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

V. BACKGROUND

A citizen complaint filed in September 2007 resulted in a site inspection of the subject property. That inspection revealed that a food prep counter, outdoor fireplace, and pergola were either built or under construction, without benefit of permits, and located completely within the required interior setbacks.

During preliminary consultations, the property owners were advised of their options, which included removal of the structures or applying for a Modification. Staff explained that the purpose and intent of a required yard is to provide a buffer zone of separation between residential neighbors and that installation of amenities that encourage congregation in that buffer zone does not meet that purpose and intent. The applicant's position was that, due to the existing development on site, there was limited space for conforming installations of backyard amenities and that the setback provided for use of a wasted and underused space. Even though Staff reminded the applicant that using the Modification process for "as-built" construction was strongly discouraged, the applicant applied for the Modification.

On November 7, 2007, the Staff Hearing Officer (SHO) held a public hearing to review the request for the "as-built" installations within the interior setbacks. The SHO acknowledged receiving letters of support from numerous neighbors and in opposition from the occupants of the two properties at the rear. The SHO expressed concern regarding the substantial "as-built" structures and concurred with Staff that their location completely within the 10-foot interior setbacks 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 remove the fireplace, chimney and storage area, reduce the amount of the pergola's encroachment by pulling it away from the fence, and reduce the size of the prep counter.

On January 16, 2008, the Staff Hearing Officer reviewed a revised plan that showed removal of the fireplace, chimney, and storage bins, reduction of the pergola, so that it was two-foot four-inches from the rear property line, and reduction in the size of the counter to provide a five foot separation space between the structure and the fence. It was the applicant's position that the

revised drawings complied with the direction given by the SHO at the previous meeting, and that the project should be approved as revised. The applicant explained that the pergola structure would be used for the installation of solar panels, and that its location and size were necessary for that installation.

Although the applicant had shown a reduction in the size of the prep counter, a verbal request to maintain it in its entirety was expressed. It was the applicant's position that the counter, which is almost entirely located within the interior setback, provides a perfect place to congregate and take advantage of the property's ocean views. Even the adjoining neighbor to the east expressed his support of the counter in its entirety. However, the applicant's description of the high intensity use of the space resulted in the SHO's realization that the required findings could not be made. This resulted in a denial of all portions of the counter located within the setback. The applicant filed an appeal of that decision and is before the Planning Commission with the request to maintain the counter in its entirety. It is the applicant's position that removal of all portions of the counter located in the setback is unreasonable and would render it useless.

Staff maintains their position that none of the existing installations within the setback should be supported. Illegal installations of structures that encourage congregation violate the purpose and intent of the Zoning Ordinance. If the applicant had come in with these requests prior to constructing the amenities, they would have been told that the findings could not be made for any of the requests. The fact that the installations have already been completed does not direct Staff's decision making process.

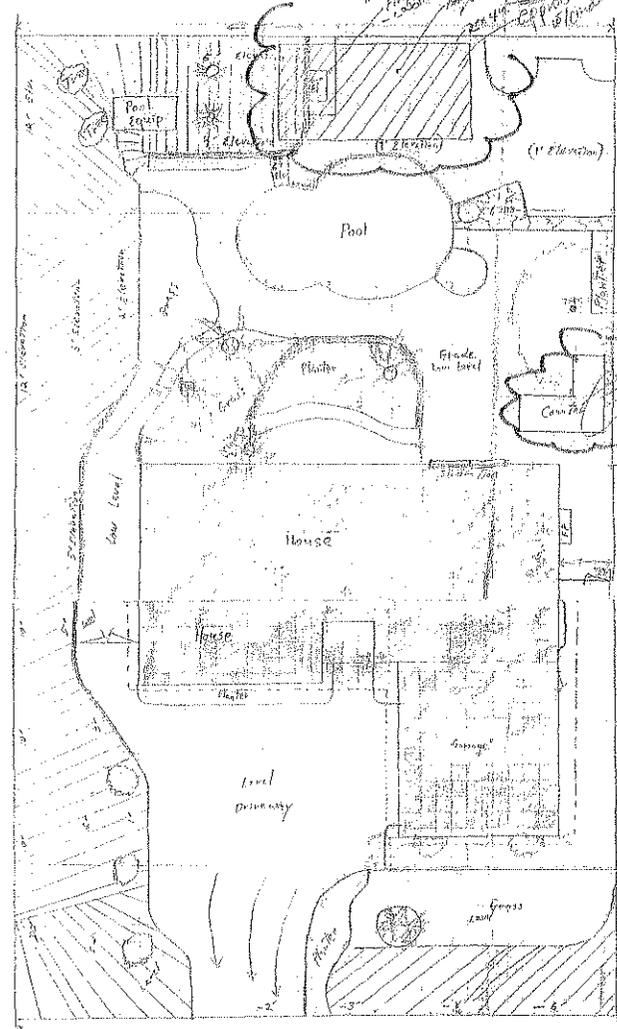
VI. FINDINGS

Staff recommends that the Commission deny the appeal of the Staff Hearing Officer's denial of the food preparation counter, affirm the Staff Hearing Officer's denial of the fireplace, and deny the pergola encroachment that was approved by the Staff Hearing Officer, because they are not appropriate improvements in the setbacks, and they do not meet the purpose and intent of the Zoning Ordinance.

Exhibits:

- A. Site Plan
- B. Applicant's Letter of Appeal dated January 28, 2008
- C. Neighbor's letter dated April 3, 2008
- D. SHO Reso No. 002-08
- E. SHO Minutes from November 7, 2007
- F. SHO Staff Report w/ Attachments from November 7, 2007

PURGOLA



Starlin / Janice Howell
 2480 Calle Galatin
 South Barbara Ca. 93109

Zone : E-1
 APN : 041-423-014
 Area : 10,000 sq. ft.
 Slope : 16%

For Denied
 counter

□ = 2' retaining walls

Approved by Staff Hearing Officer
 Date: 1/16/08
 Signature: [Signature]

Calle Galatin

1.28.08

To whom it may concern,

Stanton & Janice Howell, resident owners of our home located at 2420 Calle Galicia have been in the process of trying to get modifications on some projects concerning the redoing our back yard. Most have been resolved. We are complying with all of the staff hearing officers' decisions. We however would like to appeal the decision concerning the counter

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. It is a solid structure built quite sound using rebar, cement, block, and stainless steel doors. I have seen many 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 tried to get 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. We also have many other neighbors' letters in favor of the project. Betty Weiss can attest to the verbal statement of my two rear neighbors saying that the counter is not an issue for them. 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.

During the first staff hearing, Betty Weiss, the staff hearing officer made many suggestions as to what she would like to see us do to make the projects more supportable. But she also added that we could revisit the counter as is in our next meeting. We complied with her request in all areas. For the counter she requested that we reduce it in size and create more space between the fence and the counter. We reduced it from 48sq. ft. to 25sq. ft. and moved it 4ft 5inches away from the fence which is close to the same clearance as the chimney on our house.

During the second staff hearing I introduced the new drafts with the reductions. She seemed pleased with our response. Then I reminded her that she said we could revisit the as built counter in its entirety. I stated my case that there was no objections to the counter and much support due to it having no impact on anyone in the hill side neighborhood other than raising property values. My neighbor whom I share the fence with that the counter is closest to spoke at the hearing in favor of the counter. He had no problem with it either in its entirety or in Betty's recommended reduced size. Then much to our surprise in what seemed to be a very quick change of mind, Betty denied any modification at all. The only thing she said was that she was concerned that even with the

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PUBLIC UTILITIES

reduction in size it might cause people to walk next to the fence. At this time I would like to point out that there is a prominent tree with low branches that would detour people from walking that way so that would not be a problem.

I am appealing this decision. With as much as I would like to see the entire counter accepted as built. I would be glad to except an approval of the counter with the modifications that staff hearing officer, Betty Weiss, had previously suggested.

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. We want to 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

April 3, 2008

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RE: Howell's Appeal for Modification
2420 Calle Galicia, APN 041-423-014
Hearing: April 17, 2008

I am one of the two neighbors who share a rear fence with the Howells.

If built, the Howell plan will encourage people to congregate within the setback area on our shared property line and this is not acceptable to me. I still oppose the pergola's location, even if it is moved back 2-3 feet and lowered, since I believe it will be more of a gathering place for pool bathers who want to stay out of the sun than for its use as a pool heating source; the solar panels are shown to be installed in a level position, not in a tilted position facing South to effectively capture the sun's rays.

I still oppose the location of the fireplace and counters that are in violation of the setback on our joint property line. I do not oppose the location of the other food prep counters which are closer to the Howell's house and are not located in the rear setback, but are in the side-yard setback.

Please contact me at 563-7261 with any questions you may have.



Stan Tabler
2417 Calle Andalucia
Santa Barbara, CA 93109

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PLANNING DIVISION



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 002-08

2420 CALLE GALICIA

MODIFICATION(S)

JANUARY 16, 2008

**APPLICATION OF STANTON & JANICE HOWELL, 2420 CALLE GALICIA,
APN 041-423-014, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN
DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2007-00518)**

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).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to speak in favor of the application, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 31, 2007.
2. Staff Report with Attachments, January 9, 2008.
3. Site Plans
4. Correspondence received in support of the project:
 - a. Mr. Jerry Chiu, 2416 Calle Galicia, Santa Barbara, CA 93109.
 - b. Mr. Joe Blum, 2425 Calle Andalucia Santa Barbara, CA 93109.
 - c. Mr. Roland and Mrs. Carmela Jurgens, 2419 Calle Galicia, Santa Barbara, CA 93109.
 - d. Ms. Christy Roan, 2424 Calle Galicia, Santa Barbara, CA 93109.
 - e. Mr. Brian and Mrs. Dena McCague, 2412 Calle Galicia, Santa Barbara, CA 93109.
 - f. Mr. Rick and Mrs. Linda Trigueiro, 2430 Calle Galicia, Santa Barbara, CA 93109.
5. Correspondence received in opposition to the project:
 - a. Ms. Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109.
 - b. Mr. Victor Plana, 2421 Calle Andalucia, Santa Barbara, CA 93109.

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

Denied the "as-built" fireplace and alternative storage installations and requires removal of all permanent structures within the rear yard setback area which violate the Zoning Ordinance; and approved a joint installation of the solar trellis and solar structures necessary to secure an appropriate improvement, with the following condition that if the trellis structure is not used as a solar installation, then the trellis structure shall be removed to comply with the Zoning Ordinance.

This motion was passed and adopted on the 16th day of January, 2008 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
4. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has not been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

STAFF HEARING OFFICER MINUTES SUMMARY - NOVEMBER 7, 2007

Stanton Howell, Applicant/Property Owner, present.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

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 *DJK*
 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
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

	Existing	Proposed
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

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)
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

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

- SHC (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,



REMOVABLE LABEL)
Entered into Advantage:
 Entered into People
 Entered into Parcel/People
10/30 LR
Date completed initials

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 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.

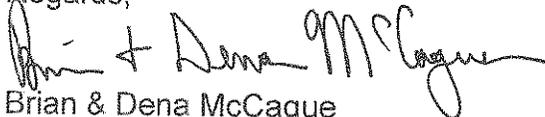
Based on our hillside neighborhood only a very small portion of the work can be seen by any of their neighbors.

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

REMOVABLE LABEL)
Entered into Advantage:
 Entered into People
 Entered into Parcel/People
10/30 KJ
date completed initials

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

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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- Entered into People
- Entered into Parcel/People

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date completed initials

PUBLIC COMMENT CORRESPONDENCE:

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- 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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PUBLIC COMMENT CORRESPONDENCE:

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- ORIGINAL TO STAFF HEARING OFFICER, (Rox)
- PLANNING TECH FOR ITEM
- 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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PUBLIC COMMENT CORRESPONDENCE:

DISTRIBUTED ON: 10/30

SHO (4):

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

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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PUBLIC COMMENT CORRESPONDENCE:

DISTRIBUTED ON: 10/30

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

September 25, 2007

To Whom It May Concern:

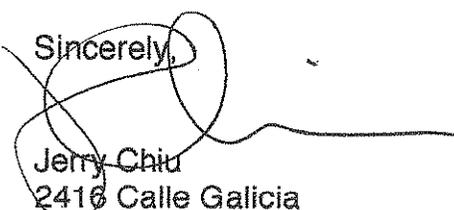
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I understand that the counter is of a concern to the City. It sits next to the fence that separates our two properties. My wife and I have no concerns about the location of the counter. It cannot be seen from our property because of the fence and because 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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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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RECEIVED

NOV 08 2007

November 3, 2007

Staff Hearing Officer Secretary
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

CITY OF SANTA BARBARA
PLANNING DIVISION

In regards to: Application for modification of setback ordinance and legalization of "as built" structures at the Howell residence, 2420 Calle Galicia, APN 041-423-014.

Our work schedules prevent us from attending the public hearing scheduled for Wednesday, November 7th, 2007, 1pm, and so we are responding in writing.

While we like to support our neighbors in general, and perpetuate the good-feeling atmosphere that we value in our neighborhood, we feel we cannot support the Howell's project, as it stands. The area of issue to us is the pergola, and fireplace chimney, which are situated in violation of the rear yard setback. We are concerned that the smoke from the chimney, being so close to the fence, and with the prevailing wind being onshore most of the time, will flow directly into our home via the windows which we enjoy having open for much of the year. This was the case during the months that the project was under construction, when the dust from the rock and wood cutting would blow directly into our house. We have recently been informed that in addition to the height of the pergola itself, and its close proximity to the rear fence, solar panels were going to be placed on top of the pergola, which we feel would be a further visual detriment.

We had attempted to contact the Howell's on several occasions during the summer, to complain about the construction noise that was occurring as early as 7am, even on weekends and holidays, and request that we work out a solution that would alleviate some of the impact of their project on the enjoyment of our property, but our calls were never returned. After the city building inspector recently issued a 'stop work' order on the Howell's project, they approached us and asked for our approval of the project. That was the first time that we had any contact with the Howell's regarding the project, and we did not give our approval at that or any time, but stated that we would like to see their plans for the project, which they provided. After viewing the plans, and assessing the impact on our property, and our potential loss of property value from the imposing and encroaching pergola and chimney, we decided we could not give our approval.

We would like to clarify that, even though the Howell's letter to the city requesting approval of the 'as built' permits states, in the fourth paragraph, that their neighbors who have the two-story and share the common rear fence line, meaning us, 'have no problem with' the pergola/chimney, we did not have any dialogue with the Howells about the project until after the inspector stopped work, when Mr. Howell approached us and asked if we had 'turned him in', and we have never indicated our approval of the project.

Sincerely,

Victor and Jennifer Plana
2421 Calle Andalucia
Santa Barbara, CA 93109

