

ATTACHMENT 5

333 Vista de la Cumbre
Santa Barbara, CA 93105
July 14, 2006

City Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

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JUL 18 2006

**CITY OF SANTA BARBARA
PLANNING DIVISION**

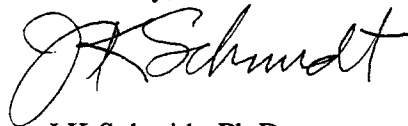
Dear Members of the Commission:

I write today to endorse enthusiastically the plans put forth by the owner Paula Schaefer and the applicant Paul Poirer for 216 East Calle Laureles. The proposal is well within the constraints posed by the neighborhood covenant and will enhance and improve their own property and the neighborhood.

Members of the commission may remember that there has been considerable conflict about remodeling projects in our neighborhood in the past. Opposition to change has come from only two couples who appear to have extreme views. What began as reasonable opposition has become unreasonable harassment including criminal trespass to measure spaces, flooding city offices with nuisance complaints, and a civil suit for money damages over a home that could not even be seen from the complainants' home. In my view, these two couples have completely lost sight of what makes a good neighborhood good.

I ask therefore that the Commission give Paula and Sam the consideration they deserve for proposing such a fine, dignified and reasonable plan.

Sincerely,



J.K.Schmidt, Ph.D.

DISTRIBUTED TO: DATE: 1-12-06
ABR MEMBERS (8) FOR TECH
SR. PLANNER, AS CITY ATTY.
APPLICANT(S) AGENT
ABR SEC, ENTERED AS INT PARTY
ON DATE: 7-14-06 BY: 9/2

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Item # 3

JUL 12 2006

CITY OF SANTA BARBARA
PLANNING DIVISION 7/10/06

Dear City Planning Division,

This letter is in regards to the Schaefer project on 053-091-011 parcel number. We are neighbors to the Schaefer's and feel that their project would only benefit the neighborhood and the street. Calle Laureles need some upgrading and style to the homes on this street, and this would only do that. This will also increase the value to the homes around them. What they are asking to do is only fair for their size family and lot. They are not asking to go overboard like some other homes in this town. The neighbors that complain, in my opinion, are trouble makers to the whole neighborhood. We have had our negative experiences with one neighbor in particular, Cathy Ann Brown, who is one of the opposer's to the Schaefer project. This is a woman who has her nose in everyone's business. We are not even within sight of her home and whenever she hears a chainsaw or hammer, she shows up at our door wondering what we are doing to your own home or yelling at our contractors to stop. In my opinion, her behavior is unacceptable and she is a nuisance! Please realize that there are other neighbors like us that are FOR this project however, it is unfortunate that you most commonly hear from the ones opposing it. This is the reason for my letter today. We are for the Schaefer project; it can only improve our neighborhood and town for that matter.

Sincerely,
The Bermudes Family

DISTRIBUTED TO: DATE: 7-20-06
ABR MEMBERS (8) ABR TECH
SR. PLANNER, ASST. CITY ATTY.
APPLICANT(S) AGENT
ABR SEC, ENTERED AS INT PARTY
ON DATE: 7-19-06 BY: 92

Patti Mahota
3068 Paseo Tranquillo
Santa Barbara, CA 93105

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July 11, 2006

JUL 18 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

City Planning Division
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: 216 E Calle Laureles
Application Number: MST2006-00322
Assessor's Parcel Number: 053-091-011
Owner: Schaefer, Paula S
Applicant: Paul Poirier
Project Description: Proposal for a 1,080 square foot, two-story addition to an existing 743 square foot, one story, single family residence on a 6,352 square foot lot. Proposed are a 487 square foot first floor addition, a 593 square foot second floor addition, a second story deck and a 184 square foot addition to the existing attached 210 square foot garage.

Dear City Planning Division:

I am writing in support of the Project referenced above. I am a long time resident of the San Roque neighborhood and support families such as the Schaefer's remodeling their homes to provide room for their growing family and also to help update and beautify the neighborhood. I am also writing in support so that you know that there are many others like me who support progress in our neighborhood. Unfortunately, most of us have our own family, work and other obligations and don't have the ability to attend hearings and write letters. Also, there are some in our neighborhood who are afraid of the "vocal minority" who have either sued other neighbors or complain about any change to the neighborhood. Although the vocal minority appears to be about 2 or 3 neighbors, they seem intent on controlling and impeding any change in the neighborhood. Nobody wants to be their next target, therefore, remaining silent.

In sum, I want to express my support of the project which will help a family and improve the neighborhood. I would also like to suggest that the City undertake a poll of neighborhood residents to find out the verifiable feelings of the neighborhood on progress such as these projects, and not allow the entire neighborhood be subject of what some see as the intimidation of the minority.

Sincerely,

Patricia Mahota
Patricia Mahota

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7/10/06 Item #3

JUL 12 2006

Attn: City Planning division: CITY OF SANTA BARBARA
PLANNING DIVISION

DISTRIBUTED TO: DATE: 7-13-06
ABR MEMBERS (8) ABR TECH
SR. PLANNER, ASST. CITY ATTY.
APPLICANT(S) AGENT
ABR SEC, ENTERED AS INT PARTY
ON DATE: 7-14-06 BY: 92

This letter is in regard to application # mst2006-00322, parcel #053-091-011. The owners are the Schaefers.

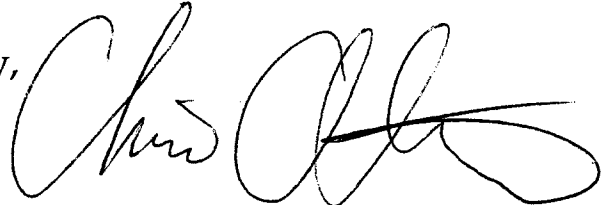
I totally support the proposal submitted to you 100%. I am also a member of the same area that is governed by these outdated, and ridiculous cc&r's. I am speaking for myself and my wife, Dana Otanez. We reside at 3035 Paseo Tranquillo, which is about 2 blocks from 216 East Calle Laureles. We will be unable to make the hearing because of our work commitments. I am very proud of the way that the city has finally figured out the ratio thing for housing footprints on properties. I know it was a lot of work, I also think that it is very fair to everyone. This was my idea from the beginning of this whole bru-ha -ha. There has to be a fair ratio of open land versus built on land. It is a great way for the city to help our planet. Anyway.....like I said, I support the Schaefer project. Paul Poirer has done another house in our neighborhood, and it is beautiful, and it does nothing but improve the aesthetics of our neighborhood.

I would also like to make you aware that there two different residences in our neighborhood that cause nothing but problems for us all. You can check for yourselves with the police. They do nothing but complain about everything that they don't like. Which has nothing to do with the rest of us in this neighborhood. They would like us all to have horse and buggies, and all of us to grow our own foods. If you know of a place to relocate them, I am sure our neighborhood would fully support you.

One more thing, Our houses were built in the late forties. nothing against the forties, but our houses are small, usually they are around 800 sq. ft.. In my opinion all of our house are tear-downs. If someone wants to improve their property, and they abide by the npo's, then I don't have a problem with it.

Thank you very much. I appreciate you taking the time to read this letter. Keep up the good work.

Sincerely,



P.S. One of these neighbors that complains about everything, happens to be in the legal profession, and messes with property owners for a living.

805 452-1527

To: Members of the Architectural Board of Review
From: Kathiann and Wes Brown
145 Vista de la Cumbre
Santa Barbara, CA 93105
Date: June 30, 2006
Regarding: Case # MST 2006-00322

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JUL 03 2006

**CITY OF SANTA BARBARA
PLANNING DIVISION**

In general, we commend the design and wish our neighbors, the Schaefers, happiness in their remodeled home. The inclusion of the deck, however, raises several points of concern.

1. Page 48 of the City's draft Single Family Residence Design Guidelines defines a deck as, in part, "a flat open platform..." The Guidelines encourages screening of second story balconies and decks with elements such as "walls, trellises, or awnings." (p.47) This "deck" is fully roofed and the end walls extend from floor to roof line, each wall containing a window. From the exterior, the deck appears, except from the back, to be an integral part of the second story living space, adding to the apparent bulk of the addition.

2. The proposed second story deck is on the rear of the house. The north wall of the deck is 11"1' (eleven feet, one inch) from the north property line. (It has been suggested that the adjoining neighbor's house may be closer to the property line than it should be, which may bring the deck and neighbor's house into even closer proximity than if the full setback width had been observed on the neighbor's side.) The area of the deck is 85 square feet (approx. 6'X14").

Page 48 of the Guidelines cites decks such as this one, "2nd story decks and balconies on side or rear of house, less than 15' from property line, larger than 3'X7" in size," as being the most "discouraged" category because they have the "most privacy impact to neighbors."

A deck half the size of the proposed deck but in the same location, would earn a place one higher on the continuum of "privacy impact," but would still place fifth out of the six size/location designs ranked by the Guidelines.

3. The City does not enforce neighborhood Codes, Covenants and Restrictions (CC&Rs). It should interest the City to know, however, as it attempts to preserve the character of city neighborhoods, that the CC&Rs of La Cumbre Park 3 (the Schaefer's neighborhood and ours) have, for over fifty years, explicitly limited second stories to 600 square feet. The CC&Rs do not differentiate between "living space" and other space. Every new homeowner in the tract receives a written copy of the CC&Rs with the deed when he or she buys a home in this neighborhood.

Since only expensive litigation can enforce this limit, some remodels have exceeded it. Most homes remain modest, however, and most remain single story. The homes of our neighborhood are among the homes that were built for returning WWII soldiers. As comfortable "starter" homes, each with a nice yard, in a quiet neighborhood, they are worthy of remodeling and loving preservation within the clearly delineated and long standing limits of the CC&Rs.

73

MELINDA LEE
215 VISTA DE LA CUMBRE
SANTA BARBARA, CA 93105
PHONE (805) 682-3940
FAX (805) 682-2735

RECEIVED

JUL 03 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

July 2, 2006

City Planning Division
PO Box 1990
Santa Barbara, CA 93102-1990

re: **216 E. Calle Laureles**
Application #MST2006-00322
Assessor's Parcel #053-091-011

To Whom It May Concern:

I am writing this letter in response to your notice of Public Hearing, to property owners within 100 feet of project, as I am unable to attend the 3:00pm meeting on 7/3/2006. We own the property directly behind the above mentioned property and have discussed the proposed remodel with the owners. **Please note that we support the Schaefer's request for a building permit based on the proposed project described in your notice.**

We are well aware of all the controversies that have arisen in our neighborhood in the last few years when it comes to complying with the CC&Rs in regard to remodeling & rebuilds in our area. We have lived in our home for 21 years and several of the homes in our development have added 2nd stories and doubled the square footage of the existing properties, as the original homes are very small and offer little storage space, as the housing market in Santa Barbara does not allow the majority of us to buy-up as our families grow and this seems to be the only alternative. As far as we are concerned these remodels have done nothing but improve the neighborhood. We attended the first seven meetings of the Single Family Design Guidelines/Neighborhood Preservation with Heather Baker and found that unfortunately, the meetings are held at a very inconvenient time, as this meeting also is, for most of us to attend as they are always during the normal working hours.

We thank you for accepting this letter as our response, in lieu of our personal attendance, to the Schaefer's proposal, as we feel it is important that you hear the positive responses to this request.

You may contact us at the number above or mmlee@cox.net should you have additional questions or comments.

Sincerely,

Melinda Lee

Melinda Lee

Melissa Lee

Melissa Lee

Entered into Advantage:

Entered into People

Entered into Parcel/People

6-28-06

SL

date completed

initials

June 27, 2006

Architectural Board of Review
City Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED

JUN 28 2006

CITY OF SANTA BARBARA/
PLANNING DIVISION

Dear Sir or Madam:

I am writing in regard to the project at 216 East Calle Laureles. This project represents a more than 100% addition in square footage on a 6,352 square foot lot. It includes a second story addition and a second story deck.

This home is surrounded on all sides by single story homes. In our subdivision of 116 homes there are currently 12 second story additions. There are virtually no second story decks of the size proposed in this project.

I object to the second story deck.

I am asking the ABR please not to set the precedent of second story decks in our neighborhood.

This is an architectural feature that significantly impacts surrounding neighbors, and has been extremely contentious in other areas such as the Mesa. I do not think introducing it to our neighborhood serves the community, or is consistent with the surrounding homes.

Our neighborhood has actively debated the appropriateness of second story additions and our neighborhood association worked very hard to clarify and make public the CC&Rs. The most recent interpretation of our CC&Rs specifically addressed the issue of "discounting" roofed decks from the calculation of second story floor area. Useable covered area is included in the definition of second story floor area.

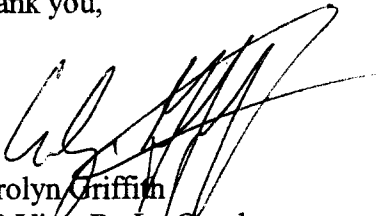
While it is not business of the ABR to enforce CC&Rs; The CC&Rs represent mutual agreement by the homeowners to preserve the look and feel of the neighborhood, and serve as a valuable objective definition for what has been considered appropriate for the neighborhood. The most recent interpretation (see attached) is the culmination of significant efforts to reach agreement and obtain clarity. Please respect our efforts to obtain a standard for consistency in our neighborhood.

I would ask the ABR to consider the proportion of benefit in this situation. Is the amount of benefit to be gained by the homeowner from this deck proportional to the loss in consistency for our neighborhood and the loss of privacy for those surrounding? I believe that what we would lose as a community is large compared to the amount of living space to be gained by the homeowner from the second story deck.

Our neighborhood has some mountain views, most of them very partial. The primary views that would be obtained by second story decks would be of the surrounding backyards. In this area of very predominantly single story homes most of us purchased our homes because of the style, look at feel of relatively small FARs that afforded us private outdoor space.

Please request that the applicant re-design this project without a second story deck.

Thank you,



Carolyn Griffin
219 Vista De La Cumbre
Santa Barbara, CA 93105

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David K. Hughes, Bar No. 59529
Mark S. Manion, Bar No. 180280
PRICE, POSTEL & PARMA LLP
200 East Carrillo Street, Fourth Floor
Santa Barbara, California 93101
Telephone: (805) 962-0011
Facsimile: (805) 965-3978

Attorneys for Herve Gaudefroy and Gina Gaudefroy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
ANACAPA DIVISION**

**ROBERT P. TAYLOR and CAROLYN S.
GRIFFITH**

Plaintiffs,

vs.

**HERVE GAUDEFROY and GINA
GAUDEFROY, DOES 1 through 50, inclusive,**

Defendants.

Case No. 01069796

(Assigned to Judge Anderle for all purposes)

**JUDGMENT FOR
DECLARATORY RELIEF**

In the above-entitled cause, plaintiffs and defendants have stipulated that the lawsuit be settled, and that a judgment be entered pursuant to Code of Civil Procedure § 664.6 with respect to the plaintiffs' declaratory relief cause of action. Accordingly,

IT IS HEREBY ADJUDGED, ORDERED, AND DECREED THAT JUDGMENT BE ENTERED as follows:

1. The parties agree that with respect to the interpretation of Paragraph A of the 1990 Amendment to the protective covenants for La Cumbre Park No. 3:

a. That the twenty two and one-half foot height shall be deemed to be the maximum height for a single family dwelling structure and shall be

1 defined as the maximum vertical height of the dwelling at all points
2 measured from natural grade, including all points of the roof, but not
3 including architectural elements such as chimneys, vents, antennae and
4 towers.

5 b. That the maximum 600 square feet allowable for the "area" of a second
6 story for any single family dwelling structure shall be defined and
7 measured as set forth in the definition section of the 1997 version of the
8 California Building Code adopted by the City of Santa Barbara. That
9 definition section as of the date of this Judgment is Section 207, and it
10 reads as follows:

11 "Floor area is the area included within the surrounding
12 exterior walls of a building or a portion thereof, exclusive
13 of vent, shafts and courts. The floor area of a building, or
14 portion thereof, not provided with surrounding exterior
walls shall be the useable area under the horizontal
projection of the roof or floor above."

15 2. Notwithstanding anything herein to the contrary, the defendants' 2001-2002
16 construction and second story addition to their residence shall not be deemed to violate the
17 protective covenants of La Cumbre Park No. 3.

18 3. The parties agree that this Judgment will be recorded in Defendants' chain of
19 title.

20 DATED: October _____, 2002

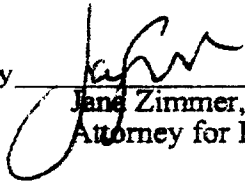
21 Judge of the Superior Court

22
23 APPROVED AS TO FORM.

24
25 ZIMMER & MARCUS. LLP

26 DATED: September 30, 2002

By _____


27 Jane Zimmer, Esq.
28 Attorney for Plaintiffs

Entered into Advantage:

Entered into People

Entered into Parcel/People

6-28-06

ca

date completed

initials

June 27, 2006

Architectural Board of Review
City Planning Division
P.O. Box 1990
Santa Barbara, CA 93102

RE: 216 East Calle Laureles Application Number MST2006-00322

Dear Sir or Madame,

Thank you for this opportunity to comment on the referenced application. I have reviewed the plans submitted for the proposed second floor addition. We have also met with the applicants and discussed their plans in detail. We appreciate their interest in the impact this project will have upon their neighbors.

The neighborhood was constructed in the 1940's and 1950's under CC&R restrictions that precluded two story homes. Since that time, some two story construction has occurred, however, the neighborhood has essentially retained its original character. In fact, every home adjacent to the subject property remains a one story house.

The CC&R restrictions were modified to allow the construction of second floors up to six hundred square feet. The application and plans state that the second floor addition is 593 square feet. However, this number does not appear to include the stairway or the second floor exterior space. If these areas are included, the second floor addition is closer to 800 square feet, an area roughly equal to the size of the current house. In my view, this is simply "gaming" the numbers to make the size of the addition appear to be much smaller than it actually will be and undermine the intent of the CC&R restrictions which is to preserve the character of the neighborhood and ensure that new construction is compatible with the current status of low ridgelines and backyard privacy.

The second floor deck provides no real living space; however, it will produce more harm to rear yard neighbors such as us than the whole rest of the second floor addition. Second floor view decks are not compatible with the neighborhood and I will be disappointed if the ABR approves this project with the second floor deck.

Sincerely,

Robert Taylor
219 Vista De La Cumbre
Santa Barbara, CA 93105

RECEIVED

JUN 28 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

entered into Advantage:

Entered into People

Entered into Parcel/People

6-30-06

date completed

RH

initials

3070 Calle Mariposa
Santa Barbara, CA 93105
(805) 563-0832

Robert Hopper, Ph.D.

June 29, 2006

City Planning Division
630 Garden Street
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
JUN 30 2006
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Schaefer Residence ABR Hearing;
Application # MST2006-00322

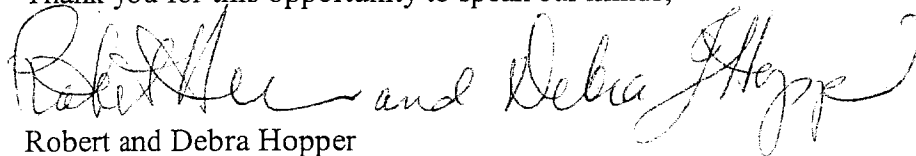
To Whom It May Concern:

This letter is written to offer support to our neighbors, the Schaefers of Calle Laureles, as they make plans to extend the square footage of their existing home.

We know Sam and Paula to be good neighbors, friendly and stables assets to the neighborhood. We also know they are making these changes to their home in order to enjoy a long life here on Calle Laureles, raising their two children.

We met the architect today and took a look at his renderings of the additions to be made to the home, including an extended garage, an enlarged kitchen, a second story, a master suite, an outdoor deck, among other changes. We see nothing to oppose in these plans. In fact, we are delighted and feel that this building project will add beauty and value to our neighborhood.

Thank you for this opportunity to speak our minds,


Robert and Debra Hopper