



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** April 7, 2006  
**AGENDA DATE:** April 13, 2006  
**PROJECT ADDRESS:** 70 La Cumbre Circle (MST2005-00810)

**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Roxanne Milazzo, Associate Planner

### **I. PROJECT DESCRIPTION**

The project site (3,996 s.f.) is currently developed with a 1,260 s.f. single family residence with an attached 370 s.f. garage. The proposed project involves a 265 s.f. sunroom addition for the residence. The original proposal featured a clay tile roof that was 13 feet tall at its highest point. The roof has been revised to be 12 feet tall, the same height as the main building. Exhibit A is a site plan with revised elevations, which show the outline of the previously approved roofline, and the proposed roofline.

### **II. REQUIRED APPLICATIONS**

The discretionary application required for this project is a Modification to permit the room addition to be located within the required open yard area (SBMC § 28.18.060).

### **III. RECOMMENDATION**

Staff recommends that the Planning Commission deny the appeal thereby affirming the Staff Hearing Officer's approval of the Modification.

**DATE APPLICATION ACCEPTED:** January 17, 2006  
**DATE ACTION TAKEN BY THE SHO:** February 15, 2006  
**DATE ACTION REQUIRED:** Not Applicable



#### LIGHT AND AIR

There is no evidence to support the allegation that the proposed addition deprives any neighbor of light and air. As revised, the height of the building is no greater than the existing building, with a roof line that matches the existing development.

#### SIZE OF THE ADDITION

For all purposes related to planning, zoning and design review matters, the City uses the interior floor area statistic, rather than the exterior floor area statistic.

#### SIDE YARD ENCROACHMENT

The proposed addition does not encroach into the required interior yard setback. The Modification that was granted was for a Modification of the required open yard area.

#### SUNROOM

The room's name is immaterial. The Modification was granted for a roofed and enclosed area (room), with large windows on all walls to encroach into the required open yard. Because of the room's configuration, it will probably not be used for sleeping, but could be used as a family room, reading room, sun room, etc.

#### HOMEOWNERS' ASSOCIATION APPROVAL

The appellant requests that the Planning Commission send the project back to the homeowner's association for approval. The applicants provided proof of the homeowners' association approval prior to the Modification Hearing. According to the applicant, the homeowners' association re-approved the proposal after the Modification was approved. See Exhibits F and G, which are an excerpt from the Casa La Cumbre CC&Rs that state that the HOA's Architectural Control Committee seems to have purview over improvements in the HOA, and an email from Karin Hughes to Roxanne Milazzo, Associate Planner, that states that the Architectural Control Committee did not change its original approval.

The applicants have submitted new petitions, which show support for the project from neighbors who previously signed a petition opposing the project.

### **VII. FINDINGS**

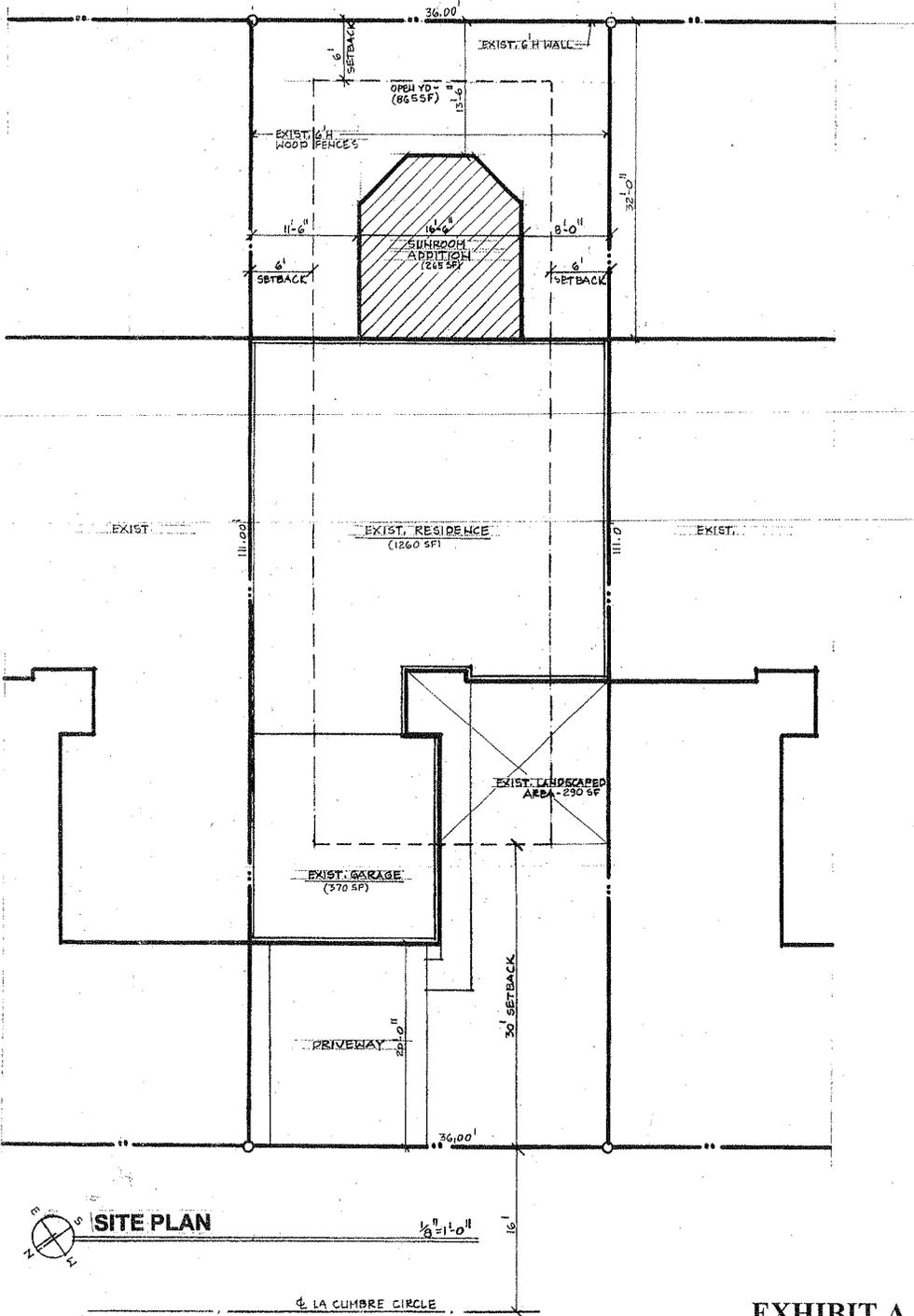
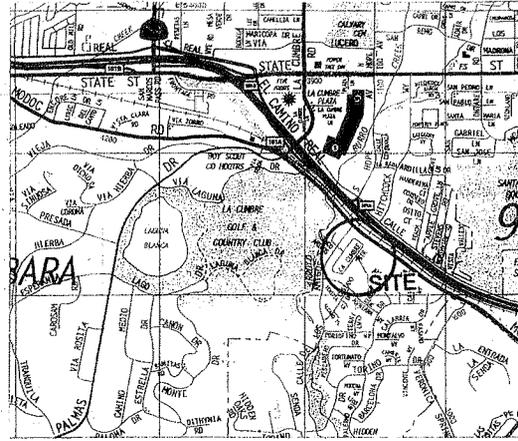
Staff recommends that the Planning Commission deny the appeal, thereby upholding the decision made by the Staff Hearing Officer and approve the revised project, making the findings that the sunroom is an appropriate improvement that enhances the enjoyment of the backyard of this property and does not negatively impact the neighbors; that the Modification is necessary to secure this appropriate improvement, and that the Modification is consistent with the purpose and intent of the Zoning Ordinance.

#### Exhibits:

- A. Site Plan and Elevations
- B. Modification Approval dated February 15, 2006

- C. Staff Report for the Modification, dated,
- D. Appeal letter, dated February 24, 2006
- E. Applicant's letter, dated March 20, 2006
- F. Excerpt from the Casa La Cumbre HOA CC&Rs
- G. Email from Karin Hughes to Roxanne Milazzo, dated February 18, 2006
- H. Map showing property owners surveyed by M/M Hughes
- I. Petition supporting the project. Signatures gathered by M/M Hughes
- J. Petition supporting the project and rescinding opposition.
- K. Petition stating neutrality to the project, and rescinding opposition.
- L. Rendering of the Sunroom as seen from the northern neighbor. The round, cross-hatched area represents an orange tree in the Hughes' backyard.
- M. Letter from M/M Hughes to Beth Torres, dated March 24, 2006
- N. Email from Wayne Holden to M/M Hughes, regarding appraisal value
- O. Neighborhood letters

VICINITY MAP



PROJECT DATA:

ADDRESS: 70 LA CUMBRE CIRCLE  
SANTA BARBARA, CA 93105

APN: 049-350-022

OWNER: BOB AND KARIN HUGHES  
84 LA CUMBRE CIRCLE  
SANTA BARBARA, CA 93105  
(805) 636-9819

ZONE: R-2

SITE AREA: 3996 SF

HIGH FIRE: NO

SOLAR ORD: COMPLIES

HILLSIDE ORD: NO

ABR REQD: YES

EXIST. OPEN YD: 1152 SF

PROJECT SCOPE: SUNROOM ADDITION TO SFD

MODIFICATION: YES: REQUIRES A MODIFICATION DUE TO A REDUCTION OF OPEN YARD AREA AT THE REAR OF THE LOT.

EXIST. AREAS: RESIDENCE: 1260 SF (NET) 1316 SF (GROSS)  
GARAGE: 370 SF (NET) 403 SF (GROSS)  
TOTAL: 1630 (NET) 1719 SF (GROSS)

EXIST. FAR: 41%

ADDITION: 265 SF (NET) 283 SF (GROSS)

NEW TOTAL: 1895 SF (NET) 2002 SF (GROSS)

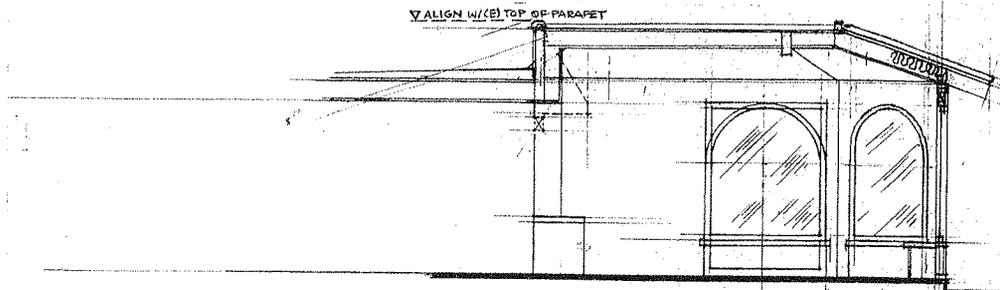
NEW FAR: 47%

COVERAGE: BLDG: 1895 SF- 47%  
PAVING: 320 SF- 8%  
LANDSCAPING: 1781 SF- 45%

(E) & (N) PARKING: 2 COVERED (NON-CONFORMING)

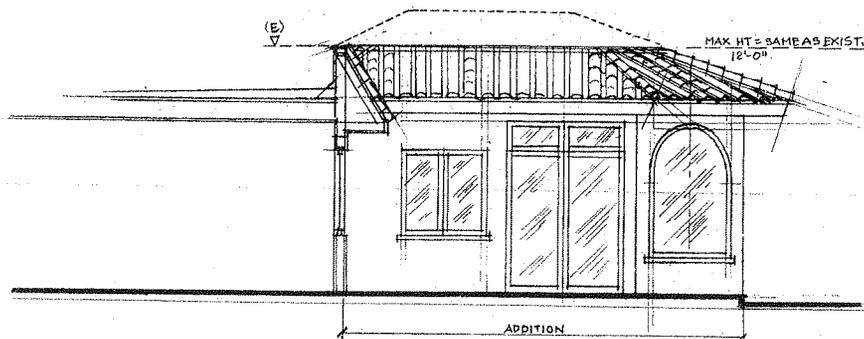
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CITY OF SANTA BARBARA  
PLANNING DIVISION





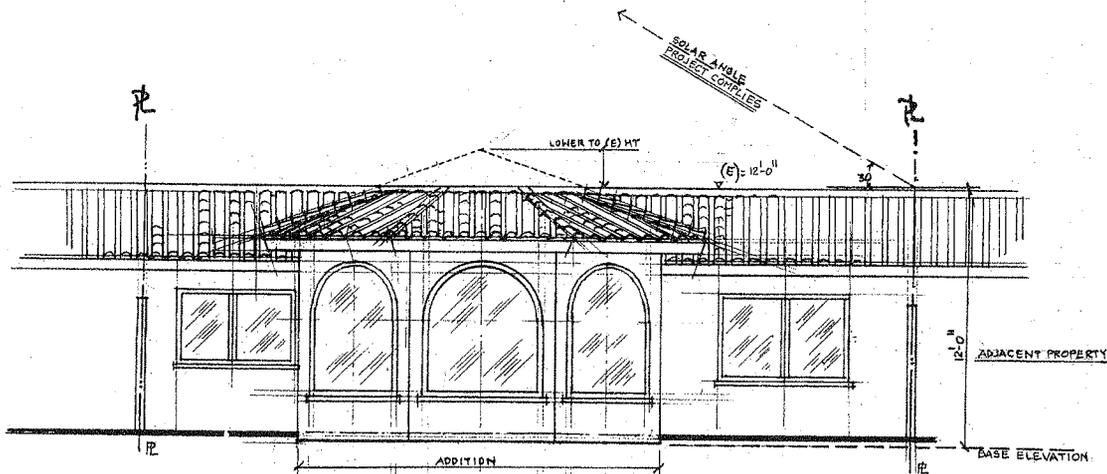
DIAGRAMMATIC SECTION

1/4" = 1'-0"



SOUTH WEST ELEV.

1/4" = 1'-0"



SOUTH EAST ELEVATIONS

1/4" = 1'-0"





# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 002-06  
70 LA CUMBRE CIRCLE  
MODIFICATION  
FEBRUARY 15, 2006

**APPLICATION OF ROBERT HUGHES, AGENT FOR ANNETTE HUGHES, 70 LA CUMBRE CIRCLE, 049-350-022, R-2 TWO-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS PER ACRE (MST2005-00810)**

The project site is currently developed with a 1,260 square-foot single family residence with an attached 370 square-foot garage. The proposed project involves a 265 square-foot sunroom addition for the residence.

The discretionary application required for this project is a Modification to permit the room addition to be located within the required open yard area (SBMC § 28.18.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (ENV2005-00810).

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

**WHEREAS**, no one appeared to speak in favor of the application, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 15, 2006.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Gary Kurth, 92 La Cumbre Circle
  - b. Mark and Melinda Cameron, 62 La Cumbre Circle
  - c. Rodolfo and Maricris Lising, 64 La Cumbre Circle
  - d. Karen Crawford, 66 La Cumbre Circle
  - e. Patricia A. Richards, 68 La Cumbre Circle
  - f. Beth Torres, 72 La Cumbre Circle
  - g. Fred and Pauline Linden, 76 La Cumbre Circle
4. Correspondence received in opposition to the project:

**EXHIBIT B**

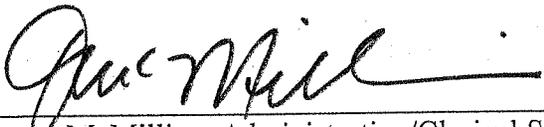
- a. Beth Torres, 72 La Cumbre Circle submitted a petition of opposition signed by 24 neighbors.

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

Approved the application to permit the reduction of the outdoor living space with the construction of a sunroom which will provide an amenity which enhances the enjoyment of the private backyard for this site, is both appropriate and consistent with the purpose and intent of the ordinance.

This motion was passed and adopted on the 15th day of February, 2006 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.



Debra McMillion, Administrative/Clerical Supervisor,  
Staff Hearing Officer Secretary

Date

2-15-06

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.



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** February 8, 2006  
**AGENDA DATE:** February 15, 2006  
**PROJECT ADDRESS:** 70 La Cumbre Circle (MST2005-00810)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *Dyk*  
 Roxanne Milazzo, Associate Planner *RSM*

### I. PROJECT DESCRIPTION

The project site is currently developed with a 1,260 square-foot single family residence with an attached 370 square-foot garage. The proposed project involves a 265 square-foot sunroom addition for the residence.

### II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Modification to permit the room addition to be located within the required open yard area (SBMC § 28.18.060).

### III. SITE INFORMATION

Parcel Number:	049-350-022	Zoning:	R-2 Two-Family Residence Zone
General Plan Designation:	12 Units Per Acre	Topography/Slope:	3% Average Slope
Existing Use:	One-Family Residence	Proposed Use:	One-Family Residence

#### Adjacent Land Uses

North: One-Family Residence	East: Residential Care Facility
South: One-Family Residence	West: One-Family Residence

#### Lot Coverage (Proposed):

- Building: 1,895 s.f. (47%)
- Paving/Driveway 416 s.f. (11%)
- Landscaping 1,689 s.f. (42%)
- Lot Area: 4,000 s.f.

#### Parking:

- Required 2 Covered
- Provided 2 Covered

Date Application Accepted: January 17, 2006

Date Action Required: April 17, 2006

#### IV. DISCUSSION

- This project was before the Architectural Board of review (ABR) on January 9, 2006 and received positive comments. The Board's position was that the sunroom provides for outdoor enjoyment and is not visible to the street. (Exhibit C)
- Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.
- The purpose and intent of the required open yard area is to provide private enjoyment of the outdoor area exclusively for the occupants of the residence. The proposed project replaces the existing covered patio with a more usable area. The private outdoor space can now be enjoyed both from within the sunroom with its large window openings or by accessing the remaining 850 square feet of back yard area through its slider.

#### V. RECOMMENDATION/FINDINGS

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification to permit the reduction of the outdoor living space with the construction of a sunroom which will provide an amenity which enhances the enjoyment of the private backyard for this site, is both appropriate and consistent with the purpose and intent of the ordinance.

#### Exhibits:

- A. Project Plan
- B. Applicant's letter dated December 15, 2005
- C. ABR Minutes dated January 9, 2006
- D. Letters of support

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

ERIC C. KITCHEN  
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TELEPHONE 805-966-5101  
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[eric@eckitchenlaw.com](mailto:eric@eckitchenlaw.com)  
[emi@eckitchenlaw.com](mailto:emi@eckitchenlaw.com)

VIA FACSIMILE and MAIL

February 24, 2006

Santa Barbara Planning Commission  
City of Santa Barbara  
Community Development Department  
Planning Division  
630 Garden Street  
Santa Barbara, Ca 93101

**Re: Appeal from Staff Hearing Officer Findings of February 15,  
2006/Application of Robert Hughes/70 La Cumbre Circle/049-350-  
022/Modification to Permit Arch Windowed, Circular Roof Building Addition  
within required Open Yard Area (SBMC28.18.060)**

To the Honorable Planning Commission:

Appeal is hereby made from the findings made by <sup>Bette Weiss</sup>~~Deanna Rae McMillion~~  
Staff Hearing Officer, City of Santa Barbara, Community Development Department  
regarding the referenced Modification Application of an Arch Windowed, Circular  
Roof Building Addition.

The referenced Modification Application is for an encroachment of an Arch  
Windowed, Circular Roof Building Addition into the side yard open space area  
adjacent appellant, Beth Torres, the immediate neighbor to the North. The applicant is  
to the South, from which the appellant has the only access to light and air.

This appeal is based on the following grounds:

- 1) The proposed modification is in violation of the Zoning Ordinance  
as it deprives the appellant light and air from the Southerly direction.  
The spirit of Santa Barbara Zoning Ordinance is to protect views,  
open space and access to light and air which this project deprives  
appellant;

**RECEIVED**

FEB 24 2006

CITY OF SANTA BARBARA  
PLANNING DIVISION

EXHIBIT D

- 2) The Staff Hearing Officer did not visit either the project site nor the appellant's site property to observe the impact on light and air on the appellant's property;
- 3) The actual dimension of the Arch Windowed, Circular Roof Building Addition is **288 square feet** and the assumption from Staff Hearing Officer Findings of February 15, 2006 is that the addition is 265 square feet, a measurement of the interior, not the exterior footing as the addition is placed into the side yard, hence the exterior and not the interior dimension is the only relevance;
- 4) The 288 square footage of an Arch Windowed, Circular Roof Building Addition intrusion and encroachment into the side yard open space requirement is unreasonably large in relation to the neighboring sunroom which is less than half that size;
- 5) The Addition is not an amenity for increased outdoor use as the bulk of the footing of the Arch Windowed, Circular Roof Building Addition consumes almost the entirely the open space set back area of 1250 Square feet.
- 6) The Building Addition is **Not a Sunroom** as an amenity as found by the Staff Hearing Officer; nor is it a Patio Cover as found by the Hearing Officer;
- 7) The height of the proposed addition is **20 inches above** the appellants roof line and the roofline of the entire community development and obstructs sunlight and views from the southerly view of the appellants northerly parcel;
- 8) The roof line is not in conformity with the surrounding common development as the proposed addition has an angular and wedge shape sloping and circular roof peak which is in total lack of conformity and harmony to all surrounding roofs with the surrounding common development which have flat and straight roofs;

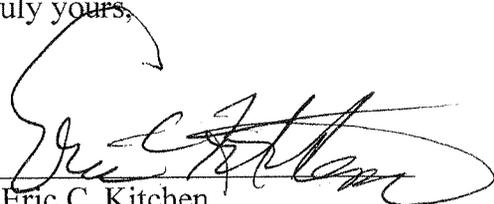
- 9) The finding that the Arch Windowed, Circular Roof Building Addition is an appropriate amenity relied upon a finding that the development has front yard and other open space requirements that do not allow for any development and thus that finding is irrelevant to the finding of an appropriate encroachment into the open space required for the back yard;
- 10) The sheer size bulk and scale of the proposed Arch Windowed, Circular Roof Building Addition is not in common with the common development and is an unreasonable obstruction into the open space required;
- 11) The value, desirability and marketability of the appellants property is materially and adversely affected;
- 12) The value of the appellant's property will be diminished by a minimum of 3% or approximately \$21,000.00 in actual lost value.
- 13) The finding that the central positioning of the proposed Arch Windowed, Circular Roof Building Addition reduces the adverse impact on the access to solar light, air and views was made without actual measurement from the site of the project or from the viewpoint of the appellant who will clearly be adversely impacted by any encroachment at the extreme height of the proposed Arch Windowed, Circular Roof Building Addition modification.
- 14) The Planning Commission should return this matter to the HOA since the HOA and the original signatories for approval were improperly and mistakenly told the addition was similar, when in fact it is not
  - a. The HOA was not told of the correct dimensions;
  - b. The HOA did not measure the height;
  - c. The HOA was belatedly furnished the plans for actual determination of the measurements of size, bulk and scale after the preliminary determination of "similarity" had already been made;
  - d. Most of the HOA members now informed are opposed,

- e. The Board should also note that 45 Owners, over fifty percent (50%), have signed a Petition objecting to the addition as proposed relative to height and size.
- f. Importantly, this Building Addition is in violation of the HOA CC&R'S, ARTICLE V, Section 3 (c) which requires that any improvement remain in harmony of the external design of the existing structures.
- g. This Arch Windowed, Circular Roof Building Addition is NOT in harmony under any circumstances;
- h. One half of the originally required six members for approval now disapprove of the Addition, three having rescinded their approval after being informed of all true facts;

Accordingly, it is respectfully submitted that the Honorable Planning Commission deny this Proposed Modification or in the alternative remand the same for further modification by the proponents and applicants and re-approval by the HOA.

Very truly yours,

By

  
Eric C. Kitchen

ECK/kce

cc: Beth Torres

I, Beth Torres, do hereby certify as true and correct the above grounds as correct matters for appeal to the Planning Commission under penalty of Perjury and that this declaration for appeal was executed on February 24, 2006 at Santa Barbara, California.

  
Beth Torres

LA CUMBRE CIRCLE

FEB 24 2006

CITY OF SANTA BARBARA  
PLANNING DIVISION

The Property Owners listed below live within La Cumbre Circle and Proposed Addition to Unit #70 and are OPPOSED to the current size and height of the project.

The proposed project is for a 265 square foot sunroom addition to the residence. The inside room size will be 16 wide x 18 length. This addition will be 11' from the property line shared with Unit #72 and 8'5" from Unit #68. The sunroom's exterior length from the back of the condo is 18'5" and 16'5" wide. The addition's roofline will be 20" above the current roofline. The distance from the exterior of the sunroom to the drainage culvert is

Currently there are two sunroom additions in La Cumbre Circle.

Unit #72's sunroom is 140 square feet. The inside room size is 13'2" wide x 9'10" long and has a 7' ceiling. It is 12' from the property line shared with Unit #70 and 10'4" from Unit #74. The exterior length of the sunroom from the condo stucco wall is 10' 3" and width is 10'4" wide. The distance from the exterior of the sunroom to the drainage culvert is 17' 3". The distance from the Association's block wall to the interior retaining wall is 2'; this includes the drainage culvert. (These measurements were taken by Beth Torres and not conducted by a building professional)

Unit #36's sunroom is approximately 110 square feet. The inside room size is 10' wide x 10.5 long and has a 7' ceiling.

<u>Name</u>	<u>Unit #</u>	<u>Suggested Size/ Comments</u>
BETH Torres	72	Size; height; width Needs to be in line with other sunrooms in development
Louise Brichter	51	too big!! will block view and sun.
JOAN CHURCHILL	47	I agree - sunroom size needs to REDUCED.
Don & Dorothy Zeh	37	The precedent set by other sunrooms in the circle should be kept.
Rodolfo & Marielis Lising	#64	HEIGHT NOT TALLER THAN ORIGINAL BUILDING + NO INFILTRATION UPON NEIGHBORING YARD UNLESS SUNLIGHT
Samuel Frey	#90	too big + too high
Jane Bythress	#96	
James Crawford	#106	"same"
Geraldine B. Detkison	48	Mountain view blockage
Blaise L. Kerrigan	50	View - protected addition too high trees not allowed

# LA CUMBRE CIRCLE

## Page 2

The Property Owners listed below live within La Cumbre Circle and Proposed Addition to Unit #70 and are **OPPOSED** to the current size and height of the project.

Name	Unit #	Suggested Size/Comments
FRED GRIESSEN	42	city has in the past has enforced height restrictions to keep views clear
Dorcas Robson	29	too big and too high. Not comparable with other two sunrooms
Doreen Hunt	31	The residents at "Vista del Monte" will have to look at something too big & too high and it will set a precedent in the Circle.
Amy Gang	100	Too high And too big
Rosanna Preziosi	#23	
William Hunt	32	DOES NOT FIT WITHIN CONDO PROJECT
Wesley Sater	28	out of scale for the community
Will Sater	28	" " " " "
Marie A. Farn	53	" " " " "
Lev Baker	59	TOO LARGE for hang
Henry Hornath	57	Too large for lot,
Buzanne McKay	106	" " " "
Mark Levine	27	and will set a precedent "
Eunice Brady	46	Too high
Ron Tobin	26	Too large
Jackie Papandrea	18	no - needs flat roof.
Steve U. Moursong	54	TO BIG
Bill Caplinger	#33	Structure is just too large
Mona Zapp	#5	

# LA CUMBRE CIRCLE

## Page 3

The Property Owners listed below live within 300 Feet of the Proposed Addition to Unit #70 and are OPPOSED to the current size and height of the project.

Name	Unit #	Suggested Size/Comments
DAVE AND Kelly POPE	#38	OPPOSED TO SIZE AND HEIGHT
DON AND LAZEL JACKMAN	#36	OPPOSED TO SIZE AND HEIGHT
James R. Marshall	#23	
Joe & Melinda Chrisman	#13	visible structure needs to be reviewed Bigger Issue: board process needs to be re-evaluated and refined. Received approval due to unclear plans that were approved is not fair to the applicants. Any costs should be reimbursed for new plans.
Larry Mansbach	#10	opposed to height
Marie Goreau	#58	
Larry Sealie	#22	I have voted favorably on this project believing that the height of the addition will not exceed the height of the existing roof line. I now understand that the addition will extend above the roof line by 21 inches. I am opposed then to the addition with a height above the existing roof line.
Diane Roth	#6	
Fambrow	#6	seems like a very big room for a small yard.
Debbie Willis (aka Rogers)	#104	Too high
Luzina Madren	#96	too large
Erin Khel	#16	Too large
Mary P. Asopatz	#94	Too Large



Mr. and Mrs. Robert Hughes  
84 La Cumbre Circle  
Santa Barbara, CA 93105  
bobkarinh@cox.net  
(805) 636-9619

March 20, 2006

Santa Barbara Planning Commission  
Community Development Department, Planning Division  
630 Garden Street  
Santa Barbara, CA 93101

**Re: Beth Torres's appeal of the Santa Barbara City Staff's decision on February 15, 2006, to approve Robert Hughes's request for a sunroom addition at 70 La Cumbre Circle, Santa Barbara, CA, 93105. A condominium in a Planned Unit Development (PUD)**

To the Honorable Planning Commission:

We feel that Ms. Torres's appeal, dated February 24, 2006, is riddled with holes, lies, and outright deceptions. The following items are our response, in order, to the items Ms. Torres wrote about in her appeal.

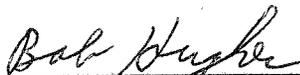
- 1) Concerning Ms. Torres's description of the sunroom and argument:
  - a. The proposed addition is for a sunroom in the backyard, not a "building" or "encroachment" into "the side yard".
  - b. The roof is a faceted hip roof, not a "circular" roof.
  - c. The sunroom addition will have no significant affect on Ms. Torres's "access to light and air"—as one can plainly see from the architectural plans.
  - d. The Architectural Board of Review (ABR) along with the Santa Barbara City Staff has considered the Zoning Ordinance in respect to the proposed sunroom addition and saw no significant affect on Ms. Torres's "appellant light and air."
  - e. Ms. Torres is skewing the spirit of Santa Barbara's Zoning Ordinance. The spirit of Santa Barbara's Zoning Ordinance also allows, if not encourages, construction of convenient and attractive residential additions—such as our proposed sunroom.
  - f. We have unilaterally lowered the highest point of the sunroom to make it no taller than the existing condo's roofline.

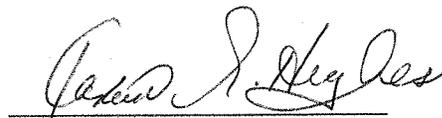
- 2) Staff Hearing Officer Bettie Weiss and Associate Planner Roxanne Milazzo did visit the project site in person and evaluated the potential impact on neighbors—which they deemed would not be significant.
- 3) The net 265 square feet of the sunroom was correctly calculated using the appropriate standard architectural methods.
- 4) The size of Ms. Torres's sunroom is not at issue here. We would not want to duplicate her sunroom addition because we feel that it would not enhance the appearance or values of Casa La Cumbre.
- 5) Our sunroom addition would use only a small proportion of our backyard, and not “almost the entirety [sic] the open space set back area.” Further, the ABR supports our modification request, as it provides outdoor enjoyment and is not visible to the public view.
- 6) Our proposed addition clearly meets the definition of a sunroom: “a room enclosed largely with glass and affording exposure to the Sun.”
- 7) The height of the sunroom would be definitely lower than other construction in Casa La Cumbre (such as the clubhouse). Also, we have additionally lowered the sunroom's height to make sure it is no taller than the condo's existing roofline. The sunroom will have no significant affect on Ms. Torres's “sunlight and views.”
- 8) The faceted hip roof of the proposed sunroom is not only harmoniously consistent with the (straight-slanted) roofs in Casa La Cumbre, but also an enhancement to Casa La Cumbre's architectural design and beauty.
- 9) The ABR along with the Santa Barbara City Staff rightly and justly took into consideration the front yard space of our condominium as well as the common open areas that are available to all Casa La Cumbre residents.
- 10) The size of the sunroom addition will enhance the enjoyment of the backyard and does not in any way represent an “unreasonable obstruction.”
- 11) See item 12), below.
- 12) These allegations of Ms. Torres are quite questionable. We have talked to current Real Estate Brokers, retired Real Estate Brokers, and real estate investors about this issue. Without exception, they all said that the real estate values in Casa La Cumbre would actually *increase* due to the sunroom addition—not decrease.
- 13) The assessment made by the ABR along with the Santa Barbara City Staff was made in light of the full architectural plans for the proposed sunroom addition as well as an on-site visit by the Staff Hearing Officer and the

Associate Planner. The architectural plans were created by a licensed architect, who came to the project site to study the yard space and any potential adverse affects on neighbors. Neither the architect, the Architectural Board of Casa La Cumbre, the ABR, nor the Santa Barbara City Staff found that Ms. Torres's "access to solar light, air, and views" would be adversely affected to any significant degree. Additionally, Mr. and Mrs. Robert Hughes have, since then, unilaterally decided to lower the height of their sunroom to be no taller than their condo's existing roofline.

- 14) See sub-items, below.
- a. See item c., below.
  - b. See item c., below.
  - c. The "HOA", by way of Casa La Cumbre's Architectural Board, was fully informed of the dimensions and height of the sunroom before it gave its approval. In fact, they were given the full architectural plans well before they made this decision.
  - d. A more recent petition will most likely nullify this claim of Ms. Torres's.
  - e. A more recent petition will most likely nullify this claim of Ms. Torres's.
  - f. See item g., below.
  - g. The proposed sunroom will not only be harmoniously consistent within Casa La Cumbre but will also enhance Casa La Cumbre's design, beauty, and value—as it was designed to do by professional architect Victor Schumacher.
  - h. A more recent petition will most likely nullify this claim of Ms. Torres's.

Based on the above, we respectfully submit that the Honorable Planning Commission dismisses Ms. Torres's appeal.

  
Robert L. Hughes

  
Karin M. Hughes



alteration of any kind to the fencing, the landscaping of the Common Area or the front landscaping, walls, or changes to the exterior of any Unit, including without limitation alteration in color, style, or material, may be commenced or completed until the same has been approved in writing by the ACC and ratified by the Board. Any increase in costs for maintenance performed by the Association which results from any exterior improvement or alteration of a Lot shall be the sole responsibility of the Owner of the Lot affected (through reimbursement under Article IV herein, if necessary).

**Section 3. Application for Approval of Improvements: Basis for Approval of Improvements.** Any Owner proposing to perform any work of any kind whatever which requires the prior approval of the Architectural Control Committee, pursuant to this Declaration, shall apply to such Committee for approval of the proposed work by notifying the Committee in writing as to the nature of the proposed work and furnishing such information as the Committee may require. The Architectural Control Committee shall consider granting the requested approval only if:

- (a) The Owner has complied with all the provisions herein;
- (b) The Committee finds that the plans and specifications conform to this Restated Declaration and to any Architectural Control Committee rules in effect at the time such plans are submitted to the Committee; and
- \* (c) The members of the Committee, in their sole discretion, determine that the proposed improvements would be compatible with the standards of the community and the purposes of this Restated Declaration as to quality of workmanship and materials, the harmony of external design with the existing structures.

**Section 4. Form of Approval.** All approvals given by the Committee shall be in writing. The Architectural Control Committee shall approve or reject the application of an Owner to improve or alter his Unit within sixty (60) days of receipt of such application, or notify the Owner if there are any delays (such as an incomplete application or need for further information) and why. The time shall be extended as needed in thirty (30) day increments. If the Committee and Board takes no action in response to an application within sixty (60) days after proper plans and specifications have been submitted by an Owner, the Association's right to object is waived.

**Section 5. Standards.** The Board of Directors may develop and adopt standards to be used in considering applications for any improvement.

**Section 6. Meetings.** The Architectural Control Committee may meet from time to time as necessary to properly perform its duties hereunder. The vote or written consent of any two (2) members shall constitute an act by the Committee. The Committee shall keep and maintain a record of all actions taken by it at such meeting or otherwise. The Architectural Control Committee and its members shall be entitled to reimbursement for reasonable out-of-pocket expenses incurred by them in the performance of any Architectural Control Committee function.

**Section 7. Architectural Control Committee Rules.** The Architectural Control Committee may, with Board approval, adopt, amend and repeal, by unanimous vote, rules and regulations to be known as "Architectural Control Committee Rules". Said Rules shall interpret and implement the provisions hereof by setting forth the standards and procedures for Architectural Control Committee review and guidelines for architectural design, placement of buildings, landscaping, color scheme, exterior finishes and materials and similar features which are recommended for use in the Project; provided, however, that said Rules shall not be in derogation of the minimum standards established by this Declaration.

**Section 8. Liability.** Neither the Architectural Control Committee nor any Member of it shall be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed on account of any decision or recommendation of the Committee.

**ARTICLE VI**  
**USES PROHIBITED AND PERMITTED AND RULES**

**Section 1. Residential Use.** All Lots and dwellings shall be used for single family home or similar residential purposes and for no other purposes.

**Section 2. Commercial Use Prohibited.** No part of properties shall be used or allowed to be used, or authorized in any way directly or indirectly, for any business, commercial, civil, manufacturing, mercantile, storing, vending, or other such nonresidential purposes except for home offices or occupations without any external visible or other evidence of commercial activity in, on or about the Lot, dwelling or within the development.

**Section 3. Nuisances.** No noisy, hazardous, noxious, illegal, or offensive activity shall be allowed on or emanating from any Lot or portion of the properties, nor shall anything be done or kept on Lots or Common Area which may be or become an annoyance, a disturbance, a nuisance, or safety hazard to the neighborhood, or which shall unreasonably interfere with the quiet enjoyment of the other residents. No speakers, bells, horns, whistles, or other sound devices, except those used exclusively for security purposes, shall be located or placed on any Lot. Any violation of this Article by any Owner, his or her family members, guests or tenants, is deemed a nuisance.

No Owner shall permit anything to be done or kept upon their Lot or any part or portion of the properties which will increase the rate of the Association's insurance thereon, or result in its cancellation.

**Section 4. Animals.** No animals, fowl, reptiles, insects or poultry shall be kept within the Properties except as follows:

- (a) "Domestic" or "Household" pets including dogs, cats, birds, or fish may be kept on Residence Lots. The keeping of any other type of animal must have written Board approval.

**Milazzo, Roxanne**

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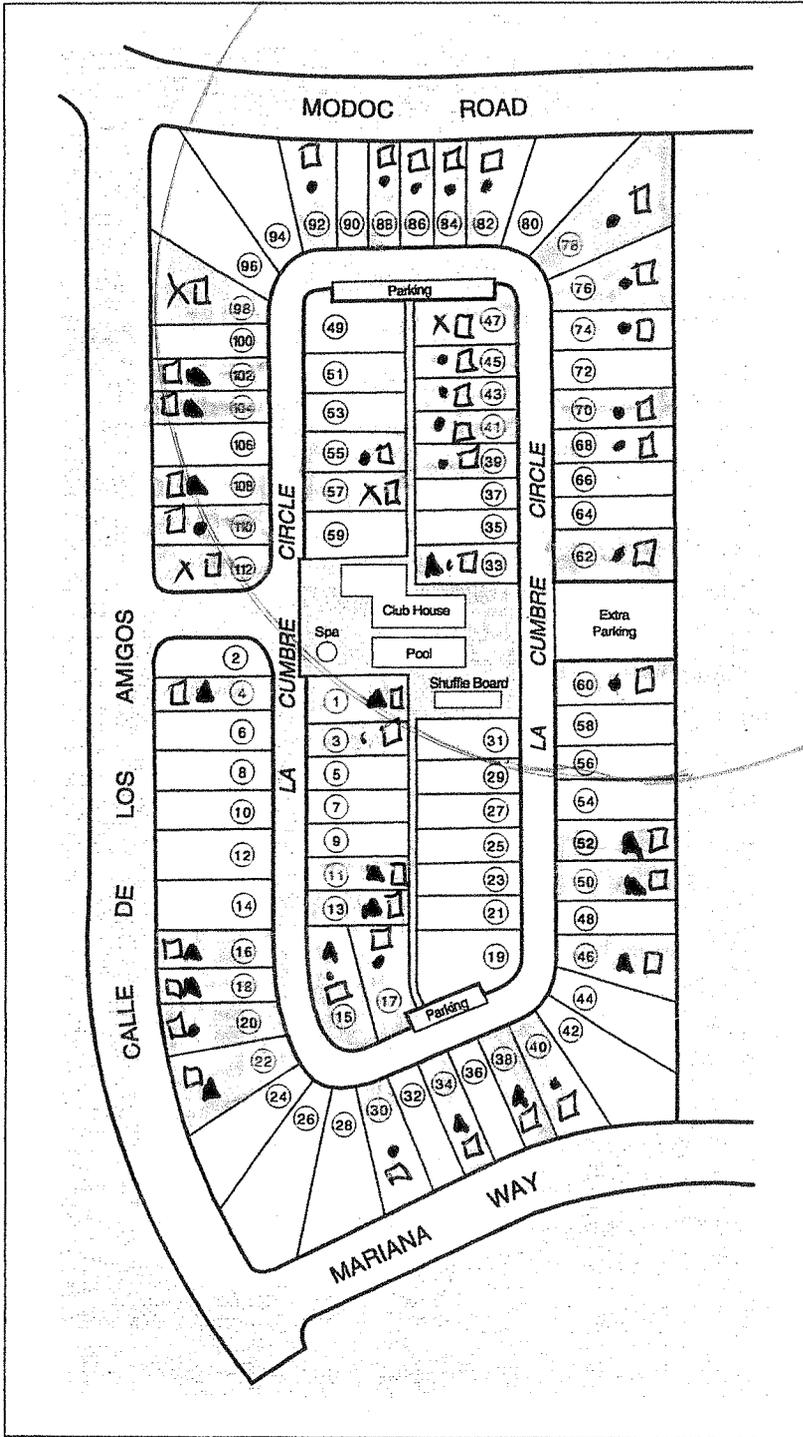
**From:** Karin Hughes [bobkarinh@cox.net]  
**Sent:** Saturday, February 18, 2006 2:51 PM  
**To:** Milazzo, Roxanne  
**Subject:** 70 La Cumbre Circle

Roxanne,  
Just for your information, we attended a board meeting with the La Cumbre Circle architectural board on Feb. 16, 2006. Ms. Beth Torres had asked to speak regarding our addition at 70 La Cumbre Circle. We then spoke, and the board said they would advise us later of their considerations and decision. Today Gary Kurth in charge of the architectural committee and meetings came to advise us that the board stands by its original decision. That the board does not require us to make any changes or modifications, and we have their complete approval to continue as planned.  
Bob and Karin Hughes



Hughes

- ▲ rescinded opposition
- approved
- x Neutral



Approx. 300" Radius  
FROM 70 La Cumbre  
circle

□ = see Attached  
petitions

La Cumbre Circle Roster 5



I support Bob and Karin's sunroom addition at 70 La Cumbre Circle as approved by the City of Santa Barbara and the architectural board of Casa La Cumbre. However, the height of the sunroom must be no taller than the condo's existing roofline.

NAME

UNIT #

DATE

SIGNATURE

Robert Hughes	84	3/3/06	Bob Hughes
KARIN Hughes	84	3/3/06	Karin S. Hughes
ELLENOR F WYATT	86	3/3/06	Eleanor Wyatt
Kurt Lehmann <sup>FOR</sup>	74 (74)	3/3/06	Guenther Herbst by <del>Robert</del>
DAVE HERBST	74	3/3/06	Dave Herbst
PAULINE HINDEIN	76	3/4/06	Pauline Hinden
ERED HINDEIN	43	3/04/06	Paula Lindson
PATRICIA A. RICHARDS	68	3/04/06	Patricia A. Richards
LARRY E. KENWAS	33	3/4/06	[Signature]
MICHAEL W. MALKOWSKI	78 (78)	3/4/06	[Signature]
LUCILLE DILLON (FAMILY FRIEND RESIDENT)	45	3/4/06	Lucille Dillon
Bernard E. Venuskus	39	3/4/06	Bernard E. Venuskus
MARGARET VENUSKUS	39	3/4/06	Margaret Venuskus
JASON GARANT	55	3-4-06	Jason Grant
Stephanie Grant	55	3/4/06	Stephanie Grant
Betty Ann Grant	92	3/4/06	Betty Ann Grant

I support Bob and Karin's sunroom addition at 70 La Cumbre Circle as approved by the City of Santa Barbara and the architectural board of Casa La Cumbre. However, the height of the sunroom must be no taller than the condo's existing roofline.

<u>NAME</u>	<u>UNIT #</u>	<u>DATE</u>	<u>SIGNATURE</u>
Robert Green (Live in Condo)	17	3/5/06	[Signature]
Wendy Kaufman	60	3/5/06	[Signature]
Eck Kaufmann	60	3/5/06	[Signature]
Gabrielle Dixon	30	3/5/06	[Signature]
Peter Mark Anderson	88	3/6/06	[Signature]
Kelly Lane	88	03/06/06	[Signature]
Annette S. Hughes	70	3/09/06	[Signature]
Corina M. Diaz	41	3/11/06	[Signature]
Mark Cameron	62	3/13/06	[Signature]
Paul Semmangatt for Ricky	102	3/16/06	[Signature]
MARY LOU MANKOWSKI	78	3/16/06	[Signature]
Richard C. Cavalieri	3	3/16/06	[Signature]
LORRAINE MOSER	45	3/16/06	[Signature]
William Smith	20	3/21/06	[Signature]
Karen Beckstead	40	3/24/06	[Signature]
Chris Olmstead	15	3/25/06	[Signature]

See other pages

I support Bob and Karin's sunroom addition at 70 La Cumbre Circle as approved by the City of Santa Barbara and the architectural board of Casa La Cumbre. However, the height of the sunroom must be no taller than the condo's existing roofline.

<u>NAME</u>	<u>UNIT #</u>	<u>DATE</u>	<u>SIGNATURE</u>
DOLORES WOODSON	82	3/4/06	Hobbes Woodson
MARSHA CRAWFORD	82	3/4/06	M. Woodson
Judy Frank	41	3/17/06	Judy Frank
THANH TRUONG	10	3/25/06	Thanh Truong



I support Bob and Karin's sunroom addition at 70 La Cumbre Circle as approved by the City of Santa Barbara and the architectural board of Casa La Cumbre. However, the height of the sunroom must be no taller than the condo's existing roofline. My signature below, rescinds my opposition formerly signed on a petition circulated by Beth Torres (Unit 72)

<u>NAME</u>	<u>UNIT #</u>	<u>DATE</u>	<u>SIGNATURE</u>
Bill Caplinger	33	3-4-06	<i>Bill Caplinger</i>
Bob Kukul (Brian Kukul)	16	3-5-06	<i>Bob Kukul</i>
Dennis Pope	38	3-5-06	<i>Dennis Pope</i>
Dolly Gammis	38	3-5-06	<i>Dolly Gammis</i>
Chad Misumi	1	3-13-06	<i>Chad Misumi</i>
James Dominguez	1	3-13-06	<i>James T. Misumi</i>
Melinda Christman	13	3/16/06	<i>Melinda Christman</i>
Joe Chrisman	13	3/16/06	<i>Joe Chrisman</i>
Connie Sheller	108	3-16-06	<i>Connie Sheller</i>
Deborah L. Willis	104	3-17-06	<i>Deborah L. Willis aka Rogers</i>
LAWRENCE F. SCALISE	22	3-20-06	<i>Lawrence F. Scalise</i>
EUNICE BRADY	46	3-21-06	<i>Eunice G. Brady</i>
Blaine Caplinger	30	3-22-06	<i>Blaine Caplinger</i>
Alma K. Marshall	34	3-23	<i>Alma K. Marshall</i>
JACKIE PAPANAREA	18	3-29-06	<i>Jackie Papanarea</i>
Michael Liberman	4	3/24/06	<i>Michael Liberman</i>

I support Bob and Karin's sunroom addition at 70 La Cumbre Circle as approved by the City of Santa Barbara and the architectural board of Casa La Cumbre. However, the height of the sunroom must be no taller than the condo's existing roofline. My signature below, rescinds my opposition formerly signed on a petition circulated by Beth Torres (Unit 72)

NAME

DATE

UNIT #

SIGNATURE

Kathy O'Connell

3/25/06

15

K. O'Connell

Tina D

3/25/06

11

Tina D

MARCOS VALLERES

3-24-06

52

Marcos Valleres

I am NEUTRAL to Bob and Karin's sunroom addition at 70 La Cumbre Circle, as approved by the City of Santa Barbara and the architectural board of Casa La Cumbre. However, my signature below rescinds my opposition formerly signed on a petition circulated by Beth Torres (Unit 72).



<u>NAME</u>	<u>UNIT #</u>	<u>DATE</u>	<u>SIGNATURE</u>
Joan Churchill	47	3-4-06	Joan Churchill
HENRY + MARY HONRATH	57	3-5-06	Henry Honrath
MARY KAY HONRATH	57	3-5-06	Mary K. Honrath
Chaire Kerigan	50	3-7-06	Chaire Kerigan
Linda McIntosh	112	3-20-06	Linda McIntosh
VIRGINIA MADDEN	98	3-21-06	Virginia Madden

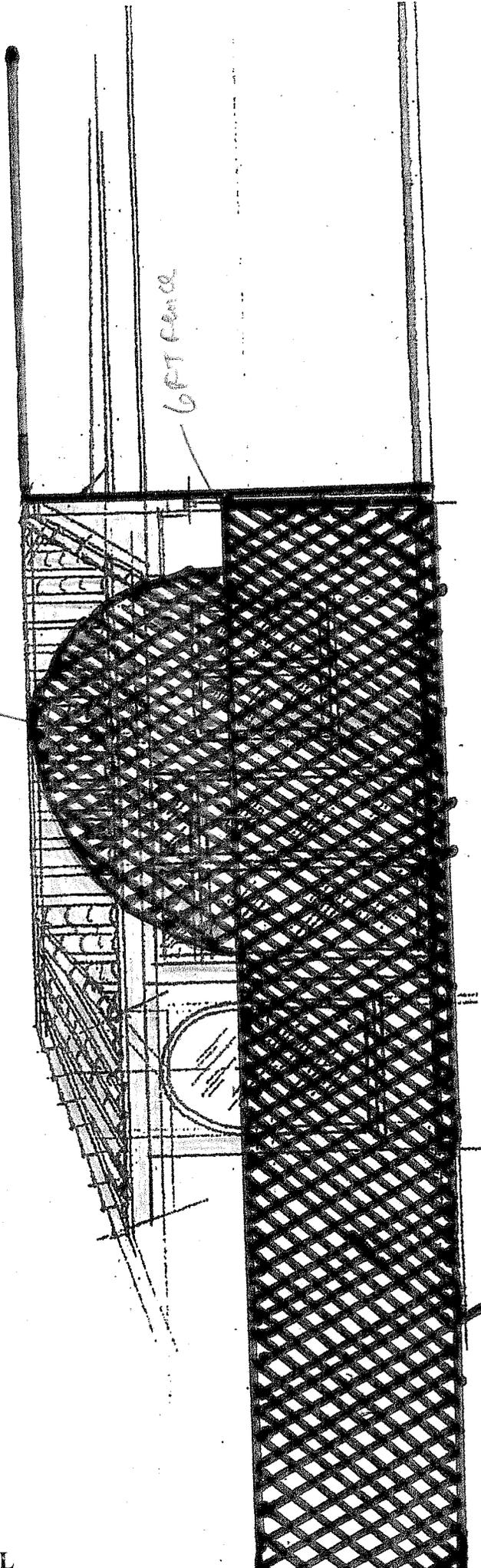
Moved to support



Hughes  
70 LA  
Com See Circle

Existing Orange Peel

6 FT fence





Mr. and Mrs. Robert Hughes  
84 La Cumbre Circle  
Santa Barbara, CA 93105  
bobkarinh@cox.net  
(805) 636-9619

March 24, 2006

Ms. Beth Torres  
72 La Cumbre Circle  
Santa Barbara, CA 93105

Dear Ms. Torres:

We wanted to let you know that we have lowered the maximum height of our planned sunroom addition at 70 La Cumbre Circle so that the sunroom's maximum height will be no taller than the existing condo's roofline. We hope that this modification will be to your liking.

If you want any more information or have any concerns, please feel free to contact us in person at the above address or through any of our contact details.

Sincerely,

Handwritten signatures of Bob Hughes and Carol J. Hughes.

Mr. and Mrs. Robert Hughes

CC: Santa Barbara Planning Commission, Gary Kurth, etc.



**Karin Hughes**

---

**From:** "WAYNE HOLDEN" <wayneholden@verizon.net>  
**To:** "Bob & Karin Hughes" <bobkarinh@cox.net>  
**Sent:** Tuesday, March 28, 2006 4:54 PM  
**Subject:** Fw: 70 La Cumbre Circle

----- Original Message -----

**From:** WAYNE HOLDEN  
**To:** Bob & Karin Hughes  
**Sent:** Tuesday, March 28, 2006 11:30 AM  
**Subject:** 84 La Cumbre Circle

Mr. & Mrs. Bob Hughes  
70 La Cumbre Circle  
Santa Barbara, California

Per our telephone conversation of March 27, 2006 this is a follow-up commentary. I have been appraising real estate in Santa Barbara for more than thirty-three years. I am the owner of Appraisal Company of Santa Barbara.

The dispute your neighbor has regarding your proposed sunroom addition does not appear to have merit. It would be extremely difficult to prove the loss in value of an adjacent property due to this type of improvement. Nine times out of ten, when properties are updated or have additions, adjacent properties are benefited not diminished. In my years of experience, there is more market data to support adjacent properties increase in value not decrease. If there were unusual characteristics about your addition the homeowner's association would have raised these points during this process of your planning. In my opinion, there are not unusual characteristics which would pose an adverse impact to the adjacent owner based on your planned addition.

The market is slowing at this time. There are a larger number of condominium units on the market. Interest rates have been increasing and are expected to continue. The high prices created the past few years together with rising interest rates can produce market values to decrease. However, this is different than a decrease in value due to an addition by an adjacent property owner. A value loss can only be determined by specific market data with similar property attributes.

Eric Kitchen is a fine local attorney. I find it difficult to believe he has data that would support a value loss of 3% to your adjacent property owner based on your proposed addition. This, in my opinion, must be based on pure speculation. Your project has not been built yet, so how can any impact be determined. As long as you meet current building standards, zoning and planning requirements, setback requirements, height limitations and have the approval of the Owner's Association there should be no problem relating to a negative impact. These standards and government controls are in place to protect the quality of surrounding properties from this type of proposed addition.

I can provide you with the names of good local attorneys that can assist you with this matter if the need comes. If you have any other questions or need further consultation please do not hesitate to call.

Wayne E. Holden, SRPA  
Appraisal Company of Santa Barbara  
3463 State Street, PMB 477  
Santa Barbara, California 93105

(805) 445-1901  
(805) 445-1969 Facsimile

wayneholden@verizon.net



March 30, 2006

To Whom It May Concern:

I am the owner and currently reside at 68 La Cumbre Circle,  
Santa Barbara, CA.

With this letter I would like to notify you of my approval of the  
proposed Sunroom addition at 70 La Cumbre Circle. The Hughes  
family has explained the addition to me, which is directly next  
door to my condominium. I understand that this Sunroom  
addition will be approximately 8 feet 6 inches from our common  
fence line, and I find no objection to this.

I offer the Hughes family my support.

Should you have any questions, you may contact me.

Sincerely,

A handwritten signature in cursive script that reads "Pat Richards".

Pat Richards  
68 La Cumbre Circle  
Santa Barbara, CA 93105

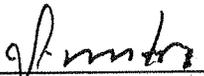
La Cumbre Circle  
Homeowners Association

March 03, 2006

I hereby acknowledge that I have spoken to Kurt Lehmann on March 3, 2006 as interpreter regarding Robert and Karin Hughes sunroom addition at 70 La Cumbre Circle, Santa Barbara, CA. Mr. Lehmann explained to me that the sunroom addition would be approximately 16 by 18 feet with many windows and sliding glass doors. This sunroom shall have a Spanish tile roof. I offer them my congratulations and acceptance on presenting such a nice addition to the La Cumbre Circle.

Yes, I approve of this addition.

Sincerely,

  
\_\_\_\_\_

Guenter Herbst

  
\_\_\_\_\_

Thea Herbst

Owners 74 La Cumbre Circle, Santa Barbara, CA 93105