



Public Comment Received for: Item D: 1235 N Salsipuedes St (PLN2020-00629)

From: [Cheri Rae](#)
To: [Community Development HLCsecretary](#); [Nicole Hernandez](#); [Barbara Burkhart](#)
Subject: Re: CORRECTION RE Notice to Neighbor
Date: Monday, October 17, 2022 8:43:15 AM

Some people who received this message don't often get email from cheri@thetrailmaster.com.
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EXTERNAL

Dear HLC Secretary:

CORRECTION PLEASE: I just realized that in the letter I sent, I referred to the home of Julie Wood as 1235—it is in fact 1225, but it bears the consequences of the questionable fence between the two properties. I have corrected the letter below, with my apologies.

All best, Cher Rae

Please distribute the following letter to each and every member of the HLC. Please notify me when that has been done. Thank you, Cheri Rae

Dear HLC Members,

Thank you for your service to the community. I am writing to you regarding the notification I received about an upcoming design review regarding a fence and enclosure at 1235 North Salsipuedes Street. I strenuously object to having this hearing scheduled for the consent calendar only because it is not a “Minor Zoning Exemption request.” It is a major problem, with much history to consider.

That property is across the street from my home at 610 East Victoria Street, and like mine, it is a historic property located within the Lower Riviera Design District. I served on the group that worked closely with the city to carefully craft those guidelines and I continue to believe they are important and should be enforced to maintain the integrity of this important neighborhood.

The distinctive, oak-shaded, Craftsman at 1225 is beautifully situated above the street. Its elegant river rock wall and artistic Greene and Greene inspired details has long been occupied by Julie Wood, a fine steward of this unique property. The home was built by and home to famous and influential Santa Barbara artist Robert Hyde, as was the one next door. They were once one lot, split many years ago.
<https://www.independent.com/2009/10/10/what-can-you-tell-me-about-s-b-artist-robert-hyde/>

The fence in question that now separates the two properties, 1225 and 1235 North Salsipuedes significantly degrades the look and feel of these two properties that should be handled with appropriate respect. It also disrespects the memory of the elegant artist who built these two fine homes. I hate to think what he would think to see this constructed on his property (see photo below).

It would be an embarrassment constructed in any neighborhood, between any homes. I shudder to think how I would feel if a neighbor decided to simply build one fence on top of another and act as though it would be appropriate. When my neighbor and I decided we needed a fence, we worked collaboratively on design, cost, scheduling and made it happen. That's what good neighbors do.

I want to point out if there is some sort of thinking that because this fence-atop-a-fence is not visible on the street it's acceptable, this would be like allowing vinyl windows on part of a historic bungalow where they are not visible from the street. The existing structure makes a mockery of the historic design guidelines that apply in this neighborhood, and the aesthetic sensibility that applies in this community.

I have no knowledge of the "waste and recycling enclosure" that is also part of this request, but I would like to add that a few years ago, the applicant complained to the City about a small, unobtrusive wooden bicycle enclosure that Ms. Wood had on her property. It was very sad that the special structure where her boys' bikes and helmets had been placed for years, had to be torn down due to the whims of a complaining neighbor. The applicant was adamant that it should be removed, and technically, it was required to be removed after the complaint was made. I see no reason whatsoever to reward the applicant by granting an exemption for their own structure they now want that apparently is non-conforming.

My suggestion is that if the applicant continues to want a much higher fence than was originally constructed when the properties were split, that the City require the fence-atop-a-fence conglomeration be demolished and bear the cost of an entirely new, tasteful and appropriately sized and designed fence built in accordance with existing historic and building guidelines and aesthetic appeal.

Thank you for your consideration.

Sincerely,

Cheri Rae McKinney
610 East Victoria Street
Santa Barbara, CA 93103

(805) 963-7037

<530 E Victoria fence 2.jpeg>

From: [Wood Julie](#)
To: [Community Development HLCsecretary](#)
Cc: [Nicole Hernandez](#); [Barbara Burkhardt](#); [Philip Lief](#)
Subject: Request for Careful Design Review
Date: Thursday, October 20, 2022 4:44:56 PM
Attachments: [photos.zip](#)
[Fencing Violation letter.pdf](#)

Some people who received this message don't often get email from juliewoodhome@gmail.com.
[Learn why this is important](#)

EXTERNAL

Hello,

Attached please find photos of the fence that will be discussed by members of the HLC on Oct. 26, 2022. I have communicated our concerns about the design of the fence to Building and Safety; Nicole Hernandez, Urban Historian; Ted Hamilton, Planner; and others at the City since spring, 2020. Because of the significance of the structures it runs between, we request that the design of the fence be carefully reviewed.

The photos show that the fence has been built on top of an existing fence. It runs between the two houses built by Robert Wilson Hyde, artist of the Arts and Crafts movement and father of Robert McKee (Bobby) Hyde who started the Mountain Drive Community. These homes are lovely examples of craftsman architecture and on the City's list as potential Structures of Merit.

The house at 1225 N. Salsipuedes St. is where we live. It was built in 1906 and was the residence of Bobby Hyde and his family at the time he wrote Six More at Sixty. The house is referenced in the current exhibit at the Santa Barbara Museum of History on the Mountain Drive Community and lies within the Bungalow Haven District.

The other house, built in 1912, is a duplex with two addresses: 1235 N. Salsipuedes St. and 530 E. Victoria St. The Notice to Neighbor states that the project address is 1235 N. Salsipuedes St., but that is not correct. The fence actually borders 530 E. Victoria Street. It, too, lies in the Bungalow Haven District, and Robert Wilson Hyde lived there in his later years.

We imagine Bobby Hyde and his father, RW, two lanky men in suspenders, shoulder to shoulder, staring intently at the fence, when

RW mutters: “Son, what happened here?”

Thank you,

Julie Alpert Wood
1225 N. Salsipuedes St.
Santa Barbara, CA. 93103
805-452-7427



Notice of Violation

City of Santa Barbara
Building & Safety

9/23/2020

Gray, Leslie J. Revocable Trust 7/2/15, Leslie J. Gray, Trustee
530 E. Victoria St.
Santa Barbara, CA 93103

APN: 029-141-022

Case Number: ENF2020-00293

Subject Property: 1235 N. SALSIPIUEDES ST., SANTA BARBARA, CA 93103

Dear Gray, Leslie J. Revocable Trust 7/2/15, Leslie J. Gray, Trustee,

Due to a recent concern filed with the Building & Safety Division, an inspection at the Subject Property was performed on 9/21/2020. As a result of our investigation, we have found the Property to be in violation of Santa Barbara Municipal Code as follows:

Violation: Santa Barbara Municipal Code 22.04.010 Work Without Permit - Residential

VIOLATION DESCRIPTION: Fencing more than 42" in height without approvals or permit.

CODE SECTIONS: California Residential Code Section R105.1 Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

California Residential Code Section R105.2 Work Exempt From Permit. Permits shall not be required for the following.

Building: 2. Residential fences and walls not over 3½ feet high, as measured from the lowest adjacent grade of the fence or wall, and that such fence or wall will not adversely affect drainage or cause erosion.

Specifically: A 6 1/2' dog-eared cedar fence has been built on top of an existing picket fence in-between 1235 and 1225 N. Salsipuedes and down the side of 530 E. Victoria St. without approvals or permit. Exhibits 1-4

REMEDY: Consult with the appropriate design, planning, engineering and/or construction professionals. Prepare and submit a complete application for the building permit(s) that are required to either legalize the subject unpermitted work or make a record of demolishing the unpermitted work. Applications for Building Permit can be made online at SantaBarbaraCA.gov/OnlineBuildingPermits.

Abatement Due Date: 11/23/2020





Exhibit 1



Exhibit 2





Exhibit 3

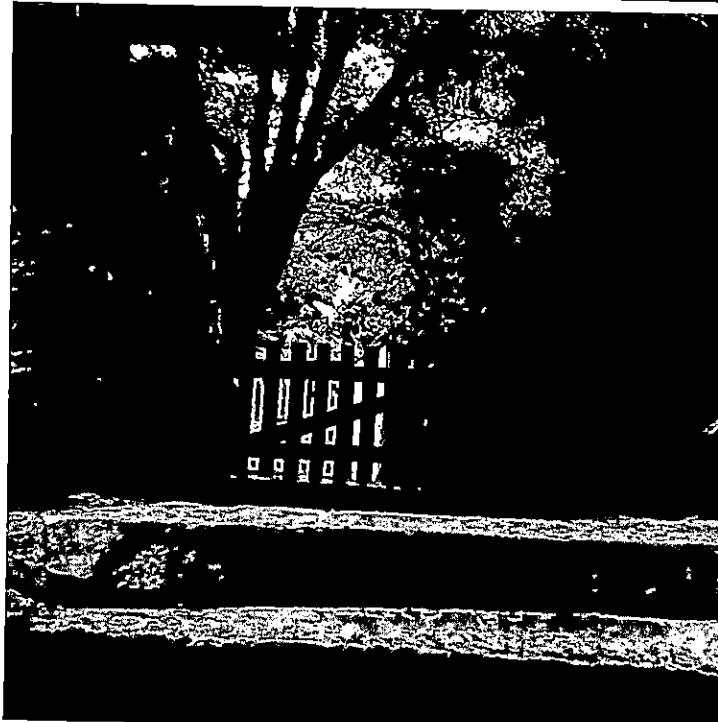


Exhibit 4

The Building Official has determined that the violations on the Property must be abated in an expeditious manner.

- **Work must be completed and all violations abated on or before the Abatement Due Date for each violation above.**

If the date is not met, further legal action may be necessary.

This Notice of Violation identifies the concerns of the Building & Safety Division of the City of Santa Barbara. Other departments or divisions of this City and other governmental agencies may have additional concerns or requirements.



Tax Implications

Pursuant of California Revenue and Taxation Code sections 17274 and 24436.5, the City may forward information regarding you and any other owners of the above-referenced property to the State Franchise Tax Board for violation of State and City laws related to the health, safety, and building if the above listed property constitutes substandard housing. This action will prevent you, any other owners, or subsequent owners from deducting interest, taxes, depreciation, or amortization for the above-referenced property on the state income taxes. In order to prevent this, you must immediately comply with all State and City laws to abate all violations.

Appeal Rights

Any party aggrieved by this decision of the City's Chief Building Official including but not limited to decisions or determinations made relative to the application and interpretations of the technical codes, and the refusal, suspension, voiding, or revocation of a license or permit, may appeal such decision to the Building and Fire Code Board of Appeals by obtaining an appeal form on the internet at <http://www.santabarbaraca.gov/services/planning/forms/building.asp> or from the City Building & Safety office. You are required to submit the appeal form within ten (10) days from the date of this notice in order for your appeal to be heard by the Building and Fire Code Board of Appeals. The completed appeal form must be delivered to the City's Building & Safety office located at 630 Garden St., Santa Barbara, CA 93101.

For information regarding the appeals process, please refer to Santa Barbara Municipal Code Section 22.04.020 or contact the Community Development Department at (805) 564-5502. For information on Building and Fire Code Board of Appeals please visit the following website <http://www.santabarbaraca.gov/gov/brdcomm/ac/bfcba/default.asp>

Tenant Relocation Required (Residential Use Only)

Pursuant to Health and Safety Code section 17975, you are hereby notified as the owner of the subject property that any tenant on the subject property who is displaced or subject to displacement from a residential rental unit at the subject property as a result of this order requiring the vacation of a residential unit by the City of Santa Barbara Building & Safety Department as a result of the violation(s) noted above being so extensive and of such a nature that the immediate health and safety of the residents is endangered, that the tenant(s) shall be entitled to receive relocation benefits from you, the property owner.

Pursuant to Health and Safety Code section 17975.1, the relocation benefits shall be paid by you, the owner or designated agent, to the tenant within 10 days after the date of this notice to vacate which has been posted on the premises, or at least 20 days prior to the vacation date set forth in this notice to vacate, whichever occurs later. If there are fewer than 10 days between the date of this notice to vacate and the vacation date, the relocation benefits shall be paid by you, the owner or designated agent, to the tenant within 24 hours of the date of this notice.

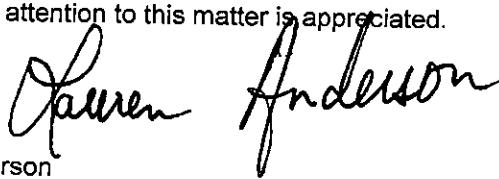
This notice has also been given to the tenant in possession of the property. You cannot retaliate against the tenant pursuant to Civil Code section 1942.5. The relocation payment shall be made available by you, the owner or designated agent, to the tenant pursuant to Health and Safety Code section 17975.2.

Contact Information

Our office phone number is (805) 564-5485. Our offices are closed every other Friday. Please call (805) 564-5485 to find out the Friday we will be closed. Inspector office hours are 7:30-8:30 a.m. and 3:00-4:00 p.m. Monday through Friday except for Thursday afternoon and our "off" Friday. You may also contact our office for plan submittal and permit issuance requirements at (805) 564-5485 between the hours of 7:30 and 4:30 p.m., Monday through Friday. Applications for Building Permit can be made online at SantaBarbaraCa.gov/OnlineBuildingPermits. Additional information is available online at www.SantaBarbaraCa.gov

Your prompt attention to this matter is appreciated.

Sincerely,



Lauren Anderson
Senior Building Inspector
City of Santa Barbara
(805) 897-2604
Landerson@SantaBarbaraCA.gov















