



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-06

1464 LA CIMA ROAD

DENIAL OF MODIFICATION APPEAL

APRIL 6, 2006

**APPEAL OF TONY FISCHER, AGENT FOR JOHN AND KATHY COOK, OF A
MODIFICATION APPROVAL OF AN APPLICATION OF SYNDI SOUTER, AGENT FOR
SCOTT MCCOSKER, FOR 1464 LA CIMA ROAD, APN 041-022-0032, R-1 ONE-FAMILY
RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER
ACRE (MST2006-00026)**

The 10,615 square foot project site is currently developed with a 2,000 square foot single family residence and attached garage. There is currently construction occurring on the property which will result in approximately 500 square feet of first, lower, and upper level additions, as well as the carport being converted into a garage. It has been brought to Staff's attention that a 31 square foot portion of the upper level addition was approved, permitted, and built within the required twenty-foot front yard setback.

The discretionary application required for this project is a Modification to permit new construction within the required twenty-foot (20') front yard setback (SBMC §238.15.060).

On February 1, 2006, a Public Hearing was held and the Staff Hearing Officer made the required findings and approved the encroachment. This is an appeal of that decision.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (ENV2006-00026).

WHEREAS, the Planning Commission 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 denial, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 31, 2006.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Denied the appeal application making the following findings and determinations:

Staff recommends that the Planning Commission deny the appeal because the "as-built" encroachment is no closer to the street than the second story that was approved in 1982 is

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necessary to secure an appropriate improvement on the lot, and prevents unreasonable hardship.

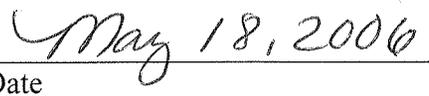
This motion was passed and adopted on the 6th day of April, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (White, Jacobs)

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



Julie Rodriguez, Planning Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.