



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 068-07

49 AND 51 VIA ALICIA

MODIFICATION

AUGUST 15, 2007

APPLICATION OF ISAAC ROMERO OF SUZANNE ELLEDGE'S OFFICE, AGENT, AND NEUMANN, MENDRO, ANDRULAITIS, ARCHITECTS, FOR KAREN AND PAUL KURTH, PROPERTY OWNERS, 49 & 51 VIA ALICIA, APNS 013-230-012 & 013-230-013, E-1/SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACRE (MST2002-00005)

The project consists of a lot line adjustment for changes to a previously approved Parcel Map Amendment approved by the Planning Commission on July 14, 2004 (Resolution 034-04). The changes consist of alterations to the shape of an approved development envelope, a re-design of the approved residence at 49 Via Alicia and a newly proposed Lot Line Adjustment between 49 Via Alicia (013-230-012) and 51 Via Alicia (013-230-013). 49 Via Alicia (Parcel 1) is proposed to change from 43,577 square feet to 48,207 square feet and 51 Via Alicia (Parcel 2) is proposed to change from 43,732 square feet to 39,102 square feet and both lots are in the Hillside Design District. The changes also include: 1) eliminating the approved driveway for 49 Via Alicia and propose a newly configured driveway entering the site at 51 Via Alicia; 2) amending the development & building envelope at 51 Via Alicia; 3) proposal of a new residence on 49 Via Alicia that is smaller in square footage and lower in height than the currently approved design. The Planning Commission approved a conceptual residence for 51 Via Alicia however; the owner is not pursuing construction of that residence at this time; and 4) revising the grading plan to reduce the overall amount of grading for the site with cut and fill for both parcels (outside the main building footprint) would exceed 500 cubic yards. Retaining walls of three to four feet in height are proposed to be constructed for the driveway improvements. The proposal includes demolishing the existing 3,410 square foot, single-story residence and constructing a new 5,203 square foot two-story residence at 49 Via Alicia (APN 013-202-009). The discretionary application required for this project is a Lot Line Adjustment to revise the lot lines between the existing parcels at 49 and 51 Via Alicia (SBMC Chapter 27.40).

The Environmental Analyst has determined that the previous Mitigated Negative Declaration approved by the Planning Commission on May 18, 1999 (ENV97-0609), together with the Addendum dated May 12, 2004, are adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA. Prior to an action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act Guidelines Sections 15074 and 15164.

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

1. Staff Report with Attachments, August 8, 2007.
2. Site Plans

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

I. Approved the subject application making the following findings and determinations:

A. Environmental Findings

1. The Staff Hearing Officer has considered the Addendum, dated May 2 2004, for the residential development proposed at 49 and 51 Via Alicia. (MST2002-00005), together with the Mitigated Negative Declaration (ENV97-06092002) for the original project, and any public comments received.
2. The Addendum to Mitigated Negative Declaration for MST2002-00005 has been prepared in compliance with California Environmental Quality Act requirements and is hereby adopted. The Addendum together with the adopted MND constitutes adequate environmental analysis of the current proposed project at 49 and 51 Via Alicia.
3. Mitigation measures identified in the Mitigated Negative Declaration and Addendum, including the 50-foot setback on 51 Via Alicia and the building height limitation for both parcels, have been agreed to by the applicant and incorporated into the current project as conditions of approval and would avoid or reduce all potentially significant impacts to less than significant levels. In the Staff Hearing Officer's independent judgment and analysis based on the whole record, there is no substantial evidence that the proposed project at 49 and 51 Via Alicia will have a significant effect on the environment.
4. The location and custodian of documents associated with the environmental review process and decision for the project at 49 and 51 Via Alicia (MST2002-00005) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93102.
5. The proposed project at 49 and 51 Via Alicia (MST2002-00005) will not result in a significant effect on fish and wildlife resources with the inclusion of identified mitigation measures. The California Department of Fish and Game review fees have been paid for the project.

B. Lot Line Adjustment (SBMC §27.40 Government Code §66412)

The proposed adjusted parcels at 49 and 51 Via Alicia conform to the City's General Plan, Zoning Ordinance and Building Codes meeting all lot area, street frontage and setback requirements.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Previous PC Conditions Still Apply.** Except as revised in this Lot Line Adjustment, all conditions imposed on the subdivision of 49 and 51 Via Alicia, as outlined in Planning Commission Resolution No. 034-04 shall be incorporated into the Lot Line Adjustment.

B. **Public Works Submittal Prior to Recordation of the Lot Line Adjustment Agreement.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to recordation of the Lot Line Adjustment Agreement and prior to the issuance of any permits for the project:

Dedication(s). Easements as shown on the approved Lot Line Adjustment Exhibit and described in a separate instrument as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division.

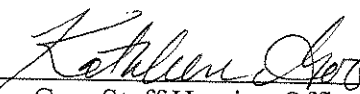
A reciprocal access easement as shown on the Lot Line Adjustment Exhibit dated June 2007, for ingress, egress, public and private utilities and drainage in favor of both lots known as APN 013-230-013 and APN 013-230-012.

C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

Lot Line Adjustment Required. The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.

This motion was passed and adopted on the 15th day of August, 2007 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. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
4. **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.
5. **NOTICE OF LOT LINE ADJUSTMENT (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire two (2) years from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.100 or the provisions of the California Subdivision Map Act.