



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-17

413 DIBBLEE AVENUE

APPEAL OF BUILDING PERMIT APPLICATION DENIAL
AND VARIANCE REQUEST

APRIL 20, 2017

APPLICATION OF SUSAN BASHAM, PRICE, POSTEL & PARMA LLP, ATTORNEY FOR RUBEN MAGALLANES, 413 DIBBLEE AVENUE, APN 037-112-003, R-4 (HOTEL-MOTEL-MULTIPLE RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (MST2017-00008)

The Chief Building Official denied a building permit application for an “as-built” conversion of a storage basement to habitable space in an area located within the FEMA 100-year Special Flood Hazard Area and with a lowest finished floor elevation that is below the FEMA Base Flood Elevation. The denial of the building permit application by the Chief Building Official has been appealed by the property owner, and a variance to allow the conversion has been requested.

The discretionary application required for this project is a Variance to allow the conversion of the storage basement to habitable space (SBMC Chapter 22.24).

California Environmental Quality Act Guidelines Section 15270 states that CEQA does not apply to projects that a public agency rejects or disapproves. Further environmental review would be required if the application is approved. If the Planning Commission wishes to consider the approval of the Variance application, the hearing will be continued in order for City staff to analyze the project’s effects on the environment and prepare an environmental document in compliance with CEQA.

WHEREAS, the Planning Commission has held the required public hearing on the above appeal, and the Appellant was present.

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

1. Staff Report with Attachments, April 13 2017

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission

- I. Denied the appeal and upheld the decision by the Chief Building Official / Floodplain Manager to deny a building permit application for the conversion of a storage basement to habitable space.

This motion was passed and adopted on the 20th day of April, 2017 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Higgins, Schwartz, Thompson) ABSTAIN: 0 ABSENT: 0

II. Denied the variance request to allow the conversion of the storage basement to habitable space based on the inability to make the following findings:

FLOODPLAIN MANAGAMENT ORDINANCE - VARIANCE (SBMC §22.24.150)

1. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
2. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 22.24.140.D, or conflict with existing local laws

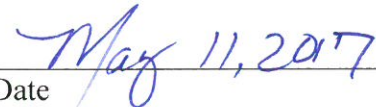
This motion was passed and adopted on the 20th day of April, 2017 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Higgins, Schwartz, Thompson) ABSTAIN: 0 ABSENT: 0

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

PLEASE BE ADVISED:

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