



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 23, 2008  
**AGENDA DATE:** May 7, 2008  
**PROJECT ADDRESS:** 1810 Las Canoas Road (MST2005-00806)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor  
 Betsy Teeter, Planning Technician II

### I. PROJECT DESCRIPTION

The 6.5 acre project site is currently developed with a 1,775 square-foot single family residence, 500 square-foot accessory structure, a 1,195 square-foot barn, a 528 square-foot garage, and a 480 square-foot "as-built" accessory building. The proposed project involves legalization of the "as-built" structure. The discretionary application required for this project is a Modification to permit detached accessory floor area in excess of 500 square-feet (SBMC § 28.87.160). Failure to pull the necessary building permit within the two year time limit resulted in expiration of the approval. This is a request to reinstate that approval.

Date Application Accepted: March 18, Date Action Required: August 7, 2008  
 2008

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Patrick & Nancy Davis	Property Owner: Patrick & Nancy Davis
Parcel Number: 012-040-003	Lot Area: 278,784 sf
General Plan Designation: 1 Unit/ Acre	Zoning: A-1 One-Family Residence Zone
Existing Use: One-Family Residence	Topography/Slope: 31% Average Slope

#### Adjacent Land Uses

North: One-Family Residence	East: One-Family Residence
South: One-Family Residence	West: Skofield Park

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,175 sf	No Change
Carport	528 sf	No Change
Accessory Space	2,175 sf	No Change

**III. LOT AREA COVERAGE**

Lot Coverage (Proposed):

Building:	4,478 s.f. (2%)
Paving/Driveway	3,200 s.f. (1%)
Landscaping	271,106 s.f. (97%)
Lot Area:	Approx. 6.5 acres

**IV. DISCUSSION**

On January 17, 2006, this project was reviewed by the Architectural Board of Review (ABR) and received positive comments. The Board's position was that this Modification was technical in nature and had no aesthetic impact to the neighborhood or the site (Exhibit C). On February 15, 2006, this project was approved by the Staff Hearing Officer subject to the Conditions of Approval set forth in Resolution No. 001-06. All Conditions have been complied with, including recordation of a Zoning Compliance Declaration. On July 31, 2006, this project received final ABR approval as submitted, with the finding that the Neighborhood Preservation Ordinance criteria had been met as stated in Subsection 22.68.060 of the City of Santa Barbara Municipal Code. On July 31, 2007, the applicant received a one year extension of the ABR approval. The Staff Hearing Officer approval expired on February 15, 2008 due to the failure of the applicant to secure the necessary building permit.

The purpose and intent of limiting accessory size is to prevent a proliferation of detached structures on single family lots. Regardless of the lot size, the 500 square foot maximum attempts to provide adequate detached structures for auxiliary uses on all single family residential zoned lots. Although the 500 square foot maximum makes sense for the smaller lot sizes, Staff routinely supports larger amounts of accessory space for greater lot areas. This lot, with over 6.5 acres, can easily accommodate more than the allowable without impacts to this property or to the neighborhood.

**V. RECOMMENDATION/FINDINGS**

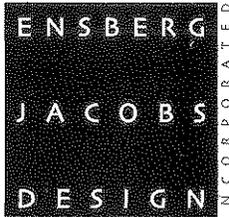
Staff recommends that the Staff Hearing Officer approve the project by making the findings that the Modification is necessary to secure an appropriate improvement on site and meets the

purpose and intent of the ordinance by providing an amount of accessory space that is in proportion with the lot area.

Exhibits:

- A. Project Plan
- B. Applicant's letter dated March 18, 2008
- C. ABR Minutes, January 17, 2006
- D. ABR Minutes, July 31, 2006
- E. SHO Resolution No. 001-06
- F. Staff Hearing Officer Minutes, February 15, 2006
- G. Zoning Compliance Declaration recorded December 13, 2007

Contact/Case Planner: Betsy Teeter, Planning Technician II  
([bteeter@SantaBarbaraCA.gov](mailto:bteeter@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470



3.18.2008

Modification Hearing Officer  
City of Santa Barbara  
630 Garden St.  
Santa Barbara, CA 93101

**RE:                    Modification Request: Reinstate Resolution 001-06, Accessory Structure As-Built  
                          1810 Las Canoas Rd  
                          APN 012-040-003  
                          A-1 Zone**

**EXISTING CONDITIONS, PROPOSED PROJECT**

Existing structures on this lot include the following:

- 1.)        1,775 (net) s.f. Single Family Residence, and
- 2.)        Detached Accessory Structures:
  - 2.1        500 (net) s.f. Artist Studio ("Bunk House")
  - 2.2        1,195 (net) s.f. Barn
  - 2.3        528 s.f. (net) Garage
  - 2.4        480 s.f. (net) Garden Storage Shed (Proposed as Built)

**SPECIFIC MODIFICATION REQUEST**

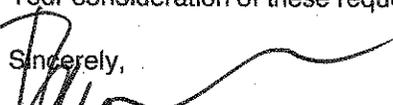
1.0        To reinstate Resolution 001-06, granted 2.15.2006, which permitted an As-Built 480 s.f. (net) Accessory Structure (Garden Storage Shed) and allowed detached accessory floor area in excess of 500 s.f. (SBMC 28.87.160). Building Permit 2006-01794 is ready to issue; it only requires reinstatement of Resolution 001-06.

**PROJECT BENEFITS**

- 1.)        The Accessory Structure serves as a storage and workshop area for the existing small house. It is a fireproof, sustainably built structure that compliments the rural nature of the surrounding structures. It is a honest, modest functional accessory structure of enormous sentimental value to the Owner, who built the structure with his deceased son.
- 2.)        The Accessory Structure is sited away from the other structures and the street. It complies with all required setback regulations and height regulations. It is built according to the High Fire requirements. It is not a habitable structure and does not add an additional living unit to the property. It has no impact on any surrounding structures on neighboring property.
- 3.)        On January 17, 2006 this as-built project was reviewed by the Architectural Board of Review and received positive comments. The Board's position was that this Modification was technical in nature, had no aesthetic impact to the neighborhood or site. One letter from a neighbor was received (Gwen Phillips) which stated that she "heartily approved" of the project.
- 4.)        This lot, with over 6.5 acres, can easily accommodate more that the allowable accessory structure area without impact to this property or to the neighborhood.
- 5.)        The project was previously granted the above referenced modification which was unintentionally allowed to lapse; this application requests it be reinstated.

Your consideration of these requests is greatly appreciated.

Sincerely,

  
Tom Jacobs, A.I.A.  
ENSBERG JACOBS DESIGN

  
Patrick and Nancy Davis  
HOMEOWNERS

**EXHIBIT B**

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****8. 1810 LAS CANOAS RD**

A-1 Zone

Assessor's Parcel Number: 021-040-003  
Application Number: MST2005-00806  
Owner: Patrick H. & Nancy D. Davis  
Architect: Tom Jacobs

(Proposal to permit an "as-built" 480 square foot, one-story straw-bale accessory building on a 6.6 acre lot located in the Hillside Design District. The lot is currently developed with a non-conforming 1775 square foot one-story residence, a 528 square foot two-car garage, a 1,195 square foot barn, and a 500 square foot detached guest house to remain unaltered. A modification is required for the accessory square footage in excess of 500 square feet. The total proposed accessory square footage on site is 2,175.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT,  
NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND A MODIFICATION.)**

**(8:41)**

Tom Jacobs, Architect; Patrick and Nancy Davis; Owners; present.

A letter was read into the record submitted from Gwen Phillips which stated that she "heartily" approves of the project.

Motion: Continued indefinitely to the Modification Hearing Officer with the comment that the modification request is supportable by the Board, as it is technical in nature with no aesthetic impact and the building is compatible with adjacent structures.

Action: LeCron/Bartlett, 8/0/0.

**FINAL REVIEW****C. 618 MIRAMONTE DR**

E-1 Zone

Assessor's Parcel Number: 035-252-004  
Application Number: MST2006-00228  
Owner: Douglas M. and Diane D. Eardley  
Architect: John Kelley

(Proposal to construct a new 209 square foot front porch and stairs and replace front door, two garage doors and some existing windows. The existing 105 square foot front porch & existing stairs will be demolished. The property consists of a 3,952 square foot single family residence that includes a 413 square foot two-car garage and a 315 square foot basement located on an 11,691 square foot lot in the Hillside Design District. A modification is required for work in the front yard setback.)

**(Modification approved on June 21, 2006. Final Approval is requested.)**

**(PROJECT REQUIRES NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS.)**

Final Approval as submitted with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.68.060 of the City of Santa Barbara Municipal Code.



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 001-06

1810 LAS CANOAS ROAD

MODIFICATION

FEBRUARY 15, 2006

**APPLICATION OF TOM JACOBS, AGENT FOR PATRICK DAVIS, 1810 LAS CANOAS ROAD, 021-040-003, A-1 ONE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2005-00806)**

The 6.5 acre project site is currently developed with a 1,775 square-foot single family residence, 500 square-foot accessory structure, 1,195 square-foot barn, 528 square-foot garage, and a 480 square-foot "as-built" accessory building. The proposed project involves legalization of the "as-built" structure.

The discretionary application required for this project is a Modification to permit detached accessory floor area in excess of 500 square-feet (SBMC § 28.87.160).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303(ENV2005-00806).

**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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 15, 2006.
2. Site Plans

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

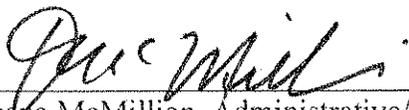
- I. Approved the subject application to permit more than 500 square feet of accessory space is both appropriate to this property and consistent with the purpose and intent of the ordinance.
- II. Said approval is subject to the following conditions:
  1. Detached accessory space on site not exceeding 2,175
  2. A plumbing plan showing the existing interior and exterior sinks if they will be maintained.
  3. Removal of the boat, being stored within the required front yard setback.
  4. A note on all accessory buildings that they will "not be used for habitable space".
  5. All improvements as approved by the Architectural Board of Review (ABR)
  6. A Zoning Compliance Declaration shall be recorded against the property's title.

EXHIBIT E

STAFF HEARING OFFICER RESOLUTION NO. 001-06  
1810 LAS CANOAS ROAD  
FEBRUARY 15, 2006  
PAGE 2

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.



2-15-06

Deana McMillion, Administrative/Clerical Supervisor,      Date  
Staff Hearing Officer Secretary

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.

A. APPLICATION OF TOM JACOBS, AGENT FOR PATRICK DAVIS, 1810 LAS CANOAS ROAD, 021-040-003, A-1 ONE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2005-00806)

The 6.5 acre project site is currently developed with a 1,775 square-foot single family residence, a 500 square-foot accessory structure, a 1,195 square-foot barn, a 528 square-foot garage, and a 480 square-foot "as-built" accessory building. The proposed project involves legalization of the "as-built" structure.

The discretionary application required for this project is a Modification to permit detached accessory floor area in excess of 500 square-feet (SBMC § 28.87.160)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303, New Construction.

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@santabarbaraca.gov](mailto:rmilazzo@santabarbaraca.gov)

Tom Jacobs, agent, present.

Ms. Milazzo gave a staff presentation and recommendation.

The public hearing was opened at 1:28 pm and with no one wishing to speak it was closed.

**ACTION:** **Assigned Resolution No. 001-06**  
Approve the application per staff recommendations with the following conditions:  
1) Detached accessory space on site not exceeding 2,175. 2) A plumbing plan showing the existing interior and exterior sinks if they will be maintained.  
3) Removal of the boat, being stored within the required front yard setback.  
4) A note on all accessory buildings that they will "not be used for habitable space".  
5) All improvements as approved by the Architectural Board of Review (ABR)  
6) A Zoning Compliance Declaration shall be recorded against the property's title.

Ms. Weiss announced the ten calendar day appeal period.

RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL TO:  
City of Santa Barbara  
Community Development Department  
630 Garden Street  
P.O. Drawer 1990  
Santa Barbara, CA 93102

\*Planning File



2007-0084672

Recorded REC FEE 13.00  
Official Records  
County of COPIES 2.00  
Santa Barbara  
Joseph E. Holland

11:27AM 13-Dec-2007 Page 1 of 3

SEND ANOTHER COPY TO:

3

ADDRESS: 1810 Las Canoas Road

A.P.N.: 021-040-003

### ZONING COMPLIANCE DECLARATION

The undersigned hereby acknowledge that they are owners of the real property ("property") described as follows:

For legal description see Exhibit A, attached

The property is zoned A-1. Pursuant to Santa Barbara Municipal Code Section 28.15.060, this property, with its current structure configuration, may be developed with a maximum of one (1) dwelling unit. I(we) agree that no dwelling units in excess of the maximum allowed by law will be developed or maintained on the property. I(we) understand that it is unlawful to install unauthorized food preparation facilities, including but not limited to, stoves, refrigerators, and sinks located apart from the kitchen(s) allowed by the zoning code. Any change in the use or additional construction requires a building permit pursuant to the Uniform Administrative Code §301.1, as adopted by Santa Barbara Municipal Code §22.04.

This Zoning Compliance Declaration is an instrument affecting the title and possession of the real property, shall be binding upon and inure to the benefit of the successors in interest of the owners and shall run with the real property and any part thereof. Upon any sale or division of the real property, the terms of this Declaration shall apply separately to each parcel and the owner of each parcel shall succeed to and be bound by the obligations imposed on the owners by this Declaration.

I(we) declare under penalty of perjury that the foregoing is true and correct.

Nancy D. Davis 12/12/07  
Owner Nancy D. Davis Date  
Patrick H. Davis 12/12/07  
Owner Patrick H. Davis Date

NOTE: This Zoning Compliance Declaration will be recorded. Your signature(s) must be acknowledged by a notary. Inform the notary that the acknowledgment is for an instrument to be recorded. (California Civil Code Section 1169 et seq.)

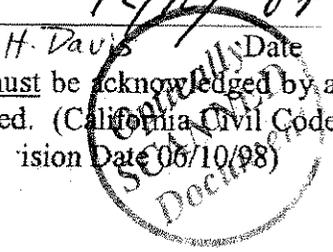


EXHIBIT G

# EXHIBIT "A"

That portion of the Southeast quarter (SE1/4) of Section Three (3), Township Four (4) North, Range Twenty-seven (27) West, San Bernardino Base and Meridian, in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Beginning at a point in the center line of Los Canoas Road on the seventh course as described in the road right-of-way deed to the County of Santa Barbara, recorded in Book 122 of Deeds, at Page 445, records of said County, said point bearing North  $1^{\circ} 57' 30''$  East 242.34 feet from the Southerly end of said course; thence along the seventh course, North  $1^{\circ} 57' 30''$  East, 308.57 feet to the beginning of the eighth course of said right of way; thence along the eighth course, North  $20^{\circ} 01' 30''$  East, 56.40 feet; thence along the ninth course, North  $54^{\circ} 57' 30''$  East, 170.95 feet; thence along the tenth course, North  $23^{\circ} 57'$  East, 148.62 feet; thence along the eleventh course, North  $6^{\circ} 09'$  West, 3.85 feet to an intersection with the Northerly city limits line of the City of Santa Barbara; thence along said city limits line, South  $89^{\circ} 54' 30''$  East, 548.78 feet; thence South  $34^{\circ} 00'$  West 112.11 feet; thence South  $37^{\circ} 52'$  West 209.20 feet; thence South  $22^{\circ} 00'$  West 367.22 feet; thence West 450.00 feet to the point of beginning.

APN#21-040-03 (C-108 Lot 26)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

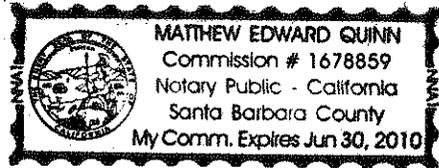
County of Santa Barbara } ss.

On 12/12/07, before me, Matthew Edward Quinn, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Nancy D Davis + Patrick H Davis  
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

*Matthew Quinn*

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Zoning Compliance Declaration

Document Date: 12/12/07 Number of Pages: 2

Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Nancy D Davis

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

Signer's Name: Patrick H Davis

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

