



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 064-14

952 ALAMEDA PADRE SERRA

MODIFICATIONS AND VOLUNTARY LOT MERGER

OCTOBER 29, 2014

APPLICATION OF GAIL FISHER TRUSTEE OF THE GAIL L. FISHER REVOCABLE TRUST, 952 ALAMEDA PADRE SERRA, APNs 019-242-014 & 019-252-013, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2014-00346)

The proposed site is comprised of two parcels APN 019-242-014 (approximately 11,532 square feet), APN 019-252-013 (approximately 1,870 square feet), and an approximately 906 square foot strip of land that separates the two assessor's parcels (to be acquired through quiet title process) for a total project site of 14,308 square feet. The project site is currently developed with a 1,347 square foot, one-story residence with an attached one-car garage. The proposed project includes replacement of a dry rotted deck and fencing, resurfacing the existing concrete masonry unit (CMU) walls, construction of CMU seat walls, and repaving the existing driveway. The proposal also includes permitting "as-built" improvements including a counter, barbeque, fire pit, and hot tub that will address violations identified in enforcement case ENF2014-00220. The proposed work extends across the current property lines.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow the reconstructed improvements and "as-built" improvements to encroach into the required thirty foot front setback. (SBMC § 28.15.060 and SBMC § 28.92.110);
2. An Interior Setback Modification to allow the reconstructed improvements and "as-built" improvements to encroach into the required ten-foot interior setback. (SBMC § 28.15.060 and SBMC § 28.92.110); and

A ministerial application is requested for a Voluntary Lot Merger of APNs 019-242-014 and 019-252-013 along with the approximately 906 square foot strip of land that is to be acquired through quiet title process. (SBMC § 27.30).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

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

1. Staff Report with Attachments, October 23, 2014.
2. Site Plans

3. Correspondence received in support of the project:
 - a. Maxine J. Dekker, Santa Barbara, CA.
 - b. William A. Corliss, Santa Barbara, CA.
 - c. Susan F. Cappiello, Santa Barbara, CA.
 - d. Darrell and Jennifer Scherbarth, Santa Barbara, CA.
 - e. Kathy L. Carr, Santa Barbara, CA.

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


- I. Approved the subject applications making the following findings and determinations:
 - A. With the application of the Voluntary Lot Merger, the Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot. Due to the steep topography of the front half of the lot and the proposed CMU block wall with railings, the proposed improvements will not be visible from the public right-of-way and are not anticipated to adversely impact the visual openness of the public street frontage. The proposed replacement deck is an appropriate improvement to a single-family residence and is consistent with pattern of development in the neighborhood.
 - B. With the application of the Voluntary Lot Merger, the Interior Setback Modification to allow the reconstructed improvements and “as-built” improvements are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure appropriate improvements on the lot. The retention of the “as-built” improvements, including a stone deck, countertop, and refrigerator are appropriate improvements for a single-family residence, since those structures and the associated uses are not expected to detrimentally affect the adjacent neighbor due to the topography, lot size and configuration, and location of existing development.
- II. Said approval is subject to the following conditions:
 - A. The Tier 2 Storm Water Management compliance must be shown on the plans.
 - B. Prior to building permit issuance, an application for the Voluntary Lot Merger shall be submitted to the Public Works Department. The application materials shall include a recorded judgment for the approximately 906 square foot strip of land that is located between APNs APN 019-242-014 and APN 019-252-013.
 - C. If the land is not acquired through the quiet title action, the Zoning Modification would become null and void. The following improvements would be required to be removed:
 - (1) On APN 019-242-014, any items that have been constructed without a permit that are located within ten feet of the easterly property line of shall be removed.

- (2) On APN 019-252-013, any items constructed within the ten-foot interior setbacks to the east and west shall be removed.
- (3) All structures within the 5.01' strip of land between the subject parcels shall be removed.

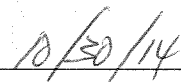
D. The built-in barbeque and range burner are to be relocated at least five feet from the common interior property line.

This motion was passed and adopted on the 29th day of October, 2014 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 the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. 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.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Single Family Design Board (SFDB)** approval and then a building permit.
5. **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.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;

- b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.