



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 23, 2014
AGENDA DATE: October 29, 2014
PROJECT ADDRESS: 952 Alameda Padre Serra (MST2014-00346)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *Dyk*
 Suzanne Riegle, Associate Planner *SR*

I. PROJECT DESCRIPTION

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 ten-foot interior 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
3. 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).

Date Application Accepted: 9/29/14

Date Action Required: 12/23/14

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant / Property Owner: Gail L. Fisher for the Gail L. Fisher Revocable Trust
 Parcel Number: 019-242-014, Lot Area: 11,326 sq. ft.
 019-252-013, and 1,960 sq. ft.
 A five foot strip of land 906 sq. ft.
 between parcels 14,192 sq. ft.
 General Plan: Low Density Residential Zoning: E-1
 Existing Use: Residence Topography: >30% est. avg. slope

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,727 sq. ft.	
Garage	380 sq. ft.	No Change
Deck	500 sq. ft.	

C. PROPOSED LOT AREA COVERAGE

Building: 1,727 sf 12.8% Hardscape: 1,055 sf 8% Landscape: 10,620 sf 79.2%

IV. BACKGROUND

On March 24, 2014, a Notice of Violation (NOV) was issued to the property owner for construction without permits including CMU construction of retaining walls, site walls, and barbecue. Included in the work is the installation of new gas piping and electrical. Building permits are required for this work.

Because Ms. Fisher does not own the five-foot strip of land, she has filed a quiet title action with the Superior Court of the State of California for the County of Santa Barbara Anacapa Division on September 25, 2014 (Exhibit B), which is an attempt to obtain the approximately 906 square foot (five-foot wide) area of land that separates the two APNs that are owned by the applicant. The property owner was advised that they may proceed at their own risk in obtaining approvals that are conditioned on the acquisition of the described land prior to building permit issuance. If unable to obtain the land through the quiet title action and subsequent quit claim of the property, the modification will become null and void and all improvements that are located within the required setbacks and traverse property lines would be required to be removed. From the court documents, it appears that the existing wood deck was constructed in 1972 and extends beyond the APN 019-242-014, across the 906 square foot, and across APN 019-252-013 up to the eastern most property line. There is no record of the decking in the City’s archives (plans, street, and planning files).

The applicant is proposing a Voluntary Lot Merger to merge all three properties into one parcel following acquisition of the land through quiet title and subsequent quit claim of the property. The Voluntary Lot Merger application will be processed separately through the Public Works

Department following obtaining all necessary design review and land use approvals. The plans as prepared by Scarlett's Landscape, Inc. show the setbacks for a single lot (Exhibit C). For the purposes of this staff report and consideration of the required setbacks, the subject properties are being reviewed as subject properties a single lot.

V. DISCUSSION

The proposed project involves permitting as-built counters, barbecue, and spa that are located within the required ten-foot interior setbacks and traversing property lines. The propose project will require two modifications and a Voluntary Lot Merger.

The applicant requested a Front Setback Modification to allow a portion of the unpermitted counter and built-in barbecue to encroach up to four feet into the required thirty-foot front setback. Due to the topography of the site it appears that the property would qualify for a five-foot reduction of the setback as allowed in SBMC § 28.15.065, which reduces the required setback to twenty-five feet. However, without a survey, a Modification must be requested. The south west corner of the built-in barbecue is located approximately twenty-six feet from the front lot line. Staff supports the request for a front setback modification because the topography of the front half of the site is very steep, and we believe that if a survey was done, it would show the slope of the front half of the lot to be greater than 20%, thus allowed by right.

The project includes an Interior Setback Modification request to allow the following encroachments to remain within the ten-foot interior setback: stone deck with wooden rail, built-in table with fire feature, countertop, gas burner, refrigerator, and barbecue. The fire pit described in the notice is a patio table with a fire feature (Exhibit D) in the center and is proposed to encroach approximately three-feet into the required ten-foot interior setback. The Zoning Ordinance requires interior setbacks to be generally unoccupied and unobstructed from the ground upward, with limited exceptions, such as fences and walls. Interior setbacks provide space for a minimum physical separation between structures, providing natural light, air circulation, and privacy for occupants on either side of a property line.

The adjacent property to the west, 944 Alameda Padre Serra, is developed with a single family home sited approximately 15 feet from the common property line and approximately 23 feet from the fire feature table and the proposed built-in barbecue and counter. Due to site constraints at 944 Alameda Padre Serra, including steep topography, there is little potential for development of additional structures or usable outdoor space in the vicinity of these "as-built" improvements. The existing wood fencing on 944 Alameda Padre Serra provides substantial screening between the "as-built" patio improvements and the house at 944 Alameda Padre Serra. The stone patio at 944 Alameda Padres Serra sits approximately 8-10 feet below the deck of the subject parcel. The view of the deck and outdoor kitchen improvements is fully screened from the main outdoor living space of the 944 Alameda Padre Serra residence by an approximately five foot concrete masonry block wall with an 8 foot wooden fence atop. Due to its location, light and noise from the use of the deck has the potential to detrimentally affect the neighboring property at 944 Alameda Padre Serra. Staff, therefore, supports the "as-built" encroachment of the improvements within the interior setback because the improvements are not anticipated to adversely impact the adjacent neighbor. In addition, Staff has received five

letters of support, which are attached as Exhibit E, from neighbors that abut the subject properties.

The project was reviewed by the Single Family Design Board (SFDB) on August 11, 2014 (minutes attached as Exhibit F). The SFDB continued to Staff Hearing Officer stating that the requested zoning modification aesthetically appropriate and does not pose consistent issues with the design guidelines. The Board stated that the proposed glass railing was unacceptable and an alternative railing system shall be considered.

VI. FINDING AND CONDITIONS

With application of the application the Voluntary Lot Merger, the Staff Hearing Officer finds that the Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot developed with a single-family residence. Due to the steep topography it appears that the property would qualify for a five-foot setback reduction and would not require a modification if a slope calculation had been provided to Staff. The proposed replacement deck with outdoor kitchen area is an appropriate improvement to a single-family residence and is consistent with pattern of development in the neighborhood and is not anticipated to adversely impact the visual openness of the public street frontage.

With the application of the Voluntary Lot Merger, the Staff Hearing Officer finds that the Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The retention of the "as-built" improvements including stone deck, built-in barbecue, range burner, countertop, refrigerator are appropriate improvement 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.

Said approval is subject to a condition that

1. The Tier 2 Storm Water Management compliance must be shown on the plans
2. 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 evidence of a quit claim for the approximately 906 square foot strip of land that is located between APNs APN 019-242-014 and APN 019-252-013.
3. 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:
 - a. 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
 - b. On APN 019-252-013, any items constructed within the ten-foot interior setbacks to the east and west shall be removed
 - c. All structures within the 5.01' strip of land between the subject parcels shall be removed.

Exhibits:

- A. Applicant's letter, from Mindy A. Wolfe, Attorney for applicant dated June 20, 2014
- B. Superior Court of the State of California, County of Santa Barbara, Anacapa Division, Verified Compliant to Quiet Title, Case No 0468944
- C. Site Plan (under separate cover)
- D. Photograph of Table with Fire Feature
- E. Letters of Support
- F. SFDB Minutes

Contact/Case Planner: Suzanne Riegle, Associate Planner
(SRiegle@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x **2687**

MINDY A. WOLFE / ATTORNEY
REAL ESTATE AND LAND USE LEGAL COUNSEL

June 20, 2014

Attn: Jaime Limón, Senior Planner
City of Santa Barbara
Community Development Department, Planning Division
630 Garden Street, Santa Barbara, CA 93101

RECEIVED
SEP 24 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 952 Alameda Padre Serra, Santa Barbara, CA
(APNs 019-252-13 & 019-242-14)
Modification Request-Pre-Application Stage
Case Number: ENF2014-00220

Dear Mr. Limón,

My office represents Ms. Gail Fisher, owner of the property located at 952 Alameda Padre Serra (**Property**). In the springtime, Ms. Fisher hired a contractor for certain improvements on her Property to create an enhanced outdoor patio area in an area that had always previously been used as a patio. The current project includes built in counter tops, BBQ, replacement of garden walls, installation of clear safety windbreak panels, patio surface replacement (dry rot to wooden deck), and hot tub installation (**Project**).

She understood the contractor would obtain any required permits prior to starting. Ms. Fisher then left the country for work March 5 and was gone for almost four weeks while efforts progressed. On April 2nd when she returned, she was surprised to discover the city had noted a violation for failure to obtain permits. (Santa Barbara City Enforcement Case No. 2014-00220 dated March 24, 2014.) The specific violations noted in the enforcement letter were: "*CMU construction of retaining walls, site walls, and BBQ. Included in the work is the installation of new gas piping and electrical.*" While a substantial amount of work has already been completed, Ms. Fisher immediately stopped all work and went down and spoke with City staff on April 3rd to determine how to remedy the mistake.

As Ms. Fisher prepared her site plan, she discovered portions of the Project were situated within the 10-foot setback. This pre-application meeting is to discuss the request for a modification to allow the Project to remain within this side yard setback.

Ms. Fisher asks for support of her modification request based on the following findings/conditions of approval that are consistent with Santa Barbara Municipal Code Sec. 28.92.110 (2):

1. This request for modification of the setback is consistent with the purposes and intent of the Municipal Code to allow uniform and appropriate development on properties. Ms. Fisher has reviewed the site plan with each of her neighbors and obtained support letters from everyone, including the neighbor immediately adjacent to the Project site that would be most affected by the improvements.

MINDY A. WOLFE / ATTORNEY

REAL ESTATE AND LAND USE LEGAL COUNSEL

- Due to the unusual topography, no neighbors can see the Project and all neighbors are located far enough away to not be affected by the proposed uses.
2. The modification is necessary to secure an appropriate improvement on the Property. Outdoor patio spaces are absolutely appropriate in this area of the Riviera. Since development in the 1950's, the Project area has consistently been used for outdoor patio uses. It is essentially the only flat area appropriate for such uses as it is located immediately adjacent to the residence and commands the most magnificent views of the Santa Barbara area. The Project is an appropriate improvement on the Property.
 3. Granting the requested modification prevents unreasonable hardship because otherwise Ms. Fisher would be forced to push the patio area into the steep hillside requiring massive infrastructure to support the hill and provide essential slope stabilization elements. Additionally, this expansion would present an unreasonable financial burden on Ms. Fisher and may put existing improvements at risk during and after construction. Due to site constraints, getting necessary equipment on site for heavy dirt movement to complete this additional work is prohibitive.
 4. Granting this modification promotes uniformity of improvement throughout the neighborhood as most, if not all neighbors, have outdoor patio elements located in line with the amazing Santa Barbara downtown and harbor views. This becomes obvious as you drive along the Riviera and observe the houses and their patio orientations in the same place as Ms. Fisher is requesting.
 5. We propose this modification decision can be made by the staff hearing officer since if granted the modification would not significantly affect persons or property owners other than those entitled to notice and all those entitled to notice have already signed letters in support of the modification request. (Santa Barbara Municipal Code Section 28.92.110 B.2.)

There is an additional issue that was discovered during the investigation into the set back issue. The Property is uniquely situated in that the original 1931 subdivision map (Riviera Oaks Tract at Book 15, Pages 236 through 238 of Maps) contained several undesignated land gaps throughout the subdivision. One of these gaps, approximately 5' in width, lies immediately to the east of APN 019-242-14 (Large Parcel) and immediately west of APN 019-252-13 (Small Parcel), thereby intersecting Ms. Fisher's two parcels. The proposed project on Ms. Fisher's Property is primarily located on the Small Parcel, a twenty foot strip of land. While the subdivision map was recorded in 1931, the Property was not developed until 1953. This Small Parcel was created by deed in 1953 when the property was original developed and when observed on site this allocation of the Small Parcel to the Large Parcel makes logical sense due to topography restraints. Ms. Fisher is in the process of filing a claim letter with Chicago Title Insurance Company to resolve these two parcels and the intersecting gap. It may require a quiet title action and merger process and Ms. Fisher is willing to accept approval of her modification request conditioned on the completion of this process. We will have historic documents and maps in hand at the pre-application meeting should you desire to discuss this element in more detail.

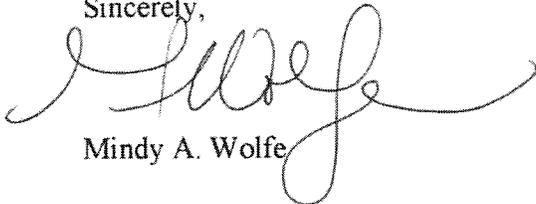
MINDY A. WOLFE / ATTORNEY

REAL ESTATE AND LAND USE LEGAL COUNSEL

The City is entrusted with ensuring approved projects are compatible with the neighborhood. (See Single Family Design Board Design Guidelines & Meeting Procedures, Purpose, Page 1.) As described above, Ms. Fisher contacted her neighbors and provides herewith copies of letters from each one supporting her project and the requested modification. This modification compliments the neighborhood and takes advantage of the existing topography eliminating the need for severe impact on the hillside.

We look forward to meeting with you next week to discuss this request. In the meanwhile, should you desire any additional information, please do not hesitate to contact my office and we will assist you in any way we can.

Sincerely,



Mindy A. Wolfe

MAW/mth
Attached:

Pre-Application Form
Project Photos (___ pages)
Site Plan
Neighbor Letters in Support of Request

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Attorneys for Plaintiff
GAIL L. FISHER, Trustee of the Gail L. Fisher Revocable Trust
under Declaration of Trust dated December 10, 2004

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

SEP 25 2014

Darrel E. Parker, Executive Officer
BY Jessica Vega
Jessica Vega, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
ANACAPA DIVISION**

GAIL L. FISHER, Trustee of the Gail L. Fisher
Revocable Trust under Declaration of Trust
dated December 10, 2004,

Plaintiff,

v.

E. H. HASKELL CO., a California corporation
(formerly known as WESTERN MOTOR
TRANSFER, INC.); CITY OF SANTA
BARBARA, a municipal corporation;
ALL PERSONS UNKNOWN, CLAIMING
ANY LEGAL OR EQUITABLE RIGHT,
TITLE, ESTATE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S
TITLE, OR ANY CLOUD UPON
PLAINTIFF'S TITLE THERETO, and
DOES 1 through 50, inclusive,

Defendants.

Case No. 1468944

VERIFIED COMPLAINT TO
QUIET TITLE

RECEIVED
SEP 29 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

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1 Gail L. Fisher, Trustee of the Gail L. Fisher Revocable Trust under Declaration of Trust
2 dated December 10, 2004 ("Plaintiff") alleges as follows:

3 Introduction

4 1. As explained below, Plaintiff is seeking to quiet title to a 5 foot wide strip of land
5 that she recently discovered bisects the property where she lives in the Riviera neighborhood of
6 Santa Barbara. The 5-foot strip should have been deeded to her but it was not because of an
7 anomaly in a very old subdivision map that was recorded for her neighborhood. In reality, the
8 5-foot strip always has been enclosed and used as a part of Plaintiff's residential property. It is
9 not apparent from visual inspection that her home actually consists of three separate parcels.
10 Recently, in seeking a permit to renovate her property, the City of Santa Barbara asked
11 Plaintiff to remove any doubt about title to the 5-foot strip.

12 2. There is nobody else who affirmatively claims title to the 5-foot strip. The owner
13 of record is the corporation that originally recorded the old subdivision map; that corporation
14 has been dissolved since 1977. Plaintiff has contacted her neighbors and the City of Santa
15 Barbara, none of whom wish to contest this quiet title action. Nonetheless, this court action is
16 necessary in order to clear up any potential ambiguities reflected in the publicly recorded deeds
17 and subdivision map. Without bringing this quiet title action, Plaintiff could suffer a hardship
18 and potentially lose the full enjoyment and use of what she believed was always part of her
19 private property, what she believed she was purchasing, and which she has always treated as
20 her home.

21 Overview of Plaintiff's Request to Quiet Title

22 3. The subject of this action is certain real property situated in the County of Santa
23 Barbara, State of California, as more particularly described in Exhibit A attached hereto (the
24 "Subject Property"). The Subject Property is a five foot wide strip located between two parcels
25 owned by Plaintiff. The Subject Property does not have a street address or common
26 designation, other than as associated with these neighboring parcels owned by Plaintiff. These
27 three parcels, where Plaintiff lives, collectively are commonly known as 952 Alameda Padre
28 Serra, Santa Barbara, California.

1 4. Plaintiff seeks to quiet title to the Subject Property because it is an integral part of
2 Plaintiff's home. Among other things, it connects the two other parcels owned by Plaintiff,
3 and Plaintiff's patio, retaining walls, staircases, landscaping and hot tub, among other things,
4 are located in part on the Subject Property.

5 5. Plaintiff is not aware of any person that has any actual claim to or interest in the
6 Subject Property. In fact, Plaintiff is informed and believes that the neighboring residents
7 support her quiet title action. Plaintiff is further informed and believes that defendant E.H.
8 Haskell Co. is reflected as the owner of record based on its ownership of a large block of
9 property, including the Subject Property, prior to a 1931 subdivision.

10 6. Plaintiff is informed and believes that, at some point in connection with the further
11 subdivision of the tract, the Subject Property should have been expressly conveyed to her
12 predecessors in interest but was not. Notwithstanding this oversight, she and her predecessors
13 in interest have for decades treated the Subject Property as their own without the permission of
14 the owner of record. Plaintiff now seeks assistance from the Court to bring record title into
15 accord with the reality of how the Subject Property is used and owned.

16 7. Plaintiff seeks to quiet fee title to the Subject Property against all defendants, and
17 each of them, and against all adverse claims to the Subject Property, as of the date this
18 complaint is filed.

19 8. At all times relevant to this action, Plaintiff and/or her predecessors in interest
20 held, and now hold, a fee simple ownership interest in the Subject Property.

21 9. Plaintiff's fee title is based on Plaintiff's and/or her predecessors in interest's
22 actual, open, notorious, exclusive, hostile, uninterrupted, continuous, and adverse possession of
23 the Subject Property for at least five years preceding the commencement of this action,
24 together with Plaintiff's and/or her predecessors in interest's payment of all taxes levied and
25 assessed against the Subject Property for at least the last five years.

26 ///

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1 Detailed Description of the Subject Property and Surrounding Properties

2 10. The Subject Property is a strip of land that is approximately five feet wide by one
3 hundred eighty one feet long, as shown on the map attached hereto as Exhibit B.

4 11. As shown on the attached Exhibit B, the Subject Property is bordered on the north
5 by Roble Lane and on the south by Alameda Padre Serra. The Subject Property runs through
6 the middle of, and predominantly is bordered on the east and west by, other real property
7 owned by Plaintiff. Specifically, Plaintiff is the owner of record of properties commonly
8 identified by Assessor Parcel Number 019-242-14 (to the west, referred to as the "Large
9 Parcel") and 019-252-13 (to the east, referred to as the "Small Parcel"), as evidenced by, and
10 more particularly described in, Exhibit C attached hereto. Only a limited portion of the eastern
11 boundary of the Subject Property is bordered by property owned by a third party, who does not
12 claim title to the Subject Property and who, in fact, supports this quiet title action by Plaintiff.
13 The neighbor's declaration and quitclaim deed are attached as Exhibit D.

14 12. Upon visual inspection, the Subject Property appears to be owned by Plaintiff and
15 to be a part of the parcels owned by Plaintiff. There is no visual indication that the Subject
16 Property is a separate parcel.

17 13. Plaintiff is informed and believes that the Subject Property, Large Parcel and
18 Small Parcel have been used for decades by Plaintiff and her predecessors in interest as an
19 integrated residential property, commonly known as 952 Alameda Padre Serra, Santa Barbara,
20 California. The Subject Property, Large Parcel and Small Parcel sometimes are referred to as
21 the "Residential Property". A complete legal description for the Residential Property is
22 attached as Exhibit E.

23 Subdivision and Ownership History

24 14. Plaintiff is informed and believes that the Subject Property was "created" by a
25 1931 subdivision map entitled the Riviera Oaks Tract (the "Tract Map"), which contained an
26 undesignated narrow land gap between the various residential parcels designated on the map.
27 A copy of the Tract Map, which was recorded by Defendant E.H. Haskell Co. (previously
28 known as Western Motor Transfer, Inc.) is attached as Exhibit F. Relevant here, the Tract Map

1 created the Large Parcel identified on the Tract Map as Lot 22. The Tract Map also created the
2 parcel immediately to the east of the Large Parcel identified on the Tract Map, and herein, as
3 Lot 24.

4 15. Plaintiff is informed and believes that between 1931 and 1953, numerous parcels
5 created by the Tract Map – including the Large Parcel and Lot 24 – were transferred as a group
6 between developer entities.

7 16. Plaintiff is informed and believes that on June 2, 1953, the Large Parcel was
8 conveyed, separate from the group of parcels, to Plaintiff's predecessor in interest Daniel V.
9 and Virginia D'Alfonso. In addition, a portion of Lot 24 was carved out and included in the
10 deed to the D'Alfonsons. That portion was the small, twenty foot wide swath of land referred to
11 herein as the Small Parcel. On the same date, the much larger remainder of Lot 24 was
12 transferred by the developer entity to a third party.

13 17. Plaintiff is informed and believes that since June 2, 1953, the Large Parcel and
14 Small Parcel have been transferred together in their current configuration from the D'Alfonsons
15 to the Bedells, then to the McDermotts, then, in 1974, to Ruth E. Bauwens. Ms. Bauwens held
16 and used the Large Parcel and Small Parcel until her death, at which time it was held in her
17 estate, then transferred to her lender in lieu of foreclosure, then sold a few months later to
18 Plaintiff.

19 18. Plaintiff is informed and believes that the Subject Property never has been
20 separately conveyed on record title since it was created by the subdivision map in 1931. As a
21 result, the developer from 1931, Defendant E.H. Haskell Co., continues to be reflected as the
22 owner as a matter of record title.

23 19. Plaintiff is informed and believes that the 1953 division of Lot 24, and the
24 conveyance of the Large Parcel and Small Parcel together, were logical due to the topography
25 of the area. The parcels are in a steep area, and the Small Parcel is elevated 5-6 feet higher
26 than the rest of Lot 24. Moreover, the development of the Large Parcel and Small Parcel
27 together enhanced the ocean and city views and outdoor living space of the Large Parcel
28 dramatically. However, Plaintiff further is informed and believes that the relation between the

1 Large Parcel and the Small Parcel only are logical if connected by the Subject Parcel, which
2 otherwise would intersect and divide them, making the use of the Small Parcel highly
3 impractical. For this reason, among others, it seems likely that the failures to convey the
4 Subject Property in the same conveyances as the Large Parcel and Small Parcel were merely
5 oversights that now should be corrected. This particularly is so given the actual use of the
6 Subject Property by Plaintiff and her predecessors in interest over the decades, as further set
7 forth below.

8 Facts Establishing Adverse Possession

9 20. Plaintiff is informed and believes that since at least 1972, the Subject Property
10 always has been used as an integral part of the residence at 952 Alameda Padre Serra and that
11 this use has been without the permission of E.H. Haskell Co.

12 21. Plaintiff is informed and believes that on or about June 22, 1972, the County
13 Assessor conducted a visual inspection of the Residential Property and observed the patio area,
14 which it is now known is located in part on the Subject Property. The patio was constructed as
15 a single patio on the Large Parcel, Subject Property and Small Parcel. There is no visual
16 indication that the patio is located on separate parcels.

17 22. Plaintiff is informed and believes that since at least 1975, Plaintiff's predecessors
18 in interest have maintained a fence on and around the Subject Property, and have excluded all
19 others from the use of the Subject Property.

20 23. When Plaintiff inspected the Residential Property prior to her purchase, it
21 appeared to be a single property. The Residential Property is located on a steep hillside in the
22 Riviera area of Santa Barbara. Among other things, Plaintiff observed a home, a garage, and a
23 patio with amazing views of downtown Santa Barbara and the harbor. The Residential
24 Property had natural boulders, large trees and other landscaping features, and a staircase set in
25 the yard area. It was enclosed by a fence and retaining walls. There was no visual indication
26 that the Residential Property consisted of three separate parcels.

27 24. When Plaintiff moved into the Residential Property in 2011, she believed that she
28 purchased, paid for and owned the entire Residential Property. In fact, the Zoning Information

1 Report provided by the City of Santa Barbara to Plaintiff prior to her purchase included a map
2 of the entire Residential Property. On that map, the Subject Property was included within the
3 boundaries of the Large Parcel; the map did not contain any indication that the Subject
4 Property was a separate parcel. However, unbeknownst to Plaintiff, who is not a lawyer or real
5 estate professional, the deed from Ms. Bauwens' lender to Plaintiff only described the Large
6 Parcel and Small Parcel.

7 25. Since her purchase, Plaintiff always has treated the Subject Property as part of her
8 home. Although initially mistaken regarding the state of record title, it is, and always has been,
9 her intent to claim the Subject Property as her own regardless of record title.

10 26. Plaintiff first discovered that the Subject Property was separate from the Large
11 Parcel and Small Parcel in 2014 when she undertook work to replace the dry rot damaged deck
12 and fences, to make hardscape and landscape improvements, and to perform other related
13 maintenance and safety projects in her outdoor spaces. Although the City previously had
14 issued a Zoning Information Report that did not identify any zoning or building code issues
15 relating to the patio and other hardscape and landscape improvements located on the Subject
16 Property, the City took the position that Plaintiff's existing and proposed improvements were
17 located on the Large Parcel, Small Parcel and Subject Property and has declined to issue a
18 permit to Plaintiff authorizing these maintenance and safety related projects until Plaintiff
19 provides evidence that she holds record title to the Subject Property, or at least until she
20 institutes this action in order to obtain a court judgment quieting title.

21 27. Attached as Exhibit G is a Site Plan for Plaintiff's proposed work and two
22 photographs of the Residential Property. The Site Plan shows the approximate location of the
23 Subject Property in relation to existing and proposed improvements. The first photograph
24 shows the patio area of the Residential Property, looking towards Alameda Padre Serra,
25 downtown Santa Barbara, and the harbor. The Subject Property cuts approximately through
26 the platform at the top of the staircase, the natural boulder, the patio and patio furniture located
27 closest to the house, and the fence. The second photograph shows the Residential Property
28 from Alameda Padre Serra. The Subject Property cuts approximately through the section of

1 the fence line closest to the house, down the steep hillside and across the beginning of the
2 driveway.

3 28. In sum, Plaintiff and her predecessors in interest have held the Subject Property
4 under claim of right for more than five years. Plaintiff and her predecessors in interest have
5 actually used, possessed and controlled the Subject Property in an open, notorious, exclusive,
6 hostile, uninterrupted, continuous, and adverse manner for more than five years in all of the
7 following ways, among others:

- 8 a. Substantially enclosing the Subject Property with a fence;
- 9 b. Maintaining the fence on and around the Subject Property and repairing it
10 as needed;
- 11 c. Improving the Subject Property with a patio, retaining walls and staircases;
- 12 d. Maintaining the patio, retaining walls and staircases on the Subject
13 Property and repairing them as needed;
- 14 e. Planting and maintaining trees and other landscaping on the Subject
15 Property;
- 16 f. Placing and maintaining a hot tub, patio furniture and decorative yard
17 accoutrements on the Subject Property;
- 18 g. Traveling on the Subject Property to traverse between the Large Parcel and
19 Small Parcel owned by Plaintiff;
- 20 h. Using the Subject Property in ways such land normally would be used in
21 connection with a residence;
- 22 i. Excluding others from the Subject Property; and
- 23 j. Generally maintaining, caring for, using, enjoying and possessing the
24 Subject Property and holding themselves out as the owners of the Subject Property, and
25 treating the Subject Property as part of the residence of Plaintiff and her predecessors in
26 interest.

27 29. The Subject Property has not been assigned an Assessor Parcel Number and is not
28 taxed separate from the Large Parcel.

1 of an abundance of caution, because a question was at one point raised as to whether, by
2 recording the Tract Map with an undesignated gap between the residential parcels, the
3 developer of the Riviera Oaks Tract dedicated the Subject Property, or an easement in the
4 Subject Property, to the City.

5 36. After a detailed review and following communications between the City and
6 Plaintiff about this matter, the City concluded that neither the Subject Property nor an
7 easement in the Subject Property was dedicated to the City. The first paragraph of the Tract
8 Map, signed by the developer, only dedicates to the public the street shown on the Tract Map
9 as Roble Lane; it does not dedicate the Subject Property and therefore could not have been
10 accepted by the City. Likewise, the Litigation Guaranty does not identify the City as having
11 any interest in the Subject Property. Plaintiff is informed and believes that the Subject
12 Property has never been improved or maintained by the City. Plaintiff is further informed and
13 believes that the Subject Property has not been used by the public. Plaintiff is further informed
14 and believes that the Subject Property has no practical purpose or feasibility for the City or the
15 public given the slope, terrain, and location of the homes in the area built decades ago.
16 Plaintiff is further informed and believes that the Subject Property has been used by the owner
17 of the Large Parcel and Small Parcel as part of the Residential Parcel, as if all three parcels had
18 been conveyed together for decades free of any dedication. For all of the foregoing reasons,
19 and to avoid any dispute regarding alleged public rights in the Subject Property, Plaintiff seeks
20 a declaration that the recordation of the Tract Map did not cause a dedication of the Subject
21 Property or an easement in the Subject Property to the City of Santa Barbara and that title to
22 the Subject Property is clear of any dedication.

23 37. The City has advised Plaintiff that the City does not claim any interest in the
24 Subject Property and does not contest this action. To avoid any issue about record title and the
25 Tract Map, the City desires Plaintiff to clear title to the property via a court action as a
26 prerequisite to processing the permit application for improvements to Plaintiff's home.

27 38. Plaintiff further is informed and believes, based on a Litigation Guaranty issued by
28 Chicago Title Insurance Company on September 15, 2014, that the only other interests of

1 record in the Subject Property are two easements for sewer purposes granted by the
2 D'Alfonso that were recorded on April 8, 1960 as Instrument No. 11410, Book 1732, Page 30,
3 and January 23, 1961 as Instrument No. 2009, Book 1818, Page 45; Plaintiff does not seek to
4 quiet title against those sewer easements.

5 39. Plaintiff is currently unaware of any other person having any actual or potential
6 claim to or interest in the Property. In fact, Plaintiff is informed and believes that the
7 neighboring residents support her quiet title action. Nevertheless, in an abundance of caution,
8 Plaintiff hereby joins as defendants all persons unknown, claiming any legal or equitable right,
9 title, estate, lien, or interest in the property described in the Complaint adverse to Plaintiff's
10 title, or any cloud upon Plaintiff's title thereto.

11 40. Plaintiff is ignorant of the true names and capacities of defendants sued in this
12 action as *Does 1 through 50, inclusive*, and therefore sues these defendants by such fictitious
13 names. Plaintiff will amend this Complaint to allege their true names and capacities when that
14 information is ascertained. Plaintiff is informed and believes and thereon alleges that each of
15 the fictitiously named defendants has or claims an interest in the Subject Property adverse to
16 the title of Plaintiff.

17 WHEREFORE PLAINTIFF PRAYS FOR RELIEF AS FOLLOWS:

18 1. For a judgment quieting title in Plaintiff's favor as the fee title owner of the
19 Subject Property, against all others;

20 2. For a judgment declaring that the recordation of the Tract Map did not cause a
21 dedication of the Subject Property or an easement in the Subject Property to the City of Santa
22 Barbara and that title to the Subject Property is clear of any dedication;

23 3. For a judgment that Plaintiff's title to the Subject Property is not subject to any
24 easements other than the two easements for sewer purposes recorded on April 8, 1960 as
25 Instrument No. 11410, Book 1732, Page 30, and January 23, 1961 as Instrument No. 2009,
26 Book 1818, Page 45;

27 4. For a judgment that defendants, and each of them, have no right, title, estate, lien,
28 or interest in the Subject Property adverse to Plaintiff's title;

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5. For a judgment that Plaintiff owns fee title to all three of the parcels that compose the Residential Property, as described on Exhibit E hereto; and

6. For such other and further relief as the Court may deem just and proper.

Dated: September 19, 2014

Mullen & Henzell L.L.P.

By: 
Jared M. Katz
Lindsay G. Shinn

Attorneys for Plaintiff
GAIL L. FISHER, Trustee of the Gail L. Fisher
Revocable Trust under Declaration of Trust
dated December 10, 2004

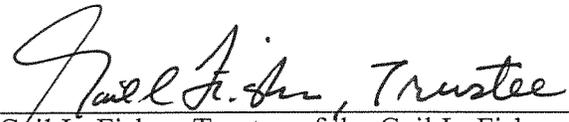
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VERIFICATION

I have read the foregoing Verified Complaint to Quiet Title. Each of the matters stated therein is true, except as to matters stated on information and belief, and as to such matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of September, 2014, at Santa Barbara, California.


Gail L. Fisher, Trustee of the Gail L. Fisher
Revocable Trust under Declaration of Trust
dated December 10, 2004

INDEX OF EXHIBITS

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- Exhibit A: Legal Description of Subject Property
- Exhibit B: Map of Subject Property, Large Parcel and Small Parcel
- Exhibit C: Deed for, and Legal Description of, Large Parcel and Small Parcel
- Exhibit D: Declaration and Quitclaim Deed of Neighbor William A. Corliss
- Exhibit E: Legal Description of Residential Property
- Exhibit F: Tract Map
- Exhibit G: Site Plan and Photos

Description

PARCEL:

That portion of the Riviera Oaks Tract according the Map recorded in Book 15, Page 236 through 238 inclusive of Maps in the office of the County Recorder of Santa Barbara County, City of Santa Barbara, County of Santa Barbara, State of California, more particularly described as follows:

Beginning at the Southeasterly corner of Lot 22 as shown on said map of the Riviera Oaks Tract, said point being on the Northerly Right of Way line of Alameda Padre Serra (60' wide);

- Thence 1st along the Easterly line of said Lot 22, North 13°39'30" West 180.83 feet to the Northeasterly corner of said Lot 22 and a point on the Southerly Right of Way line Roble Lane (40' wide);
- Thence 2nd along said Southerly Right of Way Line of Roble Lane, North 72°12'00" East 5.01 feet to the Northwesterly corner of Lot 23 as shown on said map of the Riviera Oaks Tract;
- Thence 3rd along the Westerly line of said Lot 23 and along the Westerly line of Lot 24 of the Riviera Oaks Tract, South 13°39'30" East 180.96 feet to a point on said Northerly line of Alameda Padre Serra, said point also being the Southwesterly corner of Lot 24 of the Riviera Oaks Tract;
- Thence 4th along said Northerly Right of Way line of Alameda Padre Serra, South 73°38'00" West 5.01 feet to said Southeasterly corner of Lot 22 and the Point of Beginning.

~ End of Description ~

Above described area contains 906.3 Sq.Ft./0.021 Acres

Prepared By:


Barry J. Waters PLS

Date:

9-10-14



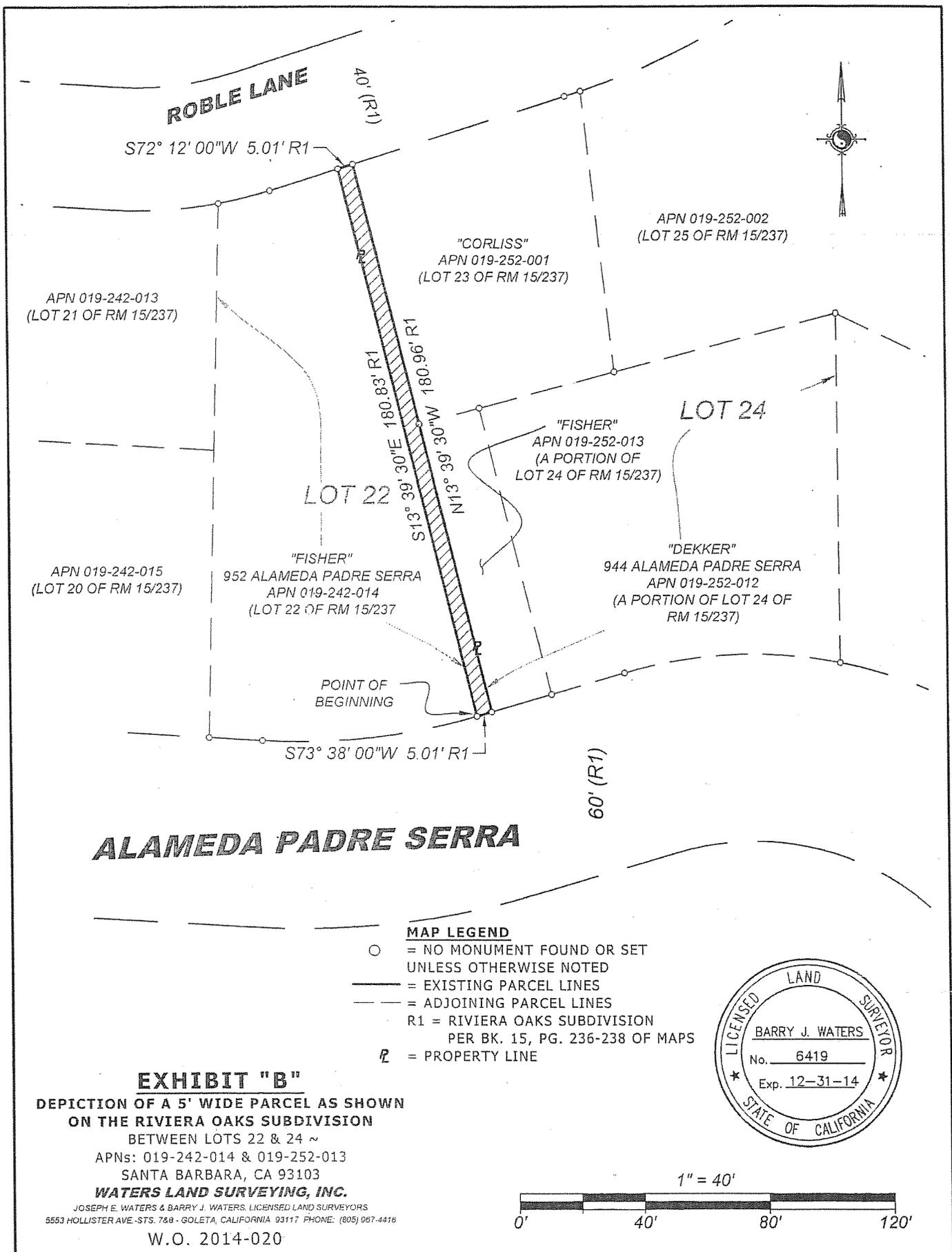


EXHIBIT B

2013-0035287

Recorded REC FEE 18.00
Official Records
County of Santa Barbara
Joseph E. Rolland
County Clerk Recorder
XR
08:00AM 29-May-2013 Page 1 of 2

RECORDING REQUESTED BY:
Fidelity National Title Company
Escrow No.: 13-420111236-GM
Locate No.: CAFNT0942-0942-0001-0420111236
Title No.: 13-420111236-SA

When Recorded Mail Document
and Tax Statement To:
Gail Fisher
952 Alameda Padre Serra
Santa Barbara, CA 93103

b-
2

APN: 019-242-14

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

Documentary transfer tax is \$ City Transfer Tax is \$
[] computed on full value of property conveyed, or
[] computed on full value less value of liens or encumbrances remaining at time of sale,
[] Unincorporated Area [] City of Santa Barbara,

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Gail L. Fisher, an unmarried woman

hereby GRANT(S) to

Gail L. Fisher, Trustee of the Gail L. Fisher Revocable Trust under Declaration of Trust dated December 10, 2004

the following described real property in the City of Santa Barbara, County of Santa Barbara, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

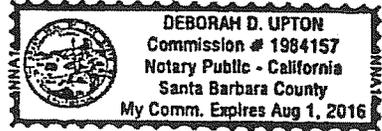
DATED: May 17, 2013

State of California }
County of Santa Barbara }

Gail L. Fisher
Gail L. Fisher

On May 20, 2013 before me,
Deborah D. Upton, Notary Public
(here insert name and title of the officer), personally appeared
Gail L. Fisher,

who 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/(e)/their authorized capacity(ies), and that by his/(e)/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Deborah D. Upton (Seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-213 (Rev 12/07)
(grantfil) (10-03) (Rev. 07-11)

GRANT DEED

Escrow No.: 13-420111236-GM
Locate No.: CAFNT0942-0942-0001-0420111236
Title No.: 13-420111236-SA

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Lot 22 and the Westerly 20 feet, lying between parallel lines of Lot 24, in Riviera Oaks Tract in the City of Santa Barbara, County of Santa Barbara, State of California, according to the map recorded in Book 15, Page 236 through 238 Inclusive of Maps, in the office of the County Recorder of said County.

PARCEL TWO:

A right of way for public utilities over the Southerly 10 feet of that portion of said Lot 24 of Riviera Oaks Tract lying Easterly of the herein above described line.

APN: 019-242-14

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DECLARATION OF WILLIAM A. CORLISS

I, William A. Corliss, declare:

1. I am submitting this Declaration in support of my neighbor, Gail Fisher's, action to quiet title to a five foot wide strip of land located in part between the westerly boundary of my property and the northeasterly boundary of Ms. Fisher's parcel, as more particularly described in Ms. Fisher's complaint (the "Subject Property").

2. I have personal knowledge of matters stated in this declaration, except as to matters stated on information and belief, and, as to such matters, I believe them to be true. If called as a witness, I would and could competently testify to the matters stated in this declaration.

3. I, in my capacity as Trustee of The Corliss Family Trust, U.D.T. (Under Declaration of Trust), dated December 6, 2006, am the owner of 961 Roble Lane, Santa Barbara, California 93103 (the "Corliss Property"). My family has owned the Corliss Property since at least as early as 1961. I have lived at or visited the Corliss Property on a regular basis since my family purchased it. I am familiar with all aspects of the Corliss Property, including the improvements on the Corliss Property and how the Corliss Property has been used since my family purchased it. I inherited the Corliss Property when my father died in 2011.

4. I do not claim any interest in the Subject Property, other than an easement for sewer purposes as set forth in a document recorded January 23, 1961 as Instrument No. 2009, Book 1818, Page 45. My family never has claimed an interest in the Subject Property, other than the easement for sewer purposes referenced above.

5. My family never has used, enclosed, improved or maintained the Subject Property.

6. Since at least 1975, my family has maintained a fence on the westerly boundary of the Corliss Property, immediately adjacent to but outside the Subject Property.

7. I recall my father telling me that after our family purchased the Corliss Property he had a discussion with Ruth Bauwens, the prior owner of Ms. Fisher's parcel, regarding the Subject Property. My father told Ms. Bauwens that he did not have or want any interest in the

1 Subject Property. Both my father and Ms. Bauwens did not believe that the City had any
 2 interest in the Subject Property. My father and Ms. Bauwens agreed that, as between the two
 3 of them, Ms. Bauwens should use the Subject Property.

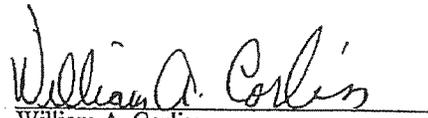
4 8. Since at least 1961, Ms. Fisher and her predecessors have used the Subject
 5 Property as an integrated part of their residence at 952 Alameda Padre Serra. Among other
 6 things, Ms. Fisher and her predecessors have enclosed the Subject Property as part of their
 7 residential property and have maintained a deck, retaining walls and other hardscape and
 8 landscape improvements on the Subject Property.

9 9. Since at least 1961, the Subject Property has never been used, improved or
 10 maintained by neighborhood residents, the public or the City.

11 10. Since at least 1961, there has been a fence along Roble Lane preventing access
 12 from Roble Lane to the Subject Property.

13 11. Since at least 1961, I have considered the Subject Property to be a portion of
 14 Ms. Fisher's property.

15 I declare under penalty of perjury under the laws of the State of California that the
 16 foregoing is true and correct and that this declaration was executed on September 23, 2014 at
 17 Santa Barbara, California.

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 19 William A. Corliss
 20 William A. Corliss

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G:\22121\0001\PLEAD\FR1994.DOCX

**Recording Requested By and When
Recorded Mail To:**

Mullen & Henzell L.L.P. (97)
112 E. Victoria Street
Santa Barbara, CA 93101

QUITCLAIM DEED

Quitclaim Deed (Excluded from Reappraisal Under Proposition 13, i.e., Calif. Const. Art. 13A 1 et seq.) The undersigned Transferor declares under penalty of perjury that the following is true and correct:

DOCUMENTARY TRANSFER TAX \$ 0

- computed on full value of property conveyed, or
- computed on full value less value of liens and encumbrances remaining at time of sale.
- Unincorporated area: _____ (X) City of Santa Barbara, and
- There is no Documentary Transfer Tax due. See Note below.

TRANSFEROR: William A. Corliss, as Trustee of The Corliss Family Trust, U.D.T. (Under Declaration of Trust), dated December 6, 2006,

does hereby remise, release and forever quitclaim to:

TRANSFeree: Gail L. Fisher, Trustee of the Gail L. Fisher Revocable Trust under Declaration of Trust dated December 10, 2004

Transferor's entire right, title and interest, if any, in and to the following described real property in the City of Santa Barbara, County of Santa Barbara, State of California:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"
AND INCORPORATED HEREIN BY THIS REFERENCE**

excepting therefrom any right Transferor may have to an easement for sewer purposes as set forth in a document recorded January 23, 1961 as Instrument No. 2009, Book 1818, Page 45.

NOTE TO ASSESSOR AND TO RECORDER: The purpose of this Quitclaim Deed is to perfect title to the property and to remise, release and forever quitclaim any rights Transferor may have acquired in the property. This transfer, therefore, does not constitute a "change in ownership" pursuant to Revenue & Taxation Code § 62(b) and Property Tax Rule 462.240(a)(1). No documentary transfer tax is due because consideration is less than \$100. (Revenue & Taxation Code § 11911.)

MAIL TAX STATEMENTS TO: Gail L. Fisher, Trustee
952 Alameda Padre Serra, Santa Barbara CA 93103

Dated: 9/23, 2014

William A. Corliss
William A. Corliss, as Trustee of The Corliss
Family Trust, U.D.T. (Under Declaration of Trust),
dated December 6, 2006

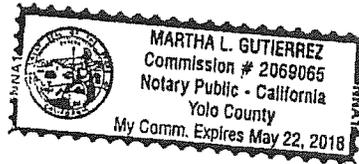
State of California }
County of Yolo }

On September 23, 2014 before me, Martha L. Gutierrez, Notary Public (here insert name and title of the officer), personally appeared William A. Corliss who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Martha L. Gutierrez (Seal)



The land referred to herein below is situated in the City of Santa Barbara, County of Santa Barbara, State of California, and is described as follows:

PARCEL ONE:

Lot 22 and the Westerly 20 feet, lying between parallel lines of Lot 24, in Riviera Oaks Tract in the City of Santa Barbara, County of Santa Barbara, State of California, according to the map recorded in Book 15, Page 236 through 238 inclusive of Maps, in the office of the County Recorder of said County.

PARCEL TWO:

A right of way for public utilities over the Southerly 10 feet of that portion of said Lot 24 of Riviera Oaks Tract lying Easterly of the herein above described line.

PARCEL THREE:

That portion of the Riviera Oaks Tract according the Map recorded in Book 15, Page 236 through 238 inclusive of Maps in the office of the County Recorder of Santa Barbara County, City of Santa Barbara, County of Santa Barbara, State of California, more particularly described as follows:

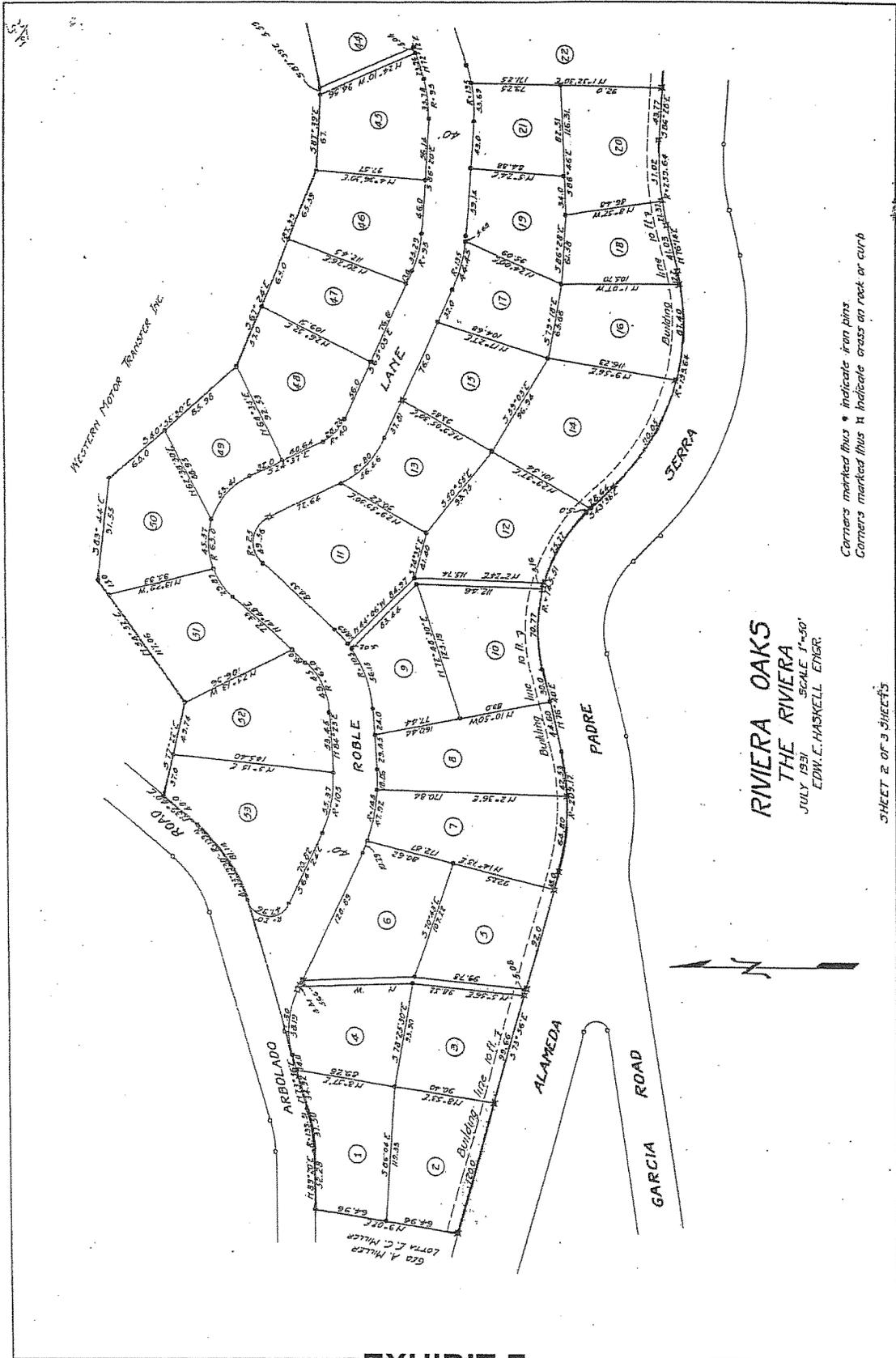
Beginning at the Southeasterly corner of Lot 22 as shown on said map of the Riviera Oaks Tract, said point being on the Northerly Right of Way line of Alameda Padre Serra (60' wide);

Thence 1st along the Easterly line of said Lot 22, North 13°39'30" West 180.83 feet to the Northeasterly corner of said Lot 22 and a point on the Southerly Right of Way line Roble Lane (40' wide);

Thence 2nd along said Southerly Right of Way Line of Roble Lane, North 72°12'00" East 5.01 feet to the Northwesterly corner of Lot 23 as shown on said map of the Riviera Oaks Tract;

Thence 3rd along the Westerly line of said Lot 23 and along the Westerly line of Lot 24 of the Riviera Oaks Tract, South 13°39'30" East 180.96 feet to a point on said Northerly line of Alameda Padre Serra, said point also being the Southwesterly corner of Lot 24 of the Riviera Oaks Tract;

Thence 4th along said Northerly Right of Way line of Alameda Padre Serra, South 73°38'00" West 5.01 feet to said Southeasterly corner of Lot 22 and the Point of Beginning.



RIVERA OAKS
 THE RIVERA
 JULY 1931
 EDW. C. HASKELL ENGR.

• indicate iron pins
 ✕ indicate crosses on rock or curb

SHEET 2 OF 3 SHEETS



452 APS - FRONT - 2013
BEFORE RENOVATION



2013 APS Deck
BEFORE RENOVATION

MONTRACHET

WROUGHT ALUMINUM



EXHIBIT D

June 13, 2014

George Buell,
Community Development Director
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
SEP 24 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 952 Alameda Padre Serra (#ENF2014-00220)
Letter of Modification Project Support

To Director Buell:

I have had an opportunity to review the proposal associated with the above referenced permit for addition of the outdoor Bar-B-Que area and counter bar to Gail Fisher's property at 952 Alameda Padre Serra ("Project"). I own my home at 944 Alameda Padre Serra directly next door to the Project.

I am writing in support of the granting of a modification to allow this Project to continue and be permitted. The Project is well suited to our neighborhood and is being built in a way that does not interfere with the neighborhood or our enjoyment of our property. It compliments the home design and seems to be a wonderful addition. As proposed, the Project is entirely appropriate for our neighborhood and consistent with good planning.

I understand the Project is set into the side yard set back but when you take into account the slopes and hills in our neighborhood, the chosen location is necessary and just makes good sense. The requested modification is appropriate because of the natural restraints and desire to leave the rest of the property as natural as possible. It would be an unreasonable hardship to push the outdoor area into the steep part of the slope.

Because the Project does not overwhelm the neighborhood or crowd the surrounding homes we support Ms. Fisher's modification request. I urge your support of the requested modification and the Project.

Thank you for your time in considering our opinion and allowing this Project to proceed.

Sincerely,

Name Maxine J. Dekker
Address 944 Alameda Padre Serra
Phone Number 805-965-3693
Email _____

MAYLINE J. DEKKER

EXHIBIT E

June 13, 2014

George Buell
Community Development Director
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
SEP 24 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 952 Alameda Padre Serra (#ENF2014-00220)
Letter of Modification Project Support

To Director Buell:

I have had an opportunity to review the proposal associated with the above referenced permit for addition of the outdoor Bar-B-Que area and counter bar to Gail Fisher's property at 952 Alameda Padre Serra ("Project"). I own my home at 961 Roble Lane directly above to the Project.

I am writing in support of the granting of a modification to allow this Project to continue and be permitted. The Project is well suited to our neighborhood and is being built in a way that does not interfere with the neighborhood or our enjoyment of our property. It compliments the home design and seems to be a wonderful addition. As proposed, the Project is entirely appropriate for our neighborhood and consistent with good planning.

I understand the Project is set into the side yard set back but when you take into account the slopes and hills in our neighborhood, the chosen location is necessary and just makes good sense. The requested modification is appropriate because of the natural restraints and desire to leave the rest of the property as natural as possible. It would be an unreasonable hardship to push the outdoor area into the steep part of the slope.

Because the Project does not overwhelm the neighborhood or crowd the surrounding homes we support Ms. Fisher's modification request. I urge your support of the requested modification and the Project.

Thank you for your time in considering our opinion and allowing this Project to proceed.

Sincerely,

William A. Corliss
Name William A. Corliss
Address 961 Roble Lane
Phone Number 530 400-1294
Email b.corliss@sbcglobal.net

June 13, 2014

George Buell,
Community Development Director
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
SEP 24 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 952 Alameda Padre Serra (#ENF2014-00220)
Letter of Modification Project Support

To Director Buell:

I have had an opportunity to review the proposal associated with the above referenced permit for addition of the outdoor Bar-B-Que area and counter bar to Gail Fisher's property at 952 Alameda Padre Serra ("Project"). I own my home at 943 Alameda Padre Serra directly below to the Project.

I am writing in support of the granting of a modification to allow this Project to continue and be permitted. The Project is well suited to our neighborhood and is being built in a way that does not interfere with the neighborhood or our enjoyment of our property. It compliments the home design and seems to be a wonderful addition. As proposed, the Project is entirely appropriate for our neighborhood and consistent with good planning.

I understand the Project is set into the side yard set back but when you take into account the slopes and hills in our neighborhood, the chosen location is necessary and just makes good sense. The requested modification is appropriate because of the natural restraints and desire to leave the rest of the property as natural as possible. It would be an unreasonable hardship to push the outdoor area into the steep part of the slope.

Because the Project does not overwhelm the neighborhood or crowd the surrounding homes we support Ms. Fisher's modification request. I urge your support of the requested modification and the Project.

Thank you for your time in considering our opinion and allowing this Project to proceed.

Sincerely,

Susan F. Cappiello
Name SUSAN F. CAPPIELLO
Address 943 Alameda Padre Serra, S.B., CA
Phone Number 805-730-1202
Email S. Cappiello @ COX.NET 93103

July 4, 2014

George Buell,
Community Development Director
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
SEP 24 2014
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 952 Alameda Padre Serra (#ENF2014-00220)
Letter of Modification Project Support

To Director Buell:

I/We have had an opportunity to review the proposal associated with the above referenced permit for addition of the outdoor Bar-B-Que area and counter bar to Gail Fisher's property at 952 Alameda Padre Serra ("Project"). We own our home at 958 APS ~~Robie Lane, above~~, right, to the Project.

We are writing in support of the granting of a modification to allow this Project to continue and be permitted. The Project is well suited to our neighborhood and is being built in a way that does not interfere with the neighborhood or our enjoyment of our property. It compliments the home design and seems to be a wonderful addition. As proposed, the Project is entirely appropriate for our neighborhood and consistent with good planning.

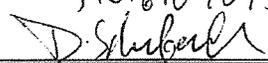
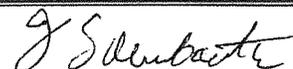
I/We understand the Project is set into the side yard set back but when you take into account the slopes and hills in our neighborhood, the chosen location is necessary and just makes good sense. The requested modification is appropriate because of the natural restraints and desire to leave the rest of the property as natural as possible. It would be an unreasonable hardship to push the outdoor area into the steep part of the slope.

Because the Project does not overwhelm the neighborhood or crowd the surrounding homes we support Ms. Fisher's modification request. I/We urge your support of the requested modification and the Project.

Thank you for your time in considering our opinion and allowing this Project to proceed.

Sincerely,

(insert name)
(Address)
(Email)
(Phone)

Darrell & Jennifer Scherbarth
958 Alameda Padre Serra
Santa Barbara, CA 93103
djscherbarth@comcast.net
510.610.7095



July 8, 2014

George Buell,
Community Development Director
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED

SEP 24 2014

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 952 Alameda Padre Serra (#ENF2014-00220)
Letter of Modification Project Support

To Director Buell:

I/We have had an opportunity to review the proposal associated with the above referenced permit for addition of the outdoor Bar-B-Que area and counter bar to Gail Fisher's property at 952 Alameda Padre Serra ("Project"). We own our home at 1001 Roble Lane, above, right, to the Project.

We are writing in support of the granting of a modification to allow this Project to continue and be permitted. The Project is well suited to our neighborhood and is being built in a way that does not interfere with the neighborhood or our enjoyment of our property. It compliments the home design and seems to be a wonderful addition. As proposed, the Project is entirely appropriate for our neighborhood and consistent with good planning.

I/We understand the Project is set into the side yard set back but when you take into account the slopes and hills in our neighborhood, the chosen location is necessary and just makes good sense. The requested modification is appropriate because of the natural restraints and desire to leave the rest of the property as natural as possible. It would be an unreasonable hardship to push the outdoor area into the steep part of the slope.

Because the Project does not overwhelm the neighborhood or crowd the surrounding homes we support Ms. Fisher's modification request. I/We urge your support of the requested modification and the Project.

Thank you for your time in considering our opinion and allowing this Project to proceed.

Sincerely,

(insert name) *Kathy L Carr*
(Address) *1001 Roble Ln*
(Email)
(Phone) *(805) 966-5877*



DESIGN REVIEW ACTIVITIES SUMMARY

952 ALAMEDA PADRE SERRA (MST2014-00346)

R-ALTERATIONS

Proposal to permit an "as-built" counter, barbeque, fire pit and hot tub on a 13,403 square foot lot in the Hillside Design District. The lot, which spans two parcels (APNs 019-252-013 & 019-242-014) is currently developed with an existing 1,347 square foot one-story house with attached two-car garage. Also proposed is the replacement of dryrot-damaged deck and fencing, resurfacing existing CMU walls, new CMU seat walls, and repaving the existing driveway. The proposal will address violations identified in enforcement case ENF2014-00220. Staff Hearing Officer review is requested for a zoning modification.

Status: Pending

DISP

Date 3

SFDB-Consent (New)

CONT

08/11/14

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review.)

Continued to Staff Hearing Officer to return to Consent Calendar with the following comments:

- 1) The Board finds the requested zoning modification aesthetically appropriate and does not pose consistent issues with the design guidelines.
- 2) The proposed glass railing is unacceptable and an alternative railing system shall be considered.

EXHIBIT F