

RESOLUTION NO. 06-057

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA MAKING A DECISION AND EXPRESSING CERTAIN FINDINGS CONCERNING AN APPEAL FROM A DECISION OF THE CITY PLANNING COMMISSION REGARDING A MODIFICATION TO THE REQUIRED FRONT YARD AT 1464 LA CIMA ROAD

WHEREAS, on March 11, 2002, the City received an application from Hochhauser and Blatter Architects, agent for Scott McCosker, (hereinafter the "Applicants"), for an addition of approximately 500 square feet to a 2,000 square foot single family residence at 1464 La Cima Road (hereinafter referred to as the "1464 La Cima Road Project" or the "Project".);

WHEREAS, during the construction of the project, it was discovered that approximately 31 square feet of the addition encroached into the required front yard on the property;

WHEREAS, on January 12, 2006, the applicants submitted an application for an "as-built" modification to the required twenty foot (20') front yard;

WHEREAS, on February 1, 2006, the City Modification Hearing Officer held a noticed public hearing on the 1464 La Cima Road Project and approved the modification making the required findings pursuant to Chapter 28.92 of the Santa Barbara Municipal Code;

WHEREAS, this action was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to section 15301 – Existing Facilities, of the CEQA Guidelines;

WHEREAS, on February 9, 2006 the decision of the Modification Hearing Officer was appealed to the City Planning Commission by Tony Fischer, agent for John and Kathy Cook;

WHEREAS, on April 6, 2006, the Planning Commission held a public hearing, during which representatives for both the appellants and the applicants made presentations. The Chair of the Planning Commission initially limited the discussion to the modification appeal; however, a large portion of the appellant's presentation and the public input centered on a previously approved chimney. After a discussion with the City Attorney, the Chair allowed a discussion of the chimney by the representatives of the applicants. Following the discussion, the Planning Commission denied the appeal on a 5 to 0 vote, upholding the Modification Hearing Officer's approval;

WHEREAS, on April 17, 2006, the Planning Commission's denial of the appeal was appealed to the City Council by Tony Fischer, agent for John and Kathy Cook;

WHEREAS, on Monday, May 22, 2006, a site visit to 1464 La Cima Road was held with the City Council in order to inspect the Project site, adjacent properties and the overall neighborhood; and

WHEREAS, on May 23, 2006, the City Council conducted a notice public hearing concerning the appeal and considered the City Planning Commission action, the staff reports, the information presented by the applicant and by the appellants and heard testimony from staff, members of the Planning Commission and from several members of the public. At the close of the public hearing, the City Council denied the appeal.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA FINDS AND DETERMINES AND RESOLVES AS FOLLOWS:

SECTION 1. The appeal is denied. The "as-built" modification to the required twenty foot (20') front yard of 1464 La Cima Road is approved as provided in the February 1, 2006 decision of the City Modification Hearing Officer.

SECTION 2. The City Council finds and determines that the decision to deny the appeal is based on the Council making the following findings: (a) the modification is consistent with the purpose and intent of the Zoning Ordinance, (b) the modification is necessary to secure an appropriate improvement on the lot, and (c) the modification prevents an unreasonable hardship.

SECTION 3. Further, the City Council makes findings in support of the conclusions specified in the preceding section 2 as follows:

(a) the project real property is a very steep parcel of land and the existing improvements are located near the street;

(b) the second story encroachment into the required front yard does not extend into the required front yard beyond the structure's existing and original footprint;

(c) a private view easement restricts the area where new construction is allowed on the project real property;

(d) the enclosed wall with no windows facing the neighbor to the west of the subject property is more neighbor-friendly than the prior existing second floor balcony;

(e) the extent of the "as-built" second story encroachment does not exceed the maximum encroachment allowed under a second story modification on the subject parcel approved in 1982; and

(f) the modification of the required front yard is consistent with the street setback of the other adjacent houses on La Cima Road.

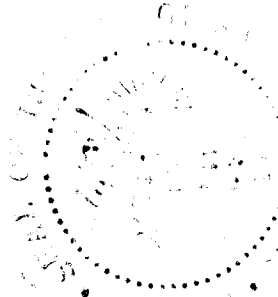
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STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on June 27, 2006, by the following roll call vote:

- AYES: Councilmembers Brian B. Barnwell, Iya G. Falcone, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
- NOES: None
- ABSENT: Councilmember Roger L. Horton
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on June 28, 2006.



Cynthia M. Rodriguez

Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on June 28, 2006.

Marty Blum

Marty Blum
Mayor