



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 020-11 917 PASEO FERRELO MODIFICATION MAY 18, 2011

#### APPLICATION OF DAN WEBER, AGENT FOR NEIL DIPAOLO, 917 PASEO FERRELO, APN: 029-261-006, E-1 SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2011-00049)

The 10,500 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves converting the existing 650 square foot garage to habitable space, construction of a new 410 square foot two-car garage and associated accessory space, and 202 square feet of new residential additions. The discretionary applications required for this project are Modifications to allow a new garage and accessory space within the required 30-foot front setback and new habitable space and alterations to the residence in the required 10-foot interior setback (SBMC §28.15.060. A & B).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, Two people appeared to speak with various concerns thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 11, 2011.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a) Paula Westbury, Santa Barbara, CA.

#### **NOW, THEREFORE BE IT RESOLVED:**

- I. The Staff Hearing Officer finds that the Modification related to the construction of the new garage and accessory space within the required front setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. The proposed location of the garage is not consistent with the main pattern of development in the immediate area and is located on a portion of the site with steep slopes. In addition, the construction of the garage, new site walls, and associated walkways has the potential to cause adverse impacts to the existing mature oak tree within the front setback.

The Staff Hearing Officer finds that the Modification for alterations and additions within the interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The addition and alterations to the residence will provide for a uniform addition to the residence in keeping with the existing nine foot interior setback, the alterations to the roof eave will reduce the amount of encroachment into the setback, and the new window facing the ravine is not anticipated to impact the adjacent neighbors.

- II. Said approval for alterations and additions within the interior setback is subject to the condition that the proposed wet bar and cabinets in the lower level of the residence shall be removed from the plans, and a Zoning Compliance Declaration shall be recorded for the property.

This motion was passed and adopted on the 18<sup>th</sup> day of May, 2011 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 \_\_\_\_\_ 5/19/11  
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.