



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 036-11 602 EAST SOLA STEET MODIFICATIONS AUGUST 10, 2011

APPLICATION OF KENT MIXON, ARCHITECT FOR OWNER, WILLIAM H. YULE III, 602 EAST SOLA STEET, APN 029-092-001, R-2 (TWO-FAMILY RESIDENCE ZONE), GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2011-00158).

The 4,000 square foot parcel is currently developed with a two-story duplex and detached two-car garage. The proposed project involves the repair and remodel of the two-story duplex with new windows, new exterior materials, and interior alterations, and construction of a new stairway, new entry trellis, and a new wall and fence combination.

The discretionary land-use applications required for this project are:

1. Modifications to allow a new wall and fence to exceed 3.5 feet in height within ten feet of the front lot line and to exceed 3.5 feet in height within 50 feet of the street corner (SBMC §§28.87.170 & 28.92.110);
2. A Modification to allow alterations and a new entry trellis to be located within the required front setback along Salispuedes Street (SBMC § 28.18.060 & 28.92.110); and
3. A Modification of the open yard area requirements (SBMC §28.18.060 & 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines §15303 (New Construction) and §15305 (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, no one appeared to speak in favor, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 3, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Randy and Linda Wright, Santa Barbara, CA.
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA.
 - b. Donna Peterson, Santa Barbara, CA.
 - c. Steve Dowty, Santa Barbara, CA.
 - d. Joe Rution, Santa Barbara, CA.


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

- I. Approved the subject application making the following findings and determinations:
 - A. The Modification to allow the over-height fence and wall combination is necessary to secure an appropriate improvement on the lot and meets the purpose and intent of the Ordinance. The proposed fence and wall heights are necessary to secure development on the site due to slope conditions and do not create visual obstructions or safety concerns in their proposed locations.
 - B. The Modification to allow window alterations and a new entry trellis in the front setback is consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot. The relocated window and new entry trellis provide architectural improvements to the existing South elevation, allowing for an improved design, without impacts to adjacent neighbors.
 - C. The Modification to allow the stairway to encroach into the non-conforming open yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although the non-conforming open yard is 1,098 square feet, when combined with the remaining yard area within the secondary front setback, the amount of total, connected open yard exceeds 1,250 square feet. The new stairway, although not required per the Building Code, has the added benefit of providing direct access from the second floor unit to the required open yard area.


- II. Said approval is subject to the following conditions:
 - A. The stored items shall be removed from the garage and the garage shall be accessible for the parking of two vehicles at all times.
 - B. Any vegetation within 10' of the private alley entrance shall be reduced to 3 1/2' feet in height or less.
 - C. Any work proposed in the public right-of-way shall be reviewed and approved by the Public Works Department.
 - D. Prior to the issuance of a building permit for the project, the Owner shall provide City staff with a report, prepared by a Structural Engineer that includes review of the site plan and offers recommendations and conclusions on whether the existing building can be re-used as proposed. An exploratory demolition permit would be issued to allow the preparation of the report. If the building cannot be re-used and must be demolished, the unit density on site shall conform to current Zoning Ordinance requirements. Despite the report described above, if the building is demolished beyond what is shown on the plans, the construction shall be halted, and the Modifications approvals will become null and void.
 - E. The proposed guardrail above the retaining wall along the Salsipuedes Street frontage, from the south corner of the duplex to the driveway, shall not exceed 3 1/2 feet in height from the sidewalk as viewed from the public right-of-way.

This motion was passed and adopted on the 10th day of August, 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, 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 Architectural Board of Review (ABR) 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.