



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 017-12 917 PASEO FERRELO MODIFICATIONS MAY 30, 2012

APPLICATION OF DAN WEBER, ARCHITECT FOR NEIL DIPAOLA, PROPERTY OWNER, 917 PASEO FERRELO, APN: 029-261-006, E-1 (SINGLE FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 UNITS/ACRE) (MST2012-00145)

The 10,500 square foot project site is currently developed with a two-story single-family residence and an attached two-car garage. The proposed project involves increasing the size of a second-story window to replace an existing second-story window and a new opening with a counter top and barbeque in the wall associated with a previously approved second-story deck on the west side of the property. The discretionary application required for this project is a Modification to allow alterations to the residence within the required 10-foot interior setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).

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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Exhibits, May 9, 2012.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA.

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

- I. Approved the Modification making the findings and determinations that the portion of the Modification request for the enlarged window is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed window is appropriate because the upper story of the residence is set lower than most typical second stories and the abutting property has limited development potential, particularly in the area nearest the subject property.

Approved the Modification making the findings and determinations that the portion of the Modification request for the opening in the deck fin wall is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. As conditioned, the proposed wall with opening would provide a similar buffer from the neighboring property as a traditional deck with safety railing set back ten feet from the property line.

- II.** Said approval is subject to a condition that any active use areas of the upper story deck be limited to the portion located outside the ten-foot interior setback. The deck area within the interior setback shall be designed and constructed to provide a substantial physical barrier so that it is neither accessible by foot nor provides area for storage of items not typically allowed in setbacks (e.g., BBQs, fireplaces, sinks, fountains, and showers).

This motion was passed and adopted on the 30th day of May, 2012, 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.

Gabriela Feliciano
Gabriela Feliciano, Commission Secretary

May 30, 2012
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.