



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

**RESOLUTION NO. 041-12
1950 EUCALYPTUS HILL ROAD
MODIFICATIONS
OCTOBER 3, 2012**

**APPLICATION OF MARK MORANDO, AGENT FOR KAREL DE VEER,
1950 EUCALYPTUS HILL ROAD, APN 015-100-02, A-2 ONE FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00291)**

The 23,681 square foot lot is developed with a 3,556 square foot two-story residence with a detached two-car carport above a 494 square foot accessory building and 442 square feet of deck. The carport was destroyed by a fallen tree and was rebuilt under BLD2011-01298. Revisions were made in the field as required to meet building code requirements including increasing the height of guardrails for the wall along the front property line and alterations to the unpermitted entry stairway. The discretionary applications required for this project are:

1. A Modification to allow field changes to fences and walls to exceed the maximum allowable height when located within the front setback and along the driveway (SBMC § 28.87.170 and SBMC § 28.92.110);
2. A Modification to allow a stair case to access the residence to encroach four-feet into the required thirty-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. A Modification to allow a deck to encroach five-and-one-half feet into the required ten-foot interior setback (SBMC § (SBMC § 28.15.060 and SBMC § 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 Section 15301.

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 Attachments, September 26, 2012.
2. Site Plans
3. Correspondence received in support of the project:
 - a. David and Christine Gress, Santa Barbara, CA.
4. 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 Modifications making the following findings and determinations:
 - A. The Modification to allow the combined height of guard rails and retaining walls to exceed the allowable height when located along a driveway and within the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed increase in height of the guardrails is appropriate because it necessary to meet safety requirements outlined in the building code;
 - B. The Modification to allow the entry stair case to be located within the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The stairway provides the primary access to the front entry and is appropriate because it necessary to meet safety requirements outlined in the building code; and,
 - C. The Modification to allow the second story deck to be located 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 deck matches the dimensions and configuration indicated on the 1964 archive plans, the location was discovered to be in error only after the completion of a land survey and has been in place for a number of years without neighbor complaints; therefore, staff does not anticipate impacts to adjacent neighbors.

- II. Said approval is subject to the following conditions:
 - A. The approval of the proposed modification does not legalize the proposed improvements shown on the plans on sheets A3 and A4 for the detached accessory building. The proposed use and amenities for the detached accessory space are subject to zoning plan check approval.
 - B. A separate Public Works encroachment permit is required for the portion of retaining wall and guardrail located within the public right-of-way.

This motion was passed and adopted on the 3rd day of October, 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.



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.