



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 042-12 3505 LOS PINOS DRIVE MODIFICATIONS OCTOBER 3, 2012

#### **APPLICATION OF MARK MORANDO, AGENT FOR LESSIE SHEA, 3505 LOS PINOS DRIVE, APN 053-312-008, E-3 ONE-FAMILY RESIDENCE/ SD-1 SPECIAL DESIGN DISTRICT 1 ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00161)**

The 9,017 square foot lot is currently developed with a one-story, 1,440 square foot residence with an attached two-car garage and 752 square foot deck. The proposal includes abatement of outstanding violations for unpermitted site improvements consisting of basalt entry pillars, a 36-inch high wrought iron fence to be relocated to the property line, two gates, two fountains, a freestanding pillar, and a raised deck with attached above ground spa. The discretionary applications required for this project are:

1. A Modification to allow fences, gates, and pillars to exceed the maximum allowable height of three and one-half feet when located within ten feet of the front property line and within ten feet of either side of the driveway for a distance of twenty feet from the front property line (SBMC § 28.87.170 and 28.92.110);
2. A Modification to allow structures greater than ten inches in height to be located within the required twenty-foot E-3 and forty-foot SD-1 front setbacks (SBMC § 28.15.060, 28.45.007, and 28.92.110); and
3. A Modification to allow an above ground spa that exceeds 36 inches in height to be located within the required 1,250 square foot open yard. (SBMC § 28.15.060 and 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 (Existing Facilities).

**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 of the application, and two people appeared to speak in opposition 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 opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.

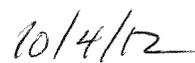
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I.** Approved the Modifications making the findings and determinations:
  - A.** The Modification to allow the wing wall and gate along the Toyon Drive frontage, and the proposed gate and entry pillars at the Los Pinos Frontage are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The wing wall and gate adjacent to the garage along Toyon Drive is appropriate because it is not anticipated to interfere with pedestrian and vehicular visibility because they are located approximately ten-feet from the front property line and relatively flush with the face of the garage. The proposed gate and entry pillars at the Los Pinos Frontage are appropriate because they are not anticipated to interfere with pedestrian and vehicular visibility along Los Pinos Drive nor the corner;
  - B.** The Modification to allow the two fountains and a freestanding six-foot high pillar to encroach into the required front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement and prevent an unreasonable restriction. The proposed encroachments are appropriate because the improvements are small-scale landscape features on a site severely constrained by two 40-foot front setbacks, eliminating all areas that would normally be considered “remaining” front yard appropriate for such features; and,
  - C.** The Modification to allow the above ground spa in excess of 36 inches in height to encroach into the required open yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary secure an appropriate improvement on the lot. The spa is appropriate because if it were detached from the deck structure it would not require a Modification, and the improvement is not expected negatively impact adjacent neighbors.
  
- II.** Said approval is subject to the following conditions of approval:
  - A.** All hedges in the required front setback on the subject property shall be trimmed and maintained to 3½ feet in height consistent with SBMC §28.87.170.
  - B.** All zoning and Building Code violations listed in ZIR2002-00623 are to be abated on this permit; violations include improvements that prevent the garage from being used as a two-car garage.
  - C.** Remove the existing hedge within the public right-of-way. Any replacement hedge within the front setback is limited in height to 3½ feet consistent with SBMC §28.87.170.
  - D.** Existing fountain pump equipment within the public right-of-way shall be relocated on the property and below grade.
  - E.** The basalt column (pillars) shall not exceed the maximum height of 8 feet.

This motion was passed and adopted on the 3<sup>rd</sup> 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.