



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 054-12 20 LAS ALTURAS CIRCLE MODIFICATIONS DECEMBER 12, 2012

APPLICATION OF PAUL ZINK, ARCHITECT FOR CHARLES RUDD, 20 LAS ALTURAS CIRCLE, APN 019-122-001, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00270)

The 19,178 square foot parcel was previously developed with a single-family residence and an attached two-car garage, which were destroyed in the Tea Fire in November 2008, leaving an existing pool remaining. The project consists of construction of a 3,460 square foot, two-story, single-family residence with an attached 500 square foot garage, new site walls, an existing pool to remain, new pool decking, relocation of pool equipment onto private property, removal of an existing 32 inch diameter redwood tree and replacement with three oak trees, and proposed grading of 100 cubic yards of cut, 70 cubic yards of fill and 30 cubic yards of export. The discretionary applications required for this project are:

1. A Modification to allow the pool equipment within the required 35-foot front setback along Las Alturas Road (SBMC § 28.15.060 and SBMC § 28.92.110);
2. A Modification to allow walls to exceed the maximum allowable height of 3.5 feet within ten feet of a front lot line. (SBMC § 28.87.170 and SBMC § 28.92.110); and
3. A Modification to allow walls to exceed the maximum allowable height of eight feet within the required 35-foot front setback. (SBMC § 28.87.170 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 Sections 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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 6, 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:

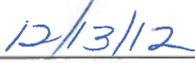
- I. Approved the Modifications making the findings and determinations that front setback and fence height Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on this lot. The property is constrained by three front setbacks and the proposed six inch increase in guard rail height is a minor increase from what was previously permitted and will meet current Building Code requirements. The enclosure of a portion of the secondary front yard with a five-foot wall to create a secure and private open yard is appropriate on a lot with three front yards, and the pool equipment and enclosure location within the secondary front yard along Las Alturas Road are appropriate given the site topography and multiple front yards. The proposed improvements are not anticipated to adversely impact the adjacent neighbors.
- II. Said approval is subject to the conditions that:
- 1) An application for an encroachment permit to allow the pool deck and retaining wall to remain in the public right-of-way shall be submitted to the Public Works Department prior to building permit issuance.
 - 2) The height and location of the site wall located at the intersection of Las Alturas Circle and Las Alturas Road is subject to review and approval by the Supervising Transportation Engineer.
 - 3) A copy of the permit to remove the 32-inch redwood tree shall be submitted prior to building permit issuance.
 - 4) The height of the new wall within 10 feet of the front property line shall be no greater than five feet above existing grade.
 - 5) If the encroachment permit is not granted or is later revoked, a new pool equipment enclosure shall be constructed to screen the pool equipment. This may necessitate a new modification request.

This motion was passed and adopted on the 12th day of December, 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.