



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 004-13 718 AND 728 N. VOLUNTARIO STREET MODIFICATIONS JANUARY 2, 2013

APPLICATION OF HOWARD WITTAUSCH, ARCHITECT FOR TRES PALMAS HOMEOWNERS ASSOCIATION, THERESE CUMMINGS, AND RUTH ANN GLATER TRUST, 718 -728 N. VOLUNTARIO ST, APNs 031-131-033, -029 AND -030, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MST2012-00407)

The subject property is part of the Tres Palmas condominium development located at 718-728 N. Voluntario St. The proposal includes improvements located on the private properties for the units located at 718 and 720 N. Voluntario Street and extends into the lot defined as common area for the condominium development. The proposed improvements at 718 N. Voluntario Street include the demolition and replacement of a 347 square foot "as-built" wood deck and 60 linear-foot "as-built" wood fence in the same location. The proposed improvements at 720 N. Voluntario Street include the demolition of a 300 square foot "as-built" wood deck and 75 linear-foot "as-built" wood fence and replacement with a new 400 square foot concrete deck and an 85 linear-foot wood fence in the same location. The project also includes a new storm drain line, trash enclosure, storage enclosure and a 50 square-foot sunroom addition. The discretionary land use applications required for this project are:

1. A Modification to allow a deck and planter exceeding ten inches in height to encroach into the required six-foot interior setback (SBMC §28.18.060 and 28.92.110); and
2. A Modification to allow the combined height of retaining walls and fencing to exceed eight feet in height within the required six-foot interior setback (SBMC §28.87.170 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 Sections 15301 (Existing Facilities) 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, January 2, 2013.
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 approved the Modifications making the following findings and determinations:

- A. The Modification to allow decks and planters to exceed ten inches in height within a 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 deck and planter improvements are appropriate because they allow for the repair of storm drain improvements while providing a level useable open space area in an area constrained by topography.
- B. The Modification to allow the combined wall height to exceed eight feet in height within a 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 five foot fence in combination with the adjacent neighbor's retaining and site walls will exceed the allowable height by approximately 2'-11" and is appropriate to minimally secure a private yard with no anticipated impacts to the adjacent neighbor.

This motion was passed and adopted on the 9th day of January, 2013 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.