



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 007-13 1035 CIMA LINDA LANE MODIFICATION FEBRUARY 20, 2013

#### **APPLICATION OF SAM MAPHIS, AGENT FOR PETER T. SADOWSKI AND DENISE DECKER, 1035 CIMA LINDA LANE, APN 015-202-004, A-2 SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00344)**

The 1.3 acre site is currently developed with a 6,177 square foot, one-story, single-family residence with an attached three-car garage and a 500 square foot, detached accessory building. The proposed project involves the installation of two, 6-foot tall vehicle access gates and a 5'-6" tall pedestrian access gate to be located between existing 3.5-foot tall stucco columns and site walls along the front of the property. The discretionary application required for this project is a Modification to allow the gates to exceed the maximum allowable height of 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet back from the front property line. (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 15301 (Existing Facilities) and 15305 (Minor 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 Reports with Attachments, January 31, 2013; and February 14, 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:

- I.** Approved the subject application making the finding and determination that the Modification to allow the two vehicles and one pedestrian gate to exceed the maximum allowable height of 3.5 feet within ten feet of the front lot line and adjacent to the driveway is consistent with the purposes and intent of the Zoning Ordinance, and is not anticipated to adversely impact the adjacent neighbors.
- II.** Said approval is subject to the following conditions:
  - A.** The vehicular gates shall open inward, onto the private property, and be remote actuated.

- B. All existing and proposed hedges on the site shall be maintained in compliance with SBMC § 28.87.170.
- C. A note shall be added to the plans submitted for a building permit that reads, "No parking or storage is allowed within the required 30-foot front setback."
- D. The pedestrian gate shall open inward, onto the private property.

This motion was passed and adopted on the 20<sup>th</sup> day of February, 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 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.