



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 019-13  
209 W. CONSTANCE AVENUE  
MODIFICATIONS  
APRIL 3, 2013

**APPLICATION OF FRED L. SWEENEY, ARCHITECT FOR SALLY GRUBB,  
209 WEST CONSTANCE AVE., APN 025-022-003, R-4 HOTEL-MOTEL-MULTIPLE  
RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY  
RESIDENTIAL (MST2013-00027)**

The 2,832 square foot lot is currently developed with an 829 square foot, one-story residence and a 171 square foot, detached garage. The proposal includes permitting "as-built" improvements including an 82 square foot laundry room addition, removal of a four square foot water heater enclosure, removal of an existing chimney, and construction of a 5'-6" high wall. The "as-built" wall is located within two feet of the existing five-foot high retaining wall on the front property line and along the alley frontage.

The discretionary applications required for this project are:

1. A Modification to allow the "as-built" laundry room to encroach into the required six-foot interior setback (SBMC § 28.21.060 & SBMC § 28.92.110); and
2. A Modification to allow the cumulative height of existing and "as-built" walls to exceed a maximum height of 3.5 feet within ten feet of the front property line (SBMC § 28.87.170 & 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 (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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 28, 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 following findings and determinations:

The Modification to allow the “as-built” laundry room addition to remain in 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 height of the laundry room is approximately 10 feet above existing grade and is located to the rear of the site, behind the existing residence and garage and is not visible from the public street right-of-way. An existing driveway on the property to the east separates the “as-built” laundry room from the adjacent residences which provides separation between the buildings.

The Modification to allow the “as-built” site wall to remain and exceed a cumulative height of 3’-6” at the front property line and angle back at the intersection of Constance Avenue and the public alley is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. With the angling of the wall at the corner of Constance Avenue and the alley, the visibility of vehicles and pedestrians travelling along Constance Avenue, as viewed from the public alley is increased.

**II.** Said approval is subject to the following conditions:

- A.** If the “as-built” laundry room is significantly altered (including the removal of existing walls), or the foundation or footings need to be replaced or upgraded, or if it is demolished in the field, then the construction of the project shall be halted, and the applicant and/or property owner shall contact Planning Division Staff for a determination on whether the interior setback Modification is still valid. Minor roof changes to bring the roof up to current Codes are allowed.
- B.** All existing plants that exceed 8-inches in height within the public right-of-way of Constance Avenue and the public alley named “Alley 200 Block W Constance Ave” that front the property shall be removed. Any new vegetation planted in that area shall be a variety that does not exceed 8-inches in height at maturity.
- C.** The “as-built” wall at the corner of Constance Avenue and the public alley named “Alley 200 Block W Constance Ave” shall be relocated at an angle to increase the visibility of vehicles and pedestrians travelling along Constance Avenue, as viewed from the public alley. The distance necessary for the wall to be relocated to enhance visibility shall be determined by the Transportation Engineer. Any vegetation planted on the subject property in front of the relocated wall shall be of a variety that does not exceed 8-inches in height at maturity.

This motion was passed and adopted on the 3<sup>rd</sup> day of April, 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.

