



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 032-13 1624 LA VISTA DEL OCEANO MODIFICATIONS MAY 29, 2013

**APPLICATION OF KEITH RIVERA, ARCHITECT FOR HARRAND FAMILY TRUST,  
1624 LA VISTA DEL OCEANO, APN 035-180-083, E-1 ONE-FAMILY RESIDENCE ZONE,  
GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL, 3 UNITS/AC  
(MST2012-00431)**

The 7,392 square foot site in the Hillside Design District and is currently developed with a 2,887 square foot two-story residence with an attached 440 square foot garage. The proposal includes "as-built" improvements including: installation of a window, and two air conditioning units (with enclosure), grading, construction of a retaining wall, on-grade steps, a 65 square foot arbor, and a 30 square foot equipment enclosure.

The discretionary applications required for this project are:

1. A Setback Modification to allow the air conditioning units, concrete pad, enclosure, and the arbor to encroach into the ten-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
2. A Setback Modification to allow the air conditioning units, concrete pad and enclosure to encroach into the thirty-foot front setback (SBMC § 28.15.060 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 Section 15301.

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record

1. Staff Report with Attachments, May 23, 2013
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.

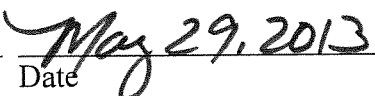
**NOW, THEREFORE BE IT RESOLVED** that:

- I.** The City Staff Hearing Officer made the following findings and determinations:
- A.** The Staff Hearing Officer denies the Interior Setback Modification to allow the proposed the "as-built" arbor to encroach into the required interior setback and finds that the requested modification is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. The proposed arbor could be relocated to a location that would conform to all ordinance requirements.
  
  - B.** The Staff Hearing Officer finds that the Front and Interior Setback Modifications to allow the "as-built" enclosure and air conditioning units to remain are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed air conditioning units and related enclosure are appropriate because the location at the side of the garage is low profile and constructed in line with the face of the existing garage, provides a minimal expansion of the building footprint, locates the equipment away from adjacent house, and complies with the requirements of the Noise Ordinance. The improvement is not anticipated to adversely impact the visual openness of the public street or adversely impact the adjacent neighbors.
- II.** Said approval is subject to the following conditions:
- A.** The "as-built" arbor shall be shown on the plans to be relocated outside of the required setbacks or demolished.
  
  - B.** The scope of work shall include the permitting of the "as-built" installation of two air conditioning units, the enclosure (lattice screen) and the building pad for the equipment.

This motion was passed and adopted on the 29<sup>th</sup> day of March, 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.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission 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.