



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 039-16 821 DEERPATH ROAD MODIFICATION JUNE 22, 2016

**APPLICATION OF MARK MORANDO, DESIGNER FOR MOVASAGI 2006 TRUST,
821 DEERPATH ROAD, APN: 015-100-004, A-2 (SINGLE FAMILY RESIDENTIAL) ZONE,
GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 2 DU/ACRE)
(MST2016-00163**

The 23,710 square-foot site is currently developed with 1,799 square-foot single family dwelling which includes an "as-built" 154 square-foot breakfast room addition and an attached 459 square foot two-car garage. The proposed project involves construction of a 499 square-foot accessory building, an exterior shower, a 700 square-foot pool, a 49 square-foot spa, driveway alterations, new walls, fencing and 466 cubic yards of cut and fill grading, of which 43 cubic yards will be exported off site. The proposed total of 2,757 square feet in the Hillside Design District is 59% of the guideline maximum floor-to-lot area ratio (FAR).

The discretionary application required for this project is a Modification to allow the detached accessory building to be located within a front yard (SBMC § 28.87.160 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 & 15305 (Existing Facilities and 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, June 16, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the requested Modification to allow the detached accessory building to be located within a front yard, making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed accessory building is appropriate because of the location of the existing development on site, the existing topography, and as the property is site constrained due to the two front yards facing Deerpath Road and Eucalyptus Hill Road which limits the areas where a detached accessory building could be allowed.

II. Said approval is subject to the following conditions:

- A.** The "as-built" work outlined under BLD91-00067, BLD2004-01092 and BLD2004-01529, shall be included in the project Scope of Work, subject to review and approval by the Single Family Design Board, and the building elevations with door and window openings shall be included on the plans submitted for Design Review.
- B.** Any mechanical equipment associated with the pool and/or spa shall comply with the City's Noise Ordinance requirements.
- C.** The shed located in the required interior setback shall be removed from the property.
- D.** The miscellaneous stored items shall be removed from the required setbacks and the required Open Yard area.

This motion was passed and adopted on the 22nd day of June, 2016 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 6/23/16

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.

