



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 058-16
1609 MOUNTAIN AVENUE
MODIFICATION
SEPTEMBER 14, 2016

APPLICATION OF TONY XIQUES, APPLICANT FOR KYLE T. PHILLIPS AND JENNIE L. JACOBS, 1609 MOUNTAIN AVENUE, APN 043-201-009, R-1 (ONE FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 5 DU/ACRE) (MST2016-00256)

The 5,000 square-foot site is currently developed with a 1,005 square foot one-story single family residence, 134 square feet of “as-built” additions to the dwelling and a 190 square foot detached one-car garage. The proposed project involves permitting the “as-built” additions to the dwelling and permitting an “as-built” 48-inch high fence and gate at the front of property. The proposed total of 1,329 square feet on a 5,000 sq. ft. lot is 55 of the maximum guideline floor to lot area ratio (FAR). An Administrative Height exception is required to allow the over height fence and gate at the front of the property. The project would address violations outlined in a Zoning Information Report (ZIR2015-00565).

The discretionary application required for this project is an Open Yard Modification for the location of the open yard area and/or to reduce the size of the required open yard area (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 Sections 15301 and 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, September 8, 2016.
2. Site Plans

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

- I. Approved the Open Yard Modification 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. Any addition to the rear of the residence would reduce the existing non-conforming open yard and any addition to the front of the residence could adversely affect the neighborhood character. The “as-built” additions are appropriate on a small lot developed with a single-family residence because the “as-built” additions will meet the setback requirements and the resulting open yard area is useable by the residents and will fulfill the intent of the Open Yard requirements while maintaining the existing neighborhood character.

II. Said approval is subject to the following conditions:

- A. An Administrative Height exception shall be obtained for the "as-built" over height fence and gate or the fence and gate shall be redesigned to comply with the Zoning Ordinance requirements.
- B. The violations outlined in ZIR2015-00564 shall be abated and shall be included in the Scope of Work for the project.

This motion was passed and adopted on the 14th day of September, 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

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.