



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 062-16 1420 LA CIMA ROAD MODIFICATION SEPTEMBER 28, 2016

APPLICATION OF MARK BACINO, FOR MARK C. BACINO LIVING TRUST, 1420 LA CIMA ROAD, APN: 041-022-004, R-1 (SINGLE FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: (LOW DENSITY RESIDENTIAL MAX. 3 DU/ACRE) (MST2015-00167).

The 16,195 square-foot site is currently developed with a 1,400 square foot one-story single-family dwelling, a detached 273 square foot art studio, the “as-built” conversion of a 496 square foot two-car carport to a garage, by adding a garage door, an “as-built” fountain, fire pit, a six and one-half foot high arbor with gate and an “as-built” three and one-half foot to five foot high fence. The proposed project includes permitting the “as-built” conversion of the carport to a garage, permitting the “as-built” fountain, fire pit, gate, arbor, and over height wall and fencing, and removal of a bar sink and refrigerator from the art studio. An Administrative Height Exception is required to allow the wall and fencing with entry arbor and gate to exceed three and one-half feet in height within 10 ft. of the front lot line. The project will address violations identified in Enforcement Case (ENF2014-00387) and in a Zoning Information Report (ZIR2014-00185).

The discretionary application required for this project is a Front Setback Modification to allow a fountain to encroach into the required 15-foot front setback for buildings and structures (SBMC § 28.15.060 and 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 and 15305(Existing Facilities and Minor Alterations to 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 22, 2016.
2. Site Plans

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

- I. Approved the requested Front Setback Modification making the findings and determinations that the Modification to allow the “as-built” fountain in the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvements on the lot. The “as-built” fountain is appropriate because the grade at the front of the property is significantly lower than the street, the fountain is screened by a fence and is not visible from the street, and it is not anticipated to adversely impact the adjacent neighbors’ or the visual openness of the street frontage.

II. Said approval is subject to the following conditions:

- A. The violations outlined in ZIR2014-00185, ENF2014-00387, and ENF2016-00964 shall be abated and included in the Scope of Work for the project.
- B. Prior to Final Approval by the Single Family Design Board (SFDB), either an Administrative Height Exception shall be obtained for the over height wall, fence, arbor and gate along the front property line, or the wall, fence, arbor and gate shall be shown on the plans submitted for Single Family Design Board Final Approval to comply with the Zoning Ordinance and subject to review and approval by the Public Works Department for traffic safety.

This motion was passed and adopted on the 28th 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.