



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 033-07 403 ALAMEDA PADRE SERRA MODIFICATIONS APRIL 25, 2007

**APPLICATION OF TOM CONDON FOR TNS GROUP, LLC,
403 ALAMEDA PADRE SERRA, APN: 031-391-0015, R-2 TWO-FAMILY RESIDENCE
ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE
(MST2004-00353)**

The 6,400 square foot project site is currently developed with a single family residence and garage. The Planning Commission has approved the demolition of this residence and the construction of two three-bedroom condominium units. The applicant is requesting modifications for two minor encroachments into required yards as part of the condominium design. The first modification is for two private decks and a balcony on the second floor to encroach into the required front yard; the second modification is for an architectural detail (buttress) to encroach into the required interior yard. These encroachments were shown on the condominium plans approved by the Planning Commission; however, they were not identified as requiring modifications at that time.

The discretionary applications required for this project are:

1. A Modification to allow second story deck and balcony areas to encroach into the required front yard (SBMC §28.18.060.A); and
2. A Modification to allow a buttress to encroach into the required interior yard (SBMC §28.18.060.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

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 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, April 18, 2007.
2. Site Plans

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

- I. Approved the project, subject to the Conditions of Approval in Planning Commission Resolution 015-05, making the following findings:

A. FRONT YARD SETBACK MODIFICATION (SBMC §28.92.110)

In order for the Staff Hearing Officer to approve the requested modification to allow decks and a balcony on the second floor of the approved building to encroach into the required twenty-foot (second floor) front yard setback along Gutierrez Street, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

The Modification is necessary to secure an appropriate improvement for the site, and is consistent with the purposes and intent of the Zoning Ordinance, in that the second story encroachment does not impact surrounding residences, does not have a negative visual impact on the neighborhood and provides for additional private outdoor living space for the residents of the site. Additionally, the property is a relatively narrow corner lot, which limits the feasibility of a code compliant design.

B. INTERIOR YARD SETBACK MODIFICATION (SBMC §28.92.110)

In order for the Staff Hearing Officer to approve the requested modification to allow the buttress to encroach into the required six-foot interior yard setback, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

The Modification is necessary to secure an appropriate improvement for the site, and is consistent with the purposes and intent of the Zoning Ordinance, in that the proposed encroachment is very minor and does not impact residents of the site or surrounding residences, has a positive visual impact on the overall project design.

II. Said approval is subject to the Conditions of Approval as outlined in Planning Commission Resolution No. 015-05.

This motion was passed and adopted on the 25th day of April, 2007, 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.



Gabriela Feliciano, 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 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.
3. **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.
4. **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 not 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.