



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 035-07

227 E. PUEBLO STREET

MODIFICATION

MAY 9, 2007

**APPLICATION OF LORI SMYTH, 227 EAST PUEBLO STREET, APN 025-132-009, E-1
ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER
ACRE (MST2007-00063)**

The 25,000 square foot project site is currently undergoing City processes for major site and landscape improvements. Current development on site consists of a single-family residence, swimming pool, and a detached "as-built" accessory space. It is Staff's position that a portion of the existing accessory space is the legal garage for the property. The proposed project involves legalizing the entire 815 square foot, detached structure as accessory space and replacing the required covered parking with a two-car garage. The discretionary applications required for this project are Modifications to permit accessory space in excess of 500 square feet (SBMC §28.87.160); and for it to be located within the required ten-foot (10') interior yard setbacks (SBMC §28.15.060).

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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 2, 2007.
2. Site Plans

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

Approved the project, making the findings that the Modification is consistent with the purposes and intent of the Zoning Ordinance considering the size of the lot, and is necessary to secure an appropriate improvement by providing needed storage within existing floor area. Said approval is subject to the condition that: 1) A Zoning Compliance Declaration is recorded against the property's title. 2) The condition to remove the gates is deleted. 3) The existing hedges are brought into compliance with current zoning regulations to either reduce the total hedge height to a maximum of 3 ½ feet or the owner(s) shall be required to attain an arborist report to state that the hedge height is non-conforming, i.e., pre-existing before the year 1957.

This motion was passed and adopted on the 9th day of May 9, 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.

Kathleen Goo _____ Date 5/14/07
Kathleen Goo, Staff Hearing Officer Secretary

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. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Historic Landmarks Commission (HLC) approval and then a building permit.
4. **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.
5. **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.