



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 036-08

1219 LAGUNA STREET

MODIFICATION(S)

MAY 7, 2008

**APPLICATION OF PAUL WELTERLEN AND BARBARA KELLNER, 1219 LAGUNA STREET, APN 029-131-010, R-3 THREE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS PER ACRE (MST2008-00135)**

The project site is currently developed with a single-family residence. The proposed project involves an "as-built" fence and replacement of a demolished one-car garage with a paved uncovered parking space. The discretionary applications required for this application are Modifications to permit the fence, located along the Laguna Street frontage, to exceed the maximum allowable height of 3 ½' when located within ten-feet of a front lot line (SBMC §28.15.060 & 28.87.170), and the required parking to be uncovered and located within the required interior yard setback (SBMC §28.90.001, 28.90.100, & 28.21.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

**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 one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 29, 2008.
2. Site Plans
3. Correspondence received in opposition to the project:

Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109

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

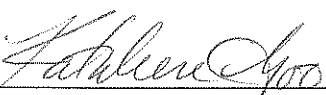
Approved the Modification to allow the existing fence along the front property line to exceed maximum height limit of 3½ feet as it is consistent with the purpose and intent of the Ordinance and necessary to secure an appropriate improvement because the fence, as measured from the curb, would comply with the Zoning Ordinance, and to allow the fence posts to be slightly higher as a reasonable improvement. Said approval is subject to the conditions that: 1) The arch constructed over the gate be removed as shown on the plans; 2) The "as built" fence obtain Design Review approval; 3) The portions of the fence within 10 feet of the intersection of Laguna Street and the alley be *either* a) limited to a maximum height limit of 3½ feet *or* b) relocated on a diagonal at 10 feet back to remain at the same height as the rest of the fence to allow for greater visibility.

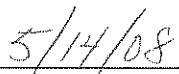
Approved the Modification to allow an uncovered parking space, to be located in the interior setback, making the required findings that the proposal to allow the uncovered parking space to replace the original garage is necessary to secure an appropriate improvement and that the Modification is consistent with the purpose and intent of the Zoning Ordinance as there are no feasible alternatives

outside the setback. Further, that due to the size constraints of the parking area, a covered parking space would not be able to accommodate a standard car. Said approval is subject to the conditions that: 1) The trellis be removed as shown on the plan; 2) The applicant incorporate a trash enclosure for the trash area to screen it from view from the public alley; 3) The paving and the trash enclosure be subject to Design Review prior to issuance of any permits; 4) The trash enclosure and planter are to be positioned to preclude parking in the drive area as shown on the plans; and 5) The modification and site improvement be limited and tied to the existing improvement as shown on the plan. In the event that a future or addition to the residence is proposed, the modification would need to be reconsidered for a new modification, if necessary.

This motion was passed and adopted on the 7th day of May, 2008 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 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 for further Design Review 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.