



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 009-11
1229 CALLE CERRITO ALTO
MODIFICATIONS
MARCH 9, 2011

APPLICATION OF REX RUSKAUFF, ARCHITECT FOR DIANA THOMSON, 1229 CALLE CERRITO ALTO, APN 041-120-033, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2011-00004)

The 1.06 acre site is currently developed with a fire damaged residence and detached guest house. The guest house, which was constructed without benefit of permits, will be demolished. The proposed project involves repair, alterations, and 1,492 square feet of additional floor area for the residence, new entry stairs, and an attached two-car carport.

The discretionary applications required for this project are Modifications to allow alterations and additions within the required 35' front and both 15' interior 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 Sections 15301 & 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 either in favor or in opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 2, 2011.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Dave Tabor (via email).
 - b. Paula Westbury, Santa Barbara, CA.

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

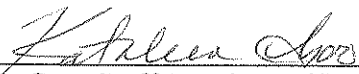
- I. Approved the Modification, making the findings that the Modification for the front entry and conversion of understory space to habitable floor area is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed changes will allow for fire damage repair and minor floor area improvements to the existing development on site without impacts to the immediate neighbors.

Denied the interior setback Modification for the proposed door and stairway off of the master bathroom, making the finding it is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. The new door is an extraneous opening and ingress/egress point for a structure that currently encroaches into the front and both interior setbacks. Sufficient ingress/egress points currently exist within the residence, including the front entry, which is within 25 feet of the master bathroom.

- II. Said approval is subject to the following conditions:
- A. All as-built construction shall be shown on the plans submitted for a building permit with details of method of legalization, including demolition of the detached accessory building. Abatement of all violations shall occur prior to the issuance of a Certificate of Occupancy for the subject project.
 - B. The existing illegal accessory structure shall be demolished within one year of project approval or prior to the Certificate of Occupancy, whichever occurs first.
 - C. The pair of walls to the west of the carport shall be modified to prevent use of the area for storage. No storage of trash shall be within the area of the setback.
 - D. The project shall return to the SFDB for review and Project Design Approval prior to submitting for building permits.

This motion was passed and adopted on the 9th day of March, 2011 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.

 3/15/11
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