



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 021-11
849 CIMA LINDA LANE
MODIFICATION
MAY 18, 2011

**APPLICATION OF CHRIS GILLILAND, AGENT FOR JTM PRIVATE LAND TRUST,
849 CIMA LINDA LANE, APN: 015-202-029, A-2 SINGLE FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: 2 UNITS PER ACRE (MST2011-00113)**

The 23,700 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves exterior alterations and remodeling of the existing residence, removal of an "as-built" fence and replacement with a new five-foot high fence along the front and interior lot lines. The discretionary application required for this project is a Modification to permit the height of the fence to exceed the maximum allowable height of 3.5 feet when located within 10 feet of a front lot line (SBMC §28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301, 15303 & 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 thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 11, 2011.
2. Site Plans.
3. Correspondence received in support of the project:
 - a. Charles Mounts, Santa Barbara, CA.
4. Correspondence received in opposition to the project:
 - a) Paula Westbury, Santa Barbara, CA.

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

- I. Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The lot is constrained in that it is steeply sloped at the front of the property making it difficult to construct a fence in compliance with the standards and still adequately secure the site while maintaining privacy for the property and providing security for the existing pool.

II. Said approval is subject to the following conditions as revised at the hearing:


1. The hedges proposed to be located in the public right of way shall be removed from the plans and any proposed work in the public right-of-way shall be approved by the Public Works Department.
2. The existing hedge on the subject property along the east side of the driveway shall be reduced to 3½ feet in height within 10 feet of the driveway for a distance of 20 feet back from the front lot line.
3. The “as-built” wrought-iron fence and gates, and associated columns, located within 10 feet of the driveway for a distance 20 feet back from the front lot line shall either be reduced to 3½ feet in height with proper permits and approval of Transportation Staff, or the columns and vehicle gate shall be relocated to comply with the approved plans on file for BLD93-00138, and the unpermitted portion of the fence shall be removed or reduced to not exceed 3½ feet in height.
4. Explore with the Single Family Design Board the possibility of providing a 1-3 foot setback from the front property line to provide landscaping between the fence and public right-of-way on the subject site.

This motion was passed and adopted on the 18th day of May, 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.



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.