



# City of Santa Barbara California

**CITY OF SANTA BARBARA STAFF HEARING OFFICER**

**RESOLUTION NO. 051-11  
818 N. VOLUNTARIO STREET  
MODIFICATION  
DECEMBER 14, 2011**

**APPLICATION OF GREG TICE, OWNER, 818 N. VOLUNTARIO ST., APN 031-060-042, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS PER ACRE (MST2011-00427)**

The proposed project involves an “as-built” 18-foot-long, six-foot-tall redwood fence with a pedestrian gate located at the end of N. Voluntario Street. The discretionary application required for this project is a Modification to allow the fence to exceed 3.5 feet in height within ten feet of the front lot line.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

**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, December 7, 2011.
2. Site Plans
3. 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 following findings and determinations:

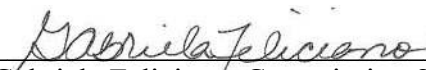
The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and prevent unreasonable hardship. Given the City’s decision to close public access to the trail and the allowed construction of a chain-link fence on the adjacent trail easement, the construction of a six-foot tall fence is appropriate to adequately restrict trespassing on the subject property.

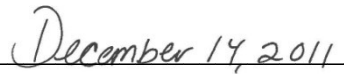
**II.** Said approval is subject to the following conditions:

- A.** The redwood fence shall be fixed in place, shall not be altered to allow for vehicular access into the property at this location, and the sliding mechanism shall be removed. The pedestrian gate may remain, subject to conditions of approval by the Architectural Board of Review.
- B.** The unpermitted parking area on the subject property shall be re-landscaped subject to review and approval by the Architectural Board of Review.
- C.** The owner shall obtain an "as-built" permit for the fence and gate, and submit an accurate site plan and elevations depicting the "as-built" condition of the fence and gate.
- D.** All existing zoning violations identified in ENF2011-00563 shall be abated with this building permit.

This motion was passed and adopted on the 14<sup>th</sup> day of December 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.

  
\_\_\_\_\_  
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 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 Architectural Board of Review (ABR) 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 Modification 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.