



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 014-12  
433 E. MICHELTORENA STREET  
MODIFICATIONS  
MAY 2, 2012

**APPLICATION OF BLACKBIRD ARCHITECTS, INC., FOR OWNERS MATTHEW BIO AND MATINA MADRICK, 433 E. MICHELTORENA ST., APN 027-252-027, R-3 (MULTI-FAMILY RESIDENTIAL) ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MST2011-00465)**

The proposed project involves a remodel of an existing 928 square foot two-story, single-family residence and an understory addition within the existing building footprint. The project would result in a 1,336 square foot residence on the 2,115 square foot parcel.

The discretionary applications required for this project are:

1. A Modification to allow for an understory addition within the ten-foot front setback on Micheltorena Street (SBMC §28.21.060 and 28.92.110);
2. A Modification to allow for an understory addition and window and door changes within the ten-foot front setback on Olive Street (SBMC §28.21.060 and 28.92.110);
3. A Modification to allow for three additional windows in the existing wall located within the six-foot interior setback (SBMC §28.21.060 and 28.92.110); and
4. A Modification to allow for the replacement of a fence which would extend 3.5 feet above the top of an existing retaining wall and exceed a combined height of 3.5 feet within ten feet of the front lot line on Olive Street and exceed a combined height of eight feet within the front setback (SBMC §28.87.170 and 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities) 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, April 25, 2012.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Kathleen Dagg Weger, Santa Barbara

4. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara

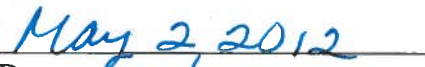
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the modifications making the following findings and determinations:

- A. The setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed improvements to the single-family residence are appropriate because they provide for reasonable alterations and improvements, including a modest addition and new door and windows, to an older non-conforming house on an undersized corner lot.
- B. The Modification for over-height fence/wall is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot to provide a minimum height guard rail required by the Building Code.

This motion was passed and adopted on the 2<sup>nd</sup> day of May, 2012, 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 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.