



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 027-12 2010 GARDEN STREET MODIFICATIONS JULY 25, 2012

APPLICATION OF SAM MAPHIS, LANDSCAPE ARCHITECT FOR GIROD FAMILY TRUST, 2010 GARDEN STREET, APN 025-331-015, E-1 (ONE-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00142)

The proposed project involves demolition of an existing trellis and deck and construction of a new 170 square foot deck approximately 18 inches off grade. Also proposed is to permit an as-built 10 to 12-foot-tall combination of wall, fence, and hedge along the property frontage on Mission Street.

The discretionary applications required for this project are:

1. A Modification to allow the new raised deck to encroach into the 30-foot front setback on Mission Street (SBMC §28.15.060 & 28.92.110); and
2. A Modification to allow the existing hedge, fence and wall combination to exceed 3.5 feet in height within ten feet of the front lot line and exceed eight feet in height within the 30-foot front setback on Mission Street (SBMC §28.87.170 & 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 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, July 18, 2012.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Phil and Melinda McKenna, 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 Modifications making the findings and determinations that the front setback and fence/wall/hedge height Modifications are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed deck is appropriate because it provides direct outdoor access from the residence with minimal front setback encroachment into a secondary front yard. The over height chain-link fence is appropriate because it provides both the minimum height pool security fencing required by the Building Code and maximizes usable outdoor space on the property. The over height hedge is appropriate because it screens the pool fence, and provides privacy for the pool and private rear yard area without impairing driver's vision clearance any more than the existing legal nonconforming sandstone and CMU walls.
- II. Said approval is subject to the following conditions:
 - A. That the hedge height along Mission Street be maintained no higher than the top of the five-foot tall chain-link pool fence.
 - B. That the hedge be removed from the northeast corner of the property within the triangle formed by the subject property's north and east property lines and a line connecting the southern corner of the garage at 321 E. Mission St. and a point ten feet south of the northeast corner of the property, to allow pedestrians to see higher profile vehicles backing out of the driveway; and that the specified triangular area is to be delineated on project plans submitted for building permits and re-landscaped subject to review and approval by the Historic Landmarks Commission.
 - C. The landscape plan shall be revised prior to Historic Landmarks Commission review to reflect the correct location of the wall, fence, wall/fence combination, and hedge as well as the existing three palm trees on the northeast corner of the property.

This motion was passed and adopted on the 25th day of June, 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.



Kathleen Goo, 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 Historic Landmarks Commission (HLC) 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.