



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 006-13 1210 OLIVE STREET MODIFICATIONS FEBRUARY 6, 2013

#### APPLICATION OF CATHERINE DUNBAR, AGENT FOR GEOFFREY ROCKWELL, 1210 OLIVE STREET, APN 029-141-016, R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MST2012-00468)

The 3,266 square-foot site is currently developed with a 1,257 square-foot, two-story, single-family residence. The proposed project involves 'as-built' additions and alterations to the residence, including a 110 square-foot, one-story addition, a 79 square-foot, second-story addition, and upper level deck expansion, and an 'as-built' 8-foot high wall/fence along the front property line. The proposal includes the demolition of a 64 square-foot 'as-built' storage shed. The proposal will address violations identified in ZIR2012-00486, ENF2012-00824, and ENF2012-00954.

The discretionary applications required for this project are:

1. A Modification to allow additions and alterations to the existing residence and a freestanding covered entry door to encroach into the required ten-foot front setback (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. A Modification to allow the "as-built" wall/fence to exceed the maximum allowable height of 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet back from the front property line. (SBMC § 28.87.170 and SBMC § 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 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, January 31, 2013.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Haley Boot, Santa Barbara, CA.
  - b. Mark DePledge, Santa Barbara, CA.
  - c. Jill Scala, Santa Barbara, CA.
  - d. Angel Puente and Brandon Hughes, Santa Barbara, CA.

4. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.
  - b. Leslie McGeoy, 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 to allow the additions and alterations to the existing residence at the lower level within the required ten-foot front setback is consistent with the purposes and intent of the Zoning Ordinance, creates a uniform improvement, and is necessary to secure an appropriate improvement on the lot. The proposed lower level addition is appropriate because it is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors.

The Modification to allow the 43 square-foot storage/utility room addition and the covered entry element, as proposed at the front property line, is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot.

The Modification to allow the “as-built” eight-foot tall wall along the front property line is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot. As proposed, the wall is inconsistent with the pattern of development in the neighborhood and impacts the public street frontage.

The Modification to allow a seven foot tall wall in line with the existing residence to exceed the allowable height when located within the ten feet of the front property line is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed wall will allow for privacy for the deck area while not significantly impacting the public street frontage.

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

- A.** A planter(s) or planting pots shall be placed on the “as-built” deck expansion located within four and one-half feet of the front property line. The planter/planting pots shall be shown on the landscape/site plan reviewed and approved by the Single Family Design Review Board.
- B.** Any proposed doors or gates built at the front property line will be required to swing inward or having self-closing hardware to comply with SBMC§22.64.
- C.** The detached storage shed and the 43 sq. ft. utility/storage room located in the front setback shall be demolished.
- D.** If it is determined by the Building and Safety Division that some of the utilities cannot be relocated from the front of the house in the area of the existing 43 sq. ft. utility/storage room, they shall be screened from public view as determined to be necessary by the Single Family Design Review Board. If the Single Family Design Review Board determines that a structure is necessary to screen the utilities, it shall be the minimum size necessary.
- E.** The abatement of all violations listed in ZIR2012-00486, ENF2012-00824, and ENF2012-00954 shall be clearly documented on the plans submitted for a building permit.

This motion was passed and adopted on the 6<sup>th</sup> day of February, 2013 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.