



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 023-13
1440 W. VALERIO STREET
MODIFICATION
APRIL 17, 2013

APPLICATION OF RAMIRO R. ARROYO, JR., 1440 WEST VALERIO STREET, APN: 041-040-029, R-1 ONE-FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2013-00074)

The 5,626 square-foot site is currently developed with a 956 square foot, one-story residence and a 324 square foot detached garage. The proposed project involves permitting an "as-built" 45 square foot addition to the rear of the house. The proposal will abate violations listed in ZIR2011-00203 and ENF2013-00268. A Public Works Encroachment Permit will be required for any "as-built" improvements constructed in the public right-of-way

The discretionary application required for this project is a Modification to the open yard location and configuration requirements. (SBMC § 28.15.060 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 Section 15301.

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 in favor or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 11, 2013.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer approved the subject application making findings and determinations 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 proposed open yard is appropriate because it will provide a useable open yard at the side of the residence as well as additional visual open space.

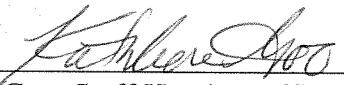
I. Said approval is subject to the following conditions:

- A.** The required open yard shall be located in the area designated on the approved plan.
- B.** Prior to the issuance of a building permit, the wood fence that has been constructed in the public right-of-way shall either be shown on the plans to be relocated onto the private property and brought into conformance with SBMC § 28.87.170, or the property owner shall submit a separate application for an encroachment permit to allow the fence to remain in the right-of-way and the encroachment permit shall be issued prior to final sign off of the building permit.
- C.** If the wood fence that has been constructed in the public right-of-way and receives an encroachment permit, then it shall be reduced in height to a maximum of 3.5 feet.


- D. The rocks, wood, roof tile, bricks, etc., shall be removed from the required setbacks and the open yard area.
- E. The abatement of all violations listed in ZIR2013-00203 and ENF2013-00268 shall be clearly documented on the plans submitted for a building permit.

This motion was passed and adopted on the 17th day of April, 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. **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.
5. **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.