



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 031-13

#### 1611 OLIVE STREET

#### MODIFICATIONS

MAY 15, 2013

**APPLICATION OF BEN WERNER, APPLICANT FOR JKR OLIVE TRUST, 1611 OLIVE STREET, APN 027-202-013, R-3 ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (15-27 UNITS/AC) (MST2012-00442)**

The 14,629 square foot lot is developed with a 1,679 square foot single-family residence with attached garages, and an "as-built" dwelling unit and associated accessory structures. The project includes demolition of an existing, unpermitted 182 square foot carport, and permitting of the following "as-built" structures: a 415 square foot yurt (the "as-built" dwelling unit); a 55 square foot detached bathhouse; a ten foot diameter, six-foot tall meditation dome; and a second-story deck attached to the rear of the primary dwelling. Three covered automobile parking spaces would continue to be provided in existing garages.

The discretionary applications required for this project are:

1. A Parking Modification to provide three automobile parking spaces rather than the four parking spaces required (SBMC §28.92.110 & 28.90.100); and
2. A Setback Modification to allow the as-built meditation dome to encroach 3.5 feet into the required six foot interior setback (SBMC §28.92.110 & 28.21.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures).

**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, May 9, 2013.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.

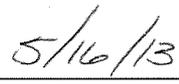
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
  - A. The Parking Modification to provide one uncovered parking space for the 415 square foot yurt is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. The Parking Modification is appropriate because the yurt is expected to have a parking demand of no more than one parking space due to its small size and the proximity to downtown.
  - B. The Interior Setback Modification for the “as-built” meditation dome is consistent with the purposes and intent of the Zoning Ordinance and would prevent unreasonable hardship. The setback encroachment for the “as-built” dome is consistent with the purposes and intent of the Zoning Ordinance because the physical presence and quiet use of the dome is not expected to negatively impact the use or enjoyment of the adjacent property due to the dome’s small size at 78 square feet and 6-foot tall height, and the screening provided by the adjacent wall.
- II. Said approval is subject to the following conditions:
  - A. **Uncovered Parking Space.** An uncovered parking space shall be provided for the yurt, subject to review and approval by Architectural Board of Review (ABR). The applicant and Transportation Planning staff shall determine and identify appropriate location for the uncovered space prior to ABR Project Design Approval
  - B. **Carport Removal.** The area of the removed “as-built” carport not proposed to be used as parking shall be landscaped, subject to review and approval by Architectural Board of Review (ABR). A minimum size vehicle turnaround area or uncovered parking, as allowed by the Zoning Ordinance, may be provided in the carport area subject to review and approval by Transportation Planning staff.
  - C. **Availability of Parking Spaces and Maneuvering Areas.** The required uncovered parking space, two garages from the 1955/56 addition and required vehicle maneuvering area shall be kept available for parking and maneuvering of motor vehicles and not be used for storage of any items inconsistent with such availability as required by SBMC Section 28.90.060.
  - D. **Driveway Width.** The width of the driveway shall be reviewed by Transportation Division Staff for compliance with their design standards and recommendations prior to the project’s return for further review by the Architectural Board of Review (ABR). Transportation Staff’s recommendations shall be incorporated into the project and the driveway details shall be accurately reflected on the plans submitted for Project Design Approval by the ABR.

This motion was passed and adopted on the 15<sup>th</sup> day of May, 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 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 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.