



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 060-13 1128 HARBOR HILLS LANE MODIFICATIONS OCTOBER 16, 2013

APPLICATION OF MARK MORANDO, AGENT FOR BRUCE ANDERSON, 1128 HARBOR HILLS LANE, APN 035-314-010, E-1 ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2011-00389)

The 29,259 square-foot project site is currently developed with a two-story, 3,151 square foot residence, and 527 square foot attached two-car garage. The subject application is a proposal to permit the following "as-built" construction: split-level patio with deck, outdoor fireplace, barbeque, counter, sink, retaining walls, entry pilasters, stairs, and a new front entry. The project also includes installation of required guard rails and demolition of the "as-built" pergola and storage shed. No additional building area is proposed.

The discretionary applications required for this project are:

1. An Interior Setback Modification to allow the "as-built" deck, patio, counter, sink, and fireplace to remain within the ten-foot southwest interior setback (SBMC §28.15.060 and 28.92.110);
2. A Wall Height Modification to allow the "as-built" walls and building code-required guardrails to exceed eight feet in height within the ten-foot southwest interior setback (SBMC §28.87.170 and 28.92.110);
3. A Wall Height Modification to allow the "as-built" wall and building code-required guardrail to exceed eight feet in height within the ten-foot southeast interior setback (SBMC §28.87.170 and 28.92.110); and
4. A Wall Height Modification to allow the two "as-built" entry pilasters and wall to exceed 3.5 feet in height within ten feet of the front lot line, and adjacent to the driveway (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), 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, September 12, 2013.
2. Site Plans.

3. Correspondence received in support of the project:
 - a. Tom and Alyse Byerly, Santa Barbara, CA.
 - b. Harold L. Votey, Jr, Santa Barbara, CA.
 - c. Ron & Riz Godar, Santa Barbara, CA.
 - d. Phyllis Hollems, Santa Barbara, CA.
 - e. Avo Semerjian, Santa Barbara, CA.
 - f. John & Lucille Leemhuis, Santa Barbara, CA.
 - g. Mike Richardson, Santa Barbara, CA.
 - h. Henry and Harriet Sharp, Santa Barbara, CA.
 - i. Paula Westbury, Santa Barbara, CA.
4. Correspondence received in opposition to the project:
 - a. Doug A. Harlow, Santa Barbara, CA.


I. NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The retention of the “as-built” Saltillo tile patio, Garapa deck and associated improvements are appropriate since those structures and the associated uses are not expected to detrimentally affect the adjacent neighbor due to the topography, lot size and configuration, glass wall, location of existing development and screening vegetation. The proposed height extension of the existing stucco wall within the southeast interior setback is appropriate since it would provide a minimum building code-compliant guardrail necessary for safety. The retention of the “as-built” entry pilasters and associated wall are appropriate since they do not pose safety concerns and do not detrimentally affect the aesthetics of the street corridor due to their location at the end of a cul-de-sac.

II. Said approval is subject to the following conditions:

- A.** No lighting shall be allowed on the Garapa deck structure.
- B.** A privacy/noise reducing fence shall be constructed along the north and west side of the deck to provide additional privacy and noise screening for the neighbors above the project site.
- C.** The Staff Hearing Officer requests the Single Family Design Board review the proposed plan for opportunities to provide vegetation to screen or soften the as-built over-height walls.

This motion was passed and adopted on the 16th day of October, 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 10/17/13

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.