



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 033-14 1025 N. ONTARE ROAD MODIFICATION MAY 28, 2014

**APPLICATION OF PETER DOCTORS, AGENT FOR WILLIAM KOONCE,  
1025 N. ONTARE ROAD, APN 055-151-004, A-1 ONE-FAMILY RESIDENCE ZONE,  
GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 1 DU/ACRE)  
(MST2014-00118)**

The 25,286 square-foot site is located in the Hillside Design District and is developed with an existing single-family residence, with an attached two-car garage. The proposed project includes permitting "as-built" masonry site walls (ranging from five to six feet in height), "as-built" planter, and an "as-built" fountain along the front lot line and the driveway. The project will abate violations identified in enforcement case ENF2013-001241 by removing a trellis, relocating trash receptacles, and permitting "as-built" walls. The applicant has requested the administrative approval by the Public Works Director to allow the wall to exceed 3'-6" in height when located within 10'-0" of the front property line and within 20'-0" feet of the edge of the existing driveway. The discretionary application required for this project is a Front Setback Modification to allow the proposed fountain to be located within the required 35'-0" front setback. (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 and 15305 (Existing Facilities and 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, May 22, 2014.
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the Front Setback Modification making the findings and determinations that the Modification to allow the fountain in the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed fountain is an appropriate improvement for a single-family residence and is not anticipated to adversely impact the adjacent neighbors or visual openness of the public street frontage due to the fountains location in the front yard and below the street grade.

This motion was passed and adopted on the 28<sup>th</sup> day of May, 2014 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.