



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 041-14 633 AND 635 BATH STREET MODIFICATION AUGUST 6, 2014

#### **APPLICATION OF JILL ZACHARY FOR CITY OF SANTA BARBARA, 633 & 635 BATH STREET, APNs 037-113-009 & 037-113-010, P-R ZONES, GENERAL PLAN DESIGNATION: PARKS/OPEN SPACE (MST2014-00267)**

The 2,562 square-foot site is comprised of two parcels (APNs 037-113-009 and 037-113-010) that are currently vacant. The proposed project involves installation of playground equipment, ornamental fencing, a pole light, and park benches. The proposal also includes installation of native landscaping with drip irrigation and mulch that complies with the City's Landscape Design Standards for Water Conservation and is compatible with the riparian bank vegetation. The project also includes improvements within the public right-of-way including a tile mosaic to be inlaid in the public sidewalk and new lighting fixtures.

The discretionary application required for this project is a Front Setback Modification to allow park improvements, including lighting, park benches, and trash and recycling receptacles, to encroach into the required 10' front setback (SBMC § 28.37.040 & SBMC § 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 and 15305 (New Construction of Small Structures and Minor Alterations to 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, July 31, 2014.
2. Site Plans

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

Approved the Front Setback Modification making the following findings and determinations that the Modification to allow the park improvements is consistent with the purposes and intent of the Zoning Ordinance and the modification is necessary to secure an appropriate improvement on the lot. The proposed pocket park is appropriate because it will provide a community gathering place and recreation opportunity for the surrounding residential neighborhood, and the improvements requested in the setbacks are not anticipated to adversely impact neighbors or the visual openness of the public street frontage.

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