



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 026-15

324 SHERMAN ROAD

MODIFICATIONS

MAY 13, 2015

APPLICATION OF JARRETT GORIN OF VANGUARD PLANNING LLC, APPLICANT FOR APPELBAUM-SHAPIRO LIVING TRUST, 324 SHERMAN ROAD, APN: 019-050-006, A-1 (ONE FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX.1 DU/ACRE) (MST2015-00003)

The approximately 14,395 square-foot site is currently vacant. The proposed project involves the construction of a new two-story, 2,301 square foot single-family residence with an attached 419 square foot, two-car garage and 283 square feet of raised wood decks. The proposal will replace a 1,775 square foot single family dwelling and 422 two-car garage that were destroyed in the Tea Fire. The proposed total of 2,720 square feet on a 14,395 square foot lot in the Hillside Design District is 64% of the required floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. Front Setback Modification to allow new construction within the required 35-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
2. Interior Setback Modification to allow new construction within the required 15-foot interior 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 Guidelines Section 15303 & 15305.

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 7, 2015.
2. Site Plans

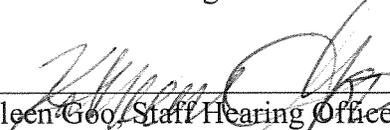
NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
 - A. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed new dwelling and garage in the front setback are appropriate because of the small size of the A-1 zoned lot, because the lot is steeply sloped, and the proposal will result in less of an encroachment into the front setback than the previously approved development on site with the second story massing of the dwelling setback from the street.

- B. The Interior Setback Modification for the dwelling and garage, except for the new balcony, is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed dwelling and garage are appropriate because of the small size of the A-1 zoned lot and because the proposed development will be located further from the east interior property line than the previously approved dwelling and garage and it is not anticipated to adversely impact the adjacent neighbor's property.
 - C. The Interior Setback Modification for the new balcony is not consistent with the purpose and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement of the lot. The proposed location of the new balcony is not appropriate, as it is anticipated to adversely impact the adjacent neighbor's property. In addition, the Interior Setback Modification for the new balcony, as proposed, is found to be inconsistent with the purposes and intent of the Zoning Ordinance as there is a proposed second story deck for the kitchen that is located outside of the required setbacks that provides an outdoor area accessed from the proposed kitchen.
- I. Said approval is subject to the following conditions:
- A. The project shall be redesigned to eliminate the new balcony encroachment into the east interior setback.
 - B. Prior to final approval of the project, the driveway shall be redesigned, subject to review and approval by the Public Works Department.
 - C. An encroachment permit shall be obtained from the Public Works Department for all work proposed in the public right-of-way.
 - D. The letter report dated April 4, 2015, from Peter J. H. Winn, Certified Arborist shall be added to the plans submitted for building permit and the "Recommendations for Tree Protection during Construction" shall be implemented.
 - E. The final location and installation of the tree protection fencing recommended in the letter report dated April 4, 2015, from Peter J. H. Winn, Certified Arborist shall be approved on the project site by the project Certified Arborist prior to the commencement of grading or construction of the new residence.

This motion was passed and adopted on the 13th day of May, 2015 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 Geo. Staff Hearing Officer Secretary _____ Date 5/14/15

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.