



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 041-15 504 E. ARRELLAGA STREET MODIFICATION JULY 22, 2015

APPLICATION OF VANGUARD PLANNING LLC, APPLICANT FOR MACDONALD LIVING TRUST, 504 EAST ARRELLAGA STREET, APN: 027-760-001, R-3 (LIMITED MULTIPLE-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MAX. 12 DU/ACRE) (MST2015-00161)

The proposed project involves permitting an "as-built" air-conditioning unit within the required front yard setback facing Olive Street in a residential condominium development. This project will address violations identified in an Enforcement Case (ENF2014-00753).

The discretionary application required for this project is a Front Setback Modification to allow the "as-built" air-conditioning unit to be located within the required 10-foot front setback (SBMC § 28.21.060 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, July 16, 2015.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer approved the requested Front Setback Modification making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the. The air-conditioning unit is appropriate because it allows a desired amenity on a site that is constrained because of its location on a corner and because of the location of the current development. The air-conditioning unit is screened from view and will comply with the noise criteria outlined in the Santa Barbara Municipal Code and because the unit is not anticipated to adversely impact the adjacent neighbors or the visual openness of the street frontage.

This motion was passed and adopted on the 22nd day of July, 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 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.