



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 031-16  
1428 MANITOU ROAD  
MODIFICATION  
MAY 11, 2016

**APPLICATION OF VANGUARD PLANNING LLC, APPLICANT FOR JAMES TURNER, OWNER, 1428 MANITOU ROAD, APN: 049-222-012, E-1 ZONE (SINGLE-FAMILY RESIDENCE), GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2016-00040)**

The 10,942 square foot site is currently developed with a 1,887 square foot residence with a 438 square foot, two-car garage. The proposed project involves an “as-built” second story balcony on the east side of the residence and an “as-built” deck in the backyard. This project will address violations identified in the most recent Zoning Information Report (ZIR2015-00407). The discretionary application for this project is an Interior Setback Modification to allow the balcony and deck to be located within the required 10-foot east interior setback (SBMC §28.15.060 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 Section 15301 and 15305 (Existing Facilities 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, May 5, 2016.
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. Approved the portion of the Interior Setback Modification to allow the as-built balcony to encroach into the required interior setback making the finding that it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. The as-built balcony, which replaced a legal nonconforming staircase and landing, encroaches less into the required interior setback and does not impact privacy issues to the neighboring property.
  - B. Denied the portion of the Interior Setback Modification to allow the as-built deck to encroach into the required interior setback finding it is inconsistent with the purposes and intent of the Zoning Ordinance and not necessary to secure appropriate improvement on the lot.

- II. Said approval is subject to the condition that the as-built balcony and as-built deck comply with the building code requirements for railing spacing, and that the portion of the deck that encroaches into the eastern interior setback be removed.

This motion was passed and adopted on the 11<sup>th</sup> day of May, 2016 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

**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.