

# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 042-16 2912 DE LA VINA STREET MODIFICATION JULY 20, 2016

**APPLICATION OF DAWN SHERRY FOR SBCH PROPERTIES, LLC, 2912 DE LA VINA STREET, APN: 051-180-029, C-2 (COMMERICAL) /SD-2 ZONE (SPECIAL DESIGN DISTRICT), GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/ACRE) (MST2016-00150)**

The 17,857 square-foot site is currently developed with a 1,200 square-foot commercial building and a 452 square-foot front patio. The proposed project involves a 270 square-foot expansion of the front patio and a new trellis to provide shade for the patio seating. The project also includes three new awnings on the North, South, and East elevations, a relocated ADA path of travel, altered driveway envelope and removal of an existing palm tree located in the front setback.

The discretionary application required for this project is a Front Setback Modification to allow the proposed trellis to encroach into the 10-foot front setback required by the Special District 2 (SD-2) Zone (SBMC §28.45.008 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 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 14, 2016.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Carolle Van Sande, Santa Barbara, CA.


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

- I. Approved the Front Setback Modification with revised findings at the hearing from those proposed in the Staff Report dated July 14, 2016, for a trellis with posts that are set back five feet from the front lot line with eaves that are allowed to encroach 2½ feet further into the front setback, 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 lot. The approved trellis is appropriate because it is consistent with the intent of the SD-2 zone and will not adversely impact visual openness of the streetscape.
- II. Said approval is subject to the following condition added at the hearing that the screen planting along the front masonry wall shall remain to provide a buffer between the sidewalk and the seating area.

This motion was passed and adopted on the 20<sup>th</sup> day of July, 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 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.