

# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 010-17 1257 FERRELO ROAD MODIFICATIONS FEBRUARY 15, 2017

#### **APPLICATION OF FRED SWEENEY, ARCHITECT FOR DOUG AND JOYCE MASKART, 1257 FERRELO ROAD, APN: 029-271-009, E-1 SINGLE FAMILY ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 DU/ACRE), (MST2016-00357)**

The 7,200 square foot project site is currently developed with a two-story, 2,300 square foot single-family residence with a 309 square foot detached two-vehicle carport. The proposed project is to legalize "as-built" development including 1st and 2nd story decks, an open deck converted to a solarium, handrails, front fence addition, staircase and fountain pump. Also proposed is the demolition of the existing exterior laundry shed. The proposed total of 2,105 square feet on a 6,970 square foot lot located in the Hillside Design District is 72% of the maximum allowable floor to-lot-area ratio (FAR).

The discretionary applications required for this project are two Interior Setback Modifications to allow the "as-built" 80 square foot solarium and a portion of the rear deck to encroach into the required interior setback along the easterly property line and to allow the "as-built" stairs located in the western portion of the yard to encroach into the required 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 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 in favor of the application, one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 9, 2017.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Stephanie Moret, Santa Barbara, CA.
4. Correspondence received in opposition to the project:
  - a. Wendy Edmunds, Santa Barbara, CA.
  - b. Emma Brinkman, Santa Barbara, CA.

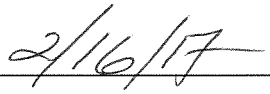
**NOW, THEREFORE BE IT RESOLVED** that:

- I.** The Staff Hearing Officer made the following findings and determinations:
- A.** Approved the requested Interior Setback Modification to allow the “as-built” stairs to encroach into the west interior setback making the finding and determination 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 stairway in this location is appropriate given the existing location of the deck, the necessity of achieving access to the ground level, and the existing topography of the site. The “as-built” stairway is not anticipated to adversely impact the adjacent neighbors.
  - B.** Partially approved the requested Interior Setback Modification to allow the “as-built” 80 square foot solarium and a portion of the “as-built” upper level deck to encroach into the east interior setback making the finding and determination that the Modification is consistent with the purposes and intent of the Zoning Ordinance and promotes uniformity of improvement on the site. The existing residence was constructed at a time when the required setbacks were less and the “as-built” solarium follows the existing exterior building line of the residence. With the reduction of the upper level “as-built” deck to encroach no further than the existing exterior building line of the residence it also promotes uniformity of improvement with the existing development on the site.
- II.** Said approval is subject to the following conditions:
- A.** The “as-built” upper level deck shall be reduced so as to encroach no further than the existing residence into the east interior setback.
  - B.** The abatement of the violations identified in ZIR2014-00518 shall be included in the scope of work submitted for a building permit.

This motion was passed and adopted on the 15<sup>th</sup> day of February, 2017 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 Gee, 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.