



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 077-09  
10 EALAND PLACE  
MODIFICATION  
SEPTEMBER 21, 2009

**APPLICATION OF BILL ISAMAN, ARCHITECT FOR JEREMY LINDAMAN, 10 EALAND PLACE, APN 019-061-026, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00361)**

The 10,019 square foot project site was previously developed with a single-family residence and attached two-car garage, which were destroyed in the Tea Fire. The proposed project consists of the construction of a 2,930 square foot 2-story residence with a two-car garage below. The discretionary application required for this project is a Modification to permit new construction within the required 15' interior setback (SBMC §28.15.060).

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 in favor or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 16 2009.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

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

Approved the subject application for first-floor encroachment, and denied the second-floor encroachment making the following findings and determinations:

The Staff Hearing Officer finds that the Modification to allow the proposed first floor to encroach into the southern interior setback is consistent with the purpose and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed floor area maintains the non-conforming setback, which is allowed by the code and only the window change triggers the need for a Modification. Because the window will be fixed, noise and odors associated with kitchen activities will be mitigated.

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The Staff Hearing Officer finds that the Modification to allow the second story to encroach into the southern interior setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. A conforming option is feasible with this re-build and the design of the second floor, which did not previously exist, should be relocated to comply with current setback requirements.

This motion was passed and adopted on the 23rd day of September, 2009 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.



Gloria Shafer, Staff Hearing Officer Secretary

2-29-2009

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.

