



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 044-12 220 COTTAGE GROVE MODIFICATIONS OCTOBER 17, 2012

APPLICATION OF CATHERINE DUNBAR, DESIGNER FOR DARIO PINI, 220 COTTAGE GROVE AVENUE, APN 037-201-019, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL AND MEDIUM-HIGH DENSITY RESIDENTIAL (MST2012-00341)

The 6,300 square foot lot is currently developed with a 1,300 square foot duplex at the front of the lot, and an existing 700 square foot residence above a 1,000 square foot garage at the rear of the lot. The proposal includes additions and alterations to the existing units on a lot that is legal non-conforming to density requirements. Alterations to the existing duplex include a 51 square foot, as-built addition and relocation of doors and windows. As-built alterations to the existing two-story building include a 7.5 square foot addition and a five square foot balcony expansion to the second-story residence facing the alley, and removal of an unpermitted window and door within the interior setback on the ground floor. The proposal will abate outstanding violations listed in ENF2011-00447. The discretionary applications required for this project are:

1. A Lot Area Modification to allow additional floor area to be permitted on a lot that is legal non-conforming to density. (SBMC § 28.21.080 and SBMC § 28.92.110); and
2. A Modification to allow the expansion of the balcony into the required ten-foot rear 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 (Existing Facilities).

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, October 11, 2012.
2. Site Plans

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

- I. Approved the lot area Modification making the finding and determination that it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed additions are appropriate because they are modest additions that do not increase the building footprint beyond the existing roof forms and the additions are sited away from neighboring structures. The proposed lot area is consistent with the goals and policies of the General Plan and the direction of City Council to implement the Average Unit-Size Density Incentive Program.

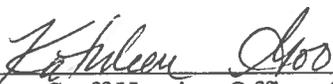
Approved the rear setback Modification making the finding and determination that it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed encroachment of the expanded balcony is appropriate because it does not add floor area, creates a uniform improvement and the balcony faces the adjacent alley.

II. Said approval is subject to the following conditions:

- A. Abatement of all outstanding building and zoning violations listed in ENF2011-00447 must be shown on the building permit plan set.
- B. The doors to the dining room in 220 ½ Cottage Grove shall be replaced with a cased opening. This room is not be used as a bedroom.
- C. All items and/or improvements that block access to the three required off-street parking spaces shall be removed. Required off-street parking shall remain accessible for the parking of vehicles at all times.
- D. Storage of trash/recycling/green waste receptacles shall be located within the permitted trash room of the two-story building.

This motion was passed and adopted on the 17 day of October, 2012 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. **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.
5. **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.