



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 001-10
1924 EMERSON AVENUE
MODIFICATION
JANUARY 13, 2010

**APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR TROY JACOBSEN,
1924 EMERSON AVENUE, APN 025-401-014, R-2 TWO-FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00475)**

The 11,309 square foot project site is currently developed with a duplex and detached two-car garage. The proposed project involves conversion of the existing duplex to a single family residence, which will be remodeled and expanded by 484 square feet. The project also includes construction of a detached 593 square foot one-story residence, reconstruction and expansion of the existing two-car garage with a new roof deck, a new 119 square-foot shed, and the addition of one uncovered parking space.

The discretionary applications required for this project are:

1. A Modification to allow alterations to a portion of the existing residence located within the required six-foot northerly interior setback (SBMC §28.18.060);
2. Two Modifications to allow the existing garage to be expanded in size and height, and to construct a new roof deck above the garage, within the required twenty-foot front and six-foot interior setbacks (SBMC §28.18.060);
3. A Modification to allow retaining walls to exceed the maximum allowable height of 3 ½ feet when located within ten feet of the front lot line or within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line (SBMC §28.87.170);
4. A Modification to allow an uncovered parking space to be located within the required twenty-foot front setback (SBMC §28.18.060 and SBMC §28.90.001); and
5. A Modification to allow alterations to the residence to exceed the solar access height limitations (SBMC §28.11).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303 & 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to speak in favor or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 6, 2010.
2. Site Plans

3. Correspondence received in support of the project:
 - a. Jesse and Mindy Aldana, 1918 Emerson Ave., Santa Barbara, Ca
 - b. Jonathan Leech and Benedict Valdez, 1930 Emerson Ave., Santa Barbara, Ca

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

- I. Approved the subject application making the following findings and determinations:

The Staff Hearing Officer finds that the Modification to allow changes to the windows, roof pitch, and building height on the portion of the residence located within the interior setback meets the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement to the existing structure. The proposed alterations will allow for improved function and design while not increasing the existing footprint within the interior setback.

The Staff Hearing Officer finds that the Modifications related to the minor expansion of the existing garage footprint within required front and interior setbacks, the addition of one uncovered parking space within the front setback, the roof deck within the front setback, and the over height retaining wall within the first 10' of the front lot line, are necessary to secure an appropriate improvement of providing three (3) usable, off-street parking spaces for the property. The location within required yards meets the purpose and intent of the ordinance by maintaining and improving the historic location which is typical of many of the properties in the immediate neighborhood.

The Staff Hearing Officer finds that the Modification to allow deck on top of the garage within the interior setback is not an appropriate improvement and is not consistent with the purposes and intent of the Zoning Ordinance.

The Staff Hearing Officer finds that the Modification of building height limitations to protect and enhance solar access is necessary to prevent an unreasonable restriction. The amount of direct sunlight on all south facing windows on the adjacent property will be no less than the amount of such sunlight that currently existing.

- II. Said approval is subject to the following conditions:

1. The plans submitted for the rebuild of the garage shall not include improvements related to the use of the roof area within the interior setback as an outdoor living deck. A permanent physical barrier such as a planter, shall be provided in this area.
2. The arborists recommendations related to the protection of the oak tree shall be documented on the plan for observation during construction of the garage.
3. The proposed over-height retaining wall shall be screened with landscaping to soften its off-site visual effect.

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4. The maximum height of the retaining wall proposed to the rear of the uncovered parking space shall not exceed 8 feet from the grade of the parking space and shall step down to a maximum 4'8" adjacent to the street.

This motion was passed and adopted on the 13th day of January, 2010 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

1-14-2010

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.