



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 039-10 2010 EMERSON AVENUE MODIFICATIONS JULY 28, 2010

APPLICATION OF MARK MORANDO, AGENT FOR CHARLES BRADFORD, 2010 EMERSON AVENUE, APN 025-401-002, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00294)

The 8,739 square foot project site is currently developed with a single family residence. The proposed project involves "as-built" changes that have occurred on site, including replacement of the American four square gable dormer with a full front gable with French Doors and roof deck, addition of two side-facing gable dormers, and the addition of a circular driveway. The discretionary applications required for this project are Modifications to permit an increase in roof height within the required six-foot interior setback, a dormer addition to exceed the solar access height limitation, and parking within the required fifteen foot front setback (SBMC §28.18.060, 28.11.020, & 28.90.001).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

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

WHEREAS, no people appeared to speak in favor or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 23, 2010.
2. Site Plans
3. Correspondence addressing concerns of the project:
 - a. Jonathon Leech, 1930 Emerson Avenue, Santa Barbara Ca
4. 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:

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

The Modification being requested for alterations to the portion of the residence located within the interior setback is necessary to secure an appropriate improvement to the existing structure by allowing for an improved design, and promoting a uniform improvement for the encroachment that currently exists.

The Modification of building height limitations to protect and enhance solar access is necessary to prevent an unreasonable restriction, as the project meets all criteria to be deemed an unreasonable restriction, as described in Section IV of the Staff Report dated June 23, 2010.

The Modification to permit parking within the required front setback is necessary to secure an appropriate improvement on the site and that it meets the purposes and intent of the Zoning Ordinance. The proposed project will bring the site's non-conforming parking status closer to current requirements and eliminates one vehicle from parking on the street, while the proposed landscaping will screen the parked vehicle from the public right-of-way.

- II. Said approval is subject to the following conditions: 1) The curb cut at the western side of the property shall be removed and replaced with a city standard curb, gutter, and sidewalk. 2) The area in front of the house shall be placed between the proposed parking space and adjacent landscaping to prevent vehicular parking in other areas of the front setback.

This motion was passed and adopted on the 28th day of July, 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

7-29-10

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.

