



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 040-11
1312 E. GUTIERREZ STREET
MODIFICATIONS
SEPTEMBER 21, 2011

APPLICATION OF DAVID L. BURKE, ARCHITECT FOR PROPERTY OWNER, JASEN BODIE NIELSEN, 1312 E. GUTIERREZ STREET, APN: 031-392-003, R-2 (TWO-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2011-00249)

The proposed project involves the "as-built" conversion of an 886 square foot garage and storage area to a second dwelling unit, a 90 square foot first-floor addition, the "as-built" enclosure of an existing second-story sun porch, two new uncovered parking spaces, permitting an "as-built" wall at the front and interior property lines and permitting an "as-built" portion of an existing deck in the interior setback.

The discretionary land-use applications required for this project are:

1. Modifications to allow a wall to exceed 3.5 feet in height within ten feet of the front lot line and within 10 feet of a driveway for a distance of 20 feet back from the front lot line (SBMC §§28.87.170 & 28.92.110);
2. A Modification to allow alterations, "as-built" construction, and conversion of a portion of the existing structure to habitable space within the required six-foot interior setback (SBMC §28.18.060 & 28.92.110); and
3. A Modification of the open yard area requirements (SBMC §28.18.060 & 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines §15301 (Existing Facilities) and §15305 (Minor Alterations in 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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 14, 2011.
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
- A. The Staff Hearing Officer finds that the modification requested for alterations, "as-built" construction, and conversion of a portion of the existing dwelling to habitable space within the required interior setback is necessary to secure appropriate improvements to the existing structures on site and meets the purpose and intent of the Zoning Ordinance. The support posts and handrail encroachment is minimal, there are no anticipated impacts to the neighbors with the new window and the new unit will not result in additional floor area in the setback.
 - B. The Staff Hearing Officer finds that the modification to allow the over-height wall with a wrought iron fence on the front and interior property lines is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot. The existing wall/wrought iron fence was originally approved and granted a building permit in 1975 and the building permit never received a final sign off, the wrought iron portion of the fence allows for sight visibility, and the wall/wrought iron fence does not cause a visibility or safety issue for vehicular and pedestrian traffic.
 - C. The Staff Hearing Officer finds that the modification of the open yard area is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot. The open yard request is appropriate due to the site constraints associated with the current development's location on the lot, while maintaining adequate area for the property occupant's outdoor enjoyment.
- II. Said approval is subject to the following conditions:
- A. The existing pedestrian gate and column directly adjacent to the driveway and the existing vehicular gate which crosses the driveway near the front property line shall be removed.
 - B. The height of the masonry wall portion and the height of the wrought iron fence portion shall be as shown on the approved plans.
 - C. The approved open yard shall be shown on the plans submitted for a building permit.

This motion was passed and adopted on the 21st day of September, 2011 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. 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.
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.

