



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 044-11  
652 E. VALERIO STREET  
MODIFICATIONS  
NOVEMBER 16, 2011

**APPLICATION OF LORI KARI, ARCHITECT FOR BRIAN AND MARISA  
BRENNINKMEYER, 652 E. VALERIO STREET, APN: 027-270-012 and 027-270-014, R-2  
(TWO-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER  
ACRE (MST2011-00345)**

Proposal to permit: the "as-built" removal of a one-car carport and replacement with an uncovered parking space surrounded by a wall/railing exceeding 3.5 feet in height; an "as-built" 42 square foot addition; an "as-built" 150 square foot trellis; the "as-built" conversion of a basement area to habitable space, and; to allow a new 148 square foot balcony, new retractable awnings, new windows and an interior remodel to an existing two- story, single-family residence on an 8,054 square foot lot. Also proposed is an "as-built" masonry structure on the adjacent parcel (APN: 027-270-014).

The discretionary land use applications required for this project are:

1. Modifications to allow a wall/railing to exceed 3.5 feet in height within ten feet of the front lot line and within ten 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 one uncovered parking space instead of one covered parking space (SBMC §28.90.100 & §28.92.110)
3. A Modification to allow a parking space to be located within the required 20-foot front setback (SBMC §28.18.060, §28.90.001 & §28.92.110); and
4. Modifications to allow "as-built" conversion of a portion of the existing basement to habitable space within the required 15-foot front and 6-foot interior setbacks (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 Section 15301 (Existing Facilities) & 15303 (New Construction or Conversion of Small Structures).

**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, November 9, 2011.
2. Site Plans


3. Correspondence received in opposition to the project:
  - a. Paula Westbury, 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:
  - A. That the Modifications to provide one uncovered parking space in the required front setback, and to allow the over-height wall/railing system within 10' of the front lot line and within 10' of a driveway for a distance of 20' back, are consistent with the purposes and intent of the Zoning Ordinance, will not cause an increase in the demand for parking space or loading space in the immediate area, and are necessary to secure appropriate improvements on the lot. The uncovered parking space provides one usable off-street parking space for the property while providing adequate visual clearance, and the railing/wall system provides safety for the residents and others who frequent the area.
  - B. That the Modifications to allow the conversion of the basement to habitable space in the front and interior setbacks is consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The amount of encroachment is very minimal and the re-use of the existing basement area without creating new openings is not expected to impact adjacent neighbors.
- II. Said approval is subject to the following Conditions of Approval:
  - A. Prior to issuance of a building permit, a Lot Tie Affidavit shall be recorded on APN 027-270-012 and 027-270-014.
  - B. Prior to issuance of a building permit, a Zoning Compliance Declaration shall be recorded for the property.
  - C. Any vegetation or other similar obstructions within 10' of the front line and within 10' of both sides of the driveway for a distance of 20' back from the front property line shall be maintained at a maximum of 3 ½ feet in height. A note to this effect shall be included on the plans for a building permit.
  - D. All violations identified in Enforcement Case ENF2011-00413 and Zoning Information Report ZIR2011-00184 shall be abated with this permit.
  - E. The SFDB shall explore options to prevent the paved area west of the uncovered parking space from being used as a second uncovered parking space in the front setback.

This motion was passed and adopted on the 16<sup>th</sup> day of November, 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 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.

