



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 021-12  
1924 EMERSON AVENUE  
MODIFICATION  
MAY 30, 2012

**APPLICATION OF CEARNAL ANDRULAITIS, LLP, ARCHITECT FOR PROPERTY OWNERS KEN AND HILARY JACOBSEN, 1924 EMERSON AVE., APN 025-401-0147, R-2 ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MST2012-00115)**

The proposal involves permitting an “as-built,” poured-in-place, concrete wall with sandstone cap along the northwest property line, a new two-foot-tall sandstone gravity wall in the front yard, and an extension of the existing stone wall with new 42-inch high guard rail in the front yard. The discretionary application required for this project is a Modification to allow the combination of walls to exceed the height limit of eight feet within the six foot interior setback (SBMC §28.87.170 & 28.92.110). Modifications were approved by the Staff Hearing Officer in January 2010 for other elements of the overall project requiring discretionary approvals (Staff Hearing Officer Resolution 001-10).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15303 (New Construction or Conversion of Small Structures) 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, May 23, 2012.
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:


Approved the Modification making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed overheight combination of walls is appropriate because the walls provide privacy between properties with existing development and the walls would be adequately screened with vegetation. Due to the topography, walls conforming to the eight foot height limitation would not provide privacy from neighbors that other flatter properties in the area can have with conforming eight foot walls.

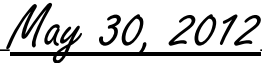
Said approval is subject to the following conditions:

- A. The "as-built" poured-in-place concrete wall along the northwest property line shall be reduced in height by a minimum of two feet for a distance of 10 linear feet from the end of the wall closest to Emerson Avenue.
- B. Screening vegetation for the subject property line wall shall be provided subject to review and approval by the Architectural Board of Review, and shall be maintained in perpetuity. A note to this effect shall be reproduced on the landscape plan.
- C. The proposed air conditioning unit for the main residence shall be removed from the required 1,250 square-foot Open Yard.

This motion was passed and adopted on the 30<sup>th</sup> day of May, 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.

  
\_\_\_\_\_  
Gabriela Feliciano, Commission 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 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.