



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 045-17

139 LOMA MEDIA  
MODIFICATIONS

JUNE 21, 2017

**APPLICATION OF PAUL RUBISON, ARCHITECT FOR ARLENE MONTESANO, 139 LOMA MEDIA: 019-261-014, E-1, SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 DU/ACRE), (MST2016-00517)**

The 7,121 square foot project site is currently developed with a two-story 2,121 square foot single-family residence with an attached two-car garage, located in the Hillside Design District. The proposal would allow the conversion of existing storage area to habitable space, resulting in a new bedroom and bathroom on the lower level within the same building footprint, and a new deck expansion of 54 square feet on the upper level to match the existing lower level deck. The proposal also includes replacing all existing single glaze windows and patio doors with dual glaze windows, add a new front entry canopy with brackets, new exterior siding, a new fireplace, new patio doors, "as-built" skylights and other site improvements. The project will address violations in ZIR2015-00521 and ENF2016-00852.

The discretionary applications required for this project are:

1. Front Setback Modification to allow additions and alterations and to allow uncovered parking on the south side of the dwelling to encroach within the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110);
2. Front Setback Modification to allow additions and alterations on the south side of the dwelling (secondary front setback) to encroach within the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. Open Yard Modification to allow the dimensions of the open yard area to be less than what is required by code (SBMC § 28.15.060 and 28.92.110).

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


1. Staff Report with Attachments, June 15, 2017.
2. Site Plans

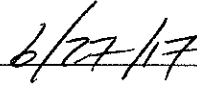
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the subject application making the following findings and determinations:

- A. The Front Setback Modification for improvements in the primary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alterations are appropriate because the lot is severely constrained due to the existing development on site and the narrow lot that is bound by Loma Media Road on two sides. The proposal is not anticipated to adversely impact the visual openness of the street frontage while improving the aesthetics.
- B. The Front Setback Modification for improvements in the secondary front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed deck extension is appropriate because it will provide usable recreational space on a lot that lacks usable open yard area due to its severe slope. The expansion will not increase the existing encroachment and therefore is not anticipated to adversely impact the visual openness of the street frontage.
- C. The Open Yard 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 Modification to allow less than the required open yard dimensions is appropriate because the site is constrained by two front setbacks and a 50% slope; therefore, it is not possible to provide an open yard area that meets the minimum 20 feet by 20 feet dimensions. The proposed open yard area will meet the intent of the Zoning Ordinance by providing a functional open space.

This motion was passed and adopted on the 21<sup>st</sup> day of June, 2017 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 Goe, Staff Hearing Officer Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

- 1. This action of the Staff Hearing Officer can be appealed to the Planning Commission 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.