APPLICATION OF BRITTON JEWETT, PROPERTY OWNER, 403 LOMA ALTA DRIVE, APN 035-243-002, RS-15 ZONE (RESIDENTIAL SINGLE UNIT), GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 DU/ACRE) (PLN2016-00245)

The 23,187 square-foot site is currently developed with a two-story single family residence that is a designated City Landmark. The lot is located at the intersection of Loma Alta Drive and Weldon Drive.

The proposed project involves abatement of all remaining violations listed in ENF2011-00952, which includes replacing a garage that was previously demolished without the required building permit. Abatement of more minor violations of ENF2011-00952 ("as-built" fencing, shed, patio cover, and laundry hook-ups) has been resolved, but not documented with an approved permit to close the case. A detached two-car garage is proposed as part of the subject application.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is:

1. **Front Setback Modification** to allow for construction of a detached two-car garage within the required 30'-0" front setback (SBMC Table 30.20.030.A and SBMC §30.250.030.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 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 in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 4, 2019
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:

The Staff Hearing Officer finds 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 and
provide development that is generally consistent with existing patterns of development for the neighborhood.

A front setback is meant to provide building relief between the public right-of-way and physical development on private lots, as well as provide consistency in neighborhoods regarding this building relief. Of the thirteen lots on the subject block, seven currently have development that encroaches into the required front setback, including both accessory structures and primary residences. The subject lot is located at the corner of Loma Alta Drive and Weldon Drive; both neighboring properties have development that encroaches into the required front setback. Furthermore, a previous garage was located on-site that encroached into both the required interior setback and the front setback; the proposed garage, while still encroaching into the front setback, would conform to the interior setback and be located approximately 11’-0” farther back from the front property line than the previous garage. Therefore, the garage being located in the required front setback is generally consistent with existing patterns of development for the neighborhood, as well as historic patterns for the lot itself.

The previous garage was a one-car garage, which is nonconforming to covered parking requirements for single family residential development. The proposed garage would provide two parking spaces on-site, meeting the requirement (an appropriate improvement). No paving other than the driveway and a pedestrian path from the driveway to the rear of the lot is proposed, meaning that paving in the setback has been reduced to a minimum.

The location of the garage is also appropriate given the historic designation of both the primary residence on-site and the surrounding grounds. Should the garage be proposed outside the front setback, its closeness to the residence and required tree removal could affect the historic designation, per the Urban Historian.

This motion was passed and adopted on the 13th day of March, 2019 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.

Heidi Reidel, Commission Secretary  
3/15/19

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 three (3) years from the date of the approval, per SBMC §30.205.120, unless:
   a. A building permit for the construction authorized by the approval is issued within thirty six 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.