



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 023-24 1835 SUNSET AVENUE MODIFICATION JUNE 26, 2024

1835 SUNSET AVENUE

Assessor's Parcel Number:	043-161-002
Zoning Designation:	R-M (Residential Multi-Unit)
Application Number:	PLN2023-00145
Applicant:	Jonathan Villegas
Owner:	Zachary Liebhaber

The 3,414-square-foot site is currently developed with a one-story 832-square-foot single-unit residence and detached 149-square-foot single-car garage. The project consists of a proposal to convert the existing garage to an Accessory Dwelling Unit (ADU), and as part of the project, construct a 91-square-foot single-story addition to the structure such that the proposed ADU will be 240 square feet.

The discretionary application under the jurisdiction of the Staff Hearing Officer at this hearing is an Open Yard Modification to allow for a reduction of the required open yard associated with the conversion of the existing garage and addition to accommodate an Accessory Dwelling Unit (SBMC §30.185.040.G.4 and SBMC § 30.250.020).

Staff has determined that the project is exempt from further environmental review under Section 15303 [New Construction or Conversion of Small Structures Facilities] of the California Environmental Quality Act (CEQA) Guidelines, which allows for construction of a second dwelling unit in a residential zone. No significant project-specific or cumulative environmental impacts are expected because of the project. The project does not have the potential to damage scenic highways or historic resources, and the project site is not identified as a hazardous waste site; therefore, none of the categorical exceptions (per Guidelines Section 15300.2) apply.

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, and the following exhibits were presented for the record:

1. Staff Report with Attachments, Wednesday, June 19, 2024.
2. Site Plans
3. Correspondence received:
 - a. Judi Brushkin

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

I. Approved the subject application, making the following findings and determinations:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES AND SBMC CH. 22.100)

The project is exempt from further environmental review under Section 15303 [New Construction or Conversion of Small Structures Facilities] of the California Environmental Quality Act (CEQA) Guidelines, which allows for construction of a second dwelling unit in a residential zone. No significant project-specific or cumulative environmental impacts are expected because of the project. The project does not have the potential to damage scenic highways or historic resources, and the project site is not identified as a hazardous waste site; therefore, none of the categorical exceptions (per Guidelines Section 15300.2) apply.

B. OPEN YARD MODIFICATION (SBMC §30.250.060)

The Staff Hearing Officer finds that the Open Yard Modification to allow for a small reduction to the existing nonconforming open yard is consistent with the purposes of the R-M zoning district in order to accomplish a modest-sized Accessory Dwelling Unit on the lot. The Modification is necessary to secure an appropriate improvement as ADUs are an allowed use on the property and to prevent unreasonable hardship, given that the lot is subject to double front setbacks, limiting the developable area on the property as well as reducing areas that would otherwise qualify as open yard. Additionally, the lot is restricted by the overall size of the property and by the existing building footprints.

This motion was passed and adopted on the 26th day of June, 2024 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, Commission Secretary

June 26, 2024

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 resubmit design review materials under your PLN case for 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 (36) 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.