



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 024-08
1316 AND 1327 BATH STREET
MODIFICATIONS
MARCH 26, 2008

**APPLICATION OF LARRY THOMPSON, ARCHITECT AND AGENT FOR MARLIES
MARBURG, PROPERTY OWNER; 1316 AND 1327 BATH STREET; APN: 039-121-020 AND
039-112-009; R-4- HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE; GENERAL PLAN
DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2001-00822)**

The project site is currently developed with four sleeping units associated with the Glenborough Inn. The proposed project involves the conversion of one unit to a breakfast room, a connection of the main building to the existing garage, conversion of the garage to an addition sleeping unit, and the construction of a fifth sleeping unit for the property. A detached gazebo is also proposed at the front of the building. The discretionary applications required for the project are Modifications to permit alterations and additions within the required rear and interior yard setbacks (SBMC §29.21.060 & 28.21.085), and for accessory space to be located within the remaining front yard (SBMC §28.87.160).

On January 6, 2005, this project was approved by the Planning Commission (RESO NO. 001-05). Failure to pull permits resulted in expiration of the approval. This is a request to reinstate.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

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 of the application or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 5, 2008.
2. Staff Report with Attachments, March 19, 2008.
3. Site Plans
4. Correspondence received in opposition to the project:
 - a. Carolyn J. McCall, 1320 Bath Street, Santa Barbara, CA 93101
 - b. Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109

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

- I. Approved the subject application making the following findings and determinations:
- A. **Findings for the Modification to allow Unit #5 to be located within the rear and interior yard setbacks (SBMC §28.21.060 and SBMC §28.21.085)**

The existing two car garage is located within the interior and rear setbacks. If a garage is converted to another use, such as a hotel unit in this case, modifications are required to continue to allow the structure to be located in the interior and rear yard setbacks. The converted hotel room would abut a private alley to the north and an existing garage to the east. The proposed hotel room location is not a significant impact to the adjacent uses. Also, keeping all of the proposed upgrades to the rear (north) of the property would not degrade the architectural integrity of the historic house.

- B. **Findings for the Modification to allow the 70 square foot addition to be located within the interior yard setback (SBMC §28.21.060 and SBMC §28.21.085)**

A 70 square foot addition is proposed to join the converted garage to the main building, which includes four existing hotel rooms. This 70 square foot addition and the former location of Unit #4 would be the new breakfast pavilion for the hotel guests. Because the proposed addition is a non-residential use, it must adhere to double the required setback, which is 12 feet. The addition would meet at least the 6 foot interior yard setback in the R-4 zone and would secure an appropriate improvement on the lot. The Glenborough Inn patrons would not have to walk across the street to the White Jasmine Inn site for breakfast because on-site breakfast facilities would be provided. This would also give the owner flexibility to have 1316 Bath Street be a separate bed and breakfast and not be dependent on the White Jasmine Inn site other than for parking.

- C. **Findings for the Modification to allow for Unit #4 to be located in the rear yard setback (SBMC §28.21.060 and SBMC §28.21.085)**

Proposed above the converted hotel room (Unit #5), is a 306 square foot hotel room (Unit #4). Because the proposed addition is a non-residential use, it must adhere to double the required setback, which is 20 feet. The modification because the addition would meet the required 10 foot interior yard setback for a second story in the R-4 zone and the rear yard encroachment would not impact the neighboring properties since it abuts the private alley. Also, keeping the second story addition to the rear (north) of the property would not degrade the architectural integrity of the historic house.

- D. **Findings for the Modification to allow the Proposed open Gazebo of 64 sq. ft. to be located within the remaining front yard (SBMC §28.21.060, SBMC §28.21.085 and SBMC §28.87.160)**

The location of the Gazebo provides additional patio space for guests and does not violate the purpose and intent of the ordinance which is to limit floor area/building within the front yard. A Modification is required because Section 28.87.160 mandates that, with the exception of garages, no accessory structure be located in a front yard. The Gazebo will be consistent with the Italianate architectural style described in the Historic Structure Report prepared for the subject site. The addition of the Gazebo provides a site improvement that does not adversely impact the adjacent neighbors and is compatible with the surrounding neighborhood.

I. Said approval is subject to the following conditions:

A. **Recorded Conditions.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney:

1. **Uninterrupted Flow of Water.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
2. **Development Approved.** The development of the Real Property approved by the Planning Commission on January 6, 2005 is limited to the addition of a hotel room and breakfast pavilion to the existing four unit bed and breakfast hotel, and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
4. **Recyclable Material Use and Collection.** Hotel operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling or green waste containers, in each room. Recyclable material collection and pick-up areas shall be provided on-site for the hotel operations. The hotel operators shall use materials that are recyclable to the extent feasible.
5. **Bus Passes.** The Owner shall contact Metropolitan Transit District (MTD) to purchase shuttle bus passes or their equivalent for their hotel employees. These passes shall be provided free of charge to hotel employees to encourage shuttle bus usage. A copy of the contract with MTD shall be submitted to the Transportation Planning Manager.
6. **Off-Site Parking Agreement.** Submit an off-site parking agreement to provide off-site parking to meet the required parking demand, as determined by the Community Development Director. The agreement is subject to review and approval by the City Attorney. The Owner shall record the agreement in the official records of Santa Barbara County against both 1316 Bath Street and 1327 Bath Street. Said agreement shall state that the owner of 1327 Bath Street will provide two (2) mandatory off site parking spaces for operation of the inn at 1316 Bath Street.

B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):

1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
3. **Landscape Plan.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). The landscape plan shall incorporate additional landscaping to screen the proposed gazebo.

C. **Prior to Permit Issuance.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property; the Owner shall submit the following or evidence of completion of the following:

1. **Historic Designation.** Prior to issuance of a building permit, please submit a Structure of Merit application to the Historic Landmarks Commission.
2. **Water Extraction Rights Assignment.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
3. **Best Management Practices.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
4. **Streetlight Petition Notice.** The Owner shall provide a written Streetlight Petition Notice (Notice) to all property owners, businesses, and residents in the 1300 block fronting the subject property. The Owner shall coordinate with the Public Works Department Facilities Manager to create the Notice. The recipients of the Notice shall vote on whether they do or do not support a mid-block residential streetlight on their block. A simple majority vote is required to add a mid-block streetlight. The Notice shall contain a description of the issues related to streetlight placement, and shall include a name and phone number of a contact person who can answer questions and provide related information. The Notice is the standard process used by the Public Works Department to facilitate the addition of mid-block City standard streetlight.

If it is determined that a residential streetlight is to be added, the Owner shall install City standard residential streetlight(s), as determined by the Public Works Department at the expense of the Owner.

If a residential mid-block streetlight is not installed as a result of the initial petition, then either a) five years following Planning Commission approval or, b) prior to Certificate of Occupancy, whichever occurs first, the Owner shall again provide a written Notice to all property owners, businesses, and residents on those same streets fronting the subject property. The citizens will be given another opportunity to request a residential mid-block streetlight. If a residential

mid-block streetlight is determined to be added, the Owner shall install a City standard residential streetlight as determined by the Public Works Department at the expense of the Owner.

5. **Structural Report.** 1) Prior to issuance of a building permit to convert the garage to new guest units, the owner shall provide a structural analysis report that shows that the existing building can be re-used as proposed. An exploratory demolition permit may be issued to allow the preparation of the report. Further, if for any reason the building is demolished beyond what is shown on the plans, the construction of Units 4 and 5 will be halted and the rear and interior setback modification approvals will become null and void. However, in the event the building walls cannot be maintained, the owner may reduce the rear and interior setbacks for the converted garage to six (6) feet rather than the twelve (12) foot double setback as required by the Zoning Ordinance.

D. **Construction Plans.** The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Building & Safety with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:

1. **Public Right of Way Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Bath Street. As determined by the Public Works Department, the improvements shall include replacement of approximately 150 square feet of City standard sidewalk and curbs, curb drain outlets, one "Type B" City residential streetlight (dependent upon Petition outcome) to City standard, flow calculations for the existing water meter, preserve and/or reset contractor stamp and/or survey monuments, drought-tolerant parkway landscaping and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
2. **Hydrology Calculations.** Submit to the Land Development Engineer hydrology calculations justifying that the onsite proposed and existing drainage conveyance system adequately convey a 25-year storm event.
3. **Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
4. **Contact Signage.** Immediately after building permit issuance, signage shall be posted along the front property line that list the contractor(s) name, contractor(s) phone number, work hours, and City contact phone numbers to assist the neighbors, Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.

5. **Construction Hours.** Construction is prohibited (including preparation for construction work) on Saturdays, Sundays, between the hours of 5:00 p.m. and 8:00 a.m., and holidays observed by the City as legal holidays as shown below:

New Year's Day	January 1 st
Martin Luther King Jr.'s Birthday	3 rd Monday in January
Washington's Birthday	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving
Christmas Day	December 25 th

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.

6. **Construction Storage.** On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited.
7. **Construction Materials Recycling.** The Owner shall, to the maximum extent feasible, recycle all construction/demolition waste and materials in order to minimize construction-generated waste conveyed to the landfill. Containers shall be provided on site for that purpose.
8. **Surface Drainage.** Any construction on this parcel shall not direct the flow of surface water onto any adjacent parcel and must either control the surface water on site or collect it and distribute it to the public way in accordance with an approved plan and permit from the Public Works Department.
9. **Contractor Stamps.** Any existing contractor stamps in the sidewalks, driveway aprons, and curbs shall be preserved and protected in place during all construction to the satisfaction of the Public Works Department.
10. **Archaeological Monitoring Contract.** Contract with an archaeologist from the most current City Qualified Archaeologists List to re-inspect the area impacted by the project during initial site preparation (after removal of existing pavement and prior to removal of foundations), and report the survey findings to, and receive authorization from, the City's Environmental Analyst, before site improvements commence. The archaeologist's monitoring contract shall include the following additional provisions, recommended in the Phase I Archaeological Survey prepared for this site by Macfarlane Archaeological Consultants (October 21, 2002):

At such time as the natural soil surface is exposed, the archaeologist shall conduct a formal survey of the project area. The archaeologist shall remain on-site to monitor initial site preparation grading and/or trenching in order to examine subsurface soils for indication of an archaeological site, artifacts, or other remains. The archaeologist need not be present during recompaction of excavated soils. Reports of the monitoring during initial grading activities and recommendations shall be reported to the City of Santa Barbara in the form of a

formal report. The contract(s) shall be subject to the review and approval of the Environmental Analyst.

If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, preparation and implementation of Phase II/III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find.

11. **Planning Commission Conditions and Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner Date

Contractor Date License No.

Architect Date License No.

Engineer Date License No.

- E. **Completion Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.
 2. **Complete Required Public Improvements.** Public improvements as shown on the building plans.
 3. **Cross Connection Requirement.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

This motion was passed and adopted on the 26th day of March, 2008 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 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.
3. 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.
4. **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.
5. **NOTICE OF MODIFICATION 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:
 1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
 2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.