



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 028-16 329 E. CANON PERDIDO STREET MODIFICATIONS APRIL 27, 2016

**APPLICATION OF VANGUARD PLANNING, LLC, APPLICANT FOR KENNETH OLSEN,
329 E. CANON PERDIDO STREET, APN: 029-301-048, C-2 (COMMERCIAL) ZONE,
GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27
DU/ACRE) (MST2015-00483)**

The 2,468 square-foot site is currently developed with a 683 square foot one-story single family dwelling and an "as-built" shed. The proposed project involves demolition of the existing development on site, construction of a new three-story 1,418 square foot single-family residence with a 161 square foot cellar, a new 668 square foot garage, a new roof deck with exterior stairway, a new balcony, new walls, stairs and associated grading. The proposed total of 2,086 square feet is 95% of the maximum guideline floor to lot area ratio (FAR). The proposal will address violations outlined in a Zoning Information Report (ZIR2015-00023) and an Enforcement Case (ENF2015-00115).

The discretionary applications required for this project are:

1. Front Setback Modification to allow a new garage to encroach into the required 20 foot front setback for parking that backs out onto the street and to allow the dwelling and steps to encroach into the required 15-foot front setback for three-story buildings (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. Interior Setback Modification to allow the new garage, exterior stairway, roof deck and dwelling to be located in the required 10-foot interior setback to the east (SBMC § 28.21.060 & SBMC § 28.92.110); and
3. Interior Setback Modification to allow the new dwelling, balcony and steps to be located in the required 10-foot interior setback to the west (SBMC § 28.21.060 and SBMC § 28.92.110); and
4. Rear Setback Modification to allow the new exterior stairway to be located in the required six-foot rear setback for the ground floor and to allow the new exterior stairway, roof deck and dwelling in the required 10-foot rear setback for the second and third story portions (SBMC § 28.21.060 and SBMC § 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 15303 & 15305 (New Construction and 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, one person 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, April 21, 2016.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Hugh D. Dow, Santa Barbara, CA

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

- I. Approved the subject application making the following findings and determinations:
 - A. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed garage, first floor of the dwelling and stairs in the front setback are appropriate because of the site constraints associated with the size and the configuration of the lot, the grade difference between the street and the developable area, and the proposed front setback is consistent with the pattern of development in the neighborhood.
 - B. The East Interior Setback Modification for all requested items, including a new clerestory window for the second floor bathroom proposed at the public hearing, are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure appropriate improvements on the lot with the exception of the exterior stairway that leads to the roof deck and exterior bathroom door on the second floor. The proposed garage and dwelling in the east interior setback are appropriate because, they are not anticipated to adversely impact the adjacent neighbor's property, the proposal is consistent with the pattern of development in the neighborhood and the lot is site constrained due to its size and configuration.
 - C. The West Interior Setback Modification to allow the propose improvements within the required west interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed dwelling in the west interior setback is appropriate because it is consistent with the pattern of development in the area, it is necessary to prevent an unreasonable hardship as the lot is site constrained due to size and configuration and is not anticipated to adversely impact the adjacent neighbor. The proposed entry portico is appropriate because, even though it is open on the north and south sides, it has no openings along the west wall and it will reduce the potential adverse effect of noise associated with the entry of the residence and as requested by the Historic Landmarks Commission, provides an appearance of uniformity of development. The balcony is an architectural detail and is not anticipated to impact the adjacent neighbor as it is only 18 inches deep.
 - D. The Rear Setback Modification for all requested items, except for the exterior stairway that leads to the roof deck, new second floor bathroom door and roof deck, is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed dwelling in the rear interior setback

is appropriate because of the site constraints with the configuration and size of the lot and it is not anticipated to adversely impact the adjacent neighbor.

- E. The East Interior Setback for the exterior stairway that leads to the roof deck and new second floor bathroom door and the Rear Setback Modifications for the exterior stairway that leads to the roof deck, new second floor bathroom door, and the roof deck are not consistent with the purpose and intent of the Zoning Ordinance and are not necessary to secure appropriate improvements on the lot. The proposed location of the exterior stairway that leads to the roof deck, new second floor bathroom door, and roof deck are not appropriate, as they do not provide adequate setback from the interior and rear property lines and would cause adverse impacts to the neighboring properties.

II. Said approval is subject to the following conditions:

- A. The site visibility triangle shall be shown on the plans to meet Public Works requirements.
- B. A Public Works permit shall be obtained for any work in the public right-of-way.
- C. The exterior stairway that leads to the roof deck, new second floor bathroom door, and the portion of the roof deck within the rear setback shall be removed from the required setbacks and if proposed, shall be shown to comply with the Zoning Ordinance.
- D. The following language shall be added to the plans submitted for building permit:

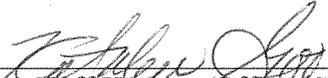
“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such 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, etc.

If a 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 a 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. Work in the area may only proceed after the Environmental Analyst grants authorization.

This motion was passed and adopted on the 27th day of April, 2016 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 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 **Historic Landmarks Commission (HLC)** 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.