

City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 051-16
1330 CACIQUE STREET
MODIFICATIONS
AUGUST 17, 2016

**APPLICATION OF BECKER STUDIOS, INC., APPLICANT FOR ORNELLA FACCIN,
1330 CACIQUE STREET, APN: 017-233-024, C-P (RESTRICTED COMMERCIAL) ZONE,
GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27-
DU/ACRE) (MST2016-00119)**

The 7,500 square-foot site is currently developed with a 5,070 square foot commercial complex. The proposed project involves interior and exterior alterations to convert the existing commercial complex to a mixed-use project. The proposal includes an interior remodel and alterations to the rear portion of the building including converting 1,240 square feet of commercial space on the second-floor to two residential units; a one bedroom and a studio unit, and exterior alterations including window and door changes and new Juliet balconies. The proposal also includes an interior remodel and alterations to the one-story portion of the building at the front of the property, including the removal of two existing trellises, exterior alterations including window and door changes, new rooftop screening walls, and new private patios over the existing rooftop of the breezeway for the residential units. Site alterations proposed include a new trash enclosure, new covered bicycle storage, a revised parking layout, landscape changes, removal of two trees and removal of an existing driveway gate. No new square footage is proposed.

The discretionary applications required for this project are:

1. An Interior Setback Modification to allow the conversion of commercial floor area to two residential units with new bicycle parking, new rooftop walls and private outdoor living space in the required ten (10) foot interior setback to the South (SBMC § 28.54.060 and SBMC §28.92.110); and;
2. An Interior Setback Modification to allow the conversion of commercial floor area to two residential units in the required ten foot interior setback to the East (SBMC § 28.54.060 and SBMC §28.92.110).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project

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

1. Staff Report with Attachments, August 11, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that:

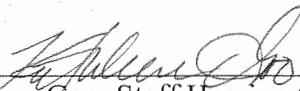
- I. The City Staff Hearing Officer:
 - A. Finds the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.
 - B. Approved the Modification to allow conversion of a portion of the commercial space to a residential unit with new bicycle parking to encroach into the required south interior setback, except for the private outdoor living space, making the findings and determinations 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. The residential unit and bicycle parking are appropriate because no new square footage is proposed in the setback, the proposal will provide two new dwelling units by utilizing the existing structures on site, and the alterations are not anticipated to adversely impact the adjacent neighbors.
 - C. Approved the Modification to allow the change of use from commercial space to two residential units in the required east interior setback making the findings and determinations 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. The new residential units are appropriate because no new square footage is proposed in the required setback, the proposal will provide two new dwelling units by utilizing the existing structure on site and the new dwelling units are not anticipated to adversely impact the adjacent neighbors.
 - D. Denied the Modification to allow the private outdoor living space to encroach into the required south interior setback making the findings and determinations that the Modification is not consistent with the purpose and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement of the lot. The proposed location of the private outdoor living space is not appropriate, as it does not provide adequate setback from the interior property line, is inconsistent with the Good Neighbor Guidelines, and it is anticipated to significantly adversely impact the adjacent neighbor's privacy and property. In addition, the use of the south interior setback for the proposed private outdoor living space for the studio unit is inconsistent with the purposes and intent of the Zoning Ordinance as there appear to be conforming options to locate the private outdoor living space on site that would not require an Interior Setback Modification.
- I. Said approval is subject to the following conditions:
 - A. A Design standard waiver of the landscaping for the parking shall be sought, subject to review and approval by the Public Works Department. If a waiver is not granted, the project shall be revised to comply with the standards.
 - B. A note shall be included on the site plan that the fences, walls and hedges located within the sight visibility triangle by the driveway shall not exceed 3 feet, 5-inches in height, except for the existing 6-foot chain link fence, subject to review and approval by the

Public Works Department. Any landscaping behind the existing chain link fence shall also comply with sight visual triangle requirements.

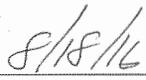
- C. Any bicycle parking proposed is subject to review and approval by the Public Works Department.
- D. At the time of building permit submittal, the applicant shall submit a structural engineer's report that analyzes the existing building to ensure that the building will remain, and a preservation or construction phasing plan shall be provided that demonstrates how the building will be retained.
- E. The project shall be redesigned to relocate the required private outdoor living space outside of the required setbacks.
- F. The existing gate along the building wall within the south interior setback (the area where the proposed bicycle parking is located) shall be removed and replaced with a solid wall.

This motion was passed and adopted on the 17th day of August, 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 **Architectural Board of Review (ABR)** 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.