



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 069-16 1217 PUNTA GORDA STREET MODIFICATION OCTOBER 26, 2016

**APPLICATION OF PATRICIO NAVA, AGENT FOR RAUL GUTIERREZ, 1217 PUNTA GORDA STREET, APN 017-293-014, R-3 ZONE, MULTI FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM-HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) R-3 (MULTI FAMILY RESIDENCE) ZONE, (MST2015-00031)**

The proposed project is to construct a new, 798 square foot two-story dwelling unit at the rear of an existing 916 square foot one-story dwelling unit, and to demolish an existing 370 square foot carport. A 655 square foot 4-car carport will comprise the ground floor of the new unit and will be attached to the existing front unit. Also proposed on this approximately 5,000 square foot parcel is approval of an Administrative Height Exception to legalize an "as-built" 4'-6" tall CMU wall topped with a wrought iron railing and to construct a new 5'-0" tall fence around the designated front personal outdoor living space.

The discretionary application required for this project is an Interior Setback Modification to allow a conforming three-story addition that will change the basic exterior characteristics of the existing residence that is nonconforming to the required six-foot interior setback (SBMC § 28.15.060 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 Sections 15301 and 15305 (Existing Facilities 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**, 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, October 20, 2016.
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:
  - A. 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. The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because it will allow for an addition to the existing dwelling that complies with all zoning standards for the R-3 zone.

**I.** Said approval is subject to the following conditions:

- A.** An Administrative Height Exception shall be obtained for the over height fence/wall combination at the property line and the new 5 foot tall fence surrounding the designated outdoor living area for the front unit. If the Administrative Height Exception request is denied, said fences/walls shall be reduced in height to meet Zoning Ordinance height limits.
- B.** The applicant shall request Architectural Board of Review (ABR) approval to allow the setback for the carport to be reduced to three (3) feet. If such approval is not granted, either the project must be redesigned to conform to the required setbacks, or a Modification must be obtained to allow the new carport in its proposed location.
- C.** 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 26<sup>th</sup> day of October, 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.