



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 003-13 1198 COAST VILLAGE ROAD MODIFICATIONS JANUARY 9, 2013

**APPLICATION OF SHERRY & ASSOCIATES ARCHITECTS FOR DEWAYNE DANIEL & KATHLEEN M. COPUS, 1198 COAST VILLAGE ROAD, APN 009-222-010, C-1/SD-3 LIMITED COMMERCIAL/COASTAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL (MST2012-00231)**

The 32,241 square foot site is located within the Non-Appealable Jurisdiction of the Coastal Zone and is currently developed with a 25-room hotel and a 1,507 square foot one-story restaurant with 36 parking spaces. The existing restaurant structure is nonconforming to the required ten-foot front setbacks along Coast Village and Middle Roads. The proposed project involves alterations to the existing restaurant, including the demolition of a 36 square-foot “as-built” storage enclosure, the “as-built” construction of a 181 square-foot addition to the restaurant’s service and storage areas, the reconstruction of access stairways, restriping of the existing parking lot, and the demolition and relocation of an “as-built” trash enclosure. A Public Works Encroachment Permit will be required for any improvements constructed in the public right-of-way.

The discretionary applications required for this project are Modifications to allow the demolition and reconstruction of access stairways and the “as-built” 181 square-foot addition to be located within the required ten-foot front setbacks. (SBMC § 28.63.060 and SBMC § 28.92.110). Additional alterations to the restaurant to improve the existing outdoor patio areas, including the construction of a covered outdoor kitchen, bar, dining and waiting areas, were previously reviewed and approved by the Architectural Board of Review and are not the subject of this current request.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities) and 15305 (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, January 2, 2013.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.

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

- I. Approved the Modifications making the findings and determinations that the Modifications to allow the unpermitted addition and reconstruction of access stairway within the front setbacks are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed reconstruction of the stairway is appropriate because it will be upgraded to be building code compliant with uniform treads and compliant handrails, and will maintain a pedestrian entrance to the restaurant from Coast Village Road, while eliminating the encroachment into the public right-of-way. The unpermitted addition was constructed prior to 1980 without any neighborhood concerns and is not anticipated to adversely impact the neighbors or diminish light, air and existing visual amenities along this commercial corridor.
- II. Said approval is subject to the condition that prior to issuance of a building permit for proposed project; the applicant shall apply for a separate Public Works encroachment permit for any private improvements located within the public right-of-way. Please note that building permit issuance for improvements on the private property does not legalize any private improvements within the public right-of-way.

This motion was passed and adopted on the 9th day of January, 2013 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.