



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 034-13

109 BATH STREET

MODIFICATION

JUNE 26, 2013

**APPLICATION OF CY JOHNSON FOR FRANCISCAN MOTEL CORPORATION,
109 BATH STREET, APN 033-061-005, R-4/S-D-3 HOTEL-MOTEL-MULTIPLE
RESIDENCE/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION:
HOTEL/MEDIUM HIGH RESIDENTIAL (15-27 UNITS/AC) (MST2013-00122)**

The 17,500 square foot site is currently developed with a two-story 21-room hotel that is part of the larger Franciscan Inn hotel complex at the northwest corner of Bath and West Mason Streets. The proposed project involves the installation of two new air conditioning condenser units with enclosures, located approximately one foot from the northern interior property line.

The discretionary application required for this project is a Setback Modification to allow two new air conditioning condenser units and enclosures to be located within the required 12-foot interior setback (SBMC §28.21.060.B, §28.21.085.A and §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 15301.

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, June 19, 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 requested Setback Modification 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 proposed setback modification for the air conditioning units and related enclosures is appropriate because the location at the side of the building is low profile, does not impact existing parking areas or hotel courtyards, and complies with the requirements of the Noise Ordinance. The improvement is not anticipated to adversely impact the visual openness of the public street or adversely impact the adjacent neighbors, as discussed in Section V of the staff report.

II. Said approval is subject to the following conditions:

- A. That a legal agreement be entered into between the 109 Bath Street and 117 Bath Street properties to ensure that they continue to be operated as a single entity and that, if sold, they are sold together as if the parcels were a single property; and
- B. That the project is redesigned to either remove/relocate the enclosure doors (which encroach onto the 117 bath Street property when open) or obtain an easement across 117 Bath Street to accommodate the doors and access to the enclosures.

This motion was passed and adopted on the 26th day of June, 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.