



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 019-14

1146 NIRVANA ROAD

PERFORMANCE STANDARD PERMIT AND MODIFICATIONS

APRIL 16, 2014

**APPLICATION OF SUSETTE NAYLOR, THOMPSON NAYLOR ARCHITECTS INC., FOR
CHRISTIANE SCHLUMBERGER LIVING TRUST, 1146 NIRVANA RD, 043-030-016, R-1
ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY
RESIDENTIAL (MAX 3 DU/ACRE) (MST2014-00046)**

The 1.78 acre site is developed is located in the Hillside Design District and is developed with 2,009 square foot, single-family residence with a 957 square foot, detached accessory structure containing a 565 square foot, three-car carport that has been converted to garage without permit, and 392 square foot accessory space that has been converted to a residential unit without permit. The proposal will abate violations listed in ENF2014-00135 and includes remodeling the 957 square foot accessory building resulting in a 482 square foot additional dwelling unit, a 377 square foot two-car garage, and 123 square feet of storage. The proposal also includes two new uncovered parking spaces. No alterations are proposed to the existing residence as a part of the application.

The discretionary applications required for this project are:

1. A Performance Standard Permit to allow an additional dwelling unit on a one-family residential lot (SBMC § 28.93.030 and SBMC § 28.92.110);
2. A Modification of the Minimum Distance Between Buildings to allow the garage/unit building to be located less than twenty feet (20') from the existing one-story residence (SBMC § 28.15.070 and SBMC § 28.92.110); and
3. A Parking Modification to provide two covered and two uncovered parking instead of the required four covered parking spaces for the residences (SBMC § 28.90.100.G 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, April 10, 2014.
2. Site Plans

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

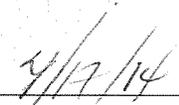
- I. Approved the subject application making the following findings and determinations:
 - A. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.
 - B. The Parking Modification to allow two covered and two uncovered parking spaces is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. The proposed uncovered parking spaces will be screened by the site topography and existing development on the lot. The uncovered parking is appropriate because it (in combination with the proposed garage) will provide sufficient off-street parking to meet the parking demand for both residences.
 - C. The Minimum Distance Between Buildings Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The re-use of the existing “as-built” building and its conversion into an additional residential unit and two-car garage is appropriate because there is adequate separate of light and air between the two buildings, as described in Section IV of the written staff report, and for sustainability purposes, the re-use of existing buildings is preferable to demolition and reconstruction.
 - D. The Performance Standard Permit complies with all standards of SBMC §28.93.030.E., including adequate lot area for two residential units, with associated existing accessory space, and adequate ingress and egress for each residence as discussed in Section IV of the written staff report.
- II. Said approval is subject to the following conditions:
 - A. If the building is demolished beyond what is shown on the plans approved by the Staff Hearing Officer on April 16, 2014, then the construction of the project shall be halted, and the applicant and/or property owner shall contact Planning Division Staff for a determination on whether one, or both Modifications and the Performance Standard Permit are still valid.
 - B. No laundry facility and/or appliances shall be located in the garage.

This motion was passed and adopted on the 16th day of April, 2014 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 **Single Family Design Board (SFDB)** 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.