



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 020-14 1003-A SANTA BARBARA STREET MODIFICATIONS APRIL 16, 2014

#### **APPLICATION OF JARRETT GORIN AGENT FOR ROBERT DIBLEY, 1003A SANTA BARBARA STREET, 029-211-013, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/ACRE) (MST2013-00418)**

The 2,048 square-foot interior parcel, is located in El Pueblo Viejo Landmark District and is currently developed with a 1,775 square foot, one-story commercial building. The proposed project involves the conversion of the existing one-story building to residential garage and storage, with a 2,030 square foot, two-story residence above. The required outdoor living space for the resulting three-story, single-family dwelling unit is provided by a total of 969 square feet roof decks provided on the second floor and the third story roof. The proposal includes approximately 124 square feet of permeable driveway paving.

The discretionary applications required for this project are:

1. An Interior Setback Modification to allow the second and third story additions and alterations to the existing one-story building, including new roof decks and the change of use from commercial to residential, within the required interior setback to the east. (SBMC § 28.21.060 and SBMC § 28.92.110);
2. An Interior Setback Modification to allow the second and third story additions and alterations to the existing one-story building, including new roof decks and the change of use from commercial to residential, within the required interior setback to the north. (SBMC § 28.21.060 and SBMC § 28.92.110);
3. An Interior Setback Modification to allow the second and third story additions and alterations to the existing one-story building, including new roof decks and the change of use from commercial to residential, within the required interior setback to the west. (SBMC § 28.21.060 and SBMC § 28.92.110);
4. An Interior Setback Modification to allow the second story addition and alterations to the existing first floor, including new roof decks and the change of use from commercial to residential, within the required interior setback to the south. (SBMC § 28.21.060 and SBMC § 28.92.110); and
5. An Outdoor Living Space Modification to allow alterations to the location and configuration requirements of the required outdoor living space including locating the outdoor living space on roof decks instead of on-grade level. (SBMC § 28.21.081. 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 Section 15303 and 15305 (New Structures or Conversion of Small Structures 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, April 10, 2014.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Dennis A. Peterson, Santa Barbara, CA.

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

- I. Approved the subject application making the following findings and determinations:
  - A. The Southern and Eastern Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed conversion of the existing commercial building to residential garage and storage with a roof deck above in the required six-foot interior setback are appropriate because the project will reuse the existing building and it is located adjacent to existing commercial buildings that are constructed on the common property line.
  - B. The Western Interior Setback 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 residence is an allowed use in the zone; the project will reuse the existing building; and, and the building is located adjacent to an existing commercial building that is constructed on the common property line. The proposed residential use and building additions are not anticipated to adversely impact the adjacent commercial neighbors.
  - C. The Northern Interior Setback 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 residence is an allowed use in the zone and the project will reuse the existing building. The proposed three foot interior setback allows for separation and a planter area between the proposed residential use and the adjacent commercial parking lot. The proposed residential use is not anticipated to adversely impact the adjacent commercial parking lot to the north.

- D.** The Outdoor Living Space 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 outdoor living space on the second and higher floors is appropriate because it meets the intent of providing outdoor living space for the resident, the project will provide more than the required outdoor living space, and the existing development precludes on-grade open space. The proposed use of upper level decks to provide required outdoor living space is not anticipated to adversely impact the adjacent commercial neighbors.
- II.** Said approval is subject to the condition that if the building is demolished beyond what is shown on the Staff Hearing Officer approved plans, 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 the interior setback modifications and the outdoor living space modification are still valid.

This motion was passed and adopted on the 16<sup>th</sup> 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 **Historic Landmarks Committee (HLC)** 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.