



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 011-14 316 W. FIGUEROA STREET MODIFICATIONS FEBRUARY 18, 2015

#### APPLICATION OF ALEX PUJO, ARCHITECT FOR DARREL LECLAIR, 316 W. FIGUEROA STREET, APN: 039-212-024, R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (28-36 DU/AC)/PRIORITY HOUSING (MST2014-00565)

The 7,555 square-foot site is currently developed with three single family dwellings. The proposal is to construct a 443 square foot second-story addition and a ground level, 378 square foot one-car garage, which includes a workshop and laundry that will attached the dwelling at 316 W. Figueroa Street to 1109 Curley Avenue, to create a duplex. Also, proposed are exterior alterations, including a new driveway, a new approximately 7 ft. high fence and approximately 9 foot high trellis along the Curley Avenue frontage, demolition of a 90 square foot rear porch at 316 W. Figueroa Street and the demolition of two "as-built" sheds at the property. This residence is proposed to be added to the City's List of Potential Historic Resources.

The discretionary applications required for this project are:

1. Front Setback Modification to allow an addition and alterations to a non-conforming residence within the required 10-foot front setback and to allow a portion of the garage to be located in the required 20-foot front setback for parking that backs out onto the street (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. Interior Setback Modification to allow an addition and alterations to a non-conforming residence within the required six-foot interior setback (SBMC §28.21.060 and SBMC § 28.92.110); and
3. Modification to allow the distance between the proposed two-story duplex and an existing single family residence to be closer than the required 15 feet (SBMC §28.21.070 and SBMC § 28.92.110); and.
4. Modification to allow a fence to exceed the maximum allowable height of 3.5 feet within 10 feet of a front lot line and to allow a trellis to exceed the maximum allowable height of 8 feet in the front yard (SBMC §28.21.170 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 15301 and 15305 (New Construction 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, February 12, 2015.
2. Site Plans

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

- I. Approved the requested Modifications making the following findings and determinations:
  - A. The Front Setback Modification to allow an addition and alterations to a non-conforming residence within the required 10-foot front setback and to allow a portion of the garage to be located in the required 20-foot front setback for parking that backs out onto the street is consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The proposed changes to the portion of the building that encroaches into the front setback are appropriate because the new window is not anticipated to adversely impact the adjacent neighbors as the window faces the street, the garage walls will not affect the 20 foot queuing area in front of the garage, the remaining additions will meet the required setbacks and because the project meets the Secretary of the Interior's Standards for Rehabilitation.
  - B. The Interior Setback Modification to allow an addition and alterations to a non-conforming residence within the required six-foot interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed additions to the nonconforming dwelling at 1109 Curley Avenue are appropriate because the additions conform to the required six foot interior setback and because the project meets the Secretary of the Interior's Standards.
  - C. The Modification to allow the distance between the proposed two-story duplex and an existing single family residence to be closer than the required 15 feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed additions that change the required distance between buildings are appropriate because the portion of the newly created two-story duplex for 1109 Curley will remain one-story and because it will not be located any closer to the existing residence at 1111 Curley Avenue.
  - D. The Modification to allow a fence to exceed the maximum allowable height of 3.5 feet within 10 feet of a front lot line and to allow a trellis to exceed the maximum allowable height of 8 feet in the front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed retaining wall, fence and trellis height are appropriate because they will not interfere with the sight visibility of drivers, and they are not anticipated to adversely impact the visual openness of the street frontage.
- II. Said approval is subject to the following conditions:
  - A. The violations outlined in ZIR2000-00536 shall be corrected as part of this permit.
  - B. The hedges along the driveway and by the corner of the property shall be shown on the plans to comply with SBMC Section 28.87.170.

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.

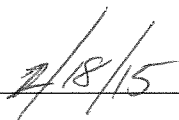
If a discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the 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 18<sup>th</sup> day of February, 2015 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 Commission (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.