



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 052-15 924 GARDEN STREET #C MODIFICATION SEPTEMBER 16, 2015

**APPLICATION OF MARK MORANDO, DESIGNER FOR JILL M. SATTLER, TRUST,
924 GARDEN STREET #C, APN: 029-301-031, C-2 (COMMERCIAL) ZONE, GENERAL
PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27
DU/ACRE) (MST2015-00180)**

The 4,278 square-foot site is currently developed with a 664 square foot two-story single family residence, an attached 140 square foot one-car garage and 52 square feet of storage space. The proposed project involves permitting an "as-built" 188 square foot rear addition, an "as-built" 147 square foot porch enclosure addition, relocation of an "as-built" 82 square foot shed, the "as-built" conversion of the 140 square foot garage and the "as-built" conversion of 52 square feet of accessory space to habitable space and one new uncovered parking space. The proposal will address violations identified in a Zoning Information Report (ZIR2014-00517) and in an Enforcement Case (ENF2015-00260). The proposed total of 1,273 square feet of development on a 4,298 square foot lot is 56% of the guideline floor-to-lot area ratio (FAR). This residence is a designated City Landmark: El Caserio.

The discretionary applications required for this project are:

1. Parking Modification to provide one uncovered parking space instead of the required two covered parking spaces (SBMC §28.90.100 and SBMC §28.92.110); and
2. Front Setback Modification to allow one uncovered parking space to be located in the required twenty-foot front setback (SBMC § 28.66.060 and SBMC § 28.92.110); and
3. Interior Setback Modification to allow the "as-built" bedroom and the conversion of the one-car garage and the 52 square foot accessory space to habitable space with new windows and a new door for the residence within the required six-foot interior setback (SBMC § 28.66.060 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 (Existing Facilities 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, one person appeared to speak in favor of the application, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 10, 2015.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Sheila Enelow, Santa Barbara, CA.
 - b. Wendy Foster, Santa Barbara, CA.

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

- I. Approved the subject application making the findings and determinations that:
 - A. The Parking Modification to provide one uncovered parking space instead of the required two covered 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 house is a designated City Landmark and the proposed project is consistent with the Secretary of the Interiors Standards for Rehabilitation. The project site is located in the Central Business District, in a walkable neighborhood, and close to commercial services. The minimum interior width of the original garage was seven and one-half feet which is too narrow to function as a one-car garage. The proposed uncovered parking space would provide adequate replacement parking.
 - B. The Front Setback Modification to allow one uncovered parking space to be located in the required twenty-foot front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvements on the lot. The proposed uncovered parking space is appropriate because it is consistent with other approved parking spaces in El Caserio, it will provide the required parking for the dwelling and because the parking space is not anticipated to adversely impact the adjacent neighbors.
 - C. The Interior Setback Modification to allow the “as-built” bedroom addition and the conversion of the one-car garage and the 52 square foot accessory space to habitable space with new windows and a new door for the forced air unit (FAU) 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 “as-built” additions with new windows and a door are appropriate because they are a uniform addition to the structure, partially screened from view by existing landscaping, will result in a cohesive design to the existing dwelling, are not anticipated to adversely impact the adjacent neighbors and because no exterior lighting is provided in the interior setback and the project meets the Secretary of the Interiors Standards for Rehabilitation.
- II. Said approval is subject to the following conditions:
 - A. The “as-built” shed shall be relocated outside of the required setbacks and outside of the required Open Yard area.
 - B. If the existing space utilized for the FAU is incorporated into habitable space, the exterior door to this area shall be removed.
 - C. No exterior lighting shall be located within the east interior setback.
 - D. The total length of the uncovered parking space shall be screened from view from El Caserio.

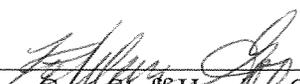
- E. The following language shall be added to the plans submitted for building permit:
“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological 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.

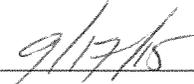
If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

This motion was passed and adopted on the 16th day of September, 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.