



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 002-16

508 E. MICHELTORENA STREET

INTERIOR SETBACK MODIFICATIONS AND OPEN YARD MODIFICATION

JANUARY 6, 2016

APPLICATION OF BRIAN MILLER, APPLICANT FOR DAN BOCEK, 508 EAST MICHELTORENA STREET, APN: 029-031-002, R-2 ZONE (TWO-FAMILY RESIDENTIAL), GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (12DU/ACRE) (MST2015-00431)

The 5,194 square-foot site is currently developed with a 1,521 square foot two-story single family dwelling and an "as-built" detached 500 square foot garage with 233 square feet of "as-built" attic space above. The proposed project involves converting the "as-built" attic space above the garage to habitable space with exterior alterations, including new windows, and for construction of a new 68 square foot exterior stairway and landing to provide access to the area. The total development of 2,254 square feet is 91% of the maximum guideline floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. An Interior Setback Modification to allow the "as-built" garage with "as-built" attic space above in the required three-foot east interior setback (garage) and the required six-foot east interior setback (including the conversion of the attic space to habitable space with a new window) (SBMC § 28.18.060 and SBMC § 28.92.110); and,
2. An Interior Setback Modification to allow the "as-built" garage with "as-built" attic storage space above in the required three-foot south interior setback (garage) and the required six-foot south setback for the attic space (SBMC § 28.18.060 and SBMC § 28.92.110); and,
3. An Open Yard Modification of the location of the open yard area and/or to reduce the size of the required open yard area to allow for the new stairway with landing (SBMC § 28.18.060 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, no one appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 21, 2015
2. Site Plans
3. Correspondence received in opposition to or with concerns on the project:

- a. Terri Minshull, via email
- b. Joan L. Marshall, hand-delivered

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

- I. Approved the subject application making the following findings and determinations:
 - A. The Staff Hearing Officer finds that the East 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 location of the “as-built” garage and “as-built” accessory space above are appropriate because the location of the structures is consistent with the pattern of development in this neighborhood with garages in the rear corner of the property, and with the redesign of the window to be a clerestory window within the interior setback, the proposal is not anticipated to adversely impact the adjacent neighbor.
 - B. The Staff Hearing Officer finds that the South 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 location of the “as-built” garage and “as-built” accessory space are appropriate because the location of the structure is consistent with the pattern of development in this neighborhood with garages in the rear corner of the property, no new openings are proposed in the required interior setback and the proposal is not anticipated to adversely impact the adjacent neighbor.
 - C. The Staff Hearing Officer finds that the Open Yard 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 stairway and landing are appropriate on a small lot with a single-family residence, because the resulting open yard area is useable by the residents and will fulfill the intent of the Open Yard requirements.
- II. Said approval is subject to the following conditions:
 - A. The roof overhangs, window and walls for the garage and accessory space above shall comply with Building and Fire Code requirements.
 - B. The proposed upper story window in the required east interior setback shall be redesigned to be a clerestory window or shall be eliminated from the project and the exterior changes are subject to review and approval by the HLC.
 - C. The second floor entrance landing to the accessory space shall not exceed 36 inches by 36 inches.
 - D. A drainage plan shall be provided, either on the site plan or separately, with the application for a building permit for this project.
 - E. A retaining wall shall be constructed along the east interior property line between the subject garage/accessory space and the neighbor’s garage or an equivalent design to comply with current Building Code requirements.

F. 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 6th day of January, 2016 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.



Julie Rodriguez, Planning Commission 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.