



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 026-17
208 OCEANO AVENUE
MODIFICATION
APRIL 12, 2017

APPLICATION OF CRAIG GOODMAN, AGENT FOR TANTRI LLC, 208 OCEANO AVENUE, APN 045-074-007, R-2/SD-3 TWO-FAMILY RESIDENCE ZONE WITH COASTAL ZONE OVERLAY, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 DU/ACRE) (MST2016-00023)

The 8,756 square foot project site is currently developed with a two-story, four-unit apartment building with an attached four-vehicle carport at the front and a two-story duplex with an attached two-car garage at the rear. The proposal is to partially demolish and remodel the existing 1,364 net square foot duplex and reconfigure it into a 1,426 net square foot duplex including an attached tandem four-car garage in the same location. Alterations are also proposed to the existing four-unit apartment building at the front of the site, including architectural enhancements to the façade, ground level entry stairs and ADA ramp. Other site work includes the replacement of existing fencing with new site walls, a new planter, new driveway, and new landscaping. The proposal will abate violations listed in Zoning Information Report ZIR2015-00524.

The discretionary applications required are:

1. A Front Setback Modification to allow alterations to the front building to encroach into the required 20-foot front setback (SBMC § 28.18.060 and SBMC § 28.92.110);
2. An Open Yard Modification to allow the reduction of the required open yard area and the 20 foot minimum dimensions for measuring an open yard (SBMC § 28.18.060 and SBMC § 28.92.110); and
3. A Lot Area Modification to convert a 62 net square foot utility room into habitable space for the studio unit of the existing duplex building (SBMC § 28.18.075 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 Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to 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 6, 2017.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that:

- I. The City Staff Hearing Officer approved the subject application making the following findings and determinations:
 - A. **LOT AREA MODIFICATION.** The Lot Area 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 Lot Area Modification is appropriate because it allows the studio unit to become more conforming to the 400 square foot minimum floor area requirement for a residential unit. The existing studio unit is approximately 321 square feet, with the addition of approximately 62 square feet the studio unit will bring its size closer to the 400 square foot minimum floor area requirement. In addition, converting the utility room into habitable space for the studio will eliminate the awkward configuration that was created by including the utility room within the studio's footprint.
 - B. **OPEN YARD MODIFICATION.** 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 Open Yard Modification is appropriate because although more than 20% of the common open yard is covered and does not comply with the 20'x20' open yard area dimensions requirement, the proposed project would provide more useable open space than what is currently existing on the property. This would be accomplished by converting an "as-built" covered patio and storage area into common open space areas for all residents. Further, the space between the two buildings currently used for unpermitted parking will be landscaped and fenced to facilitate its usability by the residents.
 - C. **FRONT SETBACK MODIFICATION.** The Front 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 Front Setback Modification is appropriate because the proposed alterations within the front setback would enhance the building aesthetically and make it more compatible to the duplex at the rear of the property. Further, the alterations are not anticipated to adversely impact the adjacent neighbors or the visual openness of the street frontage.
- I. Said approval is subject to the following conditions:
 - A. **Demolition.** Demolition to the building and site is limited to what is shown on the Staff Hearing Officer approved plans, and shall not exceed more than 50% of the exterior walls and foundation. 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 zoning modifications approved for the project are still valid and what, if any, further permits or approvals may be required.
 - B. **Shadow Plan.** Prior to Project Design Approval (PDA) from the Architectural Board of Review (ABR), a shadow plan shall be submitted to Planning Staff for review and approval showing how the project complies with the requirements of the Solar Access Ordinance (SBMC 28.11). If a shadow plan cannot demonstrate compliance, the project will be altered to comply with the Ordinance.


- C. **Common Open Yard Area Maintenance.** All common/shared open yard areas identified on the approved site plan shall be kept open and available for use by all residents and maintained in the manner in which it was designed and permitted.
- D. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available for use by all residents in the manner in which it was designed and permitted.
- E. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, shall be held by the General Contractor. The conference shall include representatives from the Community Development Department Building and Planning Divisions.
- F. **Arborist Report.** Prior to Project Design Approval (PDA), the Arborist Report prepared by Robert C. Muraoka, Registered Consulting Arborist for the oak tree removal shall be submitted for review and approval by the Architectural Board of Review (ABR).
- G. **Parkway Improvements.** All parkway and landscaping improvements including street trees shall be reviewed and approved by the Parks and Recreation Commission.
- H. **Sidewalk Improvements.** All improvements in the Right-of-Way (ROW) including new sidewalk installation shall be reviewed and approved by the Public Works Department.
- I. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. 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 the 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.

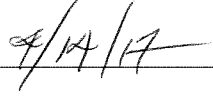
If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the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

This motion was passed and adopted on the 12th day of April, 2017 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 **Architectural Board of Review (ABR)** 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.