



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 039-17

1624 BATH STREET

MODIFICATION AND DEVELOPMENT PLAN APPROVAL

JUNE 7, 2017

APPLICATION OF KATHRYN AND PAUL BERGHOFF, OWNERS, 1624 BATH STREET, APN 027-171-026, R-4, HOTEL-MOTEL-MULIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM-HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (MST2017-00015)

The 11,025 square foot project site is currently developed with a two-story 1,720 square foot historic single-family residential unit, a 1,975 square foot residential duplex, a detached three-vehicle carport and two uncovered parking spaces. The proposed project involves converting the front single-family house into a vacation rental. The project also includes removal of an "as-built" parking pad abutting Bath Street, the addition of a new uncovered parking space at the rear of the vacation rental, relocation of an existing trash and recycling enclosure and alterations to an existing fence to add a pedestrian and vehicle gate. The house is a designated Structure of Merit.

The discretionary applications required for this project are:

1. Interior Setback Modification to allow the conversion of residential floor area to commercial floor area within the required six-foot interior setback along the northwest property line (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. Development Plan Approval to allow the conversion of 1,720 square feet of residential floor area to nonresidential development (SBMC Chapter 28.85).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 1, 2017.
2. Site Plans

3. Correspondence received in support of the project:
 - a. Faith Frankenfield
 - b. Robert Sponsel
 - c. Patricia Chidlaw
 - d. Mikki Jee
 - e. Thomas Harbeson
 - f. Steven, Renden, and Zoe Hovesevn

4. Correspondence received in opposition to or with concerns on the project:
 - a. Bonnie Freeman
 - b. Robert Pearson
 - c. Nora Gallagher
 - d. Sybil Rosen
 - e. Pamela Boehr
 - f. Vasanti Fithian
 - g. Sheryl Schroeder
 - h. Kellie Davis
 - i. Christine Neuhauser
 - j. Anna Marie Gott
 - k. Bill Dewey
 - l. William Rehling
 - m. Allied Neighborhood Association

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

I. Approved the subject application making the following findings and determinations:

A. INTERIOR SETBACK MODIFICATION (SBMC §28.92.110.A.2)

The 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 conversion of the single family dwelling to a vacation rental in a building nonconforming to setbacks is an appropriate improvement for this neighborhood because the use is allowed in the R-4 Zone; no exterior changes or addition of new floor area are proposed; and the proposed conversion involves only a portion of the property while still preserving the residential character of the property in this primarily residential neighborhood. In addition the changes are not anticipated to adversely impact the adjacent neighbors, or the visual openness from the street.

B. DEVELOPMENT PLANS (SBMC §28.85.040)

1. With the granting of the Interior Setback Modification, the proposed development complies with all provisions of this Title 28 of the Municipal Code;

2. The proposed development is consistent with the principles of sound community planning as the proposed conversion will occur in the R-4 Hotel-Motel-Multiple Residence Zone, the site is surrounded by R-4 zoned properties developed with a mix of multi-unit and single-unit residential and institutional uses, and reductions to the City's housing stock is anticipated over time as it is balanced with additional residential units developed over the same period - the City remains on track to meet the Housing Element's quantified objectives of providing 1,086 market-rate housing units between 2015 - 2023 (335 units were permitted in 2015 and 2016);
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be unchanged and will continue to be compatible with the neighborhood; and
4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy as expressed in the allocation allowances specified in SBMC Section 28.85.050. The proposal will receive nonresidential square footage allocation from the Minor and Small Addition Floor Area categories.

C. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)


The project qualifies for an exemption from further environmental review under CEQA guidelines section 15183, based on city staff analysis and the CEQA certificate of determination on file for this project.

II. Said approval is subject to the following conditions:

- A. Correct the distance dimension from the residence to the north interior property to reflect the proper field measurement as shown on Sheet AS-101.
- B. The existing as-built brick parking pad within the front setback shall be removed and replaced with landscaping with a physical barrier, such as a low curb surrounding it or fence, so as to prevent parking within the front setback.
- C. All items stored within the two uncovered parking space between the laundry room and duplex shall be removed and this area shall remain available for the parking of vehicles at all times.
- D. The Vacation Rental unit shall not participate in the Residential Permit Parking Program.

This motion was passed and adopted on the 7th day of June, 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 Gee, Staff Hearing Officer Secretary Date 6/13/17

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission 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.