



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 061-17 601 ALAMEDA PADRE SERRA MODIFICATIONS SEPTEMBER 13, 2017

APPLICATION OF FRANK ROGUE, AGENT FOR TERI TUASON, 601 ALAMEDA PADRE SERRA, APN 031-261-004, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN LAND USE DESIGNATION: MEDIUM-DENSITY RESIDENTIAL (12 DU/ACRE) (MST2014-00422)

The 7,405 square foot site is currently developed with 1,759 square foot two-story single-family dwelling with an attached 400 square foot two-car garage. The existing residence is legal nonconforming since it encroaches into the 15-foot setback on the easterly side (Alameda Padre Serra). The proposed project involves construction of a new 1,193 square foot three-story attached second unit with a 523 square foot garage. The project also includes changes to the roof pitch of the existing dwelling, and the addition of a 345 square foot roof deck.

The discretionary applications required for this project are:

1. A Lot Area Modification to allow a second unit in a R-2 Zone with less than the required lot area for lots with 10-20% slopes (SBMC §28.18.075.F and §28.92.110); and
2. A Front Yard Setback Modification to allow less than the required setbacks for the existing nonconforming residence to remain in place with substantial exterior alterations (i.e. roof change and second-unit addition) as well as encroachment of a second-floor balcony on the proposed second unit per SBMC §28.87.030.D and §28.92.110; and
3. An Open Yard Modification to allow less than the required open yard area (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 15303, New Construction and Conversion of Small Structures, which includes construction of a second dwelling unit in a residential zone.

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 6, 2017.
2. Site Plans
3. Correspondence received in opposition to or with concerns on the project:

- a. b. j. Danetra, Santa Barbara, CA.
- b. Bruce and Trudi Ramsey, Santa Barbara, CA.

NOW, THEREFORE BE IT RESOLVED that:

- I. The City Staff Hearing Officer:
 - A. Denied the requested Front Setback Modification making the findings and determinations that the requested modification is not consistent with the purposes and intent of the Zoning Ordinance, is not necessary to prevent unreasonable hardship, is not necessary to secure and appropriate improvement on the lot, and would not promote uniformity.
 - B. Approved the Lot Area Modification to allow an affordable second unit on a lot with less than the required lot area for lots with 10-20% slopes making the finding and determination that provision of the second unit is consistent with the purposes and intent of the Zoning Ordinance and necessary to construct an affordable dwelling unit.
 - C. Approved the Open Yard Modification making the findings and determinations that the lot is constrained due to the two front yards and that although the open yard that is provided does not meet the specific Zoning requirements regarding dimensions and location, the area that is provided meets the purpose of the open yard requirement and exceeds the required 1,250 square feet minimum.
- II. Said approval is subject to the following conditions:
 - A. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 - 1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on September 13, 2017 is limited to an affordable second unit conforming to setbacks requirements.
 - 2. **Rental Housing Restrictions.** The one-bedroom dwelling unit that fronts on Alameda Padre Serra will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for moderate-income units targeted to eighty percent (80%) of Area Median Income (AMI). The Affordable Unit shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.
 - B. The basement area within the five bedroom residence shall not be utilized for habitable space. Conversion of this area to habitable space constitutes a violation of the permit approval and may be enforced upon.

- C. 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

This motion was passed and adopted on the 13th day of September, 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 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.