



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 063-17
333 E. ORTEGA STREET
MODIFICATIONS
SEPTEMBER 13, 2017

APPLICATION OF TRISH ALLEN, AGENT FOR JOHN WHITEHURST, 333 W. ORTEGA STREET, APN 037-113-001, R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: HIGH PRIORITY HOUSING OVERLAY (37-63 DU/ACRE) (MST2016-00397)

The 9,375 square foot parcel is currently developed with a two-story, 2,774 square foot, 4-unit apartment building and a detached 760 square foot, four-car garage. The proposed project involves the demolition of the existing garage, and a 2,017 square foot addition consisting of four new apartment units. The eight units on site will have an average size of 660 square feet, and will be developed under the Average Unit Density Incentive Program. The project will also include new covered parking, reconfiguration of the existing driveway off of Castillo Street, new landscaping, site walls and other minor site work.

The discretionary applications required for this project are:

1. Rear Setback Modification to allow a second floor deck to encroach 2 feet into the required 10 foot rear setback (SBMC §28.20.070 and SBMC§28.92.110) and
2. Open Yard Modification to allow the common outdoor living space to have less than the minimum dimensions required by code (SBMC §28.20.070, §28.21.081, and SBMC§28.92.110).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning.

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, September 7, 2017.
2. Site Plans

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

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

- B. The Rear 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 encroachment of the deck into the interior setback is appropriate because it provides an outdoor living spaces that is directly accessible from the apartment unit. The encroachment is not anticipated to have a detrimental impact on the privacy of the adjacent property because the deck overlooks a parking lot.
- C. 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 proposal provides adequate lot area to meet the common outdoor living space, and the dimension that fails to meet the minimum distance requirement is so minor that it is negligible. Also, the designated area is adjacent to front setback area which technically does not count towards the requirement, but is usable open space and negates the impact of not meeting the dimensional requirement.

II. Said approval is subject to the following conditions:

- A. Rental Housing. Prior to the issuance of a Building Permit, the owner of real property developed with Rental Housing in the Priority Housing Overlay must record a written covenant, in a form acceptable to the City Attorney, by which the owner agrees to maintain the rental housing use for as long as the property is developed and maintained at the incentive densities provided in SBMC Section 28.20, Average Unit-Size Density Incentive Program. (This is a requirement per the AUD Ordinance SBMC §28.20.060 D.3)
- B. Annual Resident Survey. For informational purposes only, all Average Unit-size Density Incentive Program projects in the Medium High and High Density and Priority Housing Overlay zones shall conduct an annual resident survey and report the following information for each unit to the Planning Division by December 31st of each year for the first eight years of the project, commencing the year the project receives occupancy clearance. The annual report for each unit shall include:
 - a. Net floor area.
 - b. Number of bedrooms.
 - c. Monthly rent (or condominium purchase price) and utilities.
 - d. Periods of vacancy.
 - e. Household size.
 - f. Current employment location of each adult resident by zip code.
 - g. Prior employment location of each adult resident by zip code.
 - h. Prior residence zip code for each adult.
 - i. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).

This motion was passed and adopted on the 13th day of September, 2017 by the Staff Hearing Officer of the City of Santa Barbara.

