



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 001-18  
29 E. CABRILLO BLVD.  
MODIFICATIONS  
JANUARY 17, 2018

**APPLICATION OF ED DE VICENTE, ARCHITECT FOR RAY MAHBOOB, MOHAMED MAHBOOB AND GITY MAHBOOB, 29 E. CABRILLO BLVD., APN 033-112-006, HRC-2/SD-3 (HOTEL AND RELATED COMMERCE 2 AND COASTAL OVERLAY) ZONES, LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II (MST2016-00540)**

The proposed project involves renovations and additions to an existing two-story structure on a 14,148 square foot lot to create space for two restaurant tenants. The project includes a complete remodel of the building façades along E. Cabrillo Blvd. and Anacapa St., including changes to the building articulation, windows, doors, lighting, and finish details. The project includes the demolition of existing floor area to create outdoor dining areas, an "as-built" addition at the rear of the building for restroom and circulation, and the conversion of an existing residential unit on the second floor to additional restaurant space.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow alterations to portions of an existing building that is non-conforming to the required 20-foot front setback along E. Cabrillo Boulevard (SBMC § 28.92.110); and
2. A Front Setback Modification to allow alterations to portions of an existing building that is non-conforming to the required 20-foot front setback along Anacapa Street (SBMC § 28.92.110).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

**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 or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 10, 2018.
2. Site Plans
3. Correspondence received in opposition to or with concerns on the project:
  - a. Will Rehling, Santa Barbara, CA.

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

- I. Approved the subject application, making the following findings and determinations:
  - A. The project qualifies for an exemption from further environmental review under the California Environmental Quality Act Guidelines Section 15183, "Projects Consistent with a Community Plan or Zoning," based on the CEQA certificate of determination on file for this project.
  - B. The Staff Hearing Officer finds that the Front Setback Modification for the improvements proposed in the front setback of East Cabrillo Boulevard are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed remodel is appropriate because it allows for adaptive re-use of an existing non-conforming building, and replaces enclosed floor area with outdoor dining area, which is an appropriate and desirable use along the Waterfront. The alterations do not increase the existing nonconforming situation and are anticipated to positively impact the visual openness of the street frontage, which is a design consideration identified in the City's Local Coastal Plan. The requested modification is not part of a matter that requires the approval of the Planning Commission, and the modifications will not significantly affect persons or property owners other than those entitled to notice.
  - C. The Staff Hearing Officer finds that the Front Setback Modification for the improvements proposed in the front setback of Anacapa Street are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed remodel is appropriate because it allows for adaptive re-use of an existing non-conforming building. The alterations do not increase the existing nonconforming situation and are anticipated to positively impact the visual openness of the street frontage, which is a design consideration identified in the City's Local Coastal Plan. The requested modification is not part of a matter that requires the approval of the Planning Commission, and the modifications will not significantly affect persons or property owners other than those entitled to notice.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. The surreys currently parked on the property within the paved parking lot on the corner of Helena Avenue and Cabrillo Boulevard shall be removed from the site within 30 days of this action.
- B. Twenty-three parking spaces must be provided for the 250-seat restaurant building. Municipal Code Section 28.90.070, which allows for a reduction in parking to accommodate accessible parking, does not apply because the project includes a change of use (residential to restaurant).

This motion was passed and adopted on the 17<sup>th</sup> day of January, 2018 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 **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.