APPLICATION OF ROD BRITTON, APPLICANT FOR PETE AND CHRISTINE FELDMAN, 426 GARDEN STREET, APN 031-281-022, M-C ZONE (MANUFACTURING COMMERCIAL), GENERAL PLAN DESIGNATION: COMMERCIAL INDUSTRIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/AC)/PRIORITY HOUSING (MST2017-00681)

The 2,500 square-foot site is currently developed with a two-story warehouse. An “as-built” residential unit currently occupies the second floor. The proposed project involves legalization of the “as-built” unit, including conversion of a portion of the ground floor to a residential garage, construction of a carport to serve the remaining warehouse on the ground level, and a second floor deck atop the carport to serve the residential unit. Site and building improvements such as new fencing, hedge trimming, window and door replacement, a new trash enclosure, and reroofing are also proposed.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is:

1. Open Yard Modification to allow for the required open yard to be on the second level, rather than the ground floor (SBMC §30.140.140.E.2 and SBMC §30.250.030.B).

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 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, January 23, 2019
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:

The Open Yard Modification is consistent with the purposes and intent of the Zoning Ordinance, specifically the intent of providing 15% of the net lot area as open yard with minimum dimensions of 10'-0" x 10'-0" for a single unit in a mixed use development, and is necessary to secure an appropriate improvement on the lot (open yard directly accessible from the proposed
unit). While the "as-built" unit’s proposed open yard is located on the second level, rather than the ground level, it exceeds the minimum square footage and dimension requirements, and would provide open yard for the unit that would be directly accessible. The ground floor’s open area is paved and designed to accommodate the warehouse aspect of the project, with accessible parking and accessible pathways required for a commercial development. Further, no privacy impacts to neighbors are anticipated, as the deck would face a commercial building on the western side of the lot. The proposed deck is as far away from the residential neighbor, to the east, as possible.

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:

1. The driveway gate shall remain open during working hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

2. 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 30th day of January, 2019 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.

Heidi Reidel, Commission 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 three (3) years from the date of the approval, per SBMC §30.205.120, unless:

a. A building permit for the construction authorized by the approval is issued within thirty six 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.