APPLICATION OF NATALIE COPE-PHILLIPS, APPLICANT FOR PHILIP BLACK, 331 W. PEDREGOSA ST., APN 027-012-002, R-MH ZONE (RESIDENTIAL MULTI-UNIT AND HOTEL), GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MAX 15-27 DU/ACRE) (PLN2018-00613)

The 3,927 square-foot site is currently developed with a one-story single residential unit with a nonconforming detached one-car garage with a storage area. The proposed project involves the demolition of the existing nonconforming one-car garage and storage area and the construction of a two-story, one bedroom Accessory Dwelling Unit with a laundry area to serve both the existing single residential unit and the accessory dwelling unit. The project also includes a reduction in height of the gate, fence and hedge at the front lot line to a maximum height of 3'-6” and the replacement of the gravel center strip in the driveway with planted ground cover.

The discretionary applications under the jurisdiction of the Staff Hearing Officer required for this project are:

1. An Interior Setback Modification (Southerly Lot Line) to allow the construction of the first-story portion of the two-story Accessory Dwelling Unit in the same location as the existing nonconforming garage and storage area, which is zero feet from the southerly lot line instead of the required 6'-0” (SBMC §30.165.080.B.9, SBMC Table 30.20.030.B, and SBMC §30.250.020), and

2. An Interior Setback Modification (Westerly Lot Line) to allow the construction of the first-story portion of a new two-story Accessory Dwelling Unit in the same location as the existing nonconforming garage and storage area, which is 1'-0” from the westerly lot line instead of the required 6'-0”; to allow the construction of a second-story addition located 5'-0” from the westerly interior lot line instead of the required 6'-0”; and to add a new 7'-0” wide landing that encroaches 3'-0” into the interior setback (SBMC §30.165.090.B.9, SBMC Table 30.20.030.B, and SBMC §30.250.030).

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 of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

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 and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 27, 2019
2. Site Plans
3. Correspondence received:
   a. Brian Barnwell, Santa Barbara CA
   b. Concha Acosta, 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:

The Staff Hearing Officer finds that the Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance, specifically the intent of expanding opportunities in the City to create additional housing and promoting Accessory Dwelling Units with high-quality designs that are compatible with historic resources. The Staff Hearing Officer also finds that the Interior Setback Modifications are necessary to secure an appropriate improvement on the lot by allowing an Accessory Dwelling Unit as an accessory use to the single residential unit. In addition, the proposed project is consistent with the development pattern of the neighborhood, specifically the nearby properties that have zero interior setbacks for accessory buildings (mostly existing nonconforming garages). While the proposed Accessory Dwelling Unit encroaches into the required interior setbacks, the first story portions are in the exact location as the existing nonconforming garage and storage area. No openings are proposed in the setbacks, thereby, mitigating potential privacy, noise and lighting issues. Similarly, no openings are proposed for the second story portion of the Accessory Dwelling Unit that encroaches into the westerly interior setback. For that portion of the second story, the Accessory Dwelling Unit is proposed to be a total of 5'-0" from the westerly interior setback. Per SBMC §30.185.040.L.2, an Accessory Dwelling Unit is allowed to be a minimum of 5'-0" from the interior lot line if located above a garage. Although this would not apply to the proposed project due to it not being over a garage, it is an appropriate and reasonable request to have a 5'-0" setback for a second story portion that has no door or window openings.

The two-story accessory dwelling unit is proposed on a small lot totaling 3,927 square feet. Despite the constrained lot, the project manages to stay within the existing footprint of the existing garage and storage area, and the proposed 81 square foot addition respects the R-MH Zone setbacks and open yard requirements. The project includes a second story in order to accommodate a bedroom for the Accessory Dwelling Unit, and the overall unit size of 428 square feet (net) meets the 400 square foot floor area minimum requirement for a one-bedroom unit. In addition, the proposed project is able to provide shared laundry facilities for both the primary residence and Accessory Dwelling Unit. Incorporating the second floor into the proposed project allows the Accessory Dwelling Unit to conform to a one-bedroom residential unit floor area size requirements and provides 711 square feet of open yard when only 500 square feet is required.
The front landing is also an appropriate improvement on the lot to create a formal entrance to the Accessory Dwelling Unit. The landing’s 3'-0" extension into the interior setback contributes to a desirable living environment by creating a more prominent design element and a more functional front entry to bring items in and out, to decorate, and to complement the high quality design of the primary residence’s historic bungalow aesthetic.

II. Said approval is subject to the following conditions:

1. **Fence.** An eight foot (8’) tall fence shall be provided on or near the western property line. At minimum, the fence shall block the area between the northwest corner of the proposed Accessory Dwelling Unit and southeast corner of the house on 333 W Pedregosa Street. The purpose of the fence is to provide privacy for 333 W Pedregosa Street from people on the entry deck of the Accessory Dwelling Unit.

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 5th day of June, 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             6/5/19

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 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.