



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 005-22 934 E. HALEY STREET MODIFICATIONS FEBRUARY 23, 2022

934 E. HALEY STREET, ZONE R-2 (TWO-UNIT RESIDENTIAL), GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL, APN: 031-311-008, PLN2021-00439
APPLICANT/OWNER: TRACY BRUNELL / FAE PERRY

Proposal for a new 750-square-foot garage with an 890-square-foot Accessory Dwelling Unit above. An existing single car garage is proposed to be removed. Two (2) trees are proposed for removal in the front yard setback and the guy wire supporting the power pole on the east side is proposed to be relocated. Modifications to the front setback, maximum accessory building floor area, and open yard standards are requested.

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

1. A Floor Area Modification to grant relief from the maximum Accessory Building Floor Area standard (SBMC §130.140.020.J and SBMC §30.250.020);
2. An Open Yard Modification to reduce the existing conforming Open Yard on the parcel (SBMC §30.140.140 and SBMC §30.250.020); and
3. A Front Setback Modification to allow encroachments into the N. Alisos Street front setback (SBMC Table 30.20.030.B and SBMC §30.250.020).

The Environmental Analyst has determined that the project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion 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 in support or opposition thereto, the following exhibits were presented for the record:

1. Staff Report with Attachments, February 3, 2022.
2. Staff Report with Attachments, February 17, 2022
3. Site Plans
4. Correspondence received with concerns on the project:
 - a. Beatriz and Lourdes Dorado, Santa Barbara, CA.
 - b. Casa Rosas, 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. FLOOR AREA MODIFICATION (SBMC §30.250.060)

The Staff Hearing Officer finds that the Floor Area Modification would secure an appropriate improvement on the lot because the project would remove the existing nonconforming substandard garage and provide functional off-street parking for both the main residence and proposed ADU. This would lessen on-street parking impacts in the neighborhood. Also, the R-2 zoning, in conjunction with the lot size and slope, would allow a second residential unit that would not be subject to the accessory building floor area limitations and could result in a building of comparable size and mass. The ADU would contribute to the City's housing stock and the increased floor area would allow a more livable 2-bedroom unit for the owner's son and caregiver.

B. OPEN YARD MODIFICATION (SBMC §30.250.060)

The Staff Hearing Officer finds that the Open Yard Modification would secure an appropriate improvement on the lot because the lot is constrained due to its corner configuration. The proposed designated open yard areas are usable, accessible by both dwelling units, and would meet the minimum dimensional requirements of 10 feet by 10 feet for nonconforming open yards. Lastly, the relocation of the existing substandard parking would also create more open space and aesthetically improve the streetscape along E. Haley Street.

C. FRONT SETBACK MODIFICATION (SBMC §30.250.060)

The Staff Hearing Officer finds that the Front Setback Modification would secure an appropriate improvement because the subject property is constrained by two front setbacks due to the corner lot configuration. The proposed 3-foot encroachments for the ADU and garage wing wall are relatively minor and the proposed building would be consistent with the existing pattern of development in the neighborhood. Additionally, the perceived height and massing from N. Alisos Street is reduced for the new building, given the topography of the site and the building design that partially sinks the first level 4 feet into the existing grade.

II. Said approval is subject to the following conditions of approval:

- 1. Plan Correction.** Applicant shall update the Scope of Work on Sheet G-0 to reflect a requested front setback reduction from 20 feet to 17 feet (plans indicate 18 feet). Updated plans shall be provided prior to submittal for a Building Permit.
- 2. Plan Correction.** Applicant shall update Sheets A-1 and A-2 to show the wing wall feature of the garage on the site plan and all applicable elevations. Updated plans shall be provided prior to Project Design Approval by the Single Family Design Board.
- 3. Replacement Trees.** Applicant shall provide the species, size, and location of replacement trees required by the Parks and Recreation Commission on the plans for Final

Approval by the Single Family Design Board (SFDB). Selected replacement trees shall be of a species that can achieve a minimum height of 20 feet or more at maturity.

4. **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 23rd day of February, 2022 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, 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 **Modifications** 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 **Single Family Design Board (SFDB)** 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.