



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 011-24

1209 DEL ORO

MODIFICATION

MARCH 6, 2024

1209 DEL ORO

Assessor's Parcel Number: 045-214-006
Zoning Designation: E-3/S-D-3 (One-Family Residence/Coastal Overlay)
Application Number: PLN2023-00148
Applicant: Jaime Palencia, Kevin Moore Architects
Owner: Felix & Wanda Presburger Family Trust
Paul Presburger, Trustee

Proposal for a 463-square-foot first floor addition; 262-square-foot garage addition; and a new 638-square-foot second story, which includes two decks. The 6,098-square-foot site is developed with a 1,031-square-foot single-unit, single-story residence and attached 230-square-foot garage. The garage is nonconforming to the front setback. The 2,624-square-foot proposed total is 97% of the Maximum Required Floor-to-Lot Area Ratio (FAR).

The discretionary application under the jurisdiction of the Staff Hearing Officer at this hearing is:

- A. A Front Setback Modification to allow the existing garage to continue to encroach into the front setback, along with a reconfiguration of its roof and a conforming second-story addition. (SBMC §28.15.060, §28.87.030, and SBMC §28.92.110).

Staff has determined the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 [Existing Facilities] which allows additions to existing structures involving negligible or no expansion of use and 15305 [Minor Land Use Limitations] of the California Environmental Quality Act (CEQA) Guidelines. In accordance with the City's adopted Environmental Review Ordinance, Section 15305 allows for zoning modifications.

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, Wednesday, February 28, 2024.
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. FRONT SETBACK MODIFICATION (SBMC §28.29.110)

The Staff Hearing Officer finds that the Front Setback Modification is not part of any matter that requires Planning Commission approval and will not significantly affect persons or property owners other than those entitled to notice because granting of the modification will allow an existing condition to continue, with alterations to its roof and a conforming second story addition. In addition, the modification is consistent with the purposes and intent of this Title 28 Coastal Zoning Ordinance because the essential residential characteristics of the E-3 zone will be maintained. The project will promote uniformity of improvement because the current location of the garage is consistent with the existing pattern of development in the neighborhood, and the project will prevent unreasonable hardship by allowing the existing garage to continue to encroach into the front setback, along with a reconfiguration of its roof, instead of requiring it to be demolished and rebuilt to comply with current code.

B. ENVIRONMENTAL REVIEW (CEQA GUIDELINES AND SBMC CH. 22.100)

Staff has determined that the project qualifies for an exemption from further environmental review under Sections 15301 [Existing Facilities] which allows additions to existing structures involving negligible or no expansion of use and 15305 [Minor Land Use Limitations] of the California Environmental Quality Act (CEQA) Guidelines. In accordance with the City's adopted Environmental Review Ordinance, Section 15305 allows for modifications to the Zoning Ordinance. Staff has reviewed the proposal and site conditions and has determined that the project complies with all conditions of these exemptions. Based on review of the project, there would be no significant project-specific or cumulative impact on the environment due to unusual circumstances, the project does not have the potential to damage scenic highways or historic resources, and the project site is not identified as a hazardous waste site. None of the exceptions to the exemptions under CEQA Guidelines Section 15300.2 apply.

This motion was passed and adopted on the 6th day of March, 2024 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

March 7, 2024

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 resubmit design review materials under your PLN case for 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 Modification 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 (36) 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.