



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 002-12  
117-119 W. MASON STREET  
MODIFICATIONS  
JANUARY 25, 2012

**APPLICATION OF DAWN SHERRY, ARCHITECT FOR ARTHUR TOGA, PROPERTY OWNER, 117 – 119 W. MASON STREET, APN: 033-101-003, R-4 (HOTEL-MOTEL-MULTIPLE RESIDENCE) AND SD-3 (COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2011-00123)**

The approximately 5,539 square foot project site is currently developed with a 1,115 square foot one-story single family residence and a detached 824 square foot duplex with a three-car garage and 156 square feet of laundry/storage area below. The proposed project involves a 618 square foot second-story addition and a 30 square foot lower level addition to the existing one-story single family residence. The discretionary applications required for this project are Modifications to allow the second-story addition to be located within the required 6' interior setbacks (SBMC §28.21.060 & 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines §15301 (Existing Facilities) 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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 18, 2012.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.

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

- I. Approved the subject application making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The proposed encroachments into the required interior setbacks allows for a continuous wall plane as appropriate in the existing style of architecture.
  
- II. Said approval is subject to the following Condition of Approval:
  - A. The Historic Landmarks Commission (HLC) shall pay particular attention to the upper-story windows to minimize the number and size of windows that overlook the neighboring properties and to protect the neighbor's privacy. Windows shall be placed to avoid direct views into existing neighboring windows by offsetting or staggering windows facing neighbors' windows.
  - B. As referenced in the project description, no ground disturbance shall occur with the proposed construction. The foundation shall consist of a floating slab foundation over the existing grade located beneath the current residence.
  - C. As referenced in the project description, the ground surface shall be covered with a moisture barrier prior to pouring of concrete slab.
  - D. As referenced in the project description, should it become necessary to pour concrete on a level surface, clean fill, such as sand, shall be used to create such a surface.
  - E. Archaeological and Chumash monitoring shall be conducted as required per the Addendum to the Extended Phase 1 Report Extended dated December 1, 2011, prepared by George Toren of Compass Rose Archaeological, Inc., as follows:
    - 1) Should removal of the existing patio become necessary, this removal shall be monitored by a qualified archeologist and Native American to assure that no inadvertent damage is done to the site.
    - 2) An archeologist and Native American shall be present when any work is done that could potentially impact the site deposit (i.e. removing any existing house supports, placing of the moisture barrier, etc.).
    - 3) The cultural materials already collected by Compass Rose and any additional items collected during the monitoring program will be curate at the Santa Barbara Museum of Natural History at the property owner's expense.
  - F. Submit a contract with a qualified archaeologist and Native American from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Addendum to the Extended Phase 1 Archaeological Resources Report prepared for this site by George Toren of Compass Rose Archaeological, Inc, dated December 1, 2011. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition 4 "Requirement for Archaeological Resources" below.

**G.** The following information shall be printed on the site plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

**H.** The Building violations identified in the Zoning Information Report (ZIR2010-00416) shall be corrected as part of this permit.

This motion was passed and adopted on the 25<sup>th</sup> day of January 2012 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 or the City Council 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.