



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 050-12 1236 GARDEN STREET MODIFICATIONS NOVEMBER 14, 2012

**APPLICATION OF THOMPSON-NAYLOR ARCHITECTS FOR TIMOTHY DEWAR,
1236 GARDEN STREET, APN 029-131-001, R-3 (MULTI-FAMILY RESIDENCE) ZONE,
GENERAL PLAN DESIGNATION: MEDIUM-HIGH DENSITY RESIDENTIAL
(MST2011-00258)**

The subject 3,721 square foot lot is developed with an existing 1,071 square foot, one-story, single-family residence and a 171 square foot detached single-car garage. The project includes: demolition of the detached garage and 67 square foot laundry room; construction of an attached 297 square foot one-car garage with storage area; a 34 square foot addition to the ground floor; and conversion and expansion of attic space to create 396 square feet of habitable second floor area, including two new roof dormers. The discretionary applications required for this project are:

1. A Modification to allow the proposed garage, utility room, skylight, roof eave, second-story habitable space and new roof dormer to encroach into the required six-foot interior setback along the southeast property line (SBMC §28.21.060 & 28.92.110); and
2. A Modification to reduce the area of the non-conforming outdoor living space (SBMC §28.21.081 & 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 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 Memorandum with Attachments, dated, November 8, 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 Modifications making the findings and determinations that the Modifications for the Interior Setback encroachment and Outdoor Living Space reduction are consistent with the purposes and intent of the Zoning Ordinance to provide adequate building separation and usable parking and outdoor space where physically possible, and are necessary to secure an appropriate improvement on the lot. The proposed residential additions and alterations are

appropriate as they provide for a replacement garage that conforms with parking design standards and a minor addition to the modestly-sized historically-significant single-family residence on the undersized and constrained corner lot.

II. Said approval is subject to the following Conditions of Approval:

- A. Victoria Sidewalk.** Prior to final inspection, the property owner shall obtain a Public Works permit and complete the repair or reconstruction of the tree-damaged sidewalk along E. Victoria Street to City specifications pursuant to California Streets and Highways Code §5600-5630.
- B. Photo Documentation.** Prior to the issuance of a building permit for alteration of the exterior of the house, the existing development shall be fully documented using the City of Santa Barbara Community Development Department's "Required Documentation Prior to Demolition" recordation standards.
- C. 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.

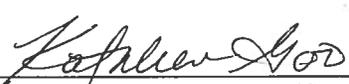
If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the 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.

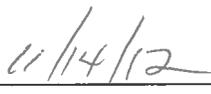
A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

This motion was passed and adopted on the 14th day of November, 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.