



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 005-13  
1642 AND 1654 CALLE CANON  
PERFORMANCE STANDARD PERMIT  
JANUARY 23, 2013

**APPLICATION OF CHARLES MUGLER, 1642 & 1654 CALLE CAÑON, APNS 041-140-008 & -009, A-2 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00205)**

The 5.92 acre project site is developed with a 1,191 square foot single-family residence, a 490 square foot single-family residence, and a 440 square foot accessory structure, all to remain. The proposed project includes two new buildings in the vicinity of the existing development: a new 2,734 square foot single-family residence with an attached 568 square foot two-car garage and attached 312 square foot workshop; and a new detached 1,291 square foot, three-car garage with 500 square feet of second-story accessory space. The project also includes one new uncovered parking space; driveway improvements conforming to Fire Department access requirements; and drainage improvements.

The discretionary application required for this project is a Performance Standard Permit for additional dwelling units to provide a total of three single-family residences on the 5.92 acre lot (SBMC §28.93.030).

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 or Conversion of Small Structures).

**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 favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 16, 2013.
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 Performance Standard Permit making the findings and determinations that the proposed additional dwelling units comply with all requirements of the Zoning Ordinance and all standards of Santa Barbara Municipal Code Subsection 28.93.030.E, including adequate lot area for three residential units as required in the A-2 Zone, adequate ingress and egress for each

dwelling, and conformance with applicable setback, distance between buildings, open yard, solar access, parking and accessory building provisions.

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

1. These conditions shall supersede the conditions identified in the Planning Commission's approval of the guest house on February 18, 1957.
2. All violations identified in Enforcement Case ENF2012-0027 and Zoning Information Report ZIR2011-00488 shall be abated with the building permit for this project.
3. Prior to issuance of a building permit, a Zoning Compliance Declaration shall be recorded for the property.
4. Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting birds is provided to the satisfaction of the City Environmental Analyst.
5. Any coast live oak that shall need to be removed or impacted shall be protected and replaced according to the following criteria. A contract for a qualified biologist / archaeologist shall be provided to the Environmental Analyst that fulfills these criteria/conditions prior to the issuance of a Building Permit for the project.
  - a. All oak trees with diameter at breast height (dbh) greater than or equal to 6 inches shall be avoided where feasible.
  - b. Modify grading within 3 feet of oak tree trunks to maintain the existing soil level. Use gravity block or other retaining walls where necessary to ensure soil will remain in place to protect roots.
  - c. Any coast live oak with dbh > 6 inches that is removed to accommodate the project shall be replaced at a ratio of 5:1. An exception shall be made for the cluster of 6-inch oaks near the main driveway. Those may be replaced at a ratio of 1:1 because they are barely large enough to trigger replacement and may actually comprise one individual (#75). All replacement trees shall be grown from coast live oak acorns collected in south coastal Santa Barbara County. Existing small oak saplings (less than 6 ft tall and 4-inches dbh) on the property may be counted as replacement trees if nearby orchard trees that would interfere with the oak's development into a mature tree are removed. Street trees (coast live oaks) installed for the project also may count toward replacements if started from local acorns. Timing: Replacement oaks shall be installed or designated no more than 12 months following the start of construction. Irrigation systems must be functional at the time of planting. Monitoring: Qualified biologist or licensed arborist.

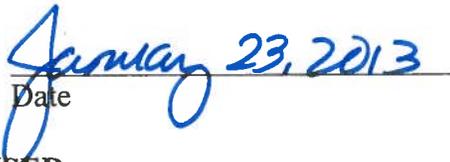
Performance Criteria: Each oak replacement shall be protected and maintained as needed until greater than 6 feet in height, with a basal caliper of at least 2 inches, and in good health. Protection may include installation of bottomless wire cylinders for root protection, and above-ground cages. Maintenance includes weeding, staking, irrigation, etc. Three (3) of each five (5) replacement oaks must continue in good health with a minimum of 6 feet in height and with a minimum basal caliper of 2 inches following two additional years with no maintenance or irrigation. Monitoring: These trees shall be monitored by a qualified biologist each year until the required number reach at least 3 feet in height, and have survived in place for two years without maintenance. An annual status report shall be submitted to the City Environmental Analyst.

- d. If more than 25% of the canopy or root zone of any oak will be cut, the work shall be conducted under the direct supervision of a licensed arborist.
  - e. All oak tree roots encountered that are 2 inches or more in diameter shall be cleanly cut using hand tools. Monitoring: A licensed arborist or qualified biologist.
  - f. The canopies of several oak trees overhang areas where work is proposed. These trees shall be limbed as needed for equipment access prior to onset of grading. Monitoring: a licensed arborist or qualified biologist.
  - g. Oaks significantly affected by the project (more than 25% of the canopy and/or root zone), but not removed, shall be monitored for a minimum of five years following construction. Should any of these oaks die, they shall be replaced as described in (3.c) above. Timing: Within 6 months of the end of construction. Monitoring: By a qualified arborist or biologist, with an annual report to the City Environmental Analyst.
  - h. If any oak branches are inadvertently broken during construction, they shall be cleanly cut back to the next node to promote healing. Timing: Within 6 months of the end of construction. Monitoring: By a qualified biologist or arborist, with an annual report to the City Environmental Analyst.
  - i. No impervious hardscape shall be installed over more than 25% of the root zone (within the tree canopy) of any oak tree.
  - j. All tree trimming shall be conducted under the supervision of a licensed arborist or qualified biologist.
  - k. All root zone intrusion (grading, trenching, excavation for retaining walls) that pass within 3 feet of any oak canopy shall be monitored by a licensed arborist or qualified biologist.
6. Show the location of all buildings/accessory structures proposed to remain or be removed on the project plans.

This motion was passed and adopted on the 23rd day of January, 2013 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.

  
Julie Rodriguez, Planning Commission 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 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 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.