



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 004-15 2011 EDGEWATER WAY MODIFICATIONS FEBRUARY 4, 2015

**APPLICATION OF LORI KARI, ARCHITECT FOR VICTORIA CHIN, 2011 EDGEWATER WAY, 045-100-067, E-3/SD-3, SINGLE FAMILY AND COASTAL ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 5 DU/AC), COASTAL LAND USE DESIGNATION: RESIDENTIAL, 5 UNITS/AC (MST2014-00462)**

The 19,320 square-foot site, located on the cul-de-sac of Edgewater Way, is currently developed with a 790 square foot single family residence with a 65 square foot basement, and an attached 453 square foot two-car garage. The proposed project involves increasing the size of the basement by 131 square feet, relocating the garage door from the side of the garage to the front, constructing a swimming pool and five-foot tall site wall in the front yard, replacing an "as-built" stairway at the west of the house with at-grade steps, and other interior and exterior improvements.

The discretionary applications required for this project are:

1. Front Setback Modification to allow the relocated garage door to be within the required twenty-foot front setback. (SBMC § 28.15.060 and 28.92.110); and
2. Wall Height Modification to allow the proposed site wall to be greater than 42" within ten-feet of the front lot line. (SBMC § 28.87.170 and 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 Section 15301 and 15305 (Existing Facilities and 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 favor of the application, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 29, 2015.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Robert Stenson, Santa Barbara, CA.

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

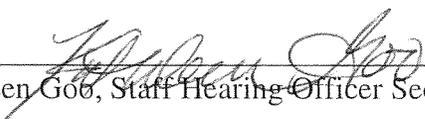
- I. Approved the requested Front Setback Modification and Wall Height Modification making the findings and determinations that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The proposed relocation of the garage door from the side of the garage to the front is appropriate because it will allow greater use of the front yard, will result in a reduction in paving in the front yard, a new permeable driveway, and the alterations are not anticipated to adversely impact the neighbors or the visual openness from the street. The proposed wall is appropriate because the curved front lot line results in a smaller front yard, the lot's location on a cul-de-sac is not highly visible, and the wall is aesthetically appropriate.
- II. Said approval is subject to the following conditions:
  - A. The basement addition shall be reduced to be no greater than 130.8 square feet.
  - B. The unpermitted gazebo structure shall be removed from the rear yard.
  - C. The reference to "future addition" shall be removed from the plans at building submittal.
  - D. On-site drainage shall be redirected away from the bluff area so as not to have an adverse impact on the stability of the bluff.
  - E. **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

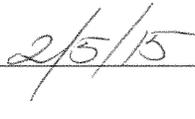
subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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 4<sup>th</sup> day of February, 2015 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 Gob, 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 **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.