

City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 060-15
301 MOHAWK ROAD
MODIFICATIONS
OCTOBER 28, 2015

**APPLICATION OF DALE S PEKAREK, DESIGNER, FOR DON MORI, OWNER,
301 MOHAWK ROAD, APN: 041-323-004, E-3/SD-3 SINGLE FAMILY RESIDENTIAL ZONE
AND THE NONAPPEALABLE JURISDICTION OF THE COASTAL ZONE, GENERAL PLAN
DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 5 DU/ACRE) (MST2015-00232).**

The 6,743 square foot parcel, located in the in the Non-Appealable Jurisdiction of the Coastal Zone, is currently developed with an existing 1,280 square foot single family residence, and a detached 424 square foot two-car garage. The proposal involves construction of a new 395 square foot second-story addition and a 23 square foot upper level deck. The proposal also requests to permit the "as-built" 237 square foot sunroom addition on the first floor. The proposed total of 2,336 square feet is 81% of the maximum floor-to-lot area ratio (FAR). The proposal will address violations outlined in Zoning Information Report No. 21834, dated April 5, 1994.

The discretionary applications required for this project are Modifications to allow a conforming second story addition and alterations that will change the basic exterior characteristics of the existing residence that is nonconforming to both the required 20-foot primary front setbacks along Mohawk Road and Carlton Way, and the required 6-foot northerly interior setback (SBMC § 28.87.030.D., 28.15.060 and SBMC § 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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 22, 2015.
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. The Modification to allow the construction of a conforming addition to a building that is legally non-conforming to front setback requirements along Mohawk Road is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The second story addition is modest in size and an appropriate improvement to a single-family residence that will not increase the building footprint within the required setbacks and will not adversely affect the visual openness from the street.

- B.** The Modification to allow the construction of a conforming addition to a building that is legally non-conforming to front setback requirements along Carlton Way is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The second story addition is modest in size and an appropriate improvement to a single-family residence that will not increase the building footprint within the required setbacks and will not adversely affect the visual openness from the street.
- C.** The Modification to allow the construction of a conforming addition to a building that is legally non-conforming to the interior setback requirement is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The second story addition is modest in size and an appropriate improvement to a single-family residence that will not increase the building footprint within the required setbacks and is not anticipated to adversely impact the adjacent neighbors.

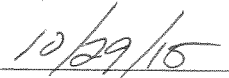
II. Said approval is subject to the following conditions:

- A.** The garage shall be returned to the original configuration of a two-car garage, as documented per the City approved archive plans.
- B.** The storage shed within the north interior setback, between the garage and interior lot line, and the storage shed within the required open yard shall be removed from the site or relocated outside of any required setback, required open yard, or front yard area.
- C.** The roof of the existing covered front porch shall not be used a deck without further review and approval of the City.
- D.** The existing wooden fence along and adjacent to the Mohawk Road and Carlton Way front lot lines shall either be relocated onto the subject property and meet the requirements of SBMC Section 28.87.170 or an encroachment permit shall be sought and obtained from the Public Works Department prior to the issuance of a building permit for this property.
- E.** The applicant shall apply for a Tree Removal Permit from the Parks & Recreation Department for the proposed removal of the pine tree within the required front setback. If the Tree Removal Permit is denied, the project shall be revised to save and protect the pine tree within the front setback.

This motion was passed and adopted on the 28th day of October, 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 Gee, 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.

