



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 25, 2016
AGENDA DATE: August 31, 2016
PROJECT ADDRESS: 541 Mountain Drive (MST2016-00286)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The 18,268 square-foot site is currently developed with a 1,333 square foot one-story single family residence, an attached 417 square foot two-car garage, an "as-built" detached 174 square foot accessory structure and a detached "as-built" 48 square foot shed. The proposed project involves demolition of the existing garage, covered porch, and "as-built" shed, construction of a new attached 493 square foot two-car garage, a new 251 square foot covered porch, permitting an "as-built" 174 square foot detached accessory structure, and for exterior alterations including "as-built" windows and a door and an interior remodel to the existing dwelling. The proposal will address violations outlined in a Zoning Information Report (ZIR2003-00888).

The discretionary application required for this project is a Front Setback Modification to allow a new garage and alterations with new openings for the dwelling in the required thirty-five foot front setback ((SBMC §28.15.060 and 28.92.110).

Date Application Accepted: July 13, 2016

Date Action Required: October 11, 2016

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Greg Aragon	Property Owner:	Friden Family Trust
Parcel Number:	021-103-007	Lot Area:	18,268 sq. ft.
General Plan:	Low Density Residential (Max. 1 du/acre)	Zoning:	A-1
Existing Use:	Single Family Residence	Topography:	10% slope

Adjacent Land Uses:

North - Residential
South - Residential

East - Residential
West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,333 sq. ft.	No Change
Garage	417 sq. ft. (to be demolished)	493 sq. ft.
Accessory Space	“as-built” 222 sq. ft.	- 48 sq. ft. = 174 sq. ft.

C. PROPOSED LOT AREA COVERAGE

Building: 2,000 sq. ft. 11% Hardscape: 4,746 sq. ft. 26% Landscape: 11,522 sq. ft. 63%

IV. BACKGROUND

In 1999, a building permit (BLD99-00159) was issued to allow a six foot high stucco wall and new entry gates at the property and that permit received final approval in 2001. However, the plans for that permit did not show the existing secondary driveway or the garage door and subsequently, it was discovered that the construction of the wall eliminated access to the garage.

A Zoning Report (ZIR2003-00888) identified violations at the property for conversion of the garage to habitable space, removal of the garage door which eliminated the required parking, the addition of a door between a bedroom and the garage and for an unpermitted detached habitable accessory structure. In 2003 a building permit (BLD2003-00342) was submitted to correct the violations outlined in ZIR2003-00888 but that building permit expired without receiving final approval. The current proposal includes the abatement of the violations outlined in ZIR2003-00888.

V. DISCUSSION

The proposed project involves demolition of the existing garage and “as-built” shed, construction of a new 493 square foot two-car garage, removal of an existing porch, a new covered porch, permitting the “as-built” detached accessory structure, an interior remodel and exterior alterations to the dwelling.

The property is located on a corner and has two required front setbacks both facing West Mountain Drive. The A-1 Zone requires a 35’ front setback from both front property lines and a 15 foot setback from the interior property lines. The existing single family dwelling and garage are located in the required 35’ front setback. The “as-built” detached accessory structure will be located outside of the required setbacks and outside of the required Open Yard area. The proposed garage will be located in the same location as the prior garage, but the garage door location will be changed to face the existing driveway in the front setback and the garage will be extended. However, the extended portion of the garage will be located outside of the required

front setback. In addition, the alterations to the dwelling include four, "as-built" windows and one "as-built" door to replace a door that was removed in the required front setback.

Staff supports the request for the Front Setback Modification as the property is site constrained due to the two front yards, the proposed garage will not be located any closer to the property line than what currently exists, the proposed garage is in line with the existing dwelling, and the "as-built" windows and door are not anticipated to adversely impact the adjacent neighbor's and the garage is not visible from the street due to the location of the existing six foot high wall at the front of the property.

The project is exempt from review by the Single Family Design Board (SFDB).

Transportation Review

Transportation staff reviewed the proposed new garage and confirmed that it will function as proposed. However, Transportation staff has stated that the gravel material for the driveway is not acceptable and the applicant will need to show the driveway to be a solid surface at the time of building permit submittal. Therefore, a condition has been included to address this item.

Environmental Review

A Tree Assessment and Protection Plan from Bill Spiewak, Board Certified Master Arborist dated March 17, 2016 was submitted for the project to address potential impacts to the existing Oak trees at the property. The report concluded that impacts to oak tree are not anticipated, provided the tree protections measures outlined in the report are followed. Therefore a condition has been included to address this item.

The project site is located within an area mapped as a Prehistoric Watercourse Buffer. A Phase 1 Archaeological report prepared by David Stone, MA, RPA and Heather McDaniel, M.A., RPA dated May 2016 concluded that it is unlikely that artifacts will be encountered during the proposed construction but recommends that the standard unanticipated archaeological discovery condition be included. Therefore, staff has included a condition that the standard unanticipated archaeological discovery condition shall be reproduced on the plans at building permit submittal.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed garage and alterations for new opening to the dwelling in the front setback are appropriate because of the site constraints at the property due to the two front yard, the garage will not be any closer to the front lot line than what currently exists and the changes are not anticipated to adversely impact the adjacent neighbors and the garage is not visible from the street due to the location of the existing six foot high wall at the front of the property.

Said approval is subject to the following conditions:

1. The driveway material shall be shown to be a solid surface at the time of building permit submittal and is subject to review and approval by the Public Works Department.

2. The Tree Assessment and Protection Plan dated March 17, 2016, shall be reproduced on the plans submitted to the Building Division and the tree protection measures outlined in the report shall be implemented during construction.
3. The site visibility triangle by the driveway shall be shown on the plans submitted to the Building Division subject to review and approval by the Public Works Department.
4. The following language shall be added to the plans when submitted for the building permit:

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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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 a 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 a 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.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, June 20, 2016
- C. Tree Assessment and Protection Plan from Bill Spiewak, Board Certified Master Arborist dated March 17, 2016

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(JLaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x3320



City of Santa Barbara California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

EXHIBIT A



ALLEN CONSTRUCTION

SANTA BARBARA | SANTA YNEZ | VENTURA | LOS ANGELES

RECEIVED
AUG 15 2016
CITY OF SANTA BARBARA
PLANNING DEPARTMENT

June 20, 2016

City of Santa Barbara Planning Department
630 Garden Street
Santa Barbara, CA 93101

Re: Request for modification and abatement of violations noted in
ZIR2003-00888

Project Address: 541 Mountain Drive
Santa Barbara, CA 93108

APN: 021-103-007

Land Use Zone: A-1

Dear Planning Staff,

We are requesting a modification for the relocation of the existing garage doors with in the setback. This relocation is being proposed as a solution to the abatement of a zoning violation as described below.

Zoning violation:

"A six foot wall was constructed around half of the property that cut off access to the garage for vehicles. The entrance to the garage must be created for the vehicles to enter the garage from the new driveway side.

The garage has been converted to habitable space and is no longer accessible for the parking of two vehicles. By City Zoning Ordinance, two covered parking spaces are required and must be maintained at all times. The parking must be restored at this property by opening the garage on the side of the driveway."

We are proposing to relocate the garage doors from the South wall to the East wall. There is currently a 6' tall stucco wall along Mountain Drive (South) in front of the existing garage doors which blocks vehicular access. We are requesting a modification for the relocation of the existing garage doors within the setback. Two parking spaces will be provided and maintained.

In February of 1999, a permit was issued for work on the garage, 6' tall wall and electrical gate, and on 2/1/99 final inspection was granted; however, the garage door was never relocated and a building violation was issued. In order to complete the scope of work in the previously issued permit and abate the violation, we are relocating the garage doors to East, where there is vehicular access off Mountain Drive (East).

Building violations:

1. *A door exists between a bedroom and the former garage. When the garage is made accessible, this door must be closed off or else this room must not be used as a sleeping room.*
 - a. Door between garage and habitable space will be removed.
2. *The garage was converted to a storage room by the construction of the six foot wall in front of the access to the garage.*
 - a. See Zoning violation response, above.
3. *The detached habitable accessory building was constructed without the required permit.*
 - a. Building permit BLD 2003-03242 was issued to legalize the existing one story accessory building in place, however the permit never received final approval. We are asking to complete the scope of work issued by this permit.

Additionally, we are proposing new windows in existing openings, within setback and would like to legalize (4) existing windows, not found on the archived plans and (1) relocated door. Therefore, no modification is required for this portion of work. All other proposed work does not encroach into the setbacks.

Please honor our request for this zoning modification, and building and zoning violation abatement. Thank you.

Sincerely,

Greg Aragon

TREE ASSESSMENT AND PROTECTION PLAN

Job location: 541 Mountain Dr., Santa Barbara

Prepared for:
Anna Lehr - Design Engineer
Allen Construction
Santa Barbara, California
alehr@buildallen.com

RECEIVED
JUN 20 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

Prepared by:
Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

Board Certified Master Arborist #310B
International Society of Arboriculture

3517 San Jose Lane
Santa Barbara, California 93105
(805) 331-4075
bill@sbarborist.com

March 17, 2016

SUMMARY

Phillip Friden is proposing a small remodel at 541 Mountain Drive in Santa Barbara. The construction involves adding 84 square feet to his garage, re-roofing, and installing a new set of double garage doors. There is one oak tree in the center of the driveway within the egress to the work area. Other oaks are along the sides of the driveway. There will not be any excavation in this area and therefore no impact to these trees from construction. However the trees need to be fenced to delineate their presence and to keep vehicles and materials from entering protection zones along the sides of the driveway.

BACKGROUND/ASSIGNMENT

Phillip Friden is proposing a remodel at 541 Mountain Dr., in Santa Barbara. The project includes a small extension of his garage to the north with two new garage doors on the east side (no changes in eastern foot print). There are several oaks within the area. I have been assigned to assess the potential impacts to the oak trees from proposed construction and prepare a report with my findings.

LIMITS OF ASSIGNMENT

This report is based on a site plan by Allen Construction dated 3/10/16. Any changes in that plan relative to trees may not be reflected in this report.

USE OF REPORT

It is the intention of this report to comply with the City of Santa Barbara's requirements for construction around oak trees and to assist the property owner in protecting his trees.

OBSERVATIONS

The property is on the corner of Las Canoas Lane and Mountain Dr. (with the entrance on Las Canoas Lane). There are several California Live Oaks (*Quercus agrifolia*) along the driveway within the egress of construction. All trees are in good condition.

Only one tree is in the center of the driveway, directly in the path to the work site and the others are along the sides in planter areas. The driveway is gravel over compacted base and has been in existence for many years.

The project involves renovating the roof and walls for a larger garage. There is no excavation within the critical root zone of any oaks. The only potential conflicts with trees could be from peripheral activities from construction vehicles and storage of materials.

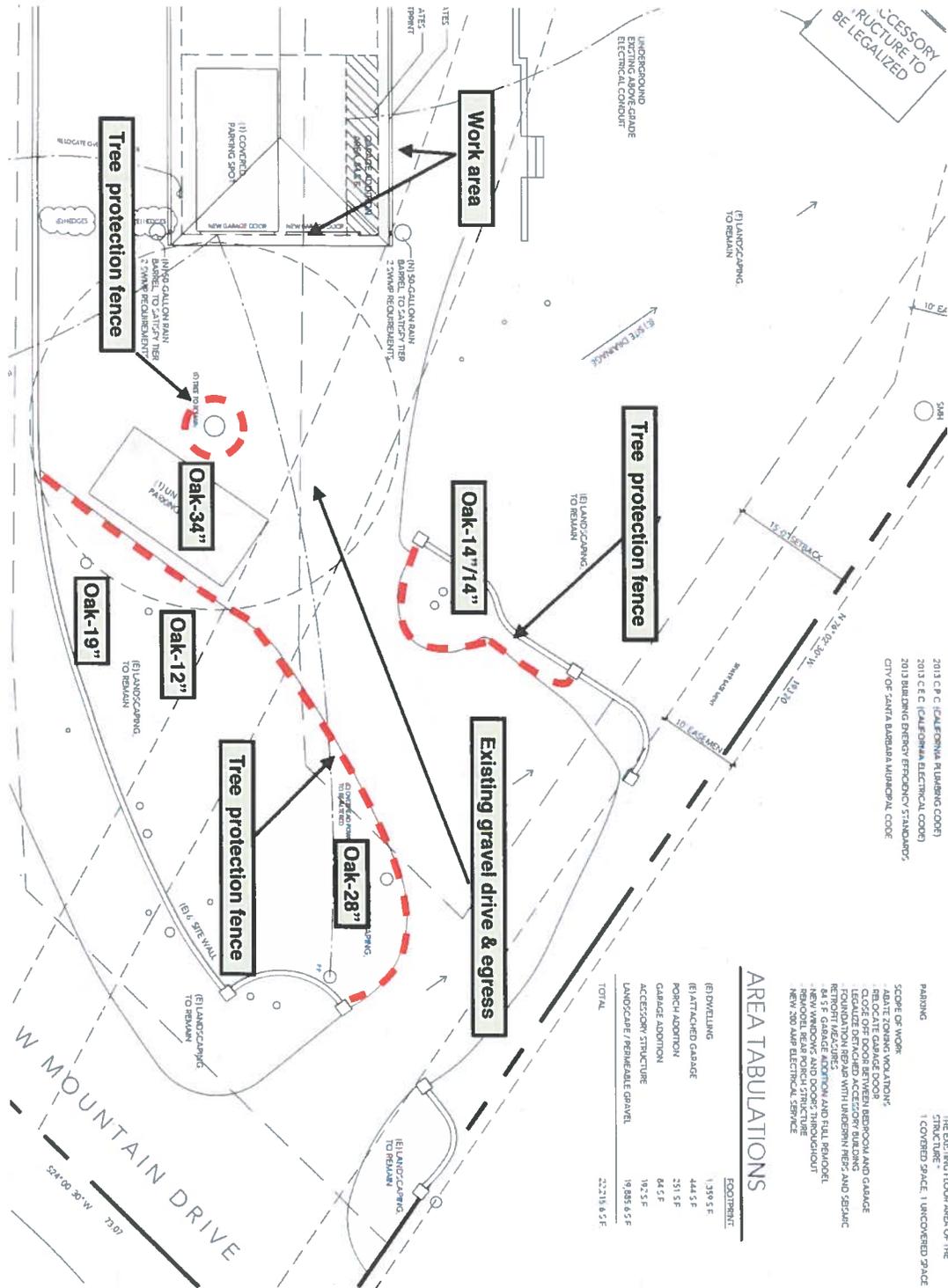
CONCLUSION

I do not anticipate any impacts to oak trees provided the tree protection measures below are followed.

TREE PROTECTION MEASURES

1. Install orange construction fencing to establish TPZ s(tree protection zones) as depicted on the site plan. This will be around the tree in the driveway and along the edges of the planters. Fencing is installed to delineate tree locations.
2. No vehicles or materials are allowed to be stored within the TPZs.
3. Due to the limited amount of work being done adjacent to trees, the city inspector should determine that tree protection measures are being followed and call upon the project arborist if necessary.

SITE PLAN



2013 C.P.C. (CALIFORNIA BUILDING CODE)
 2013 C.E.C. (CALIFORNIA ELECTRICAL CODE)
 2013 BUILDING ENERGY STANDARDS
 CITY OF SANTA BARBARA MUNICIPAL CODE

AREA TABULATIONS

DESCRIPTION	FOOTPRINT
(E) DWELLING	1,395 SF
(E) ATTACHED GARAGE	444 SF
PORCH ADDITION	251 SF
GARAGE ADDITION	86 SF
ACCESSORY STRUCTURE	19,25 SF
LANDSCAPE / REPAIRABLE GRAVEL	19,888.6 SF
TOTAL	22,319.6 SF

SCOPE OF WORK:
 ADAPT EXISTING VOLANTINE;
 RELOCATE GARAGE DOOR;
 CLOSE OFF DOOR BETWEEN BEDROOM AND GARAGE;
 FOUNDATION REPAIR WITH UNDERPIN PILES AND BEAMS;
 RETROFIT MEASURES;
 84 SF GARAGE ADDITION AND ROLL UP DOOR;
 REPAIR AND RELOCATE EXISTING PORCH;
 REPAIR AND RELOCATE EXISTING PORCH STRUCTURE;
 NEW 200 AMP ELECTRICAL SERVICE

THE DISTINGUISHED AREA OF THE STRUCTURE:
 1 COVERED SPACE, 1 UNCOVERED SPACE

PARKING:

PROJECT INFORMATION

Friden Residence Remodel
 541 W. Mountain Drive, Santa Barbara, CA 93108