



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 057-16 541 MOUNTAIN DRIVE MODIFICATION AUGUST 31, 2016

**APPLICATION OF ALLEN CONSTRUCTION, APPLICANT FOR FRIDEN FAMILY TRUST,
541 MOUNTAIN DRIVE, APN 021-103-007, A-1 (ONE-FAMILY RESIDENCE) ZONE, GENERAL
PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 1 DU/ACRE) (MST2016-00255)**

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).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality 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, August 25, 2016.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Cody Cammbell, Santa Barbara, CA.

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

- I. Approved the requested Front Setback Modification making the findings and determinations 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 that 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.

II. Said approval is subject to the following condition:

- A.** Per SBMC §28.90.001.J, the driveway material shall be shown to be a solid surface, or other technique or materials providing equivalent service, subject to review and approval by the Public Works Department.
- B.** The existing oak tree located in the driveway shall be preserved, protected, and maintained. The applicant shall provide a report from a certified arborist recommending driveway material and construction, and additional tree protection measures necessary due to the hard surfacing of the driveway. This report is subject to review and approval by the City Environmental Analyst and Public Works Department. All arborist recommendations shall be implemented. If monitoring by a qualified arborist is recommended, the following additional conditions shall be implemented:
- 1) Qualified Arborist. Prior to the issuance of any permit for the revised project the Owner shall submit, for review and approval by the Planning Division, an executed contract with a qualified arborist for monitoring of all excavation and grading work near trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
 - 2) Tree Monitoring Report. Prior to issuance of the Certificate of Occupancy or final Building Inspection, the Owner of the Real Property shall submit to the Planning Division a final tree monitoring report with the findings of the monitoring activities including additional recommendations that were carried out in the field during excavation and grading work near trees.
- C.** 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.
- D.** 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.

This motion was passed and adopted on the 31st day of August, 2016 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. **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.
5. **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.