I. PURPOSE OF HEARING

The applicant is appealing the decision of the Staff Hearing Officer for a requested Front Setback Modification. Please refer to the appellant’s letter dated October 20, 2016 (Exhibit A).

II. BACKGROUND

On October 12, 2016, the Staff Hearing Officer (SHO) considered a proposal to enlarge the existing garage into the required 20 foot front setback of the subject property. Please refer to the SHO Staff Report dated October 6, 2016 (Exhibit B).

The applicant requested a Modification to allow an expansion of the existing garage that would result in a four foot encroachment into the required front setback. The SHO denied the Modification as proposed, finding that the requested encroachment was not consistent with the purposes and intent of the Zoning Ordinance, is not necessary to secure an appropriate improvement on the lot because a standard depth garage can be achieved with a lesser encroachment, and that an encroachment of four feet would adversely impact the visual openness of Shoreline Drive.

However, as an alternative, the SHO approved a Modification to allow the garage addition to encroach two feet into the front setback, finding that the improvement is consistent with the purposes and intent of the Zoning Ordinance, is necessary to secure an appropriate improvement and that the lesser encroachment is aesthetically appropriate for Shoreline Drive.

On October 20, 2016 the SHO’s decision was appealed by the applicant. The appeal letter states that the two foot encroachment granted by the SHO’s approval of the Modification is not sufficient to achieve a functional garage, and the applicant is requesting one additional foot, at least, in order to realize their goal. The applicant believes that a three foot encroachment into the required setback is an appropriate improvement because it follows the pattern of development in the neighborhood, and provided evidence showing there are seven properties on Shoreline Drive that are nonconforming to the 20 foot front setback requirement. Additionally, the applicant states that the Single Family Design Board was supportive of a two foot encroachment, and although
the board was not supportive of a four-foot encroachment, they may find a three foot encroachment acceptable.

III. PROJECT DESCRIPTION

The 22,795 square foot site is located in the appealable jurisdiction of the Coastal Zone and currently developed with a 4,083 square-foot, two-story single-family dwelling with a 564 square foot rear deck, a bluff-top deck with a 364 square foot accessory structure below, and a 516 square foot attached garage. The proposed project involves an exterior remodel of the existing residence, expansion of the existing rear deck by 220 square feet, and a 92 square foot expansion of the garage.

IV. REQUIRED APPLICATIONS

The discretionary application required for this project is a Front Setback Modification to allow the garage addition to encroach into the 20-foot front setback (SBMC§28.15.060 and SBMC§28.92.110).

V. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the SHO’s decision to allow the garage addition to encroach a maximum of two feet into the front setback, making the findings in Section VIII of this report.

VI. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Tom Ochsner, Architect</th>
</tr>
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<tbody>
<tr>
<td>Property Owner:</td>
<td>Danny and Susan Duncan</td>
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<td>General Plan:</td>
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<td>North – Shoreline Drive</td>
<td>East – Single Family Residential</td>
</tr>
<tr>
<td>South – Pacific Ocean</td>
<td>West – Vacant Lot</td>
</tr>
</tbody>
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VII. DISCUSSION

The project site is currently developed with a two-story, single family dwelling with a patio off the rear of the dwelling, an attached garage and a bluff-top deck with an accessory structure below. The existing 494 square foot garage has an interior depth of 19 feet and interior width of 26 feet that conforms to the current, 20 foot front setback requirement. The applicant is requesting a Modification to allow a four foot expansion of the garage into the front setback, which the
applicant feels is necessary to provide a functional two-car garage with a 23 foot depth. The applicant explored expanding the garage towards the house, but the garage abuts a structural wall and would require a disproportionate amount of work relative to the benefit gained, per the applicant. As a result of the proposed addition, the new garage would have a floor area of 598 square feet. Typically, garages in the E-3, Single Family Zone, cannot exceed 500 square feet; however, because this lot exceeds 20,000 square feet in size, a garage can be up to 750 square feet.

The applicant provided evidence showing at least seven other properties on Shoreline Drive that are nonconforming to the 20 foot front setback requirement. All seven properties are legally nonconforming, meaning that they conformed to the front setback requirement at the time they were built, but the standards have changed due to the downzone from R-1 to E-3, Single Family Zone. In 1991 the property at 1521 Shoreline Drive was granted a front setback modification to allow changes to a structure in the front setback. The approval of the requested Modification at this property is unique in that it resulted in a decrease of the amount of encroachment into the front setback, by increasing the distance of unobstructed front setback from three feet to five feet.

Shoreline Drive was originally a four lane road, but was later narrowed, creating a two-lane road with bike lanes within the existing public right-of-way. As a result, an 11 foot wide strip of land exists in the right-of-way between the back edge of the sidewalk and the front lot line of the subject property, and the front edge of the existing garage is located nearly 31 feet from the back edge of the sidewalk. In the applicant’s opinion, a four foot encroachment into the front setback would still meet the intent of the setback requirement because the edge of the garage will still be located 27 feet from the edge of the sidewalk.

This project was reviewed by the SFDB on May 2, 2016. The Board stated that they were supportive of the desire to update and improve the aesthetics of the dwelling, but they were not supportive of the proposed four foot encroachment into the front setback. The Board was supportive of a two foot encroachment, and expressed concern that supporting a four foot encroachment would set a precedent for front setback encroachments. The SHO agreed with the SFDB and expressed concern that a four foot encroachment would adversely impact the visual openness of the streetscape, which is especially relevant due the proximity of this property to the portion of Shoreline Drive that is designated as a scenic highway in both the General Plan and the Local Coastal Plan.

**VIII. RECOMMENDATION AND FINDINGS**

Staff recommends that the Planning Commission deny the appeal and affirm the SHO’s decision to approve an alternate design to allow a two foot encroachment into the front setback, subject to the following findings and conditions:

**DENIAL FINDING**

The Planning Commission finds that the Modification to allow the garage to encroach four feet into the required twenty foot front setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the requested garage expansion into the front setback adversely impacts the visual openness of the streetscape and is aesthetically inappropriate given the significance of Shoreline Drive.
APPROVAL FINDING

The Planning Commission finds that the Modification to allow the garage to encroach two feet into the required twenty foot front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot as the requested garage will provide required covered parking spaces on the lot, and the expansion into the front setback will not adversely impact the visual openness of the streetscape due to its actual distance from the Shoreline Drive.

Said approval is subject to the following condition:

1. Standard discovery measures shall be implemented per the City’s 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.

Exhibits:
A. Appellant’s Letter
B. SHO Staff Report, dated October 6, 2016
C. SHO Minutes, dated October 12, 2016
D. SHO Resolution 065-16, dated October 12, 2016
E. Site Plan
October 20, 2016

Planning Division, Community Development Department
630 Garden St
Santa Barbara, CA

RE: Appeal of Staff Hearing Officer Denial of the October 12th, 2016 meeting for a front yard setback encroachment located at 1547 Shoreline Drive (Case No. MST2016-00110).

Dear Chair Campanella and Commissioners:

On October 12th 2016 the Staff Hearing office denied the request of a Modification to allow for an existing, undersized garage, to be extended 4 feet out into the front yard setback. Rather, the Staff Hearing officer approved only a two foot extension.

GROUND CLAIMED FOR APPEAL:

The existing garage is currently 19 feet clear at the interior, from front to back, with the exterior face of the garage up against the 20 foot front setback line. We feel that the unique condition of the site, along with a well-established neighborhood precedence, allows for the garage depth to be increased to a distance that makes for a functional garage. The City has established a minimum garage depth of 20 feet. As an architect, I understand that this is a minimum, and that a 20 foot deep garage is very inconvenient to use, and unless the car is perfectly positioned it can be difficult to walk around. I consider a 22 foot garage depth to be ideal and workable for most cars, except the very large ones. Although our modification requested a 4 foot addition, and the Staff Hearing Officer approved a 2 foot addition, we really need at least a 3 foot addition to achieve the 22 foot clear depth of the garage. Reconstructing and relocating the front of a garage is a sizable and expensive task, to do so and not achieve a usable clearance does not make sense.

This Modification request was submitted with supporting cases of several residences in the immediate area, all fronting Shoreline, that represent existing non-conforming structures

EXHIBIT A
located well within the front yard setback. The seven that we featured, ranged from 5 to 16 foot distances from the structure to the road right of way. If our request was approved, it would have resulted in a 16 foot distance from the garage face to the right of way. Additionally, one of these seven cases located at 1521 Shoreline Drive, was for an approved Modification to allow for a garage and second story to be located within the setback, only 5 feet from the right of way. The staff report referred to this case at 1521 Shoreline, but concluded that the unique conditions of that Modification offset the adverse effects of the encroachment. The unique conditions of our request features an unusually large distance between the right of way and the road way. This results in an effective distance of approximately 30 feet between the existing residence/garage and the sidewalk. If our Modification was granted, it would have resulted in 16 feet from the right of way, but the unusually large amount of the distance between the right of way and the road/sidewalk itself, would actually result in a distance of approximately 27 feet between the proposed garage extension and the sidewalk.

The SFDB reviewed this Modification case on October 12, 2016 along with other improvements proposed for the residence, and made the recommendation for a 2 foot extension, but not the 4 foot extension that we had asked for, but more than the 1 foot extension that Staff was recommending at the time. Prior to the SFDB making comments, staff advised the Board that it did not support the 4 foot Modification, and would only support a 1 foot extension, but provided no supporting information or discussion. There was discussion from some of the Board members that appeared to be in support of the 4 foot encroachment, but it appeared to me that the comment from Staff had created a slightly biased mood to the request. It appeared that the board was busy with the major improvements being proposed to the exterior of the structure, and I believe, that the clarity of the request got lost within the context. However, the support of the Board to increase what Staff had recommended from 1 foot to 2 feet, is an indication, that one more foot (to 3 feet) would probably be palatable to them. In hind-sight, it appears awkward for Staff to make a comment regarding the supportability a Modification to the SFDB, without expressing the basis for its opinion.

We are appealing for one more foot of encroachment into the front yard setback. We originally had requested a 4 foot encroachment; Staff has approved a 2 foot encroachment, and the applicant needs at least 3 feet of encroachment to justify moving the garage wall out. This is a unique and beautiful property that will soon undergo extensive improvements that will likely secure its existence indefinitely. The inclusion of a usable garage within this scope of work, would effectively provide a benefit for this property and the neighborhood for a long time to come.

Sincerely,

[Signature]

Tom Ochsner, AIA
STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: October 6, 2016
AGENDA DATE: October 12, 2016
PROJECT ADDRESS: 1547 Shoreline Drive (MST2016-00110)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470

I. PROJECT DESCRIPTION
The 22,795 square foot site is located in the appealable jurisdiction of the Coastal Zone and currently developed with a 4,083 square foot, two-story single family dwelling with a 564 square-foot rear deck, a bluff-top deck with a 364 square foot accessory structure below, and a 516 square-foot attached garage. The proposed project involves an exterior remodel of the existing residence, expansion of the existing rear deck by 220 square feet and a 92 square-foot expansion of the garage. The proposed project will require a Coastal Exemption.

The discretionary application for this project is a Front Setback Modification to allow the garage to expand into the required front setback (SBMC 28.15.060 And SBMC 28.92.110).

Date Application Accepted: August 18, 2016 Date Action Required: December 18, 2016

II. RECOMMENDATION
Staff recommends that the Staff Hearing Officer deny requested Front Setback Modification, and approve an alternate design allowing a one-foot encroachment into the front setback, subject to a condition.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION
Applicant: Tom Ochsner, Architect
Parcel Number: 045-173-041
General Plan: Low Density Residential, 5 units/acre
Existing Use: Single-family residential

Property Owner: Danny and Susie Duncan
Lot Area: 22,651 square feet
Zoning: E-3/SD-3
Topography: 25%

EXHIBIT B
Adjacent Land Uses:
North – Shoreline Drive
South – Pacific Ocean
East - Single family residential (2-story)
West – Vacant Lot

B. PROJECT STATISTICS

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<td>Garage</td>
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<td>Accessory Space</td>
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C. PROPOSED LOT AREA COVERAGE

Building: 4,259 sf 19%  
Hardscape: 3,006 sf 13%  
Landscape: 15,386sf 68%

IV. DISCUSSION

This project was reviewed by the SFDB on May 2, 2016, and the Board was not supportive of the requested 4-foot extension of the garage, but could be supportive of a 2-foot extension. The Board was supportive of the proposed deck, and suggested that the applicant consider maintaining as much of the current landscaping as possible, while studying the idea of adding more landscaping to the southwest of the property.

The proposed project requires a Modification to allow the expansion of the garage into the 20-foot front setback. The garage currently conforms to the 20-foot setback requirement, but does not meet the current minimum depth of 20 feet. Due to the reduction of Shoreline Drive from a four lane road to a two-lane road with bike lanes, the front of the garage is located 31’6” from the edge of the public sidewalk.

The applicant provided evidence of other seven other properties along Shoreline Drive that are nonconforming to the front setback requirement. All seven of the properties are legally nonconforming and of those seven, one property, 1521 Shoreline received a Modification on August 7, 1991 to allow a carport to be located five to twelve feet from the front property line. However, in that case, the Modification actually increased the amount of unobstructed front setback area.

Staff is not supportive of the four-foot encroachment requested by the applicant, but can support a one-foot encroachment into the front setback in order to achieve the standard 20’ depth of a typical two-car garage. The properties in the neighborhood that are nonconforming to the front setback requirement are legally nonconforming, and staff does feel that a twenty-three foot deep garage is a necessary improvement on the lot.

Environmental Review

The environmental analyst determined that the project requires an Archaeological Letter Report, which was accepted on July 28, 2016. Staff approved the Letter Report and will require the
standard condition regarding discovery of unanticipated archaeological resources shall be reproduced on the plans prior to issuance of a building permit.

V. **FINDINGS AND CONDITIONS**

**DENIAL FINDINGS FOR THE REQUESTED FOUR-FOOT ENCROACHMENT**

The Staff Hearing Officer finds that the Modification to allow a four-foot encroachment into the front setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot because a standard two-car garage depth can be achieved with a one-foot encroachment, and an encroachment of four feet as requested will adversely impact the openess of the streetscape.

**APPROVAL FINDINGS FOR A ONE-FOOT ENCROACHMENT**

The Staff Hearing Officer finds the Modification to allow a one-foot encroachment into the front setback is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot. A one-foot encroachment will allow the applicant to expand the depth of the garage to the minimum dimension of 20 feet, and is not anticipated to adversely impact the visual openness of the streetscape.

Said approval is subject to the following condition:

1. 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.

Exhibits:

A. Site Plan (under separate cover)
B. Applicant's letter, dated June 6, 2016
C. SFDB Minutes

Contact/Case Planner: Andrew Perez, Planning Technician II
(ACPerez@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4559
June 6, 2016

Modification Hearing Officer
City of Santa Barbara
Santa Barbara, CA 93101-2203

RE: 1547 Shoreline Drive – request for front yard setback reduction for the purposes of a usable garage.

Dear Modification Officer:

The existing condition consists of a single family house located on a 22,651 square foot parcel. Also, located on this parcel is a detached accessory unit. The existing residence is two stories and has an attached two car garage. The existing residence is located outside the 50’ bluff setback and the 75 year bluff retreat setback.

The proposed project consists of:

- An exterior remodel to change the architectural appearance of the residence to a contemporary style. (no Mods required).
- To construct a new attached deck to the rear (south) of the existing residence. (no Mods required).
- To deepen the garage so that a standard large vehicle can practically use it. (1 Mod required).

We are applying for (1) Modification:

1. To allow for a reduction in the front yard setback from 20’ currently, to 16’,
   Justification:
   - The current garage is only 19’ deep which is less than the minimum required allowable garage, and this depth does not allow for a large standard vehicle to use the garage.
   - Both of the cars that the owners currently drive have trouble fitting in the garage. A Ford expedition is 17’-6”, and although it will barely fit in the existing garage, there is no room to walk around the vehicle once parked. Their other car is a ford truck which is 20’-6” long, and this car will not fit in the garage at all. Therefore we are proposing a 4’-0” extension to the existing garage so that the clear interior dimension will be 23’-0” clear. This will just allow for both vehicles to fit within the garage, and for pedestrian circulation.
   - Expanding the garage into the house is very difficult because the back of the garage abuts a major structural wall and would result in a disproportionate amount of work relative to the benefit gained.
   - Expanding the garage out towards the front yard setback appears to be an appropriate solution for the following reasons:
     - Although the existing garage sits up against the required 20’ setback, the distance to the edge of the sidewalk is actually 31’-6”. Therefore, if allowed to reduce the front yard...
setback from 20’ to 16’, in actuality, the distance from the new face of the garage will be 27’-6” from the edge of the sidewalk.

- Currently, the neighborhood consists of several structures that encroach into the front yard setback, see exhibit on sheet PH-3. This exhibit show 7 properties in the neighborhood which have structures that encroach as far or further into the front yard setbacks than what we are requesting. Furthermore, none of the properties that currently enjoy this reduced setback result in a physical distance from the structure to the edge of side as great as ours (27’-6”).
- A similar modification was approved for an encroachment into the front yard setback for a residential addition at 1521 Shoreline Dr. The result of this modification was to approve a front yard setback for a carport and residence to approximately 6’ rather than the required 20’.

Benefits of the project:
- Provides realistic off-street parking that will result in the use of the garage.
- The project allows aesthetic improvement for the neighborhood, as it will reduce the amount of vehicles in view.
- The project will still meet the physical intent of the 20’-0” setback.
- Approval of this modification would result in a project that would be constant with the policies of the California Coastal Act, and the project is compatible with the land use planned for the area which is single family residential. Furthermore, it is consistent with the erosion and sea cliff retreat hazards because the building construction is outside the required structure setback and way from the bluff.
- Consistent with LCP policy of archaeological resources. Based on the earlier disruption for the existing residence and the minimal ground disturbance for the proposed addition, no impacts on the archaeological resources are expected to occur.

Although staff has voiced support for a 1’ extension, there appears to be reasons to consider a larger extension. If the 1 foot extension is allowed, it will still not meet the minimum requirements needed for actually using the garage, and the cost and effort to demolish and reconstruct a new load bearing exterior wall solely for the purposes of achieving one foot of additional space seems unbalanced. Therefore, the applicant is not likely to pursue only a 1 foot extension.

Sincerely,

Tom Ochsner, AIA
2. 1547 SHORELINE DR

(3:40) Assessor’s Parcel Number: 045-173-041
Application Number: MST2016-00110
Owner: DC Duncan Family Trust
Architect: Tom Ochsner

(Proposal for a 108 square foot addition to an existing attached two-car garage of a 4,854 square foot two-story, single-family residence with a 301 square foot partial basement. The project includes a façade remodel, new outdoor deck with a partial trellis cover, site walls, steps, and planters. The proposed total of 5,263 square feet [of which the basement is receiving a 50% FAR credit] on a 22,794 square foot lot in the Hillside Design District is 106% of the guideline maximum floor-to-lot area ratio [FAR]. The project is located within the Appeal Jurisdiction of the Coastal Zone and requires a level of Coastal Review to be determined, pending additional information on geological conditions. It also includes Staff Hearing Officer review for a requested zoning modification to allow the expansion of the garage into the required front setback.)

(Comments only; project requires Environmental Assessment and may require Planning Commission review for a Coastal Development permit, pending submittal of a geological survey confirming top of bluff and 75-year Seaciff retreat lines.)

Actual time: 4:05 p.m.

Present: Tom Ochsner Architect.

Public comment opened at 4:18 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Planning Commission for return to Full Board with the following comments:
1) The Board can support the overall approach of the project.
2) The Board cannot support the four foot extension to the garage, but can support the two foot extension.
3) Restudy the exterior colors.
4) Consider maintaining the current landscaping as much as possible.
5) The Board supports the current configuration of the new deck.
6) Study adding landscaping to the south west side.
7) Study an alternate garage door.

Action: Miller/Woolery, 6/0/0. Motion carried. (James absent).
ACTUAL TIME: 10:08 A.M.

D. APPLICATION OF THOMAS OCHSNER, ARCHITECT FOR DANNY AND SUSAN DUNCAN, 1547 SHORELINE DRIVE, APN 045-173-041, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2016-00110)

The 22,795 square foot site is located in the appealable jurisdiction of the Coastal Zone and currently developed with a 4,083 square foot, two-story single-family dwelling with a 564 square foot rear deck, a bluff-top deck with a 364 square foot accessory structure below, and a 516 square foot attached garage. The proposed project involves an exterior remodel of the existing residence, expansion of the existing rear deck by 220 square feet, and a 92 square foot expansion of the garage.

The discretionary application for this project is a Front Setback Modification to allow the garage to expand into the required front setback (SBMC 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 to Land Use Limitations).

Present: Thomas Ochsner, Architect.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Andrew Perez, Planning Technician II, gave the Staff presentation and recommendation.

The Public Hearing was opened at 10:12 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

ACTION: Assigned Resolution No. 065-16
Approved the Front Setback Modification making the findings as outlined in the Staff Report dated October 6, 2016, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

EXHIBIT C
APPLICATION OF THOMAS OCHSNER, ARCHITECT FOR DANNY AND SUSAN DUNCAN, 1547 SHORELINE DRIVE, APN 045-173-041, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2016-00110)

The 22,795 square foot site is located in the appealable jurisdiction of the Coastal Zone and currently developed with a 4,083 square foot, two-story single-family dwelling with a 564 square foot rear deck, a bluff-top deck with a 364 square foot accessory structure below, and a 516 square foot attached garage. The proposed project involves an exterior remodel of the existing residence, expansion of the existing rear deck by 220 square feet, and a 92 square foot expansion of the garage.

The discretionary application for this project is a Front Setback Modification to allow the garage to expand into the required front setback (SBMC 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 to 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 6, 2016.
2. Site Plans

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

I. Denied the Front Setback Modification to allow a four-foot encroachment into the front setback making the finding and determination that the Modification is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot because a standard two-car garage depth can be achieved with a lesser encroachment and an encroachment of four feet as requested will adversely impact the openness of the streetscape and be aesthetically inappropriate given the significance of Shoreline Drive.

II. Approved a Modification to allow a two-foot encroachment into the front setback making the finding and determination 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. A two-foot encroachment would allow the applicant to expand the depth of the garage and would be aesthetically appropriate given the significance of Shoreline Drive and is not anticipated to adversely impact the visual openness of the streetscape.

EXHIBIT D
III. Said approval is subject to the following condition:

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.

This motion was passed and adopted on the 12th day of October, 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.

[Signature]  
Kathleen Goo, Staff Hearing Officer Secretary  
Date: 10/13/16
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.