



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 009-13 2121 GARDEN STREET MODIFICATIONS FEBRUARY 20, 2013

APPLICATION OF TOM OCHSNER FOR STEVE HANDLEMAN, 2121 GARDEN STREET, APN 025-252-003, E-1 ONE-FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00470)

The 25,500 square foot lot is currently developed with a 6,752 square foot, two-story residence, a 749 square-foot detached garage, a 500 square foot detached accessory building, and a 100 square foot pump house. The proposed project involves an addition to the existing accessory building to create a 628 square foot, three-car garage, demolition of the existing pump house, and demolition and remodel of a portion of the existing garage to create a 500 square foot accessory building with a 276 square foot covered patio. The proposal also includes site improvements including the relocation of the driveway and apron, new site walls, entry gate, landscaping and a new pool. The proposal will abate violations listed in ZIR2012-00425.

The discretionary applications required for this project are:

1. A Modification to allow the existing accessory building to be converted to a garage within the required ten-foot interior setback (SBMC § 28.15.060 and §28.92.110); and
2. A Modification to allow a 128 square foot addition to the proposed garage to be partially located within the required ten-foot interior 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 Act Guidelines Section 15301 (Minor Additions to Existing Facilities).

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, February 14, 2013.
2. Site Plans

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

- I. Approved the subject application making the findings and determinations that the interior setback Modification to allow the existing accessory building to be converted to a three-car garage is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The garage conversion and addition to the building will result in a uniform improvement on the lot with a less intense use within the required setback and, as conditioned, is not anticipated to adversely impact the adjacent neighbors. The relocation of the garage to the northwest corner of the property will restore the historical location of the garage, reduce the impervious pavement on the lot, and move the proposed accessory space (pool pavilion) away from the property line and outside of the setbacks.
- II. Said approval is subject to the following Conditions of Approval:
 - A. The door located at the rear of the proposed garage shall be eliminated from the scope of work, or relocated to the south elevation outside of the required interior setback.
 - B. The living arbor shall be maintained as a landscape feature consistent with the height and location requirements specified in SBMC § 28.87.170. If the vegetation portion of this feature is either not planted or subsequently removed, the underlying support structure shall be removed from the interior setback.
 - C. The flared portion of the driveway near the garage shall not encroach more than four feet into the required interior setback so as to not allow parking within the required interior setback.
 - D. Requirements Prior to Permit Issuance. The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Community Department prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Community Development Department. Please note that these conditions are in addition to the standard submittal requirements for each department.
 - 1) Archaeological Monitoring Contract. Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Larry Carbone, dated 2004. The contract shall be subject to the review and approval of the Environmental Analyst.
 - 2) The following information shall be printed on the grading plans (site plan if no grading plan):

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

This motion was passed and adopted on the 20th day of February, 2013 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. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Historic Landmarks Commission (HLC) 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.