



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 023-14 474 SCENIC DRIVE MODIFICATIONS APRIL 30, 2014

#### **APPLICATION OF JONATHAN VILLEGAS, DARKMOON BUILDING DESIGN AND ENGINEERING, AGENT FOR EDWARD YATES, 474 SCENIC DRIVE, 015-272-003, E-3/SD-3 ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (2 DU/ACRE) (MST2013-00425)**

The 15,833 square-foot site is located in the non-appealable jurisdiction of the Coastal Zone, and is developed with five unit apartment complex and a total of five covered parking spaces. The proposed project involves alterations to the existing apartment complex, relocation of an existing front site retaining wall to the front property line, re-grading of the driveway entries, replacement of a wood deck and stairs at the rear of the existing single-family residential unit, replacement of an existing two-car carport with a two-car garage, and replacement of an existing three-car carport with a new three-car garage. The existing carport structures are non-conforming to the required six-foot interior and rear setbacks and the minimum carport dimensions. This project will address the violations identified in enforcement case ENF2013-00676.

The discretionary applications required for this project are:

1. Three Interior Setback Modification to allow the construction of a two-car garage and three-car garage within the required six-foot interior setbacks to the east, south, and west (SBMC § 28.15.060 and SMBC § 28.92.110); and
2. An Open Yard Modification of the location and configuration requirements. (SBMC § 28.15.060 and SMBC § 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 15302 and 15305 (Replacement of Structures 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, April 24 2014.
2. Site Plans
3. Correspondence received in opposition to or with concerns on the project:
  - a. [Carlos Olvera, Santa Barbara, CA.](#)

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer made the following findings and determinations:

- I.** Approved the subject application making the findings and determinations that:
  - A.** The Three Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed reconstruction of the two and three car garages is appropriate because it will allow the covered parking spaces to be used to store vehicles on-site, and is not anticipated to adversely impact the adjacent residential neighbors to the west and south or the golf course to the south and east.
  - B.** The Open Yard 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 reduction in the non-conforming open yard is necessary to provide adequate onsite parking and there are additional areas on the property, located in the remaining front yard, which can be utilized by the residents for outdoor recreation.
- II.** Said approval is subject to the following conditions:
  - A.** The Applicant shall execute a Minor Encroachment Permit (MEP) per Santa Barbara Municipal Code 10.55. The MEP will be for a new garage/carport construction over a portion of the City sewer main facility and easement, which construction and use is revocable upon 90 days notice or less by the City. Said notice shall cause removal and/or discontinuation of use of the encroachment by the owner. The owner shall also consent to the City's access to the facility for regular and ongoing maintenance, repairs, replacement, removals, inspections, and upgrades.
  - B.** The applicant shall show the location of the City Easement and add the following note on the site plan: "If future utility work within the easement causes the need for partial or complete demolition of the structure, all costs of repairs and/or reconstruction of the building within the easement will be the sole responsibility of the property owner."
  - C.** If the garage is required to be demolished by the Public Works Department, the applicant shall obtain a permit to demolish the garage and obtain the necessary City approvals and permits for the replacement of the parking on-site, at their own expense.
  - D.** The garages shall remain available for vehicle parking. Any storage in the garages shall not impede vehicle parking.
  - E.** 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 the applicant 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.

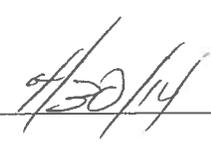
If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the 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 30<sup>th</sup> day of April, 2014 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 **Architectural Board of Review (ABR)** 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.