



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 028-14 438 CONEJO ROAD MODIFICATIONS MAY 14, 2014

**APPLICATION OF JONATHAN VILLEGAS, AGENT FOR LUIS FERNANDEZ,
438 CONEJO RD, APN 019-061-013, A-1 ONE FAMILY RESIDENCE ZONE, GENERAL
PLAN DESIGNATION: LOW DENSITY RESIDENTIAL MAX 1 DU/ACRE
(MST2013-00336)**

The 6,880 square-foot site is currently vacant. The previous residence was destroyed in the Tea Fire in November 2008. The proposed project involves the construction of a two-story, 2,006 square foot, single-family residence and an attached 440 square foot two-car garage. The proposal includes the removal of five (5) existing trees, construction of site walls and decks, and 264 cubic yards of site grading. The proposed total of 2,446 square feet, located on a 6,880 square foot parcel in the Hillside Design District, is 84% of the maximum floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. A Front Setback Modification to allow new construction within the required 35-foot front setback along the Conejo Lane frontage (SBMC § 28.15.060 and SBMC § 28.92.110);
2. An Interior Setback Modification to allow new construction within the required 15-foot interior setback to the south (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. An Interior Setback Modification to allow new construction within the required 15-foot interior setback to the north (SBMC § 28.15.060 and SBMC § 28.92.110).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

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, May 8 2014.
2. Site Plans

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

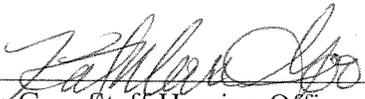
- I. Approved the subject application making the following findings and determinations:
 - A. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.
 - B. The Front and Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on this lot. The lot is significantly below the required minimum lot size for the A-1 Zone; the property has a steep overall slope of 34%, and is further constrained the required setbacks. The proposed expansion of the residence and garage into the front and interior setbacks allows for a rebuild of the previous home with a minor expansion.
- II. Said approval is subject to the following conditions:
 - A. The following language shall be added to the plans submitted for building permit:
 - 1) “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.”
 - 2) Compliance with Tier 3 Storm Water Management Program requirements must be shown on the plans prior to final approval by the Single Family Design Board.

This motion was passed and adopted on the 14th day of May, 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 **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.