



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 065-14
398 W. MOUNTAIN DRIVE
MODIFICATIONS
NOVEMBER 12, 2014

**APPLICATION OF PAUL ZINK, ARCHITECT FOR MARIA AND MONTE WILSON,
398 W. MOUNTAIN DRIVE, APN: 019-012-017, A-1 (ONE-FAMILY RESIDENCE) ZONE,
GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 1 UNIT/ACRE)
(MST2014-00439)**

The 49,336 square foot site is currently developed with a 3,600 square foot single family residence with a detached 576 square foot two-car garage. The proposed project involves construction of a new 700 square foot four-car tandem garage with 300 square feet of detached accessory space contained within the same volume as the parking area of the garage, and a five foot high gate with pillars, lighting, and associated grading. This project will address violations identified in a Zoning Information Report (ZIR2014-00284).

The discretionary applications required for this project are:

1. A Modification to allow the total garage floor area to exceed the maximum allowable size of 750 square feet (SBMC § 28.87.160 and SBMC § 28.92.110); and
2. A Modification to allow the detached accessory building to be located within a front yard (SBMC § 28.87.170 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 15303 and 15305 (New Construction 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 in favor of the application, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 6, 2014.
2. Site Plans
3. Correspondence received in opposition to or with concerns on the project:
 - a. Lorie Sanchez, Santa Barbara, CA.
 - b. Sally Sphar, Santa Barbara, CA.

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

I. Approved the subject application making the following findings and determinations that:

- A.** The Modification to allow a garage greater than 750 square feet 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 is appropriate because it will provide additional covered parking on the site that meets the setback requirements, and is not anticipated to adversely impact the adjacent neighbor's or the visual openness of the street frontage.
- B.** The Modification to allow detached accessory space to be located within the front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed accessory space is appropriate because of the site constraints on site: the topography, the location of the existing house, and the lot's two front yards limit the areas where the combination of garage and workshop would be feasible, and because the project will result in minimal grading on a steeply sloped site.

II. Said approval is subject to the following conditions:

- A.** The height of the gate and pillars and any proposed lighting shall comply with the Zoning Ordinance requirements.
- B.** The letter dated October 1, 2014 from Peter J. H. Winn shall be added to the plans submitted for building permit, and the "Recommendations for Tree Protection during Construction" shall be implemented.
- C.** The total square footage for the proposed detached garage/accessory building shall not exceed 700 square feet; 500 square feet for the garage and 200 square feet for the accessory space.
- D.** The following language shall be added to the plans submitted for 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.

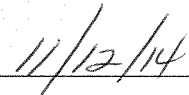
If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.”

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