



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 064-15 1198 COAST VILLAGE ROAD MODIFICATIONS NOVEMBER 11, 2015

APPLICATION OF CLAY AURELL, AB DESIGN STUDIO ARCHITECT FOR DWAYNE COPUS TRUST, 1198 COAST VILLAGE ROAD, APN 009-222-010, C-1 LIMITED COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL (MST2012-00231)

The project has been revised to include a 185 square foot increase in the enclosed floor area, an increase in the roof height, window and door changes, an accessible path and lift along the Coast Village Road frontage, new service access ramps and egress to kitchen service door, revised parking lot layout, removal of a 30-inch diameter Ash tree and installation of an Ash tree, installation of a sidewalk along the Middle Road frontage, and construction of a trash enclosure. The project was originally approved in 2013 and is currently under construction. The revised proposal will result in a 2,249 square foot restaurant. Seating for the restaurant is limited to 50 seats inside and 48 outdoor patio seats. The parcel is located within the non-appealable jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow an increase in the building height within the required 10-foot front setback along Coast Village Road. (SBMC § 28.63.060); and
2. A Front Setback Modification to allow a new kitchen service door and a trash enclosure within the required 10-foot front setback along Middle Road. (SBMC § 28.63.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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, November 4, 2015.
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 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.

- B. The Coast Village Road Front Setback Modification to allow an increase in building height consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The slight increase to the roof height is necessary for an improved design of the building, and it is not anticipated to adversely impact the visual openness of the public street frontage or the adjacent commercial neighbors.
- C. The Middle Road Front Setback Modification to allow the trash enclosure location, window changes, and the service doors for the kitchen and mechanical equipment to encroach within the required ten-foot setback are consistent with the purposes and intent of the Zoning Ordinance, and are necessary to secure an appropriate improvement on the lot. The proposed window and door improvements are not anticipated to have an adverse impact on the adjacent commercial neighbors or the visual openness of the public street frontage. In addition, staff supports the proposed trash location provides a safe location for servicing of trash receptacles which is an appropriate improvement for a restaurant preventing an unreasonable hardship.

I. Said approval is subject to the following conditions:

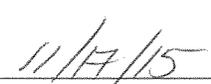
- A. Arborist Monitoring. A qualified arborist shall monitor the excavation and make a determination whether the trees should be removed and replaced with a new specimen tree. The replacement trees, if necessary, shall be selected in consideration of the surrounding properties in accordance with the Montecito Association and the approval of Architectural Board of Review.
- B. Nesting Birds. Birds and their eggs nesting on or near the project site are protected under the migratory bird treaty act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. All tree limbing and removals shall not occur between February 1 and September 30 unless a biologist field surveys prior to any work during the nesting and breeding season to confirm that nesting activity is not in progress.
- C. Qualified Arborist. Prior to the issuance of any permit for the revised project the Owner shall submit, for review and approval by the Planning Division, an executed contract with a qualified arborist for monitoring of all excavation and grading work near trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- D. Tree Monitoring Report. Prior to issuance of the Certificate of Occupancy or final Building Inspection, the Owner of the Real Property shall submit to the Planning Division a final tree monitoring report with the findings of the monitoring activities including additional recommendations that were carried out in the field during excavation and grading work near trees.

This motion was passed and adopted on the 11th day of November, 2015 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.