



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** May 7, 2009  
**AGENDA DATE:** May 14, 2009  
**PROJECT ADDRESS:** 436 Corona del Mar (MST2008-00420)

**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Kelly Brodison, Assistant Planner *KAB*

### I. PROJECT DESCRIPTION

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage, and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

On March 11, 2009 the Staff Hearing Officer made the required findings and approved the request. The appellant, James Kahan, requests (Exhibit B) that the Planning Commission deny the project.

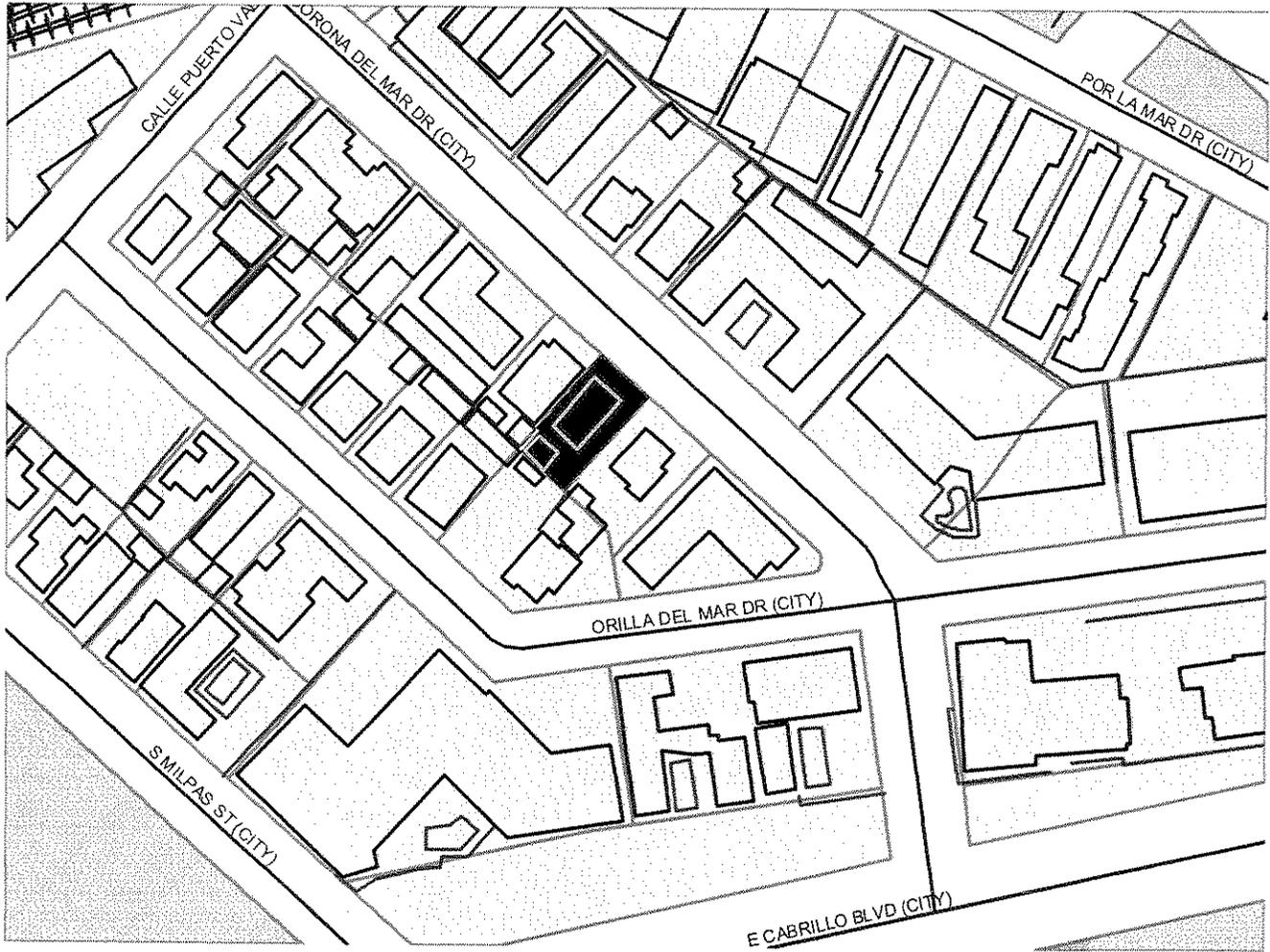
### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC § 28.44.060); and
2. A Modification to allow the new garage to encroach into the required interior setback (SBMC § 28.21.060).

### III. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal of James Kahan and uphold the decision of the Staff Hearing Officer to grant a Coastal Development Permit for the proposed duplex and the Modification for the new garage to encroach 3' into the interior setback and approve the project making the findings outlined below and subject to the Conditions of Approval contained in the Staff Hearing Officer Resolution No. 021-09.



Vicinity for 436 Corona del Mar

<b>APPLICATION DEEMED COMPLETE:</b>	January 21, 2009
<b>STAFF HEARING OFFICER ACTION:</b>	March 11, 2009

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Appellant: James Kahan	Property Owner: Larry & Susan Agostino
Parcel Number: 017-321-007	Lot Area: 6,594 sq. ft.
General Plan: Commerce: Hotel/Residential	Zoning: R-4/SD-3
Existing Use: Single Family Residence	Topography: ~4%
Adjacent Land Uses:	
Northeast - Motel	Southeast - Multi-Family Residential
Southwest - Duplex	Northwest - Single-Family Residential

**B. PROJECT STATISTICS**

	Existing	Proposed (Unit 1)	Proposed (Unit 2)
Living Area	1,326 sq. ft.	2,159 sq. ft.	934sq. ft.
Garage	224 sq. ft.	548 sq. ft.	N/A.
Total	1,550 sq. ft.	2,707 sq. ft.	934 sq. ft.

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	10' (1 & 2 story) 15' (3 story)	~20'	10' (1 & 2 story) 20' (3 story)
-Interior	6' (1 & 2 story) 10 (3 story) 6' (garage or carport)	~10' (house) and 0'(garage)	6' (house) and 3'(garage) <i>modification requested</i>
-Rear	6' (1 story) 10' (2 & 3 story) 3' (garage or carport)	0' (garage)	3' (garage)
Building Height	3 stories or 45'	1 story	3 stories & 37'-5"
Parking	2 covered, 2 uncovered	none	2 covered, 2 uncovered
Open Yard	989 sq. ft.	~3,700 sq. ft.	1,086 sq. ft.

The proposed project would meet the requirements of the R-4 Zone related to building height, solar access, open yard requirements and parking, with the exception of a modification to allow the proposed garage to encroach 3' into the interior setback.

## VI. DISCUSSION

The original garage, constructed some time in the late 1920's, was permitted to be 400 square feet (20' x 20') with zero setbacks along the interior and rear property lines, which would make it legally non-conforming to setbacks. At some point, this garage structure has been modified by a previous owner and was reduced in size to 224 square foot. Therefore, the garage no longer qualifies as legally non-conforming and would require modifications to be re-built in the exact same location within the setbacks. The new 548 square foot garage will comply with the required 3' rear setback, however, the applicant requests a modification for the new garage to encroach 3' into the required 6' interior setback.

On March 10, 2009, the Staff Hearing Officer visited the site and surrounding neighborhood, and viewed the story poles representing the proposed 37'-5" three-story building. At the public hearing on March 11, 2009, the applicant presented revised elevations, and explained that in response to concerns raised at the site visit, the building height was reduced 3' from that which was represented by the story poles to a new height of 34'-3".

## VII. APPEAL ISSUES

The appellant's letter dated March 23, 2009, states that the approvals are contrary to law and not supported by facts, the findings were inadequate and that the project does not qualify for a categorical exemption. The Staff Hearing Officer Staff Report (Exhibit E) dated March 4, 2009 provides a thorough discussion on Staff's analysis of these issues.

### Coastal Development Permit

This project is consistent with the California Coastal Act and the Local Coastal Plan because it is not located on a coastal bluff and would not affect public access, open space or public recreation areas. Further, the structure, although it includes a third story, would not block existing public views of the ocean, nor be visible from the public beach or public lookouts along the bluff top. The project is also consistent with the multiple family and hotel development in the area and provides all required parking on site.

### Modification

Although the new garage is proposed to be located within the required interior setback, Staff supports this request because this configuration is consistent with the historic pattern of development throughout this neighborhood where covered parking is situated towards the rear of the lot and built with zero setbacks. The new garage will be more conforming than the existing garage. The location of the new garage will have negligible effects on the adjacent neighbor because there is an existing structure built right up against the property line and the new structure will provide 3' of additional setback. Additionally, the new structure will have a solid wall with no window openings and its use is limited to the storage of vehicles, it is situated towards the rear of the lot where it is least visible from the street.

The Architectural Board of Review looked at this proposed encroachment and felt that requiring the garage to conform to the 6' setback would not improve the site design and would be detrimental to the open space on site. The ABR also preferred that cars be able to turn

around on site without backing out into the street and pushing the garage out three (3) additional feet to comply with the 6' setback would inhibit this maneuver. Staff is in support of the modification as it is consistent with the surrounding pattern of development and with the purposes and intent of the Zoning Ordinance, and is necessary to provide an appropriate improvement on the lot.

Also of note is that recent amendments to the Zoning Ordinance allow the ABR to grant setback waivers on lots of 55' or less in width. This waiver allows structures specifically used for parking to have a minimum 3' interior setback. Although this lot is 65' wide, the ABR felt that a 3' interior setback was adequate and supported the request for modification.

#### Categorical Exemption

The California Environmental Quality Act provides that certain projects can be found exempt from further environmental review when they meet certain criteria. This project qualifies for a Categorical Exemption pursuant to CEQA guidelines Section 15301(l)(1) which exempts demolition and removal of individual small structures and 15303(b) which exempts the construction a duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

### **VIII. FINDINGS**

#### **A. MODIFICATION (SBMC §28.92.110; §28.21.060)**

The Planning Commission finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. This configuration is consistent with the pattern of development in the neighborhood. The existing garage is non-conforming to setbacks with zero setback from the property line. The new garage location will provide a more conforming situation by being set back the required 3' from the rear property line and 3' from the interior property line and will allow vehicles to turn around on site without backing out into the street. The proposed location will provide required parking for the project without impacts to the immediate neighbor due to the single story and flat roof design.

#### **B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act.

*The project is consistent with all of the policies of the Coastal Act, including 30251, which requires new development to be visually compatible with the character of surrounding areas as discussed in Section V.D. of the Staff Hearing Officer Staff Report dated March 4, 2009. The project would not have an effect on public access or public recreation as described in Section VI of the Staff Hearing Officer Staff Report dated March 4, 2009.*

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

*The project is found to be consistent with the policies of the Local Coastal Plan, with regard to land use, neighborhood compatibility and environmental resources and is consistent with all Zoning Ordinance requirements as discussed in Section V and VI of the Staff Hearing Officer Staff Report dated March 4, 2009.*

Exhibits:

- A. Project Plans
- B. Appellant's letter dated March 23, 2009.
- C. Applicant's response letter, dated April 27, 2009
- D. SHO Resolution & Minutes
- E. SHO Staff Report
- F. ABR Minutes



7/12/08

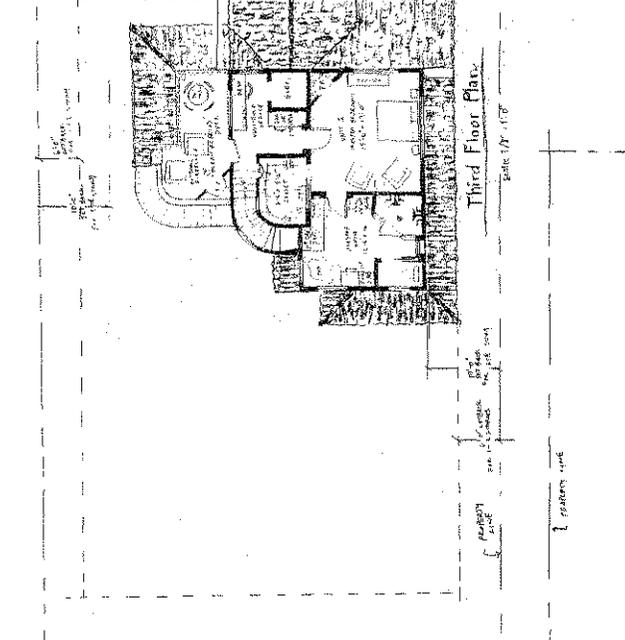
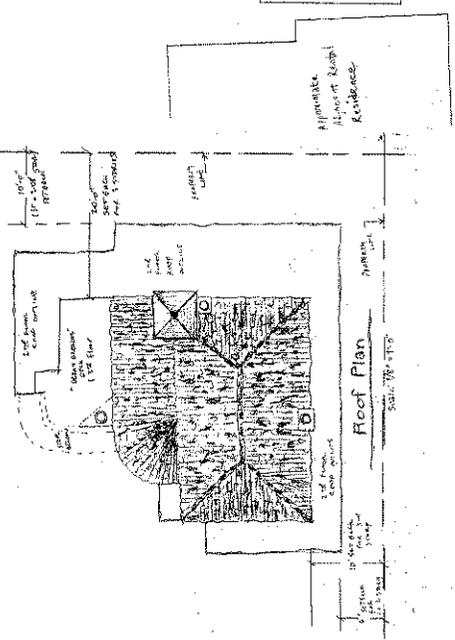
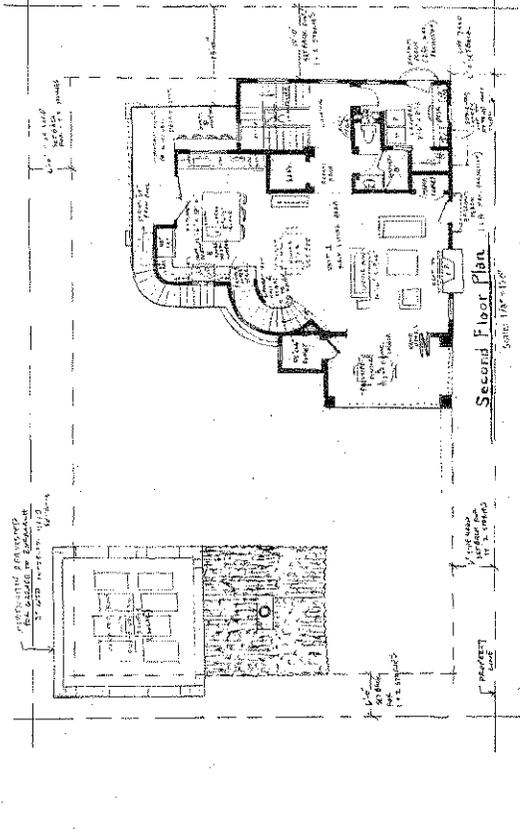
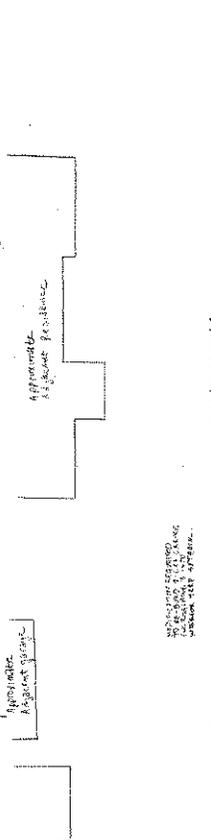
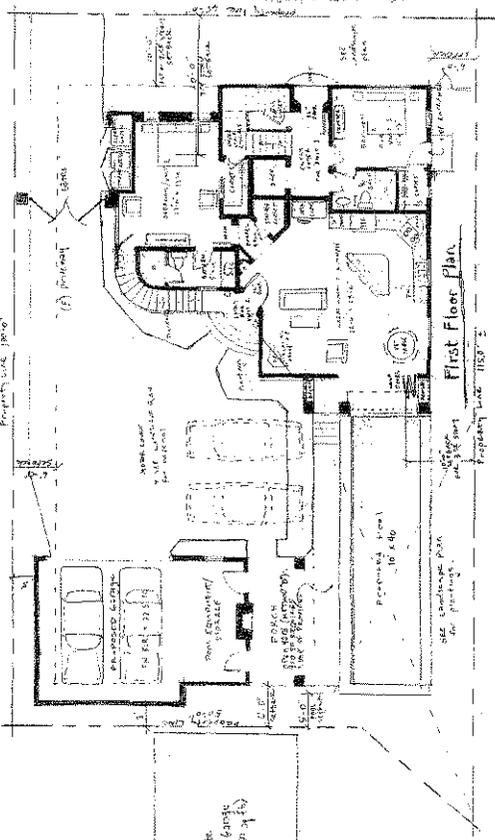
SITE PLAN  
FLOOR PLANS

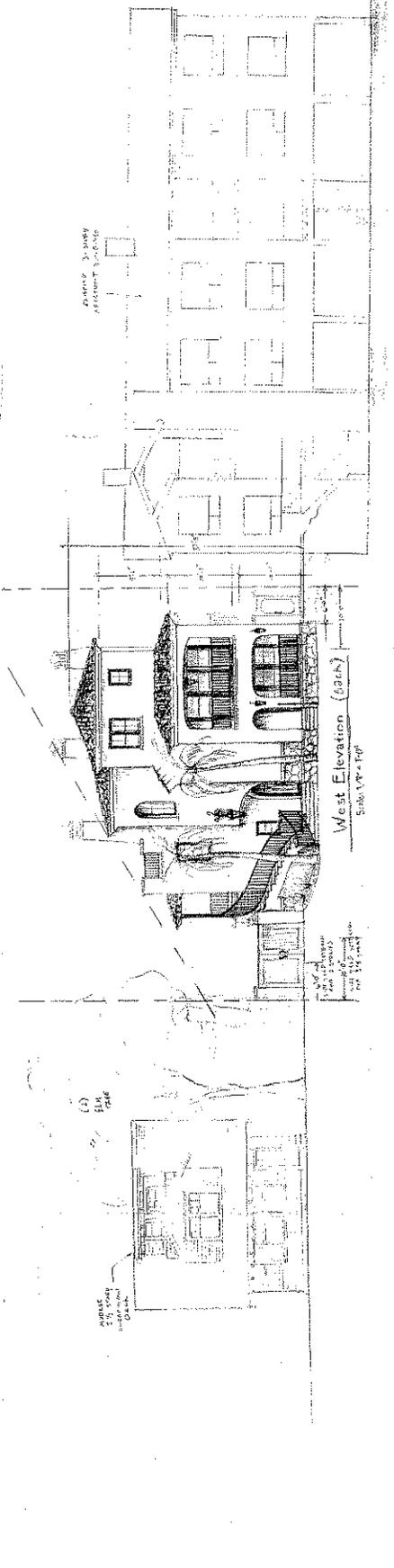
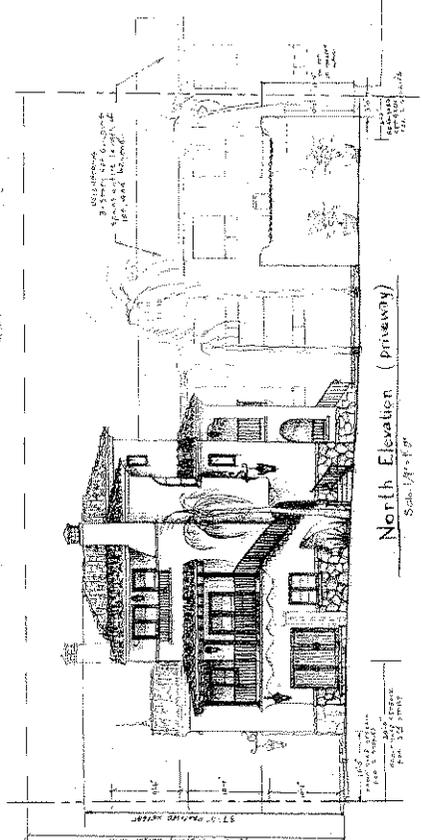
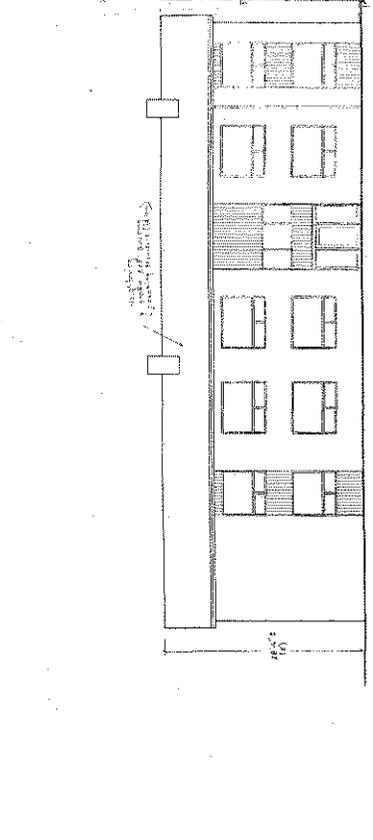
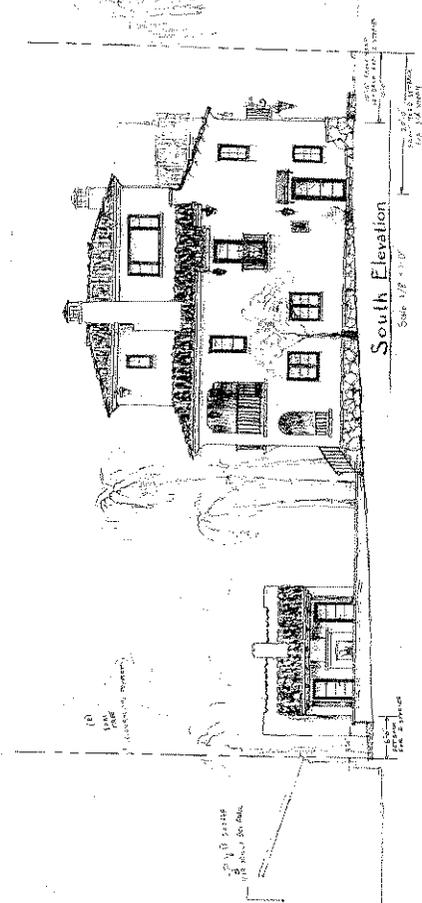
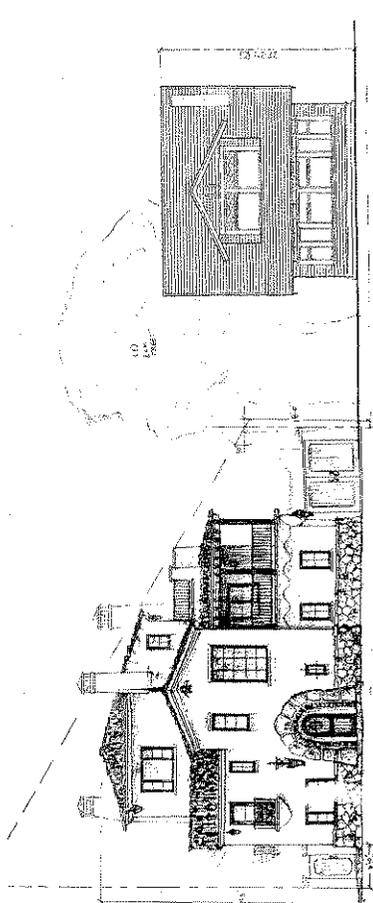
436 Corona Del Mar  
NEW DUPLEX  
Santa Barbara, CA 93103

OWNER:  
Suzanne and Larry Agostino  
3110 10th Ave. NE  
Burkland, WA 98083  
PH: 206.726.2737  
www.kellyrealestate.com

DESIGNER:  
Jeff Bostel / Design by Doublet  
1551 Marston Road  
Santa Barbara, CA 93105  
PH: 805.968.8777  
www.kellyrealestate.com

ARCHITECT:  
Alan Rigg / Rigg & Associates  
725 State Street, Suite 207  
Santa Barbara, CA 93101  
PH: 805.968.2579  
FAX: (805) 968-1273











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ATTORNEY AT LAW

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SANTA BARBARA, CALIFORNIA  
93105-2419

TELEPHONE (805) 682-2972  
FACSIMILE (805) 682-8914  
E-MAIL kahan.jim@gmail.com

March 23, 2009

Planning Commission  
c/o Community Development Department  
630 Garden Street  
Santa Barbara, CA 93101

Re: Notice of Appeal of Staff Hearing Officer Approvals  
Date of Actions: March 11, Resolution No. 021-09  
436 Corona Del Mar

**NOTICE OF APPEAL**

Friends of Outer State Street ("FOOSS") hereby appeals all approvals given by the Staff Hearing Officer on March 11, 2009 for the project at 436 Corona Del Mar. These approvals include, without limitation:

1. A Coastal Development Permit; and
2. A Modification to allow the new garage to encroach into the interior yard setback.
3. The Categorical Exemption by the Environmental Analyst.

The approvals are all contrary to law and not supported by the facts. The "findings" were merely conclusions of law that did not bridge the analytic gap between the facts and the conclusion.

This project does not qualify for a categorical exemption for many reasons. Neither California Environmental Guidelines §15301 (l) or §15303 (b) are applicable

After I have more completely reviewed the recording of the hearing and other relevant documents and information, I will submit a written amplification of this appeal.

I believe that this property is in the Coastal Zone and there is no appeal fee. Out of caution, I have enclosed a check for \$180 for any appeal fee. If there is no appeal fee, please return the check to me.

Respectfully Submitted,

  
James O. Kahan  
Attorney for Friends of Outer State Street

Enclosure (Check - \$180)

EXHIBIT B

RECEIVED  
MAR 23 2009  
CITY OF SANTA BARBARA



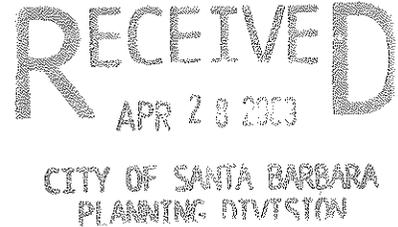


**PUJO & ASSOCIATES**  
ARCHITECTURE AND PLANNING

735 State Street, Suite 207 • Santa Barbara, CA 93101 • (805) 962-3578 • alex@pujo.net  
FAX: (805) 965-1371

April 27, 2009

Chair and Commissioners  
City of Santa Barbara Planning Commission  
Community Development Department  
630 Garden Street,  
Santa Barbara, California 93101



Re: 436 Corona Del Mar, MST2008-00420  
Kahan appeal of Coastal Development Permit approval by SHO

Chair and Commissioners,

On March 11, 2009 Staff Hearing Officer (SHO) Susan Reardon approved our application for a Coastal Development Permit for the construction of a duplex in the non-appealable jurisdiction of the Coastal Zone and a Modification to allow the new garage to encroach 3' into the required interior setback. On March 23<sup>rd</sup> Mr. James Kahan faxed a letter to the Community Development Department appealing this decision on behalf of a group named "Friends of Outer State Street". Mr. Kahan states that these approvals "are not supported by the facts" and that the project's environmental review "does not qualify for a categorical exemption".

We are surprised by this action. Mr. Kahan or "Friends of Outer State Street" did not attend any Architectural Board of Review (ABR) meetings or the SHO hearing, or expressed any concerns, or attempted to contact us (applicants) prior to faxing his cryptic 'notice of appeal'. We have yet to receive the promised "written amplification". This project has no neighborhood opposition that we are aware of. These are the facts:

The property is zoned R-4/SD-3 and it is located on Corona Del Mar near the intersection with Orilla Del Mar, a block from Cabrillo Boulevard, behind the Cabrillo Inn and Marmonte Hotel. The neighboring property to the south is a large apartment building, and the neighbors to the north and west are duplexes. Across the street are several hotels, including Pacific Crest, Motel 6, and Yacht Club.

The property is 6,594 sq. ft. and it contains an old, rundown, single-story residence "not historically significant" (as determined by the City Historian) of 1,326 sq. ft. At the rear corner of the lot there is a building that used to be a garage, but it was altered at some time and reduced in size to 224 sq. ft. We propose to remove both structures.

We propose to construct a 3-story, 3,094 sq. ft. duplex. One of the units will be a one-bedroom with 934 sq. ft.; the second unit will have two bedrooms and 2,156 sq. ft. The required outdoor open yard will be provided in a single, continuous area exceeding the required 15% of the lot (989 sq. ft.). We are also proposing additional open space in the form of covered patios and balconies (583 sq. ft.) and an open deck (166 sq. ft.).

We propose to construct a 2-car garage near the location of the original one. This structure was built almost against the rear and side property lines. We request a modification to build the new garage with a flat roof (plus a parapet to shield solar collectors) encroaching three feet into the interior yard.

Garages in the rear corner of properties were a historic development pattern in this neighborhood and elsewhere in Santa Barbara. Just about every parcel in this block has a garage, or a series of garages, placed at or very near the rear property line. The proposed garage encroachment is much smaller than the existing encroachment and constitutes an efficient and practical means to accommodate parking in limited space. Our proposal also includes two uncovered parking spaces.

Staff prepared a very detailed report that demonstrates conformance with all plans, policies and regulations in detail, and included specific findings drawn from their analysis. The proposed project conforms to the City's Zoning and Building Ordinances, and policies of the General Plan and Local Coastal Plan. The use, size and massing of the project are consistent with the surrounding neighborhood.

The project meets or exceeds all requirements and setbacks, except for the minor garage encroachment mentioned earlier. This encroachment is justified by existing conditions, neighborhood development patterns and a site design supported by ABR as a superior alternative for this site in terms of vehicle circulation, pedestrian character and minimization of paved areas.

This project is the result of several re-designs, environmental studies and input from neighbors and ABR. Reports were prepared, reviewed and accepted by staff regarding Archaeology (Phase I), Hydrology and Noise. An analysis of "Permanent Pollution Prevention Measures" was conducted to determine methods for treating storm water. These studies are the bases for the environmental review performed by staff.

The Staff Hearing Officer approved the project with 35 conditions, to which we have agreed. In closing, we request that you uphold the March 4<sup>th</sup> approval.

Sincerely,

A handwritten signature in black ink that reads "H. Alexander Pujo". The signature is stylized and cursive.

H. Alexander Pujo, Architect

c.: L. Agostino



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 021-09

436 CORONA DEL MAR

MODIFICATION AND

COASTAL DEVELOPMENT PERMIT

MARCH 11, 2009

APPLICATION OF ALEX PUJO, ARCHITECT FOR LARRY AND SUSAN JEAN AGOSTINO, PROPERTY OWNERS, 436 CORONA DEL MAR, APN 017-321-007, R-4/SD-3 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL - HOTEL & RESIDENTIAL (MST2008-00420).

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC § 28.44.009); and
2. A Modification to allow the new garage to encroach into the interior yard setback (SBMC § 28.21.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301(l)(1) Existing Facilities and 15303(b) New Construction.

**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 or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 4, 2009.
2. Site Plans
3. Correspondence expressing concerns of the project:  
Paula Westbury, 650 Miramonte Drive

3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  4. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 11, 2009, is limited to the construction a 3,094 square foot, three-story duplex, a 548 square foot garage a 400 square foot lap pool and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the

2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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.

3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
4. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

3. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
  - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
4. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
  - a. Site grading and transportation of fill materials.
  - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
  - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
  - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
  - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is

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.

G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the

**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.

**ACTUAL TIME: 11:31 A.M.**

**G. APPLICATION OF ALEX PUJO, ARCHITECT FOR LARRY AND SUSAN JEAN AGOSTINO, PROPERTY OWNERS, 436 CORONA DEL MAR, APN 017-321-007, R-4/SD-3 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL – HOTEL & RESIDENTIAL (MST2008-00420).**

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC § 28.44.009); and
2. A Modification to allow the new garage to encroach into the interior yard setback (SBMC § 28.21.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301(1)(1) Existing Facilities and 15303(b) New Construction.

Present: Alex Pujo, Architect; Jeff Doubet, Designer.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

The applicant presented revised elevations and explained that in response comments from the ABR, the building height was reduced 3 feet, and pushed further back on the lot.

Mr. Reardon question whether the pool and open area would be accessible to both units, and requested clarification of the side entry to the lower unit.

Mr. Pujo responded that the pool and open area would be accessible to both units. One unit would have direct access and the second unit will have stair access. Mr. Kato explained that removal of the side entry is not necessary because the room configuration meets the city's policy for internal access.

The Public Hearing was opened at 11:49 a.m.

A letter from Paula Westbury expressing concerns was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Brodison reported that during the Dart process it was requested that a note be placed on the site plan or that the applicant reduce hedge along the driveway to meet hedge height requirements for safety.

**ACTION:** **Assigned Resolution No. 021-09**  
Approved the project making the findings contained in Section VII of the Staff Report dated March 4, 2009.

Said approval is subject to the Conditions of Approval contained in Exhibit A of the Staff Report dated March 4, 2009, as revised at the hearing.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

### **III. ADJOURNMENT**

The meeting was adjourned at 11:57 a.m.

Submitted by,

\_\_\_\_\_  
Gloria Shafer, Staff Hearing Officer Secretary

\_\_\_\_\_  
Date





# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 4, 2009  
**AGENDA DATE:** March 11, 2009  
**PROJECT ADDRESS:** 436 Corona del Mar (MST2008-00420)  
 Case Planner  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *AKD for Danny Kato*  
 Kelly Brodison, Assistant Planner *KAB*

### I. PROJECT DESCRIPTION

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

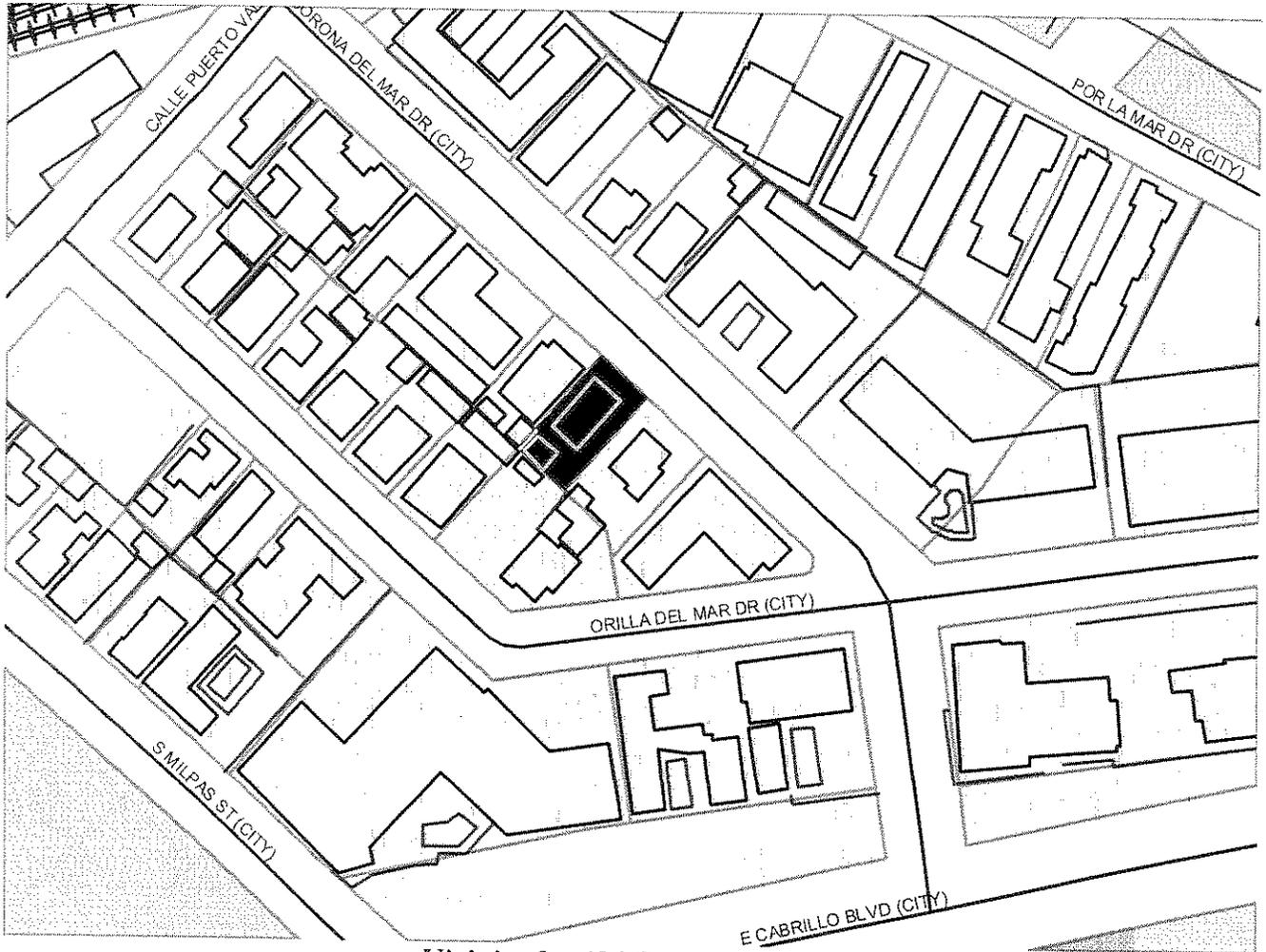
### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC § 28.44.060); and
2. A Modification to allow the new garage to encroach into the required interior setback (SBMC § 28.21.060).

### III. RECOMMENDATION

Upon approval of the required Modification, the proposed project conforms to the City's Zoning and Building Ordinances, and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the Coastal Development Permit, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity for 436 Corona del Mar

**APPLICATION DEEMED COMPLETE:**  
**DATE ACTION REQUIRED:**

January 21, 2009  
April 21, 2009

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Alex Pujo, Architects	Property Owner: Larry & Susan Agostino
Parcel Number: 017-321-007	Lot Area: 6,594 sq. ft.
General Plan: Commerce: Hotel/Residential	Zoning: R-4/SD-3
Existing Use: Single Family Residence	Topography: ~4%
Adjacent Land Uses:	
Northeast - Motel	Southeast - Multi-Family Residential
Southwest - Duplex	Northwest - Single-Family Residential

**B. PROJECT STATISTICS**

	Existing	Proposed (Unit 1)	Proposed (Unit 2)
Living Area	1,326 sq. ft.	2,159 sq. ft.	934sq. ft.
Garage	224 sq. ft.	548 sq. ft.	N/A.
Total	1,550 sq. ft.	2,707 sq. ft.	934 sq. ft.

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	10' (1 & 2 story) 15' (3 story)	~20'	10' (1 & 2 story) 20' (3 story)
-Interior	6' (1 & 2 story) 10 (3 story) 6' (garage or carport)	~10' (house) and 0'(garage)	6' (house) and 3'(garage) <i>modification requested</i>
-Rear	6' (1 story) 10' (2 & 3 story) 3' (garage or carport)	0' (garage)	3' (garage)
Building Height	3 stories or 45'	1 story	3 stories & 37'-5"
Parking	2 covered, 2 uncovered	none	2 covered, 2 uncovered
Open Yard	989 sq. ft.	~3,700 sq. ft.	1,086 sq. ft.

Lot Coverage		<u>Existing</u>		<u>Proposed</u>	
-Building	N/A	1,840 sq. ft.	28%	2,460 sq. ft.	38%
-Paving/Driveway	N/A	990 sq. ft.	15%	1,470 sq. ft.	22%
-Landscaping	N/A	3,764 sq. ft.	57%	2,664 sq. ft.	40%

The proposed project would meet the requirements of the R-4 Zone related to building height, solar access, open yard requirements and parking, with the exception of a modification to allow the proposed garage to encroach 3' into the interior setback.

**A. MODIFICATION**

The project site is currently developed with a single story residence and detached one-car garage. The proposed project involves demolition of the existing structures and the construction of a new three-story 3,094 square foot duplex and 549 square foot detached garage. The project has been designed with the garage at the rear of the lot.

The existing 224 square foot non-conforming garage is built with zero setbacks along the interior and rear setback. The new 548 square foot garage will comply with the required 3' rear setback. The applicant requests a modification for the new garage to encroach 3' into the required 6' interior setback.

Although the new garage is proposed to be located within the required interior setback, Staff supports this request because the new garage will provide a more conforming situation and has a solid wall along the property line, no window openings, and its use is limited to vehicle storage purposes. Additionally, the garage is situated towards the rear of the lot. Staff is in support of the modification as it is necessary to provide an appropriate improvement on the lot.

**VI. ISSUES**

**A. ENVIRONMENTAL REVIEW**

*Archaeological Resources:* Based on the City's Cultural Resource Sensitivity Map, the project site is located within two (2) Archaeological Resources Sensitivity zones: The American Period, (1870-1900) and the Early 20<sup>th</sup> Century (1900-1920). A Phase 1 Archaeological Report was prepared for the property and it was determined that the proposed project is not considered to have the potential to impact unknown, intact significant or important historic or prehistoric cultural remains and therefore, no mitigation measures are required.

*Water Quality:* The proposed project will result in a development of more than 4,000 square feet of hardscape and as such, is defined as a Tier 3 Large Project site by the City of Santa Barbara Storm Water BMP Guidance Manual. The applicant has submitted a Preliminary Hydrology Report and Permanent Pollution Prevention Measures Analysis. The purposes of these reports are to define and analyze the management of storm water rate, volume and quality. The proposed detention basin at the west end of the project site addresses storm water rates and volume. The Pollution Prevention Measures Analysis discusses the proposed methods of storm water treatment to be incorporated into this project development and demonstrates that there is sufficient room onsite for the proposed treatment measures. The

proposed permanent pollution prevention measures are vegetated filter strips, vegetated swale filters, and permeable pavement. This preliminary analysis indicates that the site can be developed as proposed as there is adequate area to treat the storm water runoff generated from the development of the project site as required by the City of Santa Barbara Storm Water BMP Guidance Manual.

*Conclusion:* Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Sections 15301(l)(1) Existing Facilities and 15303(a) New Construction.

#### **B. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit D). On October 6, 2008, the ABR expressed concern with the size, bulk and scale, specifically the third floor street elevation. They also requested that the applicant restudy the site layout, parking design and the amount of perceived hardscape.

The project returned to ABR on November 17, 2008. The Board found the garage placement acceptable in that there were no negative aesthetic impacts. The Board appreciated the changes that were made to the site design, aesthetic style, setbacks and neighborhood continuity were appreciated. The project will return to the Full Board for further refinement subsequent to review by the Staff Hearing Officer.

#### **C. COMPLIANCE WITH THE GENERAL PLAN**

*Land Use Element:* The proposed project is located within the East Beach neighborhood and has a General Plan designation of Commerce: Hotel/Residential. The East Beach neighborhood is bordered on the north by Highway 101, on the south by Cabrillo Boulevard, on the east by the City limits and on the west by Santa Barbara Street. The General Plan calls for a mix of hotel and residential development in this area. To the east of Milpas Street, where this project site is located, the neighborhood has hotel and apartment development adjacent to a substantial number of public facilities such as the Andree Clark Bird Refuge, the Dwight Murphy Field, Cabrillo Ball Park and the adjoining beaches beyond Palm Park. The proposed duplex complies with the General Plan Designation of Commerce: Hotel/Residential.

*Housing Element:* Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. A goal of the Housing Element is to encourage construction of a wide range of housing types to meet the needs of various household types and to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The project would be consistent with the Housing Element as it will contribute one new residential unit, on an R-4 zoned lot, to the City's rental housing stock. The homes are in close proximity to shopping parks, the beach front and Highway 101.

*Noise:* The project site is located in close proximity to Highway 101 and Cabrillo Boulevard. A review of the City's Noise Contour Map indicates that the site is within an area in which the noise level exceeds 60 dBA Ldn (average A-weighted sound level over a 24-hour day). The guideline for exterior noise levels for residential use is 60 dBA Ldn. The guideline for interior noise levels for residential uses is 45dBA Ldn. The applicant provided a Noise Study that concluded the proposed project complies with the exterior and interior noise levels and that no noise mitigation measures are required for this project.

#### **D. COMPLIANCE WITH THE LOCAL COASTAL PLAN**

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. A Coastal Development Permit (CDP) is required for this project because it is located within the Non-Appellable Jurisdiction of the Coastal Zone, and includes an increase of 1 unit on a lot with an existing single family residence. The project is in Component Six of the Local Coastal Plan (LCP), which is located south of U.S. Highway 101 between Punta Gorda and the point where U.S. 101 and Cabrillo Boulevard intersect. The LCP states that the area east of Milpas, where the project site is located, consists of visitor-related uses with single family and multiple family dwellings scattered through this R-4 area, therefore the proposed project is consistent with the area description of Component Six.

##### **1. Visual Resources**

LCP Policy 9.1 and Coastal Act Policy 30251 serve to protect existing views to, from, and along the ocean. The project site is surrounded by one-and two-story single family residences. Even though the proposed structure includes a third story element, public views of the ocean are not blocked due to the location of the parcel away from public viewing points. The proposed structure would not be visible from the public beach. Thus, the proposed structure would not significantly impact existing views to and from the ocean, obstruct scenic view corridors, consistent with LCP Policy 9.1

##### **2. Housing/Neighborhood Compatibility.**

LCP Housing Policy 5.3 states, "*new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.*"

The proposal would remain consistent with the multiple family and hotel development in the area. The project has received favorable comments from the Architectural Board of Review and will return for preliminary and final approval pending Planning Commission approval. All required parking would be provided on site and the project would not impact neighborhood circulation. In accordance with applicable LCP policies, the proposed project is compatible in terms of scale, size and design with development in the surrounding neighborhood.

The project is consistent with all of the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines because it is not located on a coastal bluff

and would not affect public access, open space or public recreation areas. Further, the structures would not block existing public views of the ocean, nor be visible from the public beach or public lookouts along the bluff top. Finally the project has been designed to be compatible with the prevailing character of the surrounding neighborhood, which includes a mix of single family homes, two story apartment buildings and hotels.

## **VII. FINDINGS**

The Staff Hearing Officer finds the following:

### **A. MODIFICATION (SBMC §27.07.100)**

The Staff Hearing Officer finds that the 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 location will provide required parking for the project without impacts to the immediate neighbor due to the single story and flat roof design. The existing is non-conforming to setbacks with zero setback from the property line. The new garage setback will provide a more conforming situation by being setback the required 3' from the rear property line and 3' from the interior property.

### **B. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.

*The project is consistent with all of the policies of the Coastal Act, including 30251, which requires new development to be visually compatible with the character of surrounding areas as discussed in Section V.D. of the Staff Report.*

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

*The project is found to be consistent with the policies of the Local Coastal Plan, with regard to land use, neighborhood compatibility and environmental resources and is consistent with all Zoning Ordinance requirements as discussed in Section V and VI of the Staff Report.*

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

*The project would not have an effect on public access or public recreation as described in Section VI of the Staff Report.*

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated December 2, 2008
- D. ABR Minutes





ARCHITECTURAL BOARD OF REVIEW  
CASE SUMMARY

436 CORONA DEL MAR DR

MST2008-00420

R-DUP, 2 UNITS

Page: 1

**Project Description:**

Proposal to demolish an existing 1,362 square foot residence and detached 224 square foot garage and construction of a new three-story, 3,196 square foot, two-unit residential duplex and a 437 square foot, two-car garage, on a 6,594 square foot parcel in the R-4/SD-3 Zones. Unit one is proposed to be 2,247 square feet and unit two at 835 square feet. A total of four parking spaces (two covered and two uncovered) will be provided. The proposal includes photovoltaic panels and a swimming pool. A total of 220 cubic yards of grading is proposed to be balanced on site. Zoning modifications are requested for the new garage to encroach into the interior and rear setbacks. The parcel is located in the non-appealable jurisdiction of the Coastal Zone. The project requires Staff Hearing Officer Review for Zoning modifications and a Coastal Development Permit.

**Activities:**

1/26/2009

*ABR-FYI/Research*

*Applicant qualifies for a partial refund for one mod which will be credited to the zoning plan check fees at time of Building Permit.*

11/17/2008

*ABR-Concept Review (Continued)*

*(Second Concept Review. Comments only; project requires Environmental Assessment and Staff Hearing Officer Review for Zoning modifications and a Coastal Development Permit.)*

*(8:47)*

*Present: Alex Pujo, Pujo & Associates; Charles McClure, Landscape Architect, and Jeff Doubet, Design by Doubet.*

*Public comment opened at 8:58 p.m. As no one wished to speak, public comment was closed.*

*Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board with the following comments:*

- 1) The modification is acceptable and provides no negative aesthetic impacts. The Board appreciates the three foot separation to the property line as opposed to the original proposal on the property lines.*
- 2) The Board appreciates the changes that were made to the design, and aesthetic style, the setbacks, and*

**Activities:**

*continuity with the neighborhood.*

3) *Applicant to return with floor plate heights on the plans.*

4) *The Board suggests that the third-story elevator tower element on the east elevation to be restudied to be either diminished in size and scale, eliminated or integrated into the architecture.*

5) *Restudy the lighting fixture adjacent to the front door and the proximity to the arch opening should be adjusted.*

6) *The Board acknowledges that the landscaping was addressed in the previous meeting motion.*

*Action: Mosel/Blakely, 5/0/0. Motion carried. (Zink/Sherry/Gross absent).*

11/6/2008

***ABR-Resubmittal Received***

*Received 3 sets of plans 5 sheets each.*

10/6/2008

***ABR-Concept Review (New) - PH***

*(Comments only; project requires Environmental Assessment and Staff Hearing Officer Review for Zoning modifications and a Coastal Development Permit.)*

*(5:10)*

*Present: Alex Pujo, Pujo & Associates; and Jeff Doubet, Design by Doubet.*

*Public comment opened at 5:24 p.m.*

*Patrick Smyth, generally supported; expressed concerns regarding demolition dust into his swimming pool which is open to the street, street parking, and street sweeping; offered to cooperate with contractor on construction parking.*

*Vince Pettit, opposed, concerned about privacy issues and expressed wish to preserve boarder trees.*

*Public comment closed at 5:30 p.m.*

*Motion: Continued indefinitely to Full Board with the following comments:*

1) *The Board is concerned with granting a modification for a new project of this size, scale and lot size. The Board encourages the applicant to restudy the site layout and design. Some site issues include the parking design and the amount of perceived hardscape.*

2) *The overall architecture is well done and is in keeping with the aesthetics of the neighborhood. However, some Board members have issue with the size, bulk and scale, especially at the third floor street elevation, and encourage the applicant to further study the articulation of elements to include reducing the third story stacked mass and increasing the third story setback at the street elevation.*

3) *Simplify the architecture style, detailing and articulation of the following items: a) The chimneys on the south elevation which appear too large and out of context for the building; b) The double-cantilevered outdoor deck; c) The stairs floor-to-floor; d) The amount of perceived hardscape; and e) The stone panels, and other elements that over-complicate the building.*

4) *The use of Santa Barbara Sandstone is acceptable in both the building façade and hardscape.*

5) *Landscaping: a) Please identify all existing hedges and trees on site; b) Indicate all existing trees and hedges to be saved and those proposed to be removed; c) Mature trees and hedges on the north and south property lines are to be saved; and d) Restudy and further develop the tree canopy.*

*Action: Gross/Mosel, 7/0/0. Motion carried. (Blakely absent).*