



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 3, 2010
PROJECT ADDRESS: 1126 Del Mar Avenue (MST2009-00558)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato Senior Planner
Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a proposal to create a 599 square foot secondary dwelling unit within the existing 1,387 square foot single family residence on a 14,174 square foot lot within the non-appealable jurisdiction of the Coastal Zone.

II. REQUIRED APPLICATIONS

The discretionary application required for this project are is a Coastal Development Permit (CDP2010-00001) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

Pursuant to SBMC §28.44.110, the decision issued by the Staff Hearing Officer does not require a public hearing and is not appealable.

III. RECOMMENDATION

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 project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



1126 Del Mar Avenue

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

January 26, 2010
March 27, 2010

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Amy Taylor, Architect	Property Owner: Maurine Atkins
Parcel Number: 045-221-007	Lot Area: 14,215 sq. ft.
General Plan: Residential 5 units per acre	Zoning: E-3/SD-3
Existing Use: Single Family Residential	Topography: ~10%
Adjacent Land Uses:	
North – Single Family Residential South – Single Family Residential	East - Single Family Residential West - Single Family Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,026 sq. ft.	Convert 599 sq. ft. to a secondary dwelling Unit
Garage	462 sq. ft.	N/C
Total	2,488 sq. ft.	N/C

C. PROPOSED LOT AREA COVERAGE

Building(gross):	2,496 sf	17.5%
Hardscape:	2,806 sf	20%
Landscape:	8,913 sf	62.5%
Total	14,215 sf	100.0%

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20'	>20'	No Change
-Interior	6'	6,	
Building Height	30'	16'	No Change
Parking	2 covered/1 uncovered	2 covered	2 covered/1 uncovered
FAR	4,277 sq. ft. 30%	2,488 sq. ft. 18%	No Change
Open Yard	1,250 sq. ft.	>1,250	>1,250 sq. ft.

The proposed project would meet the requirements of the E-3 Zone, related to building height, solar access, setbacks, open yard requirements and parking.

VI. ISSUES

A. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (existing structures) of the California Environmental Quality Act (CEQA) Guidelines.

B. COMPLIANCE WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN

GENERAL PLAN CONSISTENCY

The proposed project is located in the East Mesa neighborhood, as identified in the Land Use Element of the General Plan, and has a land use designation of Residential, five units per acre. This area is recognized as uniformly developed with small-lot, single-family residences with some multi-family developments in the vicinity of Oceano and Barranca Avenues. The new unit will be contained within the existing residence and will not add to the size or height of the building. Therefore, the addition of a second residential dwelling unit within the existing residence is consistent with the pattern of development in the neighborhood and the addition of the secondary dwelling on the .33-acre lot would not change the density with regard to the General Plan Land Use designation.

The Housing Element encourages the development of secondary dwelling units in an effort to promote a variety of housing opportunities.

LOCAL COASTAL PLAN CONSISTENCY

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. The project is in Component Two of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential and has very limited additional development potential. The major coastal issues identified for Component Two include hazards of seacliff retreat and flooding, maintaining and providing public access, both vertically and laterally along the bluffs, preventing overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal views and open space. The project site is not located on the coastal bluff and was not found to be archaeologically sensitive. Public views will not be affected because there are no public view corridors on the project side of the street and there will be no increase to the size or height of the existing structure. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

Policy 3.3 of the Local Coastal Plan states that new development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development. This project is

consistent with this Policy because it provides one additional off-street parking to accommodate the additional dwelling unit.

Policy 5.3 of the Local Coastal Plan states that 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. This project is consistent with this Policy because no new square footage or size is being added to the building. The new secondary dwelling unit is being constructed within the existing residence.

Policy 5.6 of the LCP states that to the maximum extent feasible, taking into account economic, environmental, social and technological factors, provisions for low-and moderate-income housing in all new residential developments shall be provided. This project is consistent with this policy because the new secondary dwelling unit is modest in size and will be relatively affordable by its design.

Policy 9.1 of the LCP states that existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. The addition of this dwelling unit will be within the existing building and not inhibiting existing views to and from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

VII. FINDINGS

COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

As discussed in Section VI.B. of this Staff Report, this project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the new residence would be compatible with the existing neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site and is not located on a coastal bluff or in an archaeological sensitivity zone.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated November 30, 2009



STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1126 DEL MAR AVENUE

COASTAL DEVELOPMENT PERMIT

MARCH 10, 2010

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **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, prepared by staff, 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 December 10, 2010 is limited to an interior remodel of approximately 599 square feet to create a secondary dwelling unit within the existing 1,846 square foot one-story single family residence with an existing 462 square foot detached garage. 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 Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Design Review Board.
 4. **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 commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit or Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 5. **Secondary Dwelling Unit Restrictions.**

- a. **Sales Prohibition.** The secondary dwelling unit shall not be sold separately from the primary dwelling unit.
 - b. **Size Restriction.** The secondary dwelling unit is restricted to 422 (net) square feet.
 - c. **Owner Occupancy Required.** The approval for the secondary dwelling unit shall be in effect only so long as either the Primary Dwelling Unit or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The approval shall remain valid if disability or infirmity require the institutionalization of the owner.
 - d. **Unit Removal.** The approval and any conditions imposed by said permit shall lapse upon removal of the Secondary Dwelling Unit.
 - e. **Declarations Binding.** The above declarations are binding upon any successors in ownership of the property; any lack of compliance may result in code enforcement actions including, but not limited to fines and may also require that the Property be redesigned and possibly reconstructed in order to eliminate the Secondary Dwelling Unit and reestablish one single-family dwelling unit.
 - f. **Restrictions Recorded.** The above restrictions shall be controlled by means of a recorded affordability covenant secured by a deed of trust and executed by owner and the City to assure compliance over the lifetime of the Secondary Dwelling Unit.
- B. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "*Agreement Assigning Water Extraction Rights.*" Engineering Division Staff will prepare said agreement for the Owner's signature.
 2. **Public Works Permit.** Prior to issuance of Building permit, apply for a Public Works Permit for the "as-built" existing drainage course running through the subject property which is discharging to the public right of way as required by SBMC 14.56. A separate C-1 plan for the private drainage may be required. All plans shall be prepared by a registered civil engineer.

- C. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
- D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **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.
 2. **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.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 3. **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.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

1. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

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.

2. **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.
3. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
4. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
5. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
6. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
7. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

- F. **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. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- G. **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 City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

NOTES

1. Dimensions Are to Face of Stud, Block, or Panel.
2. Approximate Finish S.F. Shown.
3. Note: All S.F. Measurements Are to Face of Stud, Block, or Panel.
4. Provide a Minimum of 2" Clearance Around All Fixtures and Equipment.

architecture
amy taylor

805.680.8731
p.o. box 2510
santa barbara ca 93120
atf@amytaylor.com

Legend

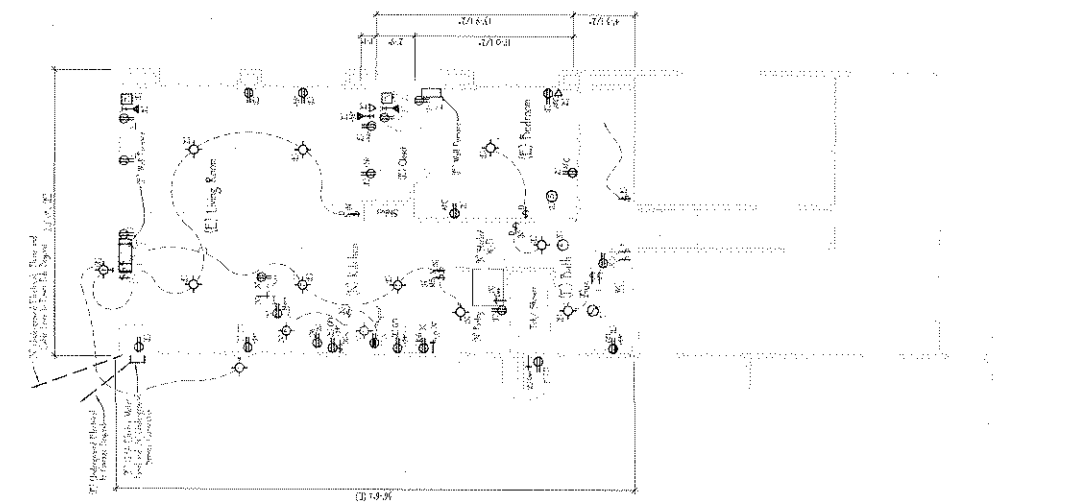
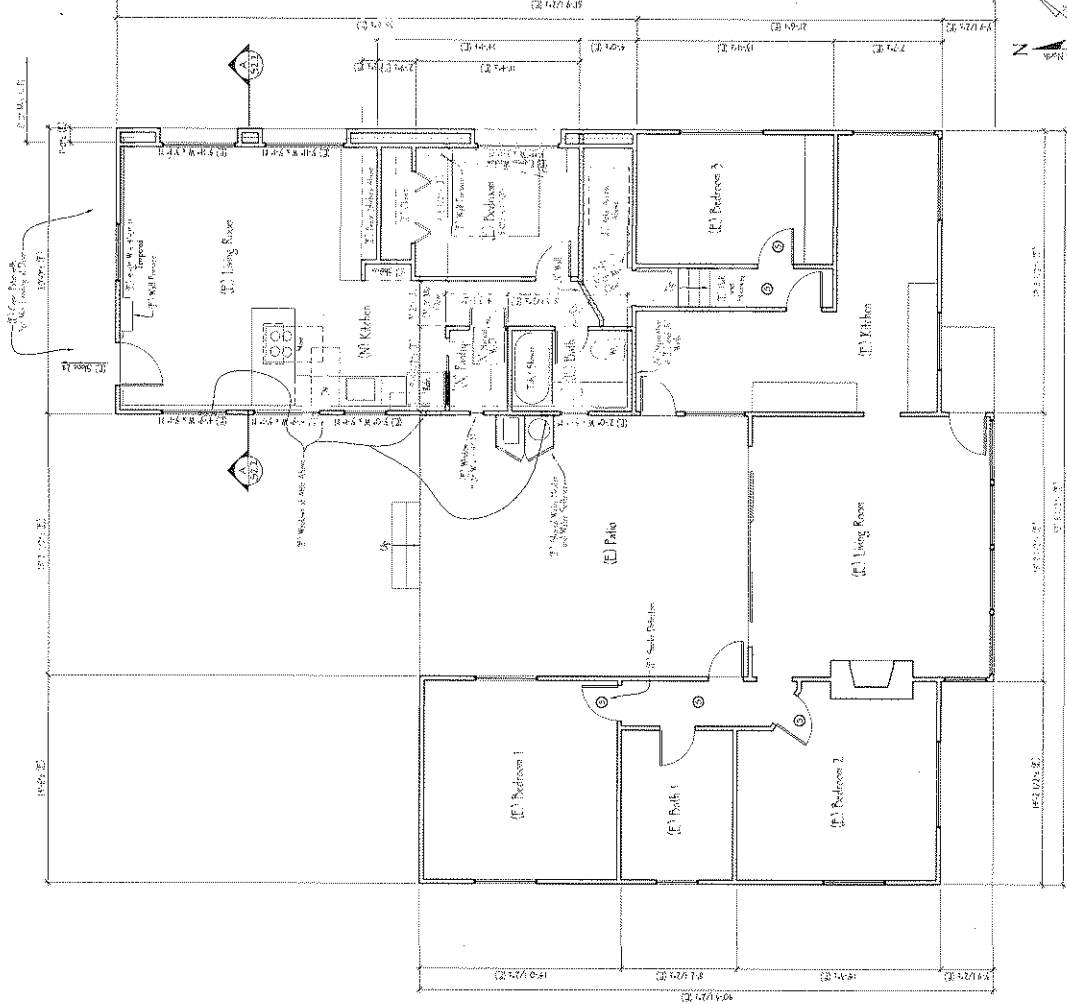
.....	Thin Wall
————	Ex. Wall
⊕	Existing
⊖	New
---	New W.O.A.
---	Thin Stud Wall
---	2x6 Stud Wall
---	2x8 Stud Wall
---	1 1/2" STC
---	Rigid Wall



REVISION FOR	DATE
2004 Application	10/20/04

Atkins
Remodel for
New 2nd Unit for
Atkins Family
1126 Del Mar Avenue
Santa Barbara, CA
805.945.2700

Floor Plan and
Electrical Plan
A2.1



Floor Plan
Scale: 1/8" = 1'-0"

2nd Unit Electrical Plan
Scale: 1/8" = 1'-0"

architecture

amy
taylor

805.680.6791

po box 2370

santa barbara, california 93120

ajt@amyarchitect.com

November 30, 2009

RECEIVED
DEC 10 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

Zoning Staff
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

Re: Request for Coastal Development Permit for Proposed New Second Residential Unit at 1126 Del Mar Avenue, APN 045-221-007; Land Use Zone E-3/SD-3

Dear Zoning Staff:

Thank you for considering our request to create a legal second unit at the above referenced parcel.

There is an existing single story house (1,387 sf net) and detached two-car garage (452 sf net) on the property.

The proposed project is to separate a portion of the existing residence to create a legal, attached second unit (599 sf net) that will be inhabited by a family member, or later will be kept as a low-income rental.

The benefits of the proposal include the following:

1. Two fully functional dwellings will be available to the family;
2. We are using an existing structure, rather than building new;
3. The proposed new kitchen will be located to the interior of the lot, causing little or no smoke or odors at the adjacent properties; and
4. All of the proposed construction will be limited to interior remodel only, since exterior changes have been completed under a prior permit.

Please let me know if you have any questions.

Sincerely,



Amy Taylor

EXHIBIT C

