



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 4, 2012
PROJECT ADDRESS: 2416 Medcliff Road (MST2009-00558)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato Senior Planner
Allison De Busk, Project Planner

I. PROJECT DESCRIPTION

The project involves the creation of a 379 net square foot secondary dwelling unit (SDU) within the existing 2,001 net square foot single family residence on an 8,736 square foot lot within the non-appealable jurisdiction of the Coastal Zone.

The proposal includes an interior remodel of approximately 468 square feet to create the SDU. An existing 402 square foot attached storage area would be converted to a one-car garage and 182 square foot storage area, with 26 square feet converted to habitable space for the primary residence.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00018) 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.

APPLICATION DEEMED COMPLETE: November 30, 2011
DATE ACTION REQUIRED: January 19, 2012



Vicinity Map: 2416 Medcliff Road

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Travis B. Colburn, AIA		
Property Owner:	Jack Greenburg		
Site Information			
Parcel Number:	041-312-009	Lot Area:	8,736 square feet
General Plan:	Residential 5 units/ acre	Zoning:	E-3/SD-3
Existing Use:	Single Family Residential	Topography:	relatively flat (approx. 6% slope)
Adjacent Land Uses			
North – Single-family residential		East - Single-family residential	
South – Medcliff Rd and Single-family residential		West - Single-family residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,001 net sq. ft.	Primary Residence = 1,648 net sq. ft. SDU = 379 net sq. ft.
Garage	N/A	194 net sq. ft.
Accessory Space (attached)	402 net sq. ft.	182 net sq. ft.
Carport	218 net sq. ft.	218 net sq. ft.
Floor Area Ratio (FAR) (including carport)	2,621 net sq. ft. = 78% of Maximum Guideline FAR	2,621 net sq. ft. = 78% of Maximum Guideline FAR

V. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 ft.	20 ft.	Same as existing
-Interior	6 ft.	6 ft.	
Building Height	30 ft.	13 ft.	Same as existing
Parking	2 covered + 1 additional for SDU	2-car carport	2-car carport and 1-car garage (tandem)
Open Yard	1,250 sq. ft.	1,250 sq. ft.	Same as existing
Lot Coverage			
-Building	N/A	2,621 sq. ft. 30%	Same as existing
-Paving/Driveway	N/A	1,927 sq. ft. 22%	
-Landscaping	N/A	4,188 sq. ft. 48%	

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

1. SECONDARY DWELLING UNIT REQUIREMENTS

The City has identified specific standards with which a secondary dwelling unit must comply (SBMC §28.94.030.Z). The project complies with all applicable SDU zoning provisions (such as ownership, occupancy and size limitation), and conditions of approval are proposed to ensure continued compliance with these requirements.

Notice of the proposal was sent to neighboring property owners and residents. The public comment period ends on January 11, 2012.

2. TANDEM PARKING

The project is providing the three spaces required by ordinance; however, two of the spaces are in a tandem configuration.

In 1994, a two-car carport was added to the existing residence and the two-car garage was converted to storage (the original garage doors were never removed). The current proposal involves converting a portion of the storage area back into a one-car garage. This results in a garage stall in a tandem configuration with one of the carport parking stalls.

The Planning Commission considered the tandem parking arrangement at a lunch meeting held on October 6, 2011. The Planning Commission was supportive of the tandem parking arrangement on this site for a secondary dwelling unit. Based on this favorable feedback from the Planning Commission, Transportation Staff is prepared to grant a waiver to allow this configuration should the project be approved.

Further, the design implements some of the goals expressed in Section 7.4.1 of the Circulation Element, which call for incorporating innovative design standards, such as tandem parking, stacked parking, and valet parking in projects.

B. GENERAL PLAN CONSISTENCY

The proposed project is located in the West Mesa neighborhood, as identified in the Land Use Element of the General Plan, and has a land use designation of Low Density Residential (Max 5 du/acre). This area is primarily developed with small-lot, single-family residences. The new unit would be contained within the existing residence and would not add to the size or height of the building. The secondary dwelling unit has been designed such that it would not change the character of the existing neighborhood. Therefore, the addition of a second residential dwelling unit within the existing residence is consistent with the pattern of development in the neighborhood and with the General Plan Land Use Element.

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

C. 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 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 would not be affected because there are no public view corridors on the project side of the street and there would 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 secondary 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 would therefore be more affordable by 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 would be within the footprint of the existing building and would not inhibit existing views to, from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

VI. 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.

VII. FINDINGS

The Planning Commission finds the following:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse affects related to coastal resources, including views and public access, as described in Section V.C 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 because the new residence is compatible with the existing neighborhood, is not visible from the beach, will not impact views from public view corridors, will not impact public access, will not contribute to safety or drainage hazards

on the site and is not located on a coastal bluff or in an archaeological sensitivity zone, as described in Section V.C of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated October 27, 2011

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

2416 MEDCLIFF ROAD
COASTAL DEVELOPMENT PERMIT
JANUARY 4, 2012

- I. 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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Pay Land Development Team Recovery Fee.
 2. Record any required documents (see Recorded Conditions Agreement section).
 3. Permits. Make application and obtain a Building Permit (BLD) for construction of approved development.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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 January 11, 2012 is limited to a a 379 net square foot secondary dwelling unit and 1,648 net square foot primary dwelling unit, and the conversion of 194 net square feet of existing storage space into a garage parking stall in a tandem configuration to create a total of three covered parking stalls on site, 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 continuation of any historic 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 Single Family Design Board (SFDB).
 4. **Secondary Dwelling Unit Restrictions.** The Secondary Dwelling Unit shall remain at all times consistent with the City's Ordinance requirements for a secondary dwelling unit. The restrictions for Secondary Dwelling Units shall be controlled by means of a recorded 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.

5. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **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 prepares said agreement for the Owner's signature.

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Secondary Dwelling Unit Covenant.** Owner shall sign and cause to be recorded against the Property a covenant, in a form approved by the City Attorney and Community Development Director, which identifies the Secondary Dwelling Unit requirements that the Property is subject to.

c. **Garage Door.** Existing garage door shall be removed and replaced with a one-car garage door to serve the new garage.

d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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.

D. **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, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building Permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name and telephone number(s), to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet in a single family zone.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If 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 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

E. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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.

F. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **Litigation Indemnification Agreement.** 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's 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 being notified of a lawsuit regarding 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.

II. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.



LETTER:

October 27, 2011

City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93102

Dear Decision Maker,

The purpose of my letter is to serve as the 'Letter from Applicant' as required by the City of Santa Barbara DART Application Submittal Requirements.

a.) I, on behalf of my client, Jack Greenbaum, am seeking a building permit for a legal secondary dwelling unit and we need a Coastal Development Permit in order to do so.

b.) The following is a detailed description of our project:

We propose to provide a secondary dwelling unit on my client's parcel (APN: 41-312-009) located at 2416 Medcliff Road - Santa Barbara, CA 93109. The parcel is zoned E-3/S-D-3 and its size is approximately 8,736 square feet, or approximately .20 acres. There are three structures on the site: the main residence ($\pm 2,564$ square feet), a storage shed (± 84 square feet) and a carport (483 square feet of roof coverage and 218 square feet between the inside lines of structure). All the uses on site are residential in nature, or accessory to the residential use. None of the structures on site will be demolished for this proposal. All existing structures on site are type V-B per the California Building Code, as well as all new, proposed construction.

There will be no change to any existing trees or vegetation in our proposal.

There is no relevant drainage information. Since we are making no changes to the hardscape, grading or adding roofing, our existing drainage systems, patterns and courses will not change.

The site requirements for parking are as follows. We are required two spaces for the main residence and one additional space for the proposed secondary dwelling unit. Our proposal changes existing storage space to be re-converted to a one-car garage. There is an existing carport that provides two covered spaces. Our proposal provides the parking be allocated to two spaces for the main residence (in a tandem arrangement: one in the one-car garage and the other behind, under the carport). The secondary dwelling unit will be allocated one space under the carport.

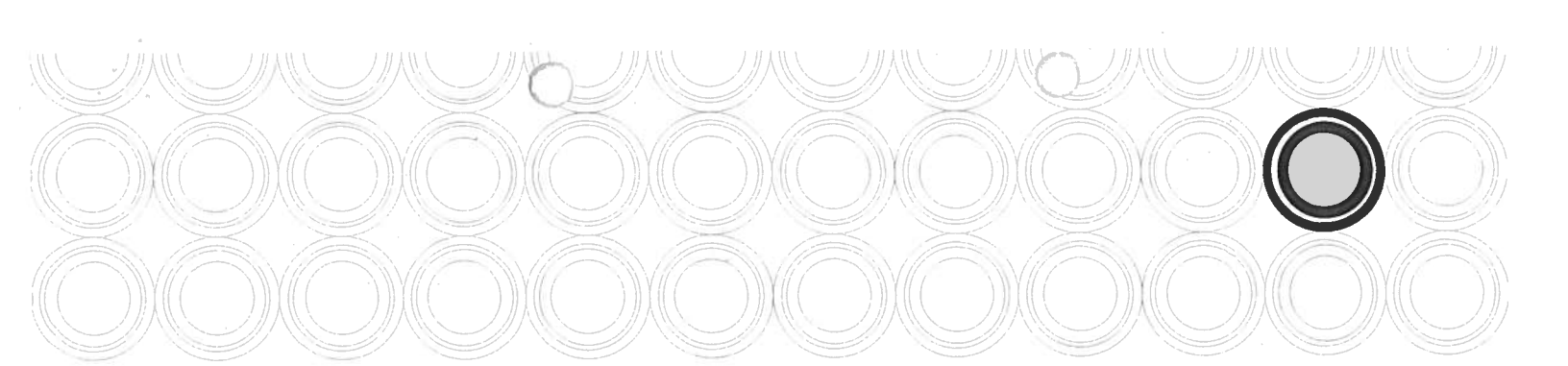
As outlined above, our lot size is approximately 8,736 square feet. We have approximately 5,015 square feet of impervious surfaces, but again, there is no change from the existing.

Our proposal contains no grading.

All surrounding properties are like-zoned: E-3/S-D-3.

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CITY OF SANTA BARBARA
PLANNING DIVISION



Our project does propose to provide exterior lighting per the requirements of the 2010 California Electrical Code §210.70, which states that a lighting outlet is required at exterior grade level doors. This will be motion-activated.

Our project will re-use the existing firebox in the main residence. This will provide the same amount of smoke as prior to our proposal. Our project will also have a fan in the required kitchen of the secondary dwelling unit. We will propose to route the fan's outlet as far from the property line as reasonably possible to mitigate any cooking smells that may result.

Our project will not create any additional noise sources, except for those that are incidental to a residential occupancy.

To the best of my knowledge, no geotechnical studies have been prepared for this parcel. No geotechnical studies have been prepared in conjunction with our proposal.

To the best of my knowledge, no resource or constraint studies have been prepared for this parcel. No resource or constraint studies have been prepared in conjunction with our proposal.

There are no existing or proposed designated recreational trails that traverse the project site. There are no known easements, to me; however, in all likelihood there is a utility easement for the power pole at the NW corner of the property and beneath any wires. Our proposal occurs within the existing perimeter and on the opposite of the subject parcel.

The property is not located adjacent to or near a creek or other water course.

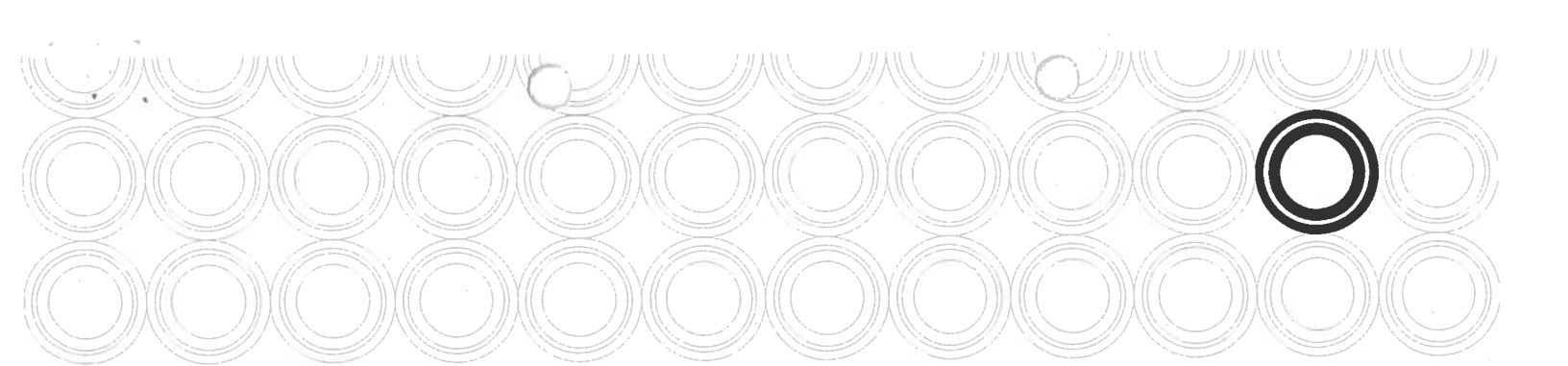
The sewer services are provided by the City of Santa Barbara; there is not a septic system. Water is provided by the City of Santa Barbara.

I would estimate that our project will take about 6-8 weeks to complete. Of those weeks, I would anticipate that about a week will be needed to demolish the relevant interior aspects of our proposal. Since we are not proposing any grading, no time is allocated to that aspect. This is a small project. I imagine it could be undertaken successfully by a small team. I would say that a crew of two people could do all aspects of the demolition and construction, but I would anticipate more at times. No heavy equipment will be required for the construction. Most tools that will be required will essentially be hand tools. We may need to jack-hammer a portion of the garage slab for separating storage and vehicular uses, and a portion of the non-bearing masonry fireplace surround will be saw-cut away. The rest of the construction will need basic hand tools, typical of a wood framing operation. Equipment and staging areas will be located, in all likelihood, in the proposed secondary dwelling unit, the garage/storage area and beneath the two-car carport.

Since our project is not proposing to subdivide, and our project provides for rental-use only, we are not subject to the City of Santa Barbara Municipal Code §28.43 Inclusionary Housing Ordinance.

The following pre-application reviews have taken place within the last six-months:

- Planning Commission lunchtime discussion on October 6, 2011
- Appeal to Public Works on June 6, 2011.



Previous contact with City Staff has been limited to pre-submittal correspondence and over-the-counter discussions relating to our proposal. The project has been submitted for a building permit as instructed by City Staff.

We are justified in seeking our project's approval as Government Code Section 65852.2, State Second Unit Law provides for its justification. We meet all areas of the prescriptive performance requirements established by the City of Santa Barbara for this secondary dwelling unit. My client wishes to create this unit as he wishes to have the additional income and security that it will provide, as well as the benefits to the community at large for the creation of a below-market value rental unit. The impetus for this project is consistent with the intent of the second unit law as outlined by Chapter 1062, Statutes of 2002 (Assembly Bill 1866). This law does not exempt us from the California Coastal Act, however.

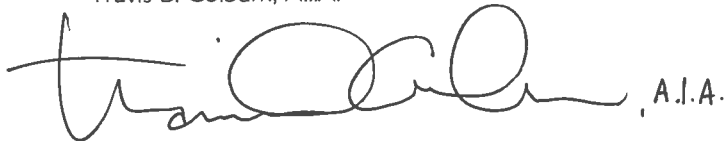
The issues as I see them should stem from the creation of this unit and would be limited to the effect that an additional resident would have in the neighborhood. I do not believe, that since we are not adding impermeable area, or a physical addition to the residence, that there is any adverse impact to the natural coastal resources for existing and future Californians. The outward impacts of this project are limited to parking, but, we are providing all our parking on-site and the additional space is covered and enclosed behind a garage door. There will be no apparent, visible change to the exterior that would indicate a secondary dwelling unit. The door to access the unit and the window are already there – we are merely proposing to relocate them in the same vicinity.

There are no proposed disposal or use of hazardous materials associated with our project. There is no known site contamination from hazardous materials that I know of, as the applicant, or have been disclosed to me by the owner. No oil well is indicated on our lot on the California Department of Oil and Gas' Map 301; the closet well is approximately 300 feet from our site: Robert Bromberg-Receiver "Seeples" 2.

Our proposed site is not on the Hazardous Waste and Substances Site List, aka. "Cortese List" maintained by the Department of Toxic Substances Control.

Respectfully,

Travis B. Colburn, A.I.A.



Travis B. Colburn, A.I.A.