



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 019-16 2215 CARLTON WAY COASTAL DEVELOPMENT PERMIT MARCH 16, 2016

APPLICATION OF AMY VON PROTZ, ARCHITECT FOR CONSTANCE TOWNSEND, PROPERTY OWNER, 2215 CARLTON WAY, APN 041-326-002, E-3/SD-3 SINGLE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE (MST2015-00130)

The project consists of a proposal to convert a 595 square foot accessory space into a secondary dwelling unit within an existing 3,393 square foot residence with an attached 451 square foot, two-car garage and an additional uncovered parking space on a 12,575 square foot lot, located in the non-appealable jurisdiction of the Coastal Zone. The discretionary application required for this project is a Coastal Development Permit for a secondary dwelling unit (SBMC §28.44).

Pursuant to SBMC 28.44.110, when a proposed development only involves the addition of a secondary dwelling unit to an existing single family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least ten (10) calendar days after notice has been provided. The Staff Hearing Officer may receive and consider written comments from the public, but without a public hearing. The decision will be the final action of the City (i.e. not appealable).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan, remain applicable for this project. The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

WHEREAS, the following exhibits were presented for the record:

1. Staff Report with Attachments, March 9, 2016.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Tony and Mary Abbott, Santa Barbara, CA.

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

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

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and CEQA certificate of determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

The 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 secondary dwelling unit would be compatible with the existing neighborhood because it is constructed within the existing residence, 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.

I. Said approval is subject to the following condition Conditions of Approval:

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 March 16, 2016 is limited to an interior remodel of approximately 595 square feet to create a secondary dwelling unit within the existing 3,393 square foot one-story single family residence with an existing 451 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. The living space of the primary residence would be 2,978 square feet.
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 Single Family 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 599 (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 covenant 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.

C. 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. **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.

2. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan (treatment, rate and volume). The applicant shall demonstrate the installation of one or more basic BMP options from Chapter

5 appropriate for the proposed project and demonstrate on the site plan where the BMP will be implemented

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.

- D. **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.

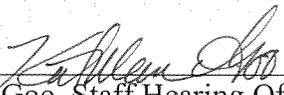
- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party 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.

This motion was passed and adopted on the 16th day of March, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Coastal Development Permit request, 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. **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.
5. **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:** The Staff Hearing Officer's action approving the Coastal Development Permit shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. 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.