



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 7, 2006
AGENDA DATE: September 14, 2006
PROJECT ADDRESS: 295 Santa Monica Way (MST2006-00336)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Kathleen Kennedy, Associate Planner

I. PROJECT DESCRIPTION

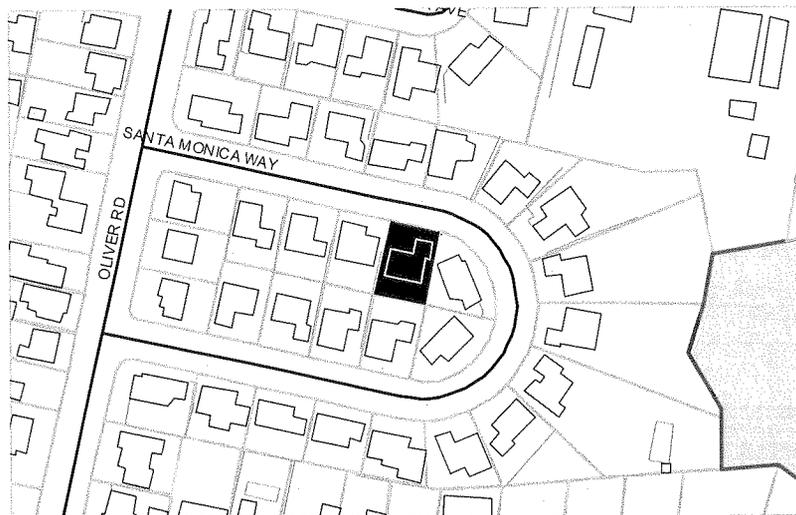
The project consists of a proposal for a new 84 square foot (gross) bathroom addition to an existing 1,373 square foot (gross), one-story, single family residence with an attached two car garage on a 6,049 square foot lot.

II. REQUIRED APPLICATION

The discretionary application required for this project is a Coastal Development Permit to allow development in the Appealable Jurisdiction of the Coastal Zone (SBMC§28.45.009).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan; therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 295 Santa Monica Way

Application Deemed Complete:
Date Action Required:

July 27, 2006
 October 25, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Steve Morando, Designer	Property Owner: Carolyn Nielsen
Parcel Number: 045-092-005	Lot Area: 6,049 square feet
General Plan: Residential, Five Units/Acre	Zoning: E-3/SD-3, One Family Residence and Coastal Overlay
Existing Use: Residential	Topography: Flat, approx. 3%
Adjacent Land Uses: North - Residential South - Residential East - Residential West - Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,296 sq. ft. (net); 1,373 sq. ft. (gross)	1,366 sq. ft. (net); 1,456 sq. ft. (gross)
Garage	400 sq. ft.	400 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 feet	17 feet	17 feet
-Interior	6 feet	6-8 feet	6 feet
-Rear	6 feet	22 feet	22 feet
Building Height	30'	13'-5" max.	13'-5" max.
Parking	2 covered spaces	2 covered spaces	2 covered spaces
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	>1,250 sq. ft.
Lot Coverage: Building	N/A	1,773 sq. ft. (29 %)	1,857 sq. ft. (30%)

The proposed project would meet the requirements of the E-3, One Family Residence Zone. No modifications are requested.

VI. ISSUES

A. DESIGN REVIEW

This project was exempt from review by the Architectural Board of Review (ABR), per the Neighborhood Preservation Ordinance, because the additional square footage being proposed is less than 50% of the total existing square footage on the site as of July 1, 1992.

The proposed small addition is consistent with the architecture of the existing residence.

B. COMPLIANCE WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN

Land Use Element: The project site is located in the West Mesa neighborhood which is bounded on the north by Cliff Drive, on the south by the Pacific Ocean; on the east by Meigs Road to the ocean; and on the west by Arroyo Burro Beach. Most of the West Mesa neighborhood has a density classification of five dwelling units per acre and consists primarily of single-family residences. The proposed project is a minor addition to an existing residence that is compatible with the surrounding neighborhood and the Land Use designation for the site.

Local Coastal Plan: 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 development potential. The major coastal issues identified for Component Two include protection of the riparian habitat of Arroyo Burro Creek; hazards of seacliff retreat and flooding; maintaining and providing access, both vertically and laterally, along the bluffs; protection of recreational access to Arroyo Burro Beach; protection of archaeological resources; maintenance of existing coastal views and open space; and provision of adequate circulation on Las Positas Road.

The project site is not located adjacent to Arroyo Burro Creek or Las Positas Road, nor is it on a coastal bluff or in an archaeological sensitivity zone. The project would not block coastal views or have an impact on open space areas. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

C. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities, whereby the addition is less than 50 percent of the existing floor area and it does not involve an expansion of the existing use.

VII. FINDINGS

The Planning Commission finds the following:

COASTAL DEVELOPMENT PERMIT (SBMC§28.45.009)

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 residential addition would be compatible with the existing residence and the 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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated May 23, 2006

PLANNING COMMISSION CONDITIONS OF APPROVAL

295 SANTA MONICA WAY
COASTAL DEVELOPMENT PERMIT
SEPTEMBER 14, 2006

In consideration of the project approval granted by the Planning Commission 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 Agreement.** Prior to the issuance of any 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 2. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 14, 2006 is limited to approximately 83.75 square feet (gross) of building area and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- B. **Prior to Building Permit Issuance.** The following shall be finalized prior to the issuance of any Building permit:
- 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. Said agreement will be prepared by Engineering Division Staff 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. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. 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

EXHIBIT A

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

Repair Damaged Public Improvements. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

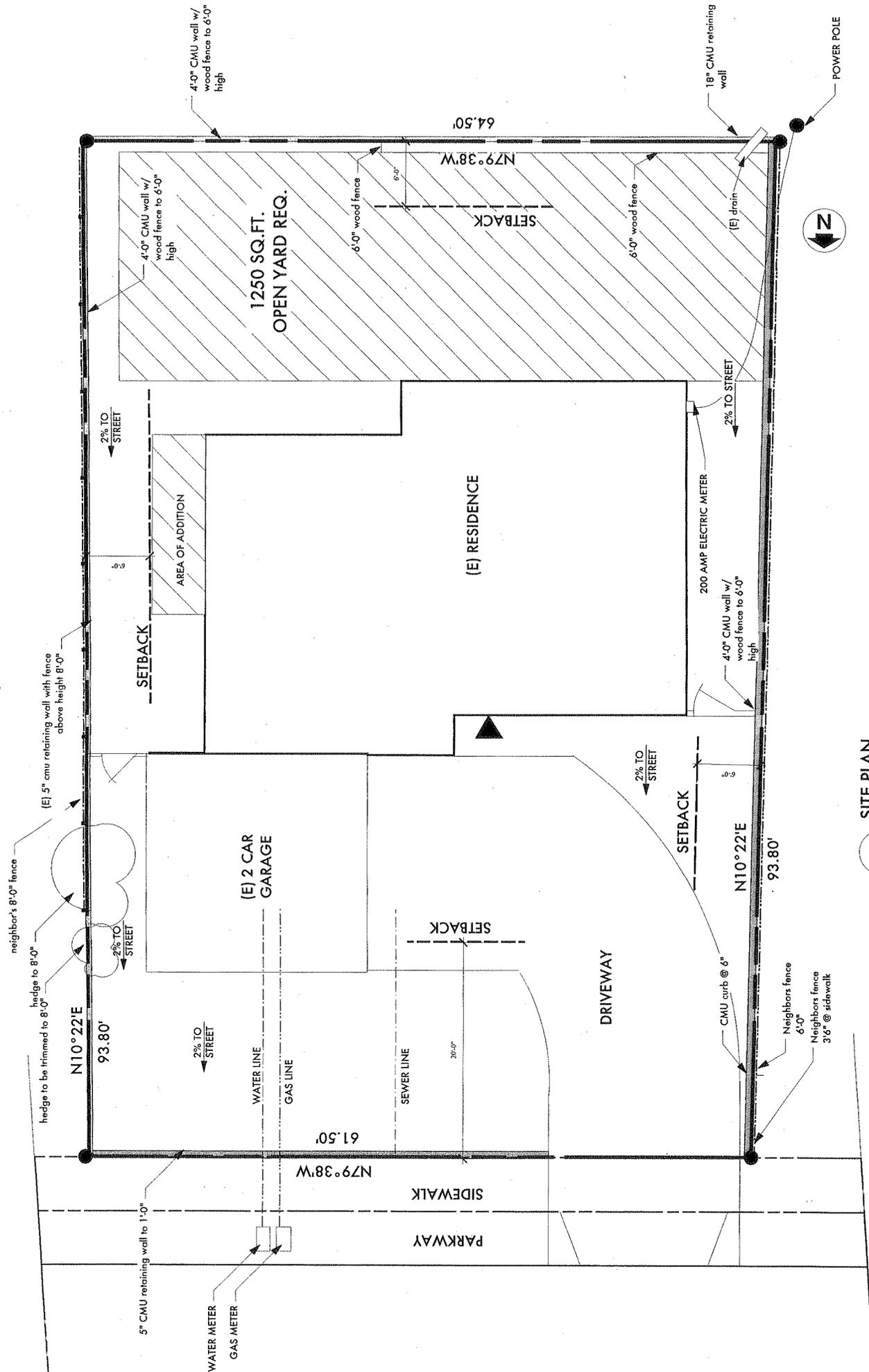
- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party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

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.



1250 SQ.FT.
OPEN YARD REQ.

(E) RESIDENCE

(E) 2 CAR GARAGE

SETBACK

DRIVEWAY

PARKWAY
SIDEWALK

SITE PLAN

EXHIBIT B

May 23, 2006

To: City of Santa Barbara Planning Commission

From: Carolyn J. Nielsen
295 Santa Monica Way, Santa Barbara, CA 93109-1947
805-963-5070

RECEIVED

JUN 02 2006

Subject: Planning Commission Submittal Packet

CITY OF SANTA BARBARA
PLANNING DIVISION

2. Letter From Applicant

a. Approval being sought:

I am seeking approval from the Coastal Commission to build a second bathroom to our single story home on the Mesa. The square feet of the home, as built in 1955, was 1661 sq. ft., which includes a two-car garage. In 2001 we added 132 sq. ft to the kitchen/dining room area. The bathroom addition I am seeking now would be approximately 83.75 sq. ft., which would put us at 49 sq. ft. over the 10% ruling.

b. There has been no Pre-application review on this project.

c. N/A No pre-application reviews

d. I spoke with a woman at the City Staff desk at 630 Garden St. regarding our proposed addition, and she informed me that the plan would exceed the 10% Rule, and I would need to go through the Planning commission process, and because of the location I needed the approval of the Coastal Commission.

e. Why we are seeking approval. I am the owner of this property, and my partner and I have lived together in this home since 1983. The home had only one bathroom when we purchased it in 1983. For all these years, having only one bathroom wasn't such a terrible dilemma. However, Now I am 68 years old and have been retired for 8 years. In January this year, I needed major surgery and my partner stayed home with me while I was recuperating. With the two of us together in the home all the time, it became very evident that a second bathroom would be more of a necessity rather than a luxury. My partner is retiring September 1, 2006, which really adds to my interest and urgency of acquiring a second bathroom.

f. Significant issues and problem areas. The only issue I know would be in obtaining the Coastal Commissions' approval to add a small bathroom addition, as shown in the plans. It is proposed for only five feet wide; wide enough for a tub or shower, a sink and a toilet. We can't go wider than the five feet due to the setback ruling.

g. Detailed description of proposed project.

1. Use would be to have a second bathroom because we intend to remain here for our retirement years.

2. The square footage is as described in (a) above.
3. Demolition required for this project, is removal of some stucco and small portions of framing at the gable end of existing house.
4. The property square footage is 6030.75 sq. ft.
5. Removal of significant vegetation is not required.
6. Proposed structure will not impede water flow to the street. The lot has a 3% slope toward the street.
7. No impact on parking and landscaping.
8. No grading is required.
9. Land use zones in each direction, north, south, east, and west is E-3/SD-3.

10.i. The project will have exterior lighting for an exterior door as per code.

10.ii Project would not create smoke or odors.

10.iii No noise source beyond general construction noise.

10.v No soil reports required on this small project.

10.vi No constraint studies required.

10.vii No trails or easements involved.

10.viii No adjacent creek or other water source.

11. Demolition and construction activity.

11.i Demolition as described above in G-3 will take approximately one day.

11.ii No grading is required.

11.iii Duration of work estimated to be a month and a half.

11.iv Number of workers required to be 2-3.

11.v Type of equipment will be general construction tools. i.e. nails, hammers, cement mixer, etc.

12. Pertinent information. As per drawings, there are three bedrooms, kitchen, one bathroom, and living/dining room combination, and an attached garage.

h. Hazardous Materials. The project would not involve use or disposal of hazardous materials.

3. N.A. No previous PRT or DART

4. Plans. - Included in this package - 10 copies, folded to 8 1/2" x 11" (18" x 24" minimum size)

5. Photographs included in this package.

6. Public Notice Requirements. - Tenant mailing labels included in this package as well as the Affidavit signed by me, Carolyn Nielsen.

7. Hydrology calculations. No Hydrology needed for this small project per Public Works at 630 Garden St.,

8. Coastal Review. Coastal Development Permit included in this packet.

9. Preliminary Title Report. Preliminary title report is being processed by American Title Company and should be available by May 31, 2006.

10. Cover Sheet. Planning Commission Submittal Cover Sheet (lilac) is included in package.

11. Fees. Fees will be paid upon request to City Planners office.

12. Processing Information. Case Planner can notify me, Carolyn Nielsen, at home phone number - 963-5070 or cell phone 729-2771, for additional information required. You may also contact my contractor, Wayne Ward - 966-1117 or 886-0028, or my designer, Steve Morando - 698-5791.

