



# City of Santa Barbara California

## PLANNING COMMISSION STAFF MEMO

**AGENDA DATE:** November 8, 2012  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Kelly Brodison, Assistant Planner *KB*  
**SUBJECT:** 1533 Shoreline Drive (MST2012-00046, CDP2012-00002)

### A. BACKGROUND

The above-referenced project was reviewed by the Planning Commission on September 6, 2012. The Planning Commission acknowledged the necessity for the two interior setback modifications and supported the overall program to add a second story. However the Commission did not approve the Coastal Development Permit because they could not make the finding of Neighborhood Compatibility as required by the City's Local Coastal Plan. The Commission felt that the project was not compatible with the neighborhood due to the orientation and massing of the second story.

Concerns raised by the Commission included the excessive size of the attic and bedrooms, placement of windows in relation to privacy of adjacent neighbors, as well as the size, mass and orientation of the second story addition. Direction was given to the applicant to reduce and reconfigure the second story, taking into considering the development pattern of the neighborhood and sensitivity to the ocean and island views from the mesa above. They requested that the applicant study reducing or eliminating the unused attic space and revise window placement to address privacy issues to the maximum extent feasible. The Commission requested the applicant to redesign the project and return to the SFDB.

### B. REVISED PROJECT

In response to the Commission's comments, the applicant lowered the second floor plate height, eliminated the cupola, reduced roof pitch and reduced the second story addition by 283 square feet. The attic space was eliminated by eliminating the first floor cathedral ceiling. In order to address privacy concerns the applicant eliminated two uncovered balconies on the second floor facing the ocean, instead proposing a single shared covered balcony toward the center of the house; and the second story windows were reconfigured to maximize the privacy of the westerly neighbors. The original proposal consisted of a proposal for a 1,229 square foot second story addition which was 85% of the maximum guideline FAR. This revised proposal will result in a 3,457 square foot two story home which is 79% of the maximum guideline FAR.

## **C. RECOMMENDATION/FINDINGS**

The applicant has responded to the Planning Commissions by redesigning the second floor addition. The revised project is sensitive to the neighborhood views while addressing the privacy concerns of the surrounding neighbors. Therefore, Staff recommends that the Planning Commission approve the modification and approve the Coastal Development Permit, making the findings as outlined below, and subject to the Conditions of Approval in Exhibit A of the September 6<sup>th</sup> Staff Report.

### **I. FINDINGS**

Staff recommends that the Planning Commission make the following findings:

#### **A. INTERIOR SETBACK MODIFICATIONS**

The proposed additions are conforming to the required setbacks in the E-3 Zone and the existing house is legally non-conforming to the interior setbacks. The interior yard encroachments are existing and the additions will not exacerbate the existing legally non conforming configuration of the structure. The additions are appropriate and consistent with the purposes and intent of the ordinance and necessary to secure an appropriate improvement on the lot, as discussed in Section VI of the Staff Report dated August 30, 2012 and Section B of this Memorandum dated November 8, 2012.

#### **B. 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 VI.C of the Staff Report dated August 30, 2012 and Section B of this Memorandum dated November 8, 2012.
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 additions are compatible with the existing neighborhood, are 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, is not in an archaeological sensitivity zone and will not disturb the coastal bluff or, as described in Section VI.C of the Staff Report dated August 30, 2012 and Section B of this Memorandum dated November 8, 2012.

Exhibits:

- A. Conditions of Approval
- B. Revised Site Plan and Elevations
- C. Applicant's letter dated October 11, 2012
- D. September 6, 2012 Staff Report without attachments

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

1533 SHORELINE DRIVE  
COASTAL DEVELOPMENT PERMIT, MODIFICATIONS  
NOVEMBER 15, 2012

I. 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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition F "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. [always include] Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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 Planning Commission on October 15, 2012, is limited to a 946 square foot second story addition and a 92 square foot first story addition to an existing 2,074 square foot residence with a 345 square foot attached two-car garage 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.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic 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. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, 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 in a functioning state. 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and 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.
6. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
7. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's

approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
  2. **Reduction of Future Water Use.** Identify native and drought tolerant plants as landscaping in place of the existing lawn area in the back yard. Calculate the water use for these native and drought tolerant plants and use this as a baseline for irrigation needs. The proposed landscaping shall maintain or reduce this baseline level in the backyard.
  3. **Geology.** The project shall comply with the Geologic Investigation prepared by Adam Simmons dated January 25, 2012, and the addendum dated January 25, 2012 and October 12, 2011.
  4. The pavers proposed to replace the gravel driveway should be designed to be permeable to avoid increasing impermeable hardscape onsite, 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.
  5. The existing circular tiled patio, shall be removed from the top of bluff.
  6. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
- D. **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.

- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit worksheets from the Storm Water BMP Guidance Manual for Post Construction demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

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. **Lot Tie Agreement.** The Owner shall record a Covenant and Agreement To Hold Real Property as a Single Parcel. The document shall be reviewed as to form and content by the City Attorney and the Community Development Director and recorded in the Office of the County Recorder.

E. **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. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section B above.
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. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Conditions on Plans/Signatures.** The final Planning Commission 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.

F. **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, telephone number, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. 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 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
3. [Use for any project that involves tree or brush removal, unless the alternate mitigation measure is triggered, as identified in MND or EIR] **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nets(s).
4. **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.

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 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. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

H. **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 Planning Commission.
  - 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.** 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 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.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission 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.

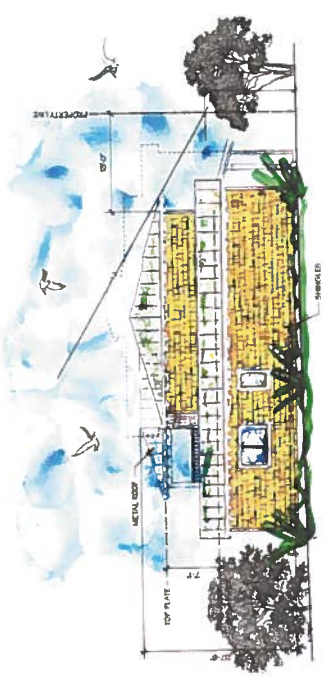








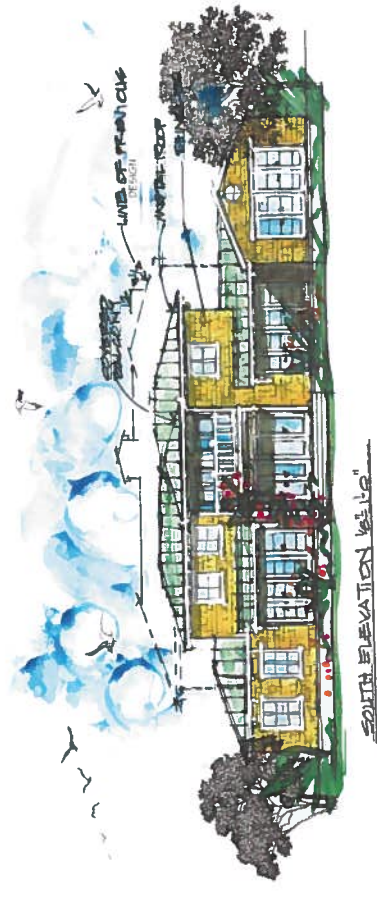
**WEST ELEVATION**  
 SCALE 1/8" = 1'-0"



**EAST ELEVATION**  
 SCALE 1/8" = 1'-0"



**NORTH ELEVATION**  
 SCALE 1/8" = 1'-0"



**SOUTH ELEVATION**  
 SCALE 1/8" = 1'-0"





October 11, 2012

Planning Department  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

**RE:** Coastal Development Permit for:  
1533 Shoreline Drive  
MST#2012-00046  
APN:045-182-014

Planning Commission of Santa Barbara,

We are currently involved with a project located at 1533 Shoreline Drive in which our clients would like to make improvements to their existing residence. We are requesting Planning Commission approval for a Coastal Development Permit in the appealable jurisdiction of the City's Coastal Zone and in the Hillside Design District, for the addition and remodel to an existing single-family residence with an attached 2-car garage.

The last Planning Commission hearing was held September 6, 2012 with comments that the project to be continued to the Single Family Design Board with the direction that the second story mass should be reduced and that I should attempt to preserve the neighbors' privacy to the greatest extent feasible. I went back to Single Family Design Board on October 8, 2012 and presented a redesigned second floor plan. The Board members' had very positive comments and gave insight on the SFDB's previous reviews of the project. They continued the project back to Planning Commission hearing, currently scheduled for November 8, 2012.

This project has been revised to reduce the overall second-story addition by 283 net square feet, reducing the FAR from 85% to 79%. The revised proposal involves the construction of a 946 square foot, second story addition with a 136 square foot covered balcony to an existing 2,419 square foot residence with an attached two-car garage located on a 19,166 square foot lot. Project also includes a 92 square foot, one story addition and interior remodel. The proposed 3,457 square feet, located on a 19,166 square foot lot in the appealable jurisdiction of the Coastal Zone and in the Hillside Design District, is 79% of the guideline floor-to-lot area ratio (FAR).

The second story mass of the previous design was a concern to both Planning Commission members and adjacent neighbors. I redesigned the second floor plan by reducing and moving the easterly and westerly walls six feet while maintaining the centerline of the upper floor to line up with the entrance below. My clients were willing to eliminate the cathedral ceiling in the first floor below to eliminate the unused attic space, which added to the apparent mass, bulk, and scale of the second floor. This reduced the size of the upper floor significantly by 283 net square feet.

After studying the privacy issues as expressed by neighbors, I eliminated the two uncovered balconies on the upper floor, which face the ocean and designed a shared covered balcony. The location of the upper floor covered balcony happens to be located almost to the

**EXHIBIT C**

center of the existing building outline below. The balcony is now 35 feet from the westerly property line and approximately 41 feet from the easterly property line. I also removed the second floor bedroom window facing the west side to further reduce privacy issues. The Bisno's at 1539 Shoreline Drive will now have complete privacy. I took a photo of where the proposed covered balcony would be located, see photo below.



Another neighbor of concern is Mr. Baugus, who lives on 1541 Shoreline Drive and had issues on privacy and potential impacts for loss of private views. I addressed Mr. Baugus' privacy concerns by reducing the size of the northerly upper floor windows. After redesigning the second floor, I relocated a window on the upper floor westerly wall, which happens to be a bathroom window. I met with Mr. Baugus several times to address his privacy concerns as much as I can. I went on the roof and took photos of where the approximate location(s) of the upper floor windows would be and I believe I addressed his privacy concerns. See photos below.



Next, I placed a lower plate height on the second floor to comply with the Solar Access Height Limitations. I eliminated the cupola from the previous design and changed the roof pitch to 3-1/2:12, which gave way to reduce the overall height of the building and further reduce the second floor massing. The revised building height orientation compliments more of the development pattern of the Mesa neighborhood and the fact that it is a hillside lot. The proportion of the second floor addition and the first floor below gives more of a balanced design while complimenting the neighborhood's view angle to the ocean. We feel this design conforms to the characteristics of the neighboring residences along Shoreline Drive. Please do not hesitate to contact me if you have any questions regarding this request.

Sincerely,

James J. Zimmerman, A.I.A.





# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** August 30, 2012  
**AGENDA DATE:** September 6, 2012  
**PROJECT ADDRESS:** 1533 Shoreline Drive (MST2012-00046)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Kelly Brodison, Assistant Planner

### I. PROJECT DESCRIPTION

The project consists of a proposal to construct a 1,229 square foot conforming second story addition to an existing 2,074 square foot residence with a 345 square foot attached two-car garage located on a 19,166 square foot lot in the appealable jurisdiction of the Coastal Zone and in the Hillside Design District. Project also includes a major façade remodel, a 92 square foot, one-story addition and interior remodel.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. Two Modifications to allow a conforming second story addition to the existing legally nonconforming building that will alter the basic, exterior characteristics of the existing building within two of the interior setback on this flag lot (SBMC §28.92.110.A and 28.15.060 and 28.87.030) and;
- B. A Coastal Development Permit (CDP2012-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

**APPLICATION DEEMED COMPLETE:** July 3, 2012  
**DATE ACTION REQUIRED:** September 1, 2012 (one month extension granted)

### III. RECOMMENDATION

If approved as proposed, the project would conform 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 Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



1533 Shoreline Drive – Vicinity Map

**IV. BACKGROUND**

The existing house on this lot was constructed in 1957 and was constructed within the setbacks on both sides. Also, the subject lot is separated from the street frontage on Shoreline Drive by a vacant lot of approximately 100' in depth, therefore, there is no front setback requirement for the subject lot. The vacant lot was created by a lot split in 1962. Subsequently, in 1987 a modification was approved, which allowed an addition to encroach one foot into the six foot interior setback. In 1999 a remodel was approved, and in 2000 a permit was issued to convert the carport to a garage. The end result is an existing house that is legally non-conforming to the interior setback on two sides of the property. The applicant owns the adjacent vacant lot fronting on Shoreline Drive which acts as a front yard between the existing house and the street.

When the lot split occurred in 1957, it was configured so that residents and visitors must cross over the adjacent vacant lot in order to access the subject site's garage and front door. Both properties are owned by the applicant and a Lot Tie Agreement will be recorded to both properties, to signify that the two lots are considered one property.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Jim Zimmerman		
<b>Property Owner:</b>	Anina Davenport		
<b>Site Information</b>			
<b>Parcel Number:</b>	045-182-014	<b>Lot Area:</b>	19,166 sq. ft.
<b>General Plan:</b>	Low Density Residential	<b>Zoning:</b>	E-3/SD-3
<b>Existing Use:</b>	Single Family Residential	<b>Topography:</b>	~27%
<b>Adjacent Land Uses</b>			
<b>North</b> – Shoreline Drive		<b>East</b> – Single Family Residential	
<b>South</b> – Pacific Ocean		<b>West</b> – Single Family Residential	

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
<b>Living Area</b>	2,074 sq. ft.	3,395 sq. ft.
<b>Garage</b>	345 sq.ft.	No Change
<b>Floor Area Ratio</b>	2,419 net sq. ft. = 55% of Maximum Guideline FAR	3,740 net sq. ft. = 85% of Maximum Guideline FAR

**VI. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
<b>Setbacks</b>			
-Front	20 feet	N/A	N/A
-Interior	6 feet	5'	*No Change*
-Rear	6 feet	N/A	*No Change*
<b>Building Height</b>	30'	One-Story	22'
<b>Parking</b>	2	2	**No Change
<b>Open Yard</b>	1,250 sq. ft.	>1,250 sq. ft.	No Change
<b>Lot Coverage</b>			
-Building	N/A	2,564 sq. ft. 13.4%	2,665 sq. ft. 13.9%
-Paving/Driveway	N/A	2,178 sq. ft. 11.4%	2,115 sq. ft. 11.0%
-Landscaping	N/A	14,424 sq. ft. 75.2%	14,386sq. ft. 75.1%

\*Modification requested

\*\*Transportation Planning finds that the existing garage will continue to adequately provide two covered parking spaces and therefore supports a parking design waiver.

**MODIFICATIONS**

a. Interior Setback Modifications

The existing residence was constructed in 1957 and is legally non-conforming to the required 6' interior setbacks on the east and west sides of the property. The proposal consists of a 92 square foot first floor addition and a new 1,229 square foot second story addition. The first and second story additions will conform to the required setbacks. The applicant is requesting to keep the existing non-conformancy on the first story because that is how the house was originally built in the 1950s. The Zoning Ordinance allows for conforming additions to non-conforming buildings, provided that the basic, exterior characteristics of the replacement building are not changed (except as allowed in Section 28.87.030 of the Municipal Code). Although the large second story will comply with the required setbacks, the house is going from a one story to a two story building, with a large second story, and therefore the basic exterior characteristics of the building are changing. For these reasons, a modification is required in order to add a second story to the legal nonconforming residence. No changes are proposed to the building footprint within the setbacks, however the property's location on the bluff top inhibits the ability to add on to the first floor.

The new second story complies with the 6' interior setbacks and in fact, is 13' from the west property line, 24' from the east property line and 10'-7" from the northern property line. The sole reason interior setback modifications are required for this second story addition is due to the fact that the existing structure is legally non-



conforming to setbacks on two sides. The windows and balconies are intentionally placed so as to maximize the privacy of the adjacent neighbor's. The project site is located on the ocean bluff, which inhibits the ability to expand toward the south, and the close proximity of the existing house to the east and west property lines prevents adding on to the first floor. Also the project is 85% of the maximum guideline FAR. Therefore, the modification can be supported because it allows an appropriate improvement on a lot.

## **B. GENERAL PLAN CONSISTENCY**

The project site 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 being primarily developed with small-lot, single-family residences with some multi-family developments in the vicinity of Oceano and Barranca Avenues. The project involves a remodel and a second story addition to an existing one-story residence. The newly remodeled two-story home would remain consistent with the pattern of single-family residential development in the area which is a mixture of one and two-story homes. No change in residential density is proposed.

## **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 in archaeologically sensitive zones. Public views will not be affected because there are no public view corridors on the project side of Shoreline Drive. Therefore, the project is consistent with these applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

### Neighborhood Compatibility

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. The project has been reviewed by the Single Family Design Board and has been found to be compatible with the neighborhood.

### Views

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 proposed additions to the

residence would not inhibit existing public views to, from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

#### Seacliff Retreat

The General and Local Coastal Plans strive to eliminate or reduce the hazards created by loading and drainage related issues, which contribute to bluff erosion and undercutting of the slope. The Local Coastal Plan also states that new development should be located outside the 75-year geological setback to protect bluffs from erosion and maintain the natural topography of the bluffs. The 75-year geological setback is determined by an engineering geologist based on an average rate of retreat. A Geologic Investigation was prepared by Adam Simmons, Consulting Geologist on January 25, 2012 and updated on May 24 2012, (Exhibit E). The report determined that the rate of bluff retreat for this property is approximately 3.4 inches per year. The 75 year sea cliff retreat line for this site is approximately 21.3 feet from the current top of bluff and the existing house is approximately 44.7 feet away from this setback line. However the geologist recommends an additional 20 foot structural setback to be added to the calculated 21.3 feet for a total setback of 41.3 feet providing additional buffer area between the future top of bluff and the residence in 75 years. The existing house and proposed addition are located outside the 75-year setback line.

### **VII. ENVIRONMENTAL REVIEW**

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities). Section 15301 allows for additions to existing private structures that do not exceed 10,000 square feet if the project is in an area where all public services and facilities are available (to allow for maximum development permissible in the General Plan) and the area in which the project is located is not environmentally sensitive.

### **VIII. DESIGN REVIEW**

This project was reviewed by the SFDB on February 27, 2012, (meeting minutes are attached as Exhibit D). The SFDB reviewed the proposal and provided positive comments regarding the project's consistency, appearance, and neighborhood compatibility, and found that the requested modifications required were found to be consistent with the Single Family Design Guidelines. The project will return to the Full Board for further review subsequent to the Planning Commission's decision.

### **IX. FINDINGS**

Staff recommends that the Planning Commission make the following findings:

#### **A. INTERIOR SETBACK MODIFICATIONS**

The proposed additions are conforming to the required setbacks in the E-3 Zone and the existing house is legally non-conforming to the interior setbacks. The interior yard encroachments are existing and the additions will not exacerbate the existing legally non conforming configuration of the structure. The additions are appropriate and consistent with the purposes and intent of the ordinance and necessary to secure an appropriate improvement on the lot, as discussed in Section VI of the Staff Report,

**B. 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 VI.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 additions are compatible with the existing neighborhood, are 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, is not in an archaeological sensitivity zone and will not disturb the coastal bluff or, as described in Section VI.C of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated May 24, 2012
- D. SFDB Minutes
- E. Geologic Investigation (January 25, 2012 and May 24, 2012)
- F. Applicable Local Coastal Plan Policies

