



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 16, 2013  
**AGENDA DATE:** January 23, 2013  
**PROJECT ADDRESS:** 1642 & 1654 Calle Cañon (MST2012-00205)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Daniel Gullett, Associate Planner *DPG*

### I. PROJECT DESCRIPTION

The 5.92 acre project site is developed with a 1,191 square foot single-family residence, a 490 square foot single-family residence, and a 440 square foot accessory structure, all to remain. The proposed project includes two new buildings in the vicinity of the existing development: a new 2,734 square foot single-family residence with an attached 568 square foot two-car garage and attached 312 square foot workshop; and a new detached 1,291 square foot, three-car garage with 500 square feet of second-story accessory space. The project also includes one new uncovered parking space; driveway improvements conforming to Fire Department access requirements; and drainage improvements.

The discretionary application required for this project is a Performance Standard Permit for additional dwelling units to provide a total of three single-family residences on the 5.92 acre lot (SBMC §28.93.030).

Date Application Accepted: January 15, 2013

Date Action Required: April 15, 2013

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

### III. BACKGROUND

The subject property is one legal lot comprised of two assessor's parcels. It was included with the property known as 2418 Calle Montilla in a previously-proposed six-lot subdivision application (case number MST99-00606). City Council denied the previous application on May 14, 2009 based on inconsistencies with General Plan policies regarding hillside development, and visual and biological resources. That project included a wider driveway with larger retaining walls that extended through the oak woodland to a new home site on the ridge adjacent to Elings Park and a second driveway to the south extending to an additional ridgeline home site. The 2418 Calle Montilla lot is now under different ownership and not included in this current proposal.

The subject property has a new owner since the subdivision proposal and the currently proposed development is significantly reduced in scope and concentrated in the previously disturbed area of the site.

The property is developed with a 1,191 square foot single-family residence, a 490 square foot guest house, and a 440 square foot detached accessory building.

In 1957, the Planning Commission permitted a kitchen and full bathroom in the guest house, subject to the following condition: "That the building is to be used solely as a guest house in conjunction with the existing main dwelling and under present ownership." This condition would be removed with approval of the requested Performance Standard Permit with the staff-recommended conditions.

The detached accessory building was also permitted in 1957 to be used in conjunction with the guest house as a living room, bathroom and storage area. A kitchen was added to this accessory structure by a previous owner without the benefit of a permit, and would be removed with the project. Staff recommends that a Zoning Compliance Declaration be recorded as a condition of approval to provide a notice to the current and future property owners that this accessory building may not be used as a separate dwelling.

A 960 square foot, four car garage was permitted on the site in 1952. This garage was destroyed in a fire and not replaced. It provided the required parking for the two existing permitted residences on site. The proposed project includes replacement parking for the existing units.

#### IV. SITE INFORMATION

Architect:	Garcia Architects	Property Owner:	Charles Mugler
Parcel Numbers:	041-140-008 & -009	Lot Area:	258,037 square feet
General Plan:	Low Density Residential	Zoning:	A-2 (One Family Residential)
Existing Use:	Single-Family Residential	Topography:	29.7 % avg. slope

#### Adjacent Land Uses:

North – Single Family Residential	East - Single Family Residential
South – Single Family Residential	West – Elings Park

#### V. DISCUSSION

##### *Compliance with City Regulations*

Santa Barbara Municipal Code Subsection 28.93.030.E allows for additional dwelling units on lots zoned for one dwelling, with a Performance Standard Permit, if the minimum lot area required by the zone is provided for each unit, adequate ingress and egress is provided, and all other applicable ordinances that affect the location of the residences are followed.

The subject property is zoned A-2 which requires a minimum base lot area of 25,000 square feet. However, since the average slope of the property is between 20 and 30%, 50,000 square feet is required per single family dwelling and its accessory buildings, for a total of 150,000 square feet for three units. The 258,037 square foot site provides more than the necessary lot area for the project. Improvements are proposed to the existing driveway to provide ingress/egress to each dwelling and a Fire Department standard hammerhead turnaround area. Those improvements include widening the existing driveway to 14-16 feet and providing a less than 3.5 foot tall retaining wall along the back side of the driveway entrance. City Fire Department staff visited the site, provided guidance to the applicant, reviewed the plans, and concluded that the proposed driveway configuration would provide adequate ingress and egress to Fire Department standards. Transportation Planning staff also reviewed the driveway and the proposed parking and concluded that the proposal would conform to the City's Parking Design Standards for ingress/egress.

Two garages with five covered parking spaces and one uncovered parking space would provide the required six parking spaces for the development. Because the proposal would result in less than 85% of the maximum guideline floor area for the lot, one uncovered parking space may be provided for each unit provided that the uncovered parking is not located in the front yard and new pavement be permeable if it has the appropriate slope.

All of the proposed buildings would conform to all other Zoning Ordinance requirements that affect building location, including minimum setbacks, minimum distances between buildings, open yard, and solar access, and accessory building provisions.

### *Environmental Review*

The project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, which allows for up to three single family residences on a lot in a residential zone.

The property includes oak woodland and individual coast live oak trees in addition to orchard trees and ornamental tree species. The proposed project would result in removal of an elm and a yucca cluster near the existing development for Fire Department clearance and, although oak tree removals are not anticipated, the project includes measures for oak tree preservation, protection and replacement in addition to a limitation on the timing of construction and demolition to protect nesting birds. These measures were recommended to the applicant by biologist Katherine Rindlaub, who also reviewed the previous development proposal for the site. While these provisions are included on the cover sheet of the project plans as part of the project scope of work, staff recommends that these measures also be documented as conditions of approval for ease of reference in the future. The project is anticipated to result in less than significant biological impacts.

The project was reviewed by Ronald Guthier, a registered geologist, who identified that the proposed development is in a previously disturbed area and would not significantly disturb or modify existing topography. Mr. Guthier concluded that the site is geologically and geotechnically suitable for the proposed development.

*Design Review*

This project was reviewed by the Single Family Design Board (SFDB) on July 2, 2012, and the SFDB continued the project to the Staff Hearing Officer for consideration of the Performance Standard Permit. The SFDB stated that the project is consistent with the SFDB Design Guidelines and compatible with the neighborhood. The SFDB requested that the applicant study the heights and materials of the driveway entry wall and consider sandstone material and landscaping to soften the wall at the streetscape.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer grants the requested Performance Standard Permit finding that the proposed additional dwelling units comply with all requirements of the Zoning Ordinance and all standards of Santa Barbara Municipal Code Subsection 28.93.030.E, including adequate lot area for three residential units as required in the A-2 Zone, adequate ingress and egress for each dwelling, and conformance with applicable setback, distance between buildings, open yard, solar access, parking and accessory building provisions.

Said approval is subject to the following conditions:

1. These conditions shall supersede the conditions identified in the Planning Commission's approval of the guest house on February 18, 1957.
2. All violations identified in Enforcement Case ENF2011-00413 and Zoning Information Report ZIR2011-00184 shall be abated with the building permit for this project.
3. Prior to issuance of a building permit, a Zoning Compliance Declaration shall be recorded for the property.
4. Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting birds is provided to the satisfaction of the City Environmental Analyst.
5. Any coast live oak that shall need to be removed or impacted shall be protected and replaced according to the following criteria:
  - a. All oak trees with diameter at breast height (dbh) greater than or equal to 6 inches shall be avoided where feasible.
  - b. Modify grading within 3 feet of oak tree trunks to maintain the existing soil level. Use gravity block or other retaining walls where necessary to ensure soil will remain in place to protect roots.
  - c. Any coast live oak with dbh > 6 inches that is removed to accommodate the project shall be replaced at a ratio of 5:1. An exception shall be made for the cluster of 6-inch oaks near the main driveway. Those may be replaced at a ratio of 1:1 because they are barely large enough to trigger replacement and may actually comprise one individual (#75). All

replacement trees shall be grown from coast live oak acorns collected in south coastal Santa Barbara County. Existing small oak saplings (less than 6 ft tall and 4-inches dbh) on the property may be counted as replacement trees if nearby orchard trees that would interfere with the oak's development into a mature tree are removed. Street trees (coast live oaks) installed for the project also may count toward replacements if started from local acorns. Timing: Replacement oaks shall be installed or designated no more than 12 months following the start of construction. Irrigation systems must be functional at the time of planting. Monitoring: Qualified biologist or licensed arborist.

Performance Criteria: Each oak replacement shall be protected and maintained as needed until greater than 6 feet in height, with a basal caliper of at least 2 inches, and in good health. Protection may include installation of bottomless wire cylinders for root protection, and above-ground cages. Maintenance includes weeding, staking, irrigation, etc. Three (3) of each five (5) replacement oaks must continue in good health with a minimum of 6 feet in height and with a minimum basal caliper of 2 inches following two additional years with no maintenance or irrigation. Monitoring: These trees shall be monitored by a qualified biologist each year until the required number reach at least 3 feet in height, and have survived in place for two years without maintenance. An annual status report shall be submitted to the City Environmental Analyst.

- d. If more than 25% of the canopy or root zone of any oak will be cut, the work shall be conducted under the direct supervision of a licensed arborist.
- e. All oak tree roots encountered that are 2 inches or more in diameter shall be cleanly cut using hand tools. Monitoring: A licensed arborist or qualified biologist.
- f. The canopies of several oak trees overhang areas where work is proposed. These trees shall be limbed as needed for equipment access prior to onset of grading. Monitoring: a licensed arborist or qualified biologist.
- g. Oaks significantly affected by the project (more than 25% of the canopy and/or root zone), but not removed, shall be monitored for a minimum of five years following construction. Should any of these oaks die, they shall be replaced as described in (3.c) above. Timing: Within 6 months of the end of construction. Monitoring: By a qualified arborist or biologist, with an annual report to the City Environmental Analyst.
- h. If any oak branches are inadvertently broken during construction, they shall be cleanly cut back to the next node to promote healing. Timing: Within 6 months of the end of construction. Monitoring: By a qualified biologist or arborist, with an annual report to the City Environmental Analyst.
- i. No impervious hardscape shall be installed over more than 25% of the root zone (within the tree canopy) of any oak tree.
- j. All tree trimming shall be conducted under the supervision of a licensed arborist or qualified biologist.

k. All root zone intrusion (grading, trenching, excavation for retaining walls) that pass within 3 feet of any oak canopy shall be monitored by a licensed arborist or qualified biologist.

Exhibits:

- A. Site plan, floor plans, elevations (under separate cover)
- B. Applicant's letter, received September 7, 2012
- C. SFDB Minutes from July 2, 2012

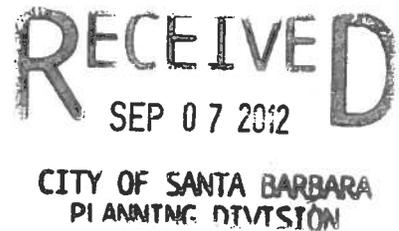
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City of Santa Barbara Planning Department

Planning Department

630 Garden Street

Santa Barbara, California



Subject: Staff Hearing Officer review for a Performance Standard Permit for three single-family residences on one lot.

Proposed development for 1642 Calle Canon – A-2 Zone. The parcel is two separate assessor's parcels recognized as one legal lot, and the modification is for a performance standard permit to add an additional residential unit.

APN 041-140-008

Application Number: MST2012-00205

Owner: Charles Mugler

Architects: Garcia Architects

Proposal to construct a new split level 1,812 square foot residence with an attached 568 square foot garage, a 312 square foot workshop and a 922 square foot basement located on an approximately 5.9 acre lot in the Hillside Design District.

The proposal includes a new detached 1,291 square foot two story two-car garage/barn. Two single-family residences and an accessory structure currently exist on the project site. The proposed total of 4,444 square feet of new construction in addition to the existing 2,121 square feet of the existing residences is 85% of the guideline floor-to-lot-area ratio (FAR).

The project requires Staff Hearing Officer review for a Performance Standard Permit for three single-family residences on one lot. The project will address violations in ENF2012-00027.)

We respectfully request Staff Hearing Officer review and approval for a requested Performance Standard Permit.

The project was reviewed by SINGLE FAMILY DESIGN BOARD MINUTES Monday, July 2, 2012  
Page 5

A letter received in support of the project from Otto and Martha Englemann was acknowledged.

**EXHIBIT B**



## Single Family Design Board Minutes

*July 7, 2012 – Conceptual Review*

### 1642 CALLE CAÑON

Assessor's Parcel Number: 041-140-008  
Application Number: MST2012-00205  
Owner: Charles Mugler  
Architects: Garcia Architects

(Proposal to construct a new split level 1,812 square foot residence with an attached 568 square foot garage, a 312 square foot workshop and a 922 square foot basement located on an approximately 5.9 acre lot in the Hillside Design District. The proposal includes a new detached 1,291 square foot two story two-car garage/barn. Two single-family residences and an accessory structure currently exist on the project site. The proposed total of 4,444 square feet of new construction in addition to the existing 2,121 square feet of the existing residences is 85% of the guideline floor-to-lot-area ratio (FAR). The project requires Staff Hearing Officer review for a Performance Standard Permit for three single-family residences on one lot. The project will address violations in ENF2012-00027.)

**(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for a requested Performance Standard Permit.)**

(4:36)

Present: Gil Garcia, Architect; and Charles Mugler, Owner.

Public comment opened at 4:48 p.m.

A letter received in support of the project from Otto and Martha Englemann was acknowledged.

Public comment closed at 4:49 p.m.

Staff comments: Ms. Bedard reiterated that the parcel is two separate assessor's parcels recognized as one legal lot, and the modification is for a performance standard permit to add an additional residential unit.

**Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:**

- 1) The Board finds that the proposed modification poses no negative aesthetic impacts and is consistent with SFDB Design Guidelines; the project is compatible with the neighborhood; and the quality of architecture and materials are consistent.
- 2) The quality and style of architecture are appreciated.
- 3) Study the heights and materials of the driveway entry wall; consider a sandstone material and landscaping to soften the wall at the streetscape.

SFDB MINUTES

1642 & 1654 CALLE CAÑON (MST2012-00205)

PAGE 2 OF 2

- 4) Provide a landscape plan for the area surrounding and adjacent to the house.
- 5) Provide a color and material board, elevations, lighting fixtures, window details.
- 6) Include in the next resubmittal the plans and details for all proposed improvements for the other structures on site.

Action:

Miller/Woolery, 4/0/0. Motion carried. (James/Pierce/Zimmerman absent).