



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 31, 2019
AGENDA DATE: November 6, 2019
PROJECT ADDRESS: 225 Mohawk Road (PLN2019-00089)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Allison DeBusk, Senior Planner *AWD*
Ellen Kokinda, Planning Analyst *EK*

I. PROJECT DESCRIPTION

The project consists of a proposal to convert an existing, detached, one-car garage to a new Accessory Dwelling Unit and to abate violations identified in enforcement case ENF2018-00902 for an unpermitted garage conversion into an illegal dwelling unit. Alterations to the existing 1,445 square foot single-unit residence are proposed under a separate building permit. The 12,194 square foot lot is located in the Non-Appealable jurisdiction of the Coastal Zone and is zoned E-3/S-D-3 (One-Family Residence/Coastal Overlay zone). A Minor Administrative Exception by the Community Development Director is also requested and will be reviewed with the primary residence building permit for the “as-built” 6-foot high wooden fence within 10 feet of the front lot line.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2019-00002) to allow a detached Accessory Dwelling Unit in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.45.009).

APPLICATION DEEMED COMPLETE: September 24, 2019

DATE ACTION REQUIRED: December 23, 2019

III. RECOMMENDATION

If approved as proposed, the project would conform to the City’s Zoning and Building Ordinances and policies of the Coastal Land Use Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



225 Mohawk Road Vicinity Map

IV. BACKGROUND

Existing development on the site consists of a 1,970 square foot two-story single-family dwelling with a front covered porch, rear uncovered patio, a detached 330 square foot one-car garage, and a detached laundry shed. The site was permitted for a 1,445 square foot one-story dwelling; however, the residence contains “as-built” additions including a second story, an enclosed patio, and a living room addition. A Zoning Information Report (ZIR1995-00289) identified building violations for the “as-built” second story addition and the side porch enclosure without the required permits; however, enforcement was not pursued at that time. Abatement of the violations associated with the primary residence is under a separate permit (BLD2019-06931). A Minor Administrative Exception has also been requested for the 6-foot wooden fence along the front lot line pursuant to SBMC §22.69.020.C.8 and §28.87.170.E. The Minor Administrative Review will be addressed under a separate permit to address the violations associated with the primary residence.

New State requirements regarding local government regulation of Accessory Dwelling Units became effective on January 1, 2017. The Legislature amended Government Code section 65852.2 to modify the requirements that local governments may apply to Accessory Dwelling Units with the intent of removing development barriers. Government Code 65852.2 states that

Accessory Dwelling Unit applications “shall be considered ministerially without discretionary review or a hearing.”

However, 65852.2 does not “supersede or in any way alter or lessen the effect or application of the California Coastal Act...except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.” (Gov. Code, § 65852.2, subdivision. (j))

On April 18, 2017 the California Coastal Commission published a memorandum clarifying how local jurisdictions should apply the new regulations in the Coastal Zone. The memorandum clarifies that although *attached* Accessory Dwelling Unit applications can be exempt from Coastal Development Permits, *detached* units do not qualify for an exemption. Therefore, because the proposed Accessory Dwelling Unit is detached from the main residence, the Staff Hearing Officer is the designated decision-maker on the Coastal Development Permit (SBMC 28.44.110.C), but shall not require a public hearing in accordance with Government Code 65852.2.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brooke VanDuyne, Sherry & Associates		
Property Owner:	Susan Brown Spieler		
Site Information			
Parcel Number:	041-324-015	Lot Area:	12,194 square feet
Local Coastal Plan:	Residential 5 units/acre	Zoning:	E-3/S-D-3
Existing Use:	Single Unit Residential	Topography:	5% slope
Adjacent Land Uses			
North – Single Unit Residential		East – Single Unit Residential	
South – Single Unit Residential		West – Single Unit Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Primary Dwelling	1,445 square feet	1,603 square feet
Accessory Dwelling	N/A	330 square feet
Garage	330 square feet	N/A

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 feet	25 feet	No change
-Interior			
(Garage North)	6 feet	1 foot	No Change
(Garage West)	6 feet	8 feet, 8 inches	No Change
Height (accessory)	30 feet	14 feet, 2 inches	No Change
Parking	Primary Unit = 1 space ADU = 0 spaces	Primary Unit = 1 space in garage ADU = N/A	Primary Unit = 1 uncovered space ADU = 0 spaces
Open Yard	1,250 square feet	> 1,250 square feet	> 1,250 square feet

ACCESSORY DWELLING UNIT STANDARDS

Accessory Dwelling Units are allowed in single family and multi-family residential zones provided they meet the requirements in Government Code 65852.2 and comply with applicable local zoning requirements. The proposed detached Accessory Dwelling Unit would be created by converting the existing detached one-car garage. The unit does not exceed 1,200 square feet and complies with building height, open yard, and solar access requirements, as identified in the table above. The existing garage is nonconforming to the northerly interior setback; however, since the project is to convert an existing nonconforming accessory building and no alterations are proposed to the wall in the interior setback, no setback modification is required. In addition, the Accessory Dwelling Unit is compatible with the existing residence as the gabled roof, stucco wall finish, and roofing are proposed to match the existing residence. Parking for the Accessory Dwelling Unit is not required because it is located within one quarter mile of public transit. Replacement parking for the primary residence is being provided with the proposed one uncovered parking space located in the existing driveway.

B. LOCAL COASTAL PLAN CONSISTENCY

1. COASTAL DEVELOPMENT PERMIT

Per the California Coastal Commission memorandum dated April 18, 2017, the detached Accessory Dwelling Unit requires a Coastal Development Permit and therefore, must be found consistent with the City’s Coastal Land Use Plan (LUP), which implements the California Coastal Act.

2. COASTAL ACT CONSISTENCY

Applicable Policies

- a. Coastal Act Section 30253 (Minimization of adverse impacts): *New development shall do all of the following: (a) Minimize risks to life and property in areas of high*

geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The project site is not located along any bluffs or cliffs, and does not require construction of any protective device that would impact existing landforms. Since this project is a garage conversion, the Accessory Dwelling Unit's footprint will remain the same as existing development. Therefore, it is not anticipated that the project will contribute to geologic stability or destruction of the site because the area has withstood existing development of similar size and scale.

- b. Coastal Act Section 30250 (Location; existing developed area): *New residential, commercial, or industrial development, except provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources...*

The project is consistent with this development policy because the project site is located in an existing residential neighborhood in proximity to public transportation as well as existing developments such as a grocery store, pharmacy, restaurants and other existing commercial developments that provide adequate services for daily needs. Further, the project site is located towards the northerly border of the coastal zone, and does not pose significant adverse impacts to coastal resources.

3. LOCAL COASTAL PLAN CONSISTENCY

The project is in the Mesa Component Area of the LUP, which is located between Arroyo Burro Beach and the westerly boundary of Santa Barbara City College. The LUP 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 the Mesa Component Area include public scenic views, beach and coastal bluff erosion and wave impacts.

The project site is not located on the coastal bluff and was not found to be archaeologically sensitive. Public views would not be affected as none exist across the site, and there would be no increase to the size or height of the existing structure.

Applicable Policies

- a. Policy 2.1-17 Land Use Categories and Map Designations. *The land use categories and designations in Tables 2.1-1 through 2.1-5 establish the type, density, and intensity of land uses within the City's Coastal Zone. Figure 2.1-1 Local Coastal Program Land Use Map depicts the land use designation for each property and is intended to provide a graphic representation of policies relating to the location, type, density, and intensity of all land uses in the Coastal Zone. Allowable densities are stated as maximums but may be increased pursuant to an approved Coastal Development Permit that includes density bonus, inclusionary housing, or a lot area modification for affordable housing. However, compliance with the other policies of the Coastal LUP may limit the maximum allowable*

density of development. Accessory dwelling units are considered accessory uses and are not included as “units” when calculating allowable density.

The project site is designated Residential, 5 dwelling units per acre. Per the policy, the addition of the proposed Accessory Dwelling Unit does not change the residential density of the subject property.

- b. Policy 4.3-7 Compatible Development. *Development shall be sited and designed to be visually compatible with the character of surrounding areas and where appropriate, protect the unique characteristics of areas that are popular visitor destination points for recreational uses.*

The existing development is visually compatible with the character of the surrounding area. The project would convert the existing one-story garage to an Accessory Dwelling Unit without increasing its size or height, and therefore, would remain visually compatible with the character of the neighborhood. The creation of the Accessory Dwelling Unit would be within the existing garage building footprint and would not inhibit existing views to, from or along the ocean or any scenic coastal areas.

VII. ENVIRONMENTAL REVIEW

The Master Environmental Assessment identified the site as not within any areas of concern or sensitivity, other than having highly expansive soils, low landslide potential, and moderate erosion potential. Because the project is converting the existing detached garage to an Accessory Dwelling Unit with predominantly interior construction and no ground disturbance, no significant project-specific environmental effects are anticipated.

It should be noted that an abandoned oil well has been determined to exist on or very near this site (API 0408303687). City records include a building permit application dated in May 1929 to erect an oil derrick on site, and a notice that it was plugged and abandoned in 1930. Building & Safety is requiring that the oil well be located and addressed under permit number BLD2019-06931 for work on the primary residence. If it is determined that the oil well location is in proximity to the Accessory Dwelling Unit, it may impact the permitting of the Accessory Dwelling Unit, and require additional development and environmental review. A condition has been added to this project that the Owner shall submit additional information as required to address any issues involving the oil well location and the proposed Accessory Dwelling Unit. If changes to the Accessory Dwelling Unit are required due to the location of the oil well, and those changes are determined to be substantial, the project would follow the City’s typical review process for a substantial conformance determination, which would require Staff Hearing Officer review for conformance with the Coastal Development Permit approval.

The proposed project is within the scope of the Program Environmental Impact Report (EIR) analysis for the General Plan because it would be part of the future development assumed and analyzed by the Program EIR. No project-specific significant environmental impacts would result from the project, and potential minor effects would be addressed with project design and compliance with applicable ordinance provisions, regulations, and standard conditions of approval.

Based on City Staff analysis, 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- Projects Consistent with the General Plan). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project. The staff analysis and CEQA certificate of determination on file supports a required decision-maker finding that the project qualifies for the §15183 CEQA determination.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)

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

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access. The proposed development is located within an existing developed area that is able to accommodate said development and the one parking space to serve the primary residence will be maintained on site, as discussed in Section VI.B of the staff report.
2. The project is consistent with all applicable policies of the City's Coastal Land Use Plan, all implementing guidelines, and all applicable provisions of the Code because the new Accessory Dwelling Unit is compatible with the existing neighborhood, will not impact views from public view corridors, will not impact public access, and is not located on a coastal bluff or in an archaeological sensitivity zone, as discussed in Section VI.B of the staff report.

Exhibits:

- A. Conditions of Approval
- B. Project Plans
- C. Applicant's letter dated February 6, 2019