The project consists of a proposal to demolish an existing detached two-car garage and construct a new, 588 square foot detached two-car garage with a 584 square foot Accessory Dwelling Unit above. Other site improvements include removal of an “as-built” fountain in the interior setback, permitting the “as-built” water softener, and installation of two air conditioning units to serve the primary residence and the proposed Accessory Dwelling Unit. Alterations to the existing 1,569 square foot single-unit residence are proposed under a separate building permit. The 10,890 square foot lot is located in the Non-Appealable jurisdiction of the Coastal Zone. A Parking Design Waiver by the Public Works Director to allow backing out onto the street for a driveway exceeding 75 feet in length that does not provide a turnaround area on site (SBMC §28.90.045.B) is required. A Minor Administrative Exception by the Community Development Director is also requested for the “as-built” 6'-8” high wooden entry gate along the front lot line.

Because the project is located within the Non-Appealable Jurisdiction of the City’s Coastal Zone, and because the proposed new Accessory Dwelling Unit would be detached from the primary dwelling, a Coastal Development Permit is required for the Accessory Dwelling Unit per Coastal Commission Memorandum dated April 18, 2017 (New Accessory Dwelling Unit Legislation).

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2018-00012) to allow a detached Accessory Dwelling Unit in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.070); and
2. A Modification to allow the total net floor area of the garage to exceed 500 square feet (SBMC §28.87.160.D and §28.92.110.A.2).

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

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning).
WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 8, 2019
2. Site Plans

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

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

A. ENVIRONMENTAL REVIEW (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. GARAGE SIZE MODIFICATION (SBMC §28.92.110.B)

The requested modification is not part of the approval of any matter that requires Planning Commission approval. The modification would not significantly affect persons or property owners other than those entitled to notice because the additional square footage requested for the proposed garage is modest and the proposed location meets the required interior setback of the E-3 Zone. The Modification to allow the net floor area of the garage to exceed 500 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot, as discussed in Section VI.1 of the staff report. The additional garage floor area would accommodate two covered bicycle parking spaces as well as provide screening for the trash and recycling receptacles.

C. 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 two parking spaces 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 Local Coastal 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.
II. Said approval is subject to the following conditions:

A. **Recorded Conditions Agreement.** Prior to zoning clearance and issuance of a building permit for the Accessory Dwelling Unit, 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 Staff Hearing Officer on July 17, 2019 is limited to the construction of a detached 588 square foot two-car garage with a 584 square foot Accessory Dwelling Unit above, as shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

2. **Accessory Dwelling Unit.** The Accessory Dwelling Unit shall not be sold separately from the primary residential unit, and shall be rented for more than 30 consecutive days.

3. **Owner Occupancy Required.** The owner of the lot shall occupy either the primary residential unit or the Accessory Dwelling Unit as his or her primary residence.

4. **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.

5. **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).

B. **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. **Sewer Service.** A videotaped Sewer Lateral Inspection (SLIP) is required prior to the issuance of a Building permit (BLD) for this project. The form and list of qualified contractors are available on the City of Santa Barbara website under Public Works, forms and handouts (www.santabarbaraca.gov). Please submit the sewer CD/flash drive and form to the Public Works Counter (SBMC Section 14.46.040).

   b. **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.

c. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

d. **Parking Design Waiver.** The Owner shall submit an application and receive approval for a Parking Design Waiver to be reviewed by the Public Works Director to allow backing out onto the street for a driveway exceeding 75 feet in length that does not provide a turnaround area on site (SBMC§ 28.90.045.B).

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 A "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows:

c. The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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<tr>
<th>Property Owner</th>
<th>Date</th>
<th>License No.</th>
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<td>Contractor</td>
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C. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy for the Accessory Dwelling Unit, the Owner of the Real Property shall complete the following:

1. Abatement of all building and zoning enforcement violations identified in ZIR2018-00245 and ENF2018-00419 is required. Final approval of BLD2018-
02309 shall be granted (Certificate of Occupancy) by the Building and Safety Inspector for violations associated with the primary residence prior to Occupancy of the Accessory Dwelling Unit.

2. Receive approval for the Minor Administrative Exception by the Community Development Director for the "as-built" 6' -8" high wooden entry gate along the front lot line.

D. 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 Staff Hearing Officer.
   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.

**NOTICE OF MODIFICATION APPROVAL TIME LIMITS:** The Staff Hearing Officer’s action approving the Modification shall terminate two (2) years from the date of the approval, per SBMC §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS: The Staff Hearing Officer’s action approving the Modification shall terminate two (2) years from the date of the approval, per SBMC §28.87.360, 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 for 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.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC §28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 17 day of July, 2019 by the Staff Hearing Officer of the City of Santa Barbara.
I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Mary Ternovskaya, Commission Secretary

Date

PLEASE BE ADVISED:

2. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.

3. If the scope of work exceeds the extent described in the Coastal Development Permit or Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.

4. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.

5. PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

6. NOTICE OF APPROVAL TIME LIMITS: The Staff Hearing Officer’s action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360 unless:

1. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;

2. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
   i. an issuance of a Certificate of Occupancy for the use, or;
   ii. one (1) year from granting the approval.