



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 25, 2020
AGENDA DATE: June 3, 2020
PROJECT ADDRESS: 435 East Valerio Street (PLN2019-00481)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Stephanie Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The 5,909 square-foot site is currently developed with a single family residence and detached two-car garage. The proposed project involves construction of a new Accessory Dwelling Unit atop the existing garage.

The discretionary applications under the jurisdiction of the Staff Hearing Officer required for this project are:

1. Interior Setback Modification to allow the construction of the Accessory Dwelling Unit in line with the existing garage with the northern interior setback (California Government Code §65852.2 and SBMC §30.250.030.b);
2. Interior Setback Modification to allow the access staircase within the western interior setback (California Government Code §65852.2 and SBMC §30.250.030.b); and
3. Open Yard Modification to allow the access staircase to encroach into the required open yard for the primary residence (SBMC §30.140.140 and SBMC §30.250.030.b).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Application Deemed Complete: May 7, 2020

Date Action Required: July 6, 2020

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and condition in Section VI of this report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Anthony Grumbine, AIA, Property Owner: Peter Baay
 and Serena McClintick, AIA
 Parcel Number: 027-123-008 Lot Area: 5,909 sq. ft.
 General Plan: Medium Density Residential Zoning: R-2 (Two-Unit Residential)
 Existing Use: Residential Single Unit Topography: 9%

Adjacent Land Uses:

North – R-2; Residential
 East – R-2; Residential
 South – R-2; Residential
 West – R-2; Residential

B. PROJECT STATISTICS

	Existing	Proposed
Primary Residence	2,530 sq. ft. (net)	No Change
Garage	460 sq. ft. (net)	No Change
Accessory Dwelling Unit	N/A	350 sq. ft. (net)

C. PROPOSED LOT AREA COVERAGE

Building	2,128 sq. ft. (36.0%)
Hardscape	861 sq. ft. (14.6%)
Landscape	2,920 sq. ft. (49.4%)

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Front Setback	20'-0"	20'-0"	20'-0"
Interior Setback (Northern)	3'-0" for existing garage 4'-0"* for proposed ADU	3'-0" (existing garage)	3'-0" (existing garage and proposed ADU***)
Interior Setback (Western)	3'-0" for existing garage 4'-0"* for proposed ADU	6'-0" (existing garage)	6'-0" (existing garage and proposed ADU) 2'-10" (ADU staircase)***

Standard	Requirement/Allowance	Existing	Proposed
Building Height	30'-0"	15'-9" (existing garage)	19'-8" (existing garage with proposed ADU on top)
Parking	Primary Residence: 2 covered spaces ADU: 0*	Primary Residence: 2 covered spaces ADU: N/A	Primary Residence: 2 covered spaces ADU: 0
Open Yard	1,250 square feet	1,150 square feet**	1,160 square feet***
* = California Government Code requirement, not Santa Barbara Municipal Code requirement ** = previously approved with Modification *** = Modification requested			

V. **DISCUSSION**

The proposed project includes the demolition of the existing roof of a detached two-car garage and construction of a new Accessory Dwelling Unit on top of the garage.

Interior Setback Modification (Northern)

Per State Law, a 4'-0" interior setback is applicable for new Accessory Dwelling Units. The existing garage on-site was constructed with a 3'-0" interior setback (allowed by code). The proposed project includes a new Accessory Dwelling Unit the matches the footprint of the garage beneath it. The same gable style roof is proposed, meaning the height increase in the setback would not be a full plate height, only about four feet. The floor plan of the proposed unit includes no habitable space within the setback or windows, limiting any privacy concerns for the adjacent neighbor.

Staff is supportive of the proposed interior setback encroachment for the Accessory Dwelling Unit on the basis of the addition promoting uniformity of improvement with existing development and a lack of nuisance concerns for adjacent neighbors.

Interior Setback Modification (Western)

To access the proposed Accessory Dwelling Unit, an exterior staircase is proposed within the western interior setback. A modest width of 3'-2", the staircase would meet building code and allow for the independent exterior access required by State Law. No habitable area or recreational area such as a large landing or balcony is proposed within the setback.

Staff is supportive of the proposed interior setback encroachment for the exterior staircase as an appropriate improvement on the lot to allow adequate access to the proposed Accessory Dwelling Unit in the most innocuous layout possible.

Open Yard Modification

The Staff Hearing Officer approved an Open Yard Modification in 2015 when the existing garage was approved. The approved open yard included the 6'-0" area behind the garage and the existing rear porch (which was approved under the same application), but did not include the porch itself due to it being covered. The open yard approved in 2015 also respected a 10'-0" front setback off of Olive Street.

The proposed project includes an open yard request to include all usable area on the lot that isn't covered. The existing deck would continue to not be designated open yard, the area behind the existing garage would no longer be included (because it would be covered by the stairway to the ADU), but the open yard would extend to the front lot line facing Olive Street. This would result in 10 additional square feet of open yard.

The lot is constrained in what can be considered open yard due to it being a corner lot and subject to two 20' deep front setbacks. The proposal to include all available land that is open to the air is consistent with the purpose and intent of open yard in that it provides a sense of openness on the lot that is usable for outdoor living. Further, while the deck cannot be counted either since it is covered, it does provide additional useful area for outdoor living and enjoyment.

The applicant pursued turning the staircase to hug the existing garage building so as to project less into the area between the existing garage and dwelling, but that would have resulted in eliminating the Juliet balcony in the kitchen, a main source of light and air for the proposed unit and also a prominent architectural feature on the elevation. The applicant also reviewed moving the entrance door and access staircase closer to the northern interior property line; however, that would have required a roof design to accommodate head height. The project meets the solar access requirements as designed, changing the roof design would have resulted in a non-compliant design.

Staff is supportive of the proposed open yard modification to provide a more logical layout for the approved open yard, provide 10 square feet more than the originally approved modification, which is closer to the required 1,250 square feet, and provide adequate access to the proposed Accessory Dwelling Unit.

Design Review

This project is exempt from design review by the Single Family Design Board since it is an Accessory Dwelling Unit proposed under State Law (California Government Code §65852.2).

Environmental Review

According to the City's Master Environmental Assessment Report, the project is located in archaeological sensitivity overlay areas. However, there are archaeological reports on file that suggest there would be no archaeological findings in the area. Further, there is very minimal ground disturbance given the project's scope is to add a residential unit atop an existing garage. Therefore, the requirement for an archaeological report was waived for this project. A standard condition related to the unlikely discovery of archaeological artifacts is included in Section VI of this report.

The parcel is located within the Demolition Review Study Area; however, the existing development was reviewed as part of the Lower Riviera Historical Survey (2013) and determined to not be historically significant. The Urban Historian has also reviewed the project and determined that it would not impact any other historic structures in the neighborhood.

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. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required and included in Section VI of this report.

VI. FINDINGS AND CONDITIONS

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 city staff analysis and the CEQA certificate of determination on file for this project.

B. NORTHERN INTERIOR SETBACK MODIFICATION (SBMC §30.20.030.B)

The Modification is consistent with the purposes and intent of the Zoning Ordinance in that the proposed addition would allow for two units on-site, an appropriate improvement given the current housing crisis in California and common development on R-2 zoned lots in the city. The Modification is necessary to allow uniform improvement on the site; the unit is proposed to be in-line with an existing garage that was reviewed and approved under contemporary zoning standards. The floor area within the setback would not be habitable or have any windows, which would limit nuisance complaints of the adjacent neighbor. Further, the design is compliant with the Solar Access Ordinance, and the gable design allows for minimal new development within the setback due to the angle of the roof. The encroachment in the northern interior setback is meant to keep the style of the existing architecture with a uniform development that provides an appropriate improvement to the site.

C. WESTERN INTERIOR SETBACK MODIFICATION (SBMC §30.20.030.B)

The Modification is consistent with the purposes and intent of the Zoning Ordinance in that while the proposed project (exterior staircase) constitutes development within the setback, it would not allow for any floor area or congregation area within the required setback, only an egress path. The requested Modification is necessary for the proposed exterior staircase, which is an appropriate improvement on the lot since it provides the independent exterior access required for the proposed Accessory Dwelling Unit. The staircase is proposed at the rear of the lot and the rear of the existing garage, with minimal visual impacts from the street.

D. OPEN YARD MODIFICATION (SBMC §30.20.030.B)

The Modification is consistent with the purposes and intent of the Zoning Ordinance in that the open yard will expand on the previously approved open yard square footage (by 10 square feet), allowing for more open area on the lot in a more logical configuration and formally designating an area that provides a sense of openness on the site. The proposed exterior staircase driving the need for altered open yard is designed to access the unit efficiently, while also allowing for architectural interest on the façade with the Juliet balcony off the kitchen. The proposed open yard also accounts for the lot's constraints with two front setback requirements and allows usable space to be designated open yard despite being in a secondary front setback. The designated open yard, consistent with the previously approved open yard, will remain outside the primary front setback fronting Valerio Street and the rear deck will not be counted. While the proposed open yard still does not meet the 1,250 square foot requirement, the outdoor deck provides amenities and a place for outdoor enjoyment, and, if included as a holistic review of the site in addition to the designated open yard, would far exceed the required 1,250 square feet. The designation with this approval only includes areas open to the sky currently, which is more consistent with the purpose and intent of open yard; however, considering the use of the lot as whole, the proposed open yard is adequate to provide a sense of openness on-site.

This approval is subject to the following condition:

1. ***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.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 12, 2020

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4562



City of Santa Barbara California

Exhibit A: Project Plans, is available electronically for view online at:
SantaBarbaraCA.gov/SHO

Harrison Design
921 De La Vina Street
805-899-3434

May 12, 2020

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Modification Request for 435 E Valerio; 027-123-006; R-2

1. There is an existing residence (2,530 net sqft), and detached garage (460 net sqft) on the property. The house currently encroaches into one of two front yard setbacks by 9'-10" on the northerly side of the property. It has an attached covered entry which encroaches 5'-1" past the main residence into the front yard setback on the northerly side. The detached garage currently encroaches into the interior setback by 3'-0" on the westerly side of the property. The buildings are permitted. The proposal is constructing an accessory dwelling unit above the existing permitted garage, with exterior stair and landing to access the proposed accessory dwelling unit on the southerly side.
2. The first modification being requested is to allow the exterior stair and landing to encroach 3'-2", a width comfortably required by code, in the required 6'-0" southerly side yard setback. The encroachment will allow access to the proposed accessory dwelling unit, locating the stair in a place least obtrusive to the neighborhood and the parcel's two street frontages. This staircase encroachment provides access required to the proposed ADU and does not provide any area for congregation or habitable space, protecting the privacy of the neighbors.
3. The second modification being requested is to allow the exterior stair and landing to encroach into the approved open-yard. This encroachment modification is only slightly more than the allowable encroachment for open-yards. Many other design approaches for the stair were considered to ameliorate this encroachment, but they were not possible in order to protect the head clearances required by building code, and allow the ADU roof to meet the Solar Ordinance rules. Further, the current approved open yard includes the 3'-0" strip behind the existing garage, which does not really serve as a functional open yard space. Because the parcel has two front yard setbacks, the garden area which more naturally serves as an open yard area was excluded. The proposed open yard modification increases the open yard area by 10 sf, with the area being far more useful space.
4. Last, since our original submittal, it has been brought to our attention that the reconstruction of the roof structure at the Existing Garage and Proposed ADU above would require an additional modification at the interior westerly setback, where the existing garage is situated. Thus, the third

modification being requested is to allow the reconstruction of the garage roof, to be within the westerly interior setback by 3'-0". The ADU addition above the existing garage would effectively raise the roof plate of the existing garage by only 3'-6". The proposed change in height respects the solar ordinance. In addition, there is no proposed habitable space within the interior setback. Further, there are no proposed windows on the westerly side of the ADU, so as to not threaten neighboring privacy.

5. There are several benefits to constructing the accessory dwelling unit above the existing garage. It will create an additional tenant space in the city of Santa Barbara without enlarging the footprint of any buildings. The only effects to site or setback are at the proposed 3'-2" wide stair to access the ADU, and the reconstruction of the existing garage roof for the proposed ADU, raising the roof 3'-6". The design of the accessory dwelling unit is very mindful of neighbor privacy, with no windows looking toward neighboring yards. It also obeys the solar ordinance. The small stair landing can be shielded from the neighbor's yard with existing hedges on the southerly property line. The benefits of an accessory dwelling unit in the community are numerous including providing tenant space for a renter, private space for an aging parent, and additional income to the property owner.

Thank you for your consideration.

Sincerely,

Serena McClintick and the Harrison Design Team