



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 30, 2020
AGENDA DATE: April 8, 2020
PROJECT ADDRESS: 2316 Cliff Drive (PLN2020-00117)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Megan Arciniega, Project Planner *MS*

I. PROJECT DESCRIPTION

The 4,938 square foot property is currently developed with a 788 square foot single residential unit and 374 square foot attached single-car garage. The proposed project involves demolition of the existing garage and construction of a new 495 square foot detached garage and storage area with a 482 square foot accessory dwelling unit above it.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is an Open Yard Modification to allow for open yard area that does not meet the minimum size requirements for single residential units (SBMC §30.140.140 and SBMC §30.250.030.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

Application Deemed Complete: March 24, 2020

Date Action Required: May 25, 2020

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Ted Meeder	Property Owner:	Jon Blake
Parcel Number:	041-242-024	Lot Area:	4,938 sq. ft.
General Plan:	Low Density Residential	Zoning:	RS-7.5
Existing Use:	Residential	Topography:	4%

Adjacent Land Uses:

North: RS-7.5; 2315 White Avenue – Single unit residential (two-story)
 RS-7.5; 2311 White Avenue – Single unit residential (single-story)
 East: RS-7.5; 2314 Cliff Drive – Single unit residential (single-story)
 South: E-3/SD-3; 2315 Cliff Drive – Single unit residential (single-story)
 West: RS-7.5; 2320 Cliff Drive – Single unit residential (single-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	788 sq. ft. (net)	788 sq. ft. (net)
Garage	374 sq. ft. (net)	250 sq. ft. (net)
Accessory Area	0 sq. ft. (net)	245 sq. ft. (net)
ADU	0 sq. ft. (net)	482 sq. ft. (net)

C. PROPOSED LOT AREA COVERAGE

Building	1,400 sq. ft. (28.35%)
Hardscape	1,000 sq. ft. (20.25%)
Landscape	2,538 sq. ft. (51.39%)

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Front Setback	20 ft.	21 ft. 11 in.	No change
Interior Setback			
- Primary structure	6 ft.	5 ft.	No change
- ADU	4 ft.	N/A	6 ft.
Building Height	30 ft.	12 ft.	22 ft. 8 in.
Parking			
- Primary structure	1 space	1 space	1 space
- ADU	0 spaces	N/A	0 spaces
Open Yard	1,250 sf.	1,250 sf.	500 sf.

V. DISCUSSION

Background

The existing primary residence is legal-nonconforming with respect to interior setbacks and parking. However, no changes are proposed to the main residence and the one covered parking space would be replaced in the new detached garage. No parking is required or proposed for the new ADU due to its proximity within a half-mile of a bus stop, per State law.

The project complies with all applicable zoning requirements and State law requirements with the exception of open yard

Open Yard Modification

The applicant is seeking a modification of the open yard requirements (SBMC §30.140.140) to reduce the open yard from 800 square feet to 500 square feet to allow for the new garage and storage area (proposed to be built below a new ADU) to encroach into the required open yard area.

Approval of the Modification would allow the garage and storage area to reduce the open yard, and is necessary in order to allow the construction of the ADU above it.

Open yard areas are intended to promote desirable living conditions, a sense of openness on residential development, and to provide minimum useful space for outdoor living and enjoyment. Staff is supportive of the open yard modification because the consolidation of the ADU and garage space reduces the structural footprint on the narrow lot. Additionally, the proposed 500 square foot open yard is located towards the back of the lot in an area that provides privacy and functions for outdoor living.

Zoning Violations

A number of existing minor zoning violations were identified in the Zoning Inspection Report in 2003 (ZIR2003-00825). The violations include: an over-height hedge; an unpermitted storage room added to the side of the garage that encroaches into the required interior yard setback; a patio cover and the lattice shade cover that encroach into the required interior yard setbacks; a front patio enclosure that encroaches into the required front yard setback; a garage that is inaccessible for the parking due to the location of a washer, dryer and storage cabinets; carpeting on the garage floor; and storage of items in the interior yard setback. The proposed project would abate the violations.

VI. FINDINGS

The Staff Hearing Officer finds that the Open Yard Modification is consistent with the general purposes of the Zoning Ordinance and the RS-7.5 Zone, and is necessary to secure an appropriate improvement on a lot. The proposed open yard is appropriate because it is an area that provides privacy, functions for outdoor living and would allow for the construction of a consolidated garage/storage and ADU structure that would reduce the structural footprint on the narrow lot.

STAFF HEARING OFFICER STAFF REPORT
2316 CLIFF DRIVE (PLN2020-00117)
MARCH 30, 2020
PAGE 4

EXHIBITS:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 5, 2020

Contact/Case Planner: Megan E. Arciniega, AICP, Project Planner
(MArciniega@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x7587



City of Santa Barbara California

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

March 5, 2020

Staff Hearing Officer

City of Santa Barbara Planning Dept.

P.O. Box 1990

Santa Barbara, CA 93102

RE: Modification Request for 2316 Cliff Dr.

Dear Staff Hearing Officer,

1. We have proposed a project with a new Accessory Dwelling Unit of 546 s.f. (gross) to be located over a new 560 s.f. garage at the rear of an existing single family home at 2316 Cliff Dr. According to the SBMC, because of the small lot size under 5000 s.f., the required Open Yard is allowed to be reduced to 500 s.f. with minimum 15' dimensions *in order to construct an Accessory Dwelling Unit*. The SBMC does not further prohibit the application of this reduction to projects that include other elements in addition to an ADU. The reduced Open Space requirement of the total project configuration was met by the attached plans, as originally submitted for a Building Permit. However, the Planning reviewer, and subsequently, Danny Kato, later determined that because of an internal policy, this project must be considered as two projects: first as a garage addition separate from the ADU. In this case, they have stated that the reduction to 500 s.f. does not apply to the "garage-only" part of the project and therefore the project cannot be approved without a Modification. We strongly disagree with this decision as it is not consistent with the written Ordinance and appears to be contrary to the intent of State laws intended to facilitate the construction of ADUs. The decision to separate this project into two planning approvals requiring individual compliance with the Zoning Ordinance benefits only the City and not the Public, and makes no sense as this project was conceived and designed as a whole.

2. The proposed modification would be to require the project only as a finished whole meet the 500 s.f. Open Yard requirement with no additional requirement that the project be considered in two separate planning analyses, or that the garage portion independently meet the Open Space requirements as if the project does not include an Accessory Dwelling Unit. We have received an email from Tava Ostrenger dated March 3 that states the following:

Danny Kato and Brenda Beltz from the Community Development Department advised Greg Lusitana and I that you and Chris Price had concerns regarding your client's proposed garage and ADU construction at 2316 Cliff Drive, and the City's requirement that the project seek an open yard modification. Greg and/or I are happy to explain our position with regards to the open modification, but I wanted to let you know that staff believes that they can support the modification and offer an expedited modification process. If your client submits a modification application no later than March 9th, the project can be put on the April 8th Staff Hearing Officer

EXHIBIT B

Agenda, which is much faster than the typical process. The cost for the modification is \$3,450. At this time we are holding a spot open on the agenda for your client.

If you have any questions, or would like to discuss the project, please feel free to contact Greg or I. (805) 564-5643.

3. The benefits to the public are: that the determination by the Planning Department that this project not be allowed to proceed were not based on any written Ordinance, but based only on an ad-hoc internal policy, and that this decision is therefore an unfair and possibly unlawful application of discretionary approval, intended to deny this owner the ability to build an ADU, that potentially exposes the City to liability and costs arising from a lawsuit.

Sincerely,

Ted Meeder, applicant and project architect