



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 13, 2020  
**AGENDA DATE:** April 22, 2020  
**PROJECT ADDRESS:** 221 La Plata (PLN2020-00004)

**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Allison De Busk, Senior Planner  
Stephanie Swanson, Assistant Planner

### I. PROJECT DESCRIPTION

The project consists of demolishing an existing carport and constructing an approximate 388-square-foot (net) Accessory Dwelling Unit (ADU) with attached storage, pursuant to California Government Code §65852.2. The project includes solar panels on the roof of the existing primary residence; however, the panels will serve the ADU. No parking is proposed or required for the ADU; two tandem uncovered parking spaces in the existing driveway are proposed to serve the existing primary residence. Installation of conduit for electric vehicle charging capacity, permitting an “as-built” fence at the interior lot lines, demolition of an “as-built” driveway gate, and the removal of three palm trees in the rear yard are also proposed. The subject parcel is zoned E-3/S-D-3 and is located in the Non-Appealable Jurisdiction of the Coastal Zone.

### II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2020-00002) to allow the proposed development in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060).

**APPLICATION DEEMED COMPLETE:** March 16, 2020

**DATE ACTION REQUIRED:** June 14, 2020

### 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 existing development on-site, as the ADU replacement of the carport is in approximately the same footprint and has approximately the same one-story height and overall scale. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



*221 La Plata Vicinity Map*

#### **IV. BACKGROUND**

Existing development on the site consists of a 1,449-square-foot one-story single-family dwelling and a detached 300-square-foot undersized two-car carport. A new 331-square-foot one-bedroom Accessory Dwelling Unit (ADU) with 74 square feet of attached storage is proposed in place of the carport in roughly the same footprint. No improvements to the existing single-family residence are proposed except installation of solar panels on the roof that will service the ADU.

New State requirements regarding local government regulation of Accessory Dwelling Units became effective on January 1, 2017. The Legislature amended Government Code §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” (Government Code, §65852.2 (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* Accessory Dwelling Units do not qualify for an exemption. Pursuant to Santa Barbara Municipal Code (SBMC) §28.44.110.C, the Staff Hearing Officer is the designated decision-maker on the Coastal Development Permit, but shall not require a public hearing in accordance with Government Code §65852.2.

These regulations were again amended, with new rules effective on January 1, 2020. However, the revisions did not change the permitting path for detached Accessory Dwelling Units in the coastal zone.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Ken Dickson		
<b>Property Owner:</b>	David Marchetti		
<b>Site Information</b>			
<b>Parcel Number:</b>	045-201-003	<b>Lot Area:</b>	6,000 square feet
<b>Coastal Land Use Plan:</b>	Residential 5 dwellings/acre	<b>Zoning:</b>	E-3/S-D-3
<b>Existing Use:</b>	Single Unit Residential	<b>Topography:</b>	5% slope
<b>Adjacent Land Uses</b>			
	<b>North</b> - Single Unit Residential		<b>East</b> - Single Unit Residential
	<b>South</b> - Single Unit Residential		<b>West</b> - Single Unit Residential

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
<b>Primary Unit</b>	1,449 square feet (net)	1,449 square feet (net)
<b>Carport</b>	300 square feet (net)	N/A (proposed for demolition)
<b>Accessory Dwelling Unit</b>	N/A	331 square feet (net)
<b>Accessory Dwelling Unit Storage</b>	N/A	74 square feet (net)
<b>Floor Area Ratio</b>	0.242 = 54% of Maximum Guideline FAR	0.242 = 54% of Maximum Guideline FAR *
*Per Government Code 65852, Accessory Dwelling Units do not contribute to the floor area ratio		

**VI. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/ Allowance</b>	<b>Existing</b>	<b>Proposed</b>
<b>Setbacks</b>			
-Front	20'-0"	73'-0" (for the existing carport)	68'-0" (for the proposed ADU)
-Interior	6'-0"	6'-0"	6'-0"
-Rear	6'-0"	6'-0"	6'-0"
<b>Building Height</b>	30'-0"	11'-9"	11'-9"
<b>Parking</b>	Primary Residence: 2 covered Accessory Dwelling Unit: 0 spaces	Primary Residence: 2 covered Accessory Dwelling Unit: N/A	Primary Residence: 2 uncovered* Accessory Dwelling Unit: 0 spaces
<b>Open Yard</b>	1,250 square feet	1,250 square feet	1,250 square feet
*Per Government Code §65852, replacement parking in conjunction with construction of an Accessory Dwelling Units may be uncovered.			

**B. ACCESSORY DWELLING UNIT STANDARDS PER STATE LAW**

**1. GOVERNMENT CODE §65852.2**

Accessory Dwelling Units (ADUs) are permitted in single-unit and multi-unit residential zones, provided they meet the requirements in Government Code §65852.2 and comply with applicable local zoning requirements.

a. Unit Size

For a new detached ADU to be constructed on a single-unit residential lot, the required minimum size is 150 square feet and the maximum size is 1,200 square feet. The proposed ADU would be 331 square feet (net) with an additional 74 square feet of attached storage, meeting the requirements outlined by State Law.

b. Building Height and Solar Access

The proposed second story addition would comply with the 30'-0" height maximum of the E-3 zoning district. At approximately 12'-0" in height and situated in the southern corner of the lot, the proposed ADU would also comply with the City's Solar Access Ordinance. Government Code §65852.2 does not outline height requirements in regards to solar access.

c. Open Yard

The proposed ADU would not reduce the conforming 1,250 square feet of open yard for the primary residence. Government Code §65852.2 does not require open yard for a proposed ADU. No open yard specific to the ADU is proposed.

d. Setbacks

The proposed ADU would comply with all setback requirements of the E-3 zoning district with 6'-0" interior and rear setbacks. The proposed ADU would also be well outside the required 20'-0" front setback, with an approximate 68'-0" front setback.

e. Parking

The proposed project would result in the demolition of the existing carport, and two tandem uncovered parking spaces are proposed in the existing driveway. Per Government Code §65852.2(d), replacement parking for the primary residence is allowed to be uncovered and in a tandem configuration if the spaces are required. However, since replacement parking for the primary residence is not required in conjunction with the demolition of the existing carport and replacement with an ADU, the City must review and approve a Parking Design Waiver to allow the proposed tandem configuration. Transportation staff has reviewed the proposed parking configuration and is supportive of issuing a Parking Design Waiver. Also per Government Code §65852.2(d), no parking for ADUs is required if the project site is within a half-mile (2,640 feet) of a public transit stop. A bus stop is located at the intersection of Cliff Drive and La Marina, approximately 2,112 feet from the project site. Therefore, no additional parking is required, or provided, for the ADU.

**C. COASTAL ACT AND COASTAL LAND USE PLAN CONSISTENCY**

The project site is located within the Non-Appealable Jurisdiction of the Coastal Zone and must be found consistent with the California Coastal Act and the City's Local Coastal Program (LCP), including the Coastal Land Use Plan, which implements the California Coastal Act.

**1. CALIFORNIA COASTAL ACT**

a. Coastal Act §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. The project is the demolition of an existing carport and construction of a detached ADU in an almost identical footprint. Therefore, it is not anticipated that the project would contribute to geologic stability or destruction of the site because the area has withstood existing development of similar size and scale.

b. Coastal Act §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 overall volume and area of structures on the site would remain largely the same between the existing and proposed development. The site is located in an existing, developed single-family neighborhood with adequate public services including public transportation, fire prevention, police, and utility services. There are also developed commercial corridors nearby with restaurant, pharmacy, and grocery services. The project site is not located on a coastal bluff or adjacent to any designated public access points for the coast, and there are no mapped biological, archaeological, or visual resources on the site. Therefore, no significant adverse effects to the coast or coastal resources are anticipated.

2. **COASTAL LAND USE PLAN**

The project is in the Mesa Component of the Land Use Plan (LUP), which is located eastward from Arroyo Burro Beach to the westerly boundary of Santa Barbara City College and extends inland to Cliff Drive. The LUP states that the primary land use of this area is small-lot, single-unit residential. The major coastal issues identified for this Component include infill development potentially blocking public scenic views and coastal bluff erosion.

No public views exist across the site and it is not located on the coastal bluff.

a. Policy 2.1-2 Accessory Dwelling Units.

*The City may allow accessory dwelling units, which tend to be more affordable than standard housing, so long as such development is found consistent with the policies of the Coastal LUP.*

The proposed ADU would be a 331-square-foot one-bedroom unit with no designated on-site parking space; hence, it would most likely be more affordable than a standard market rate unit within the City. Further, as described below, it can be found consistent with the policies of the Coastal LUP.

b. 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, maximum 5 dwellings/acre in the Coastal LUP and is currently developed at 7.26 dwellings/acre with the existing single-family unit. Per the above policy, ADUs are not considered units when calculating allowable density. Therefore, the nonconforming density of 7.26 dwellings/acre would remain unchanged.

c. Policy 3.1-29 Off-Street Parking for New Development and Substantial Redevelopment.

*Parking standards in the Zoning Ordinance are designed to ensure sufficient off-street parking is provided for new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Off-street parking for new development and substantial redevelopment, therefore, shall be consistent with the Zoning Ordinance.*

The existing two-car carport is undersized by contemporary standards and would be demolished to provide the location for the proposed ADU to be built. Two uncovered spaces in a tandem configuration are proposed to serve the primary residence on-site. Per Government Code §65852.2(d), no parking is required for this particular ADU project due to its location near transit. Therefore, all development on-site would meet zoning and State Law requirements, consistent with the above policy.

d. Policy 4.2-22 Storm Water Management.

*All development shall be planned, sited, and designed to protect the water quality and hydrology of coastal waters in accordance with the requirements of the City’s Storm Water Management Program, approved by the Central Coast Regional Water Quality Control Board under California’s statewide National Pollutant Discharge Elimination System (NPDES) Phase II Small Municipal Separate Storm Sewer System (MS4) Storm Water Permit (Order No. 2013-0001 DWQ, effective July 1, 2013, or any amendment to or re-issuance thereof).*

Less than 500 square feet of new impervious surfaces are proposed; therefore, the project is only subject to Tier 1 Storm Water Management Program voluntary best management practices. However, should additional impervious surfaces be proposed, such as a new driveway if one is necessary to install any utilities described on the plans, the project may be subject to additional requirements. As part of the building permit plan check and inspection process, implementation of any required best management practices will be confirmed.

e. 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 surrounding neighborhood includes a mix of attached and detached accessory structures, as well as one- and two-story structures. The proposed one-story accessory structure would be consistent with the surrounding building typology. The structure is also situated in the southwesterly rear corner of the lot to minimize any visual impacts from the public street.

## **VII. ENVIRONMENTAL REVIEW**

Per the City's Master Environmental Assessment, there are no visual, biological, or archaeological sensitive areas on-site. Although the primary residence is older than 50 years old, the Urban Historian confirmed that the existing residence is not eligible for historic designation and the proposed project would not impact any historic resources.

Identified geological areas of concern, such as expansive soils, would be addressed through standard building permit requirements such as site investigations, project-specific engineering, and building code compliance.

There are two oil wells on adjacent parcels (API 0408303701 and API 0408303703). There are no City records of the oil wells or of any ground disturbance on the project site affecting said oil wells. Further, planning staff sent a copy of the project plans to the California Geologic Energy Management (CalGEM) Division for review; CalGEM staff confirmed that there are no known oil or gas wells on the project site. A condition of approval that calls for all work to cease if any contaminated soil or remnants of the oil wells (such as sumps) are encountered during the excavation and construction process, is proposed in order to address the unlikely condition that abandoned wells on adjacent property have impacted the project site (refer to Exhibit A). If any contaminated soil or remnants of the oil wells are discovered, all work shall cease and Environmental Health Services must be notified for proper maintenance of the site. If this were to occur, additional environmental review and permitting may be required for the project. If changes to the ADU are required due to the location of the oil well on the adjacent parcel(s), and those changes are determined to be substantial, the project would follow the City's typical review process for a substantial conformance determination, which may require Staff Hearing Officer review for conformance with the Coastal Development Permit approval.

As the proposal has no project-specific significant impacts and potential minor effects would be addressed with project design and compliance with applicable ordinance provisions, regulations, and standard conditions of approval, and the project is consistent with the City's General Plan and Local Coastal Plan, the scope of the entire proposed project can be found exempt from the California Environmental Quality Act (CEQA) per §21083.3 and CEQA Guidelines §15183 (Project Consistent with a Community Plan or Zoning). 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 Accessory Dwelling Unit is consistent with the policies of the California Coastal Act, as described in section VI.C of the staff report. The proposal will not result in any adverse effects related to coastal resources, including public views, public access to the coast, and coastal bluff erosion. The proposed development is located within an existing developed area that is able to accommodate it, and both parking and open space minimum requirements will be maintained for the primary residence.
2. The Accessory Dwelling Unit is consistent with all applicable policies of the city's local coastal plan, including the coastal land use plan, all applicable implementing guidelines, and all applicable provisions of the code, as described in section VI of the staff report. The proposed one-story detached Accessory Dwelling Unit is compatible with neighborhood development, will not impact any public views or public access to the coast, and is not located on a coastal bluff or any visual, biological, or archaeological sensitivity area.

Exhibits:

- A. Conditions of Approval
- B. Project Plans
- C. Applicant's letter, dated January 3, 2020

## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

221 LA PLATA  
COASTAL DEVELOPMENT PERMIT (PLN2020-00004/CDP2020-00002)  
APRIL 22, 2020

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Conditions Agreement.** 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 April 22, 2020 is limited to the demolition of an existing detached carport, permitting an as-built wood fence along the interior lot lines of the property, installation of solar panels, installation of electric vehicle charger wiring, construction of a new detached Accessory Dwelling Unit, related work in the public right-of-way, and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  2. **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.
- 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. **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.
  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. **Accessory Dwelling Unit Covenant Recordation.** The Owner shall provide evidence of recordation of the written instrument(s) that includes all

requirements of Accessory Dwelling Units required at the time of building permit plan check. These conditions may include, but are not limited to (1) not renting the unit for less than 31 days and (2) not selling the Accessory Dwelling Unit separately from the primary residence. Planning staff will give the Owner the most up-to-date template at the time of building permit plan check. Recordation will be required prior to the issuance of any building permits.

- c. **Oil Well Notification.** The following note shall be reproduced on the project plans (grading plan, site plan and/or cover sheet):

If oil-contaminated soil, sumps, or oil wells are encountered during construction, all work must cease and Santa Barbara County Environmental Health Services (EHS) must be notified immediately as remedial action will be required prior to construction continuing.

- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. The following statement shall be signed prior to issuance of and permits:

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:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- C. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

- 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC Chapter 22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

- 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.

**Time Limits: NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, 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 of 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.



# City of Santa Barbara California

**Exhibit B:** Project Plans, is available electronically for view online at:  
[SantaBarbaraCA.gov/SHO](http://SantaBarbaraCA.gov/SHO)

January 3, 2020

To Staff Hearing Officer.

As part of the Development Application Review submittal (DART), we are submitting this letter to you for review and consideration. The property is located at 221 La Plata Santa Barbara, CA 93103. The scope of work is a New Accessory Dwelling Unit of 388 Sq. Ft to Replace an Existing Carport of 300 Sq. Ft.

The property is located on E-3/S-D-3 land use and inside the coastal zone district. There is residential zone RS-7.5 (E-3) to the north (0.5 mile), commercial C-P/R-2/S-D-3 to the east at Cliff Dr and Meigs Road (Lazy Acres store, 1.2 miles). On the west side of the property at approximately 1.2 miles there is an Institutional building Zone R-3/S-D-3, Santa Barbara City College.

The house will have exterior lighting that will comply with California Energy Code, including dark compliant exterior lighting fixtures.

The demolition will take approximately 2 days and the 4 months of construction.

The proposed Accessory Dwelling Unit roof will be 150 Sf. Ft of the existing Garage roof. This will increase Site drainage which is being transmitted through the property by a storm water pipe to daylight at the street curb. Please see Site plan on submittal package. There are no hazardous waste and substances in this property.

The approval of this existing carport conversion to an Accessory Dwelling Unit will provide housing to the Santa Barbara area.

Sincerely,

Arelhy Arroyo  
Project Manager