



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

**RESOLUTION NO. 019-20
246 PALISADES DR
COASTAL DEVELOPMENT PERMIT
DECEMBER 16, 2020**

**APPLICATION OF HAROLD POWELL, 246 PALISADES DR, APN 041-328-011, RS-6
(SINGLE UNIT RESIDENTIAL) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY
RESIDENTIAL (PLN2020-00402)**

The project consists of a proposal to convert the existing 407-square-foot, two-car garage to a detached Accessory Dwelling Unit (ADU) pursuant to California Government Code §65852.2. No parking is required for the ADU. Two tandem uncovered parking spaces in the existing driveway are proposed to serve the existing primary residence. Approval of an “as-built” driveway gate is also requested. The existing 1,215-square-foot one-story residence is proposed to remain. The 6,075-square-foot parcel is zoned E-3/S-D-3 (One-Family Residence/Coastal Overlay) and is located in the Non-Appealable Jurisdiction of the Coastal Zone. A Coastal Development Permit is required because the new ADU is detached from the main residence. The discretionary application required for this project is a Coastal Development Permit (CDP2020-00020) to allow the proposed development in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060).

WHEREAS, pursuant to SBMC §28.44.060, Ms. Reardon announced the Staff Hearing Officer’s decision on the above application.

WHEREAS, the following exhibits were presented for the record:

1. Staff Report with Attachments, December 9, 2020
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.** The Accessory Dwelling Unit is consistent with the policies of the California Coastal Act, as described in Section VI.C of the staff report dated December 9, 2020. 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.
 - B.** The Accessory Dwelling Unit is consistent with all applicable policies of the city's local coastal plan, all applicable implementing guidelines, and all applicable provisions of the code, as described in Section VI of the staff report dated December 9, 2020. The proposed

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 sensitive area.

II. Said approval is subject to the following conditions:

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 December 20, 2017 is limited to the conversion of the 407-square-foot (net) garage to an accessory dwelling unit as shown on the plans signed the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

2. **Accessory Dwelling Unit Covenant.** 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:

a. The accessory dwelling unit shall not be sold separately from the primary residential unit,

b. The accessory dwelling unit shall not be rented for less than 31 days.

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.

3. **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 II.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: 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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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C. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet in a single family zone.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted

within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

3. **Oil Well Location.** If sump material is encountered during any ground disturbance including, but not limited to, trenching, excavation and/or re-compaction of soil for foundation preparation, work shall be stopped and the Santa Barbara County Environmental Health Department shall be notified immediately as remedial action is required. \Contact information is Santa Barbara County Environmental Health Services Mitigation Unit/Ocean Water Monitoring; Phone: (805)346-8345 FAX: (805)346-8485
4. **Unanticipated 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.

- D. **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 §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- E. **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 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-

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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.

This motion was passed and adopted on the 16th day of December, 2020 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
Mary Ternovskaya, Commission Secretary

12/18/2020
Date

PLEASE BE ADVISED:

1. The decision of the Staff Hearing Officer concerning an application for a Coastal Development pursuant to Santa Barbara Municipal Code §28.28.44.110.C constitutes the final action of the City. In the appealable area of the Coastal Zone only, the decision of the Staff Hearing Officer made pursuant to Santa Barbara Municipal Code §28.28.44.110.C may be appealed to the Coastal Commission in accordance with SBMC §28.44.200.
2. If the scope of work exceeds the extent described in the Coastal Development Permit request, it may render the Staff Hearing Officer approval null and void.
3. 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.
4. **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.