STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: February 17, 2020
AGENDA DATE: February 26, 2020
PROJECT ADDRESS: 201 Cooper Road (PLN2019-00514)

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 an approximate 434-square-foot (net) Accessory Dwelling Unit, pursuant to California Government Code §65852.2. The Accessory Dwelling Unit is proposed atop an existing garage at the rear of the lot. The project includes solar panels on the roof of the ADU. There is also an existing single family residence on-site, but no work is proposed for the existing residence. No parking is proposed for the Accessory Dwelling Unit, and the existing covered parking will continue to serve the existing residence. No landscaping, including tree removal, is proposed. The subject parcel is zoned E-3/S-D-3 in the Non-Appealable Jurisdiction of the Coastal Zone.

II. REQUIRED APPLICATIONS
The discretionary application required for this project is a Coastal Development Permit (CDP2019-00019) to allow the proposed development in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060).

APPLICATION DEEMED COMPLETE: January 21, 2020
DATE ACTION REQUIRED: March 21, 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 surrounding neighborhood in that the neighborhood has a mix of one- and two-story buildings, including detached accessory buildings. 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.
IV. BACKGROUND
Existing development on the site consists of a 1,575-square-foot one-story single-family dwelling and a detached 405-square-foot two-car garage. A new one-bedroom Accessory Dwelling Unit is proposed atop the existing garage. No improvements to the existing single family residence are proposed.

New State requirements regarding local government regulation of accessory dwelling units became effective on January 1, 2017. The Legislature amended Government Code section 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” (Gov. Code, § 65852.2, subdivision. (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 Unit 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. Therefore, because the proposed unit is detached from the main residence, a public hearing is not required for the Coastal Development Permit.

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.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Ted Meeder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner:</td>
<td>Joel Zemer</td>
</tr>
</tbody>
</table>

Site Information

<table>
<thead>
<tr>
<th>Parcel Number: 041-341-003</th>
<th>Lot Area: 8,520 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Land Use Plan:</td>
<td>Residential 5 dwellings/acre</td>
</tr>
<tr>
<td>Zoning: E-3/S-D-3</td>
<td></td>
</tr>
<tr>
<td>Existing Use: Single Unit Residential</td>
<td>Topography: 7% slope</td>
</tr>
</tbody>
</table>

Adjacent Land Uses

| North - Single Unit Residential | East - Single Unit Residential |
| South - Single Unit Residential | West - Single Unit Residential |

B. PROJECT STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Unit</td>
<td>1,575 square feet (net)</td>
<td>1,575 square feet (net)</td>
</tr>
<tr>
<td>Garage</td>
<td>405 square feet (net)</td>
<td>405 square feet (net)</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>N/A</td>
<td>434 square feet (net)</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.240 = 61% of Maximum Guideline FAR</td>
<td>0.240 = 61% of Maximum Guideline FAR*</td>
</tr>
</tbody>
</table>

*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

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement/Allowance</th>
<th>Existing</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Front</td>
<td>20 feet</td>
<td>15 feet (for the primary residence)</td>
<td>15 feet (for the primary residence)</td>
</tr>
<tr>
<td>-Interior</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>-Rear</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>30 feet</td>
<td>12 feet 8 inches</td>
<td>20 feet 7 inches</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Residence: 2</td>
<td>covered</td>
<td>Primary Residence: 2 covered</td>
<td>Primary Residence: 2 covered</td>
</tr>
<tr>
<td>covered Accessory Dwelling</td>
<td>Unit: 0 spaces</td>
<td>Accessory Dwelling Unit: N/A</td>
<td>Accessory Dwelling Unit: 0 spaces</td>
</tr>
<tr>
<td><strong>Open Yard</strong></td>
<td>1,250 square feet</td>
<td>1,250 square feet</td>
<td>1,250 square feet</td>
</tr>
</tbody>
</table>

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 an ADU to be constructed as an addition to an existing structure on a single-unit residential lot, the required minimum size is 150 square feet and the maximum size is 800 square feet. The proposed ADU would be 434 square feet (net), 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 20’-7” in height and situated in the southeastern corner of the lot, the proposed addition 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 be atop an existing garage that was permitted in the year 2000 and designed to meet all setback requirements of the E-3 zoning district with 6’-0” interior and rear setbacks. The proposed ADU would cantilever over the front of the garage approximately 1’-6”; however, it would remain well outside the required 20’-0” front setback, with an approximate 87’-0” front setback.

e. **Parking**

The proposed project would not impact the two existing parking spaces within the existing garage, which will continue to serve the primary residence. 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 Mesa Lane, approximately 1,150 feet from the project site. Therefore, no addition parking is required, or provided, for the ADU.

C. **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) which implements the California Coastal Act.

1. **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 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 434-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 5.28 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 rate would remain unchanged.


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 garage would continue 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).

The project is subject to Tier 2 Storm Water Management Program requirements. The proposal includes disconnected downspouts and a rain barrel to meet the standards of Tier 2. As part of the building permit plan check and inspection process, implementation of these 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 accessory and primary structures. The proposed two-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. Further, no ground disturbance is proposed. 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, will be addressed through standard building permit requirements such as site investigations, project-specific engineering, and building code compliance.

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 Land Use Plan, the scope of the entire proposed project can be found exempt from the California Environmental Quality Act (CEQA) §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.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The Accessory Dwelling Unit project is consistent with the policies of the California Coastal Act, as described in section VI 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 project 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. The proposed second-story 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.
B. 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.

Exhibits:

A. Conditions of Approval
B. Project Plans
C. Applicant's letter, dated October 14, 2019
STAFF HEARING OFFICER CONDITIONS OF APPROVAL

201 COOPER ROAD
PLN2019-00514
FEBRUARY 26, 2020

I. 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:

Details on implementation of these steps are provided throughout the conditions of approval.

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 February 26, 2020 is limited to construction of a new Accessory Dwelling Unit, approximately 434 square feet (net) in size, atop an existing garage, 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. 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

EXHIBIT A
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:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor</td>
<td>Date</td>
</tr>
<tr>
<td>Architect</td>
<td>Date</td>
</tr>
<tr>
<td>Engineer</td>
<td>Date</td>
</tr>
</tbody>
</table>

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 §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.

II. 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.
Exhibit B: Project Plans is available electronically for view online at: SantaBarbaraCA.gov/SHO
10.14.2019

Staff Hearing Officer

City of Santa Barbara Planning Dept.

RE: 201 Cooper Rd. Proposed Accessory Dwelling Unit

Dear Staff Hearing Officer,

We are seeking a Coastal Development Permit pursuant to Gov. Code 65852.2 to construct a 482 s.f. Accessory Dwelling Unit above an existing detached garage. The current use of the site is a Single Family Dwelling with a detached two car garage. This project will involve no demolition, grading, landscaping, impervious surfaces or storm water flow changes. No trees or vegetation will be removed to construct this project. There will be no use, disposal or storage of hazardous materials on the site. The project will add exterior lighting as required by code at landings and stairways, which will be residential type wall mounted fixtures and directed downward. The project will not result in any smoke or odors or new noise sources. There have been no geotechnical studies of the site. There have been no resource studies prepared for the site. There are no recreational trails or easements traversing the site. The property is not located adjacent to a creek or water source. The property is served by the City sewer system and the City water supply. There is no demolition proposed other than removal of the existing roof and framing. Demolition is expected to last one week and construction of the new Dwelling Unit is expected to last 8 weeks.

Thank you,

Joel Zemer, Owner

201 Cooper Rd., Santa Barbara

805-259-8268