APPLICATION OF TED MEEDE, AGENT FOR JOEL ZEMER, 201 COOPER ROAD, APN 041-341-003, E-3/S-D-3 ZONE, LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: RESIDENTIAL 5 DWELLINGS/ACRE (PLN2019-00514)

The proposed project consists of an approximate 434-square-foot (net) Accessory Dwelling Unit (ADU), pursuant to California Government Code §65852.2. The ADU 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 ADU, 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.

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).

Pursuant to Santa Barbara Municipal Code (SBMC) §28.44.110, when a proposed development only involves the addition of a secondary dwelling unit to an existing single-family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least ten (10) calendar days after notice has been provided. The Staff Hearing Officer may receive and consider written comments from the public, but without a public hearing. The decision will be the final action of the City (i.e., not appealable).

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

WHEREAS, pursuant to SBMC §28.44.110 the Staff Hearing Officer announced a decision on the above application.

WHEREAS, the following exhibits were presented for the record:

1. Staff Report with Attachments, February 17, 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. 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)

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.

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.

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:

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. Site Plan Corrections. The fenced trash enclosure between the existing driveway and neighboring property to the south and the wood entrance landing and overhead structure attached to the existing residence shall be shown on the site plan. If it is determined that those improvements do not have a building permit, they shall either be included in the building permit sought for this project or removed. Please note that the fenced trash enclosure appears to be located within the required interior setback.
   b. 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.
   c. 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.
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.
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.

This motion was passed and adopted on the 26th day of February, 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, Commission Secretary  
2/20/2020

PLEASE BE ADVISED:

1. The decision of the Staff Hearing Officer concerning an application for a Coastal Development pursuant to Santa Barbara Municipal Code §28.44.110.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.