



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 019-22 121 OLIVER ROAD COASTAL DEVELOPMENT PERMIT JUNE 15, 2022

Assessor's Parcel Number: 041-344-006
Zoning Designation: E-3/S-D-3 (One-Family Residence/Coastal Overlay)
Application Number: PLN2022-0025 **Filing Date:** March 28, 2022
Applicant: Elizabeth Sorgman
Owner: Ellen Stoddard Revocable Trust

The project consists of a proposal to convert an existing 298-square-foot accessory building and legalize an as-built 100-square-foot mezzanine to create a 398-square-foot, single-story, Special Accessory Dwelling Unit attached to the existing detached garage. No exterior alterations or improvements to the building or site are proposed. The project would remedy Code Enforcement Case No. ENF2020-00204. The subject parcel is currently developed with a 1,845-square-foot single-story residence and a detached two-car garage. No improvements or alterations to the existing residence or garage are proposed. The 12,500-square-foot lot is located in the Non-Appealable jurisdiction of the Coastal Zone with a Coastal Land Use Plan Designation of Low Density Residential (max. 5 dwelling units per acre), and is zoned E-3/S-D-3 (One-Family Residence/Coastal Overlay).

Pursuant to Santa Barbara Municipal Code §28.44.110, when a proposed development involves the addition of an Accessory 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 to the public. The Staff Hearing Officer may receive and consider written comments from the public, but without a public hearing. The announced decision will be the final action of the City.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak, and the following exhibits were presented for the record:

1. Staff Report with Attachments, Wednesday, June 8, 2022.
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:

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 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:

A. General Conditions.

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 15, 2022 is limited to the Accessory Dwelling Unit 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.
3. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
4. **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.

5. 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.

6. Litigation Indemnification Agreement. The Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City’s approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

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. **Recorded Agreement.** Prior to zoning clearance on a building permit for the proposed Accessory Dwelling Unit, the property owner shall execute a Covenant stating the following: (1) The Accessory Dwelling Unit will not be sold separately from the existing primary residence. (2) The Accessory Dwelling Unit shall not be rented for less than 31 days. When a building permit application is submitted, City Administrative Staff will prepare the Covenant and send an email from ADUCovenant@SantaBarbaraCA.gov letting the applicant know that the Covenant has been created. Written instructions will be provided to you on how to complete the procedure. The permit will not be issued until the final agreement is recorded. **Certificate of Occupancy will not be granted without the Covenant being recorded.**
- 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 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.

III. 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. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
2. 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 action was announced on the 15th day of June, 2022 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.

Gillian Fennessy
Gillian Fennessy, Commission Secretary

6/15/2022
Date

PLEASE BE ADVISED:

1. The decision of the Staff Hearing Officer concerning an application for a Coastal Development Permit pursuant to Santa Barbara Municipal Code §28.28.44.110.C constitutes the final action of the City. In the Coastal Commission's appeal jurisdiction 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 or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.

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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.