



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 17, 2024
AGENDA DATE: July 24, 2024
PROJECT ADDRESS: 3333 Braemar Drive (PLN2023-00452)

TO: Dan Gullet, Principal Planner, Staff Hearing Officer
FROM: Planning Division
 Megan Arciniega, Senior Planner
 Holly Garcin, Assistant Planner, HGarcin@SantaBarbaraCA.gov

I. PROJECT DESCRIPTION

The 50,779-square-foot parcel located in the Coastal Zone Non-Appealable Jurisdiction is currently developed with a 4,359-square-foot existing primary residence, a 749-square-foot detached garage, a 550-square-foot horse barn, and a 113-square-foot shed. The project proposes a 558-square-foot detached Accessory Dwelling Unit (ADU) to be constructed above the garage (currently under construction PLN2019-00291 and BLD2021-02945). Demolition of the existing shed and barn and construction of a new barn is under a separate permit (PLN2023-00510). The proposed total of 6,329 square feet of development on a 50,779-square-foot lot is 125% of the maximum guidelines Floor-to-Lot Area Ratio (FAR). Refer to Exhibit A for the Project Plans and Photographs and Exhibit B Applicant Letter, respectively.

II. REQUIRED APPLICATIONS

The discretionary applications under the jurisdiction of the Staff Hearing Officer required for this project is:

- A. A Coastal Development Permit to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone Santa Barbara Municipal Code (SBMC) §28.44.060).

Application Deemed Complete: July 2, 2024
Date Action Required: August 31, 2024

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. Therefore, staff recommends that the Staff Hearing Officer approves the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit C.



Vicinity Map – 3333 Braemar Drive

IV. **BACKGROUND**

Accessory Dwelling Units (ADUs) in the City’s coastal zone are governed by Santa Barbara Municipal Code (SBMC) Chapter 28.86. All ADUs in the coastal zone require approval of a Coastal Development Permit by the Staff Hearing Officer but do not require a public hearing (SBMC §28.44.110.C). Written comments regarding the application will be considered by the Staff Hearing Officer prior to making a decision on the project. The Staff Hearing Officer’s decision may be appealed to the California Coastal Commission within 10 working days of the decision.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Shelby Messner Janke, SEPPS INC.	
Property Owner:	Lani and Tim Collins	
Site Information		
Assessor's Parcel Number (APN):	047-081-006	
Zoning District:	A-1/S-D-3 (One-Family Residence/Coastal Overlay). (SBMC Title 28)	
Coastal Land Use Plan:	Residential (Max 1 du/acre)	
Lot Size:	1 acre; approx. 50,779 sq. ft.	
Avg. Slope:	6%	
Adjacent Zoning and Land Uses		
North:	Public Road, A-1/S-D-3	Braemar Drive, Residential
East:	A-1/S-D-3	Residential
South:	A-1/S-D-3	Residential
West:	A-1/S-D-3	Residential

B. PROJECT STATISTICS

	Existing	Proposed
Existing Primary Residence	4,359 sq. ft.	No Change
Detached Garage	749 sq. ft.	No Change
Proposed Detached ADU	N/A	558 sq. ft.*
Horse Barn	550 sq. ft.	No Change
Shed	113 sq. ft.	No Change
Floor Area Ratio	5,771 sq. ft. = 114% of Maximum Guideline FAR*	6,329 sq. ft. = 125% of Maximum Guideline FAR*
* = ADU included in FAR square footage per SBMC §28.86.055.C.		

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement	Complies?
Accessory Dwelling Unit Setbacks		
-Front	35 feet	✓
-Interior	4 feet	✓
Building Height	30 feet	✓
Parking	Primary Residence: 2 covered spaces ADU: 1 space	Primary Residence: ✓ ADU: ✓
Open Yard	1,250 square feet	✓

As identified in the table above, the project complies with Zoning Ordinance requirements for the zone.

B. ACCESSORY DWELLING UNIT STANDARDS

The project complies with the City’s ADU requirements, as outlined in SBMC Chapter 28.86. Some of the key regulations are discussed in more detail below.

1. REQUIRED FEATURES (SBMC §28.86.050)

The proposed ADU contains all of the required residential elements (kitchen, bathroom, living room, separate sleeping room), has independent exterior access, and exceeds the 400-square-foot minimum unit size.

2. MAXIMUM FLOOR AREA (SBMC §28.86.055.B.)

The detached one-bedroom ADU is limited to 1,200 square feet, and the proposed 558-square-foot ADU complies with this limitation.

3. FLOOR AREA RATIO (SBMC §28.86.055.C)

As shown in the Project Statistics table above, the Floor-to-Lot Area Ratio for all development on site is 125% of the Maximum Guideline FAR. Therefore, the project is consistent with FAR zoning standards.

4. ARCHITECTURAL REVIEW (SBMC §28.86.060)

The proposed ADU complies with all required ministerial design criteria and discretionary design review is not required.

5. PARKING (SBMC §28.86.080)

The proposed ADU is not located within a half-mile (2,640 feet) of a public transit stop but is outside of any Key Public Access Areas as delineated in Figure 3.1-2 of the Coastal Land Use Plan. Therefore, one uncovered or covered parking space is required for the ADU in addition to two covered parking spaces for the primary residence.

The project includes four covered parking spaces within the four-car garage for the existing primary residence and one uncovered parking space for the ADU within the driveway, for a total of five onsite parking spaces.

C. COASTAL CONSISTENCY

The project site is located in the Coastal Zone and must be found consistent with the California Coastal Act and the City's Local Coastal Program, including the Land Use Plan (LUP), which implements the California Coastal Act. Staff finds that the project is consistent with applicable Coastal Act and LUP policies (refer to Exhibit D for applicable policies), as identified in the Recommended Findings in Section VIII below.

VII. DESIGN REVIEW

The ADU is exempt from design review per California Government Code §65852.2.

VIII. RECOMMENDED FINDINGS

The Staff Hearing Officer finds the following:

A. ENVIRONMENTAL REVIEW

The project is exempt from further environmental review under Section 15303 [New Construction or Conversion of Small Structures Facilities] of the California Environmental Quality Act (CEQA) Guidelines, which allows for construction of a second dwelling unit in a residential zone.

No significant project-specific or cumulative environmental impacts are expected as a result of the project. The project does not have the potential to damage scenic highways or historic resources, and the project site is not identified as a hazardous waste site. Therefore, none of the categorical exceptions (per Guidelines Section 15300.2) apply.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The ADU project is consistent with the policies of the California Coastal Act and the project will not have significant adverse effects to the coast or coastal resources. The project site is located in an existing, developed single-family neighborhood with adequate public services including public transportation, fire prevention, police, and utility services. The project will not result in any adverse effects related to coastal resources, including public views, public access to the coast, or coastal bluff erosion. Both parking and open space minimum requirements will be maintained for the primary residence. The project is consistent with Coastal Act policies 30250 (Location; existing developed area), 30251 (Scenic and visual qualities) and 30252 (Maintenance and enhancement of public access) because 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.

The project is consistent with Coastal Act policy 30253 (Minimization of adverse impacts) because the project site is not located in an area of high geologic, flood, or fire hazard. 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 proposed ADU is located above the existing garage and on a flat portion of the lot and the project will not contribute to geologic instability or destruction of the site because the area has

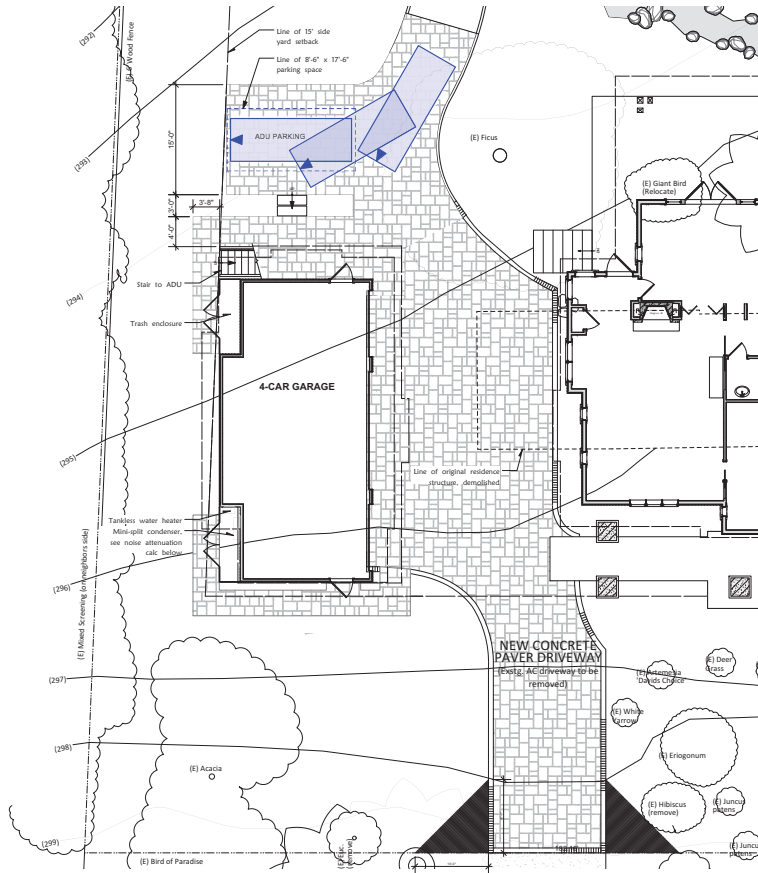
withstood existing development of similar size and scale and the project would be constructed in accordance with California Building Code requirements for the geologic and soil conditions of the site.

2. The ADU 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. The proposed ADU complies with the zoning ordinance in terms of setbacks, parking and height, and complies with all requirements of the City's ADU Ordinance, as identified in Section VI of the staff report dated July 17, 2024. The proposed ADU is compatible with neighborhood development because the surrounding neighborhood includes a mix of attached one- and two-story buildings, and therefore the proposed development will be consistent with the surrounding typology. The project will not impact public access to the coast because it is on an existing developed lot with no separate access to the bluff or the beach and adequate parking is provided for the primary residence and ADU. The project site is not located on a coastal bluff or any visually-, biologically-, or archaeologically-sensitive area. The project must comply with the City's Tier 3 post-construction storm water requirements which will be required as part of the building permit plan check and inspection process.

Exhibits:

- A. Project Plans and Photographs
- B. Applicant's Letter
- C. Draft Conditions of Approval
- D. Applicable Coastal Policies

Contact/Case Planner: Holly Garcin, Assistant Planner
(HGarcin@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 4562



PARTIAL SITE PLAN
1/8" SCALE

M-SERIES SUBMITTAL DATA: MSZ-GL18NA & MUZ-GL18NA
18,000 BTUH WALL-MOUNTED HEAT PUMP SYSTEM

Job Name: _____ Date: _____

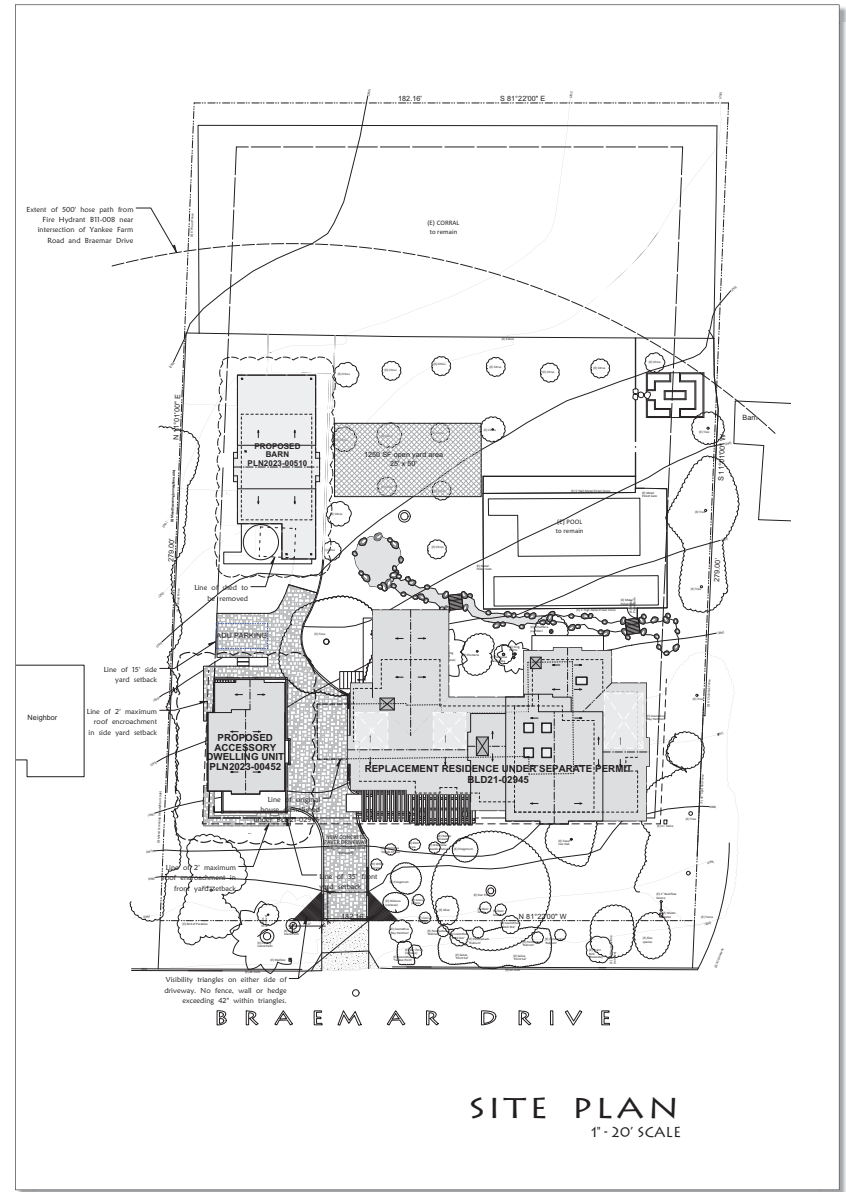
System Reference: _____

Indoor Unit	Outdoor Unit	Wireless Remote Controller
MSZ-GL18NA	MUZ-GL18NA	

SPECIFICATIONS: MSZ-GL18NA & MUZ-GL18NA

Unit Method	Indoor Unit	Outdoor Unit	Wireless Remote Controller
Heat Exchanger Type			
Sound Pressure Level, Cooling	dB(A)	54	
Sound Pressure Level, Heating	dB(A)	55	
Compressor Type			DC INVERTER Drive

Reference listening distance is feet or meters, feet or meters, from the nearest neighbor.
New receiver distance is feet or meters, feet or meters, from the nearest neighbor.
This is the number of decibels of sound dispersion per meter foot.
CALCULATED 23107503161



SITE PLAN
1" = 20' SCALE

SITE PLAN

SCALE AS NOTED

STEVE HAUSZ ARCHITECT
RESIDENTIAL COMMERCIAL INTERIORS LIGHTING
829 DE LA VINA STREET SUITE 300
SANTA BARBARA, CA 93101
CELL: 805-988-2513
E: STEVE@HAKZGMAIL.COM

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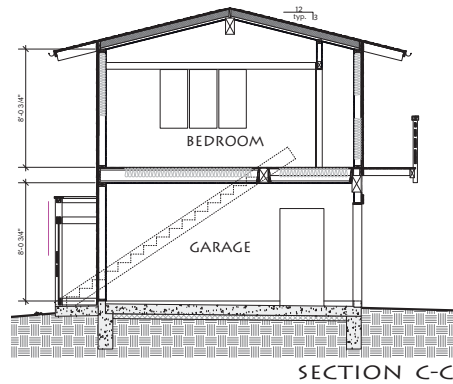
REGISTERED ARCHITECT
STEVE HAUSZ
C29628
GENERAL CONTRACTOR
STATE OF CALIFORNIA

NEW ACCESSORY DWELLING UNIT FOR
LANI & TIM COLLINS
3333 BRAEMAR DRIVE :: SANTA BARBARA

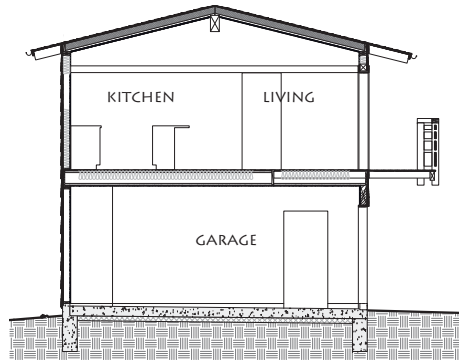
REVISIONS
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SITE PLAN

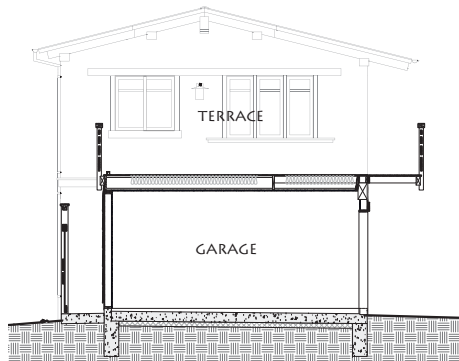
Issue Date: 09 July 2024



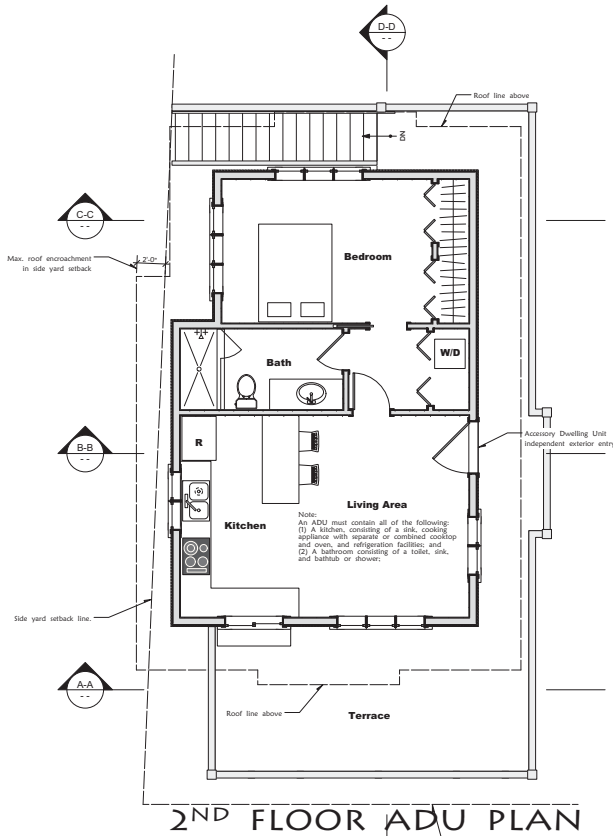
SECTION C-C



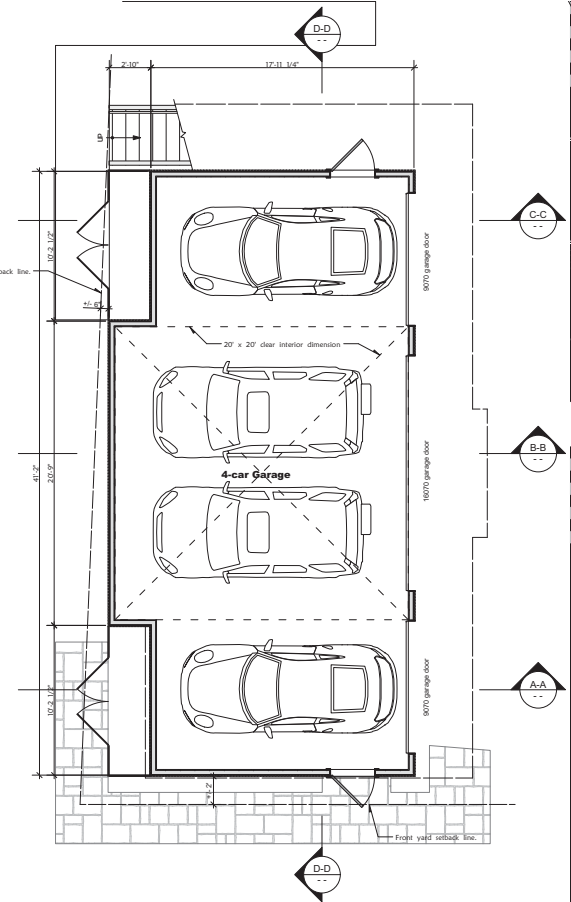
SECTION B-B



SECTION A-A

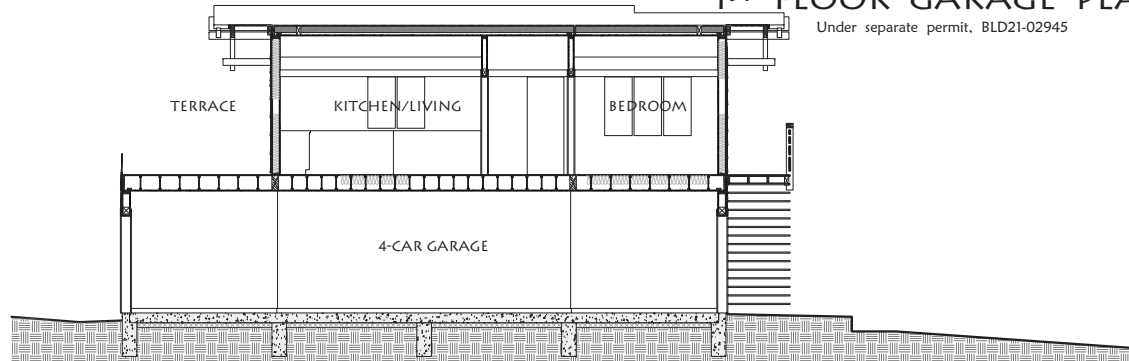


2ND FLOOR ADU PLAN



1ST FLOOR GARAGE PLAN

Under separate permit, BLD21-02945



SECTION D-D

GARAGE & ADU FLOOR PLANS

1/4" SCALE

STEVE HAUSZ ARCHITECT
 RESIDENTIAL COMMERCIAL INTERIORS LIGHTING
 829 DE LA VINA STREET SUITE 300
 SANTA BARBARA, CA 93101
 TEL: 805-988-2933
 E: STEVE@HAKZGMAIL.COM

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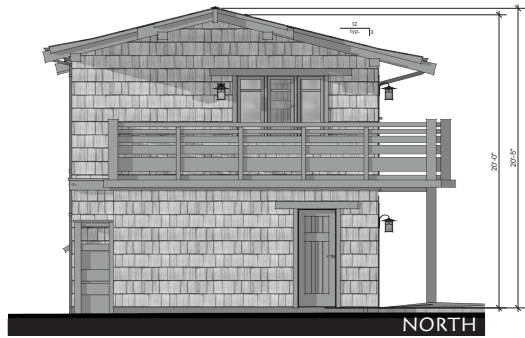
REGISTERED ARCHITECT
STEVE HAUSZ
C29628
 EXPIRES 12/31/2024
 STATE OF CALIFORNIA

NEW ACCESSORY DWELLING UNIT FOR
LANI & TIM COLLINS
 3333 BRAEMAR DRIVE :: SANTA BARBARA

REVISIONS
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 DETACHED GARAGE & ADU FLOOR PLANS
 BUILDING SECTIONS

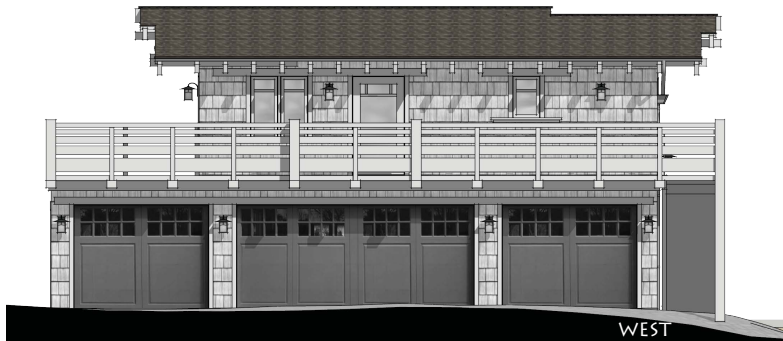
Issue Date: 09 July 2024



NORTH



EAST



WEST



SOUTH

GARAGE & ADU

STEVE HAUSZ
ARCHITECT

RESIDENTIAL
COMMERCIAL
INTERIORS
LIGHTING

829 DE LA VINA STREET
SUITE 100
SANTA BARBARA, CA 93101
CELL: 805-986-2113
E: STEVEHAUSZ@GMAIL.COM

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ARCHITECT
LICENSED ARCHITECT
STATE OF CALIFORNIA
C29628
RENEWAL 3-30-20

NEW ACCESSORY DWELLING UNIT FOR
LANI & TIM COLLINS
3333 BRAEMAR DRIVE :: SANTA BARBARA

REVISIONS
A
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A3.0
ELEVATIONS



SITE PHOTOS



1



2



3



NEIGHBORHOOD PHOTOS



4



5



6



16 November 2023

City of Santa Barbara
Planning Department
ATT: Staff Hearing Officer
630 Garden Street
Santa Barbara, CA 93101

**SUBJECT: COASTAL DEVELOPMENT PERMIT FOR ACCESSORY DWELLING UNIT –
PROJECT DESCRIPTION LETTER
3333 BRAEMAR DRIVE – APN 047-081-006**

Dear Staff Hearing Officer,

On behalf of the property owners, we are pleased to submit this Coastal Development Permit application for a new, detached Accessory Dwelling Unit (ADU) at 3333 Braemar Drive.

Project Setting

The 50,779 square foot project site is located at 3333 Braemar Drive, in the Non-Appeals Jurisdiction of the Coastal Zone. The site is surrounded by single-family residential properties on all sides. A new, 4,359 square-foot single family residential dwelling is currently under construction at the subject site, as well as a 749 square foot detached garage. The site is also developed with a horse stable area, horse corral, and two detached shed structures. A new barn is proposed on site under a separate application (PRE2023-0161).

Project Description

The proposed project involves construction of a new, 558 square-foot, detached ADU which will be located above the detached garage that is currently under construction. The ADU has been designed to meet all of the required setbacks, and is located greater than 20 feet from the front lot line and 15 feet from the side property line. The ADU has been designed to meet all of the objective design standards and is not subject to review by the Single-Family Design Board (SFDB). One uncovered parking space has been provided for the ADU.

The ADU complies with the City's ADU requirements as outlined in SBMC Chapter 28.86, which include the following:

EXHIBIT B

1. Required Features – The proposed 558 square foot ADU contains all required residential elements (kitchen, bathroom, living room, separate sleeping room) and has separate exterior access.
2. Maximum Floor Area – The 558 square foot ADU complies with maximum floor area requirements for detached ADU's on lots greater than 15,000 square feet, which is 1,200 square feet.
3. Floor Area Ratio – At 50,779 square feet, the City's FAR standards are applied as a guideline, rather than a requirement because the site exceeds 15,000 square feet.
4. Open Yard – 1,250 square feet of open yard area has been provided for the primary residential unit, with a minimum of 20-foot by 20-foot dimensions.
5. Setbacks – The ADU has been designed to meet all of the required setbacks.
6. Architectural Review – The ADU has been designed to meet the required design standards, including the following
 - a. No shiny roofing or roof tiles are proposed
 - b. No dome skylights are proposed
 - c. No glass guardrails are proposed
 - d. No more than 250 cubic yards of grading is proposed.
 - e. The height does not exceed the allowed height of the applicable zone (Maximum height allowed = 30 feet, the proposed ADU is 20 feet high)
 - f. The ADU is located in the front yard, and is located 35 feet from the front lot line.
 - g. The ADU is of the same architectural style of the primary residence which is currently under construction.
 - h. No windows are proposed within 15 feet of the interior lot lines.
 - i. The upper story landing is outside of the 15-foot interior lot line setback.

As noted, the primary residential unit is currently under construction as well as the detached garage that the subject ADU will be located above. Construction of the existing residence and detached garage is expected to continue through Summer of 2024. Ideally, the property owners would like to phase the construction so that processing of the CDP and Building Permit for the ADU may be able to “catch-up” to construction of the garage so it could be built above it as construction of the garage is reaching completion.

Additionally, a new, 1,174 square foot horse barn is planned for the site as well. As the horse barn will exceed 500 square feet, a modification will be required to allow the structure to exceed the maximum allowable Accessory Building square footage. A One-Time Concept Design Review by SFDB has been applied for (PRE2023-0161) in order to gain feedback from SFDB on the design of the barn and positive comments towards the proposed modification. As the barn will require review and approval by SFDB, and approval of the modification by the Staff Hearing Officer (SHO) at a noticed public hearing, the subject ADU is proposed under a separate application in order to meet the desired construction timeline and keep up with construction of the primary residence and detached garage.

Required Approvals

Staff Hearing Officer – Per SBMC 28.86, Accessory Dwelling Units in the Coastal Zone require approval of a Coastal Development Permit by the Staff Hearing Officer, but do not require a public hearing.

Findings for Approval

- A. The project is consistent with the policies of the California Coastal Act.

The proposed ADU is consistent with the California Coastal Act and the project will not have a significant adverse effect to the coast or coastal resources. The project site is located in an existing, developed single-family residential neighborhood with adequate access to public services, transportation, police and fire protection, and utilities. Public views will not be impacted as a result of the new ADU. The ADU is not located along a bluff and will not result in increased bluff top erosion. Minimum parking space and open space requirements will be maintained for the primary residence on site.

- B. The project is consistent with all applicable policies of the City's Local Coastal Plan and Zoning Code.

The ADU is consistent with the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. As discussed above, the ADU complies with all applicable zoning ordinance standards in terms of setbacks, height, maximum floor area, and parking requirements. The ADU will be located above an existing garage and is designed to be compatible with the primary residence and garage. The site does not provide access to the coast, so the ADU will not impact any coastal public access. No public views will be impacted with construction of the ADU.

Conclusion

We look forward to your review of this CDP application for a new, detached ADU. Should you have any questions, please do not hesitate to contact us at (805) 966-2758.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

16 November 2023
3333 Braemar Drive
ADU CDP Application

A handwritten signature in black ink that reads "shelbymjanke". The signature is written in a cursive, lowercase style.

Shelby Messner Janke, AICP
Associate Planner III

DRAFT STAFF HEARING OFFICER CONDITIONS OF APPROVAL

**3333 BRAEMAR DRIVE
COASTAL DEVELOPMENT PERMIT
JULY 24, 2024**

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:

A. **General Conditions.**

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on July 24, 2024, is limited to an Accessory Dwelling Unit 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 Staff Hearing Officer 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.
- b. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

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 any permits:

The undersigned have read and understand the required conditions, and agree to abide by all conditions.

Signed:

Property Owner

Date

- 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 and telephone number 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 if 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. **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.

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. 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.

APPLICABLE COASTAL ACT AND COASTAL LAND USE PLAN POLICIES

3333 BRAEMAR DRIVE; PLN2023-00452

Coastal Act Policies

**ARTICLE 6
DEVELOPMENT**

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise 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 significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 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.
 - (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
 - (d) Minimize energy consumption and vehicle miles traveled.
 - (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.
- (Amended by Ch. 179, Stats. 2008)

Coastal Land Use Plan Policies

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.

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

- A. 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.
- B. Zoning modifications to allow reduced off-street parking in the West Beach, Lower State, and East Beach Component Areas shall only be approved if a project specific evaluation of parking demand shows that the reduced parking will provide for the anticipated parking demand generated by the development. In determining parking demand, the following may be considered: proximity to transit facilities; mix of uses in the immediate area; offsite parking agreements; and provisions of a transportation demand management plan where it is demonstrated that the plan's measures will sufficiently reduce the demand for parking.

- Policy 4.1-20** Native Tree Protection. Development shall be sited and designed to preserve to the extent feasible native trees within ESHAs, wetlands, creeks, and required habitat buffers that have at least one trunk measuring four inches (4”) in diameter or greater at four feet six inches (4’6”) above grade in height. Removal or encroachment into the root zone of these native trees shall be prohibited except where no other feasible alternative exists. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the least adverse impacts to native trees and that would not result in additional adverse impacts to other coastal resources shall be required. Adverse impacts to native trees shall be fully mitigated as required by the Coastal LUP, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees.
- 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).
- Policy 4.3-2** Restore and Enhance Visually Degraded Areas. Development shall, where feasible, restore and enhance visual quality in visually degraded areas.
- Policy 4.3-3** Design Review. Development in the Coastal Zone shall be reviewed by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board in accordance with established rules and procedures, as applicable. If any of the rules, procedures, or actions of these design review boards/commissions conflict with the policies of the Coastal LUP, the policies of the Coastal LUP shall take precedence.
- Policy 4.3-4** Visual Evaluation Requirement. A site-specific visual evaluation shall be required for new development and substantial redevelopment that has the potential to impact scenic resources or public scenic views. The visual evaluation shall be used to evaluate the magnitude and significance of changes in appearance of scenic resources or public scenic views as a result of development.
- Policy 4.3-5** Protection of Scenic Resources and Public Scenic Views. Development shall be sited and designed to avoid impacts to scenic resources and public scenic views. If there is no feasible alternative that can avoid impacts to scenic resources or public scenic views, then the alternative that would result in the least adverse impact to scenic resources and public scenic views that would not result in additional adverse impacts to other coastal resources shall be required.

Methods to mitigate impacts could include, but not be limited to: siting development in the least visible portion of the site, managing building orientation, breaking up the mass of new structures, designing structures to blend into the natural setting, restricting the building maximum size, reducing maximum height standards, clustering building sites and development, requiring a view corridor, eliminating accessory structures not requisite to the primary use, minimizing grading, minimizing removal of native vegetation, incorporating landscape elements or screening, incorporating additional or increased setbacks, stepping the height of buildings so that the heights of building elements are lower closer to public viewing areas and increase with distance from the public viewing area.

Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to visual resources, public scenic views, or public viewing areas.

Policy 4.3-6 Obstruction of Scenic View Corridors. Development shall not obstruct public scenic view corridors of scenic resources, including those of the ocean viewed from the shoreline and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

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.

Policy 4.3-8 Mitigating Impacts to Visual Resources. Avoidance of impacts to visual resources through site selection and design alternatives, if feasible, is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts, shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures. When landscaping is required to screen the development, it shall be maintained for the life of the development for that purpose.

Policy 4.3-9 Minimize Excavation, Grading and Earthwork. Minimize alteration of natural landforms to ensure that development is subordinate to surrounding natural features such as drainage courses, prominent slopes and hillsides, and bluffs. Site and design new development and substantial redevelopment to minimize grading and the use of retaining walls, and, where appropriate, step buildings to conform to site topography.

Policy 4.3-13 Tree Protection and Replacement.

- A. Trees qualifying as ESHA shall be fully protected as required by the Biological Resources protection policies (Policy 4.1-1 et seq.).
- B. For non-ESHA trees:
 - i. Development shall be sited and designed to preserve and protect, to the extent feasible, mature trees (trees four inches in diameter or greater at four feet six inches above grade in height) and trees important to the visual quality of the property;

- ii. Mature or visually important trees should be integrated into the project design rather than removed or impacted through encroachment into the root zones; and
- iii. Where the removal of mature or visually important trees cannot be avoided through the implementation of project alternatives or where development encroachments into the root zone result in the loss or worsened health of the trees, the removed tree(s) shall be replaced on a minimum 1:1 basis. This standard can also be increased up to 10:1 depending on the type of tree removed, lot size, and size and expected survival rate of replacement trees.

Policy 4.3-14 Minimize Removal of Native Vegetation.

- A. Native vegetation that meets the definition of ESHA, creek, or wetland, shall be fully protected as required by the Biological Resource policies (Policy 4.1-1 et seq.).
- B. Development shall minimize removal of non-ESHA native vegetation.

Policy 4.4-4 Paleontological and Archaeological Resource Consideration and Protection.

Potential damage to paleontological and archaeological resources shall be considered when making land-use decisions. Project alternatives and conditions offering the most protection feasible to important paleontological or important or unique archaeological resources shall be implemented.

Policy 4.4-7 Archaeological Resources Evaluation Requirement.

Development proposed in any area known or suspected to contain archaeological resources, or identified as archaeologically sensitive on the City of Santa Barbara's Archaeological Resources Sensitivity Map, shall be evaluated to identify the potential for important or unique archaeological resources at the site and whether the proposed development may potentially have adverse impacts on those resources if present at the site.

Policy 5.1-18 Hazard Risk Reduction. New development and substantial redevelopment shall do all of the following, over the expected life of the development, factoring in the effects of sea level rise:

- A. Minimize risks to life and property from high geologic, flood, and fire hazards;
- B. Assure stability and structural integrity; and
- C. Neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Policy 5.1-20 Avoid or Minimize the Effects of High Geologic Hazards. New development and substantial redevelopment in areas of potential fault rupture, groundshaking, liquefaction, tsunami, seiche, slope failure, landslide, soil erosion, expansive soils, radon, or high groundwater shall be sited, designed, constructed, and operated (including adherence to recommendations contained in any site specific geologic evaluation required) to ensure that the development minimizes risks to life and property, assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area over its expected life, factoring in the effects of sea level rise.