



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 24, 2022

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of The Single Family Design Board's Approval Of Development At 1460 La Cima Road

### **RECOMMENDATION:**

That Council consider the appeal of Beth Collins, on behalf of Scott and Katrina McCosker, of the Single Family Design Board's approval of development associated with an existing single-family residence at 1460 La Cima Road.

### **EXECUTIVE SUMMARY:**

On March 14, 2022, the Single Family Design Board (SFDB) granted Project Design Approval and Final Approval to demolish a two-car garage and concrete driveway associated with a single-story residence located at 1460 La Cima Road, and to construct a new two-car garage with an accessory dwelling unit (ADU) above. The proposal also included the extension of an existing deck, a new driveway, a retaining wall, and associated site work. The property is owned by Christopher and Roberta Tracy.

On March 24, 2022, Beth Collins filed an appeal of the SFDB's approval on behalf of Scott and Katrina McCosker, neighbors located at 1464 La Cima Road. The appellant's letter primarily asserts that the plans lacked the necessary information to approve the project, therefore the Single Family Design Board did not have the proper information and evidence necessary to support the applicable findings. The appellant also asserts that the project poses inconsistencies with the Single Family Residence Design Guidelines and the California Environmental Quality Act (CEQA) (Attachment 1 – Appellant Letter).

### **DISCUSSION:**

#### Project Description

The project involves demolition of the existing garage and concrete driveway on a lot developed with a single-story residence, and construction of a 656-square-foot, two-car

garage, with a 685-square-foot ADU above. The project also includes expansion of an existing deck, a new concrete driveway and walkway, retaining wall, and associated site work. The proposed total of 3,328 square feet on a 11,326-square-foot lot is 85 percent of the maximum floor-to-lot area ratio allowed.

### Project Background

#### *Accessory Dwelling Units*

In general, ADUs are processed as ministerial applications and do not include discretionary review; however, an applicant may request discretionary review for variations of the architectural review criteria outlined in Santa Barbara Municipal Code (SBMC) Section 30.185.040, or to request a Zoning Modification. In this case, discretionary review by the SFDB is required as the access stairway and proposed second-story ADU are designed as an extension to the existing residence and are not constructed exclusively over a garage. Discretionary review is also required for the garage and other site improvements, as the property is located in the Hillside Design District on a property with an average slope exceeding 20 percent.

#### *Design Review*

The project was reviewed by the SFDB on four occasions: July 8, 2019, September 28, 2020, October 25, 2021, and March 14, 2022. The owner of 1464 La Cima Road was present and provided public comment in general opposition at each hearing. The project was modified several times in response to comments by the SFDB, and to address concerns expressed by the neighbor.

At the initial concept review, the proposed building encroached into the required 20-foot front setback and required a Zoning Modification. This iteration provided exterior stairway access to the ADU between the interior property line shared with 1464 La Cima and the new building addition. The Board requested that the applicant study locating the ADU below the new garage, rather than as a two-story component, and incorporating landscape screening between 1460 and 1464 La Cima Road.

In September 2020, the applicant returned with a design that conformed to the required front setback; however, the project had been modified from a two-car garage to a three-car garage, and included a small storage area below. In an attempt to address the neighbor's privacy concerns, the applicant relocated the ADU exterior access to the area adjacent to the existing residence. The applicant noted they had studied the option of locating the ADU behind or below the garage, however, the idea was not pursued due to perceived concerns related to livability of the unit, increased grading, and a tiered building configuration resulting in less permeable area on the property due to the expanded building footprint. The Board requested that the applicant provide a landscape plan and study eliminating windows on the west elevation to address privacy concerns of the neighbors at 1464 La Cima Road.

In October of 2021, the applicant requested Project Design Approval for a design that had reduced the three-car garage to a two-car garage, and eliminated the storage area below, with the ADU remaining at the second story. The new design incorporated the ADU access stairway as an interior component, and removed all fenestration from the west elevation facing 1464 La Cima Road. The Board provided general support of the project in terms of bulk and scale, commenting that the design was in keeping with the general context of the neighborhood, and appreciated that earlier comments related to fenestration on the westerly elevation had been addressed. The Board continued the project without granting Project Design Approval, directing the applicant to study the fenestration on the second story of the south elevation and consider turning the orientation of the gable to an easterly/westerly direction to make the addition harmonious with the existing residence as viewed from La Cima Road.

On March 14, 2022, the project was reviewed for both Project Design Approval and Final Approval. The Board expressed appreciation for the applicant's responsiveness to their comments and made the required Neighborhood Preservation Findings and Hillside Design District and Sloped Lot Findings.

#### Scope of Appeal & Evidence

Pursuant to SBMC section 22.69.080.C., Council must make the necessary findings and decide the appeal based on the record of the proceeding from the SFDB. New evidence is not considered unless Council determines that relevant evidence exists that could not have been produced at the hearings or was improperly excluded at the hearings. The findings necessary for approval of the project are set forth in Attachment 5 and are reflected in the minutes of SFDB's unanimous approval of the project on March 14, 2022 (Attachment 3.)

#### Appeal Issues

On March 24, 2022, on behalf of Scott and Katrina McCosker, Beth Collins filed an appeal of the SFDB's granting of Project Design Approval and Final Approval for the proposed development. Specific appeal issues and responses are identified below.

##### *1. Scheduling for Project Design Approval and Final Approval*

The appellant asserts that the project was scheduled for Project Design Approval and Final Approval without the information required by the City's Ordinance and procedures and the City's Final Approval Checklist. In advance of the October 2021 hearing, the project was reviewed for application completeness and was determined to be complete for purposes of the Permit Streamlining Act (PSA). The applicant also provided a Final Approval Checklist, noting the relevant plan sheets and required details, as applicable to the project. The project complies with the maximum allowable building height and with solar access height limitations for the zone. The SFDB's purview is specific to aesthetics related to the design, site planning, and architecture, and the Board has the discretion to determine whether

or not sufficient information has been provided to take an action on a project. No additional information was requested.

A grading plan prepared by a licensed architect or civil or structural engineer generally is required when grading exceeds 250 cubic yards outside of the main building footprint and the average slope of the site is greater than 15 percent. The civil engineer for the project did provide earthwork calculations and grading sections on the plans presented at the October 2021 hearing, but these were not included in the plan set reviewed by the Board in March 2022. The approved project plans do include a landscape plan with identified plantings, a door and window schedule, and other information typical for Project Design Approval and Final Approval.

The project was also reviewed by the City's Creeks Division for compliance with the Storm Water Management Plan, and deemed acceptable to be scheduled for Final Approval. Prior to building permit issuance, the plans will be reviewed again as part of building permit plan check, and must comply with all Ordinances and building code requirements.

## 2. *California Environmental Quality Act (CEQA)*

The appellant asserts that construction of the garage and ADU on the property may result in environmental hazards associated with development. The project site is subject to high landslide potential, low expansive soils, and high erosion potential, which will be addressed through standard building permit requirements such as site investigations, project-specific engineering, and building code compliance. The appellant cites a septic system on the property, with the potential to result in environmental impacts; City records note removal of the septic tank, and the property currently receives City sewer service.

The project was found to be categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities), which allows for demolition and removal of individual small structures, and Section 15303 (New Construction or Conversion of Small Structures), which allows for the construction of a new single-unit residence or ADU. No significant project-specific or cumulative impacts on the environment 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.

## 3. *Single Family Residence Design Guidelines*

In general, the appellant contends that the design is not compatible with the neighborhood and poses consistency issues with the [Single Family Residence Design Guidelines](#) (SFRDG)<sup>1</sup>, ultimately impacting the SFDB's ability to make the

---

<sup>1</sup> Single Family Residence Design Guidelines [Compatibility Guidelines; Two-Story Design Concepts; Hillside Housing Design Guidelines (Natural Surroundings, Height and Proportions, Apparent Height,

required Neighborhood Preservation Findings and Hillside Design District and Sloped Lot Findings. The SFRDG is intended to help design homes that are compatible with the neighborhood, preserve visual resources, and promote sustainability. The Guidelines recommend design choices that limit impacts to neighbors and ensure projects are sensitive with respect to placement and architectural appearance.

The SFDB is tasked with ensuring that single-family development is compatible in design and material, and in size, bulk, and scale with the surrounding neighborhood. In order to minimize the overall mass of the project, the new building addition is located in-line with the existing residence, and is in keeping with the architectural detailing and color. The surrounding neighborhood includes a mix of one- and two-story residences; immediately adjacent to the site is a two-story residence at 1464 La Cima Road and a one-story residence at 1420 La Cima Road.

On March 14, 2022, the SFDB found the size, bulk, and scale, and specifically the two-story element, to be commensurate with other residences in the neighborhood. The Board also commented that the proposed design's impacts on natural topography were appropriate, given the opportunity to provide off-street parking, and they noted that the applicant had made attempts to work with the neighbor in accordance with the Good Neighbor Guidelines (Attachment 4 – SFRDG). At the March 2022 hearing, and the prior October 2021 hearing, the Board commented overall about the minimal grading proposed, and noted that the effects on natural topography were justified. The project had been modified over the course of several hearings, eliminating all fenestration and lighting to address potential privacy issues for the neighbor, adjusting the architecture so the upper floor is stepped back, relocating the ADU stairway access furthest away from the neighbor to the west, and redesigning the stairway to be an interior component.

#### *4. Prior Modification*

The appellant notes that a prior Zoning Modification was granted on October 21, 1976, for the existing parking structure located in the front setback. This appeal issue is not relevant as this project involves a new structure designed to conform to the required setbacks. Additionally this was not information presented during any of the hearings and was not considered by the SFDB.

#### *5. Noticing Procedures*

The appellant contends that her clients were not adequately notified of the March 2022 SFDB hearing. A mailed public notice was provided to owners and tenants within 300 feet of the site and all interested parties at least ten calendar days before the initial Project Design Approval hearing in October of 2021, and again in February of 2022 for review on February 14, 2022. The February hearing date was postponed to a date certain of March 14, 2022, which was consistent with the City's

noticing procedures. The McCoskers were notified of the March 14, 2022 hearing date in advance, and this information was provided on the February 14, 2022, meeting agenda announcing the postponement. In addition, the McCoskers and their agent, Sarah Bronstad, received courtesy email updates as Interested Parties to the project. Sarah Bronstad and Attorney Beth Collins spoke at public comment on March 14, 2022 on behalf of the McCoskers. Written correspondence was also submitted by Scott and Katrina McCosker for SFDB consideration in advance of that hearing.

**ENVIRONMENTAL REVIEW:**

Under the provisions of Article 19, Section 15301 and 15303, of the California Environmental Quality Act Guidelines, staff has determined that the project is eligible for a categorical exemption.

**BUDGET/FINANCIAL INFORMATION:**

There is no anticipated budgetary or financial impact associated with the project.

**CONCLUSION:**

If the City Council chooses to uphold the Single Family Design Board's approval of the project, and deny the appeal, Council may adopt the findings made by the SFDB, or make new or additional findings as identified in Attachment 5. If City Council cannot make the findings, then Council may uphold the appeal and state the reasons why the findings cannot be made.

- ATTACHMENT(S):**
1. Appellant Letter, dated March 24, 2022
  2. Project Plans
  3. Single Family Design Board Minutes
  4. [Single Family Residence Design Guidelines](https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17333), available at: <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17333>
  5. Applicable Findings

**PREPARED BY:** Pilar Plummer, Assistant Planner

**SUBMITTED BY:** Elias Isaacson, Community Development Director

**APPROVED BY:** City Administrator's Office