



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 16, 2014
AGENDA DATE: January 23, 2014
PROJECT ADDRESS: 1732 Gillespie Street (MST2013-00381)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 2687
 Renee Brooke, AICP, Senior Planner *RLB*
 Suzanne Riegler, Associate Planner *SR*

I. PROJECT DESCRIPTION

The 4,000 square-foot site is developed with a 1,894 square foot two-story single-family residence. The project site is currently under construction. There are two open building permits (BLD2013-01155 and BLD2013-00761) that were issued for alterations to the residence, including exterior repairs and alterations, an interior remodel, and a replacement roof. The proposed project includes permitting the “as-built” alterations to the entry porch, proposed construction of an attached one-car garage (Option 1), relocation of utilities, and removal of an existing tree along the proposed driveway. An alternate detached garage design (Option 2) was also proposed for consideration that would result in a reduction of the required open yard.

On November 13, 2013, the Staff Hearing Officer approved the modification to allow the alterations to the front porch and denied Modification requests to allow a one-car garage to be constructed within the interior setback and the open yard at the rear of the house. The applicant is appealing the partial denial of the project.

Staff recommends that the Planning Commission also consider a third alternative (Option 3) to allow an uncovered parking space within the required 20-foot front setback and the three-foot interior setback to the east.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project, as proposed, are:

1. An Interior Setback Modification to allow the “as-built” alterations to the entry porch, including an increase in the roof height, within the required six-foot interior setback to the west (SBMC § 28.18.060 and SBMC § 28.92.110); and
2. An Interior Setback Modification to allow the construction of a one-car garage within the required three-foot interior setback to the east (SBMC § 28.18.060 and SBMC § 28.92.110); and

3. An Open Yard Modification to reduce the required 1,250 square foot open yard area due to construction of a one-car garage. (SBMC § 28.18.060 and SBMC § 28.92.110); and

An additional discretionary application that may be required for this project is

4. A Front Setback Modification to allow an uncovered parking space within the required twenty-foot front setback (SBMC § 28.18.060 and SBMC § 28.92.110)..

III. RECOMMENDATION

Staff recommends that the Planning Commission take one of the following actions:

- A. Deny the appeal and uphold the Staff Hearing Officer's decision to deny the Modifications for the one-car garage (Options 1 and 2) and approve the Interior Setback Modification to allow the "as-built" alterations to the front entry porch, making the findings and subject to the conditions in Exhibit A; or
- B. Deny the appeal, uphold the Staff Hearing Officer's decision to deny the Modifications for the one-car garage (Options 1 and 2), approve the Front and Interior Setback Modifications to allow one uncovered parking space (Option 3) to be located at the southeast corner of the property, and approve the Interior Setback Modification to allow the "as-built" alterations to the front entry porch, making the findings and subject to the conditions in Exhibit A.



Note: The arrow indicates both the subject property and "Project North".

IV. BACKGROUND

The proposed project involves permitting "as-built" alterations to the entry porch at the westerly corner of the residence and the construction of a one-car garage. The original

residence was relocated onto the site in 1930, and is legal non-conforming to the western interior setback. A 1931 building permit shows a two-car garage (20 feet wide) to be located half on 1732 Gillespie (50-foot wide lot), and half on 1734 Gillespie (also 50 feet wide). A Certificate of Compliance issued for the subject lot determined that the lot line was moved 10 feet to the south sometime after 1931, thereby making 1732 Gillespie 40 feet wide, and 1734 Gillespie 60 feet wide. This change in the lot line location resulted in the garage being located entirely on 1734 Gillespie Street. In June 2001, the property was determined by Zoning Staff to be legal non-conforming with zero on-site parking spaces.

In May 2012, a Zoning Information Report (ZIR2012-00189) was prepared which revealed that a building permit (BLD96-01167) for a minor remodel to remove windows and roof at the upstairs sunroom and to upgrade electrical service had expired on November 9, 1996 and had not received final inspection by the City's Building Department. An additional violation found that the fences and hedges on the property were not in compliance with SBMC§28.87.170 and exceeded the maximum height limits.

The property transferred ownership in January 2013. The project site is currently under construction and there are two building permits that have not yet received final building inspections. All outstanding violations that were listed in ZIR2012-00189 are shown to be abated under a building permit for exterior and interior improvements (BLD2013-01155). A second permit, BLD2013-00761, was issued to allow the existing roof to be replaced with a roof to match the existing color and roofing material. The previously permitted work was exempt from review by the Single Family Design Board.

The proposal is a request of the owner to provide on-site parking in a one-car garage accessed by a new driveway along the eastern property line. The applicant submitted plans containing two garage design options for review by the Staff Hearing Officer (SHO), including an attached one-car garage (Option 1- Owner's Preferred) and a detached one-car garage (Option 2). The plans reviewed by the SHO indicated that the driveway had a minimum width of 8' - 7". The Transportation Division Staff reviewed the proposed driveway access and garage locations. The location of the proposed driveway is between the east elevation of the residence and the existing hedge and fence, which restrict the useable driveway area to approximately 8 feet. In addition, the second story bathroom is cantilevered over the driveway as shown on the east elevation (Option 1). Planning and Transportation Staff raised concerns regarding the usability of the proposed driveway due to the vertical obstructions on either side, the narrow width, and the low vertical clearance creating a feeling of driving in a tunnel. A typical residential driveway has a minimum width of ten feet and is no longer than 75 feet in length. At the time of the SHO hearing, Staff required that the entire width of the driveway from the residence to the property line be maintained at a minimum width of 8' - 7" in order to function adequately. This would require removing the existing hedge and the fence. In addition, the decorative braces under the second floor bathroom must be removed or redesigned to allow a minimum vertical clearance of seven feet.

On November 13, 2013, the SHO reviewed the proposed project including the two options for covered parking. In both instances, the proposed parking was accessed via a new driveway. During the SHO's site visit, it appeared that the width of the proposed driveway area was approximately 8'-3". The SHO found that the width of the driveway access, for both Options 1

and 2, was inadequate and denied the requested interior setback and open yard Modifications. Following the SHO hearing, Prober Land Surveying prepared a survey that states the width of the driveway is approximately 8.66 feet (approximately 8' – 8") wide at the front of the residence and 8.51 feet (approximately 8' – 6") wide at the proposed garage door. Due to the significant constraints of locating a new driveway to access a garage toward the rear of the site, Staff recommends the Planning Commission consider a third on-site parking alternative (Option 3) that will provide one uncovered parking space at the front of the residence on the easterly side of the property, where the minimum width is 12' – 6" wide.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Mehdi Hadigi, Agent		
Property Owner:	KC Young, LLC		
Site Information			
Parcel Number:	043-181-017	Lot Area:	4,000 sq. ft.
General Plan:	Medium Density Residential (Max 12 du/acre)	Zoning:	R-2 Two Family Residence
Existing Use:	Residential	Topography:	1% est. avg. slope

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,894 sq. ft.	No Change
Garage	None	248 sq.ft. (Option 1)
Accessory Space	None	No Change

Staff recommends that the Planning Commission focus on the issues of the adequacy of the driveway access to the proposed one-car garage and the proximity of the proposed one-car garage to the interior property line, which are described in detail in this Staff Report. Staff has identified these as important issues because if the access is not adequate, the requested modification(s) to allow a garage to be constructed should be denied.

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front			
- Ground floor	15'	15'	15'
- Second Floor	20'	20'	20'
- Parking	20'	None	> 20'
-Interior (West)	6'	0'	0'
-Interior (East)	6'	6'	6'
- Parking	3'	None	Option 1: 0' Option 2: 1' Option 3: 0' to 3'
Parking	2 covered*	0 spaces	1 covered
Open Yard	1,250 sq. ft.	> 1,250 sq. ft.	> 1,250 sq. ft.
Lot Coverage (Opt. 1)			
-Building	N/A	1,216 sq. ft. 30.4%	1,486 sq. ft. 37.2%
-Paving/Driveway	N/A	1,135 sq. ft. 28.4%	1,135 sq. ft. 28.4%
-Landscaping	N/A	1,649 sq. ft. 41.2%	1,379 sq. ft. 34.4%

*Modification requested

With the approval of the Modifications described below, the project would meet the Ordinance requirements of the R-2 Zone.

1. MODIFICATION FOR ALTERATIONS TO FRONT PORCH

An Interior Setback Modification is requested to permit the “as-built” alterations to the covered entry porch at the westerly corner of the residence, including changing a shed roof to a flat roof, resulting in an approximately four-foot increase in height within the six-foot setback. The permitted porch had a vertical clearance of 6’ – 6” at the westerly edge of the porch. Staff supports the modification to allow the roof of the “as-built” covered porch to be increased to allow adequate vertical clearance; however, staff recommends a condition that the second floor deck not be extended over the new covered porch and remain the existing 7’ – 3” from the interior property line.

2. MODIFICATIONS FOR ON-SITE PARKING

As stated in Section IV of this staff report, the Planning Commission may consider all three options described in this section for providing an on-site parking location. If any on-site parking is approved, a condition would be added to require any existing fences, hedges, walls or screens along the driveway be reduced to comply with the ordinance to provide visibility for the new vehicular access. In addition, a condition should be added that all existing and proposed fences, hedges, walls and screens be documented on the plans with a clear notation that all of the fences, hedges, walls, and screens will be reduced or removed in order to comply with SBMC§28.87.170.

If the Commission determines that a driveway width of 8' – 6" is the minimum necessary to provide adequate access as is required for either Option 1 or 2, and one of those options could be approved, Staff recommends that the following conditions be added: 1) The fence and hedges along the eastern of edge of the new driveway shall be removed for the entire length of the residence's first floor to provide a minimum driveway width of 8' – 6"; and 2) A minimum vertical clearance of seven feet shall be maintained for the entire length of the driveway.

A. Option 1: Attached One-Car Garage

Option 1 consists of a 248 square foot, attached garage to the northwest corner of the existing two-story residence, accessed via a proposed driveway having a minimum width of 8' – 6". The attached garage would be built up to the easterly interior property line. An Interior Setback Modification is requested to allow a new one-car garage to be located within the three-foot interior setback. In order to provide adequate vehicular access to the proposed garage and along the new driveway this option would require the removal of a mature tree, removal of the fence and hedge to provide unobstructed access for a minimum width of 8'-6" and a vertical clearance of at least seven feet as previously described in Section IV of this staff report. Staff is concerned that if the garage is built and later determined by the property owner to have inadequate access the garage could potentially be converted to another use. In general, Planning Staff is not supportive of new residential buildings or additions without a setback from the property line. Staff advised the applicant that a Modification to allow construction up to the property line in a residential neighborhood cannot be supported and continues to recommend denial of the Interior Setback Modification for the garage as submitted.

B. Option 2: Detached One-Car Garage

Option 2 includes a 210 square foot, detached garage accessed via a proposed driveway having a minimum width of 8' – 6". An Interior Setback Modification is requested to allow the garage to encroach one foot into the required three-foot interior setback to the east, and an Open Yard Modification is required to reduce the currently conforming open yard to 1,012 square feet, of which only 935 square feet would meet the minimum 20-foot dimensions. Due to the small lot size, Planning Staff could support the reduction in open yard area as a trade-off to provide the site with one on-site parking space. The resulting development would be consistent with the pattern of development for the neighborhood and the proposed 935 square-foot open yard area would continue to provide a useable space at the rear of the residence. Similar to the option above, in order to provide adequate vehicular access to the proposed detached garage along the new driveway, this option would require the removal of a mature tree, removal of the fence and hedge to provide unobstructed access for a minimum width of 8'-6" and a vertical clearance of at least seven feet as previously described in Section IV of this staff report. Transportation Division Staff does not support Option 2 because the alignment of the garage with the driveway is offset and will require maneuvering around both the rear stair and rear corner of the residence to back out to the street. Therefore, Staff

does not recommend that the Planning Commission approve the requested Modifications for parking Option 2.

C. Option 3: Uncovered Parking Space

Staff suggests the Commission consider a third option proposed by Staff (Option 3) to allow an uncovered parking space at the front of the property along the east interior property line. This location is approximately 12' – 6" wide by 23' – 6" deep and will provide an uncovered, on-site parking space with a standard curb cut width and parking dimension. If the entire area is paved for parking up to the property lines, both a Front and Interior Setback Modification would be required. However, a standard uncovered parking space has a minimum width of 9' and depth of 20', making it possible to provide an uncovered space in this area and meet the required three-foot interior setback. If the Commission determines that the uncovered parking space is the preferred solution, the Commission should consider whether an uncovered parking space within an interior setback is an appropriate improvement on this single-family residential lot. Staff recommends that the Commission approve the Front Setback Modification allowing an uncovered parking space to be located within the front setback. The uncovered parking space in the front yard is consistent with the pattern of development in the neighborhood and would provide at least one uncovered parking space on a lot that currently does not have on-site parking.

VII. FINDINGS

The Planning Commission finds the following:

A. INTERIOR SETBACK MODIFICATION (WEST)

The Planning Commission finds that the western Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed change to the height of the roofed entry porch will provide a minimum vertical clearance of 8' – 6", and is an appropriate improvement to a single-family residence that is not anticipated to adversely impact the adjacent neighbor.

B. FRONT SETBACK MODIFICATION FOR OPTION 3 (SBMC§28.18.060)

The Planning Commission finds that the Front Setback Modification to allow an uncovered parking space (Option 3) to be located within the twenty-foot front setback is consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The creation of an uncovered parking space in this area is appropriate because it will provide on-site parking on a lot that is currently developed without parking. The 40' wide lot is constrained by the location of the existing development, limiting the opportunity for a conforming location for a one- or two-car garage. Therefore, the uncovered parking space is an appropriate improvement to the single-family residence that is not anticipated to adversely impact the adjacent neighbor.

**C. EAST INTERIOR SETBACK MODIFICATIONS FOR OPTION 1
(SBMC§28.18.060)**

The Planning Commission finds that the Interior Setback Modification to allow the construction of an attached one –car garage (Option 1) to be constructed up to the property line is not consistent with the purposes and intent of the Zoning Ordinance. The proposed location is not appropriate as the access provided to the garage was found to be inadequate, and it does not provide an adequate setback from the interior property line, which is anticipated to adversely impact the adjacent neighbor to the east.

**D. OPEN YARD AND EAST INTERIOR SETBACK MODIFICATIONS FOR OPTION 2
(SBMC§28.18.060)**

The Planning Commission finds that the eastern Interior Setback and Open Yard Modifications to allow construction of the detached garage (Option 2) to encroach one foot into the required three-foot setback and to reduce the required open yard to 935 square feet are inconsistent with the purposes and intent of the Zoning Ordinance. The access provided to the garage was found to be inadequate. Therefore, the proposed detached garage is not an appropriate improvement of the real property, which is necessary to justify granting the necessary Modifications.

Exhibits:

- A. Conditions of Approval
- B. Site Plan (under separate cover)
- C. Applicant's letter, dated November 25, 2013
- D. Property Owner's letter, dated November 25, 2013

PLANNING COMMISSION CONDITIONS OF APPROVAL

1732 GILLESPIE STREET (MST2013-00381)
INTERIOR SETBACKS, FRONT SETBACK, AND OPEN YARD MODIFICATIONS
JANUARY 23, 2014

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) 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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Record any required documents (see Recorded Conditions Agreement section).
2. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

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

B. **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 Planning Commission on January 23, 2014 is limited to **(BASED ON PC ACTION, SELECT FROM THE FOLLOWING OPTIONS)**

Option 1: the approval of two Interior Setback Modifications to allow alterations to a 1,894 square foot (net), two-story, single-family residence to increase the height of roofed front porch within the required six-foot interior setback and the construction of an attached new 248 square foot, one-car garage addition to encroach within the required three-foot interior setback.

Option 2: the approval of an Interior Setback Modification to allow alterations to a 1,894 square foot (net), two-story, single-family residence to increase the height of roofed front porch within the required six-foot interior setback and an Open Yard Modification to allow the construction of a detached 210 square foot, one-car garage that will reduce the conforming open yard to 1,012 square feet.

Option 3: the approval of an Interior Setback Modification to allow alterations to a 1,894 square foot (net), two-story, single-family residence to increase the height of roofed front porch within the required six-foot interior setback and Front and Interior Setback Modifications to

allow an uncovered, unscreened parking space to encroach into the required 20-foot front and three-foot interior setback.

and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **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.
 3. **Deck Expansion Prohibited.** The second floor deck shall not be extended over the new entry porch and shall be maintained at a minimum distance of 7' – 3" from the interior property line.
 4. **Fences, Hedges, Walls, and Screens to be Removed.** The fence and hedges along the eastern edge of the new driveway shall be removed for the entire length of the residence's first floor to provide a minimum driveway width of 8' – 8".
 5. **Vertical Clearance along Driveway.** A minimum vertical clearance of seven feet shall be maintained for the entire length of the driveway.
 6. **Documentation on Plan.** The locations of all fences, hedges, walls, and screens shall be documented on the plans and it shall be noted that the hedges will be trimmed and maintained in compliance with SBMC § 28.87.170. Specifically those hedges and fences within twenty feet of the front property line for a distance of 10 feet on either side of the new driveway or parking area.
- C. **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. **(TO BE DELETED IF OPTION 3 IS APPROVED) Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan (treatment). The Owner shall submit worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works

Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

- c. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- d. **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.

D. **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. **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.

- E. **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.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- F. **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 Planning Commission.
 - 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.
 3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, 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 Council's denial of the appeal and 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.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

M E H D I

H A D I G H I

Custom Homes

Additions

Remodels

(805) 682-0044

228 West Quinto Street
Santa Barbara, Ca. 93105

Lic. # 681168
Archadighi@gmail.com

Santa Barbara, City Planning Department
Member of The Planning Commission
620 Garden Street
Santa Barbara, Ca. 93101

25 November 2013

Regarding : Garage Modification
Address : 1732 Gillespie Santa Barbara, Ca. 93101
A. P. N. : 43-018-017
Zone : R-2
Owner : Mr. Kipp Young

RECEIVED
DEC 02 2013
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Planning Department members & Planning Commissioners:

The existing 1984 sq. ft. residence has 3 bedrooms, 3 ½ baths, and no garage or curb cut to access the site for any parking space. We are requesting an attached single garage in the east side of the property. Planning staff suggest a parking space at front or at rear of the property. Garage proposal has a minimum visual impact and it is compatible with the neighborhood.

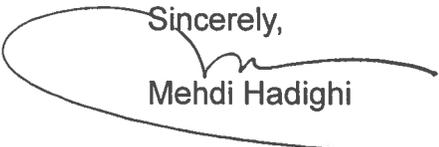
The proposed garage will encroach 6' into the required 6' side yard set back.

The modification will allow the much needed off street parking for this property and provide safety for occupants of this residence.

We meet all other zoning and general plan requirements.

Thank you for your time and consideration,

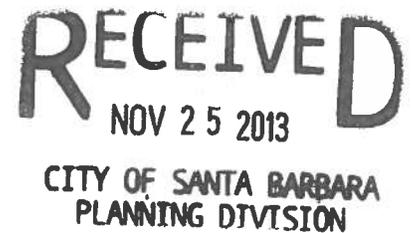
Sincerely,



Mehdi Hadighi

EXHIBIT C

To: City of Santa Barbara Building Department
From: Kipp Young
Phone: 509-949-6996
Re: 1732 Parking Modification Request
Parcel Number: 043-181-017
Permit Number: BLDG 2013 00761



I would like to request a parking modification for the following reasons for 1732 Gillespie.

1. There existed previously at this property a garage located on the property line with zero setback. The 40 foot garage straddled the two properties so that it sat 20 feet on each side.
2. In 2003 there was an approved action by the city of Santa Barbara for a lot line revision between 1732 Gillespie and it's adjacent property to the north west 1734. The garage now sat 30 feet on the benefited property and 10 feet onto our property, 1732 Gillespie.
3. The resulting lot line revision resulted in removing 1000 ft.² of open yard space from 1732. Any open yard modification request in our proposal should take this into consideration.
4. The City of SB allowed the conversion of a pre-existing non-conforming structure into a non-existing nonconforming property without the hope of improvement except by modification.
5. After the lot line revision was granted by the City, which made 1732 now permanently within the side setback requirements at only 3'6" ,the city reclassified the existing garage as "appearing to encroach" by 10 feet upon the property located at 1732 Gillespie.
6. The City of Santa Barbara allowed the garage that used to exist and service 1732 Gillespie to be demolished.
7. 1732 Gillespie for decades had access to its garage from Islay Street.
8. The city allowed this access easement to be removed and subsequently for a duplex to be built over the top of this access.
9. The resulting lot home configuration allows for very limited choices to correct these actions.
10. Replacement of a previously existing parking structure allows us to undo some of the unintentional damage that was allowed by the city of Santa Barbara to the property known as 1732 Gillespie St..
11. The very minimal modifications that we are requesting are consistent with numerous homes in the area that have garages on the lot line and were either approved or are existing nonconforming. They are also, although different in location, consistent with the prior original parking structure.
12. A covered parking structure is consistent with city planning efforts to reduce on street parking congestion.
13. Our proposal is consistent with the city of Santa Barbara movement toward cogent safe higher urban density.
14. Our proposal improves handicap accessibility.
15. Our proposal in no way diminishes view rights or detrimentally affects adjacent neighbors.
16. Health and safety are improved with off-street parking.

I understand that the City's Building Department has an immense and challenging job bringing homeowner's together cohesively for the greater good of the city, and we feel our proposal supports that common goal.

Best Regards,

