



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** June 29, 2017  
**AGENDA DATE:** July 5, 2017  
**PROJECT ADDRESS:** 115 West Pedregosa (MST2016-00448)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Irma Unzueta, Acting Senior Planner *IU*  
 Betsy Teeter, Planning Technician II *BT*

### I. PROJECT DESCRIPTION

The 4,200 square foot project site is currently developed with a 926 square foot one-story, single-family residence and attached 270 square foot, one-car garage with an attached accessory building. The proposal is to demolish the existing detached garage and accessory building and construct a new 213 square foot detached one-car garage with an attached 108 square foot accessory room and a 22 square foot entry and stairs leading to a 360 square foot studio apartment on the second floor. Total square footage of this new structure will be 490 square feet.

The discretionary application required for this project is an Interior Setback Modification to allow a portion of the garage to be located in the required 6-foot interior setback along the southern property line (SBMC § 28.21.060 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and conditions in Section V of this Staff Report.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

|   |                                  |
|---|----------------------------------|
| Applicant: Nancy Mulholland                                   | Property Owner: Nancy Mulholland |
| Parcel Number: 027-022-004                                    | Lot Area: 4,200 sq. ft.          |
| General Plan: Medium High Density Residential (15-27 du/acre) | Zoning: R-4                      |
| Existing Use: Single Family Residential                       | Topography: 3% slope             |

Adjacent Land Uses:

|                     |                    |
|---------------------|--------------------|
| North – Residential | East - Residential |
| South – Residential | West- Residential  |

**B. PROJECT STATISTICS**

|                     | <b>Existing</b> | <b>Proposed</b> |
|---------------------|-----------------|-----------------|
| Living Area         | 926 sq. ft.     | 1,308 sq. ft.   |
| Garage/storage room | 270 sq. ft.     | 321 sq. ft.     |

**C. PROPOSED LOT AREA COVERAGE**

Building: 1, 552 sf 37 %      Hardscape: 591 sf 14 %      Landscape: 2,057 sf 49 %

**IV. DISCUSSION**

As of January 2017, California Government Code Section 65852.2 superseded local agency regulations for secondary dwelling units (SBMC 28.94.030.Z) and accessory dwelling units (SBMC 28.18). Under the new legislation, ADUs are allowed in any zone, provided that the lot is zoned for residential use and contains an existing single-family dwelling, and the ADU complies with all of the regulations of the new legislation. The City is currently drafting an Ordinance to provide clarity to the State legislation regarding ADUs, however, currently, the City Attorney’s Office has interpreted Government Code Section 65852.2(a)(4) to allow the City to require all ADU projects to conform to all general zoning standards that do not specifically relate to accessory dwelling units

The site is currently developed with a one story 926 square foot dwelling with a rear uncovered deck and a detached 270 square foot one car garage with an attached accessory/storage room at the side of the garage. The proposed project is to demolish the existing garage and accessory room and construct a new one car garage with an attached accessory room and a new Accessory Dwelling Unit (ADU) above.

Although there are no original plans or permits on file for the project site, the Sanborn Fire Maps shows the house in its’ present configuration with a garage at the rear of the lot. Although the Zoning Information Reports prepared for this site differ on whether the existing garage is a one car or a two car garage, a determination was made in 1999 by the Zoning Supervisor that the structure is considered a one vehicle garage. Transportation Planning has reviewed the current plans and concurs that only one covered parking space is required for the single family dwelling. Under California law, the ADU requires no additional parking spaces.

The owner is requesting an Interior Setback Modification to allow the replacement garage to be located within the required 6-foot interior setbacks. The new garage will be located 2’-10” from

the southerly interior property line and three feet from the rear property line. The new garage will now conform to the 3-foot rear setback requirement for garages and will be no closer to the interior property line than the existing garage. The ADU Unit will conform to all setback requirements. Staff understands that the purpose and intent of residential setbacks is to provide a buffer zone between residential neighbors, however, given that the existing garage encroaches in the interior setback and the new 2<sup>nd</sup> story ADU conforms to the required setbacks there will be no intensification of use within the setbacks. The proposed project is not anticipated to cause a detrimental effect to the neighboring property or the neighborhood.

This project was conceptually reviewed by the Architectural Board of Review (ABR) on October 24, 2016, when a Secondary Dwelling Unit was proposed. The Board unanimously supported the location and design of the new unit. Under the ADU law, no design review is required for the 2<sup>nd</sup> unit. Nicole Hernandez, the City's Urban Historian has determined that the reconstruction of the garage does not need a Historic Structures/Sites Report as it mimics the original roof lines of the house and board and batten material of the original garage, and will not have a negative impact to the historic resource.

A site inspection of the property revealed that the trash cans are being stored at the side of the existing garage within the required interior setback. A condition has been included to require the trash receptacles to be located outside the setbacks.

The project is located within the American City and the Early 20<sup>th</sup> Century Archeological Sensitivity Zones, areas identified in the City's Master Environmental Assessment as areas of potential archeological significance. The Master Environmental Assessment Guidelines for Archeological Resources provide that no archeological report is required if the amount of grading is less than 500 square feet or excavation is less than 12 inches. Although excavation will be greater than 12 inches, Planning staff has reviewed archeological reports for nearby lots and has concluded that no archeological analysis is required prior to excavation. However, Staff recommends a standard condition that requires that if cultural resources are discovered during excavation, the project must be halted, and the appropriate experts be consulted.

#### **V. FINDINGS AND CONDITIONS:**

The Staff Hearing Officer finds that the 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 Modification will allow the new garage to remain in approximately the same footprint as the existing garage and to structurally support the new ADU. The new garage will not encroach any further into the interior setback and will now conform to the required rear setback and there are no existing or proposed new openings in the interior setback. Therefore, adverse impacts to the adjacent neighbors or the neighborhood are not expected to result from the construction of the replacement garage, storage room or ADU.

Said approval is subject to the following conditions:

1. The trash receptacles currently stored at the side of the existing garage will not be allowed to be stored in this location upon construction of the new garage.
2. The following language shall be added to the plans submitted for building permit:

“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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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 a 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 a 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.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 2, 2017

Contact/Case Planner: Betsy Teeter, Planning Technician II  
(bteeter@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x 4563



# City of Santa Barbara California

## \*\*\* SEPARATELY DISTRIBUTED SITE PLAN \*\*\*

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.

**EXHIBIT A**

Nancy Mulholland  
115 W. Pedregosa St.  
Santa Barbara, CA 93101  
805.591.9483

May 2, 2017 - *REVISION*

Staff Hearing Officer  
City of Santa Barbara  
630 Garden St.  
Santa Barbara, CA 93101

**Re: Request for (1) Modification at 115 W. Pedregosa Street; APN 27-022-04; Zone R-4; PRE2017-00125**

Dear Staff Hearing Officer:

There is an existing single family house (926 SF net), built in 1922, and a detached garage (270 SF net) on the property. The site measures 42' x 100', and is zoned R4. The house sits towards the front of the lot; the garage is in the rear, with driveway access alongside the house. The house encroaches into the north interior setback; the garage encroaches into the south interior (2.88' off lot line) and rear setbacks (2' off rear lot line). Both buildings are legal non-conforming according to the City building files.

The proposal is to demolish the existing garage and construct a two-story detached building containing an Accessory Dwelling Unit (ADU) in its place. The new building would include a one car garage (213 SF net), bicycle workshop (108 SF net), and ADU entry (22 SF net) on the ground floor. The second floor would contain 360 SF net of ADU space, for a total net ADU area of 382 SF. The net area of the ADU plus the workshop would be 490 SF, less than the 500 SF maximum for accessory buildings.

No changes are proposed to the primary house. The existing deck would be removed and replaced with a smaller stoop to accommodate the larger garage.

One Modification is requested: to allow encroachment of the first floor garage into the south interior setback (3' from the lot line).

This Modification is needed to build the new garage in the existing location, and align it with the existing driveway. It is also necessary to allow for the addition of an ADU on this small lot while preserving usable backyard open space. There is a two story residential unit on the adjacent property to the south, with a 7' high CMU wall and 15' high hedge along the interior property line. No privacy issues are anticipated as a result of this modification.

The major benefits of the proposed project are to add needed residential space without additions or modifications to the historic main house, and to provide an additional dwelling unit within walking distance of the downtown.

Thank you for your consideration of this request.

Sincerely,

  
Nancy Mulholland

RECEIVED  
JUN 12 2017

CITY OF SANTA BARBARA  
PLANNING DIVISION

**EXHIBIT B**