II.B

City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: January 9, 2019
AGENDA DATE: January 16, 2019
PROJECT ADDRESS: 2217 Oak Park Lane (MST2018-00496)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
      Marck Aguilar, Acting Senior Planner
      Stephanie Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The 11,447 square-foot site is currently developed with a two-unit residential development. A two-car garage was once on-site, and was removed without the benefit of permits, as noted in ENF2013-00959. The proposed project involves construction of four uncovered parking spaces, in lieu of the required two covered and two uncovered, to abate ENF2013-00959. Site improvements such as relocating fencing, trimming bamboo, and parking area improvements are also proposed.

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

1. Parking Modification to allow for four uncovered parking spaces instead of the required two covered and two uncovered (SBMC Table 30.175.040 and SBMC §30.250.030.B).

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

Please reference Exhibit A, Project Plans, and Exhibit B, Applicant Letter, for additional project details.

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and conditions in Section V of this report.
III. **SITE INFORMATION AND PROJECT STATISTICS**

A. **SITE INFORMATION**

Applicant: Chris Cottrell  
Property Owner: Dawn Close Living Trust

Parcel Number: 025-160-009  
Lot Area: 11,447 sq. ft.

General Plan: Medium High Density Residential (15-27 DU/Acre)  
Zoning: R-M (Residential Multi-Unit)

Existing Use: Two-Unit Residential  
Topography: 2%

Adjacent Land Uses:
- North – R-M; 2221 Oak Park Lane – Multi-Family Residential (2-story)
- East – R-M; 2214 Oak Park Lane – Single Family Residential (1-story)
- South – R-M; 2215 Oak Park Lane – Two-Unit Residential (1-story)
- West – R-M; 528 W. Los Olivos Street – Multi-Family Residential (2-story)

B. **PROJECT STATISTICS**

<table>
<thead>
<tr>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Unit 1</td>
<td>1,012 sq. ft. (net)</td>
</tr>
<tr>
<td>Unit 2</td>
<td>722 sq. ft. (net)</td>
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</tbody>
</table>

* = no change

C. **PROPOSED LOT AREA COVERAGE**

- Building: 1,870 sq. ft. (16.34%)
- Hardscape: 2,920 sq. ft. (25.51%)
- Landscape: 6,657 sq. ft. (58.15%)

D. **ZONING ORDINANCE CONSISTENCY**

<table>
<thead>
<tr>
<th>Requirement/Allowance</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Parking</td>
<td></td>
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<tr>
<td>2 covered and 2 uncovered (SBMC Table 30.175.040)</td>
<td>4 uncovered**</td>
<td>4 uncovered***</td>
</tr>
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** = under enforcement  
*** = modification requested
IV. DISCUSSION

The proposed project includes legalization of four uncovered parking spaces in lieu of the required two covered and two uncovered. Site improvements, such as fencing and curbs to delineate the parking spaces, are also proposed.

Design Review

Since the project site is located in the Demolition Review Study Area and the development is older than 50 years old, the Urban Historian reviewed the project prior to the design review board. While the structures on-site may be eligible for designation, the Urban Historian deemed the proposed uncovered parking as not a significant impact and did not require that the Historic Landmarks Commission review the project.

The Architectural Board of Review (ABR) reviewed the project on the Consent Agenda on October 8, 2018 and again on October 22, 2018. The ABR expressed concern that an existing oak tree near the proposed uncovered parking towards the center of the lot might be adversely affected by parking and suggested that if it were to be damaged, it should be replaced in-kind. A condition of approval related to the oak tree is included in Section V of this staff report.

Building Violations

No original building permits or plans for the existing development are on-file with the City. Per the Sanborn Insurance Fire Maps, originally drafted in the 1940s and updated through the 1960s and now on-file at the City, the site was once developed with two single family dwellings and a detached garage. A violation listed in ZIR2013-00433 notes that the garage was removed without the required building permit; Building enforcement staff subsequently created ENF2013-00959 and initiated enforcement of the violation. The applicant proposes to legalize four uncovered spaces, with the subject modification, instead of rebuilding the garage. If the modification request is approved, the property would have no further outstanding documented violations.

Modification Request and Required Findings

The applicant is requesting a parking modification to allow for only uncovered parking, in lieu of the required two uncovered and two covered parking spaces. Per SBMC Section 30.250.060.F, the Staff Hearing Officer is required to make the following findings to approve the requested modification.

1. The Modification is consistent with the general purposes of this Title or the specific purposes of the zoning district in which the project is located; and
2. The Modification is necessary to accomplish any one of the following:
   a. Secure an appropriate improvement on a lot; or
   b. Prevent unreasonable hardship due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, proximity to creeks, or other unusual circumstance; or
c. Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site; or

d. Construct a housing development containing affordable residential units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures

Uncovered Parking Modification

The site’s “as-built” configuration includes two single family residences, a fenced area at the rear of the lot, and pavement that serves as uncovered parking for the two residences. As described above, the site was once developed with a garage that provided the required covered parking for the site.

In 2014, the applicant submitted an application proposing to reconstruct the garage and build a third unit atop it (MST2014-00544); the Architectural Board of Review (ABR) approved the project on January 19, 2016. However, due to costs, the applicant proposes to abandon that project and pursue the subject parking modification. Staff includes a recommended condition of approval in Section V of this report that mandates the applicant formally withdraw MST2014-00544 so the administrative record for the property is clear.

SBMC Title 30 does allow for a waiver allowing uncovered parking without a modification, but only for single family residential, not two-unit residential like the existing development (SBMC 30.175.030.N).

As shown on the submitted plans, the rear of the lot is large enough to accommodate the required open yard, the required amount of trash receptacles, and three uncovered parking spaces. A fourth parking space is provided along the driveway towards the center of the residential development. The trash and parking do not encroach into the required open yard or setbacks. Transportation staff have reviewed the maneuverability of the proposed spaces and confirmed that they meet development standards and the existing oak tree would not be impacted by the space’s maneuverability. The proposed uncovered parking spaces would be screened from view by the existing structures on the lot. Should covered parking be pursued in lieu of the uncovered parking, it would be similarly shielded from public view. Given this, staff is supportive of the uncovered parking in regards to aesthetic impacts.

Zoning staff supports the modification request given the ample space at the rear of the lot; respect for setbacks and open yard; Transportation staff’s, the Urban Historian’s, and the ABRs support of the project; and no anticipated visual impacts.

Environmental Review

According to the City’s Master Environmental Assessment Report, the project is located in an archaeological sensitivity overlay area. However, there are archaeological reports on file for either the subject lot or adjacent lots noting no potential impacts to archaeological resources; therefore, staff waived the standard requirement for a Phase 1 Archaeological Report for this project. A standard condition of approval related to the unlikely discovery of archaeological artifacts is included in Section V of this report.
The parcel is located in the Demolition Review Study Area and the existing structures may be eligible for designation. The Urban Historian reviewed the subject project and determined that no impacts to the potential eligibility of the structure as a historic resource are anticipated, and that no impacts to any historic structures are anticipated as a result of the proposed project.

Staff reviewed the archive plans on file, as well as historic aerial photographs. There is no indication that the currently paved area was paved with any kind of permit or environmental review. The parking area is considered unpermitted, and must be counted towards the new impervious surfaces on the lot. Including the “as-built” paved area, more than 500 square feet of new impervious surfaces are anticipated; thus, the project triggers Storm Water Management Plan (SWMP) Tier 2 best management practices.

Staff finds the scope of the entire proposed project exempt from the California Environmental Quality Act (CEQA) under categorical exemption 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Parking Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot (adequate number of parking spaces). The existing site is comprised of two single family residences, a large paved area at the rear of the site, and a fenced area large enough to accommodate the required open yard and the required amount of trash receptacles on-site (that do not encroach into the required open yard). The uncovered parking spaces would not have any negative visual impacts from the public street, as they are all proposed behind existing buildings. The parking spaces would also be clearly delineated, meet Transportation design standards, and construction impacts to an existing oak tree on-site are not anticipated since the pavement near the tree is already existing.

This approval is subject to the following conditions:

1. **Oak Tree Replacement.** Should the oak tree at the center of the lot be damaged during the construction of the project, it must be replaced in kind, with Architectural Board of Review approvals.

2. **MST2014-00544 Withdrawal.** Prior to obtaining Project Design Approval for the subject application, the applicant shall formally withdraw MST2014-00544 by submitting a withdrawal letter to the Architectural Board of Review Planning Technician.

3. **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.

Exhibits:

A. Site Plan (under separate cover)
B. Applicant's letter, dated October 24, 2018
C. ABR Minutes, dated October 8, 2018 and October 22, 2018

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4569
Exhibit A: The exhibit for this Staff Report has been distributed separately. A copy of the site plan is available for viewing at the Planning and Zoning Counter located 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 to verify closure dates.
October 24, 2018

RE: Modification for 2217 Oak Park Ln.

To the Staff Hearing Officer,

I am writing to formally request a Modification to allow for four uncovered parking spaces in lieu of two covered, two uncovered. This is to address ENF 2013-00959, which was in response to the demolishing of the (E) garage which previously provided the required covered parking.

The reason for requesting this Modification is so that our clients can avoid building a costly covered parking structure where there exists ample space for uncovered parking that is in no way visible from adjacent properties or the street.

In studying the neighborhood, it was quickly made apparent that there are many developments that provide all their required parking with uncovered spaces. Furthermore, unlike the 4 spaces that we are proposing, the uncovered parking that we noticed nearby is clearly visible from the street and most certainly from a bird's eye view. Our proposed 4 spaces would be completely concealed by the large oak canopy on site.

Our clients also want to minimize any additional development on the property so as to reduce strain on the roots of the magnificent oak trees which provide shade, privacy, soil stability, natural storm water retention and wildlife habitat.

I thank you in advance for your intelligent and evenhanded consideration of our request.

Warmest regards,

Kitts McCabe,
Project Manager
Native Son Design Studio
925B Calle Puerto Vallarta, Santa Barbara, CA 93103
805.450.0494
NEW ITEM

D. 2217 OAK PARK LN  
Assessor's Parcel Number: 025-160-009  
Application Number: MST2018-00496  
Owner: Dawn Close Living Trust  
Applicant: Kitts McCabe  
R-M Zone

(Proposal to permit four uncovered parking space on a site developed with two residential units. Project consists of permitting the unpermitted demolition of a two car garage, and the construction of four uncovered parking spaces. Project requires Staff Hearing Officer review for providing four uncovered parking spaces in lieu of two covered and two uncovered. Project proposes to abate violations identified in enforcement case ENF2013-00959.)

(Comments Only. Project requires review by the Staff Hearing Officer.)

Public Comment:

Correspondence with concerns from Steven Ley was read into the record regarding the proposal and its impacts to the existing oak tree, parking configuration, and use of the site.

Continue two weeks with comments:
1. Provide photographs of the adjacent buildings, including their view to the location of the proposed modifications.
2. There is concern regarding potential impacts to the existing oak tree. If the tree is impacted by the project or in the future, it is to be replaced in kind.
CONTINUED ITEM

F. 2217 OAK PARK LN  

Assessor's Parcel Number: 025-160-009  
Application Number: MST2018-00496  
Owner: Dawn Close Living Trust  
Applicant: Kitts McCabe  

(Proposal to permit four uncovered parking space on a site developed with two residential units. Project consists of permitting the unpermitted demolition of a two-car garage, and the construction of four uncovered parking spaces. Project requires Staff Hearing Officer review for providing four uncovered parking spaces in lieu of two covered and two uncovered spaces. Project proposes to abate violations identified in enforcement case ENF2013-00959.)

(Second Concept Review, Comments Only. Project requires review by the Staff Hearing Officer, and was last reviewed on October 8, 2018.)

Continue indefinitely to Staff Hearing Officer with comment that the Board supports the proposed design.)