City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: June 24, 2019
AGENDA DATE: July 3, 2019
PROJECT ADDRESS: 1822 Santa Barbara Street (PLN2017-00825)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
       Mark Aguilar, Acting Senior Planner
       Ellen Kokinda, Assistant Planner

I. PROJECT DESCRIPTION

The 12,730 square-foot site is currently developed with a two-story single family residence and
detached accessory building. The proposed project involves construction of a new two-car
garage. The proposal also includes the removal of existing asphalt concrete paving and an
existing planter resulting in reduced driveway area. Permeable concrete pavers are proposed to
replace the existing asphalt concrete. The hedge height within 10’ of the driveway is proposed to
be reduced to a maximum height of 3’6” to comply with driveway visibility requirements.

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

1. Interior Setback Modification to allow for a proposed two-car garage to encroach into the
required 10'-0" western interior setback (SBMC §30.20.030.A and SBMC

2. Interior Setback Modification to allow for a proposed two-car garage to encroach into the
required 10'-0" northerly interior setback (SBMC §30.20.030.A and SBMC

The Environmental Analyst has determined that the project is exempt from further environmental
review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New
Construction of Small Structures) and Section 15305 (Minor Alterations in Land Use
Limitations).

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

Application Deemed Complete: February 28, 2019
90-day Extension Approved: May 9, 2019
Date Action Required: August 7, 2019
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: Kurt Magness  
Property Owner: Egan Family Trust 9/27/2017  
Parcel Number: 027-042-020  
Lot Area: 12,730 sq. ft.  
General Plan: Low Density Residential (3 dwelling units/acre)  
Zoning: RS-15 (Residential Single Unit)  
Existing Use: Residential  
Topography: 6%

Adjacent Land Uses:
- North – RS-15; 1820 Santa Barbara – Single-Unit Residential (2-story)
- East – RS-15; 1816 Santa Barbara Street – Single-Unit Residential (2-story)
- South – RS-15; 1833 Santa Barbara Street – Single-Unit Residential (2-story)
- West – RS-15; 202 E. Pedregosa Street – Single-Unit Residential (2-story)

B. **PROJECT STATISTICS**

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Living Area</td>
<td>2,380 sq. ft. (net)</td>
<td>2,380 sq. ft. (net)</td>
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<tr>
<td>Garage</td>
<td>0 sq. ft. (net)</td>
<td>403 sq. ft. (net)</td>
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<tr>
<td>Accessory Area</td>
<td>330 sq. ft. (net)</td>
<td>330 sq. ft. (net)</td>
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C. **PROPOSED LOT AREA COVERAGE**

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<tr>
<th></th>
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<tbody>
<tr>
<td>Building</td>
<td>3,229 sq. ft. (25%)</td>
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<tr>
<td>Hardscape</td>
<td>2,699 sq. ft. (21%)</td>
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<tr>
<td>Landscape</td>
<td>6,802 sq. ft. (54%)</td>
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</tbody>
</table>

D. **FLOOR-AREA RATIO (FAR)**

- Maximum Required FAR: 0.321 (4,091 square feet)
- Existing FAR: 0.233 (2,569 square feet); 62.79% of the required maximum
- Proposed FAR: 0.24 (2,972 square feet); 73% of the required maximum

IV. **ZONING ORDINANCE CONSISTENCY**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement/Allowance</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Front</td>
<td>30’-0”</td>
<td>30’-0”</td>
<td>30’-0”</td>
</tr>
<tr>
<td>- Interior</td>
<td>10’-0”</td>
<td>6’-0”</td>
<td>4’-0”</td>
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</table>
V. DISCUSSION

The proposed project includes a new two-car detached garage that would encroach a total of 6’-0” into the 10’-0” required western interior setback and 5’-0” into the 10’-0” required northerly interior setback. The proposal also includes a reduction of the driveway area, replacing existing asphalt concrete paving and an existing planter with permeable concrete pavers. The project site is nonconforming to parking, as there is no permitted covered or uncovered parking on site.

Background Information

On January 4, 1955, the City Planning Commission approved a lot split request, creating two parcels (1820 and 1822 Santa Barbara Street), provided that a 20’-0” easement be recorded as a permanent means of access to the rear parcel. The private driveway easement across 1822 Santa Barbara Street is the only means of ingress and egress for 1820 Santa Barbara Street, which is located immediately north of (at the rear of) the subject property.

In addition, the subject property has a public utilities easement with the Southern California Edison Company recorded February 3, 1965 (Instrument No. 4028, Book 2090, Page 355). The public utilities easement occupies the western six feet of the property (completely within the required western interior setback). The applicant submitted an easement encroachment dated January 11, 2019 for the proposed two-car garage. The proposed encroachment is 2’-0” into the public utilities easement along the western interior lot line. Southern California Edison (SCE) is supportive of the proposed easement encroachment provided that a minimum clearance of 8’-0”, measured vertically, and 3’-0”, measured horizontally, is provided to any wire or conductor belonging to SCE. SCE drafted other standard conditions outlined in the recorded agreement dated January 11, 2019 that would apply if the applicant was granted a land use approval for the proposed garage.

See Exhibit C for Southern California Edison easement encroachment.

Design Review

The Historic Landmarks Commission (HLC Consent Review) reviewed the project on June 27, 2018 and is scheduled to review the second modification request on June 26, 2019. HLC commented that the proposed modification for the garage to be located in the required western interior setback is aesthetically appropriate. Further, HLC noted that the proposed modification does not pose consistency issues with the Neighborhood Preservation Ordinance. The applicant was directed to reduce the amount of paving to the minimum required, and include additional landscaping. The project was continued indefinitely to the Staff Hearing Officer with comments.

In response to the HLC’s comments, the applicant has redesigned the paved area reducing the amount of hardscape. Approved minutes from the June 26, 2019 HLC meeting will not be available until after this staff report is published.
See Exhibit D for the full HLC Consent minutes.

Alternative Design Options

*Initial Proposal– Two Car Garage 20’-0” x 18’-0”*

Initially, the applicant proposed a 20’-0” x 18’-0” two-car garage sited on the interior lot lines (western and northern/rear), which accommodated the existing driveway easement to the northern property (1820 Santa Barbara Street). Due to staff’s initial lack of support for the northerly interior setback modification, the applicant redesigned the project that showed a 9’-0” encroachment into the western interior setback (1’-0” setback from the lot line), and a conforming setback to the northerly lot line at the rear of the property (this is the configuration that HLC reviewed on Consent). Staff initially determined that the interior setback modification along the western interior lot line was supportable based on the required findings for a modification, specifically to secure an appropriate improvement on a lot and prevent unreasonable hardship due to the physical characteristics of the site (private driveway easement).

The proposed interior clear area for the garage also evolved due to staff input. As initially proposed, staff did not support the 18’-0” x 20’-0” garage because it did not conform to Transportation’s covered parking design standards, which requires all newly constructed two-car garages to meet a 20’-0” x 20’-0” interior clear area. Staff noted that a redesign to a one-car garage may be necessary for the proposed project to be located entirely outside of the private driveway easement pursuant to SBMC §30.175.030.N.a.i *Exception for Covered Parking for Single Unit Residential*. The subject parcel qualifies for single-unit residential covered parking exceptions including one covered and one uncovered space (on lot developed with less than 85% of the maximum net floor area for the lot) and two uncovered spaces (on lot developed with less than 80% of the maximum floor area. However, the applicant expressed interest in a two-car garage for electric vehicle charging capabilities and protection from falling debris. The applicant updated the interior garage dimensions to conform to the 20’-0” x 20’-0” interior area standards.

*Subsequent Design Considerations & Changes*

Due to new information (arborist report for the adjacent oak tree) and staff review of previous conditions of approval (private driveway easement), the initial Staff Hearing Officer hearing date scheduled on April 10, 2019 was canceled. Since that time, the applicant has worked with staff to revise plans in order to address the property’s site constraints and the neighboring oak tree. The applicant received additional input from staff in Transportation, Fire, Creeks, and Planning to address the site’s condition of approval for the private driveway easement, an existing drainage channel and fire regulations for ingress and egress to the rear parcel at 1820 Santa Barbara Street. The following comments summarize the major items reviewed by various Division staff:

**Fire Staff: Ingress and Egress to Rear Parcel**

- Driveway access for emergency vehicles must be all weather concrete or asphalt capable of supporting 60,000 pounds per SBMC Ch. 8.04, Section 503.2.3. At the time of building permit, the applicant must submit with their plans information or material from the manufacturer that verifies that the proposed permeable paving stone (or other acceptable
material) will be able to support City fire engines in the event of an emergency at the rear parcel.

- The driveway must be 16’ wide up until the “pinch point” (the closest point between the existing house and the southeasterly corner of the proposed garage eave), and then the plans must show 150’ from the “pinch point” to the most remote corner of the rear house (northeasterly corner of 1820 Santa Barbara Street house). The 150’ is the maximum allowable length for the fire hose to reach the most remote corner of the rear building. The plans must verify the required hose length and show a minimum width of 16’ for the fire engine to set up in case of an emergency event at the rear parcel.

- The 12’ wide driveway apron as shown on the plans is acceptable because the driveway opens up to 16’ wide 34’ from the front lot line, which provides enough area for an engine to set up in the event of an emergency.

Transportation Staff: Driveway Width and Interior Garage Area

- After further review of the site constraints, Transportation staff is supportive of a parking design waiver to reduce the two-car garage’s interior clear area to 20’ length x 18’ width instead of the required 20’ x 20’ interior clearance for a newly constructed garage.

- Transportation staff determined that the driveway must be a minimum of 10’ wide for ingress and egress purposes for both the 1820 and 1822 Santa Barbara Street parcels.

Creeks Division: Drainage Channel Setback

- Creeks Division does not support reducing the rear setback any less than 10’. There is an existing drainage channel that runs through portions of both 1820 and 1822 Santa Barbara Street. As proposed, the rear garage wall is 8’ from the closest edge of the drainage channel at the southwest corner of 1820 Santa Barbara Street. Generally, Creeks Division staff request structures to be set back between 15’ to 25’ depending on the site. Creeks staff did not go on site; however, they suggested that the applicant provide a minimum setback of 10’ from the northerly (rear) property line. A 10’ setback would conform to the interior setback requirements of the RS-15 Zone, and would provide a 14’ setback from the rear garage wall to the nearest edge of the drainage channel. From Creeks staff’s perspective, the parcel does not appear to have any constraints that would warrant a smaller rear setback that would require moving the structure closer than 10’ from the existing drainage channel.

Planning Staff: Condition of Approval for Existing Driveway Easement

- If the project receives the requested setback modifications, the owner would be required to apply for a Substantial Conformance Determination to revise the existing private driveway easement so that it meets both Fire and Transportation staff conditions. Further, a notarized and Recorded Agreement (Covenant of Easement) would be required to guarantee permanent access to 1820 Santa Barbara Street that meets Fire and Transportation staff’s requirements, prior to issuance of a building permit. Based on staff’s review, the project could qualify for a Substantial Conformance Determination
because, with the Transportation Division and Fire Department conditions to ensure adequate access to the rear parcel, the intent of the condition would still be met.

Additional conditions of approval have been added to provide protection of the neighboring oak tree located at 216 E. Pedregosa Street, and are based on the recommendations in a report dated October 11, 2018 prepared by Bill Spiewak, Registered Consulting Arborist #381. Since receiving the additional feedback regarding the oak tree, the applicant revised their proposal to request two interior setback modifications including a 6’ encroachment into the western interior setback and a 5’ encroachment into the northerly interior setback (rear). The project would encroach 2’ into the SCE easement within the western interior setback. The applicant is agreeable to the proposed recommendations in the arborist report to provide protection for the oak tree at 216 E. Pedregosa Street.

Modification Request and Required Findings

The applicant is requesting an interior setback modification to allow for a proposed garage to encroach into the required 10’-0’ western interior setback and a second interior setback modification to allow for a proposed garage to encroach into the required 10’-0” northerly setback. Per SBMC §30.250.030.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.

Setbacks - Purpose and Intent

Per SBMC §30.140.160, setbacks are intended to provide a sense of openness, visibility, light, and air between buildings; establish a consistent development pattern; create variation in building facades; provide adequate buffering between adjacent land uses; and allow opportunities for landscaping.

Western Interior Setback Modification
With the submitted project, the applicant proposes to construct a new two-car garage, and comply with applicable standards for covered parking, including the City Transportation Parking and Design Access Standards and development standards for required automobile parking for single-unit residential use (SBMC Table §30.175.040 and §30.175.030.N). The proposed garage is 21’-0” x 21’-0” with an interior clear dimension of 20’-0” x 20’-0”. It should be noted that both Planning and Transportation staff are supportive of a 20’-0” length x 18’-0” width interior garage area given the site constraints.

The site is developed with an existing two-story single family dwelling and an existing accessory structure. As part of the subject project, site improvements such as permeable concrete paving is proposed to replace the existing asphalt concrete paving, which will result in an overall reduction of paved area. Currently, there is no permitted covered or uncovered parking on site. The proposed garage allows an opportunity to bring the parcel into conformity with single-unit residential parking standards while also satisfying Transportation design standards.

The subject parcel is uniquely constrained by a 20’-0” private driveway easement required as a condition of approval of the lot split dated December 3, 1954 to provide adequate ingress and egress to 1820 Santa Barbara Street at the rear. Presently, there is a 10’-0” “as-built” driveway to access the rear lot. Transportation staff reviewed the proposed driveway clearance and determined that the 14’-10” wide driveway between the existing residential unit and the southeasterly corner of the proposed garage provides adequate clearance for ingress and egress to 1820 Santa Barbara Street. The proposed project meets Fire staff’s driveway width and fire hose length requirements to satisfy ingress and egress needs to reach the most remote corner of 1820 Santa Barbara residence. In addition, the driveway material is proposed to meet SBMC §8.04, Section 503.2.3 to meet emergency vehicle support requirements, specifically the capability of supporting 60,000 pounds, which will be verified prior to building permit issuance.

Southern California Edison reviewed the proposed 2’-0” encroachment into their public utilities easement and determined the proposal is acceptable provided the written conditions of approval in the January 11, 2019 encroachment easement.

Staff supports the proposed two-car garage within the western interior setback, because of the physical hardship of the lot based on the required driveway easement. In addition, the proposed project would employ adequate protections for the mature oak tree on the adjacent lot. The scope of work has been updated to include the recommendations of the arborist report. A two-car garage that conforms to the western interior setback requirement would not provide adequate access to the rear lot. As proposed, the location of the two-car garage maintains acceptable access to the rear parcel. Staff also believe adding a garage is an appropriate improvement to the lot. The proposal brings the lot into conforming standards for covered parking for single-unit residential use as well as conforms to the parking design standards of a two-car garage. Further, no privacy issues are anticipated as there are no openings that are proposed along the western wall of the garage. The existing 6’-0” hedges provide partial visual barriers between the proposed garage and neighboring properties.

Staff received email correspondence from Timothy Baker and Kathryn Koltun, owners of 216 E. Pedregosa Street, a neighbor abutting the Project West, in opposition of the proposed interior setback encroachment. Their comments addressed concern for the oak tree on their property and
concern about encroaching into the interior setback. Their initial comments were in response to the HLC reviewed plans dated June 27, 2018 in which the applicant requested a 9'-0” encroachment (1'-0” setback from neighboring property). Subsequent communications from the 216 E. Pedregosa neighbors included a certified arborist report with recommendations to protect the oak tree on their property. The oak tree was not addressed in the initial staff report. Based on the arborist report, staff have added conditions of approval to include protection for the oak tree for the proposed garage. The applicant is agreeable to the oak tree protection recommendations. See Exhibit E, Email Letter from Timothy Baker and Kathryn Koltun dated October 31, 2018.

Northern Interior Setback Modification

Most recently, the applicant applied for a second interior setback modification to allow for the encroachment into the required 10'-0” northerly setback. The applicant is the owner of both 1822 and 1820 Santa Barbara Streets to the rear, and is proposing to encroach into the setback closer to their own property. Historically, these two parcels have had common ownership. However, the parcels may be sold separately in the future.

During the pre-application process, staff voiced concerns about a northerly interior setback modification request and advised the applicants that the modification was not supportable. With new information from the arborist report, staff’s position has evolved. Broadly, staff is supportive of a modification for a two-car garage on site, and would require that the applicant follow prescribed arborist recommendations to minimize disturbance to the neighboring mature oak tree. Staff could support some amount of encroachment to the rear if it meant that it provided additional relief to the oak tree. With that said, any encroachment to the rear would be closer to the existing drainage channel. Creeks staff is not supportive of the garage being any less than 10’-0” from the rear lot line and suggested the applicant follow the RS-15 Zone setback requirements. The subject open drainage channel is on the 1820 Santa Barbara Street lot behind the proposed garage, and then goes underground at the northeast corner of the 1822 Santa Barbara Street parcel. The City Zoning Ordinance does not have a setback requirement for the drainage channel.

Due to the physical constraints of the lot, staff is supportive of some amount of encroachment into the northerly interior setback in order to provide additional, albeit minor, relief to the oak tree and provide a wider driveway easement to access the rear parcel. Between the driveway easement requirement, the existing drainage channel, and the protection of the neighboring oak tree, there are few options to fit either a conforming 20’-0” by 20’-0” two-car garage, or a 20’-0” length by 18’-0” width garage.

Environmental Review

According to the City’s Master Environmental Assessment Report, the project is located in an archaeological sensitivity overlay area. Staff reviewed the archaeological reports on file for nearby parcels with the Environmental Analyst and confirmed that a Phase I Archaeological Report is appropriate for this project. A completed Phase I Archaeological report was received on August 31, 2018. The Environmental Analyst reviewed and accepted the report and determined that standard conditions will apply. Staff does not anticipate significant impacts from the proposed project and finds the scope of the proposed project exempt from the California
Environmental Quality Act (CEQA) under categorical exemption 15303 (New Construction of Small Structures) and 15305 (Minor Alterations in Land Use Limitations). Conditions have been added to mitigate potential impacts to the neighboring oak tree.

The parcel is located in the Demolition Review Study Area and is also listed on the City of Santa Barbara’s Potential Historic List. However, per the Urban Historian, no negative impacts to historic resources are anticipated as a result of the proposed project.

Since the total square footage of impervious area is less than 500 square feet, voluntary Tier 1 SWMP best management practices are recommended for the project. The City recommends redirecting roof runoff to landscaping and implementing natural filtration devices.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds the following:

**Western Interior Setback Modification.** The Western Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to prevent unreasonable hardship due to physical characteristics of the site (private driveway easement). As discussed in the Western Interior Setback Section above, the proposed project encroaches into the required interior setback by 6’-0”. However, the two-car garage will bring the property into conformity with the covered parking requirements for single-unit residential use. In addition, Transportation staff reviewed the plans and determined that the 14”-10” driveway easement will continue to provide adequate clearance to access the property to the rear. Similarly, the project proposes to meet the Fire Code requirements for driveway materials and maximum 150’-0” fire hose length to reach the most remote corner of 1820 Santa Barbara Street residence.

**Northerly Interior Setback Modification.** The Staff Hearing Officer finds that the Northerly Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to prevent unreasonable hardship due to the physical characteristics of the site. Situating the proposed garage closer towards the rear lot line reduces the encroachment into the neighboring oak tree’s critical root zone and provides additional width at the “pinch point” between the southeasterly garage corner and the existing residence.

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15303 and 15305.

This approval is subject to the following conditions:

1. **Substantial Conformance Determination - Revised Driveway Easement.** Approval of these modifications is contingent upon a determination from the Community Development Director that the proposal is in substantial conformance with the prior subdivision approval granted January 4, 1955. The Owner shall apply for a Substantial Conformance Determination to revise the previously required 20’ wide driveway easement. Prior to issuance of a building permit, a substantial conformance determination in favor of the proposal must be made by the Community Development Director.
2. **Driveway Paving Material – Emergency Ingress and Egress.** Prior to building permit issuance, it must be verified on the plans and with the manufacturer’s specifications that the driveway access for emergency vehicles must be all weather concrete or asphalt capable of supporting 60,000 pounds.

3. **216 E. Pedregosa Street Oak Tree Protection Measures.** Prior to construction, the owner is required to follow the preliminary tree protection measures outlined in the Arborist Report prepared by Bill Spiewak dated October 11, 2018, which include the following:
   
   a. A qualified Arborist shall be involved in the planning of this project (prior to building permit issuance) and during any excavation adjacent to or beneath the dripline of the neighboring oak tree, which is required to be protected. At the time of building permit application submittal, the Owner is required to provide a signed contract with a Certified Arborist for staff review and approval.
   
   b. Consider careful exploratory excavation prior to actual final design to look for significant roots.
   
   c. Any excavation for footings within the critical root zone should be limited to piers or caissons that support grade beams with the bottom of the beam at ground level.
   
   d. Piers or caissons may need to be adjusted to avoid any roots that are 0’-2” in diameter and greater.
   
   e. Prior to commencement of any work, a pre-consultation meeting should be held with contractors to review tree protection measures.
   
   f. Any demolition of existing hardscape should be done with care so as not to damage roots near the surface.
   
   g. Despite the limited area for tree protection, fencing may be necessary to delineate protection zones between the garage and the tree.
   
   h. Supplemental watering may be necessary if roots are damaged.

4. **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 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 Barbařeňo 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 Barbařeňo 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 February 13, 2019
C. Southern California Edison Proposed Encroachment Easement dated January 11, 2019
D. HLC Consent Minutes dated June 27, 2018
E. Letter from Timothy Baker and Kathryn Koltun, owners of 216 E. Pedregosa St. dated 10/31/18
F. Arborist Report prepared by Bill Spiewak, Registered Consulting Arborist #381, dated 10/11/18

Contact/Case Planner: Ellen Kokinda, Assistant Planner
(EKokinda@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4559
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 SantaBarbaraCA.gov to verify closure dates.
Staff Hearing Officer  
City of Santa Barbara  
P.O.Box 1990  
Santa Barbara, CA 93102-1990  

RE: Modification request for 1822 Santa Barbara St, SB, Ca. APN :027-042-020 zone RS-15  

The property is located in the Upper East Side area of the City and is 12,730 sq ft in size. It has a existing 2 story residence approximately 2,380 sq. ft. in size, with a separate one story accessory structure 330 sq ft in size. The house was built in the 1890’s. It is not on the Historical Structures of Merit list, but is a nice example of victorian architecture. We are not planning any work to be done on the house.  

We are requesting a modification to reduce the 10 foot side yard setback to 4 feet and also to reduce the 10 foot rear yard setback to 5 feet. The encroachment will allow the construction a one story 2 car garage at the rear of the property. This location is consistent to where a garage would have been traditionally located.  

We have had a Pre Application Planning meeting and planning staff have indicated that they would support the request as well as the Fire and the Transportation Departments. We also have had verbal contact with the City’s Urban Historian and she has stated she has no problem with the proposal, since it is a separate structure. And we have a Archeological report for the development that concludes there are no significant resourcing on the property.  

We have been working with Planning Department Staff since 2017 on this project. What seemed to be a simple request has turned out to be very complicated with all the various constraints on the property. As a condition of a lot split in the 50’s, there was put a 20 foot wide access easement to a separate parcel in the rear of the property. We contacted an attorney to look into modifying this easement. Since the owners own both parcels, the attorney has stated that you cannot have a easement to your self, so basically the easement is not necessary. And we have worked with the power company to reduce their easement on the northwest side of the property.  

The neighbor on the north west side has voiced concerns about their oak tree which is located close to the property line. In order to mitigate potential impacts to the oaks root system, we have increased the setback from the tree. We will incorporate recommendations outlined in an Arborists Report they had commissioned.  

The garage is designed be subordinate in size and scale to the existing victorian style house. The architectural character of the proposed garage will use similar siding and shingles of the existing victorian style house.
EXHIBIT C

WHEREAS, SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, is the holder of an easement, for public utility purposes, described as follows:

The portion of Block 16 in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

That portion of Block 16 in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

WILLIAM V. REED and MONICA M. REED, TRUSTEES, EOG FAMILY TRUST

DATED 09/27/2017, are the owners, hereinafter referred to as "Owner," of that certain real property as described in that certain Grant Deed recorded in the Office of the County Recorder of Santa Barbara County, State of California, described as follows:


SOUTHERN CALIFORNIA EDISON COMPANY

2 INNOVATION WAY, 2ND FLOOR
POMONA, CA 91768

RECORDER REQUESTED BY

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA EDISON COMPANY

Sentence: 26.00 DTT: 0.00 CA-S52: 15.00

COPY OF DOCUMENT RECORDED AT
Santa Barbara, CA
County Recorder

2013-000769 BRK:

01/23/2019 PG:

has not been compared with original. Original will be returned when process has been completed.

Total: 101.00

Space Above This Line for Recorder's Use

Dist 16 SC 27492 CO

Doc

2/18/99

Approved

by

Real

Property

Records

65-68

1/11/99

KSB

Signature of Document Determining Agent

EXHIBIT C

EXHIBIT C
Encroachment (Easement)
EGAN FAMILY TRUST DATED 09/22/2017
Notification No. 203638853
Affects SCE Doc. 218892

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties hereto agree as follows:

Edison agrees not to object to the encroachment of a garage within its easement area upon the express conditions, provided however that: (1) said garage, shall remain, as depicted on Exhibit "A" attached hereto and by this reference made a part hereof, including but not limited to walls and foundations, and shall maintain a minimum clearance of 8.00 feet, measured vertically, and 3.00 feet, measured horizontally, to any wire or conductor of said Edison, now existing or subsequently installed, (2) that any installation of garage that are a deviation from the facilities depicted on Exhibit "A" shall be a violation of this Encroachment Agreement, (3) Owner, by acceptance of this instrument, agrees for themselves, their heirs and assigns to release, save harmless and indemnify Edison, its officers, agents and employees from and against, any loss of or damage to property, including Edison's own property, injury, liability and/or expense, which Edison may sustain, incur or become liable for, resulting in any manner from the construction or presence within said easement area of any portion of such garage or resulting from or arising out of the performance of any necessary maintenance on Edison's facilities, and (4) Owner, in any instance, shall not erect or place at any future time any of its facilities so as to unreasonably interfere with the rights of Edison created by this Agreement.

Owner further acknowledges and agrees that Edison may revoke this agreement to the extent of a change in any applicable law or restriction governing clearances between garage and Edison's facilities.

This Encroachment Agreement should not be construed as a subordination of Edison's rights, title and interest in and to its easement.

OWNER does hereby accept the above and foregoing Encroachment Agreement upon and subject to all of the terms, covenants and conditions therein contained, and does hereby agree to comply with and perform each and all of said terms, covenants and conditions.

EXECUTED this 11th day of January, 2019

EGAN FAMILY TRUST DATED
09/22/2017

JAMES V. EGAN, Trustee

MONICA M. EGAN, Trustee
Encroachment (Easement)
EGAN FAMILY TRUST DATED 09/22/2017
Notification No. 203638853
Affects SCE Doc. 218892

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation

By

David Guder, CCIM, SR/WA
Manager – Title & Valuation
Real Properties
Transmission & Distribution, E&TS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  )
County of Los Angeles  )

On January 10, 2019 before me, Jaypee Osilla Herrera, a Notary Public, personally appeared before me, and acknowledged to me that he/she/they executed the same instrument on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jaypee Osilla Herrera

[Notary Public Seal]
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Santa Barbara

On January 11, 2019 before me, Diane Williamson, a Notary Public, personally appeared before me, James V. Egan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that the same was executed by said person(s), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Diane Williamson

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Santa Barbara

On January 11, 2019 before me, Diane Williamson, a Notary Public, personally appeared before me, Monica M. Egan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that the same was executed by said person(s), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Diane Williamson
SCE EASEMENT
02/03/1965
INST. #4028
2090 /355 O.R.

PROPOSED
GARAGE
ENCROACHMENT
AREA

1822 Santa Barbara St.
Santa Barbara, CA
APN27-042-020
SANTA BARBARA COUNTY

SANT BARBARA STREET

NOT TO SCALE
NEW ITEM

D. 1822 SANTA BARBARA ST

Assessor’s Parcel Number: 027-042-020
Application Number: MST2017-00825
Owner: Gateley 1997 Family Trust

(This residence is on the City’s List of Potential Historic Resources. Proposal for a new two-car garage at the rear of an existing single-family residence. Project includes a request for a Minor Zoning Exception for the existing six foot high hedge located within the first 10 feet of the front lot line. A Modification by the Staff Hearing officer is required for the two-car garage to encroach into the required interior setback.)

(Comments Only. A Minor Zoning Exception is required for the six foot high hedge located within the first 10 feet of the front lot line. Project requires review by the Staff Hearing officer for the two-car garage to encroach in the required interior setback.)

Continue indefinitely to Staff Hearing Officer with comments:
1. The proposed modification for the garage to be located in the required interior setback is aesthetically appropriate. The proposed modification does not pose consistency issues with the Neighborhood Preservation Ordinance.
2. A Minor Zoning Exception for the hedge would be acceptable as it is typical to the style of residence and appropriate to the neighborhood.
3. Reduce the amount of paving to the minimum required and include additional landscaping.
4. Produce a color board indicating colors and material.

EXHIBIT D
Stephanie Swanson

From: Timothy Baker
Sent: Wednesday, October 31, 2018 10:48 AM
To: Stephanie Swanson; Susan Reardon
Cc: Olivia Marr
Subject: MST2017-00825 - 1822 Santa Barbara St. Garage – Opposition to Request for Setback Modification

To: City of Santa Barbara Planning Dept.
   Stephanie Swanson, Assistant Planner
   Susan Reardon, Staff Hearing Officer/Senior Planner

From: Timothy Baker and Kathryn Koltun
   Owners of 216 E. Pedregosa St.

Re: MST2017-00825 - 1822 Santa Barbara St. Garage – Opposition to Request for Setback Modification

We are the owners of 216 E Pedregosa St. and our property borders the Egan’s property located at 1822 Santa Barbara Street. Due to the proposed location of the garage our property would be most affected by the garage and the accompanying request to build with a 1 ft. setback rather than the typically required 10 ft. setback to the interior boundary. Essentially, the Egan’s are requesting to build a garage 1 ft. away from our backyard and we ask that you deny the request as proposed.

1) We believe that building the garage, which would stand along one-third of our entire 60 foot back boundary and be within 1 foot of our back fence and is approximately 14 ft. high as proposed, would cause us hardship. The garage would be built within 1 foot of our primary outdoor living space.

2) The plans provided at the City for our review show the overhang of the roof crossing over the interior boundary and onto our property. The City should not approve a modification that results in a property encroachment when built. Further, the run-off of stormwater and debris would create drainage problems. The water would drain onto our property and cause deterioration of the cedar fence that currently exists on the boundary line. In addition this stormwater could cause erosion on our landscaping that exists along that boundary.

3) City records show that there is a sewer lateral for 218 E. Pedregosa and 216 E. Pedregosa that runs along the boundary line, next to the building site, and down to Santa Barbara Street. Any maintenance or repair needed for that lateral could be hindered by constructing the garage in the proposed location.

4) There are existing secondary power lines and communication lines above the proposed building site. The power lines run from Santa Barbara St. to a service pole that stands on the 1820 Santa Barbara St. property that is also owned by the Egan’s and behind 1822 Santa Barbara St. These power lines provide power for us, at 216 E. Pedregosa, 218 E. Pedregosa, and 1820 Santa Barbara St. We are concerned about this situation in terms of maintenance and repair to lines that provide our power, and also any fire or safety issues that could arise from putting a building under these lines.

5) We have an Oak tree in our backyard that is over 100 years old with a trunk that is 3 feet in diameter. This Oak tree sits approximately 7 feet from where the garage would be built. We have concerns about root damage, pruning maintenance, and overall impacts to the Oak that may be caused by building the garage so close to the property line.

6) It does not appear that the Egan’s have been asked to explore other locations or smaller designs for their proposed two car garage. As the owner’s of both 1822 and 1820 they have the flexibility and legal ability to modify any access easements between the two properties, rather than forcing the garage into a location that seems unsafe and unnecessary. The setbacks serve a purpose which would be disregarded by allowing the garage to be so close to the property line.

EXHIBIT E
While we would support a modification to the setback, obliterating the setback entirely is unjustified for the purposes of a two car garage.

Thank you for your consideration and time,
Tim Baker and Kate Koltun

Timothy Baker
October 11, 2018

Tim Baker
216 East Pedregosa St.
Santa Barbara, CA 93101
(805) 680-6228 / timber.9@gmail.com

ARBORIST FIELD REPORT- RE: Oak Tree at 216 E. Pedregosa St.

BACKGROUND AND ASSIGNMENT
I was called out to inspect a large oak tree at the subject property. According to Mr. Baker, the adjacent neighbor to the south is proposing construction of a new garage next to the property line. The Bakers were concerned about potential impacts to the oak tree from this project and requested my assessment of the tree and recommendations for tree protection. I was on the site during October 5, 2018.

OBSERVATIONS
1. The California Live oak (Quercus agrifolia) has a 36” DBH (diameter at breast height measured at 54” above ground).
2. The tree is in the backyard of the Baker site, 7.5’ north of their south property line.
3. It is greater than two stories high with its canopy overhanging the adjacent property.
4. The oak appears to be in good health.
5. Based on DBH, the critical root zone of the tree has a radius of 36’. This means that a significant portion of the root zone is on both properties.

CONCLUSION
In order to protect the tree, general protection measures should be followed as listed below.
PRELIMINARY TREE PROTECTION MEASURES
1. A qualified arborist should be involved in the planning of this project to address tree protection.
2. Consider careful exploratory excavation prior to actual final design to look for significant roots.
3. Any excavation for footings within the critical root zone should be limited to piers or caissons that support grade beams with the bottom of the beam at ground level.
4. Piers or caissons may need to be adjusted to avoid any roots that are 2" in diameter and greater.
5. Prior to commencement of any work, a pre-construction meeting should be held with contractors to review tree protection measures.
6. Any demolition of existing hardscape should be done with care so as not to damage roots near the surface.
7. Despite the limited area for tree protection, fencing may be necessary to delineate protection zones between the garage and the tree.
8. Supplemental watering may be necessary if roots are damaged.

Please contact me with any questions.

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

Board Certified Master Arborist #310B
International Society of Arboriculture
Left, view of the Baker oak from Google Earth image. Yellow arrow points to Baker property and blue to southern neighbor. Red line is approximate property line.

Below is the top of the tree. Due to its size, it was not possible for me to photograph the entire tree.
Left: The trunk with a 36"DBH.

Below: part of the tree’s crown.