



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 5, 2019
AGENDA DATE: August 14, 2019
PROJECT ADDRESS: 2213 Oak Park Lane (PLN2019-00053)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner II
Ellen Kokinda, Assistant Planner *EBK*

I. PROJECT DESCRIPTION

The 7,460 square-foot site is currently developed with a permitted residence (Building A), a two-car tandem garage (Building B), and an accessory structure with a darkroom and a separate laundry room (Building C). Both Buildings B and C have “as-built” additions and contain “as-built” residential units. The proposed project involves demolition of all “as-built” additions to Building B and conversion back to a two-car tandem garage. The project also consists of the demolition of the “as-built” additions to Building C that are not in line with the permitted portion of the building. The scope of work also includes abatement of all violations listed in ENF2018-00719 and ZIR2018-00368, including removal of items in the garage to make the covered parking accessible and the demolition of sheds in the interior setback (rear). Building C is proposed to be converted to an Accessory Dwelling Unit studio with a separate laundry area to remain.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is an Interior Setback Modification to allow for the “as-built” construction of a proposed Accessory Dwelling Unit to remain in the required 6’-0” interior setback (SBMC Table 30.20.030.B and §30.250.060.F).

Application Deemed Complete: July 15, 2019

Date Action Required: October 13, 2019

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and condition in Section VI of this report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jill Horton	Property Owner:	Karen Lee Haskell
Parcel No.:	025-160-011	Lot Area:	7,460 sq. ft.
General Plan:	Medium High Density Residential (15-27 du/acre)	Zoning:	R-M
Existing Use:	Single Unit Residential	Topography:	3.8%

Adjacent Land Uses:

North:	R-M; Residential
East:	R-M; Residential
South:	R-M; Residential
West:	R-M; Residential

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Setbacks			
- Front	10 feet	26 feet 10 inches	No Change
- Interior	6 feet	5 feet 2 in. (Bldg. C)	5 feet 2 in. (Bldg. C)
- Rear	6 feet	45 feet	34 feet
Parking	2 spaces	2 spaces (tandem)	2 spaces (tandem)

V. DISCUSSION

Interior Setback Modification

Building C (permitted as a laundry room and dark room) is an accessory structure that is nonconforming to the required 6' easterly interior setback. The proposed project consists of an "as-built" addition to Building C and the conversion of the structure into an Accessory Dwelling Unit (the laundry room is proposed to be a separate space). The project requires an interior setback modification for the "as-built" addition to Building C because it encroaches 0'-10" into the required 6' interior setback. The "as-built" addition follows the line of the existing development with a total setback of 5'-2" from the easterly lot line. The existing Building C, as an accessory structure, is not an existing residential main building, therefore, the "as-built" addition does not qualify for nonconforming development allowances for a nonconforming addition pursuant to SBMC §30.165.050.C.2.

Staff is supportive of the proposed project because the "as-built" addition and the conversion of the existing accessory structure into an Accessory Dwelling Unit would provide an additional unit on site, which is an appropriate improvement on the lot. Staff do not anticipate privacy issues

because the proposed addition for the Accessory Dwelling Unit would be predominantly screened from view by an existing 8' wooden fence along the easterly lot line. Staff is also supportive of the proposed project because the proposed addition is closest to the open yard area and garages of two adjacent parcels, and would not cause an impact to the neighbors. Further, the project consists of demolishing the 33 square foot "as-built" addition that further encroaches into the required interior setback, which was proposed in order to have the "as-built" addition to continue the existing line of development, which creates uniform development on the lot.

Zoning and Building Violations

The project site contains existing violations that were identified in a July 2018 Zoning Information Report (ZIR2018-00368). The ZIR called out unpermitted additions to the existing nonconforming two-car tandem garage (Building B) and also Building C, which included the permitted darkroom and separate laundry room area as well as two unpermitted dwelling units on site. Abatement of all violations identified in ENF2018-00719 and ZIR2018-00368 is proposed under this permit.

Building Permit History

City records show a building permit (#A9361) for a 12' x 8' wash room to be added to the garage. However, the wash room was never added to the garage as indicated on the permit. Instead, the wash room was constructed in the area designated as Building "C" as shown on a subsequent building permit (#C-474). The permit calls out a detached rear "wash house" was constructed in the area of Building C. A later building permit (#A13116) attached a rear utility building to be used as a dark room to the laundry room/wash house. City records also show a 1945 building permit (#C-894) for a 10' x 20' addition to the garage, which staff conclude as the creation of the two-car tandem garage.

Design Review

This project is exempt from design review by the Single Family Design Board (SFDB). The project is subject to administrative architectural review at the time of building permit review. If the proposed Accessory Dwelling Unit does not meet all the design criteria, the project would be subject to approval by the SFDB.

Environmental Review

According to the City's Master Environmental Assessment (MEA) Report, the project is located in an archaeological sensitivity overlay area. However, archaeological reports are on file for either the subject lot or adjacent lots noting no potential impacts to archaeological resources. A standard condition of approval related to the unlikely discovery of archaeological artifacts during construction will be applicable.

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). The staff analysis and CEQA certificate of determination on file supports a required decision-maker finding that the project qualifies for the §15183 CEQA determination.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds the following:

A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES §15183)

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. INTERIOR SETBACK MODIFICATION (SBMC §30.20.030.B)

The requested 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 because the proposed project provides an additional residential unit on site and does not significantly impact the neighboring properties. The proposed addition minimally encroaches into the easterly interior setback by a total of 0'-10" and follows the line of existing development so as to provide uniform development. The Accessory Dwelling Unit is shown to be separated predominantly from view from the adjacent parcels by an existing 8' tall wooden fence, which would mitigate potential privacy issues. In addition, the location of the "as-built" addition is closest to the two adjacent parcels' open yard areas and garages so nuisance issues are not anticipated.

Said approval is subject to the following condition:

1. ***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 June 17, 2019

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