APPLICATION OF KURT MAGNESS, ARCHITECT FOR THE EGAN FAMILY TRUST, 1822 SANTA BARBARA STREET, APN 027-042-020, RS-15 ZONE (RESIDENTIAL SINGLE UNIT), GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 3 DU/ACRE) (PLN2017-00825)

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 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 §30.250.030.B).

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 §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 15303 (New Construction of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 24
2. Site Plans
3. Correspondence received:
   a. Bill Spiewak
   b. Lynn Matis
   c. Timothy Baker & Kathryn Koltun
NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application, making the following findings and determinations:

A. 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. The two-car garage will bring the property into conformance with the covered parking requirements for single-unit residential use. The location and width of the required access easement to 1820 Santa Barbara Street and the location of the existing residence limits the area on site where a garage could be constructed. In addition, the existing residence is on the City’s Potential Historic Resource list. Placing the garage behind the residence is consistent with adopted City design guidelines and avoids potential adverse impacts to the historic resource. As conditioned, the four foot encroachment into the western interior setback would provide an adequate buffer between the properties and is not anticipated to adversely impact the neighboring property.

B. 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. The location and width of the required access easement to 1820 Santa Barbara Street and the location of the existing residence limits the area on site where a garage could be constructed. In addition, the existing residence is on the City’s Potential Historic Resource list. Placing the garage behind the residence is consistent with adopted City design guidelines and avoids potential adverse impacts to the historic resource. Additionally, 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 five foot encroachment into the northern interior setback would provide an adequate buffer between the properties and is not anticipated to adversely impact the neighboring property.

II. Said approval is subject to the following conditions:

A. **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. If required by the Substantial Conformance Determination, a Covenant of Easement for the revised driveway easement shall be recorded prior to building permit issuance.

B. **Western Interior Setback Encroachment.** The two-car garage shall encroach no more than four feet into the western interior setback.

C. **Driveway Paving.** The amount of paving for the driveway and turnaround area shall be reduced to the minimum amount necessary as determined by the Transportation Division of the Public Works Department.

D. **Driveway Paving Material – Emergency Ingress and Egress.** Prior to building permit issuance, it shall be verified on the plans and with the manufacturer’s specifications that the driveway access for emergency vehicles is all weather concrete or asphalt capable of supporting 60,000 pounds.

E. **216 E. Pedregosa Street Oak Tree Protection Measures.** Prior to construction, the owner shall implement the preliminary tree protection measures, which include the following:

   a. **Qualified Arborist.** 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. Prior to the issuance of any permit for the project, the Owner shall submit, for review and approval by the Planning Division, an executed contract with a qualified arborist for monitoring of the removal of existing hardscape, monitoring all excavation and grading work near trees during construction, and for the preparation of a final Tree Monitoring Report. The contract shall include a schedule for the arborist’s presence during grading and construction activities, and is subject to the review and approval of the Planning Division.

   b. **Tree Protection.** Trees not approved for removal shall be preserved and protected during grading and construction. Mature trees within 25 feet of proposed construction activity shall be fenced outside the dripline/canopy for projection. Any excavation within the dripline of trees shall be minimized and shall be done with hand tools. Any tree roots encountered during grading shall be cleanly cut and sealed with a tree–seal compound under the direction of a qualified arborist. No heavy equipment or storage of materials shall take place within the dripline of trees.

   c. **Exploratory Excavation.** Exploratory excavation, under the supervision of a qualified arborist, shall occur prior to actual final design to identify significant roots. Significant roots shall be avoided to the greatest extent possible.

   d. **Excavation.** To prevent over excavation, excavation for footings within the critical root zone shall be limited to piers or caissons that support grade beams with the bottom of the beam at ground level. For portions of the garage that would need to etch the beam into the ground (as opposed to above grade), any damage
to the roots shall be avoided to the maximum extent possible under supervision of a qualified arborist.

e. **Footings.** Piers or caissons should be adjusted to avoid any roots that are 0'-2” in diameter and greater.

f. **Permeable Paver Basins.** All permeable paver basins shall be located outside the critical root zone with infiltration pipes installed within the critical root zone to carry water over to the basins installed outside of the critical root zone.

g. **Pre-Consultation Meeting.** Prior to commencement of any work, a pre-consultation meeting shall be held with contractors, Planning Staff, and the contracted arborist to review tree protection measures.

h. **Demolition.** Any demolition of existing hardscape shall be done with care so as not to damage roots near the surface.

i. **Protective Fencing.** If determined necessary by the arborist, protective fencing shall be placed to delineate protection zones between the garage and the oak tree.

j. **Watering.** Supplemental watering may be necessary if roots are damaged.

F. **Tree Monitoring Report.** Prior to issuance of the Certificate of Occupancy or final Building Inspection, the Owner of the Real Property shall submit to the Planning Division a final tree monitoring report with the findings of the monitoring activities including additional recommendations that were carried out in the field during excavation and grading work near trees. This report shall also include, if necessary as a result of the construction of the garage, recommendations deemed necessary to improve the health of the oak tree that could be implemented on the subject property. The tree protection recommendations outlined in the Tree Monitoring Report shall be implemented.

G. **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 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.

This motion was passed and adopted on the 3 day of July, 2019 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Mary Ternovskaya, Commission Secretary  

Date: July 3, 2019

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.

2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.

3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.

4. Subsequent to the outcome of any appeal action, your next administrative step should be to apply for Historic Landmarks Commission (HLC) approval and then a building permit.
5. **PLEASE NOTE:** A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire three (3) years from the date of the approval, per SBMC §30.205.120, unless:

a. A building permit for the construction authorized by the approval is issued within thirty six months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;

b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:

   i. an Issuance of a Certificate of Occupancy for the use, or;

   ii. one (1) year from granting the approval.