



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** June 9, 2022  
**AGENDA DATE:** June 15, 2022  
**PROJECT ADDRESS:** 525 W. Pedregosa Street (PLN2021-00516)  
**TO:** Ellen Kokinda, Planning Analyst II, Staff Hearing Officer  
**FROM:** Planning Division  
 Marisela G Salinas, Senior Planner I  
 Kelly Brodison, Associate Planner *KAB*  
 Kbrodison@SantaBarbara.gov

### **I. PROJECT DESCRIPTION**

The 5,000 square-foot site is currently developed with a one-story 1,010-square-foot, single-family residence and a 400-square-foot detached garage/storage structure. The storage room was originally built as a carport which was subsequently enclosed. The proposed project involves abating the violations listed in ENF2015-00850 and ZIR2016-00331 by allowing the attached accessory spaces to remain within the interior setback. (Exhibits A and B)

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is an Interior Setback Modification to allow the “as-built” enclosed storage to remain within the required six-foot interior setback (SBMC §30.250.060).

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

### **II. RECOMMENDATION**

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

### **III. SITE INFORMATION AND PROJECT STATISTICS**

#### **A. SITE INFORMATION**

Applicant:	Dale Pekarek	Parcel Owner:	Stefan and Beth Bjerling
Parcel Number:	043-163-002	Lot Area:	5,000 sq. ft.
General Plan:	Medium High Density	Zoning:	R-M
Existing Use:	Single-Family Residential	Topography:	Flat

Adjacent Land Uses:

North:	R-M	Residential
East:	R-M	Residential
South:	R-M	Residential
West:	R-M	Public Right-of-Way (West Pedregosa Street)

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,010 sq. ft. (net)	No Change
Garage	218 sq. ft. (net)	No Change
Storage Space	189 sq. ft. (net)	No Change )

**IV. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/Allowance</b>	<b>Existing</b>	<b>Proposed</b>
Setbacks			
- Front	10 feet	~ 30 feet	No Change
- Interior	6 feet	0 feet *	No Change
- Rear	6 feet	6 feet	No Change
Building Height	45 feet	One-Story	No Change
Parking	2 covered	1 covered	No Change
Open Yard	800 sq. ft.	500 sq. ft.	No Change

\*Modification Requested

**V. DISCUSSION**

The site is currently developed with a one-story dwelling and a detached one-car garage with attached storage rooms at the rear and side of the garage. The proposed project involves the abatement of violations listed in ENF2015-00850 and ZIR 2016-00331 which consist of allowing an “as-built” 77-square-foot storage room and converting the existing open 102 square foot “lean-to” storage to enclosed storage.

Although there are no original plans or permits on file for the project site, a building permit was issued in 1937 for an addition of a “lean-to garage” (carport) attached to the existing one-car garage. The 1937 permit shows the lean-to/carport located on the westerly property line within the interior setback. The permit also shows the lean-to extending past the rear of the garage in approximately the same footprint as the current location of the workshop/accessory room at the rear of the original carport. At some point, the carport was walled off to create two storage rooms. The front façade of the garage/storage room appears as a two-car garage with a sliding two vehicle garage door, however, behind the western garage door is a solid wall with a pedestrian door preventing use of the structure for the parking of a 2<sup>nd</sup> vehicle. These improvements were done without the required permits and without provision of a required replacement covered parking space.

The owner is requesting an Interior Setback Modification to allow the storage room on the side of the garage to remain, and the accessory room at the rear of the original carport to remain in its' current configuration. An Interior Setback Modification is required to permit the change of use because a portion of the building is located within the required six-foot interior setback. Staff understands that the purpose and intent of residential setbacks is to provide a buffer zone between residential neighbors, however, given that the structure itself was permitted as an open carport under the 1937 building permit, allowing the structure remain in its current location results in a less intense use than requiring the structure to be converted back to an open sided carport. Staff is also supportive of this request because there are currently no structures located adjacent to the garage on the neighboring property to the west and there are no existing or proposed new openings in the interior setback. The proposed project is not anticipated to cause detrimental impacts to the neighboring property or the surrounding neighborhood.

A similar project was previously approved by the Staff Hearing Officer (Resolution 020-17) on March 29, 2017 and subsequently expired on March 29, 2019. Staff believes that the project substantially conforms to the previously approved project.Design Review

This structure does not represent an intact unique or particular style nor does it form an integral component of a thematic complex or district and does not qualify as a historic resource. The property is not located in a special design district and the proposed structure is one-story. For these reasons the proposed project is exempt from Design Review by the Single Family Design Board.

## **VI. FINDINGS AND CONDITIONS**

### **INTERIOR SETBACKMODIFICATION (SBMC §30.250.060)**

The Staff Hearing Officer finds that the Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed Modification will allow the existing storage spaces at the side of the garage to remain in their original configuration without having to demolish the portions within the setback. This would allow for a less intense use then requiring the structure to be converted back to an open sided carport. Because of the current location of the neighboring residence to the west and the fact that there are no existing or proposed new openings in the interior setback, no impacts to the adjacent neighbor or the surrounding neighbor are anticipated.

Said approval is subject to the following conditions:

1. The air conditioning condenser added at the side of the dwelling must be either removed or relocated and permitted outside of the required setbacks. If permitted, it must comply with the City's Noise Ordinance and all other regulations.
2. A Design Waiver for the undersized garage must be obtained from Transportation Planning prior to building permit issuance.
3. The violations identified in ZIR2016-00331 for the unpermitted laundry hookups and shed and remodeled kitchen will be abated.

4. The following language shall be added to the plans submitted for building permit:

“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which, may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If a discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

**EXHIBITS:**

- A. Project Plans
- B. Applicant's letter, dated October 26, 2021

Contact/Case Planner: Kelly Brodison, Associate Planner  
(KBrodison@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 ext. 4531



All designs and information contained in these drawings are based on information provided by the client. The Fine Line has relied solely on said client information in the preparation of the designs and other information contained on these drawings. The Fine Line assumes no responsibility for any work or information not shown on these drawings. The Fine Line does not warrant the accuracy or completeness of the information, government agency input, program modifications, etc. These plans are only valid for six months from the plot date due to Code changes, industry standards, and site conditions.

These drawings are the instruments of service and are the property of The Fine Line. All designs and other information contained on these drawings are for use on the specified project and shall not be used on other projects, or for completion of this project by others without the express written permission and consent of The Fine Line nor are they to be assigned to any third party without said written permission and consent.

**CITY NOTES:**

"Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which, may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

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EXHIBIT 13



EXHIBIT 14

The Building Official has determined that the violations on the Property must be abated in an expeditious manner.

- Work must be completed and all violations abated on or before the Abatement Due Date for each violation above. If the date(s) is not met, further legal action may be necessary.

The Notice of Violation identifies the concerns of the Building & Safety Division of the City of Santa Barbara. Other departments or divisions of this City and other governmental agencies may have additional concerns or requirements.

**Tax Implications**  
 Pursuant to California Revenue and Taxation Code sections 17274 and 24438.5, the City may forward information regarding you and any other owners of the above-referenced property to the State Franchise Tax Board for violation of State and City laws related to the health, safety, and building if the above-listed property constitutes substandard housing. This action will prevent you, any other owners, or subsequent owners from deducting interest, taxes, depreciation, or amortization for the above-referenced property on the state income taxes. In order to prevent this, you must immediately comply with all State and City laws to abate all violations.

**Appeal Rights**  
 Any party aggrieved by this decision of the City's Chief Building Official including but not limited to decisions or determinations made relative to the application and interpretations of the technical codes, and the refusal, suspension, voiding, or revocation of a license or permit, may appeal such decision to the Building and Fire Code Board of Appeals by obtaining an appeal form on the internet at <http://www.santabarbara.gov/services/planning/forms/building.asp>, or from the City Building & Safety office. You are required to submit the appeal form within ten (10) days from the date of this notice in order for your appeal to be heard by the Building and Fire Code Board of Appeals. The completed appeal form must be delivered, by hand or postage mail, to the City's Building & Safety office located at 630 Garden St., Santa Barbara, CA 93101. The completed appeal form may also be emailed to [CBFBuildingCode@santabarbara.ca.gov](mailto:CBFBuildingCode@santabarbara.ca.gov).

For information regarding the appeals process, please refer to Santa Barbara Municipal Code Section 22.04.020 or contact the Community Development Department at (805) 564-5502. For information on the Building and Fire Code Board of Appeals, please visit the following website <http://www.santabarbara.gov/ovbrc/ovbrcmain.asp?cbfcbafesell.asp>.

**Contact Information**  
 Our office phone number is (805) 564-5485. Our offices are closed every other Friday. Please call (805) 564-5485 to find out the Friday we will be closed. Inspector office hours are 7:30 a.m. and 3:00-4:00 p.m. Monday through Friday except for Thursday afternoon and our "off" Friday. You may also contact our office for plan submittal and permit issuance requirements at (805) 564-5485 between the hours of 7:30 and 4:30 p.m., Monday through Friday. The Community Development public counters are located at 630 Garden Street. Additional information is available online at [www.Santabarbara.ca.gov](http://www.Santabarbara.ca.gov).

Sincerely,  
  
 Timo Rodriguez  
 Building Inspector/Certified Code Enforcement Officer  
 CITY OF SANTA BARBARA, Community Development  
 (805) 897-2529 | Cell: (805) 729-5214  
[trodiguez@santabarbara.gov](mailto:trodiguez@santabarbara.gov)  
 CC: City of Santa Barbara Street File  
 CC: Owner(s) Agent, Dale Pekarek at [thefinelineb@gmail.com](mailto:thefinelineb@gmail.com)



EXHIBIT 4



EXHIBIT 5



EXHIBIT 6



EXHIBIT 7



EXHIBIT 8



EXHIBIT 9



EXHIBIT 10



EXHIBIT 11



EXHIBIT 12



**Amended Notice of Violation**  
 City of Santa Barbara  
 Building & Safety

September 14, 2021  
 Stefan Bjerling and Beth Bjerling  
 525 W. Pedregosa St.  
 Santa Barbara, CA 93101

Subject Property Address: 525 W. PEDREGOSA ST., SANTA BARBARA, CA 93101  
 Assessor's Parcel Number: 043-163-002  
 Enforcement Record Number: ENF2019-00850

Dear Owner(s),  
 Due to a concern filed with the Building & Safety Division, an inspection at the Subject Property was performed on 11/23/2018 & 8/27/2021. As a result of multiple investigations, we have found the property is still in violation of the Santa Barbara Municipal Code as follows:

- Santa Barbara Municipal Code Violations:
- 22.04.010 Adoption of California Codes by Reference.
  - 22.04.070 Amendments to the 2015 International Property Maintenance Code.

- Violation Findings During Investigation:**
1. The two-car garage was modified to a one-car garage and a storage area with new electrical without approvals or permits. (See Exhibits 1, 2, 3, and 4).
  2. A rear addition to the garage was constructed without approvals and permits. (See Exhibits 5 and 6)
  3. On the side of the main residence, an addition to the main residence was constructed to create a washer and dryer area without approvals and permits. (See Exhibits 7, 8, and 9)
  4. There are no records or approvals or permits of the On-Demand Tankless water heater and Water Softener located next to the as-built laundry area addition. (See Exhibits 7, 10, and 11)
  5. A kitchen remodel was completed without approvals or permits. (See Exhibits 12 and 13)
  6. An exterior electrical outlet does not appear to meet code and is being used continuously to charge a car in the garage. (See Exhibit 14)

**Building Code Violation Section:** 2019 California Residential Code § R105.1 Permits Required as adopted by Santa Barbara Municipal Code 22.04.010. Any owner, or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**Building Code Violation Section:** 2019 California Plumbing Code § 104.1 Permits Required as adopted by Santa Barbara Municipal Code 22.04.010. It shall be unlawful for a person, firm, or corporation to make an installation, alteration, repair, replacement, or removal of a plumbing system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

**Building Code Violation Section:** 2019 California Plumbing Code § 105.1 General as adopted by Santa Barbara Municipal Code 22.04.010. Plumbing systems for which a permit is required by this code shall be inspected by the Authority Having Jurisdiction.

No plumbing system or portion thereof shall be covered, concealed, or put into use until inspected and approved as prescribed in this code. Neither the Authority Having Jurisdiction nor the jurisdiction shall be liable for expense entailed in the removal or replacement of material required to permit inspection. Plumbing systems regulated by this code shall not be connected to the water, the energy fuel supply, or the sewer system until authorized by the Authority Having Jurisdiction.

**Building Code Violation Section:** 2015 International Property Maintenance Code § 605.1 Installation as adopted by Santa Barbara Municipal Code 22.04.010. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**Building Code Violation Section:** Amendments to the 2015 International Property Maintenance Code § 602.2 Residential Occupancies as adopted by Santa Barbara Municipal Code 22.04.070. Regardless of the season of the year, dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

- HOW TO REMEDY THE VIOLATION(S):** Take the following steps to remediate all findings during inspection:
1. Consult with the Planning and Zoning Department to verify alterations do not trigger design review of any kind. Contact Planning and Zoning Department by email at [PlanningCounter@santabarbara.ca.gov](mailto:PlanningCounter@santabarbara.ca.gov) or by phone at (805) 564-5578.
  2. When approved by the Planning and Zoning Department to proceed, prepare and submit a complete application for the building permit(s) that are required to legalize the violations found during an inspection. Applications for a building permit can be made online at [Santabarbara.ca.gov/OnlineBuildingPermits](http://Santabarbara.ca.gov/OnlineBuildingPermits). Be aware that permit issuance must be obtained by the dates prescribed in this Notice. If permit(s) are not obtained within the prescribed time frames, further legal action may be necessary.

**DEADLINE FOR ABATEMENT: WEDNESDAY, APRIL 27, 2022**



EXHIBIT 1



EXHIBIT 2



EXHIBIT 3



EXHIBIT 4

the fine line  
 P.O. BOX 60505 SANTA BARBARA, CA. 93160 Dale S Pekarek  
 PHONE (805) 964-4625 thefinelineb@gmail.com

STEFAN AND BETH BJERLING  
 525 WEST PEDREGOSA STREET  
 SANTA BARBARA, CALIFORNIA 93101

NOTICE OF VIOLATION LETTER

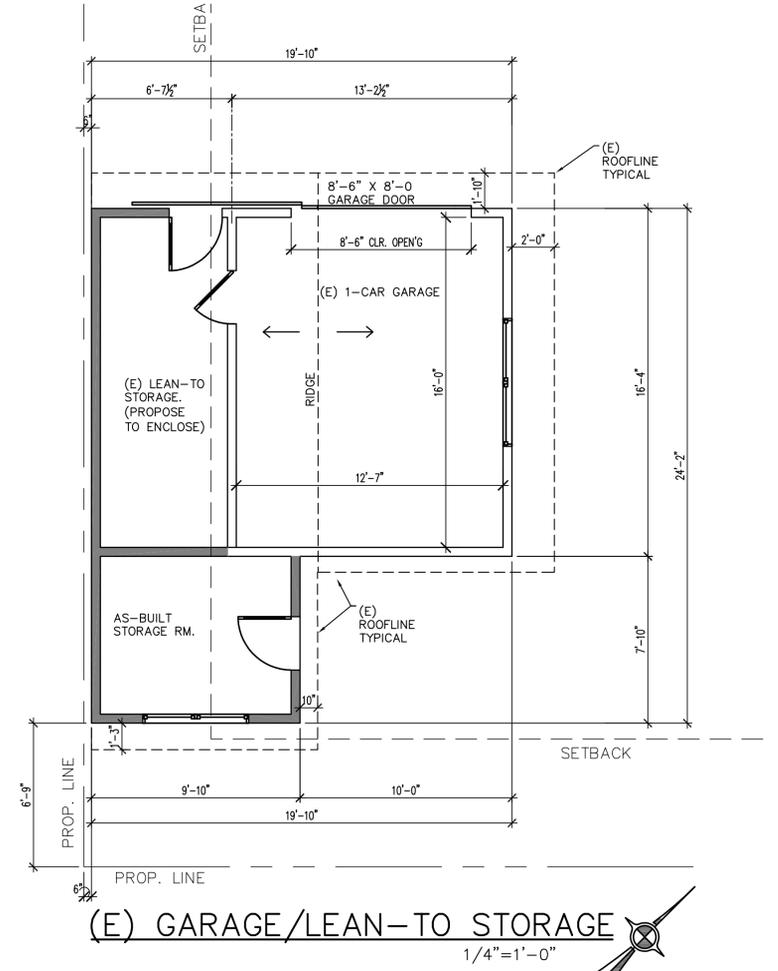
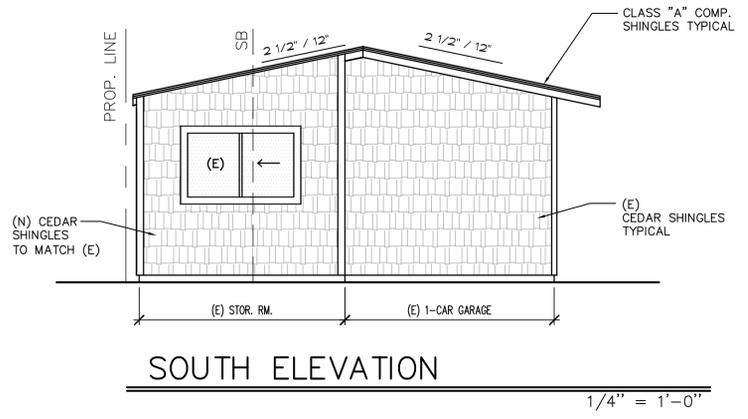
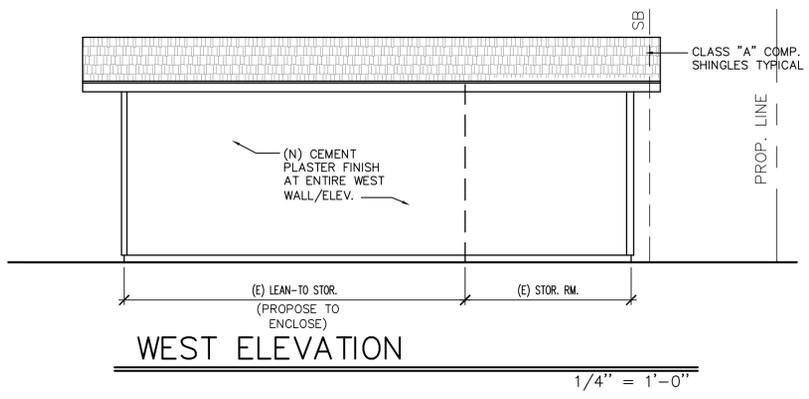
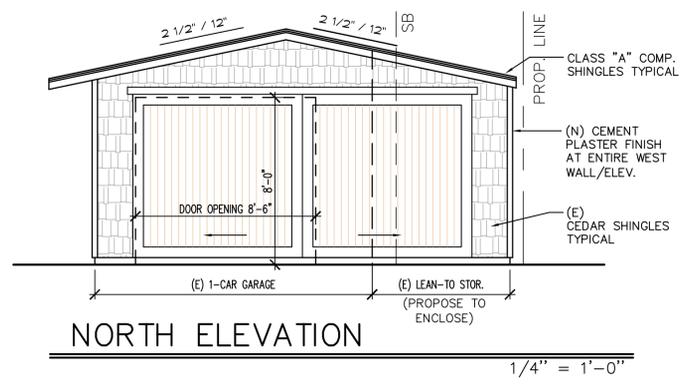
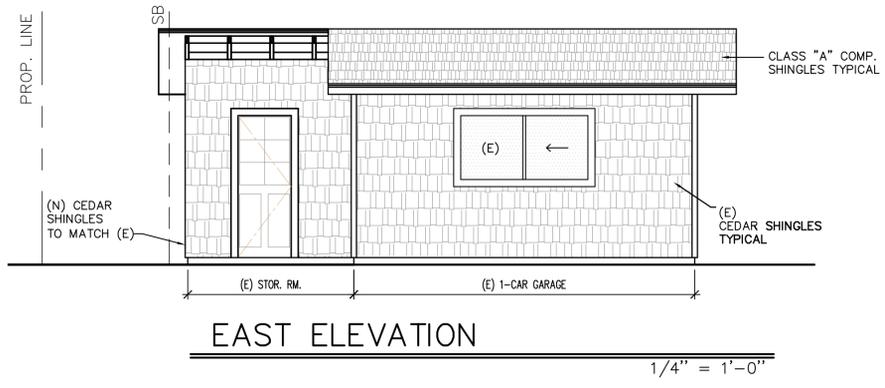
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 2/14/2022

dale pekarek

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These drawings are the instruments of service and are the property of The Fine Line. All designs and other information contained on these drawings are for use on the specified project and shall not be used on other projects, or for additions to this project, or for completion of this project by others without first obtaining the expressed written permission and consent of The Fine Line. These drawings shall not be reproduced, changed or copied in any manner or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the expressed written permission and consent of The Fine Line.



**the fine line**  
 P.O. BOX 80505 SANTA BARBARA, CA 93160 Dale S Pakarek thefineline@gmail.com  
 PHONE (805) 964-4625

**STEFAN AND BETH BJERLING**  
 525 WEST PEDREGOSA STREET  
 SANTA BARBARA, CALIFORNIA 93101

**ELEVS, 1-CAR GARAGE,  
 LEAN-TO STOR, STOR. RM**

**A1.0**

2115  
 2/14/2022

*State Professional Seal*



# The Fine Line

P.O. Box 60606  
Santa Barbara, Ca 93160

October 26, 2021

City of Santa Barbara  
Community Development  
630 Garden Street  
Santa Barbara, CA 93101

RE: Modification for the unpermitted enclosure of a carport and storage that sits in the interior setback.

Job Site Address: 525 W. Pedregosa Street  
APN 043-163-002

To Staff Hearing Officer

We are requesting a Modification for the permitted two car garage and carport that was built in 1937 (B1051) and sits approximately 12" from the property line in the interior setback, and the carport was enclosed without a permit into two separate storage rooms. The unpermitted work was done prior to the current owner taking possession of the property.

This Modification would abate Enforcement case **ENF2015-00850**

Sincerely,



Dale S. Pekarek

Thefinelinesb@gmail.com  
Phone 805-964-4625

**EXHIBIT B**