ATTACHMENT 5

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 005-10
401 ½ OLD COAST HIGHWAY
REAR SETBACK AND BUILDING SEPARATION MODIFICATIONS
JUNE 10, 2010

APPEAL OF WILLIAM PRITCHETT ON THE ACTION BY THE STAFF HEARING OFFICER FOR 401 ½ OLD COAST HWY, APN 015-291-010, C-P RESTRICTED COMMERCIAL/R-2 TWO FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00500)

This is an appeal of the April 21, 2010 Staff Hearing Officer denial of a Modification request to permit alterations, additions, and change of use to portions of an existing building currently located within the required ten-foot (10') rear setback (SBMC §28.54.060).

A second Modification is being added to this application. It is a request for a reduction in the required ten-foot building separation between residential units (SBMC §28.21.070).

The 7,117 square foot project site is currently developed with two single family residences and 1,106 square feet of commercial space. The proposed project involves a request to convert the commercial space to an additional residential unit. The approval will result in three residential units with five uncovered and one overed parking spaces for the site.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in favor of the appeal, one person appeared to speak with concerns, and no one appeared to speak in opposition thereto, the following exhibits were presented for the record:

1. Staff Report with Attachments, June 3, 2010.
2. Site Plans
3. Correspondence received in opposition to the appeal:
   a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Denied the appeal without prejudice, denied the building separation modification, and upheld the decision of the Staff Hearing Officer to deny the project, making the following findings:

1. Rear Setback Modification

The rear setback Modification is not consistent with the purposes and intent of the Zoning Ordinance. The proposed location of the third residential unit does not provide separation between the residential unit and the property lines. This prevents the necessary separation between the proposed use and the uses on adjacent parcel. Furthermore, the rear setback Modification is not necessary to secure an appropriate improvement on the lot. A conforming design that provides separation from property lines and residential units, open air space, landscaping, adequate private outdoor living space, and proper

lighting for residential living areas that would meet the Architectural Board of Review's criteria for new dwelling units, should be proposed.

2. Building Separation Modification

The building separation Modification is not consistent with the purposes and intent of the Zoning Ordinance. The proposed location of the third residential unit does not provide the required separation between the proposed residential units on the site. The proposed building separation Modification is not necessary to secure an appropriate improvement on the lot. A conforming design that provides the required separation between the proposed dwelling units should be proposed.

This motion was passed and adopted on the 10th day of June, 2010 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Schwartz)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez

Julie Rodriguez, Planning Commission Secretary

June 17, 2010

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.