



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 045-06

3408 & 3412 STATE STREET

MODIFICATION, TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSION PERMIT

NOVEMBER 2, 2006

APPEAL BY JAMES KAHAN OF A STAFF HEARING OFFICER APPROVAL OF AN APPLICATION OF DAVID TABOR, AGENT FOR ROBERT D. AND DEBORAH D. HART, 3408 & 3412 STATE STREET, APN 053-322-009, C-2/SD-2: COMMERCIAL AND UPPER STATE STREET AREA OVERLAY ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2004-00704)

The project consists of a proposal to convert an existing two-story, mixed-use building into five condominium units. The existing building consists of 3,436 square feet (net) of office space on the first floor, four (4) two-bedroom apartments on the second floor and eighteen parking spaces. An exception to the physical standard requirements for condominium conversions, to allow only one parking space for each residential unit instead of two, is requested.

The discretionary applications required for this project are:

1. Modification to allow encroachments into the front yard setback along State Street (SBMC§28.45.008);
2. Tentative Subdivision Map for a one-lot subdivision for the conversion of four residential units and one commercial office space into five condominium units (SBMC§27.07); and
3. Condominium Conversion Permit to convert one commercial space and four residential apartments to five condominium units, including an exception to the parking requirements (SBMC§28.88).

On July 19, 2006, a public hearing was held and the Staff Hearing Officer made the required findings and approved the project. This is an appeal of that decision.

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).

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

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

1. Staff Report with Attachments, November 2, 2006
2. Site Plans

3. Correspondence received in support of the appeal:
- a. Jim Kahan, 3709 Dixon Street, Santa Barbara, CA 93105
 - b. Cheri Rae McKinney, submitted at public hearing
 - c. Richard Moss, 12 E. Mission Street, Santa Barbara, CA
 - d. John & Anna Devore, 429 Stanley Drive, Santa Barbara, CA 93105
 - e. Naomi Kovacs, Citizens Planning Association, Santa Barbara, CA

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

Upheld the appeal and denied the subject application, as follows:

Deny the front yard setback modification as the findings cannot be made in relation to the vision of the S-D-2 zone and the broader vision for an uptown design standard that the Commission cannot make the finding that it is necessary to secure an appropriate improvement on the lot, promote uniformity of improvement or prevent unreasonable hardship.

This motion was passed and adopted on the 2nd day of November, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Myers)

Deny the Tentative Subdivision Map and Condominium Conversion Permit with the Commission unable to find that all provisions of the Condominium Conversion Ordinance have been met as per SBMC§28.88.120, and unable to find consistency with the Noise Element of the City's General Plan, with inadequate parking and storage safety issues still to be addressed, the 50% mixed-use development rule as it relates to parking is not being met, the square footages of the stairs and elevator areas are not accounted for in the plans, and the unresolved noise issue on the State Street balconies continue to be a concern.

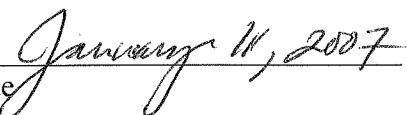
This motion was passed and adopted on the 2nd day of November, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Myers)

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.



Kathleen Goo, Acting Planning Commission Secretary


Date _____

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