



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 034-09

1900 LASUEN ROAD

ADDENDUM TO MITIGATED NEGATIVE DECLARATION, MODIFICATIONS,
AND TRANSFER OF EXISTING DEVELOPMENT RIGHTS

SEPTEMBER 10, 2009

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2007-00140)

The proposal is a project revision to the approved El Encanto Hotel Revised Master Plan. The proposed project consists primarily of revisions to the design of the northwest corner of the project site. The proposal consists of three, one-story cottages (#37, 38 & 39) above an underground, 42-space, valet parking garage. The operations/back of house facilities would be located in the three cottages. Components of the utility distribution facility would be located in cottage 39, in the underground parking garage, and underneath cottage 29. As a result of relocating the parking underground, one parking space would be relocated to the Mission Village underground valet parking garage located in the northeast corner.

The proposal also includes 900 square feet of additional underground mechanical space that was not previously proposed in the Mission Village underground valet parking garage.

All other components of the Revised Master Plan remain as approved on February 12, 2009.

The discretionary applications required for this project revision are:

1. Modification to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place (SBMC§28.27.050);
2. Modifications to provide less than the required distance between buildings in the northwest corner (SBMC§28.27.050.2); and
3. Transfer of Existing Development Rights of 6,000 square feet (instead of 10,000 square feet as previously approved) of non-residential floor area to the project site (SBMC§28.95).

The Planning Commission considered approval of the Addendum to the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15164.

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

WHEREAS, 23 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments February 5, 2009; and September 3, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Ashley Radosevic, via email
 - b. Barbara Rogers Scolin, via email
 - c. Walter Michaejlenko, DDS/MD, via email
 - d. Kellam de Forest, via email
 - e. Fleurette Barsom-Janigian, via email
 - f. Kate Ford, via email
 - g. Robert and Virginia Guess, via email
 - h. Jim Knight, The Riviera Association, Santa Barbara, CA
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA
5. Correspondence received with concerns about the project:
 - a. Trevor J. Martinson, Santa Barbara, CA

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

- I. Approved the subject application making the following findings and determinations:
 - A. **Addendum to the Mitigated Negative Declaration (CEQA Guidelines 15164)**
 1. In the Planning Commission's independent judgment there is no substantial evidence that this project will have a significant effect on the environment; and,
 2. Minor technical changes and additions are necessary to complete environmental review. However, a Supplemental Mitigated Negative Declaration is not required because the proposed project remains largely unchanged from the existing project described in the Final Mitigated Negative Declaration for the El Encanto Revised Master Plan.
 3. No substantial changes are proposed in the project and no substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the Final Mitigated Negative Declaration. No new information of substantial importance shows a new or more severe impact. Additionally, no new information of substantial importance shows that a previously considered infeasible mitigation or alternative or a new mitigation or alternative that would now be feasible and substantially reduce the impact of the project are known to exist (CEQA Guidelines §15162(a)).

4. The Planning Commission has considered the Addendum, dated September 3, 2009, for the project revisions for the El Encanto Hotel (MST2007-00140), together with the adopted Final Mitigated Negative Declaration for the original project, and public comments received.
5. The Addendum to the adopted Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements. The Addendum together with the adopted Final Mitigated Negative Declaration constitute adequate environmental analysis of the project.

B. Modifications (SBMC§28.27.050)

The modification request to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot because the minor encroachment is substantially less than the encroachments requested by the previous proposal and less than the existing surface parking lot which currently encroaches ten feet into the front setback, as described in Section V of this Staff Report.

The modification requests to provide less than the required distance between buildings for the proposed three, new cottages in the northwest corner is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot because it would be difficult to meet the 15 foot minimum distance between buildings requirement without further reducing the size of the cottages, as described in Section V of this Staff Report.

C. Transfer of Existing Development Rights (SBMC§28.95.060)

1. The proposed development plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code. *The mixed-use development on the sending site received approval by the City Council on April 17, 2001 and was determined to be consistent with the goal and objectives of the General Plan and the requirements of the Zoning Ordinance. The Land Use Element acknowledges the El Encanto Hotel as an acceptable use in the Riviera neighborhood. The Revised Master Plan, which provides for the continuation of the project site as a hotel, is therefore in compliance with the General Plan. With approval of the requested Modifications, the receiving site (El Encanto Hotel) is consistent with the requirement of the Resort-Residential Hotel Zone.*
2. The proposed developments will not be detrimental to the site(s), neighborhood or surrounding areas. The sending site project was approved by the City Council and the Architectural Board of Review, which found the project to be appropriate. *The El Encanto Hotel Revised Master Plan has reduced its potential impacts to a less than significant level, and has addressed neighborhood concerns with project revisions to the design in the northwest corner.*

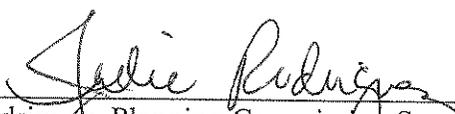
3. The floor area of proposed nonresidential development on the receiving site does not exceed the sum of the amount of Existing Development Rights transferred when added to the amount of Existing Development Rights on the receiving site, and does not exceed the maximum development allowed by the applicable zoning of the receiving site. *The proposed total new floor area for the Revised Master Plan (8,312 sq. ft.) does not exceed the sum of the transferred square footage (6,000 sq. ft.) and the Small and Minor Additions of Measure E square footage (2,312 sq. ft.). The total development on the site does not exceed the maximum development allowed by the R-H Zone.*
4. Each of the proposed nonresidential developments on the respective sending site(s) and receiving site(s) will meet all standards for review as set forth in Section 28.87.300.E of the Municipal Code and all provisions of this Chapter, and will comply with any additional specific conditions for a transfer approval. *The sending site received approval by the City Council on April 17, 2001 and met all standards for review. With approval of the requested Modifications, the receiving site (El Encanto Hotel) complies with all standards for review in Section 28.87.300.*
5. Development remaining, or to be built, on a sending site is appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. *The development on the sending site received approval by the City Council on April 17, 2001 and has been constructed. The development was approved by the Architectural Board of Review which found it to be compatible with the surrounding neighborhood.*

II. Said approval is subject to the Conditions of Approval in Resolution 004-09 dated February 12, 2009.

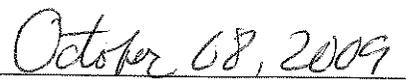
This motion was passed and adopted on the 10th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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, 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.