City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: June 3, 2010

AGENDA DATE: June 10, 2010

PROJECT ADDRESS: 401 ½ Old Coast Hwy (MST2009-00500)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

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).

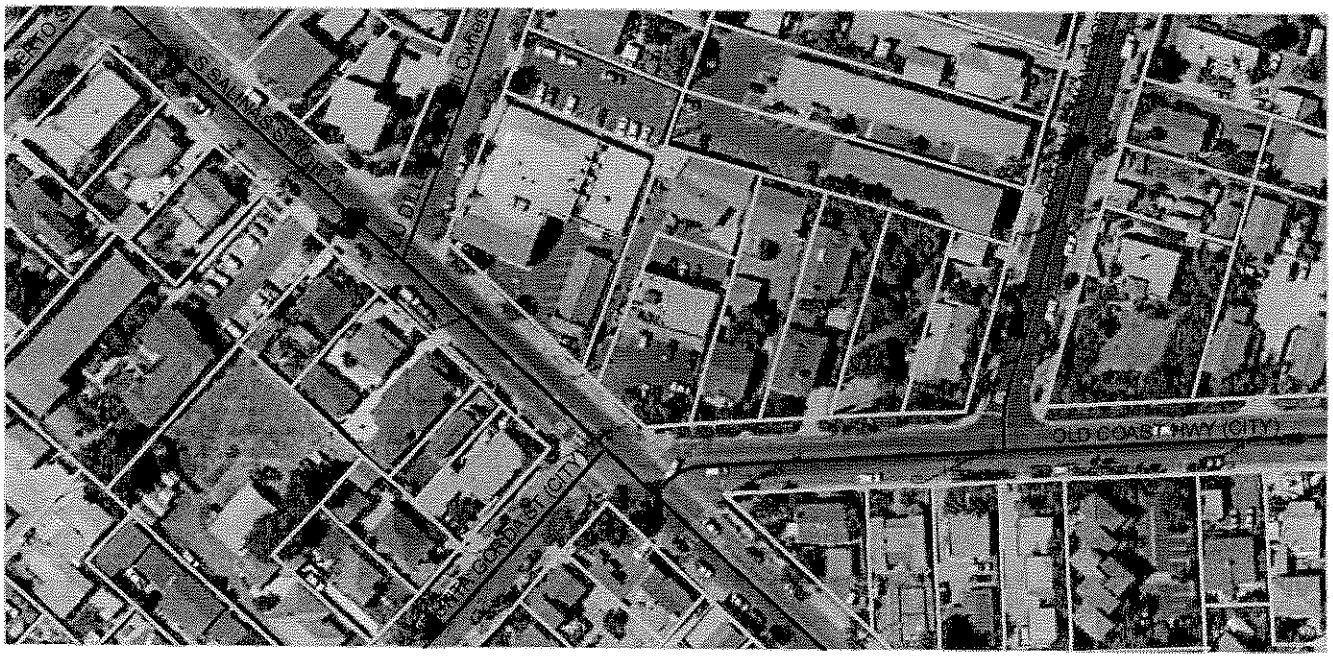
A second Modification is being added to this application. It is a request for a reduction in the required ten-foot building separation between residential units (SBMC §28.21.070).

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

II. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the decision of the Staff Hearing Officer to deny the project, making the findings listed in Section V.

APPLICATION DEEMED COMPLETE:	March 10, 2010
DATE ACTION TAKEN BY THE STAFF HEARING OFFICER:	April 21, 2010
DATE ACTION REQUIRED:	N/A



401 ½ Old Coast Hwy

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Garcia Architects	Property Owner:	Empire Trust Corporation
Parcel Number:	015-291-010	Lot Area:	7,117 sf
General Plan:	12 Units Per Acre	Zoning:	C-P/R-2
Existing Use:	Mixed Use	Topography:	Flat
Adjacent Land Uses: North - Residential South - Commercial		East - Residential West - Commercial	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	Unit #A: 960 sf Unit #B: 463 sf 1106 sf Commercial	Unit #A: 960 sf Unit #B: 463 sf New Unit #C: 890 sf

IV. DISCUSSION

Permit History

The permit history for the site shows that the buildings have been used as both residential and commercial uses in this commercial zone. The house and carport were originally constructed in 1956. In February 1960, a variance was approved by the Planning Commission to allow an electronic research laboratory to operate in the C-1 zone (the parcel was subsequently rezoned from C-1 to C-P/R-2). A permit was issued for an addition to the existing residence, to enclose the carport, and to convert all buildings on 401 ½ Old Coast Hwy to an electronic research laboratory. By 1979, however the house and carport had been converted back to a residential use as shown by a Zoning Information Report (ZIR) that indicates there was a single-family dwelling on site, a carport/storage building, and a rear storage building.

In June 1982, two Modifications were approved to allow the conversion of the carport to a second residential unit. The required modifications were to allow four *uncovered* parking spaces instead of the required four *covered* spaces and to permit the new residential unit to have a unit size of 470 s.f. instead of the required 720 s.f., which was the minimum unit size at the time.

In May 1985, a Zoning Information Report (ZIR) indicates two dwelling units on site at 401 ½ Old Coast Hwy and an attached office/workshop.

In June 2007, a permit was issued to the current property owner to abate enforcement violations for plumbing and repairs. The plans show two residential units with office/storage in the rear.

In October 2008, an enforcement case (ENF2008-01303) was created on this property for the creation of illegal dwelling units and roof and window changes installed without permits. In

January 2009, a 30-day warning letter was issued and in March 2009, an Administrative Citation was issued. The owner appealed the Administrative Citation, and an appeal hearing was scheduled for May 2009. The Chief Building Official dismissed the Administrative Citation, and referred the case to the City Attorney's office to handle the enforcement case. In July 2009, the City Attorney and the owner signed a letter agreement. This agreement was voided by an agreement of the parties with the understanding that a new agreement would be forthcoming. However, a new agreement has not been proposed or signed. If this application is not successful in resolving the code enforcement case, the City Attorney's Office is prepared to reinitiate its code enforcement efforts. Between October 2009 and April 2010, City Staff worked with the applicant to develop a complete application for the proposed modifications and design review. In March 2010, a building permit (BLD2010-00482) was submitted to return the third illegal unit back into an office/storage area, but the plans were returned to the applicant with corrections and no further resubmittals have been received. The applicant contends that this area has been used as a residential unit for at least 25 years, and that he has been renting the third unit to Section 8 tenants since 2003.

Staff has met with the applicants on numerous occasions and offered suggestions for redesigns that Staff could support in connection with any necessary Modification(s) applications. Creation of a third unit for the site, which is permitted under current density standards, could be accomplished with a floor plan reduction that would increase the rear setback. Staff has strongly encouraged abatement of the current enforcement activity by returning the rear portion of the building to its legal use as office/storage.

Zoning Requirements

Based on the permit history, the city recognizes two legal residential units on site, with an attached office/storage building and 12 uncovered parking spaces. In order to legalize a third residential unit, the project must satisfy the zoning ordinance's open yard, covered parking, setback, density, and building separation requirements.

Initially, Staff did not believe a third residential unit could be permitted on the site, which is zoned C-P/R-2. The site does not meet the residential density requirements for three units in the R-2 Two-Family Residential Zone. However, after carefully reading the ordinance language in the C-P zone, Staff was advised that despite the dual zoning of C-P and R-2, the C-P zone allows for the density and yard requirements in the R-4 Multi-Family Residential Zone. Therefore, the R-4 density, setback, and yard requirements apply to this project, and because the property is adjacent to a residential zone to the rear, the C-P interior setback applies to the rear property line.

Additionally, the proposed parking for the site would require the elimination of the required parking spaces for the adjacent site at 401 Old Coast Hwy (APN 015-291-011) in order to provide adequate maneuvering space. The applicant has provided a copy of an access agreement that exists between the two property owners that they believe give them the right to propose parking in this configuration. Since the parking agreement is a civil matter, Staff is proceeding with processing the application as shown on the plans.

The proposed project, which involves the conversion of an office/storage area to a third residential unit for the site, requires two Modification approvals. One is for the interior (rear) setback, the other for building separation. All other zoning requirements have been met.

Setbacks

The property is zoned C-P/R-2. Because the property is adjacent to residentially zoned property at the rear, the rear setback is 10 feet or ½ the building height, whichever is greater. The storage/office area is non-conforming to both the 10-foot rear and six foot interior setbacks. The applicant is proposing to remove 150 square feet of floor area that currently exists within the required six-foot setback on the eastern property line, but is requesting to maintain and convert a 420 square foot portion of floor area currently located within the rear 10' setback.

The existing back of the building that separates the office/storage space from the adjacent property (parking lot) is a concrete block wall built at the property line. The applicant proposes a light well that would allow some light into the living room of the proposed residential unit.

It is the applicant's position that the Modification approval will allow for the continued use of an affordable residential unit (Section 8) in its historic location, that the floor area already exists within the setback, and that reuse of the commercial floor area for residential purposes is "green," and consistent with the General Plan. The applicant points out that the site improvements being proposed incorporate landscaping and outdoor amenities, which will enhance the living conditions for the two existing residential units as well.

It is Staff's position that the purpose and intent of setback requirements is to provide an area of separation between living spaces and property lines for quality of life associated with air circulation, light, and outdoor living space immediately adjacent to the unit. Staff is reviewing this proposal as a new residential unit, and takes the position that residential design and amenities should be provided as required under the zoning ordinance.

Building Separation

The second Modification is a request related to building separation. Santa Barbara Municipal Code §28.21.070 requires a ten-foot separation between one-story residential units. The existing office/storage room is located five-feet from the detached residential unit. Therefore, a modification from the building separation standard is required in order to convert the office/storage room to a residential unit.

In an effort to reduce the number of Modifications requested for the project, the applicants submitted numerous redesigns for Staff's review. Attempts to attach the two buildings, thereby eliminating the separation requirement, were not successful and received unfavorable comments from the ABR due to the difference in roof heights and pitch. The applicant agreed that the roof connection was awkward but pointed out that the construction of a continuous roof structure for creating a triplex would exceed the costs he wished to invest in an affordable unit. The applicant's position is that the buildings exist on site in their current locations and that the proposed change of use does not change that.

Staff's position is that the intent of building separation, like setbacks, is to buffer impacts associated with residential neighbor's proximity to one another.

Design Review

The Architectural Board of Review (ABR) reviewed the project on several occasions (Exhibit C). On March 22, 2010, the ABR found the proposal did not result in quality residential design, lacked appropriate amount of open space and landscaping, and denied the project unanimously without prejudice.

Staff Hearing Officer

On April 21, 2010, the Staff Hearing Officer held a Public Hearing and denied the project making the finding that the setback Modification is neither consistent with the purposes and intent of the Zoning Ordinance nor necessary to secure an appropriate improvement on the lot (Exhibit F). A conforming design that provides separation from property lines, open air space, adequate private outdoor living space, proper lighting for the unit, and meet the ABR's criteria for new dwelling units, should be explored. This is an appeal of that decision. The Modification request for building separation has been added to this application based on a project redesign that followed the Staff Hearing Officer decision.

Appeal Issues

The applicant and his architect bring up a number of justifications to allow the Modification of the "as-built" residential unit. For the most part, Planning Staff agrees that it is appropriate to have a third residential unit on this property, that re-using an existing building is desirable, and that a return to an office/storage use would less desirable than the creation of a residential unit. However, Staff does not support the proposed configuration of the residential unit, with a large part of the unit in the 10' rear setback. Staff believes that a smaller residential unit could be constructed, re-using most of the existing building.

V. FINDINGS

Staff recommends that the Planning Commission deny the appeal and uphold the decision of the Staff Hearing Officer to deny the project, making the following findings:

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 parcels. 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.

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.

Exhibits:

A. Appellant's Letter dated April 23, 2010
B. Agent's Letter dated May 19, 2010
C. ABR Minutes Summary
D. SHO Staff report dated April 14, 2010 with attachments
E. SHO Reso No. 020-10
F. SHO Minutes, April 21, 2010
G. Site Plan

William H. Pritchett

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Goleta CA 93117
(805) 452-1258
Willprt@cs.com

April 23, 2010

Roxanne Milazzo
Planning Division/Community Development
630 Garden Street
Santa Barbara CA 93101

RE: Appealing the Staff Hearing Officer's decision of 4/21/2010, 401 ½ Old Coast Hwy

Reasons for Appeal to Planning Commission:

1) We challenge the interpretation and application of "Accessory Building" to this situation. The Planning staff admits there is no accessory building. There is the definition of Building which applies and therefore no need to look for other definitions to confuse the question. A building is a structure with a roof supported by walls or columns to provide shelter. There is no need to use the definition of Accessory Building because the definition of Building makes it clear that a roof which connects the two existing main buildings, makes them into one building. Note that a multiple-family unit is defined as a "building" and does not include any requirements similar to the definition of "accessory" building. "Using "administrative interpretations" to create a requirement that does not exist is not appropriate; the language of the code, the definitions of "accessory building" and "building"' is clear. Due process does not allow exploring and applying new and different rules and regulations. In addition, It is difficult to accept as accurate the assertions regarding previous or historical administrative applications at other locations. If the staff chooses to persist in its claims, it will be necessary to require staff to produce documents showing addresses, dates and times in order that one can verify the claims. Such review might disclose prior conflicting and erroneous actions and opinions similar to what was experienced when prior "administrative applications" were suggested in discussions regarding this property. Month after month, erroneous oral and written claims were issued by staff based upon "experience" regarding the allowed density of property zoned R-2/C-P. In fact, for whatever reason, some staff continue to erroneously claim that the density at 401 1/2 Old Coast Highway is limited to two units.

2) The open yard areas are supported by the Planning staff and therefore should not have been an issued raised as to whether it met the definition requirements.

3) The Modification Hearing Officer approved the exact same modification request , "to permit a change of use within the 6 foot setback" on the property located at 2017 Chapala

Street, APN 025-302-007. We are requesting the same modification for residential use

EXHIBIT A

within the 6 foot setback requirement. This shows inconsistency and inequitable and prejudicial use of discretionary authority by the MHO

4) Proposed site improvements cannot be seen from public view and has less impact on the surrounding areas.

5) The proposed development improves the quality of life for the other two existing residences and offers more defined and usable open space and privacy as well as improved landscaping and general appearance.

6) The proposed unit is for Section 8 Housing recipients. There is currently a waiting list of over 5,000 financially disadvantaged individuals and families needing housing. 38% of these are seniors and people with disabilities needing a single story ground floor access which is difficult to find in the City.

7) The proposed project fulfills the intent and long term development goals as published in both Plan Santa Barbara and the previous 2004 "Housing Element" of the state mandated housing requirements of the General Plan. Utilizing existing City limited land resources as encouraged, converting a poorly located commercial structure and making a very much needed residential living space affordable.

8) Used as commercial space requires more parking and creates much more traffic, congestion, and noise as well as signage and other obtrusive type advertising.

9) Site is ideally located on a main transportation corridor, Salinas Street providing bus access to most areas of the City without adding traffic.

10) The area is almost entirely residential and therefore a commercial space is not consistent nor compatible with adjoining structures or surrounding community.

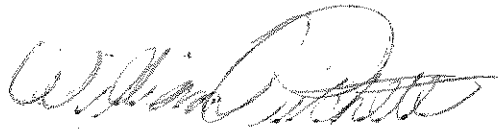
11) The staff and the Staff Hearing Officer at the hearing asserted reliance upon the "file" to come up with their descriptions of the existing site. For unexplained reasons and despite repeated requests, important documents have not been placed in the "file." For example, the street file does not include the documents which explain that the staff finally agreed on March 23, 2009 in a document from Renee Brooke, AICP, Zoning & Enforcement Supervisor, that the zoning allows three units. Also, the file does not contain a copy of the "Notice of Violations" which was issued by a Building Inspector or the dismissal of those violations which took place in the administrative hearing process. Those alleged violations included the erroneous claims that the existing residential and commercial configuration including three residential units and one small commercial space were not approved. Regarding the allegations in the Notice of Violations regarding the partial new roof, a building permit was issued on February 27, 2009 and the necessary corrections were completed within a few days thereafter. Those violations were also

dismissed. The file is not up to date and missing information important to a proper evaluation of the proposed project."

12) Add 2nd modification to permit for less than the10 foot building separation requirement.

For the following reasons , I hereby make the appeal of this decision to the Planning Commission for a more equitable and fair review.

Very Truly Yours,



William Pritchett

Development Team
Cc Tony Fischer, Attorney at Law
Cc Gil Garcia, AIA, Architect
Cc Katie O'Reilly Rogers, Landscape Designer

GARCIA ARCHITECTS, INC.
ARCHITECTURE · ENGINEERING · PLANNING

May 19, 2010

Planning Commission
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: MST: 2009-00500
APPLICATION OF GILBERT GARCIA, AGENT FOR WILLIAM PRITCHETT, 401 ½ OLD COAST HIGHWAY, APN 015-291-010, C-P RESTRICTED COMMERCIAL/R-2 TWO FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION; 12 UNITS PER ACRE.

Dear Planning Commissioners:

The 7,117 square foot project site is currently developed with two single family residences and, in city staff s opinion, a 1206 square feet of commercial space. The city staff opinion is disputed by the owner and respectfully submits that the space is a documented legal nonconforming residence. The residence has served the community under the affordable section 8 housing authority program for over 25 years. In a good faith effort to settle the dispute and continue the use of the space as residential, the owner has submitted an application for modification as noted below that the Architectural board of review and the staff-hearing officer has denied.

With this letter, we appeal and respectfully request the planning commission overturn the denials and grant the appeal to continue the historical use of the space as a section 8 affordable three bedroom-housing unit. We request the merits of the application be the basis for planning commission review and not the merits of the dispute on either side. Granting of the appeal on its merits would effectively settle the dispute between city staff and the owner.

The proposed project involves a request to change the use of commercial space, as claimed by city staff, or to remodel an existing residential space as claimed by the owner. The historic use of the space has served the community as residential for the last 25 years. The approval will result in a residential duplex consisting of an existing two-bedroom unit and new remodeled three-bedroom unit that would continue the historic residential use of the space. Existing one bedroom detached cottage will remain as is for three living units on the site. Parking will consist of existing six parking spaces with one new carport structure and five will remain uncovered. The property enjoys an existing easement for ingress and egress effectively increasing the usable lot area by about 2,000 sq. ft. The discretionary applications required for the project are Modifications to permit:

EXHIBIT B

Five (5') separations between detached 1-storey buildings instead of the 10' separation required. (SBMC 28.21.060): and

New remodeled residential habitable space within the required ten-foot rear yard setback (SBMC 28.21.060).

Justification for the residential living space encroachment into the rear yard required setback and to allow the 5' separation is:

A. The existing one story building has legal construction history with encroachment into the rear yard setback and with the 5' separation. The continued use of encroachment and separation as remodeled residential living space would allow the low profile structure with minimal mass, bulk, and scale, neighborhood impacts to continue instead of demolishing the building and constructing a new two story unit with compliant setbacks and much less desirable mass bulk and scale neighborhood impacts.
B. The historic use of the space has served the community well for the last 25 years in the form of affordable housing under the housing authority section eight program. Approval of the application would result in the continued use of the space for affordable housing which is in great demand in the city of Santa Barbara and responds to one of the city`s major policy goals of encouraging affordable housing.
C. Agreeing with staff for a moment that this space is commercial, the application approval would be in keeping with Housing element of the General plan that encourages recycling of commercial buildings by changing their use to residential and also the affordable by design policy goal would be achieved by the less costly change of use construction over new construction.
D. Application approval would greatly enhance quality of life amities for the remodeled and existing residential units with the addition of open space both common and private per zoning requirements and the addition of light well alcove to existing building will allow for windows in each room of the remodeled residential use. In addition, it would dramatically reduce the land use traffic and parking intensity of commercial use that city staff incorrectly implies it is and agrees now that it is an inappropriate use on the site.
E. The residential unit integrates better and is more congruent in both design and function with the surrounding neighborhood properties, which have transitioned over the years to almost entirely residential. The location is in the lower Eucalyptus Hill entering off Salinas and is a mixed use neighborhood with many student apartment complexes owned by Westmont College directly behind the property as well as various other businesses mostly built around 1955-1970 timeframe. The area is on a major transit corridor giving access to all other parts of the City. Housing in this area is, in general, moderate to lower income and the continued residential use of this application would preserve this unit as part of the area housing stock.

F. City Council has stated that the number one problem we face is a lack of "affordable housing" for our residents. Moreover, the continued use of this space as affordable residential through the section 8-voucher program would provide housing opportunity to very low-income families and individuals facing extreme hardship. Other two units on site are currently rented under the section eight programs for the last 10 years. The proposed remodel unit space is currently empty but has a historical use of affordable residential unit for over the last 25 years.

G. We respectfully submit that both ABR and SHO denials are not in keeping with the goals and policies of city ordinances and general plan for conversion of existing use to residential use. Their denial findings that the conversion does not meet the goals of a new housing unit development do not take into account that this is an existing development with an application to improve the quality of life of the all tenants on the site. Moreover, does not take into account the city goals and policies of encouraging recycling of commercial uses into residential use and the long 25 year history of residential use of the space. Finally does not take into account the denial, if upheld, will eliminate a long-standing affordable housing unit that is not in the best interest of the community.

H. We also respectfully submit the ABR overstepped their authority with respect to their correct role of review responsibilities, which is to comment on the design and esthetics of the application and not on land use and interior floor plan quality of life issues. Their negative quality of life comments of the interior space is challenged with the attached letter of appreciation from happy past tenant for the opportunity to live in the affordable housing space and experience a much appreciated good quality of life experience in the affordable housing space.

I. As outlined in the "General Administrative Review Standards" handbook (see Part 1 page 3) The application is meeting the standards of Architectural Design in as much as the building is an existing structure which only requires we stay within the original design, style, color, material, and scale. We have maintained the original design along with the rest of the units. New carport addition is designed to match the existing architecture originally constructed over 50 years ago without deviation.

Respectfully submitted:

Gil Garcia, AIA
(805) 789-2588
e-mail: gil@gilgarcia-aia.com

Architectural Board of Review Minutes Summary

March 22, 2010
CONCEPT REVIEW - CONTINUED ITEM

3. 401 1/2 OLD COAST HWY **C-P/R-2 Zon**

Assessor's Parcel Number: 015-291-010
Application Number: MST2009-00500
Owner: William H. Pritchett Sr.
Architect: Gilbert Garcia

(This is a revised proposal to abate violations of ENF2008-01303 and permit an "as-built" conversion of an existing 995 square foot commercial unit into a new 841 square foot three-bedroom residential unit. The proposal will demolish 194 square feet from unit 2 which is located in the required interior setback. The site is currently developed with two residential units and one commercial space and will result in a total of three residential units, including a 434 square foot residential unit, a 918 square foot residential unit, and an 841 square foot residential unit. A total of six parking spaces are proposed, five uncovered and one covered. The project requires Staff Hearing Officer review for a requested zoning modification to allow living space to be permitted in the required rear setback.)

(Third Concept Review. Comments only; project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review for a zoning modification.)

(4:15)

Present: Gil Garcia, Architect; and Tony Fischer, Agent for the Owner; and Katie O' Reilly Rogers, Landscape Architect; and Roxanne Milazzo, Assistant Planner.

Public comment opened at 4:29 p.m. As no one wished to speak, public comment was closed.

A letter of concern from Paula Westbury was acknowledged by the Board.

Ms. Milazzo clarified staff's concerns regarding the project's change of use of a building located in the rear yard setback.

Motion: **To deny the project without prejudice and with comments:**

1) The current proposal is not compatible with the level of quality of a residential design for an additional unit.
2) According to compatibility guidelines, in its current configuration the proposed project lacks the appropriate amount of open space and landscaping.

Action: Zink/Rivera, 6/0/0. Motion carried. (Gilliland/Sherry absent).

EXHIBIT C

February 22, 2010
CONCEPT REVIEW - CONTINUED ITEM

2. 401 1/2 OLD COAST HWY **C-P/R-2 Zon**

Assessor's Parcel Number: 015-291-010
Application Number: MST2009-00500
Owner: William H. Pritchett, Sr.
Architect: Gilbert Garcia

(This is a revised proposal to abate violations of ENF2008-01303 and permit an "as-built" conversion of an existing 1,058 square foot commercial unit into a new three-bedroom residential unit. The site is currently developed with two residential units and one commercial space and will result in a total of three residential units, including one 434 square foot single-family residential unit, and a 1,975 square foot duplex. A total of six parking spaces are proposed, five uncovered and one covered. The project requires Staff Hearing Officer review for two requested zoning modifications for encroachments to allow living space into the rear and interior required setbacks and the trash enclosure in the rear setback.)

(Second Concept Review. Comments only; project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review for zoning modifications.)

(4:03)

Present: David Fainer, Attorney and Agent for Owner; and Renee Brooke, Senior Planner/Zoning Supervisor.

Public comment opened at 4:21 p.m. As no one wished to speak, public comment was closed.

A letter of concern from Paula Westbury was acknowledged by the Board.

Ms. Bedard clarified for the Board the project's past and current "as-built" and setback requirements.

Ms. Brooke confirmed staff's "as-built", parking, and setback recommendations to the applicant regarding the current site plan configurations and aesthetic issues for the project.

Mr. Limón confirmed the Board purpose regarding land-use and aesthetic issues for the applicant.

Motion: **Continued four weeks to the Full Board with the following comments:**

1) Reduce the proposed third unit considerably to provide open yard space around the rear and interior yard setbacks.
2) The Board is not supportive of the modification request to allow the residential use in the setbacks.
3) The Board is not supportive of the modification request for the trash enclosure located in the rear setback and suggests relocating to an alternate location out of the required setbacks.
4) The current proposal is not compatible with the level of quality in residential design for new multi-family proposals.

Action: Aurell/Mosel, 4/0/0. Motion carried. (Manson-Hing/Gross/Rivera/Gilliland absent).

January 25, 2010
CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

1. **401 1/2 OLD COAST HWY** **C-P/R-2 Zon**

Assessor's Parcel Number: 015-291-010
Application Number: MST2009-00500
Owner: William H. Pritchett, Sr.
Architect: Gilbert Garcia

(Proposal to abate violations of ENF2008-01303 and permit an "as-built" conversion of an existing 1,058 square foot commercial unit into a new three-bedroom residential unit. The site is currently developed with two residential units and one commercial space and will result in a total of three residential units, including one 434 square foot single family residential unit, and a 1,975 square foot duplex. A total of six uncovered parking spaces are proposed. The project requires Staff Hearing Officer review for four requested zoning modifications, including encroachments into the rear and interior required setbacks, building separation, and uncovered parking spaces.)

(Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review for four requested zoning modifications.)

(3:15)

Present: Gil Garcia and Everett Woody, Architects; David Fayner, Attorney and Agent for Owner; and Renee Brooke, Senior Planner/Zoning Supervisor.

Public comment opened at 3:26 p.m. As no one wished to speak, public comment was closed.

An email of concern from Silvio Guadagnini, and an opposition letter from Paula Westbury were acknowledged by the Board.

Motion: **Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:**

1) The Board is not supportive of the "as-built" third residential unit and the number of requested modifications, and therefore cannot support the project as proposed.
2) The Board cannot make the compatibility analysis of the project as proposed due to the aesthetic issues, site plan configuration, and inadequate light and air conditions for the "as-built" third unit.

Action: Zink/Rivera, 4/0/0. Motion carried. (Sherry/Gross/Aurell/Gilliland absent).

City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE:	April 14, 2010
AGENDA DATE:	April 21, 2010
PROJECT ADDRESS:	401 ½ Old Coast Hwy (MST2009-00500)
TO:	Susan Reardon, Senior Planner, Staff Hearing Officer
FROM:	Planning Division, (805) 564-5470 Danny Kato, Senior Planner Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

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 reduce the size of the commercial space, and convert it to a third residential unit. This would result in a triplex with five uncovered and one covered parking spaces for the site. The discretionary application required for this project is a Modification 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).

Date Application Accepted: March 10, 2010 Date Action Required: June 10, 2010

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny the project.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Garcia Architects	Property Owner:	Empire Trust Corporation
Parcel Number:	015-291-010	Lot Area:	7,117 sf
General Plan:	12 Units Per acre	Zoning:	C-P/R-2
Existing Use:	Mixed Use	Topography:	Flat

Adjacent Land Uses:

North - Residential East - Residential
South – Commercial West - Commercial

EXHIBIT D

B. PROJECT STATISTICS

Existing	Proposed
Unit #A: 960 sf,	Unit #A: 960 sf,
Unit #B: 463 sf,	Unit #B: 463 sf
1106 s.f. Commercial	New Unit #C: 890 sf

C. PROPOSED LOT AREA COVERAGE

Building: 2,820 sf 40% Hardscape: 3,569 sf 50% Landscape: 728 sf 10%

IV. ZONING ORDIANCE CONSISTENCY

This property is zoned R-2/C-P (Two Family Residence/Restricted Commercial). The purpose of the dual-zoned R-2/C-P zone is to allow neighborhood-type commercial uses, while restricting the residential development to that consistent with the R-2 Zone, to maintain residential compatibility with surrounding R-2 zoned residential uses. The C-P Zone had contained language that required if the C-P Zone is also zoned with a more restrictive residential zone, then any residential development must comply with the more restrictive residential zone. With this language and the dual zoning with R-2, a triplex would not be allowed. Unfortunately, at some point, this language was eliminated from the C-P zone; therefore, the City Attorney's Office advised Staff that the residential development must comply with the C-P and R-4 Zones. This omission will be re-instituted into the C-P Zone in a future Zoning Ordinance Amendment.

Setback regulations for the CP Zone have been applied to this project as required by Chapter 28.54. Because the property is adjacent to residentially zoned property, the interior setbacks for all new buildings is 10 feet or ½ the building height, whichever is greater.

Outdoor living space requirements, including private outdoor living space, open space, and common open area are required pursuant to the R-4 Zone.

V. DISCUSSION

According to City records, current development on site consists of two detached single family residences (#A & #B), and a 1,106 square foot commercial space that is attached to the rear of the larger unit (#A). The property is currently under enforcement for the illegal conversion of the commercial space to a residential unit, and through the enforcement process, the applicant was given the option of returning the area to commercial use or applying for the required permits to legalize a change of occupancy. The applicant is pursuing approvals to convert the existing commercial space to a third residential unit (#C) for the site. Six parking spaces are being provided to meet current parking requirements for the triplex. Outdoor living space, open space, and common open area, are designed to meet the R-4 Multiple Family Residence requirements. A section of roof connection between Units #A and #C, which is proposed to eliminate a Modification for the distance between buildings, and the conversion of a portion of the existing floor area located within the rear setback, are requesting interior setback Modification approvals.

The project has undergone a number of Staff reviews and redesigns to reduce the number of Modifications necessary to comply with zoning requirements, and to address comments from the Architectural Board of Review (ABR). The latest design connects the buildings on site to create a triplex, as mentioned above, and removes approximately 170 square feet of the existing floor area from the eastern setback. Landscape plans have been provided that replace existing paving with vegetation and canopy trees in an attempt to improve the existing situation and gain support from the design review board. The latest design was reviewed by the (ABR) on March 22, 2010 and unanimously denied without prejudice. Because an appeal of the ABR decision was not filed, any future design will need to be resubmitted to the Architectural Board of Review for a design approval prior to applying for a building permit.

Staff recommended that the applicant reduce the amount of the encroachment by building a new exterior wall either 10 feet or six feet from the rear property line, and removing the roof over the rear setback (maintaining the existing concrete block wall at the property line), in order to create a rear yard. Staff would prefer the new wall be 10 feet from the property line, but would support a Modification for the new wall six feet from the property line. However, the applicant does not want to pursue this option.. His position is that the proposed floor area exists, the changes on the inside of the building will not be visible from the exterior due to the solid wall construction, that the solid wall provides a perfect buffer from the residential parking lot behind it, that it does not make sense to put building materials in the land fill when they are still usable, and that the conversion provides an affordable rental housing opportunity for the community.

Staff has met with the applicant and his agents numerous times to discuss the difficulty of obtaining Staff's support for the Modifications being requested. Staff agrees with the ABR that the design and floor plan configuration of the proposed unit lacks amenities that are expected for new residential units. The solid block wall construction of the rear portion of the proposed residence eliminates the opportunity for natural light and air circulation for the unit, which is what the purpose and intent of the setback provides for.

VI. FINDINGS

The Staff Hearing Officer does not find that the Modification is consistent with the purposes and intent of the Zoning Ordinance or that it is necessary to secure an appropriate improvement on the lot. A conforming design that provides separation from property lines, open air space, and proper lighting for the unit, and meet the ABR's criteria for new dwelling units, should be explored.

Exhibits:

A. Site Plan (under separate cover)
B. Applicant's letter dated March 10, 2010
C. ABR Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470

City of Santa Barbara
California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 020-10
401 ½ OLD COAST HIGHWAY
MODIFICATION
APRIL 21, 2010

APPLICATION OF WILIAM PRITCHETT, PROPERTY OWNER FOR 401½ OLD COAST HWY, APN 015-291-010, C-P RESTRICTED COMERCIAL/R-2 TWO-FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00500)

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 a triplex with five uncovered and one covered parking spaces for the site. The discretionary application required for this project is a Modification 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).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

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 in favor or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 14, 2010.
2. Site Plans
3. Correspondence received in opposition to the project:
   a. Pierina Lowdermilk, via e-mail.
   b. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

Denied the project making the finding that the Modification is neither consistent with the purposes and intent of the Zoning Ordinance nor necessary to secure an appropriate improvement on the lot. A conforming design that provides separation from property lines, open air space, and proper lighting for the unit, and meet the ABR's criteria for new dwelling units, should be explored.

This motion was passed and adopted on the 21st day of April, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

EXHIBIT E

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.

Gloria Shafer, Staff Hearing Officer Secretary Date

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 you have any existing zoning violations on the property they must be corrected within thirty (30) days of this action.

Reardon expressed concern about the extent of the proposed encroachment of the deck into the front setback. Mr. Gragg agreed to reduce the deck to be 10 feet from the front property line.

ACTION: **Assigned Resolution No. 019-10**

The Modification is consistent with the purposes and intent of the Zoning Ordinance is necessary to secure an appropriate improvement on the lot. The proposed encroachment into the required front setback allows for an outdoor living space which takes advantage of the property's ocean views in an area that does not result in impacts to the adjacent neighbors, on a lot that has a wide, unimproved right-or-way in front of it.

Said approval is subject to the condition that the deck is setback a minimum of ten feet from the front property line.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:43 A.M.

C. **APPLICATION OF WILIAM PRITCHETT, PROPERTY OWNER FOR 401½ OLD COAST HWY, APN 015-291-010, C-P RESTRICTED COMERCIAL/R-2 TWO-FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00500)**

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 a triplex with five uncovered and one covered parking spaces for the site. The discretionary application required for this project is a Modification 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).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: Gil Garcia, Architect; Tony Fischer, Owner's Attorney; William Pritchett, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation. Ms. Milazzo explained that the current floor plan configuration with no exterior lighting or setback from the property line does not meet modification requirements and is not supportable by Staff.

The Public Hearing was opened at 10:06 a.m.

Two letters expressing concern from Paula Westbury and Pierina Lowdermilk were acknowledged.
As no one wished to speak, the Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Reardon stated that the proposed roof connection between the main buildings are inadequate and questioned whether they are true roof connections to consider the building to be a tri-plex and therefore not triggering the need for a distance between buildings modification. Mr. Kato confirmed that the roof structures of the two buildings must connect to be considered a true roof connection. The roof structures are not connected, and therefore the buildings are not considered connected..

Ms. Reardon questioned the proposed design of the required 15' x 15' common open area. She expressed concern with including the proposed main walkway to proposed unit 2 being located within this required 15' x 15' area. Mr. Kato stated that the intent is to have 225 square feet of usable open space. Currently with the 4 foot plaster privacy wall, the proposal is not supportable. Ms. Reardon also questioned the appropriateness of providing the private outdoor living space for unit 1 between two parking spaces.

Ms. Reardon stated that the proposed lack of an interior setback from the adjacent residential property is not consistent with the purposed and intent of the Zoning Ordinance and is not supportable.

Ms. Reardon stated that she took into consideration the Architectural Board of Review's inability to find the project meets the project compatibility criteria specifically in regards to inadequate amount of open space and landscaping.

ACTION: **Assigned Resolution No. 020-10**
Denied the project making the finding that the Modification is neither consistent with the purposes and intent of the Zoning Ordinance nor necessary to secure an appropriate improvement on the lot. A conforming design that provides separation from property lines, open air space, and proper lighting for the unit, and meet the ABR's criteria for new dwelling units, should be explored.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 9:33 A.M.

D. **APPLICATION OF GARCIA ARCHITECTS, AGENT FOR B.K. RAI, 2017 CHAPALA STREET, APN 025-302-007, R-2/R-O/C-2 ZONES, GENERAL PLAN DESIGNATION: OFFICE & RESIDENTIAL (MST2010-00036)**

EXHIBIT A

THAT PORTION OF LOT 1 OF OCEAN VIEW PARK ADDITION, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF FILED IN BOOK 3, PAGE 23 OF MAPS AND SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID LOT 1, WITH THE NORTHEASTERLY LINE OF SALINAS STREET, AS NOW ESTABLISHED AND TRAVELED; THENCE 1ST, ALONG SAID WEST LINE OF LOT 1 NORTH 20° 02' 30" EAST 150.30 FEET TO A 3/4 INCH SURVEY PIPE AND THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE 2ND, ALONG THE NORTHERLY LINE OF SAID LOT 1, SOUTH 74° 41' EAST 76.35 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE 3RD, ALONG THE EASTERLY LINE OF SAID LOT 1, SOUTH 15° 20' WEST 97.00 FEET TO A 3/4 INCH SURVEY PIPE; THENCE 4TH, LEAVING SAID LOT 1, NORTH 74° 41' WEST 84.71 FEET TO A 3/4 INCH SURVEY PIPE; THENCE 5TH, PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1 AND DISTANT 15.00 FEET EASTERLY THEREFROM, MEASURED AT RIGHT ANGLES THERETO, SOUTH 20° 02' 30" WEST 121.86 FEET TO A 3/4 INCH SURVEY PIPE SET ON SAID SOUTHEASTERLY LINE OF SALINAS STREET; THENCE 6TH, ALONG SAID NORTHEASTERLY LINE OF SALINAS STREET, NORTH 69° 58' WEST 13.18 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE LINES OF SALINAS STREET AS NOW ESTABLISHED AND TRAVELED.

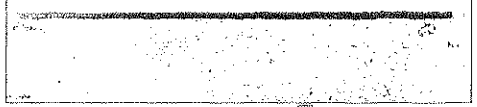
PARCEL TWO:

AN EASEMENT FOR INGRESS, EGRESS AND PARKING PURPOSES OVER, UNDER, UPON OR THROUGH THAT PORTION OF LOT 1 OF OCEAN VIEW PARK IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON MAP OF SURVEY FILED IN BOOK 39, PAGE 26 OF RECORDS OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS "S. 24° 41' EAST 84.72 FEET" ON SAID MAP; THENCE SOUTH 15° 20' WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, 30.4 FEET; THENCE NORTH 74° 41' WEST 67.15 FEET; THENCE NORTH 20° 02' 30" EAST 30.60 FEET; THENCE SOUTH 74° 41' EAST 64.72 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

EASEMENT



OPEN SPACE

15'-0" X 15' 0" CONTIGN OPEN AREA PROVIDED.
UNIT #1 TWO BEDROOM PRIVATE OUTDOOR LIVING SPACE 140ft²
UNIT #2 THREE BEDROOM PRIVATE OUTDOOR LIVING SPACE 80ft²
UNIT #3 ONE BEDROOM PRIVATE OUTDOOR LIVING SPACE 120ft²

SITE STATISTICS

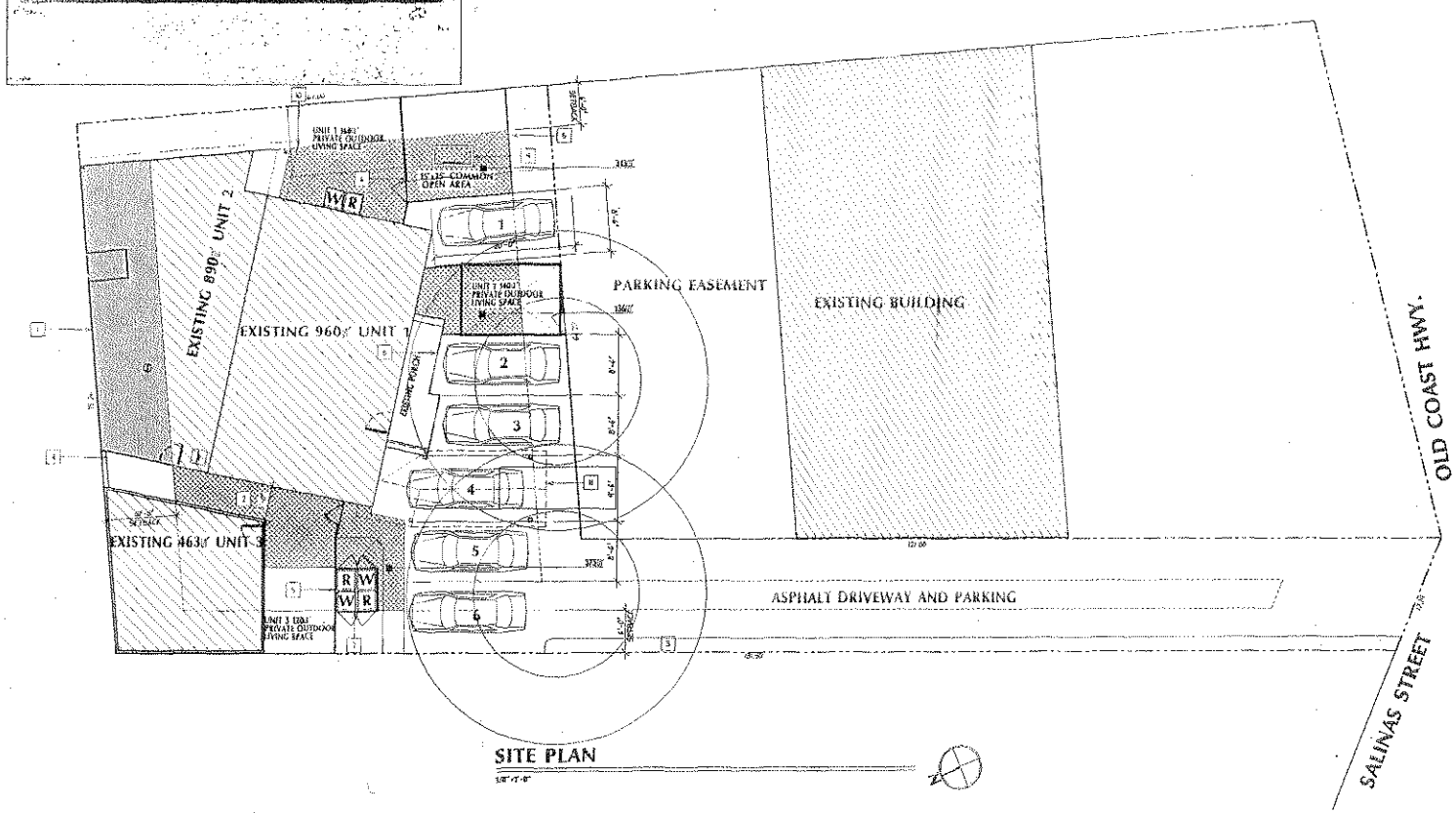
	AREA (SQ.FT.)	PERCENTAGE OF AREA
UNIT 1	960ft²	
UNIT 2	890ft²	
UNIT 3	463ft²	
TOTAL BUILDING AREA	2,383ft²	32%
DRIVEWAY AND PARKING	3,764ft²	53%
OPEN AREA	1,040ft²	15%
LOT SIZE	7,187ft²	100%

KEY NOTES

1. AREA OF REAR AND SIDE SETBACK MODIFICATION.
2. BUILDING PROPERTY ITEM LOCATION.
3. LANDSCAPE AREA
4. ELECTRIC METERS
5. EXISTING 6'-0" HIGH WOOD FENCE.
6. 6'-0" HIGH WOOD FENCE PAINTED EXISTING WOOD FENCE.
7. 4'-0" WIDE CONCRETE WALK WAY.
8. REMOVE SECTION OF PORCH AND REPLACE WITH LANDSCAPING.
9. BBQ.
10. LEVEL AT PORCH 4"-0" ABOVE GRADE.
11. PROPOSED CARPORT.

LEGEND

OPEN SPACE



SITE PLAN

EXHIBIT G

ANGELI de COVOLO INC
725 E. ANAPAMU ST. #19B
SANTA BARBARA, CA. 93103
PHONE: 805 965 2222
FAX: 805 965 2223

WILLIAM PRITCHITT
420 1/2 OLD GOLF ST. #17
SANTA BARBARA, CA. 93103

SECTION EIGHT HOUSING

SHEET CONTENTS
SITE PLAN

PROJECT NO.
405
DATE
02.15.10

A-2