



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: October 25, 2012
AGENDA DATE: November 1, 2012
PROJECT ADDRESS: 351 S Hitchcock Way (MST2012-00339)
 Plaza Del Oro
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Suzanne Riegle, Assistant Planner

I. PROJECT DESCRIPTION

The Plaza Del Oro development is sited on a 2.96-acre lot is known by the following addresses: 351, 361, and 371 South Hitchcock Way and 350 and 360 South Hope Avenue. The is currently developed with three office buildings totaling 35,000 square feet (351 S. Hitchcock Way and 350 & 360 S. Hope Ave.), a 2,965 square foot restaurant with 80 seats (361 S. Hitchcock Way), a 7,800 square foot movie theatre with 594 seats (371 S. Hitchcock Way), and a shared 150-space parking lot provides the parking for the development.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is an Amendment to the Conditions of Approval for the site, as required per the October 7, 1976 Board of Land Use Controls approval. The applicant is requesting to delete condition number one, which prohibited the use of offices as medical, dental or real estate offices and required annual reporting of tenant rolls.

APPLICATION DEEMED COMPLETE: September 24, 2012
DATE ACTION REQUIRED: November 23, 2012



Project Site

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Mark S. Manion of Price, Postel & Parma LLP		
Property Owner:	Plaza Del Oro, LTD		
Site Information			
Parcel Number:	051-240-004	Lot Area:	2.96 acres
General Plan:	Commercial /Medium-High Density Residential	Zoning:	E-3/PD/SD-2
Existing Use:	Non-Residential	Topography:	3% slope
Adjacent Land Uses			
North - Residential		East - Non-Residential	
South - Non-Residential		West - Non-Residential	

IV. DISCUSSION

The development was approved on October 7, 1976 by the Board of Land Use Controls (BLUC); meeting minutes are attached as Exhibit A. At the time of the approval, the parking for development was calculated at a ratio of one parking space for every 270 square feet of office floor area; and one parking space for every four café or theatre seats as shown on the site plan attached as Exhibit B. The development was approved with the understanding that the day uses, including a 35,000 square feet of office space and the 80 seat restaurant uses, would require 150 parking spaces and that the night, weekend, and holiday uses, including a theatre and the café, would require 150 parking spaces and would share a common parking lot. The BLUC placed two conditions on the project in order to make the finding that affected the operations of the development.

Condition number one reads as follows:

“No Medical, dental or real estate offices be permitted and that the owner submit annual report to the Division of Land Use Controls Listing the tenants of the center.”

Condition number two reads as follows:

“The theatre hours to not open prior to 6:30 p.m. on weekdays, or to be opened at any other time when offices are open.”

It is clear that the 150-space parking lot was intended to be shared by day and night uses and the movie theatre was conditioned to be open only when offices are closed in order to provide sufficient on-site parking for day and night uses without affecting the character of the area by parking overflowing into the streets.

Day Use	1976 Approval	Per SBMC § 28.90.100.K
Office Use (35, 000 SF)	130 spaces (1 space per 270 SF)	140 spaces (1 space per 250 SF)
Restaurant (2,965 SF)	80 / 4 = 20 spaces (1 space per 4 seats)	80 / 3 = 27 spaces (1 space per 3 seats)
Night Use	1976 Approval	Per SBMC § 28.90.100.K
Theatre (7,800 SF)	600 / 4 = 150 spaces (1 space per 4 seats)	594 / 4 = 149 spaces (1 space per 4 seats)

The Plaza Del Oro Development was constructed and maintained in compliance with the original plans for development; the parking for the development became legally nonconforming on July 15, 1980 when the current parking requirements became effective. The current parking requirements are shown on the right-hand column of the table above. The applicant is requesting that Condition 1 be released, thereby allowing medical, dental and real estate uses (Exhibit C), which are allowed in the PD zone. The current City policy for parking is that if a project meets the parking ordinance requirements for the specified use, then the project is assumed to meet the parking demand, and a parking demand study is not required. The parking requirement for office use is one parking space per 250 square feet of net floor area and does not differentiate between the specific types of offices such as billing offices, medical offices, dental offices, accountant offices, public buildings, or banks.

The Parking Demand Analysis that was prepared by Associated Transportation Engineers (Exhibit D) for the Plaza Del Oro Center concludes that the Institute of Traffic Engineers (ITE) Parking Demand Rate for Medical/Dental Office is one parking space for every 320 net square feet of floor area that is less parking than the ordinance requires. Similarly, the ITE Parking Demand Rate for Real Estate Office is one parking space for every 352 net square feet of floor area that is less parking than the ordinance requires. Because the parking requirement for these uses are one space per 250 square feet, and their parking demands are even less, staff feels that the removal of the conditions prohibiting medical, dental, and real estate office is appropriate.

V. ENVIRONMENTAL REVIEW

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).

VI. RECOMMENDATION

Staff recommends that the Planning Commission approve the condition amendment to delete the first condition of the October 7, 1976 decision by the Board of Land Use Control, and subject to the remaining conditions of approval in Exhibit A.

Exhibits:

- A. Board of Land Use Controls Minutes, dated 10/7/1976.
- B. Board of Land Use Controls Approved Site Plan
- C. Applicant's letter, dated
- D. Parking Demand Analysis prepared by Associated Transportation Engineers, dated 8/21/2012

BOARD OF LAND USE CONTROLS

CITY OF SANTA BARBARA

M I N U T E S

Regular Meeting

Thursday, October 7, 1976, City Council Chambers, 1:00 p.m.

BOARD MEMBERS PRESENT: Miller, Orias, Graffy, Beyeler, Knowles

BOARD MEMBERS ABSENT: Dawson, Taylor

ALSO PRESENT: Scruggs, Clough

1. PRELIMINARIES:

a. Minutes of September 16, 1976.

Motion by Graffy, second by Orias, to continue to next meeting. Approved 3-0.

b. Graffy requested an ex-agenda item at such time when the greatest number of Board members are present, in regards to a vote of confidence by the City Council, and slandering of Commissioners by a Councilmember.

The Board agreed to the request.

c. Status of appeals of Hewitt, 325 W. Isley and the retirement home at Anapamu and Garden Streets were presented.

2. ITEMS CONTINUED FROM THE PREVIOUS MEETING:

a. Application of Jack Paddon, agent for MacElhanny-Levy Company, for site plan approval for a proposed restaurant, offices and theatre complex on 2.9 acres of land located between Hope Avenue and Hitchcock Way at La Rada in an E-3-PD, One Family Residence with a Planned Development Overlay Zone.

B. MacElhanny, D. Sharpe and C. Lefler spoke for the request.

B. Farris, City Traffic Section, presented statistics in regards to delays in clearing the Las Positas/Calle Real intersection.

H. Anderson stated he was concerned about the proposed center not providing sufficient parking.

Knowles arrived at 2:10.

Asst. City Attorney Clough stated that the City could accept funds for improvement of traffic problems, also that Knowles should review documents presented at this meeting before participating.

A 10 minute recess was declared, Knowles reviewed the documents.

Motion by Graffy, second by Knowles, to approve the plot plan based on these findings:

1. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;

2. That prescribed hours and days of operation of the facilities are such that the character of the area is not inappropriately altered or disturbed;

3. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.

EXHIBIT A

4. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area and of the City;

And the approval be subject to these conditions:

1. No medical, dental or realstate offices be permitted and that the owner submit an annual report to the Division of Land Use Controls listing the tenants of the center.
2. The theatre not open before 6:30 p.m. on weekdays, or to be opened at any other time when any of the offices are open.
3. That drought tolerant plants be used and low intensity lighting both subject to Architectural Board of Review approval.
4. That the applicant post a \$10,000 bond, or enter into some binding agreement with the City, towards providing improvements to the traffic conditions at the Los Positas/Calle Real and/or Calle Real/La Cumbre intersections, the agreement be for a period the three (3) years, at which time, if the City has not initiated a program to accomplish the work, the applicant shall be released from this obligation. (The applicant agreed to these conditions.)

Motion approved by a 5-0 vote.

EX-AGENDA ITEM:

Motion by Graffy, second by Orias, and approved by a 5-0 vote, the following be forwarded to the City Council.

The Planning Commission and Board of Land Use Controls requests,

- (1) A vote of confidence from the City Council.
- (2) Clarification of Council policy regarding the public slander of individual City commission members by a councilmember.

(1) As the advisory body to the City Council on planning matters, the Planning Commission is compelled to request a "vote of confidence" from the Council in view of publicity given a recent attack on the credibility of a majority of the Commission. The derogatory agenda item was carried for several weeks at the request of a councilmember and dropped without public refutation by the council.

The council may use or reject commission advice as it deems to be in the best interests of the City. The commission does not expect the council to accept all its recommendations but it does expect that council consider them with assurance that they are the result of conscientious and time-consuming study, considerable public input, and intelligent evaluation.

If we are to be an effective aid to the council we must work from a position of mutual confidence and respect. We have therefore unanimously moved to request a vote of confidence from the council as soon as possible.

(2) Traditionally, work as a City commission has been considered an honorable civic service. Commission members devote valuable time and make many sacrifices for the involvement demanded from citizens for the success of our form of government. It should not include being held up to ridicule and abuse by those we are assisting. The question before this commission is whether such volunteer duty gives a councilmember the power to publicly slander individual members of a commission without formal comment or censure by his council peers.

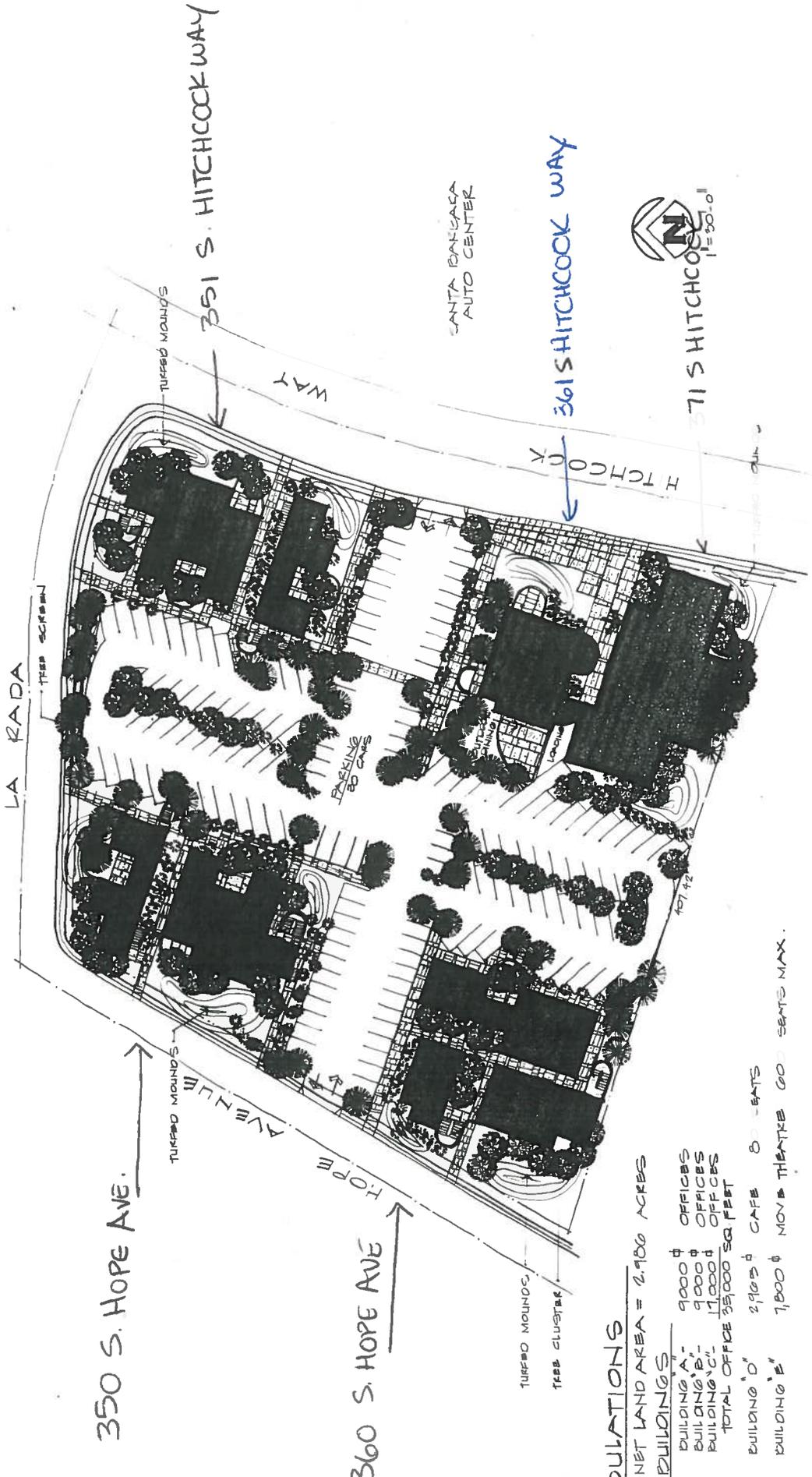
Beyeler left at 2:55 p.m.

2. ITEMS CONTINUED FROM THE PREVIOUS MEETING:

b. REQUEST OF W. VON BISKUPSKY, AGENT FOR V.I.P. FUTURE CORPORATION

1. Application of W. Von Biskupsky, agent for VIP Corporation, for a conditional Use Permit under provisions of Section 28.94 and Section 28.36.013 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as





SITE PLAN

TABULATIONS

NET LAND AREA = 2.100 ACRES

BUILDINGS

- BUILDING A - 9000 sq OFFICES
- BUILDING B - 9000 sq OFFICES
- BUILDING C - 11,000 sq OFFICES
- TOTAL OFFICE 35,000 SQ FEET
- BUILDING D - 2,100 sq CAFE 80 SEATS
- BUILDING E - 1,800 sq MOVIE THEATRE 600 SEATS MAX.

PARKING

- DAY USE: OFFICES - 1 CAR PER 210 SQ FT
- BUKHOEAN CAFE - 1 CAR PER 4 SEATS
- NITE & WEEKEND USE: THEATRE - 1 CAR PER 4 SEATS
- BUKHOEAN CAFE - INCLUDED ABOVE.

EXHIBIT B

PRICE, POSTEL & PARMA LLP

JAMES H. HURLEY, JR.
J. TERRY SCHWARTZ
DAVID W. VAN HORNE
PETER D. SLAUGHTER
DOUGLAS D. ROSSI
CRAIG A. PARTON
CLYDE E. WULLBRANDT
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TODD A. AMSPOKER
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RETIRED PARTNERS
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DAVID K. HUGHES

OUR FILE NUMBER

22513.1

August 22, 2012

HAND DELIVERY

Danny Kato, Development Review Supervisor
City of Santa Barbara
630 Garden Street
Santa Barbara, California 93101

RECEIVED
AUG 27 2012
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Plaza del Oro

Dear Mr. Kato

This firm represents Plaza Del Oro, LTD ("Owner"), which is the owner of the Plaza del Oro center located at 351 Hitchcock Way, Santa Barbara, CA 93105 ("Property"). We are submitting the attached Master Application to amend a condition of approval contained in the original project approval, which occurred on October 7, 1976. This is being done in response to the City's May 29, 2012 Notice of Municipal Code Violations and following a meeting to discuss resolution of this matter with Scott Vincent, Assistant City Attorney, and Suzanne Riegle, Zoning Enforcement Officer.

The condition that we would like to amend was contained in the conditions of approval adopted by the Board of Land Use Controls on October 7, 1976. The condition provides as follows:

"No medical, dental or real estate offices be permitted and that the owner submit an annual report to the Division of Land Use Controls listing the tenants of the center."

There is no further definition of what the terms "medical, dental or real estate office" is intended to regulate. For example, the property owner has leased a unit within the Property to a Chiropractor. There is some uncertainty as to whether this use is included within "medical/dental office" and prohibited by the condition.

In addition, there is considerable doubt whether the condition continues to be effective in reducing the parking demands of tenants at the Property. In order to determine the efficacy of the condition, the Owner retained the services of Associated Transportation Engineers ("ATE")

EXHIBIT C

Danny Kato, Development Review Supervisor
August 22, 2012
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to prepare a Parking Demand Analysis for the Property. A copy of ATE's analysis is attached to the application.

As you will note, the parking demands of Medical/Dental Offices and General Offices (Real Estate) is substantially less than the parking demands of other permitted uses within the PD zone. Based upon this information, and due to the difficulty in enforcing the above referenced condition, the Owner is requesting that the condition be eliminated.

In addition, the Owner has notified the Theatre operator that it is prohibited - both under its lease and under the conditions of approval - from operating the theatre prior to 6:30 pm during week nights and at other times when the offices are open.

Thank you for your anticipated cooperation and we look forward to presenting this matter to the City's Planning Commission as soon as possible.

Very truly yours,



Mark S. Manion
for PRICE, POSTEL & PARMA LLP

cc: Michael MacElhenny, Plaza Del Oro, LTD
Scott Vincent, Assistant City Attorney
Suzanne Riegle, Zoning Enforcement Officer

List of Tenants for 351, 361, 371 South Hitchcock Way and 360 South Hope Avenue

Building A

<u>Tenant Name</u>	<u>Use</u>
Koonce Family Enterprises	Office
The Schwartzbein Institute	Office
Kevin McKiernan	Office
The Learning Center	Educational Facility
The Natural Cafe	Office
Saint Germain Foundation	Office
Dream Big Art	Office

Building B

<u>Tenant Name</u>	<u>Use</u>
Dr. Stephen Bacon	Medical Office
Johnson & Yong Chiropractic	Medical Office
Family Care Network	Office
Haley Motors	Office
CIO Technologies	Office
Bream Accounting & Tax Services	Office
Jennifer Strathy	Medical Office
Cross Creek Capital	Office
Surfmedia Communications	Office
American Buddha International	Office
Beauty Within	Health & Wellness Salon
Allyn & Associates Realtors	Real Estate Office

Building C

<u>Tenant Name</u>	<u>Use</u>
Nicholas Araza	Sports Center/Medical Office
Supermedia LLC	Office
Gigabaudics	Office
Community Home Health, Inc.	Administration
Rock Christian Center	Church
Peri & Alvarado	Office

Building D

<u>Tenant Name</u>	<u>Use</u>
The Natural Cafe	Restaurant

Building E

<u>Tenant Name</u>	<u>Use</u>
The Metropolitan Theatres Corporation	Theater



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

August 21, 2012

12585L01.WP

Mark S. Manion
Price, Postel & Parma LLP
200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101

PARKING DEMAND ANALYSIS FOR THE PLAZA DE ORO CENTER, CITY OF SANTA BARBARA

Associated Transportation Engineers (ATE) has prepared the following parking demand analysis for the Plaza De Oro Center located on Hitchcock Way in the City of Santa Barbara. The analysis provides a comparison of the peak parking demand rates for Medical/Dental Offices and Real Estate Offices with parking demand rates for the other uses that are permitted within the center.

Background

The conditions of approval placed on the Plaza De Oro Center in 1976 restrict Medical/Dental Offices and Real Estate offices uses from occupying center. The owners of the center are seeking to amend the conditions of approval to remove this restriction.

Parking Demand Analysis

A parking demand analysis was completed to compare the parking demands that would be generated by Medical/Dental Offices and Real Estate Offices with other uses that are permitted within the Plaza De Oro Center. The permitted land-uses for the center are specified in the Santa Barbara Municipal Code (SBMC) Chapters 28.39 (attached). Table 1 compares the parking demand rates presented in the Institute of Transportation Engineers (ITE) Parking Generation report¹ for Medical/Dental Offices and General Office buildings with parking demand rates for the other permitted uses.

¹ Parking Generation, 4th Edition, Institute of Transportation Engineers, 2010.

Table 1
ITE Parking Demand Rate Comparison

Land-Use	Average Parking Demand Rate
Medical/Dental Office	3.20 Spaces per 1,000 SF
General Office (Real Estate)	2.84 Spaces per 1,000 SF
Government Building	4.15 Spaces per 1,000 SF
Bank	4.00 Spaces per 1,000 SF
Quality Restaurant	16.41 Spaces per 1,000 SF
High-Turnover Restaurant	10.60 Spaces per 1,000 SF
Club/Lodge	3.20 Spaces per 1,000 SF
Athletic Club	3.55 Spaces per 1,000 SF

The data presented in Table 1 indicate that many of the permitted uses within the Plaza De Oro Center would generate significantly higher parking demands than Medical/Dental Offices or Real Estate Offices. Based on this data, the restrictions on Medical/Dental Office and Real Estate Offices should be removed since they generate lower parking demands than many of the other allowed uses.

Associated Transportation Engineers



Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/MMF

Attachment