



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 21, 2009  
**AGENDA DATE:** January 28, 2009  
**PROJECT ADDRESS:** 2541 Modoc Road (MST2008-00169)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 61,918 square foot project site is located on the corner of Modoc Road and Hacienda Drive. Current development on site consists of a 37 unit apartment complex. As part of an exterior remodel, door and window changes, balcony additions, a new trash enclosure, and four new parking spaces are being proposed. The discretionary applications required for this project are Modifications to permit alterations and additions within both required thirty-foot (30') front setbacks, and to permit parking within a front setback facing Hacienda Drive (SBMC §28.15.060 & 28.90.001.I).

Date Application Accepted: December 15, 2008      Date Action Required: March 15, 2009

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	MRP Santa Barbara LLC	Property Owner:	Same
Parcel Number:	049-170-011	Lot Area:	61,918 sf
General Plan:	3 Units Per Acre	Zoning:	E-1
Existing Use:	Multi-Family Residential	Topography:	16% Slope

#### Adjacent Land Uses:

North – Hacienda Road	East - Modoc Road
South – Multi-Family Residential	West – Multi-Family Residential

**IV. ZONING ORDINANCE CONSISTENCY**

<b>Setbacks</b>	<b>Required</b>	<b>Proposed</b>
Front	30'	16'

**V. DISCUSSION**

This project was reviewed by the Architectural Board of Review on multiple occasions and approved with the comment that the alterations were positive aesthetic improvements.

The new owners of this 37 unit apartment complex are proposing a remodel which will include new exterior finishes and roofing material, replacement of all existing windows and doors, the addition of balcony and patio areas, replacement of the existing play structure and barbeque area, a new trash enclosure and four (4) parking spaces. During the plan check process it was noted that some of the proposed changes were located within the required thirty-foot front setbacks off of both Modoc Road and Hacienda Drive. Alterations to the front of the building facing Modoc Road (Building A) result in alterations within the required thirty-foot front setback. Upper level balconies being added to that building, as well as to the rear of the building which backs up to Hacienda Drive (Building D), also constitute alterations/additions within the 30-foot front setback. A walled enclosure to house trash receptacles located within the secondary front setback also requires Modification approval for storage within a required yard. Lastly, two of the new parking spaces being provided on site are located within the front setback off of Hacienda Drive.

It is Staff's position that the Modifications being requested will allow an appropriate upgrade to this 1962 apartment complex. The lot is legal non-conforming to density and therefore no new additional square footage is allowed. It is Staff's position that the window and door alterations are appropriate in that they result in only minor changes to the existing buildings, the balconies provide outdoor amenities for the units, additional parking on the site benefits the tenants on a lot which is currently underparked by 50%, and the trash enclosure provides a visual improvement to the area used historically for those purposes. Also considered was the proposed parking in the front yard, which functions as an interior yard and due to the grade change between the site and Hacienda Drive, will not be visible from the right-of-way.

**VI. FINDINGS**

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The alterations and additions being proposed for the lot and the buildings allow for upgrades associated with the maintenance and repair of the existing development without resulting in additional floor area or intensification of use for this site or the neighborhood.

Exhibits:

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- A. Site Plan (under separate cover)
- B. Applicant's letter dated December 15, 2008
- C. ABR Minutes

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

December 15, 2008  
Revised: 01.07.09

Staff Hearing Officer / Roxanne Milazzo  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 2541 Modoc Road; 049-170-011; E-1

Dear Staff Hearing Officer / Roxanne Milazzo:

Modification Request I, Municipal Code 28.15.060, Front Yard Setback at Hacienda Dr.:

The existing 37 unit apartment complex at 2541 Modoc Road has a required setback of 30 feet where building A (948 sq. ft.) along Hacienda Drive currently encroaches into the setback interior by approximately four feet at its northern end and three feet at its southern end. Building D (3,730 sq. ft.) currently extends beyond the setback interior by nominally three feet at its north end.

The modification being requested is to allow relief of the *Front Yard Setback Requirement* municipal code 28.15.060 for new balcony additions and door and window alterations to encroach three feet beyond existing conditions at building A and eleven feet beyond existing conditions at building D along Hacienda Drive. These improvements will allow for structural support of the new balconies and beautify the existing building façade. In addition, we are requesting that alterations to the existing trash area be allowed so that an aesthetically enhanced trash/recycling enclosure be created and further defined within its historic location.

As the additions and modifications are street facing Hacienda Drive and non-adjacent any nearby dwellings, the improvements will not affect the housing buffer zone. In addition, the balcony additions at buildings A, D and E were previously reviewed and approved by the ABR committee. New ABR review and approval notes have been added to the project as of Monday, December 15, 2008.

The benefits of the new balcony and modified door, window and trash enclosure improvements will provide outdoor living areas, increased ventilation and quality of air for tenants, as well as improved aesthetics along the building exterior, increasing property value to the existing apartment complex and its neighborhood.

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Modification Request II, Municipal Code 28.15.060, Front Yard Setback at Modoc Rd.:

The existing 37 unit apartment complex at 2541 Modoc Road has a required setback of 30 feet where the existing location of building A (948 sq. ft.) along Modoc Road encroaches into the setback interior by approximately nine feet, three inches.

The modification being requested is to allow relief of the *Front Yard Setback Requirement* municipal code 28.15.060 for door and window alterations at building A. The enhancements are street facing Modoc Road, non-adjacent any nearby dwellings and will not affect the housing buffer zone. In addition, the window and door alterations at all buildings were previously reviewed and approved by the ABR committee.

The benefits of the modified door and window improvements will beautify the existing site entry façade as well as increase the property value to the existing apartment complex and its neighborhood.

Modification Request III, Municipal Code 28.90.001-I, Front Setback Parking Prohibited:

The existing 37 unit apartment complex at 2541 Modoc Road currently has a total of 37 parking spaces allotted for each two-bedroom unit. All 37 units are two-bedroom apartments.

The modification being requested is to allow relief of the *Parking in Front Setback Prohibited* municipal code 28.90.001-I for four (4) new parking space additions to the existing under-parked apartment complex, where (1-1/4) of these new parking stalls encroach into the 30 foot setback interior along Hacienda Drive by approximately 2 feet, 6 inches at the south end and approximately 3 feet at the north end. The improvements to the site will increase the number of parking stalls for a total of 41 parking spaces. In addition, the front yard setback along Hacienda Drive does not function as a front yard, but rather a rear or side yard, and the new parking spaces will be screened by a new decorative keystone wall and landscaping that have been reviewed and approved by the ABR committee.

The benefits of these new parking improvements will permit much needed additional parking for the tenants, enhance the value of the property and reduce the amount of motor vehicles parked along adjacent streets.

Sincerely,



Gianluigi Protano  
Project Manager

Cc: AJ Wilder, Dave Mercer, Shawn Mercer, Mike Mercer

## 2541 MODOC ROAD ARCHITECTURAL BOARD OF REVIEW MINUTES SUMMARY

April 21, 2008

Continued indefinitely to Consent Calendar with the following comments: 1) Provide a complete set of accurate drawings, specifically exterior elevations that reflect the proposed alterations. 2) Look for ways to incorporate alterations of a single style. 3) Due to the absence of the landscape architect, landscaping and retaining walls will be reviewed at a later date.

May 27, 2008

"Heather Baker, AICP Project Planner, provided a summary presentation of suggestions from Robert Adams, Landscape Architect, for consideration by the ABR regarding landscape plan components."

Continued indefinitely with the following comments based on a partial review: 1) incorporate landscape comments; 2) revise color board to include new roof (finished choice); 3) provide more contrast in colors.

August 4, 2008

Preliminary Approval and continued one week to Consent Calendar Review with the following conditions: 1) Provide a window detail showing window and plaster relationship. 2) Provide construction details for typical railing and details shall match 1/4 inch elevations. 3) Colors and material board approved as submitted.

August 11, 2008

(Preliminary Approval granted 8/4/08. Final Approval of Architecture and Landscaping is requested.)

Final Approval of architecture as submitted. The review of the landscape is continued two weeks with the following comments: 1) Add eight shrubs on the site. 2) Provide a permanent irrigation plan.

September 2, 2008

Final Approval of Landscaping and irrigation as noted on Sheet L.1 of August 11, 2008 plan set.

December 15, 2008

A letter in opposition from Paula Westbury was acknowledged.

Approval as noted on Review After Final with conditions:

- 1) The balconies are a positive aesthetic improvement.
- 2) The proposed door and window change is acceptable.