



City of Santa Barbara
Community Development Department

Staff Hearing Officer Report

REPORT DATE: July 9, 2009

AGENDA DATE: July 15, 2009

PROJECT ADDRESS: 617 Bradbury Avenue (MST2007-00559)

TO: Staff Hearing Officer

FROM: Planning Division
Danny Kato, Senior Planner *DK*
Suzanne Johnston, Assistant Planner *SJ*

Background

On June 17, 2009, the Staff Hearing Officer (SHO) held a hearing on the subject property. At that hearing, a required Modification of common open space was not noticed; therefore the SHO could not take action on the project. After reviewing the project, the SHO continued the project with direction for the applicant to resolve the open space issue and to restudy the amount of parking and provision of private garages, as well as address the concerns regarding privacy issues between the project site and adjacent properties. The purpose of this staff report is to augment the previous staff report, dated June 11, 2009.

Project Description

The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,897 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,508 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 983 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) residential condominium units (SBMC 27.07 and 27.13).

Recommendation

With the approval of the requested Modification, the proposed project conforms to the City's Zoning and Building Ordinances, and policies of the General Plan. Additionally, the size and massing of the project are compatible with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in this report, dated July 9, 2009, and subject to the conditions of approval in Exhibit A of the staff report dated June 11, 2009.

ISSUES

Circulation Element

The project proposes two parking spaces per unit, located in garages inside a parking area on the ground floor. The Zoning Ordinance requires a minimum of one parking space per unit for mixed use buildings in the Central Business District. During the June 17th hearing, the SHO questioned the project's consistency with the General Plan Circulation Element, with regard to the excess residential parking provided. Although parking maximums have been a subject of discussions in the Plan Santa Barbara process, there are no policies in the Circulation Element that require or even encourage parking maximums. There are policies that recognize downtown housing creates opportunities for less reliability on the automobile and that minimizing the demand for parking in the downtown area is a goal. Policy 8.5 states,

The City Shall promote/ facilitate the development of [downtown] housing to decrease the need for parking through an increased walking/biking population that lives, works, and shops in the Downtown (see Chapter 13).

Chapter 13 expands on this policy with 13.2.2, stating,

Consider amending the Zoning Ordinance to reduce parking requirements for properties near major transit corridors if it can be demonstrated that a negative impact will not occur. In conjunction with this reduction, the City shall evaluate and aggressively monitor the results to ensure continued use of alternative means of travel and to justify reduced parking demands.

These policies recognize the benefits of locating residential units downtown, by limiting additional traffic and parking demand through use of alternative modes of transportation. However, no policy states that a means of achieving a reduction for parking demand downtown is to limit the amount of available, private, on-site residential parking. Therefore, although staff supports one space per unit for a project at this site, staff believes that the provision of two parking spaces per residential unit is consistent with the Circulation Element.

The parking area is on the ground floor, with the residential units above, and the commercial spaces in front. This type of parking area is commonly referred to as a parking garage, since it's mostly enclosed. The four residential parking spaces and the two commercial spaces are contained within the parking garage. Each set of two residential spaces is separated from the rest of the parking garage by a garage door (like those found on a garage attached to a house). The SHO voiced concerns about

the configuration of garages within a parking garage, in that this configuration eliminated the ability for the residential and commercial uses to share parking spaces, which is one of the benefits of mixed-use buildings. This is a common solution to the residential parking requirement. On June 29, 2009, the Architectural Board of Review (ABR) found the garage within a garage concept acceptable.

ABR Review

The ABR reviewed the project again on June 29, 2009, and found the location of the proposed common open space to be acceptable, although the design needed further study to accommodate the users' need for outdoor living and a visual benefit for the community and neighborhood; found the garage within a garage concept acceptable; found the balcony solution (raising the outer wall to be 4.5 feet high) to be unacceptable, and suggested widening the side balconies inwards, so that users would not be forced to the outer edge of the balcony; found the proposed trees on the south property line and at the sidewalk to be unacceptable due to concerns about trees and roots crossing property lines and affecting sidewalks and pavement, and directed the applicant to return with tall, columnar trees that would not have to be trimmed; had concerns about the viability of the green walls for installation and maintenance due to the proximity of the walls to the property line, on the south and west property lines. The ABR's action did not include comments on the size, bulk and scale, as the members felt that the direction given to the applicant at the March 23, 2009 meeting (size, bulk and scale are acceptable) is still appropriate.

Modification for Common Open Space

The project is providing private outdoor living space for the residential units. The project must also provide a common open space that is at least 15'x15'. The purpose of the common open space is to provide some recreational open space for occupants of the building. The common open space is not allowed to be in the front yard (setback or remaining). Unfortunately, Staff did not examine the new requirements closely, and mis-interpreted this locational requirement. Therefore, Staff thought the common open space met all requirements, and so informed the applicants early in the review process. Staff discovered the error just prior to the June 17th meeting. Since a Modification had not been noticed, the SHO could not take action on the project.

The applicants studied several locations for the common open space, and found the proposed location to be the most viable for recreational space. Additionally, they have enlarged the area, by relocating the bicycle storage area. The proposed common open space includes the main walkway into the development and a large palm tree. The ABR found the location to be appropriate, with the design to be further refined. Additionally, the project provides oversized private outdoor living space (140 s.f. and 155 s.f. provided vs. 84 s.f. required), and two additional decks (approx. 75 s.f. and 50 s.f.) per unit. The combination of the excess private outdoor living space and the common open space is more than adequate for the two proposed units, despite the common open space's location in the front yard.

FINDINGS

The Staff Hearing Officer finds the following:

A. Modification (SBMC §28.21.081.A.3. and §28.92.110.A)

The modification is consistent with the purposes and intent of the Zoning Ordinance because a useable common open space is provided in a location found to be acceptable by the ABR, and each of the residential units is being provided with more than double the required private outdoor living space. The modification is necessary to secure an appropriate improvement of a mixed use building whose mass, bulk and scale has been found appropriate by the ABR.

B. Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan as discussed in Sections V and VI of the June 11, 2009 staff report. The site is physically suitable for the proposed development, and the proposed use is consistent with the vision for the West Downtown neighborhood of the General Plan.

As discussed in Section VIII of the June 11, 2009 staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

C. New Condominium Development (SBMC §27.13.080)

1. *There is compliance with all provisions of the City's Condominium Ordinance.*

As demonstrated in Section V and VI of the June 11, 2009 staff report, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.

2. *The proposed development is consistent with the General Plan of the city of Santa Barbara.*

The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.B of the June 11, 2009 staff report. The project will provide residential development that is compatible with the surrounding neighborhood.

3. *The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.*

The project is an infill residential project proposed in an area where residential development is a permitted use. The design has been reviewed by the Architectural Board of Review, which found the

architecture and site design appropriate. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts, as described in the June 11, 2009 staff report.

