



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 20, 2010  
**AGENDA DATE:** January 27, 2010  
**PROJECT ADDRESS:** 1280 Coast Village Road (MST2008-00351)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Peter Lawson, Associate Planner

### I. PROJECT DESCRIPTION

The project consists of an asbuilt conversion of a 767 square foot office/retail use to a restaurant dining area. Twenty-two new indoor restaurant seats would be provided in this area. The proposed dining area would be added to an existing 1,312 square foot restaurant. Within the existing dining area 3 additional seats would be provided. Combined with the new dining area, a total of 25 new seats would be provided. The project site currently has no approved parking area, and based upon 25 new seats, 8 parking spaces would be required. With a parking credit of 3 spaces being provided, 5 new parking spaces are required and 6 are proposed on site, along with a landscaped planter area. Finally the project will include a lot tie to bind together the three legal lots.

### II. REQUIRED APPLICATIONS

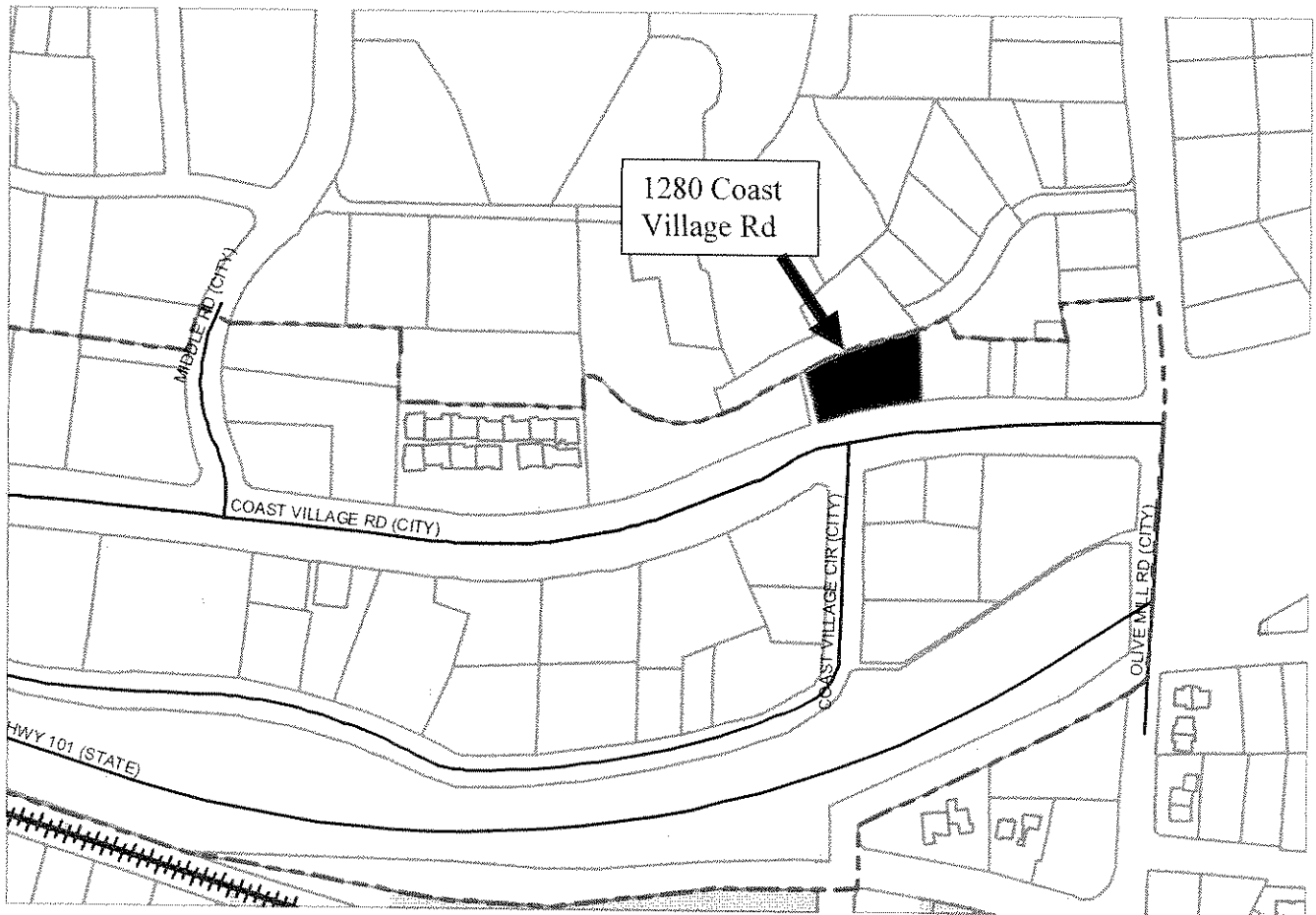
The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2010-00001) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009);

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. The proposed restaurant use would be located within an existing building and this use would be consistent with the surrounding commercial neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



**APPLICATION DEEMED COMPLETE:**  
**DATE ACTION REQUIRED:**

December 3, 2009  
February 2, 2010

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Jim Buster, agent for Los Arroyos	Property Owner: Martin W Foreman, Trustee
Parcel Number: 009-230-035	Lot Area: 16,525 s.f. (0.12 acre)
General Plan: General Commerce	Zoning: Limited Commercial/Coastal Overlay (C-1/SD-3)
Existing Use: Commercial	Topography: Level
Adjacent Land Uses:	
North – Residential South - Commercial	East - Commercial West - Commercial

**B. PROJECT STATISTICS**

	Existing	Proposed
Commercial Area	5,000 square feet	None
Parking	None	6 uncovered parking spaces

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10'	10'	No Changes
-Interior	None	12'	
-Rear	None	12'	
Building Height	3 stories & 45 feet	1 story & 15 feet	No Change
Parking	1 space/250 s.f.	None	6 spaces
Lot Area Required for Each Unit (Variable Density)	N/A	N/A	N/A
Open Yard	N/A	N/A	N/A
10% Open Space	N/A	N/A	N/A
Private Outdoor Living Space	N/A	N/A	N/A

The proposed project would meet the requirements of the C-1 Zone District.

## **VI. BACKGROUND**

The existing 5,000 square foot commercial building was constructed in 1954 and is located across three legal lots. No on site parking was provided for the development. The use of the building has included retail, office, and a wine bar. The original 1,312 square foot wine bar was issued building permits in 1982 and allowed to transition into a 21 seat restaurant with no additional parking being provided. Through subsequent permits the property owner was informed that the restaurant seating would be capped at 21 seats unless additional parking was provided on site.

Because the project would be more intense than existing office or commercial uses, additional parking beyond the base credit parking would be provided consistent with Section 28.90.001.N, Change of Use, Parking. The existing office and commercial uses would be required to provide one parking space per 250 square feet under the current ordinance. Therefore the 767 square foot space that would be subject to the change of use would have a base credit of 3 parking spaces.

## **VII. ISSUES**

### **A. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on three separate occasions (meeting minutes are attached as Exhibit D). The project was granted final approval on February 23, 2009, since it was assumed the project qualified for a Coastal Exclusion. Upon further review during building permit plan check, staff determined that a Coastal Development Permit was necessary. The project was put on hold until a Coastal Development Permit has been obtained. The main design related issue associated with this project is the improvement to the parking lot. There are no changes to the footprint or roof line of the existing building. The ABR provided direction to the applicant on the appropriate plants for a new planter, which the applicant has incorporated into their plans.

### **B. COMPLIANCE WITH THE GENERAL PLAN & LOCAL COASTAL PLAN**

The project site is located within the Coast Village area under the General Plan, and Component 7, North of U.S. 101 under the Local Coastal Plan (LCP). No major coastal issues within this area were identified in the LCP. The General Plan designates this area for commercial uses, and it is anticipated that they will continue and probably expand. The Coast Village area is primarily a commercial district with residential development being subordinate. The Vons shopping center anchors the western end of Coast Village Road at Hot Springs Road and the Montecito Inn, located south of the project site, anchors the eastern end at Olive Mill Road. This area has evolved from providing roadside service in the early 1900s to being a commercial retail and business service area for the Montecito and Eastside communities. Between Hot Springs Road and Olive Mill Road, there is a mix of residential uses, restaurants, offices, hotels, a nursery and service stations. Therefore the proposed restaurant use would be consistent with both the General Plan and Local Coastal Plan.

**C. ENVIRONMENTAL REVIEW**

The project can be found Categorical Exempt from further environmental review under the California Environmental Quality Act, Section 15301 Existing Facilities. The proposed project would not include any additional development. While the restaurant would cause an increased intensity of use, additional parking can be provided on the project site, consistent with the Municipal Code.

**VIII. FINDINGS**

The Staff Hearing Officer finds the following:

**A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act.

*The proposed project would provide the required parking on site for the additional restaurant space and there would be no change in the visual character of the area.*

2. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

*There is no public access on the project site; therefore the project would not be in conflict with this finding.*

3. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

*The proposed project can be found consistent with the applicable policies of the Local Coastal Plan. The proposed change of use would be consistent with the General Plan and Local Coastal Plan General designation of General Commerce, as discussed in Section VII B.*

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated June 24, 2009
- D. ABR Minutes dated December 29, 2008 & February 23, 2009



## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1280 COAST VILLAGE RD  
COASTAL DEVELOPMENT PERMIT  
JANUARY 27, 2010

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Design Review.** The project was granted final approval by the Architectural Board of Review (ABR) on February 23, 2009. The project is subject to the following ABR condition:
  1. **Landscape Screening.** Landscaping shall be consistent with the final ABR approved plans and low water use plants shall be provided.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
  1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on **January 27, 2010** is limited to a conversion of 767 square feet of office/retail use to a restaurant dining area. The proposed dining area is to be added to an existing 1,312 square foot restaurant. The project site currently has no approved parking area and as a part of the project six new parking spaces are proposed, along with a landscaped planter area and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain all existing drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan

BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Use Limitations.** Due to potential parking impacts, uses other than general office and retail are not permitted in the remaining portion of the building without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
  6. **Recyclable Material Use and Collection.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers, in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Voluntary Lot Merger or Lot Tie Required.** The Real Property known as APN 009-230-035, which is comprised of three legal parcels, shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30. Alternatively, the property owner can execute a lot tie which will be reviewed for content by the City Attorney's Office and shall be recorded.
- D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
  2. **Recyclable Material Use and Collection.** Restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material



and green waste collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.

3. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

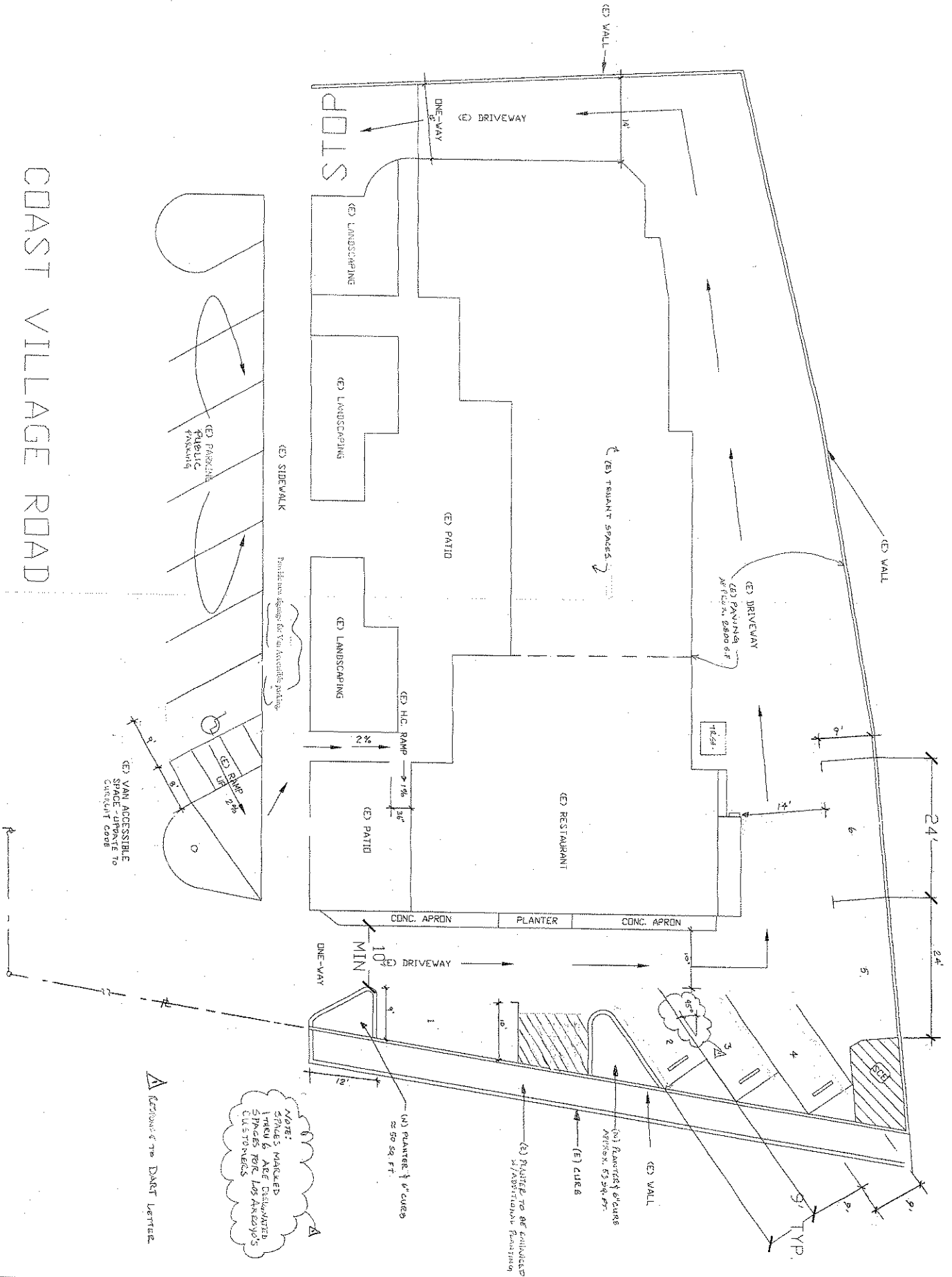
**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

# COAST VILLAGE ROAD

## PARKING PLAN

SCALE: 1/8"=1'-0"



NOTE:  
STAKES MARKED  
1 THROUGH 4 ARE DESIGNATED  
SPACES FOR LOS ANGELES  
CUSTOMERS

(1) PLANTER 1/2" cures  
≈ 50 sq. ft.

(2) PLANTER TO BE CALCULATED  
BY ARCHITECTURAL FIRM

(3) REMOVE 1/2" cures  
APPROX. 75 sq. ft.

(4) CURB

### EXHIBIT B

DRAWN BY:  
LLAN R. McCOMB  
ANTA BARBARA, CA. 93103  
TELEPHONE NO. 886-8769

Paradise Plans  
Building Design & Consulting Services  
& Permit Processing

OF	A-2	Sheet No.
Date		
Drawn by		
Project No.		

PARKING PLAN  
"AS-BUILT" REPL



Paradise Plans & Permit Processing  
3089 Tiana Drive, Santa Ynez, CA  
805 686 0036

---

June 24, 2009

Subject: Coastal Development Permit Cover Letter  
1280 Coast Village Road, Santa Barbara, CA  
APN: 009-230-035 Zone: C1/SD3

We are seeking a Coastal Development Permit and need Planning Commission Approval. The Architectural Review Board approved this project on February 23, 2009. (MST2008-00351). Additionally, it was submitted to the Building & Safety Division (BLD2009-00549) on March 4, 2009. The Planning Division determined that since the project included a change of use, for half of the space, from retail to restaurant that a Coastal Development Permit would be required.

The project includes changing one half of the tenant space from retail to restaurant with 24 additional seats. This requires six additional parking spaces, which are shown on the plans including a landscape plan. These are the only exterior changes, which, were approved by the ABR. Other aspects of the project include replacing kitchen equipment, and some minor interior changes.

This project is located on the North side of Coast Village Road in a commercial building with three other tenants. The previous use was a restaurant (The Wine Bistro) with half of the space used for retail sales. The current restaurant has been open for over five years. When the Wine Bistro expanded into the adjacent space in 1995, a permit was issued to "expand existing restaurant" some aspects of that permit were overlooked and the tenant simply took over the entire space.

At present the space has more than the allowed seating. The plans reflect what will be necessary to bring the space into compliance with a B occupancy restaurant. The space that is labeled 'office' currently has a large table and chairs. This space will be eliminated and be changed to storage permanently. Since the plans were drawn we have decided that this would actually be the best location for an additional restroom and storage in what space is left. Once the CDP is approved, the plans will be revised to reflect this and any other concerns from Building & Safety, Fire, Public Works and Planning.

We need to be confident that the CDP is approved before spending the time and money to do the additional drawings at this time. When the plans are resubmitted for a Building Permit it will comply with all of the necessary components of a B occupancy restaurant.

Addition of the parking spaces and landscaping will enhance the property. This restaurant is in a great location and helps to bring customers to the other tenants in the building.

The only construction on site will be saw-cutting small areas of the existing asphalt for the small planters, installing concrete curbs around the planters, and landscaping. All of this will be completed with small tools. The expected construction time is less than one week. No hazardous materials will be use to complete the work. All of the work will be completed according to 'Best Management Practices'.

Note: This project is not located in any of the following.

Recreational trails, easements, flood zone, historic sites, hazardous waste site, adjacent to a creek or watershed. Additionally, the hydrology of the site will remain the same with the exception of more pervious area due to the added planting areas.

We appreciate your consideration of this matter and will look forward to your approval.

Sincerely,

Jim Buster  
Paradise Plans & Permit Processing

**CONSENT CALENDAR****REFERRED BY FULL BOARD****A. LOMA ALTA****A-1 Zone**

Assessor's Parcel Number: 035-050-0RW  
 Application Number: MST2006-00591  
 Owner: City of Santa Barbara, Public Works  
 Applicant: Tom Conti, Project Engineer

(Proposal for pedestrian improvements to include the construction of sidewalk and street lighting located in the public right-of-way on the northeast side of Loma Alta Drive, between Coronel Road and Canon Perdido Street. The proposal includes the addition of safety features such as curbs, handrails and guardrails, the removal of approximately 15 shrubs/trees and 351 cubic yards of grading.)

**(Final Approval of Landscaping is requested.)**

An opposition letter from Paula Westbury was submitted.

**Final Approval of Landscaping as noted on plan sheet #7.** The pavement adjacent to the sidewalk shall include: 1) Flag stone pieces to be a minimum of 30-inches set on base with grout joints not greater than 5-inches. 2) Grout colors shall match flagstone colors.

**FINAL REVIEW****B. 1280 COAST VILLAGE RD****C-1/SD-3 Zone**

Assessor's Parcel Number: 009-230-035  
 Application Number: MST2008-00351  
 Owner: Martin W. Foreman, Trustee  
 Applicant: Jim Buster  
 Business Name: Los Arroyos Mexican Restaurant

(Proposal to stripe a total of six new parking spaces and add new landscaping at the existing multi-tenant commercial site.)

**(Preliminary Approval granted 12/29/08. Final Approval is requested.)**

An opposition letter from Paula Westbury was submitted.

**Final Approval as submitted.**

**NEW ITEM****C. 3232 STATE ST****C-2/SD-2 Zone**

Assessor's Parcel Number: 053-332-028  
 Application Number: MST2009-00089  
 Owner: Thomas Blatt, Trustee  
 Applicant: Rena Smith

(Proposal to revise the site landscaping at the Kyoto Restaurant. The proposal includes elimination of three trees which were never planted from the original site landscape plan and inclusion of water wise plants. The project will abate violations from ENF2008-00324.)

**(Action may be taken if sufficient)** **EXHIBIT D**





**NEW ITEM****C. 1280 COAST VILLAGE RD****C-1/SD-3 Zone**

Assessor's Parcel Number: 009-230-035  
Application Number: MST2008-00351  
Owner: Martin Foreman Trustee  
Applicant: Jim Buster  
Business Name: Los Arroyos Mexican Restaurant

(Proposal to stripe a total of six new parking spaces and add new landscaping at the existing multi-tenant commercial site.)

**(Action may be taken if sufficient information is provided.)**

**Preliminary Approval and return on Consent Calendar for landscaping with comments:** 1) the requirement for a five foot perimeter planter is waived because there is a landscape buffer on the neighbor's property; 2) show Lantana Radiation instead of Rosemary Prostradus in planting strip; 3) add a Kentia palm at and three shrubs at middle planter; 4) add a Kentia Palm and three shrubs at front planter; 5) show Bird of Paradise and Pittosporum in planting strip; 6); show trash location at rear of building; 7) add giant Bird of Paradise at rear part of planting strip; 8) align stepping stones between parking spaces on neighbors property; 9) add landscape area at rear diagonal space #4 and install Rosemary Tuscan Blue or Kentia palm; 10) Show locations accurately of all plants that are proposed to remain.

**REFERRED BY FULL BOARD****D. 1115 QUINIENTOS ST****R-2 Zone**

Assessor's Parcel Number: 017-141-014  
Application Number: MST2005-00609  
Owner: Jaime and Robin Melgoza  
Agent: Justin Van Mullem  
Architect: Keith Nolan  
Landscape Architect: Chuck McClure

(Proposal to construct three detached two-story condominium units totaling 5,823 square feet with three attached two-car garages totaling 1,377 square feet on an 11,275 square foot vacant lot. Two additional uncovered parking spaces are proposed.)

**(Final Approval of Architecture granted 12/15/08. Final Approval of Landscaping is requested.)**

**Continued two weeks with comments:** 1) show Phormium Tom Thumb instead of Calla Lilies; 2) add the City's Water Compliance Statement to plans; 3) show low-water-use plants in parkway no taller than eight inches; 4) continue flagstones across parkway; 5) omit all references to "lawn"; 6) substitute Australian tree ferns for Pittosporum Margorie Channing; 7) substitute Prunus Thundercloud for Evergreen Pear; 8) show all parkway plants to be no higher than 8 inches; 9) clearly show side property line fence to be no taller than 42 inches within 10 feet of front property line; 10) safety lighting bollards to be no higher than 42 inches.

