



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** August 11, 2016  
**AGENDA DATE:** August 17, 2016  
**PROJECT ADDRESS:** 1330 Cacique (MST2016-00119)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Jo Anne La Conte, Assistant Planner *JAL*

### I. PROJECT DESCRIPTION

The 7,500 square-foot site is currently developed with a 5,070 square foot commercial complex. The proposed project involves interior and exterior alterations to convert the existing commercial complex to a mixed-use project. The proposal includes an interior remodel and alterations to the rear portion of the building including converting 1,240 square feet of commercial space on the second-floor to two residential units; a one bedroom and a studio unit, and exterior alterations including window and door changes and new Juliet balconies. The proposal also includes an interior remodel and alterations to the one-story portion of building at the front of the property, including the removal of two existing trellises, exterior alterations including window and door changes, new rooftop screening walls, and new private patios over the existing rooftop of the breezeway for the residential units. Site alterations proposed include a new trash enclosure, new covered bicycle storage, a revised parking layout, landscape changes, removal of two trees and removal of an existing driveway gate. No new square footage is proposed.

The discretionary applications required for this project are:

1. An Interior Setback Modification to allow the conversion of commercial floor area to two residential units with new bicycle parking, new rooftop walls and private outdoor living space in the required ten (10) foot interior setback to the South (SBMC § 28.54.060 and SBMC §28.92.110); and;
2. An Interior Setback Modification to allow the conversion of commercial floor area to two residential units in the required ten foot interior setback to the East (SBMC § 28.54.060 and SBMC §28.92.110).

Date Application Accepted: July 13, 2016

Date Action Required: October 11, 2016

**II. RECOMMENDATION**

Staff recommends that the Staff Hearing Officer approve the Interior Setback Modifications, except for the portion of the proposed private outdoor living space that encroaches into the required south interior setback, subject to conditions.

**III. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Becker Studios, Inc.	Property Owner:	Ornella Faccin
Parcel Number:	017-233-024	Lot Area:	7,500 sq. ft.
General Plan:	Commercial/Medium High Residential (15-27 du/acre)	Zoning:	C-P
Existing Use:	Commercial	Topography:	6% slope

Adjacent Land Uses:

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

**B. PROJECT STATISTICS**

	Existing	Proposed
Commercial	5,070 sq. ft.	-1,240 sq. ft. = 3,830 sq. ft.
Residential	0 sq. ft.	+1240 sq. ft. Apt 1: 620 s.f. 1-bdrm unit Apt 2: 460 s.f. studio unit 160 s.f. hallway and stairs (converted from commercial to 2 residential units)
Garage	0 sq. ft.	No Change

**C. PROPOSED LOT AREA COVERAGE**

Building: 4,057 sf 54%      Hardscape: 2,757 sf 37%      Landscape: 686 sf 9%

**IV. DISCUSSION**

The proposed project involves exterior alterations to the rear portion of the building including converting 1,240 square feet of commercial space on the second-floor to two residential units: a one bedroom and a studio unit, and exterior alterations including window and door changes and new Juliet balconies. The proposal also includes exterior alterations to the one-story portion of building at the front of the property, including the removal of two existing trellises, exterior alterations including window and door changes and new private patios over the existing rooftop

of the breezeway for the residential units. Site alterations proposed include a new trash enclosure, new covered bicycle storage, a revised parking layout, landscape changes, removal of two trees and removal of an existing driveway gate. No new square footage is proposed.

#### South Interior Setback Modification

The south side of the property is adjacent to a residentially zoned property and requires a 10-foot interior setback for buildings and structures. The existing commercial building is located approximately one foot from the south interior property line at its closest point, and is therefore nonconforming to the interior setback requirement. The proposal includes converting the second-floor of the building from commercial space to two residential units; a portion of one of the units is located in the required south interior setback. In addition, the rooftop above the breezeway is proposed to be converted to private outdoor living space for the residential units, with a new wall ranging from three to five feet in height, to match the existing three foot high parapet wall. The new wall and a portion of the proposed private outdoor living space are proposed to be located in the required south interior setback. Also, bicycle parking for the residential units is proposed to be located in an existing first floor breezeway and an existing gate to the breezeway will be changed to a door (same size and location) in the required south interior setback.

The Zoning Ordinance requires Outdoor Living Space for the residential units, and the applicant's proposal utilizes Method A, which requires private outdoor living space for each unit and 10% of the net lot area for Open Space. The required private outdoor living space for a studio unit on the second floor is 60 square feet with minimum dimensions of six feet, and the required private outdoor living space for a one-bedroom unit is 72 square feet with minimum dimensions of six feet. The proposed private outdoor living space for the studio unit is 169 square feet and the proposed private outdoor living space for the one-bedroom unit is 140 square feet, both of which are larger than required. The proposal will meet the required 10% Open Space.

Planning staff supports the request to allow the change of use from commercial space to residential units, bicycle parking and the new wall in the required interior setback because no new square footage is proposed in the setback, the proposal will provide two new dwelling units and the alterations are not anticipated to adversely impact the adjacent neighbors.

However, Planning staff does not support the private outdoor living space to be located in the required interior setback, as there appear to be a conforming option to provide the required private outdoor living space at the property if the required private outdoor living space is reduced to the minimum size required. In addition, the location of the private outdoor living space is anticipated to adversely impact the neighbor's property.

#### East Interior Setback Modification

The east side of the property is adjacent to a residential zoned property and requires a 10-foot interior setback for buildings and structure. The existing commercial building is located approximately one foot from the east interior property line at its closest point, and is therefore nonconforming to this interior setback requirement as well as the southern interior setback. The proposal includes converting the second-floor of the building from commercial space to two residential units, and portions of the units are located in the required interior setback, and

therefore requires modification approval for the change of use in the required interior setback. No new openings are proposed for the residential units in the required interior setback.

Planning staff supports the request to allow the change of use from commercial space to residential units in the required interior setback because no new square footage is proposed in the setback, the proposal will provide two new dwelling units by utilizing the existing structures on site and the new dwelling units are not anticipated to adversely impact the adjacent neighbors.

#### Parking

The property is non-conforming to parking with three existing uncovered parking spaces. The proposal includes reconfiguration of the parking lot layout, and will result in two uncovered parking spaces and one ADA van accessible parking space. Because no new floor area is proposed and the change of use does not require additional parking spaces, the parking may remain as three spaces (which includes the ADA van accessible space) provided that the building being converted to residential use remains and is remodeled for the change of use. If the building were to be demolished and rebuilt, the parking would need to meet current parking requirements. Therefore, in order to assure that the existing building will not result in a demolition, the following documentation will be required at the time of building permit submittal: a structural engineer's report that analyzes the building to ensure that the existing building can remain, and a preservation or construction phasing plan that demonstrates how the building will be retained. A condition has been included to address this issue.

#### Transportation Review

Transportation staff has reviewed the parking and have stated that the non-conforming parking backs onto Cacique, and code-compliant landscaping is not provided, but that a design standard waiver is supportable to perpetuate the non-conforming parking due to site constraints. They have requested that a note be included on the site plan that the fences, walls, and hedges located in the sight visibility triangle by the driveway shall not exceed 3.5' in height, but that they would be willing to grant a waiver to allow the existing six-foot chain link fence to remain, if it remains chain link. In addition, Transportation staff have stated that although bicycle parking is not required, in this case, due to the amount of automobile parking provided, they strongly encourage covered and secured bicycle parking. They requested that the applicant continue to look at more easily accessible bicycle parking for the residents, that two bike lockers would be ideal, and that ground mounted instead of wall mounted racks would be preferable. Therefore, staff has included conditions to address Transportation staff's comments.

#### Design Review and Environmental Review

This project was reviewed by the Architectural Board of Review (ABR) on April 25, 2016, and was forwarded to the Staff Hearing Officer (SHO).

The scope of work of the project is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. The project is consistent with the development density designated and analyzed by the Program EIR, and potential project-specific environmental effects are addressed with existing development standards and regulations. Based on City Staff analysis, no further environmental document is required for this project pursuant to the California

Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183-Projects Consistent with the General Plan). City Council environmental findings adopted for the 2011 General Plan remains applicable for this project. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

**V. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds the following:

1. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.
2. The Modification to allow conversion of a portion of the commercial space to a residential unit with new bicycle parking and rooftop walls to encroach into the required South interior setback, except for the private outdoor living space, is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The residential unit, bicycle parking and rooftop walls are appropriate because no new square footage is proposed in the setback, the proposal will provide two new dwelling units by utilizing the existing structures on site, and the alterations are not anticipated to adversely impact the adjacent neighbors.
3. The Staff Hearing Officer finds that the Modification to allow the change of use from commercial space to two residential units in the required East interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The new residential units are appropriate because no new square footage is proposed in the required setback, the proposal will provide two new dwelling units by utilizing the existing structure on site and the new dwelling units are not anticipated to adversely impact the adjacent neighbors.
4. The Modification to allow the private outdoor living space to encroach into the required South setback is not consistent with the purpose and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement of the lot. The proposed location of the private outdoor living space is not appropriate, as it does not provide adequate setback from the interior property line, and it is anticipated to adversely impact the adjacent neighbor's property. In addition, the use of the south interior setback for the proposed private outdoor living space for the studio unit is inconsistent with the purposes and intent of the Zoning Ordinance as there appear to be conforming options to locate the private outdoor living space on site that would not require an Interior Setback Modification.

Said approval is subject to the following conditions:

1. A Design standard waiver of the landscaping for the parking shall be obtained, subject to review and approval by the Public Works Department.
2. A note shall be included on the site plan that the fences, walls and hedges located within the sight visibility triangle by the driveway shall not exceed 3'5" in height, except for the 6 ft. chain link fence, subject to review and approval by the Public Works Department.
3. Any bicycle parking proposed is subject to review and approval by the Public Works Department
4. At the time of building permit submittal, the applicant shall submit a structural engineer's report that analyzes the existing building to ensure that the building will remain, and a preservation or construction phasing plan shall be provided that demonstrates how the building will be retained.
5. The project shall be redesigned to relocate the required private outdoor living space outside of the required setbacks.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated June 8, 2016
- C. ABR Minutes dated April 25, 2016

Contact/Case Planner: Jo Anne La Conte, Assistant Planner  
(JLaconte@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x3320



# City of Santa Barbara California

## \*\*\* SEPARATELY DISTRIBUTED SITE PLAN \*\*\*

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.

**EXHIBIT A**

**BECKER  
studios**

PREMIUM  
DESIGN

CONSTRUCTION  
MANAGEMENT

CONSTRUCTION  
SERVICES

CUSTOM  
INTERIORS

*office:*

412 E. Haley St. Studio #3  
Santa Barbara, CA 93101

*mail:*

PO Box 41459  
Santa Barbara, CA 93140

*phone:* 805.965.9555

*fax:* 805.965.9566

*license #:* 713248

[www.beckerstudiosinc.com](http://www.beckerstudiosinc.com)

Darrell Becker  
PO Box 41459  
Santa Barbara, CA 93140  
(805) 965-9555

June 8, 2016

Staff Hearing Officer  
City Santa Barbara  
PO Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 1330 Cacique Street Santa Barbara, CA 93101  
APN 017-233-024, Land Use Zone C-P

There are two existing commercial buildings attached by a breezeway on the property that is 7,582.66 square feet. All the buildings have building permits according to the City building files. The commercial property was used as a radio station for decades. The new owner, our client, has purchased the building to be utilized for a sales training office. The rear building second floor is proposed to have a change of use from commercial office to two (2) residential apartments (one 1-bedroom, one studio apartment). Because of this change of use two modifications are required for the residential encroachment into the rear and South side yard setback. No additional square footage is proposed.

We justify this design in order to have more mixed use on the property and a space for the owner and staff to live in on site. The encroachment is invisible because it occurs within the existing building. We propose to enhance the building by refining the exterior appearance and details.

Sincerely,  
BECKER STUDIOS, INC.

Darrell W. Becker  
President

**RECEIVED**

**JUN 09 2016**

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

**EXHIBIT B**

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****2. 1330 CACIQUE ST****C-P Zone**

**(4:00)** Assessor's Parcel Number: 017-233-024  
 Application Number: MST2016-00119  
 Owner: Ornella Faccin  
 Applicant: Becker Studios  
 Applicant: Diana Kelly

(Proposal for a change of use and alterations to an existing commercial complex on a 7,500 square foot parcel. The work proposed in the one-story front building is to remove two existing trellises, add new and replace some existing doors and windows, remove decorative plaster molding from all four elevations, and provide five new Juliet balconies. The work proposed at the rear existing two-story building is to change the commercial use of 1,240 square feet on the second floor to residential use, comprising 1 studio and 1 one-bedroom apartment. Also proposed for the rear building is to rebuild an existing colonnade on the north elevation, replace all existing windows, add new entry doors, add three pair of French doors with Juliet balconies, remove decorative plaster molding from the front elevation, and add two rooftop balconies. Site work will include a new trash enclosure, new covered bicycle storage, revised parking layout, landscape changes, removal of two trees, and removal of an existing driveway gate. No new floor area is proposed. There will be a demo credit of 1,240 square feet. Project requires Staff Hearing Officer approval of zoning modifications to encroach in the required front and interior setbacks.)

**(Comments only; requires Environmental Assessment and Staff Hearing Officer review.)**

Actual time: 3:51 p.m.

Present: Darrell Becker, Applicant; and JoAnne LaConte, Assistant Planner.

Ms. La Conte clarified the proposed zoning modifications to encroach in the required interior setback which no longer include front setback or parking modifications.

Public comment opened at 4:01 p.m. As no one wished to speak, public comment was closed.

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

- 1) The Board finds the proposed rear and interior modification aesthetically appropriate, and do not pose negative visual impacts to the neighborhood or consistency issues with the Architectural Board of Review Guidelines.
- 2) Restudy the Juliette balcony configuration and details at the front west elevation.
- 3) Study the entry tower proportions.
- 4) Restudy the reconfiguration of the roof decks.
- 5) Show the roof deck divider walls on the exterior elevations.

Action: Hopkins/Wittausch, 7/0/0. Motion carried.