



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 17, 2005
AGENDA DATE: August 25, 2005 – Continued to September 22, 2005 –
CONTINUED INDEFINITELY
PROJECT ADDRESS: 202 State Street (MST2003-00890, CDP2005-00006)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Allison De Busk, Associate Planner

I. SUBJECT

The project consists of a proposal for a 900 square foot addition to an existing 3,450 square foot restaurant (Paoli's) located in a mixed-use building at the northeasterly corner of State and Yanonali Streets. The project also includes reconfiguring the parking lot (1 net new stall), constructing a new trash enclosure and terminating the existing easement agreement for shared parking and access with the adjacent parcel.

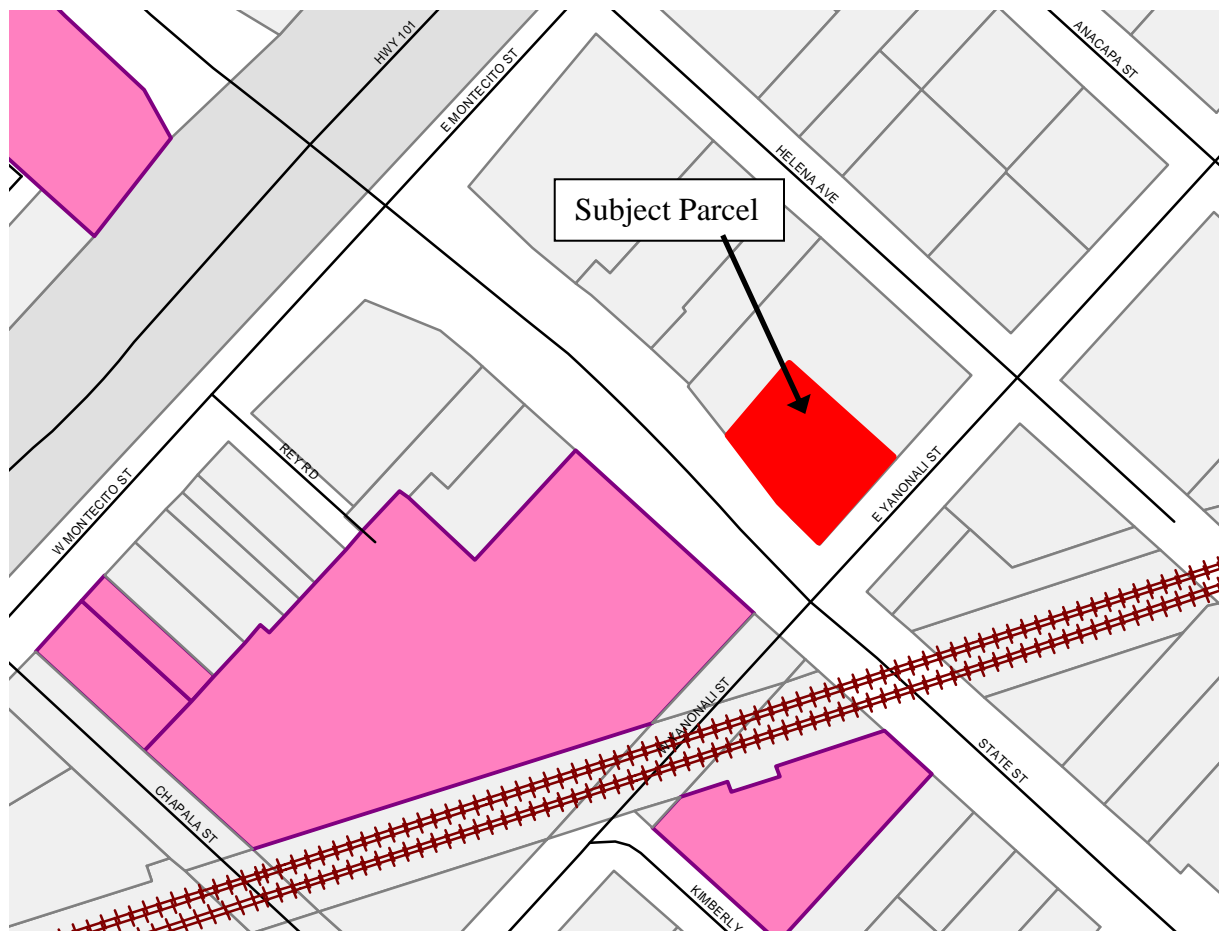
The discretionary applications required for this project are:

1. A Modification of the required front yard setback (SBMC ,§28.22.060); and
2. A Coastal Development Permit for development in the non-appealable jurisdiction of the Coastal Zone (SBMC§28.45.009).

II. EXECUTIVE SUMMARY

Staff is supportive of the Coastal Development Permit (CDP) for an addition to the existing restaurant; however, staff cannot support termination of the reciprocal parking and access agreement that currently exists between the subject parcel and the adjacent parcel. It should be noted that, if the Planning Commission approves the CDP but does not approve termination of this agreement, certain aspects of the project would likely not be pursued, such as the reconfiguration of the parking lot.

DATE APPLICATION ACCEPTED: June 1, 2005
DATE ACTION REQUIRED: August 30, 2005



III. SITE DESCRIPTION

Applicant:	Brian Cearnal and Michael Jones
Property Owner:	Howe Properties
Project Address:	202 State Street
Parcel Number:	033-051-018
General Plan:	Hotel and Related Commerce II
Zoning:	HRC-2 / S-D-3
Existing Use:	Restaurant, Offices, Residential
Proposed Use:	Same
Topography:	Flat
Access:	Existing - State Street, Yanonali Street, Helena Avenue Proposed - State Street

Adjacent Land Uses:

North:	Club Bed
South:	Retail
East:	Retail/restaurant
West:	Railroad Depot

IV. SITE STATISTICS

LOT AREA: 11,848 sq. ft.

PROPOSED LOT COVERAGE:

-Building:	4,554 sq. ft.	38.4%
-Paving/Driveway:	6,146 sq. ft.	51.9%
-Landscaping:	1,148 sq. ft.	9.7%

PARKING:

-Existing:	16 stalls
-Required:	16 stalls (nonconforming as to parking)
-Provided:	17 stalls

V. PROJECT DESCRIPTION

The subject parcel is developed with a 6,776 square foot building consisting of approximately 3,450 square feet of restaurant space on the ground floor and approximately 1,555 square feet of office and 1,662 square feet of residential (2 units) on the second floor. The proposal includes a 900 square foot addition to the restaurant with a new deck above. The new floor area would replace a portion of the restaurant's existing outdoor dining area. The applicants are also proposing to terminate an existing parking and access agreement with the adjacent property owner. In doing so, a new wall would be erected between the two properties and the parking lot for the subject parcel would be reconfigured to add one parking stall and a new trash enclosure. The parking lot would also be sloped toward State Street to eliminate drainage across the adjacent property.

The proposal would require that the property owner be released from the existing parking and access agreement, which was required as a condition of approval for a prior Coastal Development Permit issued by the Planning Commission, referenced in Resolution No. 056-91.

VI. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301, existing facilities, as the addition is less than 50% of the size of the existing building and the project is not located in a sensitive environment. In making this determination, a Historic Structures Report, a Parking Study and Archaeological Reports were prepared and reviewed.

A. HISTORIC STRUCTURES REPORT

The Historic Structures Report, prepared by Alexandra Cole, was accepted by the City's Historic Landmarks Commission on February 16, 2005. The report finds that the building is

not considered an historical resource under CEQA. Therefore, the proposed alterations would not constitute an adverse environmental effect.

B. PARKING STUDY

The Parking Study (attached), prepared by Associated Transportation Engineers and dated February 23, 2005, analyzes the parking demand and circulation for both the existing and proposed condition. The Study concludes that the proposed addition would not increase the parking demand for the site above that originally approved by the City, based on the number of restaurant seats provided. As proposed by the Applicant, the project includes one net new parking stall and would therefore reduce the parking deficit on site by one parking stall. The Study also concludes that there will not be a significant impact on circulation patterns in the area resulting from the proposed elimination of the existing access connection between the subject parcel and the adjacent parcel. Transportation Planning Staff reviewed the Study and concurred with its conclusions.

C. ARCHAEOLOGICAL REPORTS

The City Master Environmental Assessment (MEA) *Cultural Resources Sensitivity Map* identifies the project site as within an area with potential for subsurface archaeological resources from periods related to Hispanic/American Transition (1850-1870), American Period (1870-1900), and the Early Twentieth Century (1900-1920). As part of previous development done at the site, Phase I and Phase II Archaeological Resource Reports were prepared. The Phase II Report was required based on the discovery of a cultural deposit adjacent to the northeast corner of the existing structure during construction monitoring. As part of the Phase II Report, prepared by Archaeological Research Consultants in 1992, excavation of two archaeological test/control units was done. This work was in addition to shovel test pits done by MacFarlane Archaeological Consultants in 1988 as part of the Phase I Report. The proposed addition would not involve subsurface disturbance below the depth of previous site investigations and/or disturbance. Therefore, no additional archaeological review was required for this project and no cultural deposits are anticipated. The project would be subject to the City's standard discovery procedures for ground disturbance, as outlined in the conditions of approval for the project.

VII. DESIGN REVIEW

The Historic Landmarks Commission (HLC) reviewed the proposed project on November 10, 2004, at which time it was continued indefinitely to the Planning Commission with positive comments. The HLC also recommended preparation of a Historic Structures Report for the building, which has since been prepared and accepted by the City. Minutes from the HLC meetings are attached as Exhibit D. Preliminary and final approval by the HLC will be required following Planning Commission approval of the project.

VIII. ISSUES

A. ZONING ORDINANCE CONSISTENCY

The project site is located in the HRC-2/S-D-3 zone, which is intended to promote, maintain and protect visitor-serving or commercial/recreational uses. A restaurant is a permitted use in this zone.

1. Front Yard Setback

The required front yard setback in the HRC-2/S-D-3 zone for a building taller than 15 feet is 20 feet. In this case, the existing building exceeds a height of 15 feet, so the addition is required to comply with the 20-foot setback. The applicant is proposing a 15-foot front yard setback, thereby requiring a modification of the standard. The existing building has no setback from the front property line. Staff is supportive of the requested modification as it is consistent with the existing development pattern and the Urban Design Guidelines, and is appropriate given the urban setting.

2. Parking

The Zoning Ordinance parking requirement for sit down restaurants is the greater of four spaces per 1,000 square feet or one space per three seats. Under current zoning standards, the required parking for the subject parcel would be 62 spaces: 3 spaces for the residential use, 6 spaces for the office use and 53 spaces for the restaurant, including the proposed restaurant addition.

The existing parking on the project site is legal nonconforming. No parking was provided for the original building, which resulted in a nonconforming parking "credit" of 46 parking spaces. In 1991, the sixteen parking spaces currently on site were required as a condition of approval for an expansion of the restaurant use. At the time of the restaurant expansion, the project was conditioned to provide 16 parking spaces for a total seating of 157. After the expansion, the approved restaurant use consisted of 109 seats indoors and 48 outdoors for a total of 157 seats.

The proposed addition will replace some of the originally approved outdoor seating with indoor seating; however, the total number of seats would not increase above the approved number of 157. Because the number of seats proposed does not exceed the number of seats previously approved, a parking modification is not required.

3. Measure E

The proposed 900 square foot addition would be allocated non-residential square footage from the site's Minor Addition category.

B. LOCAL COASTAL PLAN (LCP) CONSISTENCY

The entire area around the project site, north to U.S. Highway 101, lies within the Coastal Overlay Zone (S-D-3), which was established to ensure that all development in the Coastal Zone in the City is consistent with the LCP and the Coastal Act. The proposed project site is located in Component 4 of the LCP, which is bordered by U.S. Highway 101, Chapala Street,

Cabrillo Boulevard, and Santa Barbara Street. Coastal issues for this area include the protection of the Mission Creek environment, the provision of safeguards from the hazards of flooding and the potential for liquefaction. In addition, the LCP requires that projects located in this area consider visitor-serving uses at the waterfront, visual quality, adequate circulation, public transit, and parking.

The subject site is currently developed and is not in proximity to Mission Creek. The proposed use as a restaurant is considered a visitor-serving use. The project has been reviewed by the HLC and they have determined that the addition would be compatible with the existing building and would not create any visual concerns.

Circulation and Parking

The parking for the restaurant use was constructed as part of an outdoor beer garden expansion of a prior restaurant in 1991. Based on the size of the addition, 16 parking stalls were required to meet their parking demand (given a pass-by factor of 50%). When the Planning Commission approved the Coastal Development Permit for the expansion, one of the conditions of approval was to offer an access and parking easement to the adjacent property owner at such time as the adjacent property owner offers a similar parking and access agreement. When the adjacent property came in for development permits in 1992, a similar condition of approval was required, and subsequently the reciprocal access and parking agreement was entered in to. This agreement allowed for the two parking lots to be shared with regard to access and parking.

There are several policies in the LCP that relate to circulation and parking.

Policy 4.2	“New visitor-serving development... shall... provide adequate off-street parking to serve the needs generated by the development; and provide measures to mitigate circulation impacts associated with the project...”
Policy 11.5	“All new development in the waterfront area... shall provide adequate off-street parking to fully meet their peak needs...”
Policy 11.6	The City shall locate and develop new public and private parking in larger, multi-use facilities wherever feasible in order to minimize street access points, reduce peak parking space requirements, and improve facility control.”

If the shared access is maintained, the existing circulation patterns would not change. According to the Parking Study prepared for the proposed project, significant impacts to circulation patterns are not anticipated. Although having a reciprocal access and parking agreement does not change the parking demand for the site, it does help to alleviate the impacts of having a parking deficit given the potential sharing of stalls that can occur. Parking is an important resource in the Coastal Zone. Because the site and the surrounding area has a parking deficit, Staff believes the reciprocal access and parking agreement is appropriate for the site and furthers the City’s goals with regard to parking in the Coastal Zone. For these reasons, while staff appreciates the concerns expressed by the applicant (see applicant letter, Exhibit C), staff does not support termination of this agreement.

Waterfront Area Aesthetic Criteria

Because this project is in the Waterfront Area of the Coastal Zone, PLCP Policy 12.2 requires that the project be found consistent with the Waterfront Area Aesthetic Criteria.

Policy 12.2	New developments within the City's Waterfront Area shall be evaluated as to a project's impact upon the area's: 1. Openness; 2. Lack of Congestion; 3. Naturalness; and 4. Rhythm.
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The Waterfront Area Aesthetic Criteria were adopted in 1986 to implement Policy 12.2.

C. GENERAL PLAN CONSISTENCY

In order to approve a Coastal Development Permit, the project must be found consistent with the City's General Plan. The proposed development would result in a visitor-serving development in an existing urbanized area that is currently developed with commercial/retail, hotel, eateries and other visitor serving uses.

1. **Land Use Element**

The project site is located in the Lower State Street neighborhood of the City of Santa Barbara. The Land Use Element of the General Plan describes the area as a mix of commercial and industrial uses. The Land Use Element anticipates the future of this area to be devoted to Hotel and Related Commercial Uses. Such development would provide a business and tourist link between the Central Business District and the oceanfront. The subject site has a General Plan land use designation of Hotel and Related Commerce II. The expansion of a restaurant use is entirely appropriate in this location.

2. **Circulation Element**

The Circulation Element of the General Plan contains goals and implementing measures to reduce adverse impacts to the City's street system and parking by reducing reliance on the automobile, encouraging alternative forms of transportation, increasing parking availability and access for Downtown customers, reviewing traffic impact standards, and applying land use and planning strategies that support the City's mobility goals.

Policy 9.2 of the Circulation Element is to maintain, improve, consolidate, and promote the efficient use of parking supplies in the Coastal Zone.

As identified in the parking study, both the subject parcel and the adjacent parcel have a parking deficit and will continue to have a parking deficit whether or not the proposed project is approved or the access and parking easement is terminated. Although a few stalls may be gained overall with the closing of the shared access, Transportation Planning Staff believes that, by restricting the locations where customers can park, the parking shortages will be concentrated and the overall impact will be greater. Staff cannot support termination of the easement because we believe it meets the intent of the Circulation Element Policy that promotes the consolidation of parking lots in the Coastal Zone.

II. RECOMMENDATION/FINDINGS

Staff recommends approval of the project with the exception of the termination of the Easement Agreement for shared access and parking.

A. SETBACK MODIFICATION (SBMC §28.22.060)

In order for the Planning Commission to approve the requested modification to allow the first and second floor of the building to encroach into the required twenty-foot front yard setback along State Street, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

The existing building is located on the front property line with no setback. The proposed addition would be set back 15 feet from the front property line. The subject parcel is located in an urban area and the proposed development pattern would be consistent with the development pattern that has been established in the area. The building encroachment would not impact surrounding development and does not have a negative visual impact on the street. Thus, the modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act (commencing with Section 30200) including public access and public recreation because it will not affect public access or recreation opportunities.
2. 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 Municipal Code. The existing reciprocal access and parking agreement between the subject parcel and the adjacent parcel is consistent with the City's Local Coastal Plan.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated May 23, 2005
- D. Parking Study (ATE, February 23, 2005)
- E. HLC Minutes (November 10, 2004)
- F. Easement Agreement and Amendment