



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 30, 2008
AGENDA DATE: October 16, 2008
PROJECT ADDRESS: 600-800 Blocks of Milpas Street (MST2008- 00228)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Peter Lawson, Associate Planner

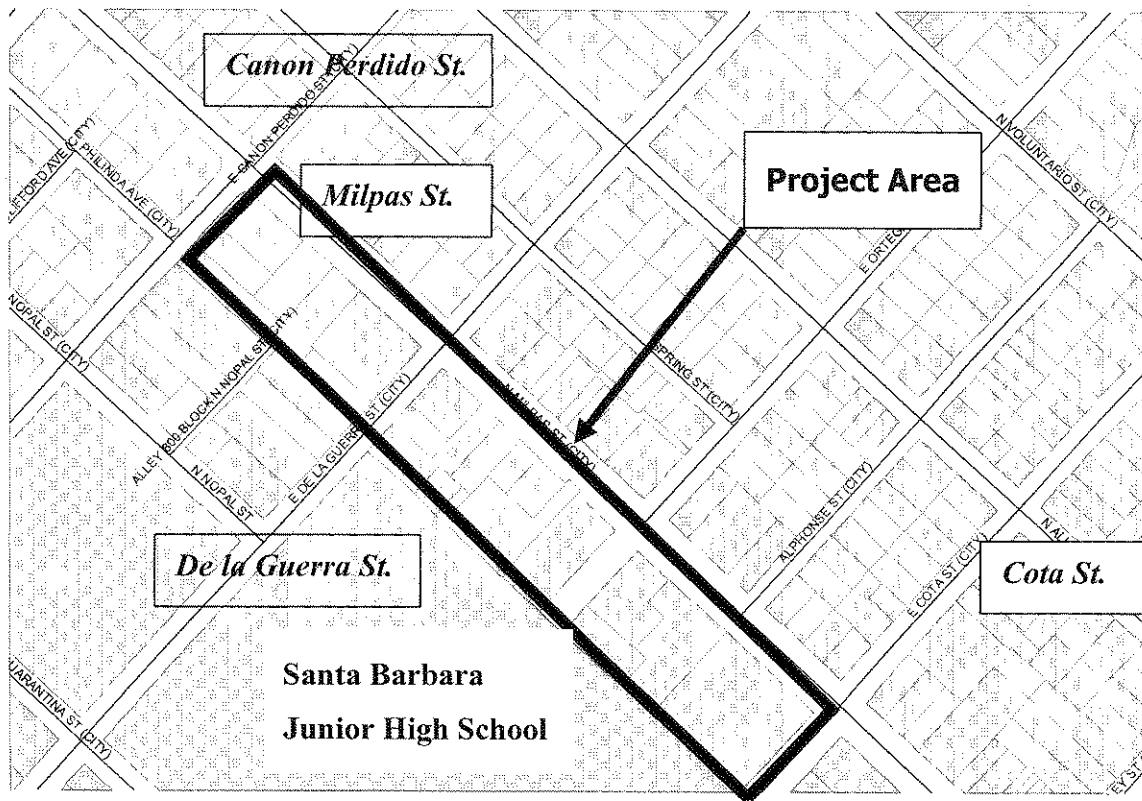
I. PROJECT DESCRIPTION

Staff is proposing that the City initiate a General Plan Amendment to change the land use from Residential (12 units/acre) to General Commerce for 25 lots abutting the westerly side of three blocks of Milpas Street between Cota and Canon Perdido Streets. Specifically, the lots that would be part of the General Plan Amendment are mostly contiguous to Milpas Street and all are within the C-2 Zone District. Section IV of this staff report describes each lot.

II. RECOMMENDATION

Staff recommends that the Planning Commission initiate the requested General Plan Map amendment for purposes of environmental review. **This initiation does not imply any approval of, or formal position on a future General Plan Amendment other than acknowledging that the proposed change can proceed for further study and environmental review.**

Vicinity Map



III. BACKGROUND INFORMATION

At the June 12, 2008 hearing, the Planning Commission initiated the General Plan Amendment for the 600-800 block of Milpas Street. The proposed project is being considered as a result of reviewing development applications for commercial and mixed use condominiums within the project area. The zone district within the project area is C-2 and the General Plan designation is Residential (12units/acre). One of the findings for a tentative map requires that a project shall be found consistent with the General Plan. A commercial or mixed use condominium would not be consistent with a General Plan designation of Residential, due to residential designation not allowing commercial use. However, the entire project area is zoned C-2 and 18 out of 25 parcels within the project area are commercial uses that were established many years ago. All 18 commercially developed parcels are located on Milpas Street and the remaining seven residentially developed lots are behind these commercial uses and accessed from streets that intersect Milpas Street.

The present commercial land use is fairly similar to the historical land use from the 1960's. However, the General Plan maps have always designated the area as residential. The 1964 General Plan map included a residential designation of 30 units/acre. In 1974 the General Plan was amended and in this area the only change that occurred was revising the residential designation from 30 units to 12 units per acre. In 1975, the City completed the residential

downzoning necessary to be consistent with the General Plan Amendment completed in 1974. The Planning Commission also initiated the commercial downzoning. Subsequent to the initiation of the commercial downzoning, staff looked more closely at this area of Milpas Street and determined that the General Plan designation of residential was not appropriate for this area given the existing land uses and the General Commerce designation would be more appropriate.

In 1976, staff proposed a Citywide General Plan Amendment (GPA) and rezoning based on the initiation, including changing the Milpas Street area General Plan designation from Residential, 12 units per acre, to General Commerce, which would have updated and completed the changes from 1974. Even in 1976, 16 of the 18 parcels fronting Milpas Street in the project area were already developed with commercial uses. The proposed GPA/Rezone was reviewed by the Planning Commission on July 29, 1976, but no action was taken at the hearing. Some of the proposals in other parts of the City generated some concern with the property owners that would be affected by the proposed changes (i.e. downzoning the commercial area at the intersection of Salinas Street and Old Coast Highway from commercial to residential) and they were also concerned that they were not properly noticed. Rather than take an action on the part of the proposed GPA that did not create concern, the Commission continued the item indefinitely and requested that new notices be sent to all property owners that would be part of the GPA. After that hearing, there were no further action on the GPA/Rezone.

If the land use change is initiated, the discretionary application required for this project is the following:

A General Plan Map Amendment to change the General Plan Land Use Element and Map for the designated area from Residential, 12 units/acre, to General Commerce (SBMC §28.07).

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

The commercial development within the project area along the three blocks on the westerly side of Milpas Street include retail commercial ranging from building supplies to auto sales to a fast food restaurant. To the west of the Milpas Street parcels, the land use transitions into residential use to the north-west and a public junior high school to the south-west. The topography of the area slopes approximately 2-5% to the south. The following chart describes the land use of each lot within the project area, beginning at Cota Street, ending at Canon Perdido Street to the north:

North of Cota Street				
Street Address/APN	Lot Area	General Plan	Zoning:	Existing Use
031-181-011 605 N Milpas St.	47,916 s.f.	Residential	C-2	Commercial – Grocery
031-181-012	23,086 s.f.	Residential	C-2	Commercial – Multiple retail

621 N Milpas St.				
031-181-009 826 E Ortega St.	14,810 s.f.	Residential	C-2	Commercial -
031-181-001 820 E. Ortega St.	10,454 s.f.	Residential	C-2	Commercial
North of Ortega Street				
Parcel Number	Lot Area	General Plan	Zoning:	Existing Use
031-121-014 701 N. Milpas St.	19,166 s.f.	Residential	C-2	Commercial
031-121-022 711 N. Milpas St.	1,742 s.f.	Residential	C-2	Commercial - Access alley
031-121-021 711 N. Milpas St.	19,166 s.f.	Residential	C-2	Commercial
031-121-019 713 N Milpas St.	6,534 s.f.	Residential	C-2	Commercial
031-121-011 No Address	3,484 s.f.	Residential	C-2	Commercial - Access alley
031-121-017 717 N. Milpas St.	4,791 s.f.	Residential	C-2	Commercial
031-121-016 No Address	6,969 s.f.	Residential	C-2	Commercial
031-121-023 725 N Milpas St.	6,969 s.f.	Residential	C-2	Commercial
031-121-024 725 ½ N Milpas St.	4,356 s.f.	Residential	C-2	Commercial
031-121-018 735 N Milpas St.	9,147 s.f.	Residential	C-2	Commercial – Auto Sales
031-121-002 826 E De la Guerra	4,791 s.f.	Residential	C-2	Residential
031-121-001 820 E De la Guerra	8,712 s.f.	Residential	C-2	Residential

North of De la Guerra Street				
Parcel Number	Lot Area	General Plan	Zoning:	Existing Use
031-042-028 803 N Milpas St.	22,215 s.f.	Residential	C-2	Vacant - Former gas station
031-042-013 832 E De la Guerra	7,420 s.f.	Residential	C-2	Residential (apt.)
031-042-023 817 E De la Guerra	10,890 s.f.	Residential	C-2	Residential (apt.)
031-042-022 817 E De la Guerra	13,503 s.f.	Residential	C-2	Commercial – Office/storage
031-042-027 821 N Milpas St	10,890 s.f.	Residential	C-2	Commercial – Fast food
031-042-025 833 N Milpas St.	13,068 s.f.	Residential	C-2	Commercial - Retail
031-042-007 822 E Canon Perdido	8,276 s.f.	Residential	C-2	Residential (apt.)
031-042-006 822 E Canon Perdido	11,325 s.f.	Residential	C-2	Residential (apt.)
031-042-029 820 E Canon Perdido	22,651	Residential	C-2/R-3	Residential (apt.)

V. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN

The General Plan Map amendment would encompass a portion of three blocks along the westerly side of Milpas Street, between Cota and Canon Perdido Streets (Exhibit A). As described in the background section of this staff report, the majority of the existing development is commercial. The residential usage within the project area is located off of Milpas Street and transitions into the residentially zoned area to the west.

The subject parcels are in the Milpas Area as described in the Land Use Element of the General Plan. The boundaries of the Milpas Area include Canon Perdido Street to the north, Highway 101 to the south, and the rear of the commercial establishments on each side of Milpas Street. The Milpas Area is described in the General Plan as being developed into a solid strip of commercial activity along both sides of the street, which is consistent with present C-2 Zone

District uses. However, the Land Use Element also describes the western side of Milpas from Cota Street to Anapamu Street as Residential.

The C-2 Zone District is on both sides of Milpas Street and extends from south of Highway 101 north to Carrillo Street on the west side and Canon Perdido Street on the east side. The General Plan designation on the easterly side of Milpas Street is General Commerce and extends from US Highway 101 to Canon Perdido Street. On the west side of Milpas Street the General Plan designation is Industrial from US Highway 101 to Cota Street, then transitions into Residential (12 units/acre), which continues to Anapamu Street. Therefore, the proposed General Plan Amendment would be appropriate since the General Commerce designation would more accurately reflect the current development of this area, the current zone district and would mirror the current General Plan designation along the easterly side of Milpas Street.

B. ENVIRONMENTAL REVIEW

The General Plan Amendment can be found exempt under the California Environmental Quality Act (CEQA) Section 15305, Minor Alterations in Land Use Limitations, which consists of minor alterations in land use limitations in areas with an average slope less than 20%, which do not result in any changes in land use or density. As discussed below under the Section VI, the project would not change the allowed uses nor would it intensify the uses.

VI. CITY CHARTER SECTION 1507

General Plan and Zoning Ordinance Amendments Limitations.

It is hereby declared to be the policy of the City that its land development shall not exceed its public services and physical and natural resources. These include, but are not limited to, water, air quality, wastewater treatment capacity, and traffic and transportation capacity. All land use policies shall provide for a level and balance of residential and commercial development which will effectively utilize, but will not exhaust, the City's resources in the foreseeable future. In making land use decisions, the City shall be guided by the policies set forth in this section. In furtherance of these policies, no amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council. Upon such approval, General Plan and Zoning Ordinance amendments shall be conclusively presumed to comply with the policies set forth herein.

The proposed General Plan Amendment would not change the development currently allowed in this area, but could allow commercial and mixed use condominiums. While commercial development or commercial development with residential apartments is currently allowed, commercial and mixed use condominiums would be inconsistent with the Tentative Subdivision Map finding stating that the proposed use is consistent with the General Plan. However, commercial and mixed use development would be consistent with all other findings under the Tentative Subdivision Map Act. These findings would include the development being physically suited for the site and that it is consistent with the vision for this neighborhood of the General Plan, given the above description of the Milpas area. Therefore, the General Plan Amendment

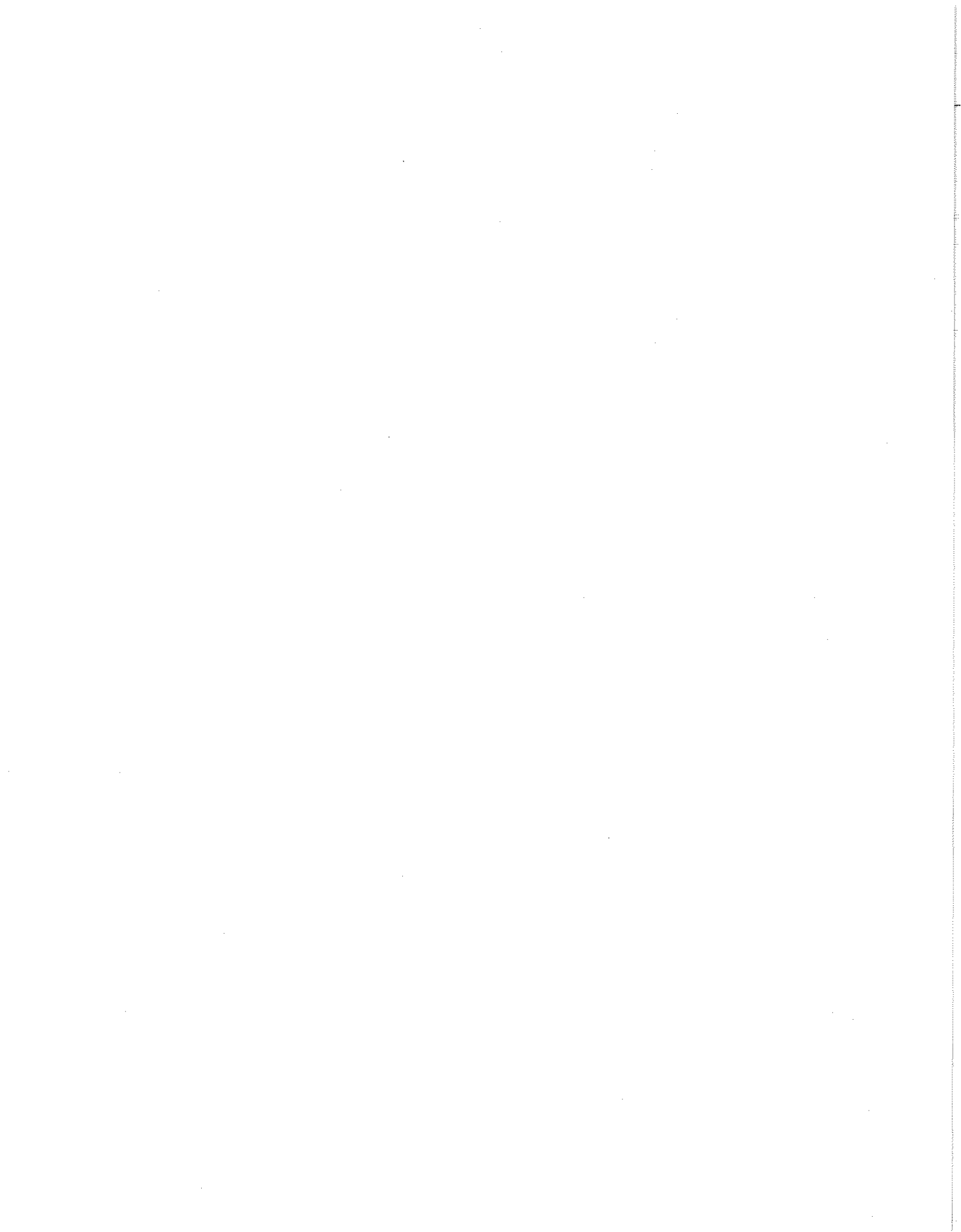
would not cause an impact on the City's resources and would provide flexibility in how development could occur under the current zoning.

VII. CONCLUSION

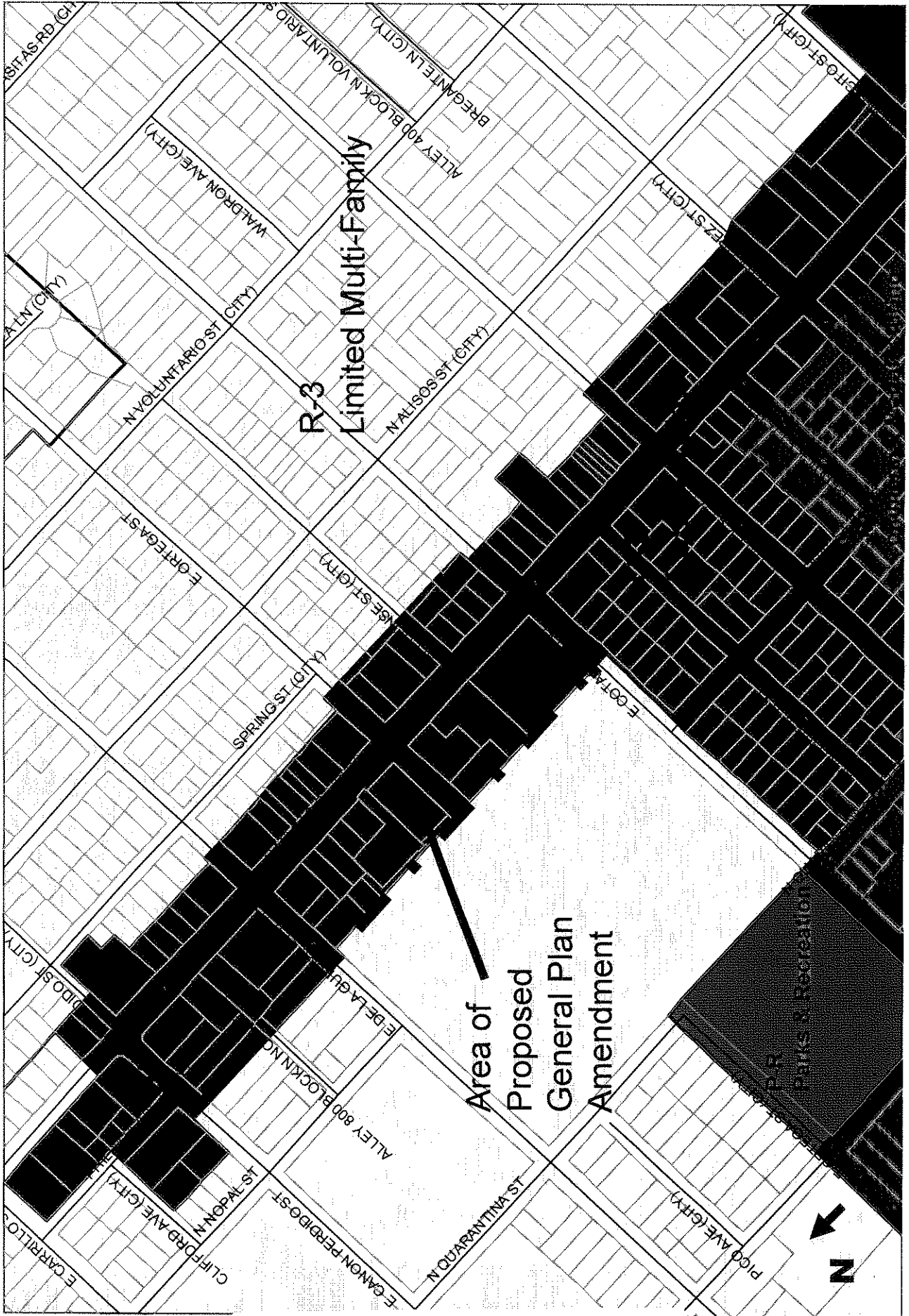
The proposed General Plan Amendment (GPA) would not cause an intensification of use, eliminate existing housing or otherwise impact existing or future housing. Currently, commercial development can be allowed under other permit applications (Development Plans, Design Review, etc.), since only the Tentative Map process includes findings that the development is consistent with the both the General Plan and the Municipal Code. The project area of the GPA includes only the C-2 Zone District, and the majority of the lots within the project area have always included commercial development. While the GPA would allow commercial condominiums, all aspects of the current General Plan policies and Municipal Code would continue to apply. This would include, providing the required parking, consistency with the Pedestrian Master Plan, consistency with the Storm Water Management Program (SWMP), and consistency with all applicable setbacks, to name a few. Therefore, staff recommends that the Planning Commission recommend approval of the General Plan Amendment to the City Council.

Exhibits:

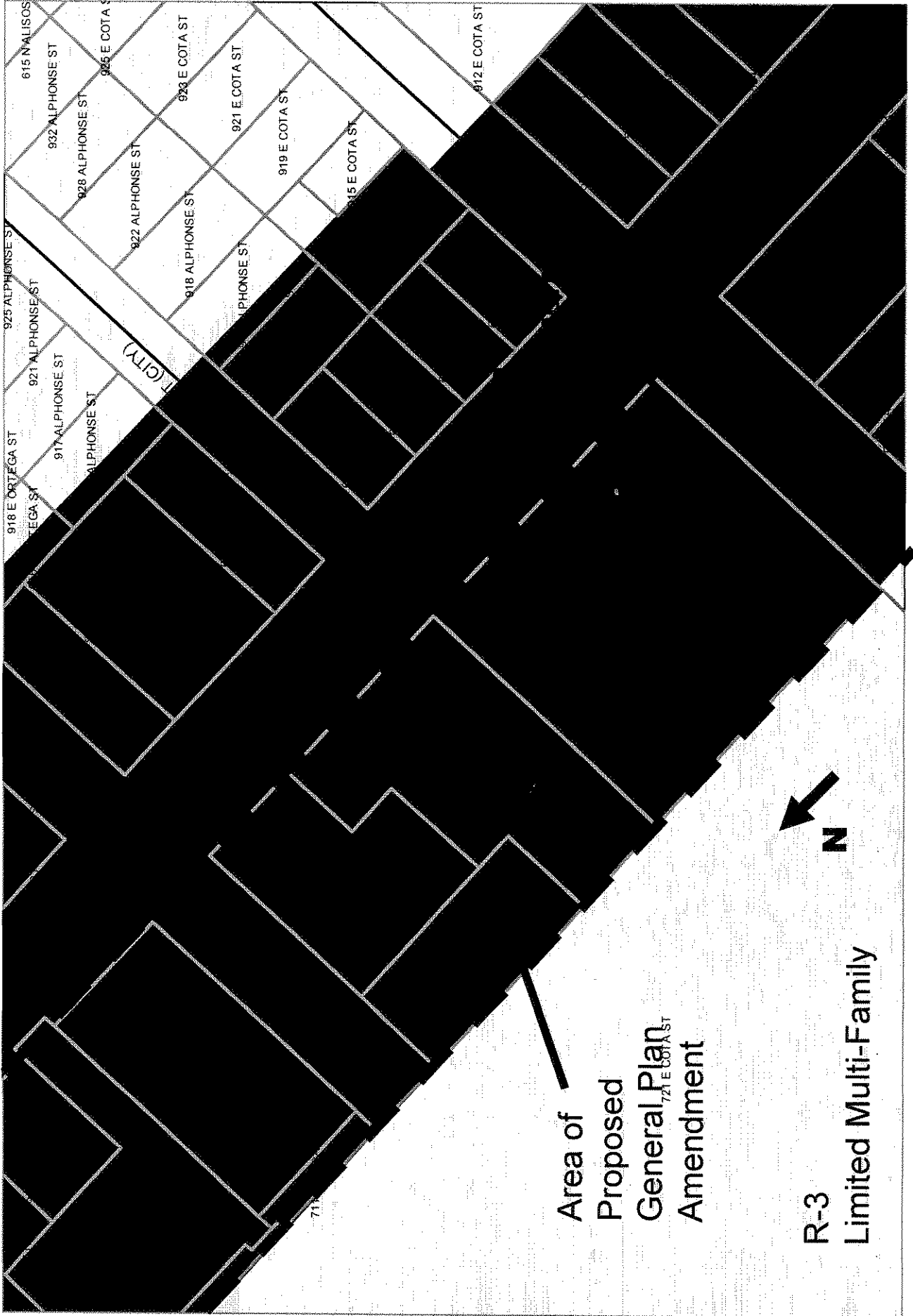
- A. Site Plan



Overall Site Plan



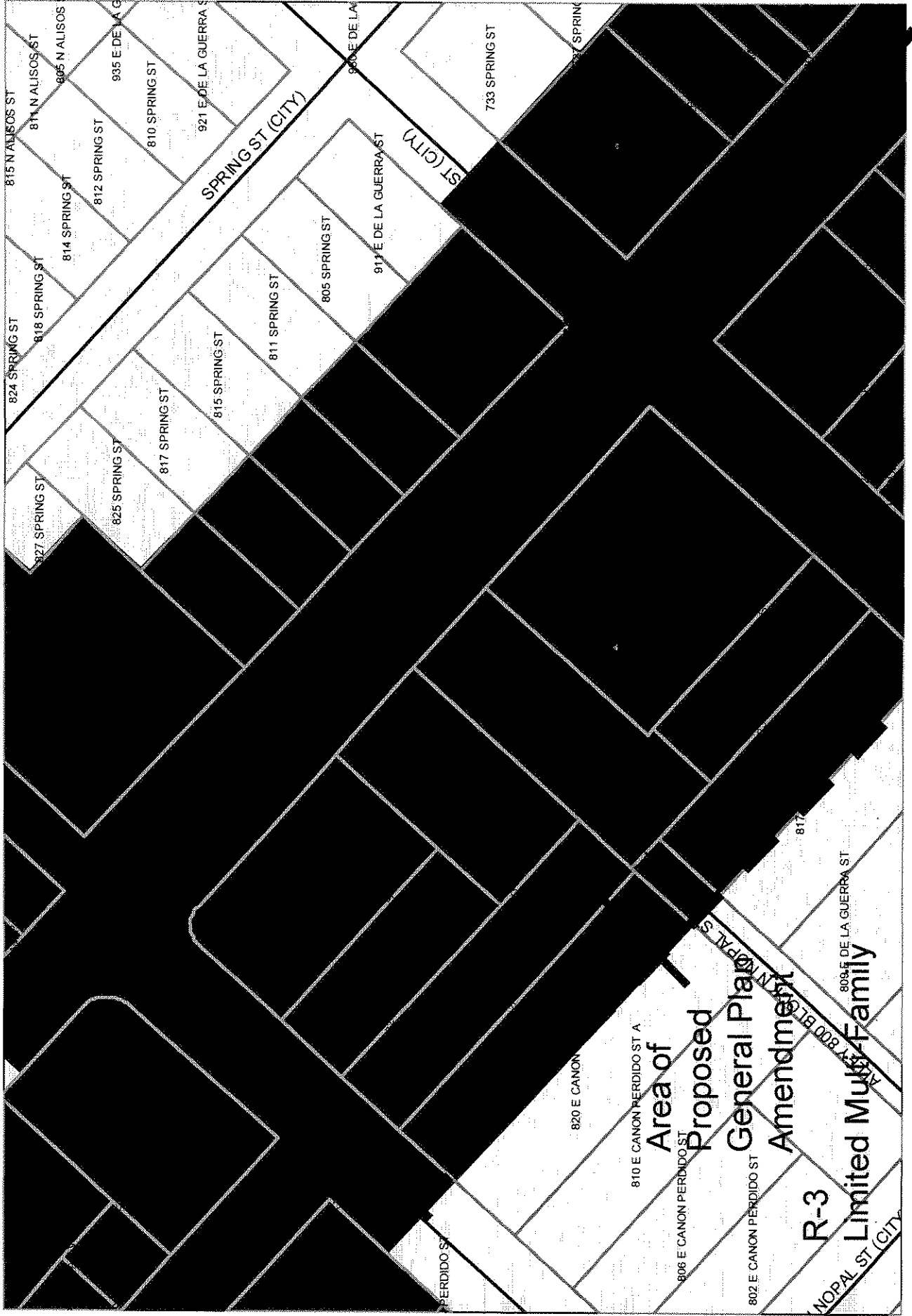
E. Cota St. to E. Ortega St.



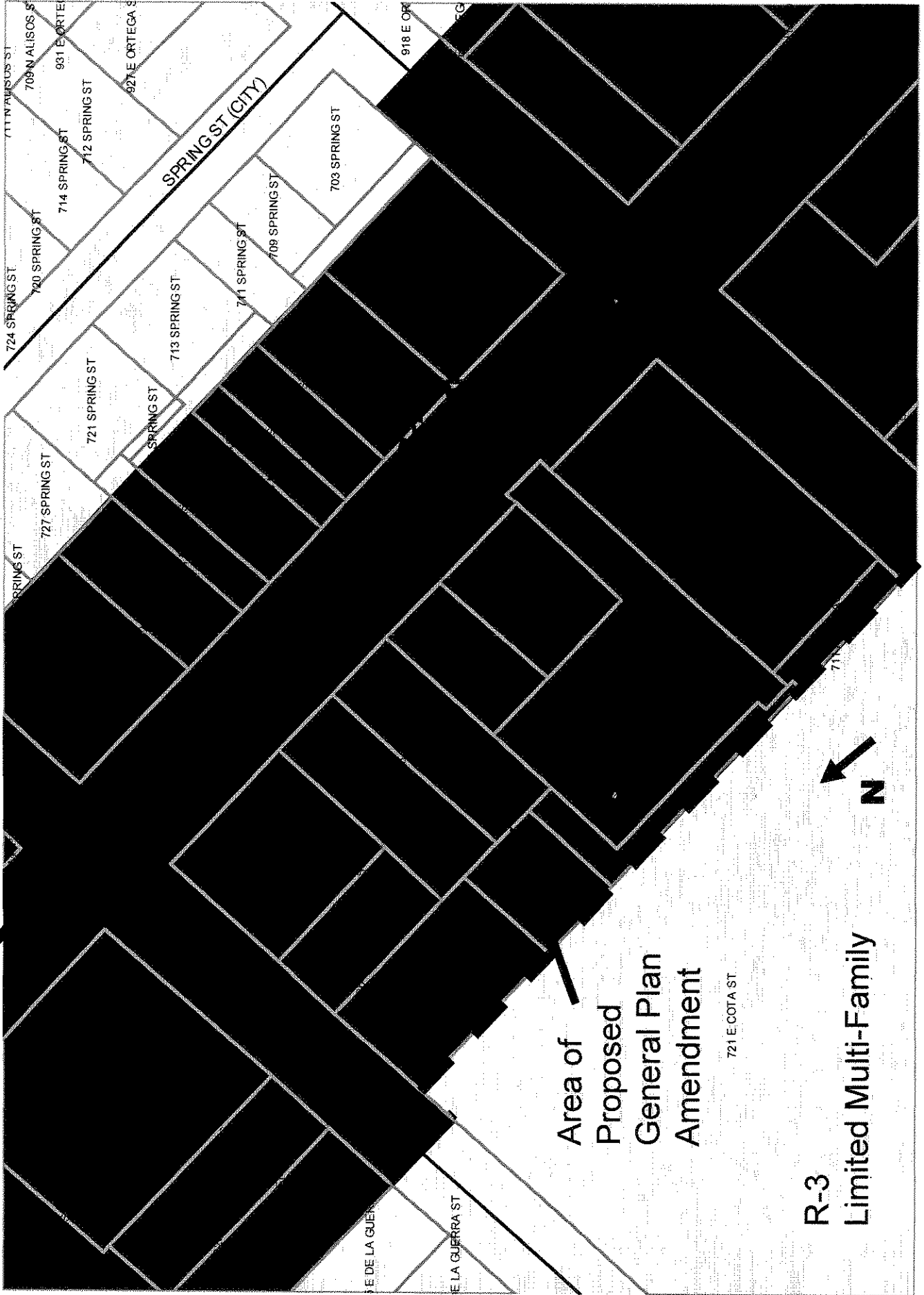
Area of
Proposed
General Plan
Amendment

R-3
Limited Multi-Family

E. De la Guerra St. to E. Canon Perdido St.



E. Ortega St. to E. De la Guerra St.



Area of
Proposed
General Plan
Amendment

R-3
Limited Multi-Family



721 E COTA ST