



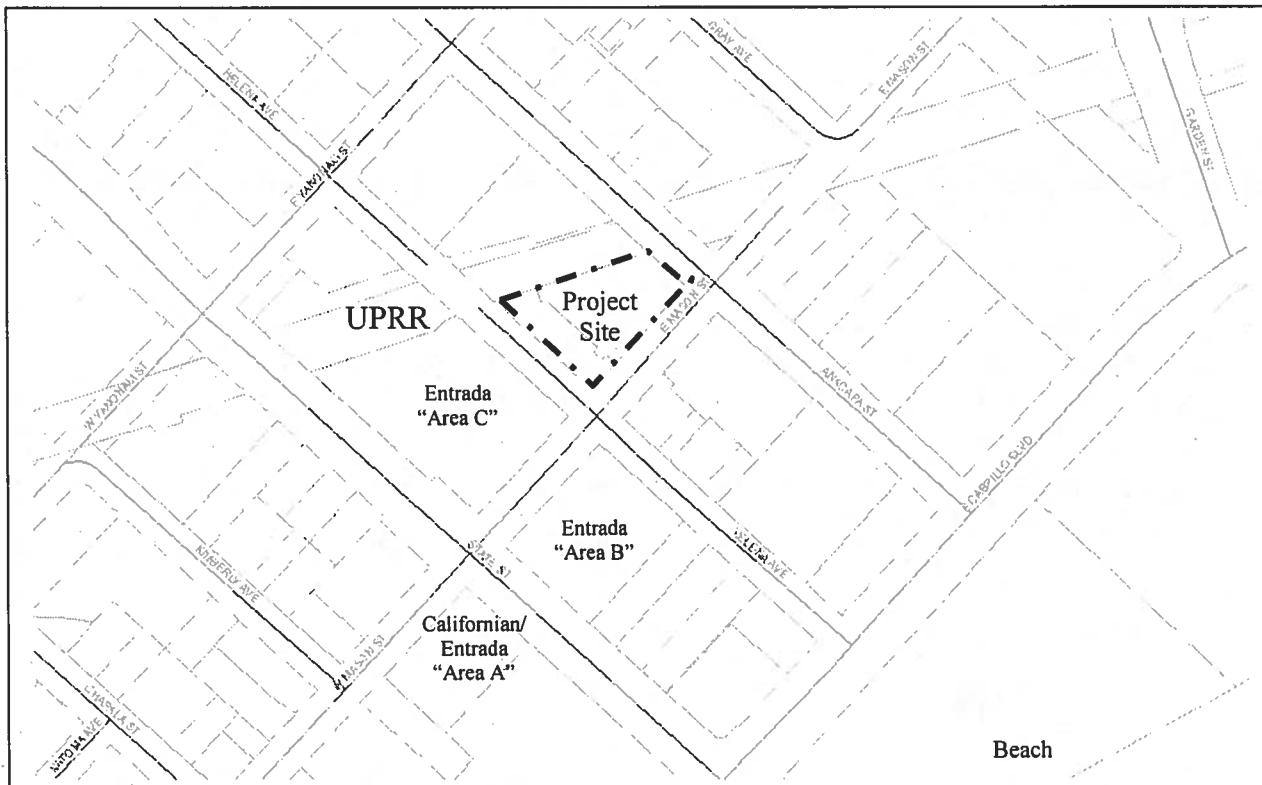
City of Santa Barbara
Community Development Department

Planning Commission Memo

REPORT DATE: March 8, 2012
AGENDA DATE: March 15, 2012
TO: Planning Commission
FROM: Allison De Busk, Project Planner *AD*
SUBJECT: 25 E. Mason Street Update

The purpose of this discussion item is to receive informal feedback from the Planning Commission of proposed uses in the "Bekins Building" located at 25 E. Mason Street. The applicant is considering the conversion of the upper two floors of the building (28,106 square feet) to office use, with retail and office use on the first floor and mezzanine.

The discretionary applications likely required for this proposal would be a Conditional Use Permit and a Coastal Development Permit.



Vicinity Map – 25 E. Mason Street

BACKGROUND

In 1996, the Planning Commission approved a Conditional Use Permit for office space totaling 7,107 square feet (sf) on the mezzanine, second and thirds floors of the building. The remainder of the building was primarily light industrial (34,783 sf) with some office space (4,895 sf) on the first floor and mezzanine, which are considered legal nonconforming uses. At that time, the Planning Commission also approved a parking modification to allow 20 spaces on site instead of the 27 spaces required.

Refer to Exhibit D for a more complete history of the site.

SITE INFORMATION AND STATISTICS

Site Information

Applicant:	Anthon Ellis, AB Design Studio				
Property Owner:	East Mason SB, LLC				
Site Information					
Parcel Number:	033-082-012	Lot Area:	0.28 acre		
General Plan:	Ocean Related Commercial/ Medium High Residential (15-27 du/ac)	Zoning:	OC / HRC-2 / SD-3		
Existing Use:	Storage/Light Industrial and Office		Topography:	flat	
Adjacent Land Uses					
North – UPRR		East – Anacapa Street			
South – Mason Street		West – Helena Street and future Entrada project			

Statistics

	TOTAL	EXISTING		PROPOSED	
		Storage/Light Industrial	General Office	Retail	General Office
1st Floor	14,053 sf	11,537 sf	2,516 sf	11,537 sf	2,516 sf
Mezzanine	4,626 sf	0 sf	4,626 sf	0 sf	4,626 sf
2nd Floor	14,053 sf	12,705 sf	1,348 sf	0 sf	14,053 sf
3rd Floor	14,053 sf	10,541 sf	3,512 sf	0 sf	14,053 sf
TOTAL	46,785 sf	34,783 sf	12,002 sf	11,537 sf	35,248 sf

DISCUSSION

The applicant is considering converting the second and third floors entirely to office use (28,106 sf), and retaining the existing office space on the first floor and mezzanine. This results in 35,248 sf of office space. The remaining 11,537 sf would be converted from Storage/Light Industrial to retail.

The parcel has dual zoning (Hotel and Related Commerce (HRC-2) and (Ocean-Oriented Commercial (OC) Zones), and is in the Coastal Overlay (SD-3) Zone. Refer to the attached Municipal Code sections for the uses permitted in the HRC-2 and OC zones.

In the HRC-2 Zone, general office use may be permitted on the second and third floors of commercial buildings upon issuance of a Conditional Use Permit (CUP). In addition to the typical findings for a CUP, the Planning Commission must find that:

1. The use is compatible with visitor-serving uses;
2. Visitor-serving uses remain the primary use of the building; and
3. Non-visitor-serving uses shall not exceed 50% of the total square footage of the building.

Parking

The proposed change to 35,248 sf of office with 11,537 sf of retail requires 187 parking spaces. The project site has a parking credit of 68 spaces based on the existing non-conforming parking, and provides 21 parking spaces. This means that the proposed use changes would require the provision of 47 additional parking spaces. The applicant is proposing to provide these additional spaces through an off-site parking agreement (specific site to be determined). The City's Parking Ordinance allows for off-site parking on a lot within a walking distance of 500 feet (may be increased to 1,250 feet at the discretion of the Transportation and Parking Manager).

RECOMMENDATION

Provide feedback to the Applicant on the proposal.

Exhibits:

- A. Applicant's letter, dated March 1, 2012
- B. SBMC §28.22
- C. SBMC §28.71
- D. Planning Commission Staff Report dated July 18, 1996
- E. Planning Commission Resolution 035-96



LETTER

March 1, 2012

City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

Subject: Project #1125.02
Bekins Building - Conditional Use Permit

RECEIVED
MAR 01 2012

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Planning Commissioners and City Staff,

On behalf of our client, we are writing this letter to request a Conditional Use Permit (CUP) for the above referenced property. This site, formerly Bekins Moving & Storage is located at 25 E. Mason St. and has recently been purchased by our client. Their goal is to turn this great building into something that is sustainable for long term viability and future success of the Lower State Street and Funk Zone areas. I will breakdown our request and analysis of the property in the foregoing sections.

REQUEST

This site is unique in that it boasts a dual zoning designation: HRC-2, OC and SD-3. As you know, this affords us some flexibility and some challenges. The HRC-2 zoning allows for General Office use under a CUP application (see specific code section below) and therefore we are requesting that City Staff and Planning Commission grant us a CUP and allow us to move forward with General Office use in the building.

According to Santa Barbara Municipal Code Section 28.22.030, the following land uses are allowed in the HRC zones indicated:

3. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:

- a. The use is compatible with visitor-serving uses;
- b. Visitor-serving uses remain the primary use of the building; and
- c. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

Based on the SBMC Section 28.22.030, we would be required to maintain Visitor Serving uses throughout 50% of the total SF of the building as well as relegate the General Office use to the Second and Third floors. Our request would also include relocation of the previously approved Office

space on the Mezzanine and First Floor to the Second and Third floors as well and dedicate this space to Visitor Serving uses as well, potentially Retail.

Please see section on Uses below for a breakdown of SF and Uses currently in the building and what our proposal would entail.

BACKGROUND

The "Bekins" building as it is affectionately referred to, was historically the site for the large moving and storage company. The train would pull into Santa Barbara and off-load into high bay doors and the large scale freight elevator would take wares up to the upper floors. In the late 1990s, the building went through some transformations and tech firms. Brooks Institute and other companies have since come to occupy the building. Today, the building is housed primarily by Brooks Institute throughout approximately 30-40% of the structure at the First Floor and a relatively small portion of the Third Floor. The remaining areas on the Second and Third floors are not occupied today.

EXISTING USES

In 1996, PC Resolution No. 035-96 was approved to allow Storage/Light Industrial Uses to remain and permit existing General Office uses in various portions of the building. The largest portion being Storage/Light Industrial is/was a non-conforming use, and Office uses were sprinkled throughout the floors based on current uses that were existing at that time. A table (recreated from the original PC Resolution is included below.

Floor	Storage / Light Industrial	Office	Total
First	11,537 SF	2,516 SF	14,053 SF
Mezzanine	0 SF	4,626 SF	4,626 SF
Second	12,705 SF	1,348 SF	14,053 SF
Third	10,541 SF	3,512 SF	14,053 SF
Total	34,783 SF	12,002 SF	46,785 SF

This seemingly random nature of the approved SF and uses suggests that the prior owner was looking to comply with ordinances by obtaining a CUP for specific uses currently in the building. Over time, these uses have shifted around on the floors, but as mentioned before, the building is not currently at 100% occupancy.

PROPOSED USES

The new property owner is seeking to make this building a special place within the Lower State Street and FUNK ZONE districts by offering General Office space. With the impending developments of the La Entrada project, the Waterfront Hotel and other developments slated for this area of Santa Barbara, this seems to be the highest and best use for this property.

Currently, we are in process to add two new elevators that provide access to the roof. A new roof deck garden terrace will provide a park-like setting on the roof of the Bekins building which will enjoy unobstructed views of the Wharf, Beach, Riviera and Downtown Santa Barbara. This amenity for the users of the building will create an unsurpassed opportunity by the beach and downtown all at the same time.

We are requesting approval to convert the two upper floors to General Office use. Each floor totals 14,053 SF for a total of 28,106 SF of General Office use on the Second and Third floors. We propose to reallocate the 4,626 SF of General Office space per the 1996 PC Resolution to the Upper Floors, thus allowing for 14,053 + 4,626 SF (total 18,679 SF) of Visitor Serving uses on the lower portion of the building. Although this is only 40% of the total SF of the building (46,785 SF) it is in general compliance with the Ordinance. As some of the use on the second-third floors could potentially be used as visitor serving.

PARKING

Similar to many of the properties in the Funk Zone and lower state street area, parking comes at a premium. This site was previously granted non-conforming parking status of 20 spaces. Today, there are actually 21 striped spaces on site and the reallocation of General Office space to the Upper Floors and change of use will require an additional 47 Parking Spaces. We are already in the process of securing an off-site parking agreement with a nearby property. Section 28.90.001 states the following:

R. OFF SITE PARKING. Required off street parking spaces shall be located on the same lot as the use served, or for office, commercial, industrial and mixed use developments only, on a lot within a walking distance of five hundred (500) feet. Walking distance of up to 1,250 feet may be approved by the Transportation and Parking Manager. Walking distance shall mean the distance from an outside entrance of a structure or use or part thereof to each off street parking space which serves such structure or use or part thereof, along the shortest, most convenient public pedestrian walkway available for such purpose. Whenever any off street automobile parking spaces required by this Chapter are provided on a different lot from that on which the use they are to serve is located, as a prerequisite to the issuance of any required building permit or certificate of occupancy, the following shall occur:

1. An agreement, in a form satisfactory to the City Attorney, shall be executed and recorded by each owner of the lot on which the parking is to be provided and each owner of the lot on which the use the off site parking spaces are to serve is located. The agreement may be in the form of an easement, covenant running with the land, or other satisfactory agreement, and shall provide that the off site parking spaces shall be maintained so long as the use they are intended to serve is maintained. The agreement shall not be amended, modified or rescinded without the prior written consent of the City.
2. The certificate of occupancy for the use served by the off site parking spaces shall bear a notation that it is valid only while each such parking space is so maintained. The Community Development Director shall keep a record of each lot on which the required automobile parking spaces are provided for a use located on another lot, and whenever it is found that each required automobile parking space is no longer so maintained, the persons having ownership of the lot on which the use served by the off site parking shall be notified of that fact.

If at any time each automobile parking space required by this Code is not maintained, the certificate of occupancy shall automatically be cancelled and the building or use served by the off site parking spaces shall not there-after be occupied or used until each required automobile parking space is again provided and a new certificate of occupancy is issued. (Ord. 5459, 2008; Ord. 5416, 2007; Ord. 5380, 2005; Ord. 4946, 1996; Ord. 4912, 1995; Ord. 4851, 1994; Ord. 4427, 1986; Ord. 4063, 1980; Ord. 3947, 1978; Ord. 3705, 1974; Ord. 3556, 1972; Ord. 3341, 1969; Ord. 2585, 1957.)

It is our intention to provide adequate parking for this site (through the use of an off-site parking agreement and to make sure its uses comply with the ordinance and support the future tenants. We have met with Planning Staff and they have been supportive of this concept to date.

CONCLUSION

We are hoping that you will support our request to transform this old storage building into a new era of uses that will support the future growth of this area of Santa Barbara. We are confident that you will see that we have provided you with enough information to grant us an approval.

In conclusion, we are requesting a Conditional Use Permit approval to be consistent with Section 28.22.030 and the HRC-2 Zoning to allow General Office use on the Second and Third floors of the Bekins Building. We believe we have met the criteria set forth in the Ordinance and are excited to see this site increasingly useful for the future.

Sincerely,



Clay Aurell, AIA, LEED AP
Principal Architect

CA:ae

cc: Katie Hay
David Hay

28.21.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300. (Ord. 4670, 1991.)

Chapter 28.22

HRC-1 and HRC-2 HOTEL AND RELATED COMMERCE ZONES

Sections:

28.22.010	In General.	28.22.040	Coastal Zone Review.
28.22.030	Land Uses Permitted.	28.22.045	Development Potential.
28.22.035	Uses Permitted Upon the Issuance of a Conditional Use Permit.	28.22.050	Building Height Standards.
		28.22.060	Setbacks.

28.22.010 In General.

This is a zone which, because of its proximity to the shoreline and its location along two major arteries, strives to promote, maintain and protect visitor-serving and commercial recreational uses. Tourist and traveler related uses shall be encouraged in this zone in a manner which does not detract from the desirability of the shoreline as a place to visit. Residential uses are appropriate in certain areas of the HRC-2 zone.

Land classified in the HRC-2 zone may also be overlaid with a second classification of being in the Ocean-Oriented Commercial zone (hereinafter referred to as the "OC zone.") The OC zone regulations shall apply to all development projects on land with a dual HRC-2 / OC zoning designation. (Ord. 5343, 2005; Ord. 4320, 1985; 4172, 1982.)

28.22.030 Land Uses Permitted.

The following land uses are allowed in the HRC zones indicated:

A. HRC-1 ZONE:

Hotels, motels and tourist courts, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests and as permitted in Section 28.21.030.B.2 of this code. In addition, restaurants, including those with entertainment facilities used in conjunction with the restaurant, are allowed.

B. HRC-2 ZONE:

1. General. Any use permitted in the HRC-1 Zone and subject to the restrictions and limitations contained therein.

2. Specific. Any of the following uses which are primarily visitor-serving or of a commercial recreational nature specific to the Coastal Zone are allowed:

- Bicycle, roller skating, moped, dive gear and other recreational equipment rental stores.
- Stores which sell liquor, groceries and food, which do not exceed 2,500 sq. ft. in gross floor area.
- Specialty and gift shops.
- Art galleries.
- Bait and tackle shops, sales of boats, marine supplies and related equipment.
- Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission.

3. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:

- The use is compatible with visitor-serving uses;
- Visitor-serving uses remain the primary use of the building; and
- Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

4. Restriction on Residential Use. Residential use is prohibited in the HRC-2 Zone except in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north. Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained in this Chapter.

5. Special Treatment Area. The following additional restrictions shall apply in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north, due to concerns about protection of the sensitive habitat character and aesthetics of the Andree Clark Bird Refuge:

- a. High Intensity Uses. The following high-intensity uses shall be prohibited:
 - i. fast food restaurants
 - ii. stores which sell liquor, groceries and food, except that off-site sale of beer and wine and picnic items may be allowed only when incidental to and related to the primary use of the establishment.
 - iii. automobile service station.
- b. Front Setback. There shall be a front setback of not less than:
 - i. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
 - ii. one hundred (100) feet for the second-story portion of any building that exceeds fifteen (15) feet in height.
- c. Building Height. Three-story buildings and buildings in excess of thirty (30) feet in height shall be prohibited. (Ord. 5459, 2008; Ord. 5343, 2005; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.035 Uses Permitted Upon the Issuance of a Conditional Use Permit.

In the HRC-2 Zone, automobile rentals, parking lots, automobile service stations and automobile service station/mini-markets shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code, except where specifically prohibited elsewhere in this Chapter. (Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.040 Coastal Zone Review.

All development in the Coastal Overlay Zone (S-D-3) is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.045 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989, unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300. (Ord. 4670, 1991.)

28.22.050 Building Height Standards.

No building or structure in an HRC zone shall exceed three (3) stories or exceed forty-five (45) feet in height. (Ord. 5343, 2005; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.060 Setbacks.

- A. FRONT SETBACK. There shall be a front setback of not less than:
 1. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
 2. Twenty (20) feet for all other buildings.
- B. INTERIOR SETBACK. Buildings on property immediately adjacent to residentially-zoned property shall have an interior setback of no less than ten (10) feet or one-half (½) the height of the building, whichever is greater. (Ord. 5459, 2008; Ord. 4320, 1985; Ord. 4172, 1982.)

9. Marine surveyors.
10. Museums and other cultural displays relating to the ocean.
11. Offices of businesses or persons engaged in ocean-related activities.
12. Sail manufacturing and/or repair.
13. Seafood sales and processing.
14. Specialty and gift shops.
15. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
16. Other ocean-dependent, ocean-related and visitor-serving uses as deemed appropriate by the Planning Commission.

D. Five year review of uses:

At least once every five (5) years from March 30, 1993, the Board of Harbor Commissioners shall review the extent and nature of the uses existing in the Harbor and shoreline area of the HC Zone and make a recommendation to the Planning Commission regarding the adequacy of ocean-dependent uses (Harbor primary uses) in relation to ocean-related and visitor-serving uses (Harbor secondary uses) in order to assure that the harbor remains a working harbor. A review of the mix of uses may occur at any other time at the direction of the Board of Harbor Commissioners or Planning Commission. Subsequent reviews shall be at five (5) year intervals thereafter. The Coastal Commission shall receive a copy of the recommendation and accompanying background materials associated with each review. (Ord. 5459, Section 3, 2008; Ord. 4825, 1993; Ord. 4808, 1993; Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.050 Building Height Standards.

Two (2) stories not to exceed thirty (30) feet. (Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.090 Coastal Zone Review.

All development in the Coastal Overlay Zone S-D-3, is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300. (Ord. 4670, 1991.)

Chapter 28.71

OC Ocean-Oriented Commercial Zone

Sections:

- | | |
|--|---|
| 28.71.010 In General. | 28.71.050 Development Potential. |
| 28.71.020 Uses Permitted. | 28.71.060 Building Height Standards. |
| 28.71.030 Uses Permitted Upon the Issuance of a Conditional Use Permit. | 28.71.070 Lot Area, Frontage, and Outdoor Living Space Requirements. |
| 28.71.040 Coastal Zone Review. | 28.71.080 Parking Requirements. |

28.71.010 In General.

The regulations contained in this Chapter shall apply in the OC Zone unless otherwise provided in this Title. This zone strives to achieve balanced use of the City's Waterfront and maintain the small scale, local character that is unique to the Waterfront area. Land uses shall be encouraged in this zone that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. This zone is intended to foster a vital, mixed use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities.

Land classified in the OC zone may also be classified in the HRC-2 (Hotel and Related Commerce 2) zone and those land uses authorized within the HRC-2 zone are also allowed uses within the dual OC/HRC-2 zone. (Ord. 5343, 2005.)

28.71.020 Uses Permitted.

Any of the following uses are permitted, provided that such operations, manufacturing, processing, or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes which may impose hazard to life or property:

1. Ocean-dependent and ocean-oriented uses such as:
 - a. Aquaculture facilities.
 - b. Boat and boat trailer rental.
 - c. Marine equipment and accessories manufacturing, sales, repair, storage, or rental.
 - d. Marine-oriented government facilities.
 - e. Marine research and development facilities.
 - f. Offices of businesses engaged in ocean-related activities.
 - g. Boat and sail manufacturing and repair.
 - h. Seafood processing, wholesaling, storage, and related activities.
 - i. Services necessary for commercial fishing activities, including such facilities as net repair areas, ice machines, and storage areas.
 - j. Ocean-oriented educational facilities.
2. Commercial recreational uses such as:
 - a. Bicycle, roller skating, moped, dive gear, boating, surfing, and other recreational equipment rental, sales, manufacturing, and repair.
 - b. Public or private parks or recreational facilities.
3. Arts related uses such as:
 - a. Art galleries (may include sales).
 - b. Art schools.
 - c. Art studios/workspaces (may include sales).
 - d. Blueprinting, photostatting, printing, lithographing, or publishing establishments.
 - e. Industrial arts and crafts uses, including, but not limited to, framing, jewelry making, metallurgy, pottery, sculpture, specialty sewing/monogramming, and weaving (industrial arts and crafts uses may include sales).

For the purposes of this Chapter, the term "art" shall be defined as the creative application of a specific skill, the purpose of which is to create objects of form or beauty.

4. Restaurants.
5. Residential Uses.

a. Generally. Any use permitted in the R-3 zone is allowed in the area bounded by Helena Avenue on the west, the existing railroad right-of-way on the south, Garden Street on the east and Highway 101 on the north, subject to the restrictions and limitations contained in this Chapter so long as the R-3 use is constructed as a project providing a mix of allowed nonresidential and residential use where the residential use will not exceed 70 percent of the total building floor area of the development project.

Any parcel of 5500 square feet or less in size which exist as of the date of the adoption of the ordinance codifying this amendment to Chapter 28.71 and which is not contiguous to another adjacent parcel(s) which is held in common ownership with the first parcel shall be exempt from the above-described mixed-use requirements.

b. Affordable Housing Projects. Development projects comprised exclusively of units affordable to very low, low, or moderate income households (as evidenced by the recordation of long-term affordability covenants consistent with the City's Affordable Housing Policies and Procedures) shall be exempt from the above-stated mixed-use requirements for this zone.

c. Existing Residential Buildings. Residential buildings which exist at the time of the adoption of the Ordinance enacting this Chapter (as established by the existence of a valid certificate of occupancy issued by the City), shall not be deemed non-conforming to the requirements of this Chapter and such buildings may be rehabilitated or remodeled (but not demolished) and expanded so long as any such permitted expansion (or expansions in total) does not exceed twenty percent (20%) of the floor area of the existing dwelling unit with the floor area and percentage calculated as of the date of the adoption of the Ordinance enacting this Chapter.

6. Small Stores. Stores that sell liquor, groceries, or food that do not exceed 2,500 square feet in gross floor area.

7. OC Uses Found Consistent. Other ocean-dependent, ocean-oriented, commercial recreational, or arts-related uses that are found to be consistent with the intent of the OC zone by the Planning Commission. (Ord. 5343, 2005.)

28.71.030 Uses Permitted Upon the Issuance of a Conditional Use Permit.

A. Automobile Related Uses. In the OC Zone, automobile rentals and parking lots shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code.

B. Small Hotels. In the OC zone, small hotels shall be permitted upon the issuance of a conditional use permit in the OC zone area designated for "small hotel" on the map attached to this Chapter as Exhibit A subject to the following express limitations:

1. A small hotel may not have more than six (6) guest rooms;

2. The size of each hotel guest room shall be limited to a maximum of 300 square feet of floor area (including hallways, closets, baths, interior circulation and other similar floor area) and the room may not include an individual kitchen area;

3. A common kitchen / dining / lobby area is allowed but may not be located within a guest room;

4. A manager's residential unit is allowed with a maximum of 600 square feet of floor area provided that the manager's unit is located adjacent to, or with immediate access to, the common or lobby area and provided that it not have a separate access from outside the common area.

C. Findings Required for Small Hotels. Planning Commission approval of small hotels in the area of the OC zone for which they are authorized by subsection B hereof shall be subject to all of the following CUP findings:

That the small hotel:

1. will support the goals of the Local Coastal Plan and OC zone to promote a vital, mixed use neighborhood in the Waterfront comprised of a diversity of land uses;

2. is part of a mixed use project and in a mixed use setting within a property having pre-existing legal uses or permitted OC uses;

3. is compatible with the surrounding land uses and OC uses;

4. may include a manager's unit if it is necessary to support the hotel or other improvements on the site;

5. will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;

6. has a sufficient area for the site and has a design for the facilities of an appropriate magnitude in view of the character of the land and in view of the proposed development that significant detrimental impact on surrounding properties is avoided;

7. will provide adequate access and off-street parking in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time; and

8. will have an appearance (in terms of its arrangement, height, scale, and architectural style of the buildings, location of parking areas, landscaping, and other features) which is compatible with the character of the area. (Ord. 5343, 2005.)

28.71.040 Coastal Zone Review.

All development in the Coastal Overlay Zone (S-D-3) is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 5343, 2005.)

28.71.050 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300. (Ord. 5343, 2005.)

28.71.060 Building Height Standards.

No building or structure in the OC zone shall exceed three (3) stories nor exceed forty-five (45) feet in height. (Ord. 5343, 2005.)

28.71.070 Lot Area, Frontage, and Outdoor Living Space Requirements.

A. Lot Area and Frontage Requirements. All buildings or portions thereof used for dwelling purposes shall comply with the lot area and frontage provisions of the R-3 Zone.

B. Outdoor Living Space. All buildings or portions thereof used for dwelling purposes shall comply with the outdoor living space provisions of the R-3 zone. (Ord. 5343, 2005.)

28.71.080 Parking Requirements.

Off-street parking and loading space shall be provided as required in Chapter 28.90 of this title. (Ord. 5343, 2005.)



City of Santa Barbara
California

CITY OF SANTA BARBARA
PLANNING COMMISSION STAFF REPORT

July 18, 1996

APPLICANT: David Jones, Lenvik and Minor
Architects

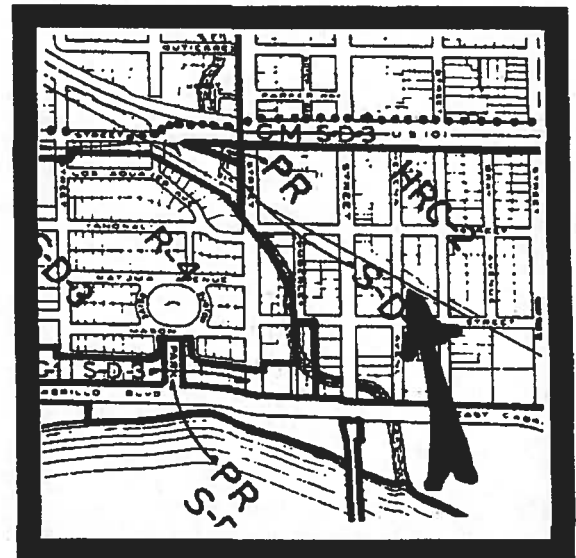
**PROPERTY
OWNER:** David Eldred

LOCATION: 25 East Mason Street

PARCEL NO.: 33-082-08

REQUEST: The proposed project involves:

- 1) the conversion of 4,860 square feet of existing floor area on the second and third stories from storage/light industrial space to office space; and
- 2) the "as-built" construction of 2,247 square feet of mezzanine area to be used as offices.



The discretionary applications required for this project are:

1. Modification to provide 20 parking spaces instead of the required 27 spaces.
2. A Conditional Use Permit to allow office uses on the mezzanine, second and third floors of the building (SBMC § 28.94.030.AA);
3. A Development Plan to allow the addition of 2,247 s.f. of "as-built" mezzanines (SBMC § 28.87.300.A.1); and
4. A Coastal Development Permit (CDP96-0023 - 4/23/96) to allow the conversion of 4,860 s.f. of existing warehouse/light industrial space on the second and third floors of the building to office space, and to permit 2,247 s.f. of "as-built" mezzanines at 25 East Mason Street, which is in the appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009.4).

DATE APPLICATION ACCEPTED: June 14, 1996
DATE ACTION REQUIRED: September 15, 1996

I. SITE DESCRIPTION

General Plan: Hotel and Related Commerce 2, Residential: 12 units per acre
• Zoning: HRC-2/S-D-3, Hotel and Related Commerce, Coastal Zone

Environmental Assessment: Categorical Exemption, CEQA § 15301, Existing Facilities

Existing Use: Warehouse/Light Industrial

Proposed Use: Warehouse/Light Industrial and Office

Topography: Flat

Access: Helena Avenue, Mason Street, and Anacapa Street

Adjacent Land Uses:

North:	Railroad Tracks, Light Industrial
South:	Mason Street, Light Industrial
East:	Anacapa Street, Railroad Tracks, Light Industrial
West:	Helena Avenue, Automobile Sales and Retail

II. SITE STATISTICS

LOT AREA: 26,136 s.f.

LOT COVERAGE:

-Building:	14,053 s.f.	(54%)
-Paving/Driveway:	11,266 s.f.	(43%)
-Landscaping:	817 s.f.	(3%)

PARKING:

-Existing:	20 spaces
-Required:	27 spaces
-Provided:	20 spaces + improvements for on-street parking

III. PROJECT DESCRIPTION

The project site was formerly used by the Bekins Moving and Storage Company. It is a 44,538 square foot building located at 25 East Mason Street. There two parts to the proposed project:

The first part is a request to approve the conversion of 4,860 square feet of existing floor area on the second and third stories from storage/light industrial space to office space. The second part of the project consists of a request to approve the "as-built" construction of 2,247 square feet of mezzanine area to be used as offices. Twenty (20) parking spaces exist in an area which was formerly a large loading area for moving vans.

The building was originally approved, built and occupied as a large storage building, and has been the subject of numerous discussions regarding its use and occupancy since about 1987. Since the area was rezoned from C-M (Commercial-Manufacturing Zone) to HRC-2/S-D-3 (Hotel and Related Commerce 2 Zone, Coastal Overlay Zone) in 1986, its use as a storage building is considered nonconforming.

The originally approved building consisted of three floors and a small mezzanine. The uses of these areas are outlined below:

Original Floor Area Calculations			
Floor	Storage or Light Industrial	Office	TOTAL
First	11,537 s.f.	2,516 s.f.	14,053 s.f.
Mezzanine	0 s.f.	2,379 s.f.	2,379 s.f.
Second	14,053 s.f.	0 s.f.	14,053 s.f.
Third	14,053 s.f.	0 s.f.	14,053 s.f.
Total	39,643 s.f.	4,895 s.f.	44,538 s.f.

Approximately 6,000 square feet of mezzanine area was constructed without benefit of building permits, and a former tenant changed the use of part of the building from storage to office/retail without the benefit of a Coastal Development Permit. Currently, the major tenant of the building is Maplink, a large map vendor which occupies the second and third floors of the building. Maplink uses a portion of both the second and third floors as offices, with the remainder used as map storage. Big Dogs Sportswear has signed a lease to occupy the first floor and mezzanine of the building. Big Dogs is proposing to use a portion of the first floor as offices and clothing design studio, and the mezzanine as offices.

The applicant has obtained approval from the Architectural Board of Review and building permits to seismically retrofit the building, and to remove of about 3,600 s.f. of illegal mezzanine area. This application represents a request by the property owner to legalize the remaining 2,300 s.f. of illegal mezzanine area, and to legalize the existing offices use on the mezzanine, second and third stories. If approved, the floor area of the building would be as shown in the following table:

Proposed Floor Area Calculations			
Floor	Storage or Light Industrial	Office	TOTAL
First	11,537 s.f.	2,516 s.f.	14,053 s.f.
Mezzanine	0 s.f.	4,626 s.f.	4,626 s.f.
Second	12,705 s.f.	1,348 s.f.	14,053 s.f.
Third	10,541 s.f.	3,512 s.f.	14,053 s.f.
Total	34,783 s.f.	12,002 s.f.	46,785 s.f.

There is a net increase of 2,247 s.f., and the proposal would result in an additional 7,107 s.f. of office area. If denied, the applicant will remove the remaining illegal mezzanines. The applicant is also proposing to improve Helena Street adjacent to the building, in order to provide 12 parking spaces in a "head-in" configuration (a net increase of six spaces).

IV. OTHER COMMITTEE REVIEW

A. Environmental Review

The Environmental Analyst has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) under section 15301 (Existing Facilities), which states that additions of less than 10,000 s.f. are exempt if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

B. Design Review

Because no exterior changes are proposed as part of this project, design review is not required. However, the Architectural Board of Review (ABR) has previously approved exterior improvements to the building. These included parking lot improvements in 1987, and exterior changes to the building which are required to install the seismic

upgrades earlier this year. These exterior changes include a new handicap ramp, infill of existing windows, and the installation of a handicap parking space.

V. ISSUES

Modification of Parking Requirement

Because the building is nonconforming, the applicant is only required to provide parking for any new construction or conversions. There is a net decrease of 4,860 s.f. of storage space (being converted to office) and a net increase of 7,107 s.f. of office space (conversion plus as-built mezzanine). The zoning parking requirement is calculated as follows:

$$\begin{array}{rcl} 4,860 \text{ s.f.} \div 5,000 \text{ s.f./parking space} & = & -1 \text{ space} \\ \underline{7,107 \text{ s.f.} \div 250 \text{ s.f./parking space}} & = & \underline{28 \text{ spaces}} \\ \text{Total net new parking spaces} & = & 27 \text{ spaces} \end{array}$$

Similarly, for environmental purposes, a nonconforming project only has to meet the parking demand for the proposed change. Using formulas from the Institute of Transportation Engineers, Transportation Staff has determined that the project's parking demand is 20 spaces (13 for the conversion from storage to office, and 7 for the office mezzanine). Twenty (20) parking spaces are proposed, and a modification for 7 spaces is being requested.

The 20 spaces provided meets the project's parking demand; therefore, no parking impact is expected. Additionally, the applicant proposes to install 12 off-site parking spaces on Helena Street, which would result in a net increase of six spaces. These spaces would be public spaces, for anyone's use. They would be installed in a "head-in" configuration. Staff supports this modification request because the parking provided meets the projected parking demand, and because the applicant will install the 12 on-street spaces, resulting in a net increase of six spaces.

The area proposed for parking was permitted and improved in 1989. At that time, the City's interpretation of the setback requirements in the HRC-2 zone was that the setbacks did not apply to parking; therefore instead of requiring a 10 foot setback, the lot was designed per the general parking standards with six foot planters with a wrought iron fence. The applicant is not proposing any changes to the parking area; therefore a modification is not required at this time.

Historical Use of the Building

The Bekins Moving Company's use (now nonconforming) of the building had two aspects: 1) the storage aspect, and 2) an office aspect. The building was a terminus for both regional and nationwide moving operations. The storage aspect involved moving trucks and railroad cars coming to the building on a daily basis, and personnel either unloading the trucks and placing items in storage in the building, or retrieving items from storage and loading the items on the trucks or railroad cars. The ground floor and mezzanine offices were used to administer Bekins' regional operations and to serve customers who came to the offices. The areas of the building

which were used historically as offices continue to be used as offices, therefore continuing the nonconforming use.

Nonconforming Uses - Background

Changes are regularly made to the Zoning Ordinance. These changes can alter the uses allowed, site development standards such as setbacks, parking or landscaping, or the amount of development allowed to be less or more restrictive. There are rarely problems if the changes result in fewer restrictions; however, if the changes result in greater restrictions, there may be buildings which were built legally, but which no longer conform to the new regulations. The Zoning Ordinance recognizes this as "nonconforming," and allows nonconforming uses to remain as long as:

- 1) the use is not discontinued for more than one year; or
- 2) the use is not intensified¹.

This concept is also known as "grandfathering." The continuation of a nonconforming use is not limited by change of business names or owners. For example, if a nonconforming retail shop closes, a new retail shop can replace it as long as the space has not been vacant for more than one year. It can even change use to an office or a furniture store (if these uses are permitted in the zone), as these are uses with the same or lower intensity. However, it could not change to a restaurant, which is a more intense use.

Because of the rezoning of the Bekins building from C-M (Commercial-Manufacturing) to HRC-2 (Hotel and Related Commerce 2), the use of the Bekins building as storage no longer conforms to the Zoning Ordinance, and is now considered nonconforming, and like the example given above, its use can be maintained or changed as long as it is not discontinued for more than one year or is not intensified.

Existing and Proposed Uses of the Building

The primary issue for this project is the "as-built" uses of the building. As stated previously, Maplink is using its portion of the building as storage and office, and Big Dogs is proposing to use a portion of the building as office and design studio. Additionally, there are other portions of the building which continue to be used for storage.

The majority of the third floor (10,541 s.f.) is proposed to remain as storage, while a portion (3,512 s.f. or 33%) is proposed to be converted to office use. The storage use will be a continuation of the nonconforming storage use, and the applicant is requesting a Conditional Use Permit for the conversion of storage space to office space, which is an intensification of use, and therefore would require a Conditional Use Permit to be legal under the current Zoning Ordinance.

¹SBMC § 28.87.030.D - Nonconforming Buildings and Uses. See Exhibit D.

Similarly, the majority of the second floor (12,705 s.f.) is proposed to remain as storage, and a portion (1,348 s.f. or 10%) is proposed to be converted to office use. Here too, the storage use remains nonconforming, and the applicant is requesting a Conditional Use Permit for the conversion to office space.

The original mezzanine (2,379 s.f.) was used as offices, and the applicant is requesting Development Plan Approval and a Conditional Use Permit for an "as-built" net addition of 2,247 s.f. new mezzanine space to be used as offices. Although the original mezzanine use as office is nonconforming and could remain, the applicant is requesting a Conditional Use Permit for office use on the entire mezzanine (4,626 s.f.).

The majority of the ground floor (6,500 s.f.) is proposed to remain as nonconforming storage. The portion of the ground floor which was originally used as offices (2,516 s.f.) is proposed to remain as nonconforming offices. The remainder of the ground floor is proposed for use by Big Dogs as a design studio for clothing, silk screen images, posters and other advertising materials. This activity is less intense than a regular office, and more like a research and development or light industrial use.

The number of people employed in the design studio, and the amount of activity which takes place is similar to the historical storage use, except that there is less traffic and noise. Because the proposed use as a design studio is of equal or less intensity than the storage use, the change of use from storage to design studio is allowed by the Zoning Ordinance.

Coastal Development Permit

A Coastal Development Permit (CDP) is required for all commercial improvements and intensifications of use in the Coastal Zone. The findings required for the CDP are that the project is consistent with the California Coastal Act and the applicable policies of the Local Coastal Plan.

There are five policies in the Local Coastal Plan which apply to this project. Each is discussed below.

4.1 In order to preserve and encourage visitor-serving commercial uses, appropriate areas along Cabrillo Boulevard, Castillo Street, Garden Street and along State Street shall be designated "Hotel and Related Commerce I (HRC-I)" and "Hotel and Related Commerce II (HRC-II)."...

HRC-II designation shall include all uses allowed in HRC-I and such other visitor-serving uses examples such as, but not limited to, restaurants, cafes, art galleries, and commercial recreation establishments. Uses such as car rentals and gas stations will require a conditional use permit.

The building was built and occupied as a storage/light industrial use in the C-M zone prior to the time that the area was rezoned to HRC-2. When the area was rezoned to HRC-2 in 1986, it was

expected that there would be redevelopment of the area over time, and that many of the nonconforming uses would transform into permitted uses. However, since late 1986, little change has occurred in the area. Many of the properties have not made the transition to HRC-2 uses. Almost 50% of the existing uses in the HRC-2 zone are nonconforming. This greatly limits the flexibility and options available to property owners and tenants. It is difficult to convert older nonconforming buildings to visitor-serving uses when there is limited parking on the site and in the immediate area.

The City has also heard that it can be difficult to find tenants offering visitor or commercial recreation services for sites that are not on major streets such as State or Cabrillo. In an attempt to address these issues, the City is preparing a special study of the area, focusing on land use, zoning and coastal issues. This project is a good example of the difficult situation facing property owners and tenants in the interior portions of the HRC-2 zone. With the issuance of the Conditional Use Permit for the upper story offices, this building will begin the transition from a nonconforming to conforming use.

9.3 All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

Since all proposed changes are interior, and the building already exists with service for the existing elevator overhead, it seems inappropriate to require the undergrounding of utilities at this time.

9.5 All parking facilities shall be screened from public view in a method suggested in the City's Scenic Highways Element of the General Plan.

The parking area is separated from the sidewalk by a six foot planter and a wrought iron fence. The parking area was reviewed and approved by the Architectural Board of Review in the late 1980s. No changes are proposed.

11.5 All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs. Parking needs for individual developments shall be evaluated on a site-specific basis and at minimum be consistent with City Ordinance requirements.

The zoning parking requirement is 27 spaces. The project's parking demand is 20 spaces. The project is requesting a modification to provide 20 parking spaces, and is expected to meet demand.

11.11 The City shall encourage ride-sharing and car-pooling as a means of minimizing traffic demands in the waterfront.

Actions

- *Assign reserved parking spaces to carpoolers in premium parking areas.*

A condition of approval to encourage ride-sharing and car-pooling is proposed. It would require that all employees be made aware of the Ride Share Program, and would require that one premium space be reserved for carpoolers.

Conditional Use Permit for Offices on the Mezzanine, Second and Third Floors

In the HRC-2 zone, office use is allowed on any floor except the ground floor with a Conditional Use Permit (CUP), subject to the normal CUP findings plus the following additional findings:

1. The use is compatible with visitor-serving uses;
2. Visitor-serving uses remain the primary use of the building; and
3. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

Staff believes that office uses on upper floors and visitor-serving uses on the ground floor are compatible, and therefore the first finding can be made. Although visitor-serving uses are not the primary use of the building, Staff believes that the second and third findings can be made because the use of the building for storage is nonconforming. Additionally, Staff believes that the standard CUP findings regarding General Plan Consistency, public health and safety, setbacks, parking, and appearance can be made.

Development Plan for the Additional Mezzanine Space

The applicant is requesting Development Plan Approval for an "as-built" addition of 2,247 square feet of mezzanine area to be used as office space for Big Dogs. The size of the addition is less than 3,000 square feet, and therefore qualifies as a Small Addition under Charter Section 1508. If this was the only application, the Architectural Board of Review would review the application; however, because the applicant is also requesting a Coastal Development Permit and a Conditional Use Permit, the Planning Commission is the appropriate discretionary review body.

The findings required for Development Plan Approval involve conformance with the Zoning Ordinance and the principles of sound community planning; neighborhood compatibility; no significant, unmitigated impact on housing, water, or traffic, and that all resources or traffic improvements will be available and in place before a Certificate of Occupancy is granted for the project. Planning Staff believes that these findings can be made, as the project is relatively small, and all changes proposed are on the interior of the building. No impacts are expected on housing, water or traffic.

VI. RECOMMENDATION/FINDINGS

This project is unusual because of the continuing nonconforming use of the building. The "as-built" conversion of portions of the second and third floors from storage to office, and the "as-built" construction of new mezzanine area are not expected to result in any environmental

impact. Additionally, the project would allow large, local businesses to remain in Santa Barbara. All improvements are proposed for the interior of the building, and there will be no exterior changes.

Staff recommends that the Planning Commission approve this project, subject to the attached Conditions of Approval, making the following findings:

For the Parking Modification

The modification to allow 20 spaces instead of the required 27 spaces is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area, as the 20 spaces will meet the parking demand, and the applicant is improving Helena Street to provide 12 "head-in" public parking spaces, resulting in a net increase of six spaces.

For the Conditional Use Permit

1. The use of the mezzanine, and portions of the second and third floors as office is deemed essential and desirable to the public convenience or welfare, and is in harmony with the various elements of the Comprehensive General Plan.
2. The use of the mezzanine, and portions of the second and third floors as office will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved because the areas to be used as offices will be converted from existing storage space, and no exterior changes are proposed.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided, as all improvements are proposed inside the existing buildings, and no changes are proposed to the exterior.
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the building for such facilities are adequately met without altering the character of the public streets in the area at any time, as the parking demand of 20 parking spaces is met with the provision of 20 parking spaces on-site.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area, as the building currently exists, and all proposed changes are taking place inside the existing building, and no changes are proposed to the exterior.

6. The use of the mezzanine and portions of the second and third floor as office is compatible with visitor-serving uses.
7. Visitor-serving uses remain the primary use of the building. Although the primary use of the building is not visitor-serving because of the difficulty in making the transition from commercial/industrial uses to visitor serving uses, and its nonconforming status, Section 28.87.030 of the Municipal Code allows nonconforming uses to remain as long as they are not discontinued for more than one year or changed to a more intense use.
8. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building. Although the primary use of the building is not visitor-serving because of the difficulty in transitioning from commercial/industrial uses to visitor serving uses, and its nonconforming status, there is no change in the percentage of the building which is used for non-visitor-serving uses.

For the Development Plan

1. With the approval of the requested parking modification, the proposed development complies with all provisions of the Zoning Ordinance.
2. The proposed development is consistent with the principles of sound community planning.
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character because the Small Addition is being added to a mezzanine within the existing building, and no exterior changes are proposed.
4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.
5. The proposed development will not have a significant unmitigated adverse impact upon the City's water resources.
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic, as the traffic generated by this project is not projected to enter an impacted intersection; and
7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

For the Coastal Development Permit

1. The project is consistent with the policies of the California Coastal Act; and
2. The project is consistent with all applicable policies of the City's Coastal Plan and all applicable implementing guidelines, and all applicable provisions of the Zoning Ordinance, with the approval of the parking modification and the Conditional Use Permit.

Exhibits:

- A. Conditions of Approval
- B. Applicant's letter, 4/22/96
- C. Site Plan
- D. SBMC § 28.87.030 - Nonconforming Buildings and Uses
- E. Transportation Division Memo, 5/23/96



City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 035-96
25 E. MASON STREET
JULY 18, 1996

SUBJECT:

Application of Lenvik and Minor Architects, Agent for David Eldred, 25 East Mason Street, APN 33-082-08; Hotel and Related Commerce II (HRC-2)/Coastal (SD-3) Zones, General Plan Designation: Hotel and Related Commerce II, Residential: 12 Units per Acre (MST96-0204)

The project site is a 44,538 square foot existing building located at 25 East Mason Street, (formerly Bekins Moving and Storage). The proposed project involves: 1) the conversion of 4,860 square feet of existing floor area on the second and third stories from storage/light industrial space to office space; and 2) the "as-built" construction of 2,247 square feet of mezzanine area to be used as offices. The discretionary applications required for this project are:

1. A Modification for the provision of 20 parking spaces instead of the required 27 (SBMC §28.90.100.I);
2. A Coastal Development Permit (CDP96-0023 - 4/23/96) to allow the conversion of 4,860 s.f. of existing warehouse/light industrial space on the second and third floors of the building to office space, and to permit 2,247 s.f. of "as-built" mezzanines on a site in the appealable jurisdiction of the Coastal Zone (SBMC §28.45.009.4);
3. A Conditional Use Permit to allow office uses on the mezzanine, second and third floors of the building (SBMC §28.94.030.AA); and
4. A Development Plan to allow the addition of 2,247 s.f. of "as-built" mezzanines (SBMC §28.87.300.A.1).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (ENV96-0116). (DYK)

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WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to speak in favor of the application, and no one spoke in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 18, 1996
2. Site Plan

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

For the Parking Modification

The modification to allow 20 spaces instead of the required 27 spaces is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area, as the 20 spaces will meet the parking demand, and the applicant is improving Helena Street to provide 12 "head-in" public parking spaces, resulting in a net increase of six spaces.

For the Conditional Use Permit

- A. The use of the mezzanine, and portions of the second and third floors as office is deemed essential and desirable to the public convenience or welfare, and is in harmony with the various elements of the Comprehensive General Plan.
- B. The use of the mezzanine, and portions of the second and third floors as office will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved because the areas to be used as offices will be converted from existing storage space, and no exterior changes are proposed.

- C. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided, as all improvements are proposed inside the existing buildings, and no changes are proposed to the exterior.
- D. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the building for such facilities are adequately met without altering the character of the public streets in the area at any time, as the parking demand of 20 parking spaces is met with the provision of 20 parking spaces on-site.
- E. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area, as the building currently exists, and all proposed changes are taking place inside the existing building, and no changes are proposed to the exterior.
- F. The use of the mezzanine and portions of the second and third floor as office is compatible with visitor-serving uses.
- G. Visitor-serving uses remain the primary use of the building. Although the primary use of the building is not visitor-serving because of the difficulty in making the transition from commercial/industrial uses to visitor serving uses, and its nonconforming status, Section 28.87.030 of the Municipal Code allows nonconforming uses to remain as long as they are not discontinued for more than one year or changed to a more intense use.
- H. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building. Although the primary use of the building is not visitor-serving because of the difficulty in transitioning from commercial/industrial uses to visitor serving uses, and its nonconforming status, there is no change in the percentage of the building which is used for non-visitor-serving uses.

For the Development Plan

- A. With the approval of the requested parking modification, the proposed development complies with all provisions of the Zoning Ordinance.
- B. The proposed development is consistent with the principles of sound community planning.
- C. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character because the Small Addition is being added to a mezzanine within the existing building, and no exterior changes are proposed.
- D. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.
- E. The proposed development will not have a significant unmitigated adverse impact upon the City's water resources.
- F. The proposed development will not have a significant unmitigated adverse impact on the City's traffic, as the traffic generated by this project is not projected to enter an impacted intersection; and
- G. Resources will be available and traffic improvements will be in place at the time of project occupancy.

For the Coastal Development Permit

- A. The project is consistent with the policies of the California Coastal Act; and
- B. The project is consistent with all applicable policies of the City's Coastal Plan and all applicable implementing guidelines, and all applicable provisions of the Zoning Ordinance, with the approval of the parking modification and the Conditional Use Permit.

II. Said approval is subject to the following conditions:

- A. Prior to the issuance of any building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney, Public Works Director, and Community Development Director:
1. Owner shall provide for the flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 2. The development of the Real Property approved by the Planning Commission on July 18, 1996 is limited in floor area to the chart shown below, and the improvements shown on the Development Plan signed by the Chairperson of the Planning Commission on said date July 18, 1996 and on file at the City of Santa Barbara.

Approved Floor Area Calculations			
Floor	Storage or Light Industrial	Office	TOTAL
First	11,537 s.f.	2,516 s.f.	14,053 s.f.
Mezzanine	0 s.f.	4,626 s.f.	4,626 s.f.
Second	12,705 s.f.	1,348 s.f.	14,053 s.f.
Third	10,541 s.f.	3,512 s.f.	14,053 s.f.
Total	34,783 s.f.	12,002 s.f.	46,785 s.f.

3. Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. Lighting shall be directed toward the ground.

4. Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. All tenant businesses shall register their employees semi-annually in the Ride-Sharing Program, and shall make every effort to encourage participation in the program.
- B. The following requirements shall be incorporated into, or submitted with the construction plans, submitted to the Division of Land Use Controls with applications for building permits. All of these construction requirements shall be completed prior to the issuance of a Certificate of Occupancy:
1. A minimum of one (1) preferential parking space for carpools shall be designated by "Carpool Permit Parking Only" signs. Carpool limit permits shall be issued to those employees who arrive at the Real Property with two (2) or more persons in the car, four (4) or more times a week, except for part-time employees who are eligible if they carpool every day that they work.
 2. Three (3) bicycle parking spaces shall be provided. Covered spaces are recommended.
 3. Improvement plans for construction of improvements on Helena Avenue. As determined by the Public Works Department, the improvements shall include but not be limited to a curb, a three foot raised area behind the curb, and pavement striping as necessary to install the 12 "head-in" parking spaces.
 4. At least one lunchroom area shall be provided on the premises for use by all building occupants.
 5. Lockers and showers shall be provided on the premises that are available to all building occupants.

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- C. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of a qualified Arborist.
 2. Public improvements as shown in the improvement/building plans.

These motions were passed and adopted on the 18th day of July, 1996 by the Planning Commission of the City of Santa Barbara, by the following vote:

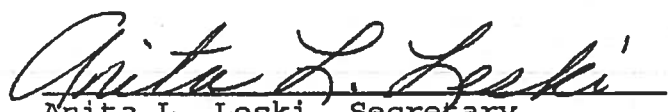
To approve the four applications with the Staff-suggested Conditions:

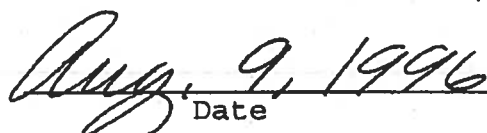
AYES:6 NAYS:0 ABSTAIN:0 ABSENT:1(Chen Lowenthal)

To approve the four applications with the modified Conditions which include a common lunchroom, lockers and showers within the premises:

AYES: 4 NAYS:2(Secord & Turner) ABSTAIN:0
ABSENT:1(Chen Lowenthal)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.


Anita L. Leski, Secretary


Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

