



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 6, 2008
AGENDA DATE: March 12, 2008
PROJECT ADDRESS: 1155 – 1159 Coast Village Road (MST2007-00425)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Suzanne Johnston, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a proposal to convert the three existing commercial buildings into three commercial condominiums on an existing 17,822 square foot (0.41 acres) lot with 22 existing shared parking spaces. The three existing buildings total approximately 10,926 square feet of floor area.

II. REQUIRED APPLICATIONS

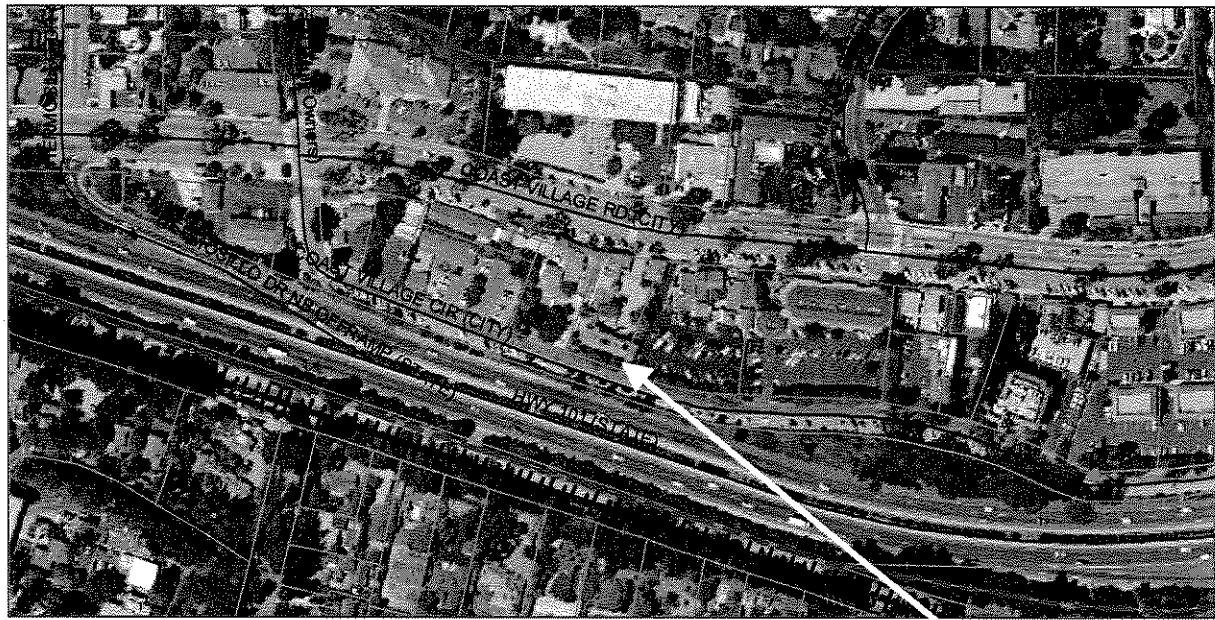
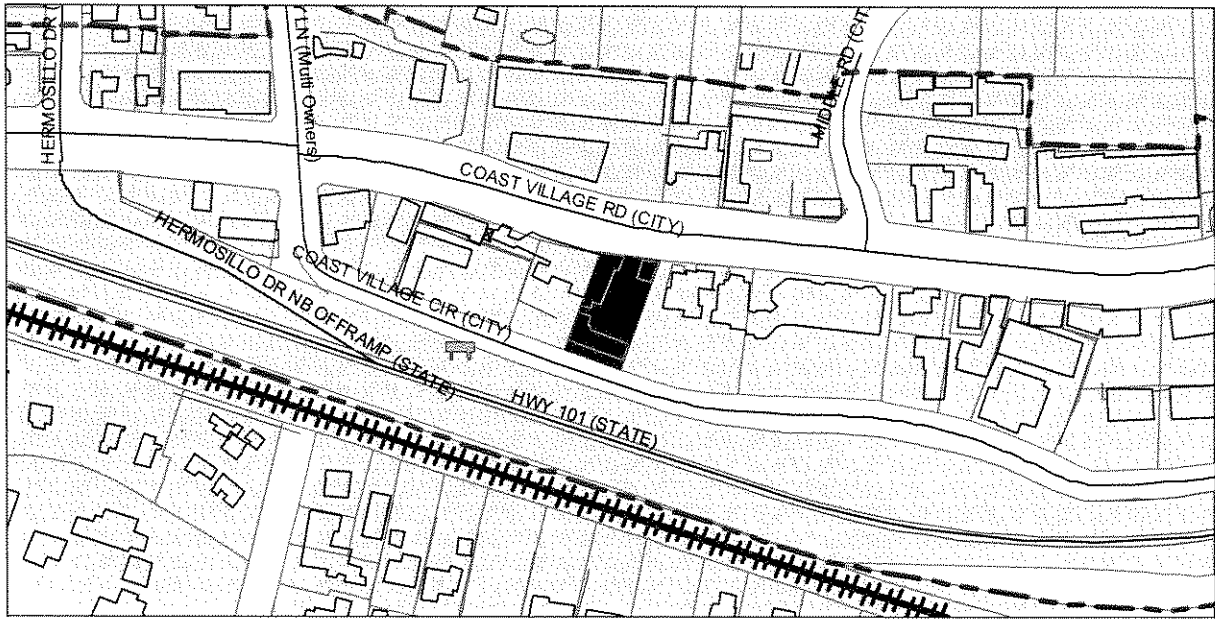
The discretionary applications required for this project are:

1. A Modification to allow an existing trash enclosure to be enlarged by one-half a square foot in the required 10-foot front yard setback along Coast Village Circle. (SBMC §28.92.110.B and §28.63.060); and
2. A Tentative Subdivision Map for a one-lot subdivision to create three (3) commercial condominium units (SBMC §27.07 and §27.13).

III. RECOMMENDATION

With approval of the requested modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan/Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

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APPLICATION DEEMED COMPLETE: February 11, 2008
DATE ACTION REQUIRED PER MAP ACT: May 1, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Joe Chenoweth	Property Owner: Costa Villa Associates, LLC
Parcel Number: 009-291-006	Lot Area: 17,822 sq. ft.
General Plan: General Commerce	Zoning: C-1/SD-3
Existing Use: Commercial	Topography: 13%
Adjacent Land Uses:	
North - Commercial South - US 101 Freeway	East - Commercial West - Commercial

B. PROJECT STATISTICS

	Existing and Proposed
Building I	1,903 sq. ft.
Building II	4,479 sq. ft.
Building III	4,103 sq. ft.
Total	10,485 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing and Proposed	
Setbacks			
-Front	10'	0'	
-Interior	0'	0'	
-Rear	0'	0'	
Building Height	45'	45'	
Parking	42	22	
Lot Coverage			
-Building	N/A	6,370 sq. ft.	35.7%
-Paving/Driveway	N/A	10,490 sq. ft.	58.9%
-Landscaping	N/A	962 sq. ft.	5.4%

The proposed project would meet the requirements of the C-1/SD-3 Zone, with the exception of the existing non-conforming parking and the modification necessary to enlarge the trash enclosure. The existing trash enclosure needs to be increased by approximately one square foot to accommodate appropriately sized trash/recycling receptacles for the site. The existing side

walls for the enclosure would be lengthened by approximately 1 1/4' each to provide the necessary room for expansion. Staff feels this minor improvement is consistent with the zoning ordinance goals and policies. Also, a Coastal Exemption has been issued for the condominium conversion as allowed under SBMC§28.44.070.E. See the discussion below.

VI. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN/LOCAL COASTAL PLAN

This component has an irregular westerly boundary formed by Pitos/Salinas/Ocean View; the easterly boundary is at Olive Mill Road (corresponding with the eastern City limits). The north and the southerly borders of the Coastal Zone are formed by the City limit.

The western section of this area is a residential neighborhood with single and multiple family dwellings and a few trailers. Some of these dwellings are part of the City's housing stock for low and moderate-income families.

The General Plan has designated both the municipal tennis courts and the Montecito Country Club recreation areas for "Major Park and Institutional Uses.", which are both located within single family residential zoning.

The region of City jurisdiction which flanks Coast Village Road, extending into unincorporated Montecito, is zoned for commercial uses (C-1). At Hot Springs Road and Old Coast Highway is a shopping center serving local residents. The remainder of Coast Village Road (from Butterfly Lane to Olive Mill Road) is lined with retail establishments and offices. Some apartments exist in combination with commercial and hotel uses. The General Plan map shows "Hotel and Related Commerce", with the addition of a "Highway Service Center" designation. This latter designation indicates the intention to provide services for visitors and freeway travelers. In the Coast Village Road/Coast Village Circle area, continued in-filling of retail commercial and personal service-office establishments is anticipated.

The subdivision of this lot with existing buildings will not increase the water demand for the site. The applicant has submitted a can and will serve letter from the Montecito Water District which states that they will continue to serve the development at this site.

The Coast Village corridor could undergo some growth; however, there is very little vacant land in the area. There are no major coastal issues within this area. Issues which, while not considered major, do apply generally to development of this area include: recreational facilities; visitor-serving uses on Coast Village Road; and housing.

B. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines. The project involves the conversion of three existing commercial

buildings to commercial condominiums with the minor expansion of a trash enclosure to meet the needs of the site.

C. PARKING

The current development, as a whole, is legally non-conforming to parking. However, the city must assess the project for zoning compliance in order to make the findings for Local Coastal Plan Consistency and the parcel map for condominium purposes.

Prior to 1982, the site was developed with 3,577 square feet of commercial floor area, 700 square feet of fast food restaurant, and 17 motel rooms (4,931 square feet) with a total of 17 on-site parking spaces provided. Parking required would have been 38 spaces. With 38 spaces required and only 17 spaces on-site, the development is short of the requirement by 21 parking spaces.

In 1982, an application for development plan approval consisting of an addition of 1,242 square feet of commercial floor area and conversion of the existing 17 motel rooms to commercial floor area was requested. The calculations were as follows: a) Existing 3,577 square feet at 1 space per 250 sq. ft. (1/250) of commercial floor area required 14.3 parking spaces. b) Existing 700 square feet of fast food converted to commercial at 1/250 required 2.8 parking spaces, c) The motel rooms converted to commercial use, 4,931 square feet at 1/250 required 19.7 spaces; and d) The addition of 1,242 square feet at 1/250 required 4.96 parking spaces. This development under the Code would have required 42 parking spaces. However, buildings between 10,000 and 20,000 square feet receive a parking credit of 10% reducing the total required parking to 38 spaces. The 21 space non-conforming parking credit was applied. When development currently exists and the new additions do not exceed 50% of the floor area, only parking for the new square footage is required. The applicant had to provide 5 new parking spaces in addition to the 17 spaces that were remaining at the time of the proposal. Therefore, 22 spaces were identified as being required in the 1982 staff report. The non-conforming parking credit effectively was reduced to 20 spaces with this development.

The project consists of 10,458 square feet of commercial floor area, which would require 38 parking spaces under the current Code. The 1982 project was described as 5,000 square feet of retail/commercial use and 5,458 square feet of office use. The applicant has agreed to the further restrict the uses allowed in the zone to exclude uses which have a higher parking demand than 1 space/250 sq. ft. Therefore, a condition of approval has been incorporated to disallow uses such as restaurants, medical and dental offices.

Because of the limited parking spaces available, in comparison to the amount of commercial square footage on the existing site, the project will be subject to a condition requiring that all spaces must remain unassigned and that all existing parking spaces remain as part of the condominium development's common area. The applicant has incorporated these conditions into their own private conditions, covenants and restrictions to be recorded against the property titles.

VII. FINDINGS / RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, making the following findings:

A. MODIFICATION (SBMC § 28.92.026.A)

The Modification will allow appropriate improvements to the non-conforming structures and yards without further expansion of the existing footprint of the encroachments which meets the purpose and intent of the Ordinance.

B. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

Exhibits:

- A. Conditions of Approval
- B. Applicant's letter, dated August 27, 2007

CONDO CONVERSION CONDITIONS OF APPROVAL

1155 -1159 COAST VILLAGE ROAD
TENTATIVE SUBDIVISION MAP AND MODIFICATION
MARCH 12, 2008

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

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall submit an executed *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 12, 2008 is limited to three commercial condominiums with common parking and landscape areas and the improvements shown on the Tentative Subdivision Map (Development Plan) signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and

for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Carports Available for Parking.** A covenant that includes a requirement that all carports be kept open and available for the parking of vehicles owned by the tenants of the property in the manner for which the carports were designed and permitted.
 - c. **No Parking Assignment.** All parking spaces, including the carport spaces shall be unassigned and shall be open and available to all users of the project site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
6. **Use Limitations.** Due to potential traffic and parking impacts, uses other than general office and retail are not permitted without further environmental and/or Staff Hearing Officer review and approval. Uses such as medical, dental and restaurant are prohibited. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

B. Public Works Requirements Prior to Parcel Map Recordation. The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to recordation of the Parcel Map.

1. **Parcel Map Preparation and Agreement.** After City Council approval, the Owner shall submit a Parcel Map to the Public Works Department in a form acceptable for recordation. The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with the current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
2. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from Montecito Water District.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

C. Building Permit Plan Requirements. The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

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

Signed:

Property Owner	Date	
	Date	License No.
	Date	License No.
	Date	License No.

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

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

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

Costa Villa Associates
1155 Coast Village Road
Santa Barbara, CA 93108

August 22, 2007

City of Santa Barbara
Planning Department

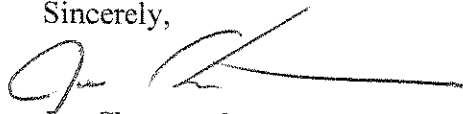
RE: 1155 Coast Village Road

To Whom It May Concern:

We would like to arrange a meeting with the pre-application review team in order to discuss converting our property into three (3) separate condominium units. The property presently consists of the three separate buildings. The site area consists of 18,140 square feet. Building #1 has 2,273 square feet. Building #2 has 4,782 square feet. Building #3 has 3,871 square feet.

The partnership is interested in the possible sale of the existing, individual buildings. No new construction will be undertaken.

Sincerely,



Joe Chenoweth
Costa Villa Associates

RECEIVED
AUG 23 2007
CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT B