



**City of Santa Barbara
California**

**STAFF HEARING OFFICER
STAFF REPORT**

REPORT DATE: April 14, 2010
AGENDA DATE: April 21, 2010
PROJECT ADDRESS: 401 ½ Old Coast Hwy (MST2009-00500)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 7,117 square foot project site is currently developed with two single family residences and 1,106 square feet of commercial space. The proposed project involves a request to reduce the size of the commercial space, and convert it to a third residential unit. This would result in a triplex with five uncovered and one covered parking spaces for the site. The discretionary application required for this project is a Modification to permit alterations, additions, and change of use to portions of an existing building currently located within the required ten-foot (10') rear setback (SBMC §28.54.060).

Date Application Accepted: March 10, 2010 Date Action Required: June 10, 2010

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny the project.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Garcia Architects	Property Owner: Empire Trust Corporation
Parcel Number: 015-291-010	Lot Area: 7,117 sf
General Plan: 12 Units Per acre	Zoning: C-P/R-2
Existing Use: Mixed Use	Topography: Flat

Adjacent Land Uses:

North - Residential East - Residential
 South - Commercial West - Commercial

The project has undergone a number of Staff reviews and redesigns to reduce the number of Modifications necessary to comply with zoning requirements, and to address comments from the Architectural Board of Review (ABR). The latest design connects the buildings on site to create a triplex, as mentioned above, and removes approximately 170 square feet of the existing floor area from the eastern setback. Landscape plans have been provided that replace existing paving with vegetation and canopy trees in an attempt to improve the existing situation and gain support from the design review board. The latest design was reviewed by the (ABR) on March 22, 2010 and unanimously denied without prejudice. Because an appeal of the ABR decision was not filed, any future design will need to be resubmitted to the Architectural Board of Review for a design approval prior to applying for a building permit.

Staff recommended that the applicant reduce the amount of the encroachment by building a new exterior wall either 10 feet or six feet from the rear property line, and removing the roof over the rear setback (maintaining the existing concrete block wall at the property line), in order to create a rear yard. Staff would prefer the new wall be 10 feet from the property line, but would support a Modification for the new wall six feet from the property line. However, the applicant does not want to pursue this option.. His position is that the proposed floor area exists, the changes on the inside of the building will not be visible from the exterior due to the solid wall construction, that the solid wall provides a perfect buffer from the residential parking lot behind it, that it does not make sense to put building materials in the land fill when they are still usable, and that the conversion provides an affordable rental housing opportunity for the community.

Staff has met with the applicant and his agents numerous times to discuss the difficulty of obtaining Staff's support for the Modifications being requested. Staff agrees with the ABR that the design and floor plan configuration of the proposed unit lacks amenities that are expected for new residential units. The solid block wall construction of the rear portion of the proposed residence eliminates the opportunity for natural light and air circulation for the unit, which is what the purpose and intent of the setback provides for.

VI. FINDINGS

The Staff Hearing Officer does not find that the Modification is consistent with the purposes and intent of the Zoning Ordinance or that it is necessary to secure an appropriate improvement on the lot. A conforming design that provides separation from property lines, open air space, and proper lighting for the unit, and meet the ABR's criteria for new dwelling units, should be explored.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated March 10, 2010
- C. ABR Minutes

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GARCIA ARCHITECTS, INC.
ARCHITECTURE · ENGINEERING · PLANNING

March 22, 2010

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: MST: 2009-00500
APPLICATION OF GILBERT GARCIA, AGENT FOR WILLIAM PRITCHETT, 401 ½
OLD COAST HIGHWAY, APN 015-291-010, C-P RESTRICTED COMMERCIAL/R-2
TWO FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION; 12 UNITS PER
ACRE.

Dear Staff Hearing Officer:

The 7,117 square foot project site is currently developed with two single family residences and 1206 square feet of commercial space currently empty.

The proposed project involves a request to change the use of commercial space to residential living space. The historic use of the space was residential for the last 10 years. The approval will result in a tri-plex structure combining existing 1 bedroom and existing 2 bedroom units with the new three bedroom change of use unit. Parking will consist of existing six parking spaces with one new carport structure and five will remain uncovered. The property enjoys an existing easement for ingress and egress effectively increasing the usable lot area by about 2,000 sq. ft. The discretionary applications required for the project is a Modifications to permit:

Residential habitable space, (change of use from existing habitable commercial space) within the required residential six-foot rear yard setback (SBMC 28.21.060):

Justification for having the residential living spaces encroach into the required rear yard setback is:

- A. The existing one story commercial building already encroaches into the required residential rear yard setback and is conforming for a commercial building. The continued use of this encroachment as residential living space would allow the low profile structure with minimal mass, bulk, and scale, neighborhood impacts to continue instead of demolishing the commercial building and constructing a new two story residential unit with compliant setback and much less desirable mass bulk and scale neighborhood impacts.

Exhibit B

- B. The historic use of the commercial space has served the community well for the last ten years in the form of affordable housing under the housing authority section eight program and approval of the application would result in the continued use of the commercial space for affordable housing which is in great demand in the city of Santa Barbara and responds to one of the city's major policy goal of encouraging new affordable housing.
- C. The application approval would be in keeping with Housing element of the General plan that encourage recycling of commercial buildings by changing their use to residential and also the affordable by design policy goal would be achieved by the less costly change of use construction over new construction.
- D. Application approval would greatly enhance quality of life amenities for the new and existing residential units with the addition of quality landscaping throughout the site and open space both common and private per zoning requirements, addition of light well alcove will allow for windows in living room and portion of the commercial building in the interior yard setback will be removed which allows for windows in the bedrooms and brings the residential use into compliance with the interior yard setback. In addition it would dramatically reduce the land use traffic and parking intensity of commercial use.
- E. As a residential unit it integrates better and is more congruent both on design and function with the surrounding neighborhood properties which have transitioned over the years to almost entirely residential. The location is in the lower Eucalyptus Hill entering off Salinas and is a mixed use neighborhood with many student apartment complexes owned by Westmont College directly behind the property as well as various other businesses mostly built around 1955-1970 timeframe. The area is on a major transit corridor giving access to all other parts of the City. Housing in this area is, in general, moderate to lower income and this new change of use residence would add to this housing stock.
- F. Approval of the application would bring the property into conformance with the fire department driveway width requirements. The fire department has indicated that the existing driveway does not comply with commercial width requirements thus making the property not appropriate for commercial building use. They would recommend change of use to residential to bring the driveway into conformance with fire department requirements.
- G. City Council has stated that the number one problem we face is a lack of "affordable housing" for our residents. And the continued use of this space as affordable residential through the section 8 voucher program would provide housing opportunity to very low income families and individuals facing extreme hardship. Two units are currently rented under the section 8 program for the last 10 years. The commercial space is currently empty but has a historical use of affordable residential unit for over the last ten years.
- H. As outlined in the "General Administrative Review Standards" handbook (see Part 1 page 3) The application is meeting the standards of Architectural Design in as much



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as the building is an existing structure which only requires we stay within the original design, style, color, material, and scale. We have maintained the original design along with the rest of the units. New carport addition and roof connection are designed to match the existing architecture originally constructed over 50 years ago without deviation.

Respectfully submitted:

Gil Garcia, AIA
(805) 789-2588
e-mail: gil@gilgarcia-aia.com

401 ½ OLD COAST HWY – ARCHITECTURAL BOARD OF REVIEW

January 25, 2010

Present: Gil Garcia and Everett Woody, Architects; David Fainer, Attorney and Agent for Owner; and Renee Brooke, Senior Planner/Zoning Supervisor.

Public comment: No one wished to speak, public comment was closed.

An email of concern from Silvio Guadagnini, and an opposition letter from Paula Westbury were acknowledged by the Board.

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

- 1) The Board is not supportive of the "as-built" third residential unit and the number of requested modifications, and therefore cannot support the project as proposed.
- 2) The Board cannot make the compatibility analysis of the project as proposed due to the aesthetic issues, site plan configuration, and inadequate light and air conditions for the "as-built" third unit.

Action: Zink/Rivera, 4/0/0. Motion carried. (Sherry/Gross/Aurell/Gilliland absent).

February 22, 2010

Present: David Fainer, Attorney and Agent for Owner; and Renee Brooke, Senior Planner/Zoning Supervisor.

Public comment: No one wished to speak, public comment was closed.

A letter of concern from Paula Westbury was acknowledged by the Board.

Ms. Bedard clarified for the Board the project's past and current "as-built" and setback requirements.

Ms. Brooke confirmed staff's "as-built", parking, and setback recommendations to the applicant regarding the current site plan configurations and aesthetic issues for the project.

Mr. Limón confirmed the Board purpose regarding land-use and aesthetic issues for the applicant.

Motion: Continued four weeks to the Full Board with the following comments:

- 1) Reduce the proposed third unit considerably to provide open yard space around the rear and interior yard setbacks.
- 2) The Board is not supportive of the modification request to allow the residential use in the setbacks.

3) The Board is not supportive of the modification request for the trash enclosure located in the rear setback and suggests relocating to an alternate location out of the required setbacks.

4) The current proposal is not compatible with the level of quality in residential design for new multi-family proposals.

Action:Aurell/Mosel, 4/0/0. Motion carried. (Manson-Hing/Gross/Rivera/Gilliland absent).

March 22, 1010

Present: Gil Garcia, Architect; and Tony Fischer, Agent for the Owner; and Katie O' Reilly Rogers, Landscape Architect; and Roxanne Milazzo, Assistant Planner.

Public comment: No one wished to speak, public comment was closed.

A letter of concern from Paula Westbury was acknowledged by the Board.

Ms. Milazzo clarified staff's concerns regarding the project's change of use of a building located in the rear yard setback.

Motion: To deny the project without prejudice and with comments:

1) The current proposal is not compatible with the level of quality of a residential design for an additional unit.

2) According to compatibility guidelines, in its current configuration the proposed project lacks the appropriate amount of open space and landscaping.

Action:Zink/Rivera, 6/0/0. Motion carried. (Gilliland/Sherry absent).