



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** June 19, 2013  
**AGENDA DATE:** June 26, 2013  
**PROJECT ADDRESS:** 109 Bath Street (MST2013-00122)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Allison De Busk, Project Planner *AD*

### I. PROJECT DESCRIPTION

The 17,500 square-foot lot is currently developed with a two-story 21-room hotel. The proposed project involves the installation of two new air conditioning condensers with enclosures within the required interior setback.

The discretionary application required for this project is a Setback Modification to allow the two new air conditioning condenser units to be located within the required 12-foot interior setback (SBMC §28.21.060.B, §28.21.085.A and §28.92.110).

Date Application Accepted: May 28, 2013

Date Action Required: July 27, 2013

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project subject to conditions.

### III. SITE INFORMATION

Applicant: Cy Johnson	Property Owner: Franciscan Motel Corporation
Parcel Number: 033-061-005	Lot Area: 17,500 sq. ft.
General Plan: Hotel / Medium High Residential	Zoning: R-4 / S-D-3
Existing Use: Hotel	Topography: flat

Adjacent Land Uses:

North - Hotel (1- and 2-story)

East - Bath St., hotel and residential (1- and 2--story)

South - Hotel (1-story) and W. Mason St. West - Hotel (2-story)

**IV. ZONING ORDINANCE CONSISTENCY** [include only if applicable]

<b>Standard</b>	<b>Requirement/Allowance</b>	<b>Existing</b>	<b>Proposed</b>
<b>Setbacks</b>			
- Front	20 feet	35 feet (to building)	No change
- Interior	12 feet	6 feet*	1 foot
- Rear	12 feet (ground floor) 20 feet (second floor)	N/A	N/A
Building Height	3 stories and 45 feet	2 stories, 25'-6"	No change
Parking	1/room = spaces	22 spaces	No change
<b>Distance</b>			
Between Buildings	15 feet	N/A	N/A
Lot Coverage	≤25% covered by building	24.5% covered by bldg.	No change**

\* Legal, nonconforming setback

\*\* Area occupied by condensers and enclosures is approx. 90 sq. ft., which represents 0.5% of the lot, although not technically included in the lot coverage statistic.

**V. DISCUSSION**

The project involves the installation of air conditioning for an existing hotel building. The applicant is proposing to locate the required mechanical equipment along the north side of the hotel, within the required interior setback.

The existing hotel building is located six feet from the northern property line, adjacent to 117 Bath Street. This is a legal nonconforming setback because nonresidential development in the R-4 zone is required to have double the setback requirements for dwellings (SBMC §28.21.085); therefore, a 12-foot interior setback is required.

The hotel operates as the Franciscan Inn in conjunction with the adjacent hotel buildings located at 302 W. Mason Street and 117 Bath Street. In 1984, a fence was removed from between the 109 and 117 Bath Street lots, and a hotel room was removed from the 117 Bath Street lot to create a roofed passage between the two parcels, as part of alterations made to better integrate the two adjacent hotels.

Typically, staff discourages the placement of noise-generating equipment within setbacks. In some cases, with supporting noise specifications or a noise study, and site-specific characteristics, an encroachment can be found acceptable. SBMC § 9.16.025 requires that mechanical equipment (such as A/C units, pool equipment, generators, etc.) not exceed 60dBA CNEL at the closest property line to a parcel zoned or used for residential purposes. In this case, the adjacent parcel is zone R-4, which is a residential zone; therefore the noise limitations are applicable. The applicant has provided a noise study (Exhibit C) for the air conditioning

equipment, which indicates that a solid wall at least 65 inches in height is required for compliance with the Noise Ordinance requirements. The applicant has included this enclosure on the plans.

In 1999, the Modification Hearing Officer approved a modification to allow 17 air conditioning units to be located within the required interior setbacks for the two properties located adjacent to the subject parcel (302 W. Mason Street and 117 Bath Street) and operating along with the subject lot as the Franciscan Inn.

It is staff's assessment that alternative locations for the proposed air conditioning units are extremely limited on this site. The applicant has identified some potential locations on the site plan, and has explained why those locations do not work in the applicant letter. In addition, staff has discussed other potential locations with the applicant (e.g. under existing stairs). Due to the size of the air conditioning units required for the hotel, these alternative locations appear to be infeasible. The applicant has identified the roof as the only feasible alternative.

Based on the current function of the lot, which operates in conjunction with the adjacent lots as the Franciscan Inn, staff finds the proposed location of the condenser units to be appropriate. If there was no lot line between 109 and 117 Bath Street, the units would be allowed, even though the hotel buildings would not meet the required 15-foot distance between buildings, because there would be more than five feet between the unit and the building. Additionally, the proposed location is not visible from the public street and would not impact the adjacent parcel to the west, and with the required noise attenuating enclosures the project would not adversely affect adjacent neighbors.

Therefore, due to the site constraints, the fact that the three lots have been operating as a single hotel complex for many years and because the City has previously approved a similar modification on the adjacent lots, staff recommends approval of the interior setback modification to allow the air conditioning units to encroach into the required setback. However, although the properties have been operating for more than 25 years as a single hotel complex, staff is concerned that the potential remains for the lots to be sold separately; therefore, staff's recommendation to approve the requested Modification is subject to the conditions identified below, including one that requires the two hotel properties to be operated as a single hotel. Without the condition to "tie" the subject lot to the adjacent lot, staff likely would not be able to support this modification request, due to the fact that there is a feasible code-compliant location (on/within the roof). The Applicant has consented to this condition, and a draft Agreement is under review by the City Attorney's office.

This project was reviewed by the ABR on April 15, 2013, and was continued indefinitely to the Staff Hearing Officer with comments that there are no concerns regarding aesthetics or the Project Compatibility Analysis, and that the hotel functions as a whole and the interior property line is a technicality.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed setback modification for the air conditioning units and related enclosures is appropriate because the location at the side of the building is low profile, does not impact existing parking areas or hotel courtyards, and complies with the requirements of the Noise Ordinance. The improvement is not anticipated to adversely impact the visual openness of the public street or adversely impact the adjacent neighbors, as discussed in Section V of the staff report.

Said approval is subject to the following conditions:

- 1) That a legal agreement be entered into between the 109 Bath Street and 117 Bath Street properties to ensure that they continue to be operated as a single entity and that, if sold, they are sold together as if the parcels were a single property.
- 2) That the project is redesigned to either remove/relocate the enclosure doors (which encroach onto the 117 bath Street property when open) or obtain an easement across 117 Bath Street to accommodate the doors and access to the enclosures.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 16, 2013
- C. HVAC Noise Evaluation prepared by Acentech Incorporated and dated May 10, 2013
- D. ABR Minutes

Contact/Case Planner: Allison De Busk, Project Planner  
(ADebusk@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x4552

Cy Johnson  
Franciscan Motel Corporation  
1513 San Rafael Way  
Camarillo, CA 93012  
805-579-7129 (work)

May 16, 2013

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

**RECEIVED**

**MAY 16 2013**

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

**RE: Modification Request for 109 Bath Street, APN 033-061-05, R-4**

Dear Staff Hearing Officer:

The Franciscan Inn comprises three adjacent parcels of real estate assembled over the years and integrated to operate as a single 53-room motel. The three APNs and their respective addresses are:

- 033-061-06; 102 West Mason Street
- 033-061-05; 109 Bath Street
- 033-061-04; 117 Bath Street

The Franciscan Motel Corporation owns 102 West Mason and 109 Bath Street. My partner Suzanne Neer owns 2/3 of the stock in the corporation and my wife and I hold the other third. With the same proportionate shares, we own 117 Bath Street in a partnership with the same ownership percentages. The entire property is operated as the Franciscan Inn.

109 Bath Street contains the newest building, completed in 1976. It has no air conditioning and we are exploring the options for adding it. This request is for consideration of locating two condensers in the 6' side yard on the northwest side of the building. You will note that when the Franciscan asked for commends from the Architectural Board of Review, we expected to install one condenser. Since then the mechanical engineer advised us that two are required.

In collaboration with Santa Barbara City Planning Staff we have considered alternatives to the proposed condenser locations:

1. One suggestion was to locate a condenser at the front of the building facing Bath Street with, of course, screening. This alternative would have complied with present setback requirement of 12' from the property line common to

117 Mason Street. However, with minimum clearances within the screen, the size of the enclosure would have required relocation of an existing and highly traveled walkway. That relocation would result in the removal of one or both of two 40' palm trees; an aesthetic loss or; alternately sacrificing one parking space. Having learned that two condensers are necessary, this alternative is no longer workable.

2. Another suggestion was to locate a condenser in the internal courtyard. A single condenser can be placed so as to comply with the setback requirement of 12' from the property line common to 102 West Mason Street, but it will be quite close to a guest room window. If the condenser is screened, there will be inadequate clearance at the foot of an exterior stairway to the second floor. It would also entail removing one or two smaller palm trees. In all, this alternative imposes aesthetic and practical compromises we consider unacceptable. As with Alternative No. 1 above, the need for two condensers also rules out this location.
3. A third alternative is to modify the roof structure to create a rooftop platform with appropriate parapet screen walls and place the condenser there. The existing roof is a hip and gable with terra cotta tile. There is presently no flat roof area on the building. It will add roughly \$25,000 to the project to design, engineer and build the platform and screen it. There will be some aesthetic loss and access to the rooftop equipment will be more difficult.
4. Finally, some thought and investigation was given to the possibility of a voluntary lot merger to effectively erase the common property lines. We were advised that notwithstanding the fact that the same individuals own both entities, a merger would have prohibitive tax consequences.

Evaluation of these alternatives led us back to our proposal to place the condensers on the northwest side of the building within the existing 6' setback. This location is not aesthetically sensitive. The condensers will be out of sight of the public both on the street and within the grounds of the Inn. Since there is no fence on the property line at this location, it would not be an obstacle to access to the side yard. Given the common ownership of the properties, there will be no objection from the neighbors. Further, it is economic in terms of installation cost, noise and allowing efficient routing of refrigerant lines.

Accompanying this letter please find:

- A completed city of Santa Barbara Pre-Application
- A copy of the plot plan for 109 Bath Street
- A copy of the first floor plan for 109 Bath Street with the location of Alternative No. 2 sketched on it.

- A copy of the foundation plan for 109 Bath Street showing the as-built arrangement of fountain and walks within the courtyard considered in Alternative No. 2.
- A simplified site plan of the entire complex with all ground-level alternatives sketched on it.
- Pages from the Mitsubishi catalog with specifications and installation clearances along with a simple plan view of a minimum-sized enclosure.
- Photos of various views of the Franciscan Inn. Your attention is directed in particular to the first three photos, showing the Bath Street elevations and the view between buildings where we propose to locate the unit.

We recognize the concern of the City that one of the three parcels might be sold separately from the others. Given the difficulty of accumulating a 50,000 square foot parcel near the beach, the parcels are more valuable together than the sum of their values individually. Smaller hospitality properties are less efficient and less profitable than larger ones. For these reasons, there are great disincentives to the sale of one parcel alone. We would be willing to accept a further disincentive in the form of a contract with the City or other condition on the approval of the requested modification.

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Thank you very much for your time and consideration. You are welcome to call me during business hours at 805-579-7129.

Sincerely yours,

A handwritten signature in black ink that reads "Cy Johnson". The signature is written in a cursive, slightly slanted style.

Cy Johnson



10 May, 2013

Mr. Cy Johnson  
The San Franciscan Motel Corporation  
109 Bath Street  
Santa Barbara, CA 93101

**RECEIVED**

MAY 15 2013

CITY OF SANTA BARBARA  
PLANNING DIVISION

Subject: HVAC Noise Evaluation  
Acentech Job 623257

Dear Mr. Johnson:

At your request we evaluated the noise levels resulting from the proposed installation of two Mitsubishi Model PUHY-P120TJMU cooling units along the easterly side of A.P. 3 33-061-05, adjacent to Building #2. These units are rated at 60 dBA sound pressure level (at an assumed 1 meter).

**Assumptions**

For the purposes of our evaluation we assumed the following information based upon manufacture's data and drawing provided by you.

Size: Height 65"; width 26-15/16", depth 29-15/16"

The base of the unit, the base of the wall and the base of the receiver location are at the same elevation.

Location: 3-15/16" from Building #2 (unit center at 19" from wall), 8 ft apart

Wall Location: No Wall Alternative

Wall Alternative 1: 65" high, 65" from Building #2

Wall Alternative 2: 72" high, 72" from Building #2

Property line is 6' from Building #2

Nearest adjacent building (Building #3) is 11' from Building #2

Both units operate at the rated noise levels for the full 24-hour day

There are no non-vertical surfaces above the units that may cause a reflection of noise toward the receiver measurement location.

The evaluation assumed the City of Santa Barbara municipal code Section 9.16.025 B., which sets CNEL of 60 dBA as the property line limit.

**EXHIBIT C**

## Results

The results of our analysis are tabulated below:

### Calculated CNEL, dBA at 5 ft above Grade

Alternative	Property Line Location	Nearest Building (Building #3)
No Wall Alternative	66	62
Wall Alternative 1 - 65" wall	60	57
Wall Alternative 2 - 72" wall	54	53

Note that if the condensing units are setting above grade then that difference in elevation must be added to the overall wall height.

## Conclusions

Our calculations indicate that a wall with minimum height of 65 inches is required to reduce the property line noise levels to meet the City of Santa Barbara municipal code requirements.

The wall may be fabricated on site or be a commercially available exterior wall. The specification requirements for the wall shall include the following:

1. Solid wall with a minimum surface weight of 4 lbs/ft<sup>2</sup> that has no gaps or holes (especially facing the property line). (Two layers of 1/2" thick plywood with seams staggered for each layer would meet this requirement.)
2. Doors must be solid with a minimum surface weight of 4 lbs/ft<sup>2</sup> that have no gaps or holes. The edges of doors are problematic in that noise leaks can occur along the edges and joints. This can be mitigated with gaskets and sufficient overlaps to approach an airtight seam along the sides and bottom of the door(s).

This concludes our evaluation. Please let us know if you have questions on the materials presented above.

Sincerely yours,

ACENTECH INCORPORATED



Ramon E. Nugent, P.E. (TX)  
Director

**CONSENT CALENDAR (1:00 p.m.)**

Representatives present: Kirk Gradin and Stephanie Poole.

Staff present: Tony Boughman.

**ABR - NEW ITEM – PUBLIC HEARING****A. 109 BATH ST****R-4/SD-3 Zone**

Assessor's Parcel Number: 033-061-005

Application Number: MST2013-00122

Applicant: CY Johnson

Owner: Franciscan Motel Corporation

(Proposal to install a new air conditioning system in an existing hotel. The ground-mounted equipment is proposed to be located in the interior setback. Staff Hearing Officer review of a modification for the setback encroachment is requested.)

**(Comments only; project requires environmental assessment and Staff Hearing Officer review of a modification.)**

**Continued indefinitely to Staff Hearing Officer with comments:**

- 1) There are no negative aesthetic impacts with the proposed location. Alternate locations were evaluated. The hotel functions as a whole with the technicality of the property line running through it.
- 2) There are no concerns regarding the Project Compatibility Analysis.