



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** November 19, 2015  
**AGENDA DATE:** November 25, 2015  
**PROJECT ADDRESS:** 317 W. Canon Perdido Street (MST2015-00276)  
**TO:** Renee Brooke, City Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Jo Anne La Conte, Assistant Planner *JAL*

### I. PROJECT DESCRIPTION

The 6,504 square-foot site is currently developed with a two-story, four-unit apartment building and a detached two-car garage. The proposed project includes exterior alterations to the apartment building, a 25 square foot first-story addition, a 33 square foot second-story addition, permitting 463 square feet of “as-built” second floor additions and permitting an “as-built” attached shed to the apartment building. This project will result in 521 square feet of additions, for a total of 3,528 square feet of habitable space for the apartment building.

The discretionary application required for this project is a Lot Area Modification to allow new floor area that includes proposed first and second floor additions, and “as-built” second floor additions to the apartment building for a property that is non-conforming to residential density. (SBMC § 28.21.080 and SBMC § 28.92.110)

Date Application Accepted: November 11, 2015      Date Action Required: February 9, 2016

### II. RECOMMENDATION

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

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Vanguard Planning, LLC	Property Owner:	Alan & Genice Gallegos
Parcel Number:	037-032-004	Lot Area:	6,504 sq. ft.
General Plan:	High Density Residential (28-36 du/acre) / Priority Housing	Zoning:	R-4
Existing Use:	Apartment Building	Topography:	29% Slope

Adjacent Land Uses:

North – Residential  
South – Residential

East - Residential  
West - Residential

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Unit 1	636 sq. ft.	No change
Unit 2	535 sq. ft.	No change
Unit 3	964 sq. ft.	+25 = 989 sq. ft.
Unit 4	496 sq. ft.	+496 = 992 sq. ft.
Garage	376 sq. ft.	No change

**IV. BACKGROUND**

There are no original Archive plans on file for the apartment building. However, there are subsequent Archive plans on file that include a site plan and partial floor plans for the property. The City’s archive site plan shows the garage to be located on the interior and rear property lines. However, the applicant’s plans show that the garage was constructed over the east interior property line and the applicant has provided a copy of an encroachment agreement dated August 14, 1970, regarding this matter. The current property owner purchased the property in 2015 and discovered the “as-built” additions to Unit 4, which appear to have existed since 1969. The property owner is in the process of renovating the building and is attempting to legalize the “as-built” additions as part of this proposal.

**V. DISCUSSION**

The 6,504 net square-foot site is nonconforming to residential density with a total of four existing dwelling units (2 one-bedroom units and 2 two-bedroom units). Therefore, a lot area modification is being requested to allow a proposed 25 square-foot addition to Unit 3, and to allow a proposed 33 square foot addition and 463 square feet of “as-built” second floor additions to Unit 4. Staff supports the lot area modification request for the following reasons: it will not increase the number of bedrooms or the number of units on site, the “as-built” additions appear to have existed at the property for at least 45 years, the proposed additions are small and will meet setbacks and open space requirements, and the additions are not anticipated to adversely impact the adjacent neighbors.

The property is non-conforming to parking with two-covered parking spaces inside a garage. The proposed project will not add more than 50% of floor area to the existing development; therefore, the parking is not required to be brought up to current standards.

The project was reviewed by the Architectural Board of Review (ABR) on August 3, 2015 and August 10, 2015. Some changes have been made to the project, since the last ABR review of the project. Therefore, a condition has been included that all exterior changes to the project are subject to review and approval by the ABR.

The violations outlined in a Zoning Information Report (ZIR2014-00524) are proposed to be corrected as part of this proposal. Therefore, a condition has been included that the violations shall be corrected as part of this proposal.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Lot Area Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The “as-built” and proposed additions to the building are appropriate because they will not increase the number of bedrooms or the number of units on site, will not increase the parking demand on site, and the additions are not anticipated to adversely impact the adjacent neighbors.

Said approval is subject to the following conditions:

1. The violations outlined in ZIR2014-00534 shall be corrected as part of this permit and shall be included in the Scope of Work for the project.
2. All exterior changes proposed to the project are subject to review and approval by the Architectural Board of Review (ABR).

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated November 11, 2015
- C. Encroachment Agreement dated August 14, 1970
- D. ABR Minutes dated August 3, 2015 & August 10, 2015

Contact/Case Planner: Jo Anne La Conte, Assistant Planner  
(JLaconte@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x3320





# City of Santa Barbara California

Exhibit A: The site plan for 317 W. Canon Perdido Street has been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.

**EXHIBIT A**



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CITY OF SANTA BARBARA  
PLANNING DIVISION

November 11, 2015

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Ms. Renee Brooke, Staff Hearing Officer  
City of Santa Barbara  
PO Box 1990  
Santa Barbara, CA 93102-1990

Delivered via E-mail

**RE: Modification Request for 317 West Canon Perdido, APN 037-032-004, R-4 Zone**

Dear Ms. Brooke:

I represent Alan Gallegos (the "Owner") the owner of the above referenced property (the "Subject Property"). We are requesting a modification to Santa Barbara Municipal Code (the "SBMC") standards in association with a proposed project to permit the addition of a small amount of new habitable square footage to an existing four (4) unit apartment building (the "Existing Structure") on a lot that is currently developed above the maximum allowable density.

## 1.0 BACKGROUND AND PROJECT DESCRIPTION

The Subject Property is a 0.15 acre lot located in the West Downtown neighborhood. The site appears to have originally been developed as a three-unit apartment building in the late 1920's or early 1930's. Plans in City archives show the addition of a second story, comprising a fourth unit, being added in 1951 (the "Archive Plans"). The quality of the Archive Plans is poor, and it is clear that the original construction of the Unit #4/2<sup>nd</sup> Story addition does not match what is shown on the Archive Plans.

At some point following the completion of the original 2<sup>nd</sup> Story addition, previous owners made subsequent additions to the 2<sup>nd</sup> Story of the Existing Structure. An area of approximately 463 s.f. (net) was added to the northwest side of the second story, and a small service room of approximately 33 s.f. (net) was added to the southeast side of the second story (the "As-Built Addition"). No permits or plans in the City archives identify or describe these additions. Research of historical aerial photographs which show the Subject Property proves that the As-Built Addition has existed onsite since at least October 30, 1969 and may have existed as early as the middle of 1964. Therefore, this improvement is between 45 to 51 years old.

The As-Built Addition was never cited as a zoning or building violation in any previous Zoning Information Report prepared for the Subject Property. The Owner identified the As-Built Addition when preparing to rehabilitate the Existing Structure, and decided to take the steps required to permit the additional floor area and bring it up to current building code standards.

## **2.0 REQUESTED MODIFICATION TO REQUIRED LOT AREA PER UNIT (SBMC Sec. 28.21.070.C)**

### *2.1 Proposed Modification is Necessary to Secure an Appropriate Improvement on a Lot*

The Subject Property is 6,504 s.f. (0.15 acre). Under current SBMC regulations, the site may only be developed with two (2) dwelling units. However, the property was legally developed with four (4) dwelling units well before the current regulations went into effect.

The proposed project would document and legalize the As-Built Addition, which has also been in place prior to the date upon which the current zoning regulations went into effect. A *de-minimus* amount of additional area to align walls for structural purposes and improve the efficiency of existing living areas. No new bedrooms or other areas that would intensify the use of the site are proposed.

Adjacent properties on both sides of the Subject Property are built out with apartment structures at densities which match or exceed the existing density of the project site on lots that are similar in size. The Subject Property will remain consistent with these properties, and the surrounding neighborhood.

### *2.2 Proposed Modification is Necessary to Prevent Unreasonable Hardship*

As discussed above in section 2.1, the Subject Property was already developed with four (4) units prior to current zoning standards that limit density to two (2) units. As a result, no new habitable area may be added to the property without the requested modification.

The As-Built Addition, which comprises the majority of the area for which the requested modification is required, occurred at some time between 1964 and 1969, decades prior to acquisition of the Subject Property by the Owner. The City did not identify the As-Built Addition in any of the Zoning Information Reports previously prepared for the Subject Property, including the most recent report (dated December 16, 2014) prepared in association with Owner's acquisition of the Subject Property.

Owner identified the As-Built Addition and elected to bring it to the attention of the City and seek required permits voluntarily. If Owner were forced to remove the As-Built Addition due to the fact that the Subject Property is non-conforming to density, this would represent an unreasonable hardship for Owner.

### *2.3 Proposed Modification is Necessary to Promote Uniformity of Improvement*

The Subject Property, although non-conforming as to current density requirements, is consistent with the density and the pattern of development that is present on both properties that are adjacent to the site, and throughout the surrounding neighborhood. The proposed project, and requested modification, promotes uniformity of development by allowing the Owner to retain the Existing Structure in its current physical configuration. This will maintain the appearance the structure has contributed to the 300 West block of Canon Perdido since at least 1969 and potentially as early as 1964.

## **3.0 BENEFITS OF THE PROJECT**

The project will allow for rehabilitation and preservation of existing rental housing units in the City's Downtown core. This is consistent with, and directly implements City housing policies. Owner's planned renovations will allow the existing apartment units to serve a wider range of potential tenants, and will increase their longevity. Owner's proposed project will also guarantee that existing area comprising the As-Built Addition meets current building code standards.

November 11, 2015  
Page 3 of 3

Thank you for taking the time to review this. If you have any questions, feel free to contact me via E-mail at [jarrett.gorin@vanguardplanning.com](mailto:jarrett.gorin@vanguardplanning.com) or at (805) 966-3966. I look forward to presenting our proposal in person at our hearing.

Sincerely,

VANGUARD PLANNING LLC



Jarrett Gorin, AICP  
Principal

cc: Alan Gallegos (via E-mail)



PLEASE RECORD AND RETURN TO:

35360

FORM 2331 (REV. 1-65) 225

GRIFFITH & THORNBURGH  
Attorneys at Law  
P. O. Box 1528  
Santa Barbara, California 93102

ENCROACHMENT AGREEMENT

August 14, 1970

Mr. and Mrs. Leo Versola  
317 W. Canon Perdido  
Santa Barbara, California

Dear Mr. and Mrs. Versola:

As you know, we are the owners of property adjoining yours at the corner of Bath and Canon Perdido Streets, being a portion of Block 178, City and County of Santa Barbara, State of California. As has been explained to you by our attorney, structures which are part of your property encroach on our property approximately 1.7 feet on the front of that property, and approximately 1.1 feet on the rear of that property.

It is our intention to shortly develop our property by the construction of a number of apartment units. We do not believe that the existence of those encroachments will interfere with the development of that property. However, we are not certain and we are not certain whether the federal government, with whom we are dealing in connection with this development, or certain financing agencies, might find it necessary to remove those encroachments before the project can be completed. We feel, therefore, that it is necessary at this time to set forth in writing our respective rights insofar as the encroachments are concerned.

In consideration of our foregoing our immediate right to remove the encroachments by your structures on our land, and in consideration of our agreeing to bear the costs of removing the structures that encroach, we wish you to acknowledge that you have no permanent right to continue those encroachments, and that we may cause the encroachments to be removed at any time upon thirty days notice in the event development of the property owned by us requires the removal of those encroachments.

In the event of removal of the encroachment by the garage at the rear of the property, we agree to pay the cost of constructing a new wall and furnishing new garage doors so as to maintain the use of said building as a garage. We will also pay the cost of restoring the area of your driveway in the event it is necessary to remove the retaining wall.

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PLANNING DEPARTMENT

EXHIBIT C

Mr. and Mrs. Leo Versola  
Page 2.

If the foregoing meets with your approval, please sign and acknowledge before a Notary Public the enclosed copy of this letter and return it to me. You may avail yourselves of the services of a Notary Public at Mr. Iversen's office if you wish to do so.

Very truly yours,

*H. Verrill Findlay*

H. Verrill Findlay

*Richard M. Polsky*  
Richard M. Polsky, his  
attorney in fact.

*Richard M. Polsky*  
Richard M. Polsky

The undersigned hereby agree that they have no permanent right to encroach with structures owned by them on the land belonging to H. Verrill Findlay and Richard M. Polsky; that the right of the undersigned is a mere revocable license to encroach and that the said H. Verrill Findlay and Richard M. Polsky may remove said encroachments as outlined above.

DATED: 8/24/70

*Leo B. Versola*  
LEO B. VERSOLA  
*Mary Versola*  
MARY VERSOLA

STATE OF CALIFORNIA ) SS  
COUNTY OF SANTA BARBARA)

On the 24<sup>th</sup> day of August, 1970, before me, a Notary Public, in and for said county and state, personally appeared LEO B. VERSOLA and MARY VERSOLA, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.



*Constance Ema Cannon*

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CITY OF SANTA BARBARA  
PLANNING DIVISION

STATE OF CALIFORNIA

35360

REC-2331 PAGE 227

County of SANTA BARBARA



On August 14, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RICHARD M. POLSKY

known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of H. VERILL FINDLAY and acknowledged to me that he subscribed the same

Witness my hand and official seal, in a case as Attorney-in-Fact of said person.

In Witness Whereof, I have hereunto set my hand and official seal.

KATHRYN MARNETTE, Notary Public in and for said County and State.



My Commission Expires Dec. 8, 1971

STATE OF CALIFORNIA

35360

COUNTY OF SANTA BARBARA



My Commission Expires Dec. 8, 1971

On August 14, 1970

before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD M. POLSKY

to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Kathryn Marnette, Notary Public in and for said State.

35360 RECORDED AT REQUEST OF [Signature] REC-2331 PAGE 225 Dec 21 4 16 PM '70

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CITY OF SANTA BARBARA PLANNING DEPARTMENT





# City of Santa Barbara

## Planning Division

### ARCHITECTURAL BOARD OF REVIEW CONSENT MINUTES

**Monday, August 10, 2015**

**David Gebhard Public Meeting Room: 630 Garden Street:**

**1:00 P.M.**

**BOARD MEMBERS:**

KIRK GRADIN – CHAIR (Consent Agenda Representative)

SCOTT HOPKINS – VICE-CHAIR

THIEP CUNG

COURTNEY JANE MILLER (Consent Agenda Landscape Representative)

STEPHANIE POOLE (Consent Agenda Representative)

AMY FITZGERALD TRIPP

WM. HOWARD WITTAUSCH

**CITY COUNCIL LIAISON:** DALE FRANCISCO

**PLANNING COMMISSION LIAISON:** JOHN CAMPANELLA

**PLANNING COMMISSION LIAISON (Alternate):** SHEILA LODGE

**STAFF:** JAIME LIMÓN, Design Review Supervisor

SUSAN GANTZ, Planning Technician

KATHLEEN GOO, Commission Secretary

**Website: [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)**

Representatives present: Howard Wittausch (substituting for Stephanie Poole) and Philip Suding (HLC member, substituting for Courtney Jane Miller).

Staff present: Susan Gantz.

#### **ABR - FINAL REVIEW**

**A. 317 W CANON PERDIDO ST**

**R-4 Zone**

Assessor's Parcel Number: 037-032-004

Application Number: MST2015-00276

Owner: Alan & Genice Gallegos

Applicant: Vanguard Planning

(Proposal for additions to an existing 3,020 square foot, 2-story four-unit apartment building. The work will include a proposed 46 square foot first story addition, approval of an as-built 402 square foot second story addition, and a proposed 13 square foot second story addition. This project will result in 461 square feet of additions and a total of 3,481 square feet of development on a 6,250 square foot parcel.)

**(Action may be taken if sufficient information is provided. Project was last reviewed on August 3, 2015.)**

Present: Sarah Bromstad for Vanguard Planning; and Alan Gallegos, Owner.

**Final Approval as submitted.**

Suding/Wittausch, 2/0/0. Motion carried.

**EXHIBIT D**

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****7. 1200 BLK CLIFF DR****(6:45)**

Assessor's Parcel Number: ROW-003-156  
Application Number: MST2015-00334  
Applicant: Verizon Wireless

(Proposal for a new wireless communications facility. The project includes a new antenna to be mounted on top of an existing utility pole located within the City right-of-way on the south side of Cliff Drive near Vista Pacifica. The antenna will increase the height of the utility pole from 28'-6" to 31'-0". Also proposed is a new equipment cabinet to be mounted on a concrete pad, new remote radio units and GPS mounted on a new H-frame, new hand hole, and co-axial cable. The area of work will be 3'-6"x13'-0". A Public Works-encroachment permit is being tracked separately under PBW2015-00514.)

**(Requires No Visual Impact Findings and a Public Works encroachment permit. Action may be taken if sufficient information is provided.)**

**Postponed two weeks at the Applicant's request.**

**CONCEPT REVIEW - NEW ITEM****8. 317 W CANON PERDIDO ST****R-4 Zone****(7:00)**

Assessor's Parcel Number: 037-032-004  
Application Number: MST2015-00276  
Owner: Alan and Genice Gallegos  
Applicant: Vanguard Planning

(Proposal for additions to an existing 3,020 square foot, 2-story four-unit apartment building. The work will include a proposed 46 square foot first story addition, approval of an as-built 402 square foot second story addition, and a proposed 13 square foot second story addition. This project will result in 461 square feet of additions and a total of 3,481 square feet of development on a 6,250 square foot parcel.)

Actual time: 7:01 p.m.

Present: Sarah Bromstad for Vanguard Planning; and Alan Gallegos, Owner.

Public comment opened at 7:06 p.m. As no one wished to speak, public comment was closed.

**Motion: Project Design Approval and continued one week to Consent Review for Final details with comments:**

- 1) The Board finds the simulated window lights are unacceptable for historic accuracy; provide true divided light windows or remove the mullions entirely.
- 2) Address the baluster and handrail to match the original decorative style at the front porch. Study a solid rail or a picket design to match the front porch.

Action: Miller/Poole, 4/0/0. Motion carried. (Gradin/Wittausch/Tripp absent).

The ten-day appeal period was announced.

**\*\* MEETING ADJOURNED AT 7:19 P.M. \*\***