



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 027-16 711 N. MILPAS STREET MODIFICATIONS APRIL 27, 2016

#### **APPLICATION OF LISA PLOWMAN, AGENT FOR 711 MILPAS STREET LLC, 711 NORTH MILPAS STREET, APNS: 031-121-011, -014, -016-017, -019, -021-022, -024, COMMERCIAL ZONE (C-2) AND PRIORITY HOUSING OVERLAY (37-63 DU/ACRE), GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL (28-36 DU/ACRE) (MST2015-00561)**

The proposed project would construct a new four-story 80,309 square foot mixed-use development under the Average Unit-Size Density (AUD) Incentive Program on 1.54 acres at the corner of Milpas and Ortega Streets. Two existing 665-square foot residential units and 26,927 square feet of existing commercial retail and warehouse space would be demolished. A total of 6,656 square feet of commercial floor area under the Non-Residential Growth Management Program (GMP) is proposed as well as 51,065 square feet of residential use for 73 units. The unit mix would consist of 32 two-bedroom; 32 one-bedroom; and 9 two-bedroom units. A total of 100 parking spaces and 15 bicycle parking spaces would be required under the Zoning Ordinance, 94 parking spaces and 77 bicycle parking spaces are proposed.

The discretionary applications required for this project are:

1. Parking Modification to provide 94 parking spaces out of the required 100 parking spaces for the commercial component (SBMC §28.90.100 and SBMC §28.92.110); and
2. Front Setback Modification to allow 14 uncovered parking spaces to be located in the required five-foot variable front setback on Ortega Street (SBMC § 28.20.070 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, April 21, 2016.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Charles DiMauro, Santa Barbara, CA
  - b. Ralph Luikart, Santa Barbara, CA
  - c. The Ortega Street Neighbors, Santa Barbara, CA: Marcy Liukart, Nancy Earle, Juanita Marrodan, Ryan Schmitz, Joe Madden, Charles DiMauro, Don Scott, Herman Pfauter, and Steve Nagelmann.

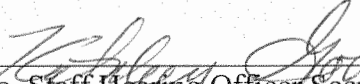
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:


- I.** Approved the subject application making the following findings and determinations:
  - A.** The project qualifies for an exemption from further environmental review under the California Environmental Quality Act Guidelines Section 15183, "Projects Consistent with a Community Plan or Zoning," based on the CEQA certificate of determination on file for this project.
  - B.** The Parking Modification to reduce the commercial parking is consistent with the purposes and intent of the Zoning Ordinance subject to the conditions below. The Modification of commercial parking will not cause an increase in demand for parking space in the immediate area, because the commercial parking demand for the project is lower than the Zoning Ordinance requirement.
  - C.** That the Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an impact on Ortega Street or adjacent properties because Ortega Street would be reconstructed to give the visual impression of a parking lot on this block while still providing access for adjacent properties including Santa Barbara Junior High School.
- II.** Said approval is subject to the following conditions:
  - A.** Use of the commercial parking spaces for the project shall be restricted to commercial use during business hours only.
  - B.** Due to potential parking impacts, uses other than commercial retail are not permitted without City review and approval. Prior to initiating a change of use, or an intensification of commercial 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 Owner.
  - C.** Parking duration in the parking spaces along both sides of Ortega Street (public and private) shall be limited consistent with the 600 and 700 block of Milpas Street. Parking limits for the parking on the private property along Ortega Street shall be enforced by the property manager. Applicable signage shall be posted for both sides of Ortega Street.
  - D.** If the parking along Ortega Street continues to function and appear more like a parking lot than a public street, directional signage shall be placed near the intersection of Milpas and Ortega Streets that informs the public of the business on Ortega Street. Said signage shall be reviewed and approved by the appropriate City design review board.
  - E.** The on-site residential and commercial parking spaces shall be clearly designated with appropriate signage.

This motion was passed and adopted on the 27<sup>th</sup> day of April, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

STAFF HEARING OFFICER RESOLUTION NO. 027-16  
711 N. MILPAS STREET  
APRIL 27, 2016  
PAGE 3

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

  
\_\_\_\_\_  
Kathleen Goo, Staff Hearing Officer Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Architectural Board of Review (ABR)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.