1. PROJECT DESCRIPTION

The 10,000 square-foot site is currently developed with an eight-unit, two-story multi-family development and two detached carports (eight total covered parking spaces) with attached storage and laundry facilities. The proposed project involves legalization of an “as-built” addition to one of the units on the second floor, which included enclosing a porch. All violations listed in ENF2016-01838, including electrical and termite damage issues, would be abated as part of this project. The “as-built” legalization of a fenced enclosure for one of the rear-facing ground floor units is also proposed, as well as site improvements such as hedge trimming and “No Parking” stencils near electrical meters on the ground floor.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is:

1. Lot Area Modification to allow for an increase in the square footage of one existing residential unit on a lot developed with nonconforming density (SBMC §28.87.030.E.1 and SBMC §28.92.110.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15305 (Minor Alterations in Land Use Limitations).

Please reference Exhibit A, Project Plans, and Exhibit B, Applicant Letter, for additional project details.

Application Deemed Complete: December 12, 2018

Date Action Required: March 12, 2019
II. RECOMMENDATION
Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Mark Morando
Property Owner: Unterthiner Rudi A/Lynda Trustees (for) Unterthiner Family Trust
1/28/92
Parcel Number: 017-321-002
Lot Area: 10,000 sq. ft.
General Plan: Hotel and Residential
Zoning: R-4/S-D-3 (Hotel-Motel-Multiple Residence Zone/Coastal Overlay Zone)
Existing Use: Multi-Unit Residential
Topography: 2%
Adjacent Land Uses:
North – R-4/S-D-3; 405 Corona del Mar – Multi-Family Residential (2-story)
East – R-4/S-D-3; 408 Corona del Mar – Multi-Unit Residential (3-story)
South – R-4/S-D-3; 403 Orilla del Mar – Multi-Unit Residential (2-story)
West – R-4/S-D-3; 930 Calle Puerto Vallarta – Multi-Family Residential (2-story)

B. PROJECT STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment 1</td>
<td>696 sq. ft. (net)</td>
<td>696 sq. ft. (net)</td>
</tr>
<tr>
<td>Apartment 2</td>
<td>696 sq. ft. (net)</td>
<td>696 sq. ft. (net)</td>
</tr>
<tr>
<td>Apartment 3</td>
<td>621 sq. ft. (net)</td>
<td>621 sq. ft. (net)</td>
</tr>
<tr>
<td>Apartment 4</td>
<td>621 sq. ft. (net)</td>
<td>690 sq. ft. (net)*</td>
</tr>
<tr>
<td>Apartment 5</td>
<td>688 sq. ft. (net)</td>
<td>688 sq. ft. (net)</td>
</tr>
<tr>
<td>Apartment 6</td>
<td>688 sq. ft. (net)</td>
<td>688 sq. ft. (net)</td>
</tr>
<tr>
<td>Apartment 7</td>
<td>623 sq. ft. (net)</td>
<td>623 sq. ft. (net)</td>
</tr>
<tr>
<td>Apartment 8</td>
<td>887 sq. ft. (net)</td>
<td>887 sq. ft. (net)</td>
</tr>
<tr>
<td>Laundry and Storage</td>
<td>98 sq. ft. (net)</td>
<td>98 sq. ft. (net)</td>
</tr>
<tr>
<td>Carports</td>
<td>1,552 sq. ft. (net)</td>
<td>1,552 sq. ft. (net)</td>
</tr>
</tbody>
</table>

* = modification requested

C. PROPOSED LOT AREA COVERAGE
Building: 4,616 sq. ft. (46.16%)
Hardscape: 3,477 sq. ft. (34.77%)
**Staff Hearing Officer Staff Report**  
406 Corona Del Mar (MST2017-00258)  
January 23, 2019  
Page 3

Landscape  
1,907 sq. ft. (19.07%)  

### **D. Zoning Ordinance Consistency**

<table>
<thead>
<tr>
<th>Requirement/Allowance</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Density</strong></td>
<td>3 units (SBMC §28.21.080.D)</td>
<td>8 units*</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>(7) 1-bedroom units x 1.5 spaces + (1) 2-bedroom unit x 2 spaces = 12.5 spaces, rounds to 13 spaces required (SBMC §28.90.110.E and §28.90.110.G.3)</td>
<td>8 covered*</td>
</tr>
</tbody>
</table>
| **Open Yard**          | Method A: Private Outdoor Living Space for each unit and 10% net lot area as common open area with 15'-0" x 15'-0" dimensions  
Method B: 15% net lot area as common open area with 20'-0" x 20'-0" dimensions | No conforming open yard on-site* | No conforming open yard on-site*** |

* = nonconforming  
** = modification requested  
*** = no modification required to maintain nonconformity, proposed addition does not trigger additional requirements
The proposed project includes legalization of an “as-built” addition to one of the second story units. Since the lot is nonconforming to density, additions require a lot area modification.

The City approved the eight-unit development originally in 1948. Subsequently, the City approved a room addition and a separate enclosed porch on the second floor, at the rear of the building and attached to Apartment 4, in 1961. The enclosed porch was incorporated into Apartment 4 without a permit, and now functions as floor area for Apartment 4.

Nonconforming Floor-to-Lot-Area Ratio (FAR)

Under the current Title 28, base density for the R-4 zone allows for three residential units on a lot of this size. With eight existing units, the lot is nonconforming to density.

Pursuant to SBMC §28.87.030.E.1, maintenance of buildings that are nonconforming to residential density are allowed, but additions that increase floor area of individual units are not. Thus, a lot area modification is required to allow the legalization of the “as-built” addition for Apartment 4.

Coastal Review

The project site is located in the non-appealable jurisdiction of the Coastal Zone Overlay, S-D-3. The parcel is located on the inland side of the first public road paralleling the sea, not within 50’-0” of the edge of a coastal bluff, no water wells or septic systems are proposed for expansion or new constructions, is not in an area of critically short water supply by resolution of the California Coastal Commission, would not change the intensity of the existing use, and a visitor-serving commercial use is not proposed; therefore, a Coastal Development Permit is not required (California Code of Regulations, §13253).

The project qualifies for a Coastal Exemption, a staff level review. The applicant will apply for the Exemption during the building permit process.

Building and Zoning Violations

ENF2016-01838 lists numerous building violations related to electrical issues and maintenance issues, such as substandard roofing.

During the staff site visit, a resident was parked adjacent to electrical meters, outside approved parking spaces in the carport. The project includes proposed stenciling of “No Parking” in the area to remind residents and guests that the area is not an approved parking location. Staff also observed an unpermitted fence on the ground floor at the rear of the building, creating a small private open yard area for one of the units. Legalization of the fence is proposed as part of the subject application.

With approval of the modification and effectuating building permit, all violations would be abated on the subject parcel.

Design Review

The Architectural Board of Review (ABR) reviewed the project on May 22, 2017 and approved the project, granting both Project Design and Final Approvals. The approvals were issued in
error, as a lot area modification is required. Staff discovered the discrepancy when the applicant submitted the project with building permit plan check.

However, if the modification is approved, the project does not require any additional review by the ABR. The “as-built” fence and proposed parking lot stencil are eligible for administrative approval, a staff level review, prior to the applicant resubmitting for a building permit.

See Exhibit C for the full ABR minutes.

Modification Request and Required Findings

The applicant is requesting a lot area modification to allow for the “as-built” enclosure of a porch to create additional floor area for an existing second floor unit. Per SBMC §28.92.110.B, the Staff Hearing Officer is required to make the following findings to approve the requested modification.

1. A modification of setback, lot area, floor area, street frontage, open yard, outdoor living space, or distance between buildings requirements where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures as defined in subsection (A) of Section 28.43.020 of this Code, and

2. The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission; and

3. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice.

Lot Area Modification

The original development, approved in 1948 under Ordinance No. 1493, included eight units and eight carport spaces. Minimum lot area requirements per dwelling unit were not in effect at the time of the original approval. The 1961 approval for the covered porch also included a room addition to Apartment 4 with dimensions of 8’-3” x 12’-0”. Ordinance No. 2585, in effect at the time of the addition, required 1,000 square feet of lot area per dwelling unit; thus, the 10,000 square foot lot with eight units was conforming to density. The room addition triggered no additional requirements for the overall development at the time of its approval. Contemporary standards would only allow for three residential units on an R-4 zoned lot of this size; accordingly, the lot is now nonconforming to density and a lot area modification is required for the “as-built” residential addition.

Staff is supportive of the addition due to the addition consisting of the enclosure of an approved porch, and no change to the building footprint, as well as no privacy impacts being anticipated for any neighboring properties. Further, the addition is modest in size, resulting in a bedroom
with interior dimensions of 14’-3” x 12’-0”. Rather than the open porch that was approved, the rear elevation of the development has an “as-built” wall with a window serving the existing unit, and the window looks out over the development’s parking area.

Environmental Review

According to the City’s Master Environmental Assessment Report, the project is located in an archaeological sensitivity overlay area. However, no ground disturbance is anticipated as part of the project. Staff did not require any technical reports for environmental review.

The parcel is located in the Demolition Review Study Area; however, the Historic Landmarks Commission accepted the West Beach/Waterfront Historical Survey on June 5, 2013, which noted that the existing structure and landscaping did not qualify as a historic resource. No impacts to any historic structures are anticipated as a result of the proposed project.

Since no more than 500 square feet of new impervious surfaces are anticipated for this multi-unit residential use, the project triggers Storm Water Management Plan (SWMP) Tier 2 best management practices.

Staff finds the scope of the entire proposed project exempt from the California Environmental Quality Act (CEQA) under categorical exemption 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15305 (Minor Alterations in Land Use Limitations).

V. FINDINGS AND CONDITION

The Staff Hearing Officer finds that the Lot Area Modification is consistent with the purposes and intent of the Zoning Ordinance, specifically the intent of allowing the continuation of nonconforming residential density, and is necessary to secure an appropriate improvement on the lot (a more functional bedroom for one of the residential units). While the “as-built” addition to one of residential units does constitute new floor area for the unit, the addition is comprised of enclosing a porch that the City approved in 1961. The addition (porch enclosure) does not provide any additional square footage to the building footprint overall.

Incorporating the porch into the room creates a bedroom with dimensions of 14’-3” x 12’-0”. The additional 6’-0” of interior floor area allows for a more functional bedroom space. No privacy impacts to neighbors are anticipated, as the original approval in the area of the addition (a porch) has been replaced with an “as-built” wall and window. The “as-built” addition is not visible to the public, as it is at the rear of the development.

The project is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission, and is not anticipated to significantly affect persons or property owners other than those entitled to notice.

Exhibits:
A. Site Plan (under separate cover)
B. Applicant's letter, dated October 9, 2018
C. ABR Minutes, dated May 22, 2017

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4569
Exhibit A: The exhibit for this Staff Report has been distributed separately. A copy of the site plan is available for viewing at the Planning and Zoning Counter located at 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 to verify closure dates.
October 9th, 2018

Staff Hearing Officer
City of Santa Barbara
Post Office Drawer 1990
Santa Barbara, CA 93102

Re: Corona Del Apartments
406 Corona Del Mar Drive
Santa Barbara, CA 93103

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 406 Corona Del Mar Drive, within the Waterfront, East Beach neighborhood, in the City of Santa Barbara. The parcel (017-321-002) is zoned R-4/SD-3 and is subject to Title 28 of the Zoning Ordinance. The lot has an approximate slope of 2%. The 10,000 square foot parcel is developed with a 5,520 net square foot two-story eight-unit apartment building with two detached four-car carports each with storage and/or laundry totaling 1,650 square feet. The owner purchased the property in the mid 1970's pre Zoning Information Reports.

A tenant moved out and did the research to find any violations on the property. The architectural records show that a rear second floor covered porch has been enclosed from what was originally shown. They filed a complaint and an enforcement case was created under ENF2016-01838. Originally the eight unit apartment complex was comprised of two four unit building with a driveway between them (permit #1466 of 7-29-1948).

The area between the original two four-unit apartment buildings was enclosed and a bedroom in Unit #4 was created on the second floor with a rear porch, thereby creating a driveway underneath the bedroom per permit A20886 of January 24th, 1961.

The rear porch of this bedroom was enclosed creating a sixty-nine square foot addition, 11'11 1/2" wide by 6'2 1/2" deep, on the second floor of the existing bedroom in Unit #4.

The project was reviewed and approved by the Architectural Board of Review (ABR), on May 22nd, 2018 for the porch enclosure and retrofit windows under MST2017-00258. The board approved the project with the condition to stucco and paint the underside of the drive-thru area below the bedroom.

We engineered the porch enclosure and submitted to the Building Department under BLD2018-01268 on June 4th of 2018. Plan check corrections came back June 27th 2018 with a Zoning Halt for the lot area modification.

A Staff Hearing Officer (SHO) pre-consultation meeting was held on July 18, 2018 under PRE 2018-00733. Staff will support the modification for the added square
footage since it is not creating an additional bedroom only making the existing 8'4" deep by 11'11 ½" wide bedroom into a more functional bedroom of 11'11 ½" wide x 14'1 ½" deep.
SHO Staff supports the legalization of the sixty-nine net square feet rear porch enclosure with possible condition of approval, not related to the City's Affordable Housing Policies and Procedures, but maybe restricting future interior remodels from creating additional bedrooms and conversions of the apartments to condominiums.

The floor plan layout and room size would preclude it being made into two separate bedrooms. Since the new floor area is not adding an additional bedroom it is not viewed as increasing the residential density, only adding habitable floor area, triggering the lot area modification.

The owner of 406 Corona Del Mar Drive requests your consideration for a lot area modification pursuant to SBMC 28.92.100.A.2:

The lot area modification is for an 11'11 1/2" wide by 6'2 1/2" deep rear porch enclosure on the second floor to the existing bedroom in Unit #4. The sixty-nine square foot porch enclosure is under an existing roof on second floor at the rear of the building. Structural investigation and analysis of the original 1961 bedroom creation shows that the rear porch was never built and the entire room was created in 1961.
This is evident by the lack of studs or post in the walls for the original rear porch wall that would have separated the porch and the bedroom. As well as, lack of floor joists support under the said porch wall. The wood there is all the original 1960's framing. The permitted elevations (front and rear) of windows and doors was flipped, with the original rear sliding door added to the front elevation and the windows added to the rear. Probably was a field change after some thought about a more logical and better design.

The owner and I believe that the proposed addition is appropriately designed and creates an improvement that is architecturally correct and functionally utilitarian, in that it adds six feet of depth to an eight-foot deep room making it a more functional bedroom. It does not add a bedroom or increase the density of the property and therefore will not be an intensification of the use of the property.

The lot area modification for the sixty-nine square foot addition secures an appropriate improvement on the lot by making it a functional bedroom. The lot area modification approval prevents an unreasonable monetary hardship to demolish six feet of an existing bedroom to create a second floor porch that would otherwise not have to be dismantled or demolished, in order to be able permit the enclosure through the Building Department.
Thank you for your consideration in this matter. Please feel free to call 805-680-2703 if you have any questions or comments regarding this request.

Sincerely,

[Signature]

Mark Morando
Morando Planning & Design
October 9, 2018
NEW ITEM

G. 406 CORONA DEL MAR DR   R-4/SD-3 Zone
    Assessor’s Parcel Number: 017-321-002
    Application Number: MST2017-00258
    Owner: Rudi and Lynda Unterthiner, Trustees
    Agent: Mark Morando

    (Proposal to approve as-built changes to an existing multi-residential building. The project involves permitting as-built window changes to vinyl, and permitting an enclosed balcony at the rear elevation. This project will abate violations listed in ENF2016-01838.)

    (Comments Only. Project requires Environmental Assessment.)

Project Design Approval and Final Approval with comments:
1. The windows are acceptable as proposed.
2. The wall beneath the rear window should be stucco.
3. Finish the underside of the bridge to be one plane in stucco.