



City of Santa Barbara  
Planning Division

## Memorandum

**DATE:** September 20, 2007

**TO:** Planning Commission

**FROM:** Planning Division  
Jaime Limón, Senior Planner II *jl*

**SUBJECT:** Suspension of Staff Hearing Officer Approval decision regarding  
819 Garden Street

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### Introduction

The 1,881 square foot project site is currently developed with a 702 square foot office building. The proposed project involves demolition of the existing structure, and the construction of a mixed-use building consisting of a first floor 2-car garage (1,122 sf.) 1,390 sf of commercial office use at the first and second floors, a 1 bedroom residence (2,003 sf.) on the third and fourth floors, and a roof-top deck. The project includes two deeded off-site parking spaces.

The discretionary application required for the project is a Modification to not provide the 10% open space as required in SBMC §28.21.080F. The Zoning Ordinance requires that 10% open space be provided outside the required setbacks for projects that include residential development. This project provides no qualifying open space at grade, instead a 602 sf. Roof deck is provided.

On August 1, 2007, the Staff Hearing Officer's approved the project and zoning modification request. The approval decision was subsequently suspended at request of the Planning Commission in accordance with SBMC §28.05.020A. The Planning Commission identified concerns regarding whether development standards should be waived and if zoning modification approval was appropriate for this site.

### Staff Hearing Officer Review

The Staff Hearing Officer (SHO) carefully considered the project's roof deck design space and determined that the modification was appropriate based on an overall evaluation of the project design. The SHO reviewed the staff report (Exhibit A) and approved the zoning modification and made the appropriate findings for the modification based on three primary facts:

- 1) The zoning requirement for the 10% open space was originally intended to be removed as a requirement for mixed-use projects and, as the staff report reads "it was an oversight of the original mixed use incentive package, and the Planning Commission has already recommended to the City Council that this requirement be deleted";
- 2) Planning Staff's position that this mixed use development provides an appropriate amount of open areas throughout the project with design features such as open stairwells, small balconies, and rooftop decks.
- 3) The Historic Landmarks Commission had forwarded the project with positive comments to the Staff Hearing Officer. The Commission had found the Modification request reasonable based on the site constraints and the proposed design.

It should also be noted that on two sides, the proposed building located at the property lines would be surrounded by tall building that are also located without setbacks. Since the buildings are both between 40 to 50 feet tall above Garden Street, open space at the ground level would be in deep shade much of the day. Placing most of the open space for residential uses in the roof top deck provides better light and air for landscape amenities.

In addition, the SHO attempted to respond to some of the concerns regarding possible project impacts that were raised by the adjoining property owners. The SHO recommended that the roof deck design return to the Historic Landmarks Commission to review and consider the configuration of the roof deck so as to minimize light, air ventilation, and noise impacts to adjacent properties (Exhibit B & C).

### **Background on Incentives for Mixed Use Development Projects**

In June 1995, the City Council appointed a Mixed Use Task Force (MUHTF) to develop new policies and strategies related to incentives for housing in commercial areas and mixed use development projects. As part of those discussions, several mixed use ordinance amendments were adopted as part of an "incentive package" eliminating setbacks and relaxing parking standards that increased flexibility for designers when planning on constrained sites.

At that time, some discussion occurred regarding making additional incentives available to allow mixed use projects to be exempt from certain development standards. Ultimately, it was decided that through the modification process, applicants could request relief to outdoor living space, setback and parking requirements. It was recognized that these residential development standards often become significant obstacles when applied to constrained sites in commercial zones and not necessarily the most appropriate standards for mixed-use projects.

## **Staff Discussion**

Planning Staff understands some of the current concerns regarding the granting of zoning modifications for new developments. However, in this particular case, it was determined that the building design and the useable roof deck was an alternative form of useable open space and that the 10% open space requirement for this small commercially zoned lot was not necessary (Exhibit D).

In addition, it was the SHO understanding that this type of minor ordinance requirement has been routinely waived by the Planning Commission and was being currently proposed as a possible Zoning Code Ordinance amendment. However, Planning Staff understands that this type of modification approval may now be a concern given recent discussions regarding the need for open space and maximum height limits for buildings within El Pueblo Viejo Landmark District.

## **Recommendation**

Overall, Staff supports the project design and believes that this minor zoning modification request to not provide the 10% open space ad requires can be supported for the site. Therefore, Staff recommends that the Planning Commission affirm the decision of the Staff Hearing Officer, approve the project, making the finding that the modification is necessary to secure an appropriate improvement of mixed use development on the site, and meets the purpose and intent of the ordinance.

- Exhibits:
- A. Staff Hearing Officer Staff Report dated August 1, 2007
  - B. Staff Hearing Officer Meeting Minutes and Resolution of August 1, 2007
  - C. Letters submitted to the SHO for August 1, 2007 public hearing
  - D. Reduced copies of floor plans and building elevations





# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** July 25, 2007  
**AGENDA DATE:** August 1, 2007  
**PROJECT ADDRESS:** 819 Garden Street (MST2005-00439)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DJK*  
 Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 1,881 square foot project site is currently developed with a 702 square foot office building. The proposed project involves: demolition of the existing structure; and the construction of a mixed use building consisting of a first floor 2-car garage with office, second floor commercial, third & fourth floor residence, and a roof-top deck. The discretionary application required for the project is a Modification to not permit the 10% open space as identified in SBMC §28.21.080F.

Date Application Accepted: April 24, 2007      Date Action Required: October 24, 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Jeff Shelton	Property Owner: Julie & Steven Shulem
Parcel Number: 031-012-011	Lot Area: 1,881 sf
General Plan: Office & Residential	Zoning: C-2
Existing Use: Commercial	Topography: Flat
Adjacent Land Uses:	
North – One-Family Residence	East – Multi-Family Residence
South – Mixed-Use	West – Mixed-Use



**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Residential	None Existing	2,003 sf
Garage	None Existing	1,122 sf
Commercial	702 sf to be demolished	1,390 sf

**III. LOT AREA COVERAGE**

Lot Area: 1,881 sf  
Building: 1,649 sf; 89%  
Hardscape: 84 sf; 6%  
Landscape: 148 sf; 5%

**IV. DISCUSSION**

This project was reviewed by the Historic Landmark Commission on two (2) occasions, continued indefinitely for preliminary approval, and forwarded with positive comments to the Staff Hearing Officer. The Commission found the Modification request reasonable based on the site constraints and the proposed design.

Residential development in commercial zones requires residential setback and yard areas. With mixed use development, setbacks are not required, but the 10% Additional Open Space still is (SBMC §28.21.080F). This was an oversight of the original mixed use incentive package, and the Planning Commission has already recommended to the City Council that this requirement be deleted. It is Staff's position that this mixed use development provides an appropriate amount of open areas throughout the project with design features such as open stairwells, small balconies, and roof top decks.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification is necessary to secure an appropriate improvement of mixed use development on the site, and meets the purpose and intent of the Ordinance with open areas being provided in the design.

- A. Site Plan
- B. Applicant's letter dated February 20, 2007
- C. HLC Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))

630 Garden Street, Santa Barbara, CA 93101 Phone: (805)564-5470



JEFF SHELTON  
ARCHITECT  
519 FIG AVE  
SANTA BARBARA  
965-8812

February 20, 2007

Roxanne Milazzo  
Modification Officer  
Planning Department  
City of Santa Barbara  
630 Garden Street  
Santa Barbara CA 93101

**Re: Shulem Residence & Office**  
819 Garden Street  
Santa Barbara

**Subject: MODIFICATION REQUEST**

Dear Roxanne Milazzo:

We are requesting the approval of a Modification that will allow us to not include the open space requirement as described in Municipal Code 28.21.080. We are instead providing a tiled roof deck of 602 SF that constitutes 32% of the lot area. We believe that this Modification should be granted for the following reasons:

1. This is a Mixed-use project is located in the C-2 zone, where this Modification is typically granted.
2. The small lot leaves no additional space on the ground floor level after accommodating Parking and exiting requirements.
3. The 602 SF of roof deck, as well as the open stairs and private patios provide ample light and air for the residents and the public on the street.

In addition, the Historic Landmarks Committee unanimously gave this project positive comments and supports the Modification Request. Please let me know if you need any additional information.

Sincerely

Optically  
SCANNED  
DocuSign



JEFF SHELTON  
ARCHITECT

STEVEN SHULEM  
OWNER

**EXHIBIT B**

**819 GARDEN STREET – HLC REVIEW COMMENTS**

January 24, 2007

**Motion:**

**Continued two weeks with the following comments:** 1) The Commission considers the present proposal a great improvement over the previous one. 2) Reduce the size and bulk of the building wherever possible. The building, in reduced size and bulk, would then be appropriate. 3) Minimize the amount of roof elements. 4) Provide any opportunity for landscape, particularly between the sidewalk and building. 5) Concern was expressed about the light and air of the building to the west. 6) Explore moving the garage entrance to the lower elevation and shifting the stairway to make it more gracious. 7) Minimize the width of the garage door.

**Action:**

Pujo/Hausz, 8/0/0. Motion carried.

February 7, 2007

**Motion:**

**Continued indefinitely for preliminary approval and forwarded with positive comments to the Staff Hearing Officer:** The Commission finds that the 10% open space modification request is reasonable given the location and constraints of the site, and the fact that the open space is provided on the second floor and roof levels.

**Action:**

Hausz/Sharpe, 6/0/0. (La Voie/Naylor absent.) Motion carried.







# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 061-07  
819 GARDEN STREET  
MODIFICATION  
AUGUST 1, 2007

APPLICATION OF JEFF SHELTON FOR JULIE & STEVEN SHULEM, 819 GARDEN STREET, APN 031-012-011, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICE & RESIDENTIAL (MST2005-00439)

The 1,881 square foot project site is currently developed with a 702 square foot office building. The proposed project involves: demolition of the existing structure, and the construction of a mixed-use building consisting of a first floor 2-car garage with office, second floor office, third & fourth floor residence, and a roof-top deck. The discretionary application required for the project is a Modification to not provide the 10% open space as required in SBMC §28.21.080F.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

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

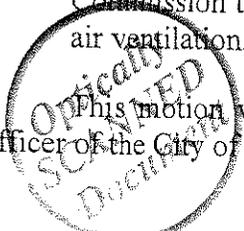
**WHEREAS**, no one appeared to speak in favor of the application, and three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 25, 2007
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Betty Jeppesen, 800 Garden Street, Ste K, Santa Barbara, CA 93103

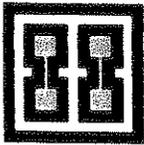
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

Approved the project for off-site parking of the mixed-use project to accommodate the 10% required common open space on the roof making the findings that the Modification is necessary to secure an appropriate improvement of mixed use development on the site, and meets the purpose and intent of the Ordinance with open areas being provided in the design. The Staff Hearing Officer recommends the roof deck design return to the Historic Landmarks Commission to review and consider the configuration of the roof deck so as to minimize light, air ventilation, and noise impacts to adjacent properties.

This motion was passed and adopted on the 1st day of August, 2007 by the Staff Hearing Officer of the City of Santa Barbara.







**ISLAY INVESTMENTS**  
 800 GARDEN STREET, SUITE K  
 SANTA BARBARA, CALIF. 93101  
 805/963-8621 FAX 805/962-9981

PUBLIC COMMENT CORRESPONDENCE:

DISTRIBUTED ON: 8/1/07 *at Mtg*  
 SHO (4):  
 STAFF HEARING SUPERVISOR (Bettie Weiss) *Stanton*  
 ORIGINAL to STAFF HEARING OFFICER (Rox)  
 PLANNING TECH FOR ITEM  
 APPLICANT

July 26, 2007

**RECEIVED**

JUL 31 2007

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

CITY OF SANTA BARBARA  
 PLANNING DIVISION

Re: Application of Jeff Shelton for Julie & Steven Shulem, 819 Garden Street, APN 031-012-011, C-2 Commercial Zone, General Plan Designation: Office & Residential (MST2005-00439)

Dear Staff Hearing Officer Secretary:

Islay Investments owns and manages the office building located at 800 Garden Street. We have received a copy of the proposed request for modification for the subject property to convert the former wild animal sanctuary building consisting of 702 sq. ft. to a 5 level building not to provide 10% open space on a 1,881 sq. ft. lot.

The proposed structure will be the highest on Garden Street thus far, going apparently 2 stories above the current existing structures. The proposal includes offices both on the first and second floors with residential space on the third and fourth floors and finally providing for a roof top deck. The only proposed parking for this enormous structure is a two car garage.

**Islay Investments opposes such modification until and unless the proposed structure provides sufficient parking for its proposed use.**

Street parking is already inadequate for the street. Antioch College students take up all street parking on the southern end of the 800 block of Garden Street. Existing offices on Garden take up the remainder. The Antioch College building, the Islay building and the other office building on this block at least provide parking one per office space. The proposed structure for 819 Garden would not provide parking for any offices as presumably the "2-car garage" would be utilized exclusively for the owner residing in the residential space. It is unclear how many offices would be added at the ground and first floor levels to compete with the already non-existing street parking nor is it clear as proposed whether the 2-car garage would provide parking for the residential use proposed for the third and fourth floor levels.

Optically  
 SCANNED  
 Document  
 Respectfully Submitted  
*Betty L. Jeppesen*  
 Betty L. Jeppesen  
 General Counsel

EXHIBIT C

(REMOVABLE LABEL)  
 Entered into Advantage:  
 Entered into People  
 Entered into Parcel/People  
8/1/07 *rlg*  
 Date completed initials



JEFF SHELTON  
ARCHITECT  
519 FIG AVE  
SANTA BARBARA  
965-8812

August 1, 2007

To: Modification Hearing Officer  
Planning Division  
City of Santa Barbara

Re: Trevor Martinson Concerns  
Mixed-Use Building  
819 Garden Street  
Santa Barbara, California 93101

Planning Staff-

In reference to a list of concerns brought by one Trevor Martinson, forwarded to our office by Roxanne Milazzo, please find herein an itemized response list:

1. Our "Sheet Index", located on sheet A1.0, is indicative of an ongoing and growing submittal set for the Planning Department, and ultimately, the Building Department. Sheets submitted for this modification hearing and review are as requested by the Planning Department and reflect only a portion of the current state of the project. A more comprehensive set is available upon request.
2. Deeded "Off-Site Parking" has been previously submitted to the Planning Department, and is part of the Public Record. Sheet A1.3 of the more comprehensive set contains a reproduction of said agreement, and is available upon request.
3. The stated "Grading Quantity" is reflective of proposed earthwork outside of the building footprint. The project site is effectively flat (<1%) and as indicated in the submittal set, will be almost entirely covered by the proposed building. Quantities are as follows: lot - 1881 sf (100%), building footprint - 1666 sf (89%), pavement - 117 sf (6%) and landscaping - 98 sf (5%).
4. Accessibility:
  - Accessible parking is located on the ground floor, as is the accessible portion of the single-tenant commercial space.
  - The accessible bathroom is located on the first level and required clearances are dimensioned.



- The proposed commercial space is comprised of two same-use spaces; one on the ground level and the other on the second level.
  - This design was reviewed with the Building Department and deemed feasible per Building Code Section 1103B, Exceptions 3.1 & 3.2.
  - The Building Department will continue to review this item for compliance through the building permit application process. If deemed necessary, a commercial elevator will be incorporated and an accessible bath would be added to the second floor. No changes to the exterior elevations would be necessary with these changes.
5. Two windows at the fourth level are not labeled with "1-Hr. Transparent Wall" as they should be. This oversight has been corrected.
  6. Sheet A1.2 of the more comprehensive set contains the survey of the subject property. This is available upon request. Any required additional information to be included on the site plan will undoubtedly be made obvious within the normal review process.



Karl Swanson  
Project Manager  
Jeff Shelton, Architect







**LEGEND**

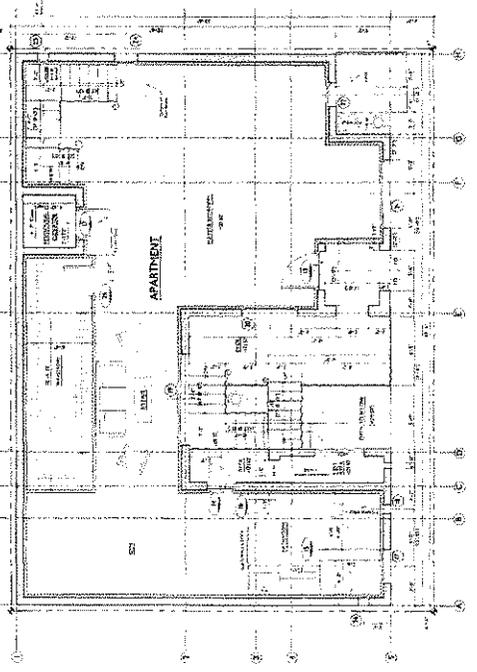
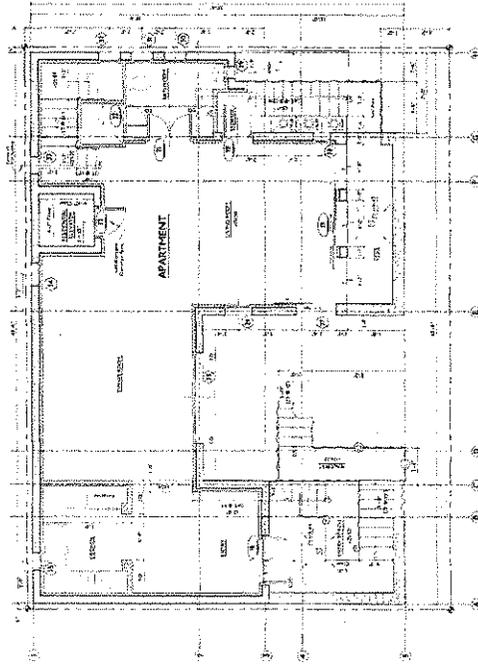
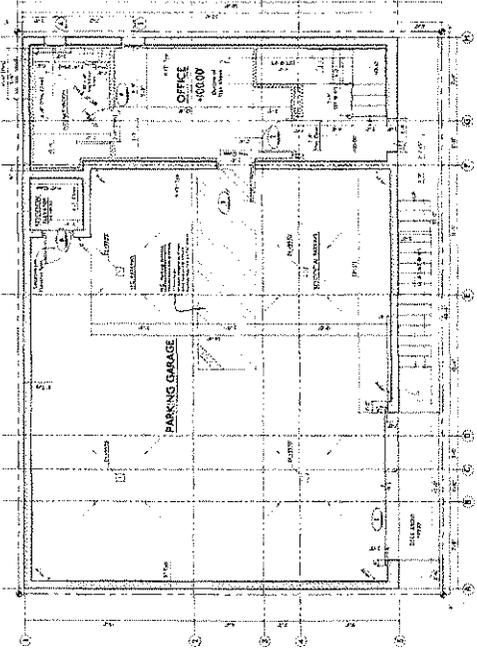
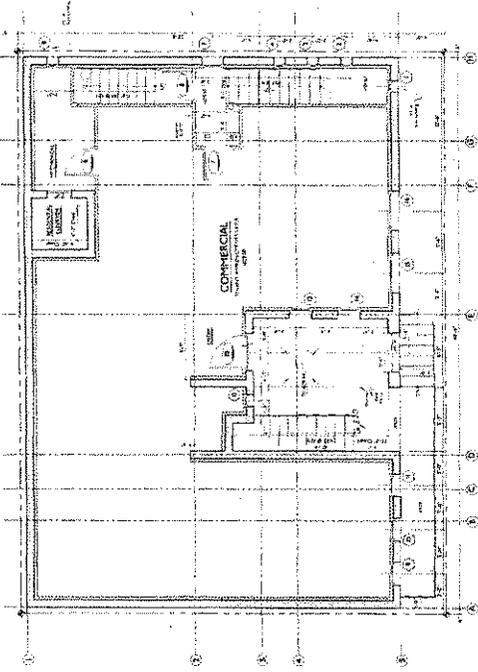
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Mod Hearing 042307  
Plan Comm. 090407

Proposed  
Master Project  
for  
**STEVEN SHULEM**  
111 Gracie Street  
14th Floor

FLOOR PLANS

**4**







619 Pine Ave.  
Santa Barbara  
93101  
965-8886

Mod. Hearing 042307  
Plan Comm. 050407

Approved  
Mod. Use Project  
**STEVEN SHULEM**  
Santa Barbara  
ELEVATIONS

4.2

