



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 30, 2011
AGENDA DATE: April 7, 2011
PROJECT ADDRESS: 401 Old Coast Highway (MST2010-00267)
 Muñoz Auto Repair
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *AKD*
 Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The project consists of a proposal for a Conditional Use Permit (CUP) to allow an existing automobile repair business to operate in the C-P/R-2 zone and to permit the as-built alterations consisting of three auto lifts, 561 square foot interior mezzanine, roll-up door, to provide ADA accessibility, improve fire-rated construction, and modify site landscaping. The proposal addresses unpermitted use and other violations in enforcement case ENF2009-01437. The 561 square feet of non-residential square footage would be allocated from the minor addition category under SBMC§28.87.300.

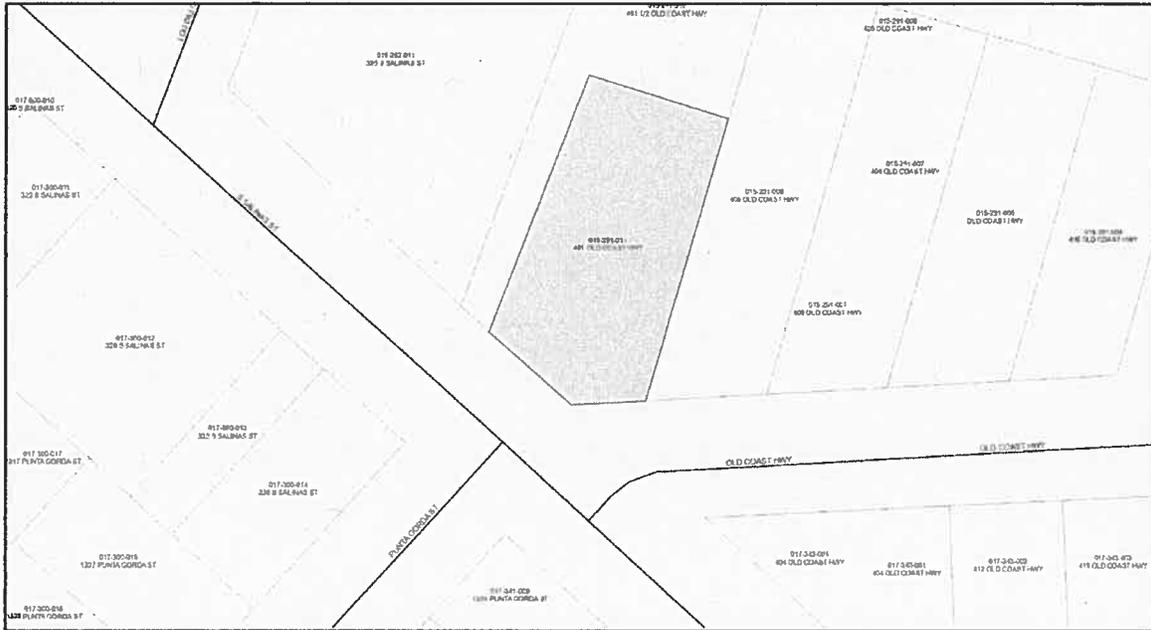
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to provide less than the 100 linear feet of frontage required (SBMC §28.92.110.A.2 and 28.94.030.V.3); and
2. A Conditional Use Permit to legalize an existing, unpermitted automotive service station use in the C-P zone. (SBMC §28.94.030.V)

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

February 7, 2011
 April 8, 2011

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	SEPPS, Inc.	Property Owner:	David and Angie Muñoz
Parcel Number:	015-291-011	Lot Area:	9,541 square feet
General Plan:	Residential/ 12 units per acre	Zoning:	C-P/R-2
Existing Use:	Non-Residential	Topography:	7% slope
Adjacent Land Uses:			
North – Residential		East – Residential	
South – Retail		West –Offices/Manufacturing	

B. PROJECT STATISTICS

	Existing/Permitted	Proposed
Wick Boiler Service	882	882
Muñoz Auto Repair	1,705	2,266
Total	2,587	3,148

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing		Proposed	
Setbacks					
-Front	10'		5'		5'
-Interior	0		0		0
-Rear	0		0		0
Building Height	45'		18' 11"		18' 11"
Parking	13		13		12
Lot Coverage					
-Building	N/A	2,669	28.0%	2,669	28.0%
-Paving/Driveway	N/A	6,092	63.8%	5,847	61.3%
-Landscaping	N/A	780	8.2%	1,025	10.7%

The proposed project would meet the requirements of the C-P Zone. The existing trash enclosure is permitted five feet from the front property line and is therefore legal, nonconforming. The parking has been reduced by one as allowed for in the ordinance and is discussed below in section VII.B.

VI. BACKGROUND

The subject lot was part of a 1955 subdivision that created two lots identified as 1-A and 1-B of the Ocean View Park Subdivision. These lots are currently known as 401 ½ (Owner: Pritchett) and 401 (Owner: Muñoz) Old Coast Highway. In 1960, when the property was zoned C-1, the City Council reviewed and approved a request for a CUP to allow an electronics research use on the property for Pan-Fax, Inc. The letter of approval indicated that the building that existed at that time would be demolished and rebuilt in the future for the same use and that no further review of the CUP would be required. The property was rezoned from C-1 to C-P on November 8, 1972 under Ordinance 3451.

The existing 2,587 square foot, building at 401 Old Coast was constructed in 1977 for Grappa Enterprises. Later in 1977, signage was reviewed for Solen Enterprises, a Solar Energy Company. The building has been occupied by a number of commercial uses over the 34 years since it was constructed. Review of phone directories indicated that the listing for Muñoz Auto Repair began in approximately 1983. The applicant's letter states that the business has been in operation since 1980 (31 years). During the businesses operation, the City has received only one complaint on file. The requirement for a CUP for an automobile service station was initiated under Ordinance 4033, which was adopted on January 8, 1980.

Both the Muñoz and Pritchett properties at 401 (front lot) and 401 ½ (rear lot) Old Coast Highway are accessed via a shared curb cut using a driveway access easement over the Pritchett property. Although both property owners (Muñoz and Pritchett) had copies of access and parking easement, their copies were different in the way they restricted either the use and/or hours of use of the land on either property for ingress, egress, and parking. The City was not a party to the agreements, and directed the parties to resolve the easement language outside of the city's review process.

The existing and proposed parking layout does not meet current parking design standards; but the two parties have come to a mutual agreement to amend the existing, non-conforming parking, and the recorded access easement agreements and exhibits to make the proposed parking work better. The agreement will effect the proposal by changing the parking on the Muñoz property, which was historically perpendicular to the rear of the building and angling the parking for better functionality and maneuverability. For the same reason, the landscaping at the rear of the property and in the parking areas within the easement has been reduced

VII. ISSUES

A. DESIGN REVIEW

This project was reviewed by the ABR on November 15, 2010 (meeting minutes are attached as Exhibit D). The ABR stated the minor architectural changes and the removal of a landscape finger (never installed per 1977 plan) at the rear of the building adjacent to the driveway were acceptable, and appreciated the increased landscaping to 10% of the lot size. The Board gave further direction to the applicant with regards to specific landscaping details.

B. PARKING

All non-residential uses in the C-P zone are parked at a ratio of one parking space per 200 square feet of net floor area (1 space per 200 s.f.) unless otherwise specified for a specific uses. A total of thirteen spaces were required on the 1977 permit. With changes in the code requirements, the applicant must upgrade the ADA parking space to meet current standards, which would eliminate a parking space as allowed for under the ordinance (SBMC§28.90.070).

The proposed use of the building is 882 square feet of floor area for Wick Boiler Service and 2,266 square feet of floor area for the auto service station. The proposed use of automobile service station requires three parking spaces for each lift. Therefore, Wick Boiler Service requires four parking spaces, and Munoz Auto Repair requires nine spaces. A total of 13 spaces would be required by code for the site. For clarification, the office/retail area of the automotive service station is not parked separately at a ratio 1:200, but is included in the three parking spaces per auto lift requirement. Therefore, if the mix of uses changes, the parking must be re-evaluated to ensure that additional parking will not be required for the use as shown in Exhibit A and Condition B.2. Uses that are allowed in the C-P zone and are not identified in 28.90.100.J as having a specific parking demand must be parked at a ratio of 1:200 and would require three additional spaces. However, there are uses that are allowed in C-P that are parked at a ratio of 1:250 or fewer spaces that would not trigger an increase in required parking. In the event that additional parking is required, the property owner would have the option to demolish a portion of the building so that adequate parking could be provided on-site, apply for a modification to reduce the required parking, or acquire parking at an off-site location in compliance with the requirements outlined in SBMC §28.90.001.R.

C. MODIFICATION OF STREET FRONTAGE STANDARD FOR CUP

The subject site exists with less than the amount of street frontage required by the CUP standards. A typical automobile service station has multiple driveways on each street frontage, and requires additional street frontage to ensure that adequate driveway widths and driveway separation is provided. The applicant is not proposing to alter the existing 81.76 linear feet of street frontage or to create additional driveways. The site currently operates with a single shared driveway that meets the needs of the site. Therefore, staff is supportive of the modification of the CUP standard to provide less than the required 100 linear feet of street frontage.

D. CUP STANDARDS FOR AUTOMOBILE SERVICE STATIONS

The C-P Zone identifies that a service station use is an allowed use with a CUP and that the use shall be subject to a number of conditions, standards and limitations outlined in SBMC§28.94.030.V. With the exception of the legal non-conforming trash enclosure, which is located within the required 10-foot setback and is proposed to remain unaltered; the property was developed to observe all setback requirements outlined in the current C-P ordinance.

Service Station Physical Standards 28.94.030 (V)	Requirement/ Allowance	Proposed
2. Minimum Lot Area	8,000 sf	9,541 sf
3. Lot Frontage	100' lf	81.76' lf
5. Driveway location from corners /intersections	>20'	40'
7. Parking	13 spaces	12 space (including 1 ADA)
9. Landscaping Coverage a. Street frontage planter b. Corner Lot Planter c. 10% lot coverage	- Length of frontage - minimum of 150 sf - 10% of lot area (941 s.f.)	- Length of frontage - >150 sf planter - 10.7% of lot area (1,025 s.f)
10. Restroom Screening	Screened from abutting properties	Interior to building

With the approval of the requested lot frontage modification, the proposal will meet the requirements outlined in the physical standards that are specified in this section of the ordinance as shown in the chart above, meeting the purpose and intent of the CUP provision. See Section C above for discussion of the modification request. The proposal includes alterations to the structure to meet ordinance requirements for the CUP. Alteration include replacing the existing flood lighting with fixtures that are more compatible with surrounding neighborhood and that will comply with the City's outdoor lighting design guidelines; increasing the height of a portion of the trash enclosure fence to meet the minimum six foot height requirement; and increasing the landscaping to achieve the minimum 10% lot coverage requirement. The proposed location meets the minimum standards for lot area, driveway locations, and parking requirements, and the restrooms are screened from public view. Fencing has been provided where it does not impact vehicular circulation and exists at the required six foot height requirement at the easterly property line.

In addition to the physical standards, several operational limitations and requirements are listed in this section of the ordinance. The Fire Department has reviewed and approved the plans and determined that they would comply with applicable Fire Department ordinances and regulations. The servicing of vehicles, storage of materials, locations of merchandise, equipment parts, and related operations would be conducted only within the enclosed building. Discarded materials and trash would be screened from public view by a six-foot fence and will not be piled above the fence.

E. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element:

The subject property is located in the Eastside neighborhood which is bounded on the north by Canon Perdido Street; on the south by Highway 101; on the east by the base of the Riviera; and on the west by the rear of the commercial strip along the east side of Milpas Street.

Throughout most of the Eastside, the General Plan calls for a density of twelve dwelling units to the acre. This is an area of modest homes with a scattering of duplex and apartment development. Below Carpinteria Street, the General Plan also calls for twelve dwelling units to the acre, here the current zoning is R-3. Mixed with a considerable number of single-family homes, some new multiple dwellings have been constructed in this area. To the east of Salinas Street, in order to ensure a lower density for future development, the area is zoned R-2.

The Land Use Element recognizes the need for smaller neighborhood shopping areas. The intersection of Old Coast Highway, Salinas Street and Punta Gorda Street is an area zoned to allow neighborhood shopping areas. There are small retail businesses and restaurants directly across the street from the property on Salinas and Punta Gorda Streets. The property immediately adjacent to the property to the west is developed with light manufacturing and office uses.

F. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project involves a 561 square foot mezzanine addition within the existing shell of the building, permitting of an as-built partition wall, window and door changes, and lighting changes to an existing 2,587 square foot commercial building.

VIII. FINDINGS

The Planning Commission finds the following:

A. STREET FRONTAGE MODIFICATION

The Modification of street frontage standard specified in SBMC§28.94.030.V is consistent with the purposes and intent of the zoning ordinance, and is necessary to prevent unreasonable hardship. The project has adapted the use of the existing structure and improvements to meet

the needs of the auto service station, which has been operating on the site for approximately 30 years, as described in Section VII.C of this staff report.

B. CONDITIONAL USE PERMIT FINDINGS (SBMC § 28.94.30)

The Planning Commission approves a Conditional Use Permit to allow an automobile repair business at 401 Old Coast Highway as provided in Section 28.94.030 making the following findings:

1. The project is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan because it provides for a desirable automobile repair amenity that has existed in this location since 1983 with only one complaint, in a neighborhood shopping center area that provides an array of small scale businesses for the community and is consistent with the use outlined in the land use element of the General Plan, as described in Section VII.E of the staff report.
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposed use has been operating for over 31 years in the current location with only one recorded complaint about the legality of the use and not the impact on adjacent neighbors.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development, that significant detrimental impact on surrounding properties is avoided, because the development observes the required setbacks with the exception of the legally non-conforming trash enclosure and the use has not generated nuisance or operation complaints in the 30 years that it has existed at the location. The proposed use is in keeping with the pattern of development and the desire for neighborhood shopping areas described in section VII.E of the staff report.
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because the project provides sufficient access to the property for ingress and egress and the on-site parking meets the required parking demand for the use, as discussed in section VII.B. of the staff report.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area as determined by the ABR, and discussed in Section VII.B.-C. above.
6. The project meets the required conditions, standards and limitations of the CUP, as outlined in SBMC § 28.94.030.V., and as discussed in section VII.D of the staff report..

B. CONDITIONAL USE PERMIT FINDINGS SPECIFIC TO AUTOMOBILE SERVICE STATION STANDARDS AND LIMITATIONS SBMC§28.94.030(V):

The Planning Commission finds that the automobile service station meets the conditions, standards, and limitations as specified in SBMC§28.94.030.V. as discussed in Section VII.D of the staff report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated January 6, 2011
- D. ABR Minutes

PLANNING COMMISSION CONDITIONS OF APPROVAL

NO MAP
401 OLD COAST HIGHWAY
CONDITIONAL USE PERMIT
APRIL 7, 2011

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission / Staff Hearing Officer on **April 7, 2011** is limited to The development of the Real Property approved by the Planning Commission on April 7, 2011 is limited to a conditional use permit for an automobile service station and the improvements shown on the plans for the Conditional Use Permit signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The project consists of a proposal for a Conditional Use Permit under SBMC§28.94.030(V) to allow an existing automobile service station (defined as a retail business establishment supplying oil and services for motor vehicles which also sells other products, merchandise or services that are related to the operation of motor vehicles.) in the C-P/R-2 zone. The project also includes permitting "as-built" alterations to the 3,148 square foot non-residential building that include a 561 square foot mezzanine addition, installation of three "as-built" hydraulic lifts, a separation wall to create two retail spaces, exterior door and window change, exterior lighting, as built changes to grade of parking lot, and landscaping

alterations. The 561 square feet of non-residential square footage would be allocated from the minor addition category under SBMC§28.87.300.

2. **Use Limitations.** Due to potential parking impacts, uses other than as approved under this Conditional Use Permit are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of 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.
 3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 6. **Common Area Maintenance.** All common/shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.
 7. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied
1. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be

waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of

completion of the monitoring and prior to any certificate of occupancy for the project.

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission / Staff Hearing Officer action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

S U Z A N N E  E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

6 January 2011

Ms. Suzanne Riegle
Planning Division
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

RECEIVED
JAN 06 2011
CITY OF SANTA BARBARA
PLANNING DIVISION

RE: 401 Old Coast Highway- Development Application Review Team – MST2010-00267

Dear Suzanne:

On behalf of Mr. and Mrs. David Muñoz, owners of Muñoz Automobile Repair located at 401 Old Coast Highway, we are pleased to submit this revised application letter/project description as part of the Development Application Review Team (DART) application material for your review.

Project Description

The subject property (APN 015-291-011) is located on the corner of Old Coast Highway and Salinas Street in the Eastside neighborhood of the City of Santa Barbara. There is an existing single-story commercial building, 2,587 net square feet, on the 9,541 square foot lot. There are 13 existing uncovered parking spaces. The building contains two commercial businesses, Muñoz's Automobile Repair and Wick Boiler Service. The existing building, trash enclosure and parking are legally non-conforming in relation to the required interior yard setback. The project site is zoned C-P/ R-2 and currently has a General Plan Land Use Designation of Residential (12 units/acre). The proposed Draft General Plan Land Use Designation is Commercial/Medium Density Residential (15-25 units/acre).

Discretionary Approvals for Consideration

The applicant requests the following discretionary actions for consideration:

1. **Conditional Use Permit** to allow automobile repair to operate in the C-P zone per SBMC §28.94.030.V.

2. Zoning Modification to allow less than 100 linear feet of street frontage per SBMC §28.92.110.A.2.

The project scope consists of the following improvements which will abate Enforcement Case No. 2009-01437:

- Provide A.D.A accessible parking and A.D.A. access to restroom in existing building
- Permit 361 net SF (as-built) mezzanine storage area in Muñoz Auto Repair
- Permit (3) three (as-built) hydraulic automobile lifts
- Increase the fire rated construction of the eastern property-line wall
- Permit (as-built) roll-up door
- Modify existing site landscaping- increase to 10% of total lot area
- Remove non-permitted mezzanine in Wick Boiler Service tenant space
- Permit (as-built) non-bearing wall between Wick Boiler Service and Muñoz Auto Repair

Said scope includes demolition that will take approximately three (3) working days. There is no grading proposed with this project; the landscaping improvements and new planter areas involving asphalt cutting and paving will be approximately five (5) working days. The scope of work will be completed within 4-6 weeks, with no more than three (3) construction personnel on site during each phase of construction. The proposed construction equipment and materials staging area is the asphalt paved area near the trash enclosure.

Code Violation Background

On January 12, 2010, the owner received a Notice of Municipal Code Violations Warning Letter indicating that the existing business was in violation due to the lack of a Conditional Use Permit to operate an auto repair business. On February 17, 2010, our office submitted a letter on behalf of the owner providing evidence and justification that the current auto repair operation is a use that is comparable to other business operations that have occurred on the property since 1977 to present day. The City response to our February 17th letter concluded that the justification was not sufficient to consider the operation of auto repair as a continuation of similar allowed uses or a determination of an existing legally non-conforming use. Further, staff provided direction that a Conditional Use Permit is appropriate to permit the existing automobile repair business as it is a significantly less intense use than an automobile servicing station (gas station) which is an allowed use in the C-P zone. An automobile repair shop is also much more compatible with this transitional land use zone

(between residential and commercial uses) in the neighborhood than a gas station, as evidenced by the lack of neighbor complaints. Hence we are proceeding with the enclosed DART application to rectify said violation and permit the historic, existing business. Per the City's Code Enforcement Officer Ms. Betsy Teeter, the enforcement action is stayed while pursuing said permit (please find email correspondence enclosed in submittal).

Parking

The property currently has thirteen (13) uncovered parking spaces; seven (7) in front of the building and the remaining six (6) in the rear via an access easement per Instrument No. 79-23007 (enclosed in submittal). As mentioned previously, the project includes the reconfiguration of the existing spaces to provide an A.D.A. accessible space and loading zone. Consequently, there will be a loss of one (1) existing parking space. Required parking for Wick Boiler Service is four (4) uncovered spaces (1/200 square feet per C-P zone, SBMC §28.90.100.K.1). The parking requirement for auto repair, specified in SBMC §28.90.100.J.3., is "as much paved area for outside storage and parking as there is area used for servicing of vehicles." Please refer to Sheet A1 included in the application submittal package which delineates the area used for servicing of vehicles (1,492 square feet). The total area on the site available for outside storage and parking is 1,830 square feet (refer to Sheet AS1). City Staff commented that a minimum of five (5) parking spaces will be required per SBMC§28.94.030(V). Therefore, the site is in compliance with the parking requirement and provides the necessary amount of area for outside storage and parking given the size of the auto service area.

Project Justification

For thirty years, Muñoz Automobile Repair has provided an excellent service to local residents in the City of Santa Barbara. Muñoz Automobile Repair is a successful family-run business that conducts oil changes, repairs brakes, and provides maintenance services (replacement of spark plugs, air filters and valve adjustments) for automobiles. They have been in the present location since 1980.

The C-P zone strives to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. Muñoz Automobile Repair meets the intent of this transitional zone in that it provides adequate onsite circulation for the existing use, is adequately set back from the street, and provides vegetative screening from the street frontage while maintaining line of sight for both

pedestrian and vehicular safety. The Architectural Board of Review (ABR) conceptually reviewed the project on November 15, 2010 and commented on the appropriateness of the proposed increase in landscaping. City Planning Staff also commented that the project's parking configuration and zone usage is acceptable. Automobile repair is substantially similar to the allowed uses in the C-P zone such as a household appliance store and repair, storage garages, and automobile rentals. Muñoz Automobile Repair does not negatively impact the surrounding neighborhood as evidenced by the lack of any nuisance complaints in the City record over the course of 30 years in operation. Muñoz Automobile Repair is an appropriate use in the neighborhood where other commercial uses exist.

In addition to achieving neighborhood compatibility, Muñoz Automobile Repair also meets the following findings for Conditional Use Permits and Zoning Modifications:

Conditional Use Permit-
28.94.020 Findings.

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan;

The subject property is harmonious with the surrounding neighborhood given that there is a mix of commercial and residential uses and no known concerns or complaints about the business in its 30-year history at this site. The project site provides substantial landscape screening while maintaining proper visibility and access.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;

As mentioned, the operation of auto repair has been established for thirty years in a neighborhood that contains a mix of both commercial and residential uses and therefore should not materially affect property values in the neighborhood.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The site currently adheres to the front setback requirements while it is existing legally nonconforming in its relation to the interior yard setback. The City record does not contain any nuisance or operational complaints filed by surrounding neighbors and therefore can be determined to have had no detrimental impact on surrounding

properties. The existing structure was reviewed and approved by the ABR in 1977 and the project does not propose additional exterior development. In addition, the site's driveway entrance is 40 feet away from the curb return (beginning of the curve) which is consistent with the requirement that any service station driveway entrance shall not be within twenty (20) feet of the curb return (beginning of curve) on corner lots.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The property currently has thirteen (13) uncovered parking spaces; the site is in compliance with the parking requirement and provides the necessary amount of area for outside storage and parking given the size of the auto service area. As discussed earlier, the 13th space will be converted into the loading zone for the required A.D.A. accessible parking space. In summation, there are twelve (12) uncovered parking spaces proposed which will continue to provide the necessary amount of area for outside storage and parking.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

The height, scale and architectural style of the building is compatible with the surrounding neighborhood character as approved by the ABR in 1977. The location of parking is also compatible in that half of the parking is behind the building (away from public view), and the other half of parking in the front is shielded by landscape screening along the street frontage. As previously mentioned the ABR reviewed the proposed project on November 15, 2010 and found the proposed architectural changes acceptable and appreciated the increase in landscaping to 10% of the lot area.

6. Compliance with any additional specific requirements for a conditional use permit.

Additional specific requirements for the proposed project have yet to be determined.

Zoning Modification- Justification

The requirements for the Conditional Use Permit for a service station require a minimum of 100 linear feet of street frontage for the use. The street frontage requirement is specifically for an auto service station which includes gasoline pump servicing – a use that is more intensive than auto repair. Since Muñoz Auto Repair does not offer gasoline pumping services, the frequency of traffic trips is substantially less compared to a gas station. Therefore, the proposed Zoning Modification can be supported.

■ ■ ■

On behalf of the applicant and project team, we thank you for your review and comments regarding this PRT application. Should you have any questions or require additional information, please contact me at 966-2758, x16.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

 FOR:

Trish Allen, AICP
Senior Planner



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

401 OLD COAST HWY

MST2010-00267

C-CUP

Page: 1

Project Description:

Proposal for a Conditional Use Permit to allow an existing automobile repair business to operate in the C-P/R-2 zone and to permit the as-built alterations consisting of three auto lifts, 561 square foot interior mezzanine, roll-up door, to provide ADA accessibility, improve fire-rated construction, and modify site landscaping. The proposal addresses violations in ENF2009-01437. The project requires Planning Commission review of a Conditional Use Permit.

Activities:

11/15/2010

ABR-Consent (New)

(Comments only; project requires Planning Commission review of a Conditional Use Permit.)

Public comment:

Tony Fischer, Attorney for William Pritchett, opposed: concerns about this use in this zone; this use needs environmental assessment; lot size on plans may not be correct; conflict of parking in front of doors; traffic safety of intersection in front of project.

Sylvio Guadagnini, in support: traffic safety is not an issue; the owner has been a good neighbor; lighting will enhance safety.

Suzanne Riegle, Assistant Planner commented that the parking configuration has been reviewed and found acceptable, and that Wick's Boiler Service's use in this zone has been reviewed and found acceptable.

Continued indefinitely to the Planning Commission with comments: 1) Door and architectural changes are acceptable; verify widths of doors. 2) Coordinate the light fixtures with the photometric study. 3) Increase the size of planter at the left front of building and install an appropriate narrow tree with understory landscaping. 4) Add a shrub and vine at middle front planter under existing tree; suggest deciduous trees at the west front near the neighbor's building. 5) The increase of landscaping to 10% of lot area is a positive change. 6) The removal of the landscape finger in rear parking lot is acceptable and there is an appropriate amount of landscaping proposed. 7) No change in the mass is proposed.

10/27/2010

ABR-Resubmittal Received

new, first submittal for ABR

EXHIBIT D