



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 12, 2016

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Denial Of A Modification For A Parking Area In The Front Setback At 1417 San Miguel Avenue

RECOMMENDATION:

That Council uphold the Planning Commission denial of the appeal of Michael and Jami Gott for a Front Setback Modification, and approve a revised conceptual design which is consistent with the Applicants' Option 2 or Option 7, to allow a parking space in the front setback.

BACKGROUND:

On January 6, 2016, the Staff Hearing Officer (SHO) denied a proposal of Michael and Jami Gott (Applicants) to allow a circular driveway for loading/unloading and uncovered parking in the front setback of an existing residence located at 1417 San Miguel Avenue. The SHO found that the proposal is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood, and three conforming parking spaces currently exist onsite (Attachment 1 – SHO Resolution).

On January 16, 2016, the Applicants appealed the SHO denial to the Planning Commission. The Planning Commission heard the Applicants' appeal on March 10, 2016 and denied the appeal, finding that the uncovered parking space within the front setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the circular driveway and uncovered parking space are inconsistent with the pattern of development within the neighborhood, and three conforming parking spaces currently exist on site. (See Attachment 2 – PC Staff Report, Attachment 3 - PC Resolution, and Attachment 4 – PC Minutes.)

On March 18, 2016, the Applicants appealed the Planning Commission's decision. The appeal letter (Attachment 5) states that the Planning Commission denied the application inappropriately, as the Modification is necessary to accommodate a person with disabilities

Council Agenda Report

Appeal of Planning Commission Denial of a Modification for a Parking Area in the Front Setback at 1417 San Miguel Avenue

July 12, 2016

Page 2

since there are no other locations for parking onsite that provide such accommodation, and a circular driveway is consistent with the pattern of development in the neighborhood.

DISCUSSION:

The proposed project is a circular driveway at the front of the house at 1417 San Miguel Avenue. The property is on the downhill (south) side of San Miguel Avenue, and the existing detached garage is behind and at a lower elevation than the house and is accessed from a driveway that is shared with neighbors to the south. On-street parking is prohibited on the south side of San Miguel Avenue. The circular driveway would provide an area to load/unload and park cars at the front of the house. A Modification is required because the circular driveway is proposed within the front setback, and circular driveways are conducive to parking of vehicles, which is not allowed in front setbacks.

The property currently has three conforming parking spaces (two within the detached garage and one uncovered space located west of the house, at an elevation halfway between that of the front of the house and that of the garage); however, due to the topography of the site and disabilities of the property owners, loading and unloading vehicles in the approved parking spaces is difficult. The requested circular driveway and associated parking area would accommodate the disabilities by allowing groceries and other items to be unloaded at the main floor level, rather than requiring them to be carried from one of the existing parking spaces.

The appeal letter describes the difficulties for the property owners, the unusual nature of the property and neighborhood, and the alternatives that they investigated. It also contains doctors' notes stating that the owners have disabilities (Attachment 5, pages 3 and 4) and states that it is not their intent to park permanently on the circular driveway, but rather to use it for drop-off and pick-up of one of the residents.

Standard for Review

The project site is zoned E-3 (One-Family Residence) and has a required front setback of 20 feet. Pursuant to Santa Barbara Municipal Code (SBMC) §28.90.001.I, parking is prohibited in the front setback in any zone. Parking may be allowed in the remaining front yard (the area between the front setback and the main building) if screened by a decorative wall or fencing and planting.

Modifications may be requested for relief of certain zoning standards. In this case, the Applicants requested a Modification to allow a parking space to be located within the front setback. Due to an oversight by staff, the Front Setback Modification was processed pursuant to SBMC §28.92.110.A.2, wherein the decision-maker must find that the modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to: 1) secure an appropriate improvement on a lot, or 2) prevent unreasonable hardship, or 3) promote uniformity of improvement, or 4) construct a housing development containing affordable dwelling units. Neither the Staff Hearing Officer nor the Planning Commission were able to make these findings, which resulted in denials of the request.

Because the proposed circular driveway and parking space are being requested to accommodate a person with disabilities, the more appropriate Modification finding is SBMC §28.92.110.A.7, Accommodation of Disabilities. This finding allows for a modification of any zoning standard where the “Modification is necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities. . . .” This oversight was discovered by staff after the Applicants filed their appeal of the Planning Commission’s denial.

Reviewing the proposed circular driveway and parking space with the correct finding in mind, staff acknowledges that a loading/parking space in the front setback, at the same elevation as the main floor level, is necessary to provide a reasonable accommodation to people with disabilities. However, staff does not believe that a circular driveway is necessary to provide that accommodation because it would allow more cars to park in the front setback than is necessary to accommodate the owners’ disabilities. If the requested circular driveway were to be approved, the improvement would likely remain in place beyond the current owner’s need, and allowing multiple cars to park in the front setback in perpetuity would be inconsistent and detrimental to the overall aesthetics of the neighborhood. Therefore, staff could support a Modification of the front setback standards to allow a maximum of one parking space in the front setback, and not the circular driveway.

Staff believes that a single parking space wherein the car enters from the existing driveway, turns 90 degrees to the left, and parks at the same elevation as the front door of the residence would provide a reasonable accommodation to the property owners with disabilities. This type of parking space is shown as Option 2 and Option 7 on page 10 of the appeal letter (Attachment 5). The only difference between the two options is that the parking space in Option 2 is closer to the front door and has more paving in the setback. At the Planning Commission hearing, the Applicants stated that neither of these two options are viable because it is difficult to back out onto the sloped driveway; however, photos on pages 5 and 10 of the appeal letter show that the Applicants are currently parking as shown in Option 2.

CONCLUSION

Because the applicants have requested a circular driveway in the front setback, staff recommends that the City Council deny the appeal. However, because a parking space in the front setback is necessary to provide reasonable accommodations to the owners, staff recommends that the City Council approve a revised conceptual design, consistent with the Applicants’ Option 2 or Option 7 that allows a parking space in the front setback. In order to accomplish these things, the following two findings must be made:

Circular Driveway

The City Council finds that a Modification to allow a circular driveway within the required 20-foot front setback is not necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities, because it is not necessary to serve the needs of the disabled resident, would provide excessive area for parking in the front setback beyond the needs of the current resident, and would be inconsistent and detrimental to the overall aesthetics of the neighborhood.

Parking Space

The City Council finds that a Modification to allow a parking space within the required 20-foot front setback as shown in either Option 2 or 7 on page 10 of the appeal letter dated March 18, 2016 is necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities, because it allows the residents to load and unload a vehicle in close proximity and at the same elevation as the main floor of the residence.

ATTACHMENT(S):

1. Staff Hearing Officer Resolution 001-16
2. Planning Commission Staff Report, dated March 3, 2016, without attachments
3. Planning Commission Resolution 008-16
4. Planning Commission Minutes of March 10, 2016
5. Appeal Letter and Attachment from Michael and Jami Gott, dated March 18, 2016
6. Reduced copies of site plan

PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 001-16
1417 SAN MIGUEL AVENUE
FRONT SETBACK MODIFICATION
JANUARY 6, 2016

APPLICATION OF DON SWANN DESIGNER FOR MICHAEL AND JAMI GOTT, 1417 SAN MIGUEL AVENUE, APN: 045-132-006, E-3/SD-3 (ONE FAMILY RESIDENCE/COASTAL) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 5 DU/ACRE) (MST2015-00426)

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and uncovered parking space. The proposed project involves a circular driveway and parking space at the front of the house, with a new curb cut and driveway. The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 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 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

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 no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, Decembe,21 2015
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer denied the subject application making the finding and determination that the Modification to allow an uncovered parking space within the Front Setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood and three conforming parking spaces currently exist onsite.

STAFF HEARING OFFICER RESOLUTION NO. 001-16
1417 SAN MIGUEL AVENUE
JANUARY 6, 2016
PAGE 2

This motion was passed and adopted on the 6th day of January 6, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

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.

 _____
Julie Rodriguez, Planning Commission Secretary Date 1/6/16

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.
 - i.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 3, 2016
AGENDA DATE: March 10, 2016
PROJECT ADDRESS: 1417 San Miguel Avenue (MST2015-00426)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 2567
Beatriz Gularte, Senior Planner *BEG*
Danny Kato, Senior Planner *DK*

I. PURPOSE OF HEARING

The applicant is appealing the decision of the Staff Hearing Officer for three requested modifications. Please refer to the appellant's letter dated January 19, 2015 (Exhibit A).

II. BACKGROUND

On January 6, 2016, the Staff Hearing Officer (SHO) considered a proposal to allow a circular driveway for loading/unloading and uncovered parking in the front setback of an existing residence located at 1417 San Miguel Avenue. Please refer to the SHO Staff Report dated December 21, 2015 (Exhibit B).

The SHO denied the requested Modification to allow an uncovered parking space within the front setback making the finding that the proposal is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood and three conforming parking spaces currently exist onsite (See Exhibit C: SHO Resolution 001-16).

On January 19, 2016, the property owner appealed the SHO's decision. The appeal letter (Exhibit A) states that the site is unusual in this neighborhood in that the required parking is not at the same level as the house, the garage is detached, and located below the house, and the difference in topography results in hardships for the owners. It further states that various options have been investigated and found to be infeasible for their needs.

III. PROJECT DESCRIPTION

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and an uncovered parking space. The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway.

IV. REQUIRED APPLICATIONS

The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 and SBMC §28.92.110).

Planning Commission Staff Report
 1417 San Miguel Avenue (MST2015-00426)
 March 3, 2016
 Page 2

V. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the SHO's decision to deny the subject application, making the finding in Section VIII of this report.

VI. SITE INFORMATION

Applicant:	Don Swann		
Property Owner:	Michael and Jami Gott		
Site Information			
Parcel Number:	045-132-006	Lot Area:	10,589 sq. ft.
General Plan:	Low Density Residential (Max 5 du/acre)	Zoning:	E-3/SD-3
Local Coastal Plan: Non-Appeal Jurisdiction			
Existing Use:	Residential	Topography:	13% Slope
Adjacent Land Uses			
North – Single Family Residential		East - Single Family Residential	
South - Single Family Residential		West - Single Family Residential	

VII. DISCUSSION

The property owners have permanent health issues, which makes loading and unloading vehicles in their approved parking spaces difficult for them. The appeal letter describes the difficulties for the property owners, the unusual nature of the property and neighborhood, and describes the alternatives that they investigated. The property is on the downhill (south) side of San Miguel Avenue, and the existing detached garage is behind and at a lower elevation than the house and is accessed from a driveway that is shared with neighbors to the south.

The applicants have requested the circular driveway and parking space at the front of the house, at the same elevation as the front door and main living level of the house. Their reason for the request is to allow better accessibility to the house, as one of the current residents has permanent injuries from a collision. Currently, the residents must park in either the garage or the uncovered parking space, and climb stairs or sloped surfaces to enter the house, and it is a hardship for them. Their letter states that it is not their intent to permanently park on the circular driveway, but rather to use it for drop-off and pick-up of one of the residents. On-street parking is prohibited on the south side of San Miguel.

The SHO expressed sympathy for the property owners, but stated that because a Modification runs with the land, the uncovered parking/loading space would be in existence far beyond the current necessity. The SHO found that the proposed uncovered parking/loading space in the front setback was neither consistent with the pattern of development within the neighborhood nor with the purpose nor intent of the Zoning Ordinance, and was not an appropriate improvement on the lot. Additionally, the property currently exceeds the parking requirement as it has three parking spaces on the lot.

Planning Commission Staff Report
1417 San Miguel Avenue (MST2015-00426)
March 3, 2016
Page 3

The concern with circular driveways is that they typically involve the removal of on-street parking and result in parking in the front setback. In this case, parking is not allowed on the south side of the street, so there would be no reduction in on-street parking. In regards to parking within the front setback, the concern relates to aesthetic and neighborhood compatibility, especially when conforming options exist as they do in this case. Although the Single Family Design Board found the modification to be aesthetically appropriate (Exhibit C of the SHO Staff Report), it is not consistent with the pattern of development within this neighborhood and the approval of the Modification would allow the circular driveway and parking spaces for the foreseeable future, and the use of the front setback for parking would far exceed the current parking need.

VIII. RECOMMENDATION AND FINDINGS

Staff recommends that the Planning Commission deny the appeal and uphold the SHO's decision to deny the subject application, making the finding below:

The Planning Commission finds that the Modification to allow an uncovered parking space within the Front Setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood and three conforming parking spaces currently exist onsite.

Exhibits:

- A. Applicant's letter, dated January 19, 2016
- B. SHO Staff Report, Dated December 21, 2015
- C. SHO Resolution 001-16, dated January 6, 2016
- D. SHO Minutes, dated January 6, 2016
- E. Site Plan



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-16

1417 SAN MIGUEL AVENUE

STAFF HEARING OFFICER APPEAL OF FRONT SETBACK MODIFICATION

MARCH 10, 2016

APPLICATION OF DON SWANN, DESIGNER FOR MICHAEL AND JAMI GOTT, 1417 SAN MIGUEL AVENUE, APN 045-132-006, E-3/SD-3 (ONE FAMILY RESIDENCE/COASTAL) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX.5 DU/ACRE) (MST2015-00426)

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and an uncovered parking space. The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway. The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 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 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

WHEREAS, the Planning Commission 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, or appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 3, 2016
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Denied the appeal and upheld the Staff Hearing Officer's decision to deny the subject application.

The Planning Commission finds that the Modification to allow an uncovered parking space within the Front Setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood and three conforming parking spaces currently exist onsite.

This motion was passed and adopted on the 10th day of March, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Thompson) ABSTAIN: 0 ABSENT: 0

PLANNING COMMISSION RESOLUTION No.008 -16
1417 SAN MIGUEL AVENUE
MARCH 10, 2016
PAGE 2

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary

4/7/16

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 10, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
Danny Kato, Senior Planner
Susan Reardon, Senior Planner
Ashleigh Shue, Supervising Engineer\
Cameron Benson, Creeks Restoration/Clean Water Manager
N. Scott Vincent, Assistant City Attorney
Dan Gullett, Supervising Transportation Planner
Steven Greer, Project Planner
Allison De Busk, Project Planner
Jessica Grant, Project Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
None.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:
 - 1. February 18, 2016
 - 2. PC Resolution No. 005-16
251 S. Hope Avenue

MOTION: Thompson/Schwartz

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 2 (Campanella, Lodge). Absent: 0

D. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:03 P.M.

APPLICATION OF DON SWANN, DESIGNER FOR MICHAEL AND JAMI GOTT, 1417 SAN MIGUEL AVENUE, APN 045-132-006, E-3/SD-3 (ONE FAMILY RESIDENCE/COASTAL) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX.5 DU/ACRE) (MST2015-00426)

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and an uncovered parking space. The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway. The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 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 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Contact: Danny Kato, Senior Planner

Email: DKato@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2567

Danny Kato, Senior Planner, gave the Staff presentation.

Don Swann, Designer, gave the appellant presentation, joined by Michael Gott, Owner.

Chair Campanella opened the public hearing at 1:23 P.M., and with no one wishing to speak, the public hearing was closed.

MOTION: Jordan/Schwartz

Assigned Resolution No. 008-16

Denied the appeal and uphold the decision of the Staff Hearing Officer to deny the Front Setback Modification, making the findings in the Staff Report dated March 3, 2016.

This motion carried by the following vote:

Ayes: 6 Noes: 1 (Thompson) Abstain: 0 Absent: 0

Chair Campanella announced the ten calendar day appeal period.

Chair Campanella called for a recess at 2:16 P.M and reconvened the meeting at 2:30 P.M.

IV. **CONTINUED ITEM:**

ACTUAL TIME: 2:30 P.M.

APPLICATION OF THE PARKER FAMILY FOR 433 EAST CABRILLO BOULEVARD (WATERFRONT HOTEL), APN 017-680-009, ZONING DESIGNATION: HOTEL AND RELATED COMMERCE/ PARK PLAZA SPECIFIC PLAN/ COASTAL ZONE OVERLAY (HRC-2/SP-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED COMMERCIAL/ MEDIUM HIGH RESIDENTIAL, LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE; AND 103 SOUTH CALLE CESAR CHAVEZ (HOTEL PARKING LOT), APN 017-113-020, ZONING DESIGNATION: OCEAN-ORIENTED LIGHT MANUFACTURING/ COASTAL ZONE OVERLAY (OM-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED INDUSTRIAL, LOCAL COASTAL PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2013-00371)

Continued review of a request for a Development Agreement and an associated Ordinance Amendment related to Transfer of Existing Development Rights. The Planning Commission reviewed this item on January 7, 2016 and continued it with direction to the applicant to incorporate changes and address Planning Commission comments.

On August 15, 1995, City Council adopted Ordinance 4920, which included a Development Agreement (DA) and associated conditions of approval for development of the Chase Palm Park expansion, the Waterfront Hotel (433 East Cabrillo Boulevard), and a youth hostel. The DA allowed the Chase Palm Park expansion project to commence immediately and provided the property owner, American Tradition, 12 years to construct the hotel and hostel. In 2007, the City issued building permits for both the 150-room Waterfront Hotel and associated parking lot, and the youth hostel. While the hostel (12 E. Montecito St.) has since been completed, the hotel project has stalled. In order to maintain the existing development rights for the approved hotel and establish the potential and associated process for a revised project, a new DA is being considered. As such, the proposed DA includes the following major components:

- Establishment of a new ten-year term for the DA.
- Acknowledgment of the approved status of the 150-room hotel project, including parking lot, which could continue to be constructed without further discretionary review.

- A provision that all current Building and Public Works permits for the approved hotel project would expire upon the effective date of the DA, and new ministerial permits (consistent with current codes) for the approved project must be issued within five years of the effective date of the DA.
- A provision that if the approved 150-room hotel project is abandoned and a revised hotel project is pursued at any time during the term of the DA, the project would be subject to policies, ordinances, resolutions, codes, rules, regulations and official policies governing development of the site(s) in effect as of the effective date of the DA.
- If a revised hotel project is approved during the term of the DA and it results in less than the currently approved 150 hotel rooms, the Applicant has the ability to propose the transfer of excess rooms or square footage to another parcel, consistent with applicable City ordinance provisions and processes for doing so.

Note: A Development Agreement and Ordinance Amendment require City Council approval at a subsequent public hearing to be scheduled. The purpose of this March 10th hearing is for the Planning Commission to consider the request and environmental document prepared for the project and provide a recommendation to City Council on the following:

1. A Development Agreement to allow an additional ten (10) years to construct the approved 150-room hotel and parking lot, or a revised project (Council Resolution 89-120); and
2. A Zoning Ordinance Amendment (SBMC Chapter 28.95 - Transfer of Existing Development Rights) to defer to the Waterfront Hotel Development Agreement for provisions allowing the applicant to propose the transfer of excess (approved but undeveloped) hotel rooms from the Waterfront Hotel site.

An Addendum to the 1993 Final Environmental Impact Report (EIR) has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164 to address minor changes to the project and EIR analysis. The Planning Commission will consider the Addendum together with the previously certified Final EIR, and consider a recommendation to City Council regarding the adequacy of the environmental review pursuant to CEQA Guidelines Section 15090.

Contact: Allison DeBusk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Suzanne Elledge, Suzanne Elledge Planning and Permitting, gave the Applicant presentation. Also present were Eli Parker and Ashleigh Parker-Snyder, and Graham Lyons, Mullen & Henzell, LLP.

Chair Campanella opened the public hearing at 2:48 P.M., and with no one wishing to speak, the public hearing was closed.

Commissioner Thompson left the dais at 5:05 P.M. and did not return.

MOTION: Pujo/Jordan

Continue to a special meeting on March 24, 2016.

Commissioner Jordan left the dais at 5:40 P.M. and did not return.

Motion was withdrawn for absence of the seconder to the Motion.

Straw poll:

Who agrees with the recommendations as stated?

Ayes 2 (Campanella, Higgins)

Straw Poll:

Who agrees with the recommendations with the removal of section 11.1 from the Development Agreement?

Ayes: 2 (Lodge, Schwartz)

Commissioner Pujo would agree to support the project if some of the language such as the “low/lower income” modifiers on the youth hostel and “luxury” for the hotel were removed. With regard to Section 11.1, if that section was eliminated altogether, she would not be dissatisfied with the Development Agreement. However, she would also be satisfied if additional language was added, such as that proposed by staff earlier that nothing contained therein would obligate the City to approving a proposed transfer and to clarify that any proposal would be reviewed based on the entire record, including the original conditions for the Fess Parker Hotel. She also suggests including a finding of fact in regards to the cap on the number of units at the Fess Parker Hotel.

Graham Lyons, Attorney for the Applicant, asked for, and was granted, two minutes to confer with the applicant team regarding a potential amendment that might help the Commission reach consensus. Following the conference, Mr. Lyons stated that the applicant proposes to remove Section 11.1 from the Development Agreement.

Motion: Lodge/Schwartz

Recommends that City Council make the required planning and CEQA findings and approve the Development Agreement, with the exclusion of Section 11.1., and approve an Amendment to the Zoning Ordinance, Chapter 28.95, related to the Transfer of Existing Development Right, as found in the Staff Report dated March 3, 2016, with the following revisions to the Development Plan:

1. Revise Recital B to read, “Whereas, beginning in the late 1970’s, The City and Fess Parker began working to revitalize the waterfront area and the properties controlled by the Parkers along Cabrillo Boulevard. The City’s and the Parker’s plans for the waterfront came to include a conference center hotel, a waterfront public park, significant public open space, a hostel, and a waterfront hotel; and”
2. Revise Recital V to read, “Whereas, the City and the Parker Family wish to complete the development of the waterfront area in accordance with the Amended Specific Plan, and”
3. Revise Recital X.a. to read, “Dedicated land to enlarge Chase Palm Park,”
4. Revise Recital Z to read, “Whereas, a redesigned hotel may be in the best interest of both the City and the Parker Family as it may have fewer impacts on traffic and public views, and may create more open space on Parcel B, while continuing to provide a first-class hotel on the City’s waterfront; and”

Commissioner Pujo could agree with the historical references in the Development Agreement, but felt that the modifiers do not fit today, such as the youth hostel is not low-cost, and the hotel may not be luxury. She would like to remove the “low” or “lower cost” and “luxury” or “first class” modifiers out of the Development Agreement, as found on pages 2, 4, 5, 9, and 23. The motion maker and seconder agreed to include the requested changes in the motion.

This motion carried by the following vote:

Ayes: 4 Noes: 1 (Higgins) Abstain: 0 Absent: 2 (Jordan, Thompson)

Commissioner Higgins voted in the minority based on principle and because he believes that the modifiers being removed are factual and should remain in the Development Agreement.

Chair Campanella announced the ten calendar day appeal period.

V. CONCEPT REVIEW:

ACTUAL TIME: 6:01 P.M.

APPLICATION OF ASHLEIGH SHUE, SUPERVISING CIVIL ENGINEER FOR CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY RIGHT OF WAY ALONG MODOC ROAD AND LAS POSITAS ROAD, ZONES ADJACENT CITY RIGHT OF WAY INCLUDING: PARK AND RECREATION ZONE WITH COASTAL ZONE OVERLAY (P-R/SD-3), PARK AND RECREATION ZONE (P-R), ONE FAMILY RESIDENCE ZONES (A-1, E-1, E-3), ONE FAMILY RESIDENCE ZONE WITH PLANNED UNIT DEVELOPMENT (E-1/PUD), PLANNED UNIT DEVELOPMENT (PUD 2.5), TWO-FAMILY RESIDENTIAL (R-2), UNINCORPORATED COUNTY PROPERTIES, GENERAL PLAN DESIGNATIONS ADJACENT TO CITY RIGHT OF WAY INCLUDE: PARKS AND OPEN SPACE, LOW DENSITY RESIDENTIAL (5 DU/ACRE), LOW DENSITY RESIDENTIAL (3 DU/ACRE), UNINCORPORATED COUNTY LAND (MST2014-00055)

The proposed project involves design of a 2.6 mile-long separated multiuse pathway for bicyclists and pedestrians in City right of way along Modoc Road from Calle de Los Amigos to Las Positas Road and along Las Positas Road from Modoc Road to Cliff Drive. The project would provide key connections among Santa Barbara's regional Cross-town and Coastal Bike Routes, the neighborhoods adjacent to the path, Elings Park, Arroyo Burro Beach County Park, and the Douglas Family Preserve.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the applicant and staff with feedback and direction regarding the proposed land use and design. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

The discretionary application required for this project a Coastal Development Permit (SBMC § 28.44.060) since a portion of the project is located within the Non-Appealable and Appealable Jurisdiction of the Coastal Zone.

Contact: Ashleigh Shue, Supervising Engineer
Email: AShue@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2507

Contact: Jessica Grant, Project Planner
Email: JGrant@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5338

MOTION: Schwartz/Pujo
Continue to April 14, 2016.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:05 P.M.

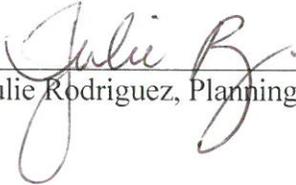
- A. Committee and Liaison Reports
1. Staff Hearing Officer Liaison Report
- None was given.

- B. Other Committee and Liaison Reports
- None were given.

VII. ADJOURNMENT

Chair Campanella adjourned the meeting at 6:05 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

To: City of Santa Barbara City Council

RECEIVED 18 March, 2016

Subj: Appeal of Planning Commission Finding on 1417 San Miguel Ave (MST2015-00426)

2016 MAR 18 PM 1:25

Date of meeting Planning Commission finding was made; 10 March 2016

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Attachment 1; Copy of Planning Commission presentation by Applicant on 10 March, 2016

Description of decision being appealed: "The Planning Commission finds that the Modification to allow an uncovered parking space within the Front Setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the uncovered parking space is inconsistent with the pattern of development within the neighborhood and three conforming parking spaces currently exist onsite."

Grounds claimed for appeal: Our grounds for appeal are that we feel that the stated findings are not in accord with provisions of the Zoning Ordinance (Title 28) and that the Staff Hearing Officer/Planning Commission findings are based on a restrictive interpretation of the zoning ordinance. We will address three key areas; I) Accommodations for Persons with Disabilities and preventing unreasonable hardship, II) Modification for uncovered parking space with in the Front Setback is not necessary, as other options are available, and III) inconsistent with the pattern of development with the east Mesa neighborhood.

I) Accommodations for Persons with Disabilities and preventing unreasonable hardship;

During the hearing the Commissioners asked questions to the Staff Hearing Officer/Senior Planner (SHO) about American Disabilities Act (ADA) applicability in this case, and the correct response was that it did not apply. Without referencing the ADA requirements, the discussion left us with the impression that if a person does not have a "disability sticker" or is not wheelchair bound or is able to walk the neighborhood on a daily basis, the City does not need to consider an accommodation, since ADA does not apply in residential areas. I have listed an excerpt from the ADA website below;

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

We understand that accommodations are not required on our property, based on the ADA requirements since it is not open to the general public. However, we are asking for a Modification to allow an uncovered parking space within the Front Setback on our own property to improve our quality of life and is an issue of accommodating persons with disabilities and preventing unreasonable hardship.

After the hearing, I reviewed the entire Title 28 and found that the City Council intent for the accommodation of persons with disabilities is much clearer than the discussion of ADA applicability during the hearing. Based on the definition of a person with disabilities, as referenced in Title 28 (shown below), combined with statements from our doctors (shown below), we consider ourselves as "persons with disabilities", as such we feel the denial of the Modification to allow an uncovered parking space within the Front Setback request was restrictive by not addressing the accommodations afforded in Title 28 (excerpts below).

Chapter 28.15
A-1, A-2, E-1, E-2, E-3 and R-1
ONE-FAMILY RESIDENCE ZONES

28.15.005 Legislative Intent.

The City Council intends that buildings within these residential districts may be used for housing a person or persons with disabilities, as defined in the Federal Fair Housing Act of 1989 and State Housing Law.

Person(s) with disabilities is defined by the Act as;

“The Fair Housing Act protects a broad range of disabilities, both physical and psychological. To qualify under the Fair Housing Act, the disability must substantially limit at least one major life activity. This can include everyday activities such as eating, sleeping, seeing, hearing, walking, talking, breathing, climbing, reaching, standing, sitting, bathing, or caring for oneself. Further, the disability need not be obvious or require an apparatus to qualify for protection. For example, if an individual has severe arthritis, which makes the use of his hands difficult, this qualifies. If an individual has trouble hearing, but does not use a hearing aid, they would qualify as well.”

-Our research has found that the determination of who is considered a “person with disabilities” is largely based on the person who has the disability. We are not wheelchair bound, can walk if we push thru the pain that is permanently present, etc... We understand that most of the issues cannot be helped with any Modification to any ordinance and are just a natural part of the life cycle. However, the issues such as loading and unloading issues that are creating unreasonable hardships; have lead us to accommodate these hardships in a manner that is both unsafe and illegal per Title 28. Modification to allow an uncovered parking space within the Front Setback will prevent these unreasonable hardships.

Chapter 28.87
GENERAL PROVISIONS

28.87.062 Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments.

B. 5. Accessible uncovered parking spaces, access aisles, and accessibility ramps necessary to make an existing building accessible to persons with disabilities may encroach into required setbacks to the extent reasonably necessary to accommodate the existing building. This encroachment is not available for new buildings or additions to existing buildings where the addition precludes the development of a conforming accessible improvement.

-The existing building is on a steep sloped hill and our front setback is at our front door. The circular driveway along with the approved landscaping (SFBD approved) is the safest and most accommodating to persons of disabilities, of all the options reviewed and presented during the hearing.

Chapter 28.92
VARIANCES, MODIFICATIONS AND ZONE CHANGES

28.92.110.7. Accommodation of Disabilities. A modification of any zoning regulation where the modification is necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities. This modification is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require a modification.

-We never asked for improvements to an existing building, just the legitimization of our heritage method of loading/unloading and were told by the SFDB that we needed a Modification to allow an uncovered parking space within the Front Setback. The Modification approval would then allow us finalize and obtain the permit to install the second driveway approach, hardscape our existing dirt parking spot, completely re-landscape the front yard and connect to the existing shared driveway; all of which has been deemed acceptable by the SFBD and Transportation department.

Copies of letters from our doctors are submitted below.

The Permanente Medical Group, Inc.

**MEDICINE UNIT 'B'
555 Castro Street
Mountain View CA 94041-2009
Dept: 650-903-3020
Main: 650-903-3000**

November 3, 2015

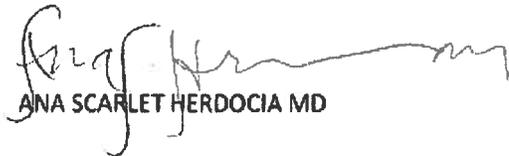
Jami Gott
2625 Middlefield Rd 705
Palo Alto CA 94306

To Whom It May Concern,

Ms. Jami Gott was in a motor vehicle accident in 2000 which resulted in multiple injuries. She broke her back and shattered her right shoulder/arm in multiple places which required shoulder reconstructive surgery with placement of a rod. She also has nerve damage in the involved area, of her right shoulder, that will never be fully resolved. As a result, she has chronic back and right should/arm pain that is exacerbated by walking and carrying items such as grocery bags especially up/down stairs. In addition the combination of injuries has caused her to have a limited range of motion of her neck/shoulder/back making it difficult to perform "backing maneuvers" with her vehicle.

As such, any accommodation that can be made so Ms. Gott's carrying of items over distance/up/down stairs and the backing-up of vehicles is minimized would be prescribed.

Sincerely,


ANA SCARLET HERDOCIA MD

The Permanente Medical Group, Inc.

MEDICINE UNIT 'A'
555 Castro Street
Mountain View CA 94041-2009
Dept: 650-903-3020
Main: 650-903-3000

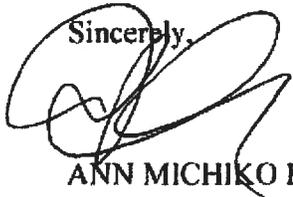
November 5, 2015

Michael H Gott
2625 Middlefield Rd # 705
Palo Alto CA 94306-2516

To: Whom It May Concern,

I am writing on behalf of my patient, Michael Gott. He is 58 years old, 6'4" tall and weighs 245 lbs. He has diabetes, arthritis, and a foot neuroma, which make it painful for him to walk. Any accommodations that would reduce his lateral and vertical movement (walking up and down stairs) would reduce the aggravation caused by his condition and enhance his quality of life.

Sincerely,



ANN MICHIKO KODANI DO

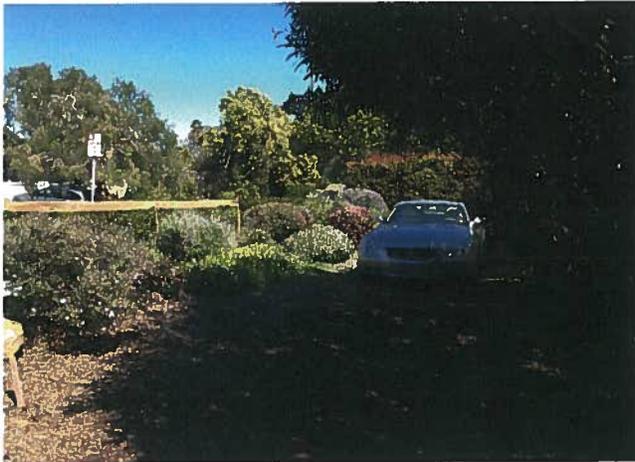
Below are photos of our current methods of unloading/loading and parking.

The original owner and the Gott's (2nd owners) use the street and front yard for all major loading/unloading tasks as these are the closest to the front door for the loading of items from the main house and the accommodation of loading of aging family members;



(Example of unloading in the front yard setback)

(Example of unloading in the no-parking zone in the street)



(Example of parking in the front yard setback)

Please Note; now that it is a matter on public record we want the City Council to be aware of the following:

A Planning Commissioner, during the hearing, challenged the fact that if we walked about one mile/day (which our doctors encourage) we were not experiencing that much of a hardship loading /unloading our vehicles without this modification approval. This was disheartening to hear and we realized our modification was not going to be looked upon favorably.

In hindsight, this same Commissioner made a comment during the site visit that demonstrated the same prejudice. The following statement was heard by myself and witnesses; "I have a steeper driveway and stop and get out of my car to get my mail". I did not know what getting the mail had to do with loading/unloading items multiple times and carrying them across the property had to do with our Front Setback Modification.

With the exception of one Commission who approved our Modification request; each Commissioner indicated, on the record, that they concurred with what the other Commissioners reasons for their specific denial of the Modification request. The implication being, that if my wife can make daily walks in the neighborhood, and has not been declared handicapped by some recognized authority, she must not be a person with disability. These comments are considered derogatory and demeaning to my wife and I, which appeared to be based on an unclear definition of a disabled person. As such we can only surmise that this publicly displayed attitude was influential to other commissioners and subsequently prevented any consideration for persons with disabilities and the denial of our Modification request. We feel this was unbecoming of a City representative.

II) Modification for uncovered parking space with in the Front Setback is not necessary, as other options are available;

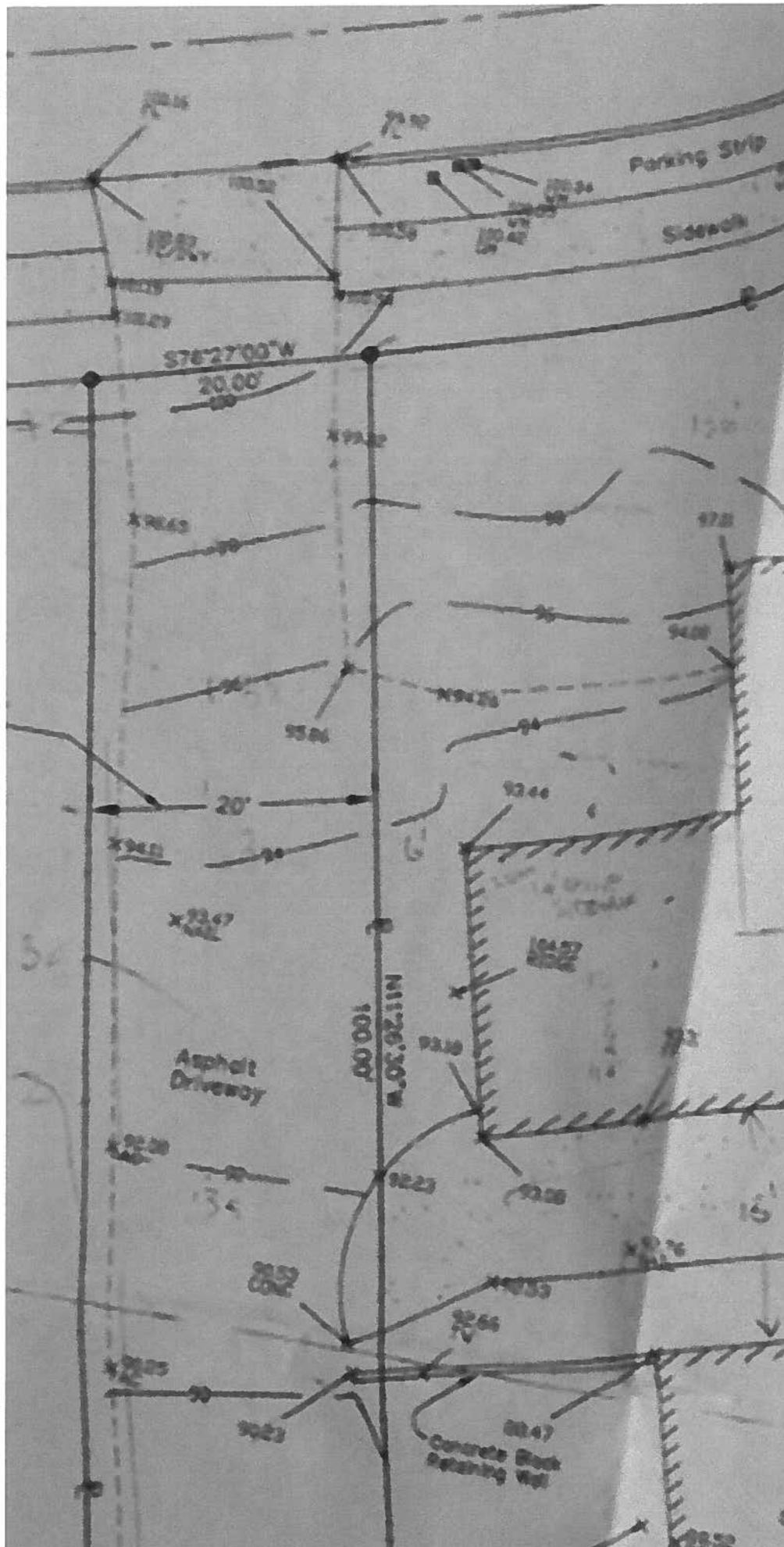
The Staff Hearing Officer identified three conforming parking spaces on the property; two of which are in the garage and one parking location on the side of the recreation room. All three locations require an extended walk up/down the hill to reach the front or rear door, which is why we perform these task in the front setback or the street (both illegal and one unsafe).

Due to the slope of the property and the original placement of the home, all three parking spaces are behind the front line of the house and significantly below the level of the home, which negatively impacts our enjoyment of the property and that of the neighborhood, as we are forced to load/unload items in the street or in the front yard illegally/unsafely.

Discussion focused on the slope of our ramp to our parking areas and everyone acknowledged it was steep and based on Title 28, does not comply with 28.90.045.C.4. We would have thought this would make our parking non-conforming, but this point was not finalized as nobody had the ordinance in front of them for review, however, we would have thought this would have been a part of the research prior to deeming our parking spaces conforming. Yet the definition of conforming is vague. I have provided excerpts of the ordinance, our topo map and several pictures below for your consideration.

28.90.045 Parking Design Standards.

- A. REQUIREMENTS.** All parking facilities must be designed and constructed pursuant to the following:
1. Backing out onto a public street or sidewalk from a parking space shall be permitted only for a one-family or two-family dwelling, where not more than four (4) spaces are provided.
 2. All turnaround movements shall be accomplished in one (1) maneuver. One (1) maneuver is considered to be one (1) back up and one (1) forward movement.
- C. VEHICLE RAMPS.**
1. A vehicle ramp is defined to be a sloping connection between a street level and a parking level or two (2) parking levels.
 2. For multiple-family dwellings or nonresidential uses, all parking plans involving ramps shall be accompanied by a profile showing the ramp, ramp transitions and overhead and adjacent wall clearances.
 3. The length of a ramp is defined as that portion of the ramp from the beginning of the transition at one end of the ramp to the end of the transition at the opposite end thereof.
 4. For ramps longer than sixty-five feet (65'), the ramp grade shall not exceed twelve percent (12%) with the first and last eight feet (8') of the ramp not exceeding six percent (6%).



We have shown that we have significant driveway slope (>20% in some areas, average of 14%), in excess of 28.90.045.C.4 (shown above), a shared driveway with two neighbors (3 homes for 6 parking spaces), block retaining walls and power poles that make it difficult for us to make it out of our “conforming spaces” to the street without using more than the required “two movements” to exit our driveway as required by ordinance 28.90.045.A.2 (which is directly applicable to Mrs. Gott’s medical letter).



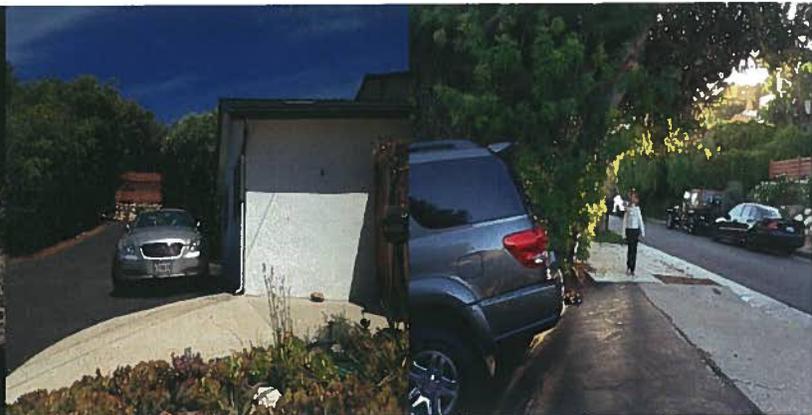
(damage from backing into power pole)



(damage from hitting the block wall)



(ramp slope to enter and exit conforming parking spaces)



(we actually use this spot, but if the shared drive is crowded we must back out of the driveway)

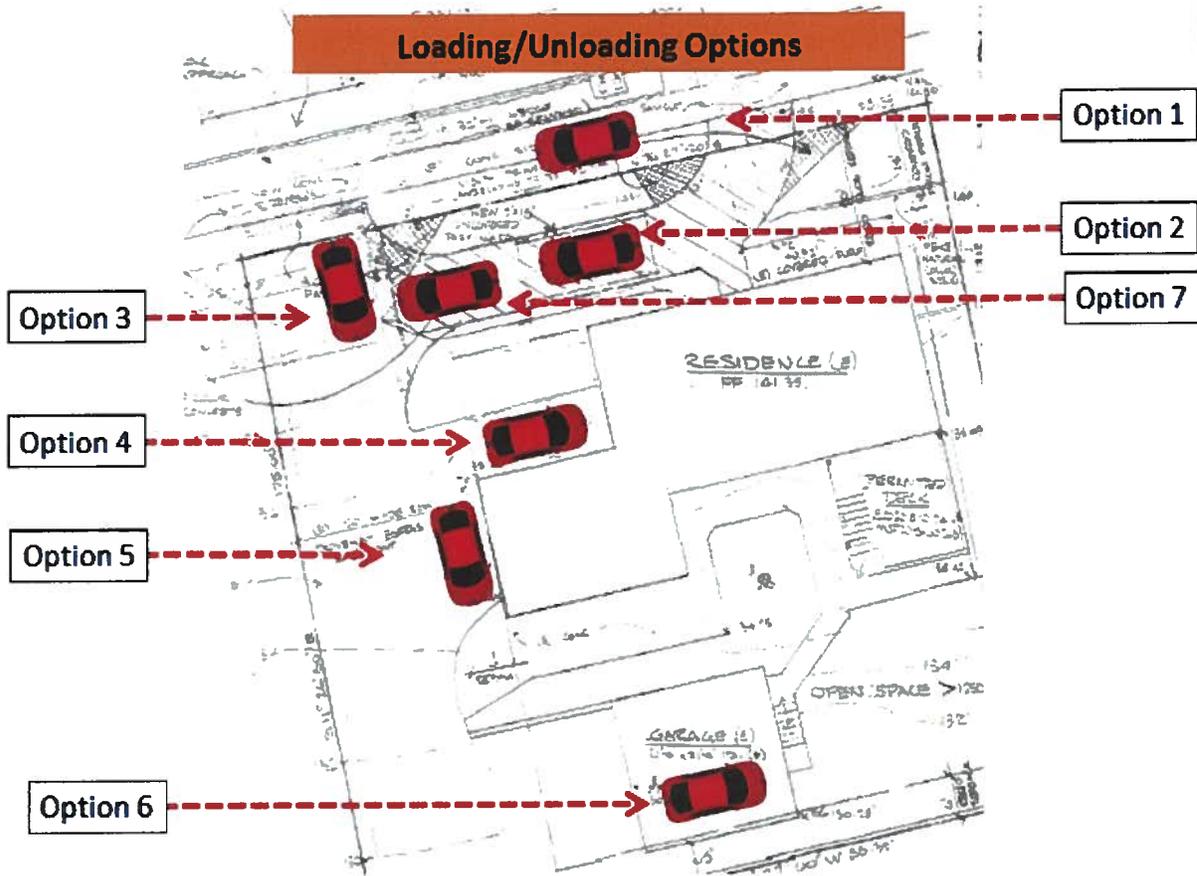


(steep ramp slope entering garage) and (steep ramp slope to enter declared conforming spot by recreation room-located a hard left in this picture)

As such we have had damage sustained to vehicles, the garage and block wall; due to the power/phone/cable pole and block wall located around the entry/exit to the garage (two of the Gott's conforming parking spaces). The third conforming parking space is at the base of the step part of the driveway. We do not park our vehicles there, as the turn into the spot is dangerously steep and if the pavement is wet you can slide into the side of the recreation room. As such we park one car next to the recreation room and either turnaround, if room is available, or back up the driveway.

We strongly disagree that we have three existing conforming parking spaces, in that the ramp access to these spaces must meet zoning requirements for the maneuvering area into and out of these spaces; otherwise it becomes hazardous to the public (backing out of a shared driveway on to public street, and neighbors walking up/down drive as there is no sidewalk) and property (damage to vehicles, block walls and stucco on house).

With respect to other options possible in lieu of the Modification requested (circular driveway). We did a comparison of all options that the applicant, SHO and PC (during their site visit) put forth. We showed the safest option was the one already approved by the SFB. The other options were shown to be either unsafe or did not provide the relief of physical pain or enjoyment of our property that the applicants desire (details in attached PC presentation of 10Mar16). I have provided a couple summary charts from our hearing presentation for your review and consideration.



8

Options	Total distance (4 round trips per load/unload)	Elevation change (ft)	Comments
1 -street	160	1	Unsafe, illegal, steps-trip hazard
2 -setback	120	0	Safe, no rushing, Heritage parking in front setback
3- slope	464	0	Unsafe slope (brake failure) blocks shared drive
4-trailer	368	6	Unsafe turn off slope for vehicles, steps-trip hazard
5-rec rm	616	6	Unsafe over steps- trip hazard, Furthest distance
6-garage	368	11	Unsafe over more steps- trip hazard
7-partial parking	272	0	Safe in most cases, worry, no about the slope, no 2 nd approach, needs landscaping

Please Note, as a matter of record we want the City Council to be aware of the following:

A Commissioner after reviewing the comparison of all options, during the recorded public hearing, actually recommended the continuance of performing illegal and unsafe acts, by continuing to load/unload in the no-parking zone in the street, or illegally in the front setback. Since this was the first Commissioner to deny the Modification request and recommended to me to continue the illegal and unsafe options in front of a City attorney, it gave me great concern as to whom would be liable, if anyone is injured while loading/unloading, it is unconceivable to us that a City representative would condone the continued use of unsafe and illegal acts, which was exactly what we are attempting to avoid.

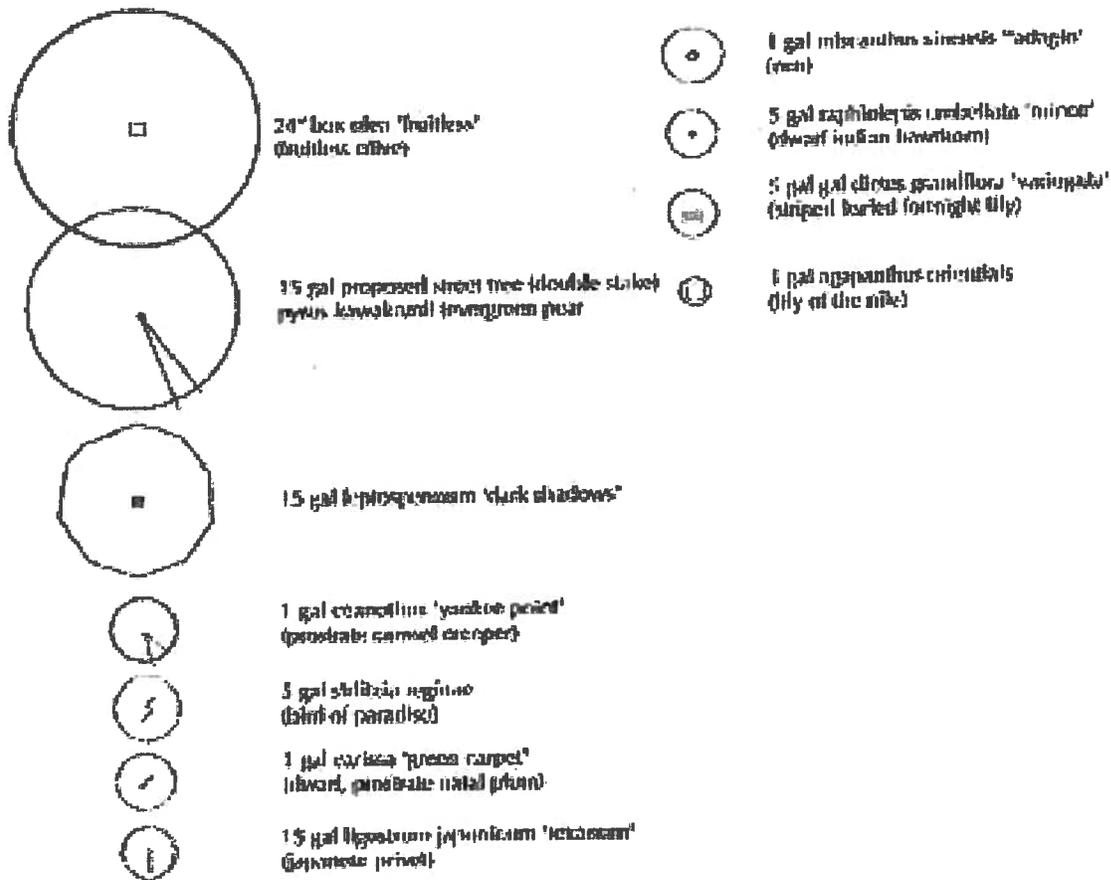
III) Inconsistent with the pattern of development with the east Mesa neighborhood.

The SFBD finding was that; “The Board finds the requested zoning modification aesthetically appropriate and does not pose consistency issues with the design guidelines.”

Below – Photos depict-Current front yard, with illegal driveway in front setback and existing landscaping (ugly). We do not landscape since the dirt driveway provides the best and safest access for loading/unloading. Another picture shows the illegal parking in the street (which is posted as no parking), and the sidewalk access thru the hedge that was installed many years ago to accommodate the fact that it is very hard to enter/exit the illegal spot in the front yard.



Plant Legend



We always felt, as do our immediate neighbors that we were not only conforming to the neighborhood, since we already had ¾ of the driveway in the front yard for many years and were just completing the driveway with new landscaping, ultimately improving the appearance of the neighborhood and legitimizing our unsafe and illegal methods of loading/unloading.

During the hearing the SHO acknowledged to the PC's, that she did not know the neighborhood that well, and described a couple other circular driveways nearby, leaving the impression that, our modification does not have conformity with the neighborhood.

The SHO confirmed, with our review of public records, that there was no real record of permits for circular driveways because to install a circular driveway if it was just "flat-work" and that no building permits were required. The Title 28 requirement says there shall be no parking in the front setback, and because it is evident that so many people were parking in the front setback, the City is using the Modification for uncovered parking in the front setback as a tool for parking enforcement. It was also stated by the SHO that this is why she does not approve any modifications for uncovered parking within the front setback.

Another issue discussed during the hearing seemed to be that the SHO had to take into account the "Land Use" issues and that by approving this or any Modification to allow parking in a Front Setback ,

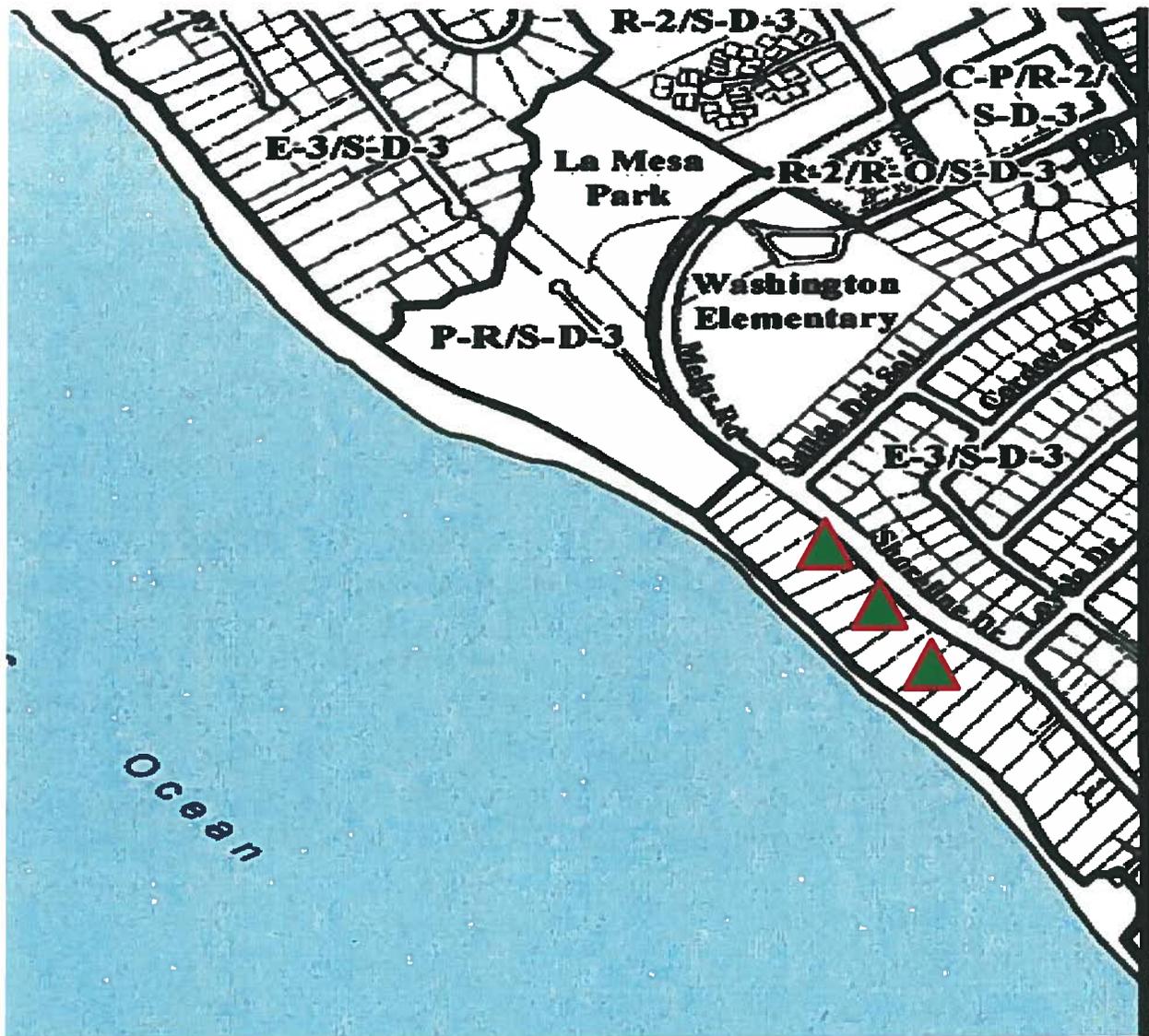
would be allowing us to park in a front setback legally; but it would also increase the amount of vehicles currently parking in their front setbacks, and that to many homes are doing this illegally now. Thus, we can only surmise that this is a parking enforcement position which over showed our modification request. This type of circular argument only frustrates the public and does not resolve issues; if we want people to not park in the front setbacks we must enforce/change our existing ordinances.

We originally stated in previous letters that we did not need additional parking just a loading/unloading area, but were told by the City that we need a front setback modification to load/unload, since we were told that it did not matter if it was for 3 minutes or 3 days so a Modification would be needed. Now we are told that the Modification is denied because it would increase overall neighborhood parking in the front setback.

For clarification, since no one was familiar with our neighborhood specifically and were compared to the overall city in general. We reside in the East Mesa neighborhood and feel that we are enhancing the neighborhood conformity, as do our neighbors, specifically those who share the driveway with us and those directly across the street who have to look at our property permanently.

After the hearing the applicants went out and drove every street in the neighborhood. The neighborhood has exactly eight (8) circular driveways (see map for locations), all of which are appealing, as would ours be based on the SFBF finding. Note that they are all in the middle to west side of the neighborhood. The location of each lot was such that it could handle the appropriate driveway turn radius required by the Transportation Department, such as ours does. It became evident after reviewing the neighborhood that the east side lots are too small and the west side lots on the hill have stair-stepped front yards, so circular driveways would not be able to meet the turn radius requirement due to their lot size or excessively sloped front yard, otherwise I suspect we would see more circular driveways being requested.

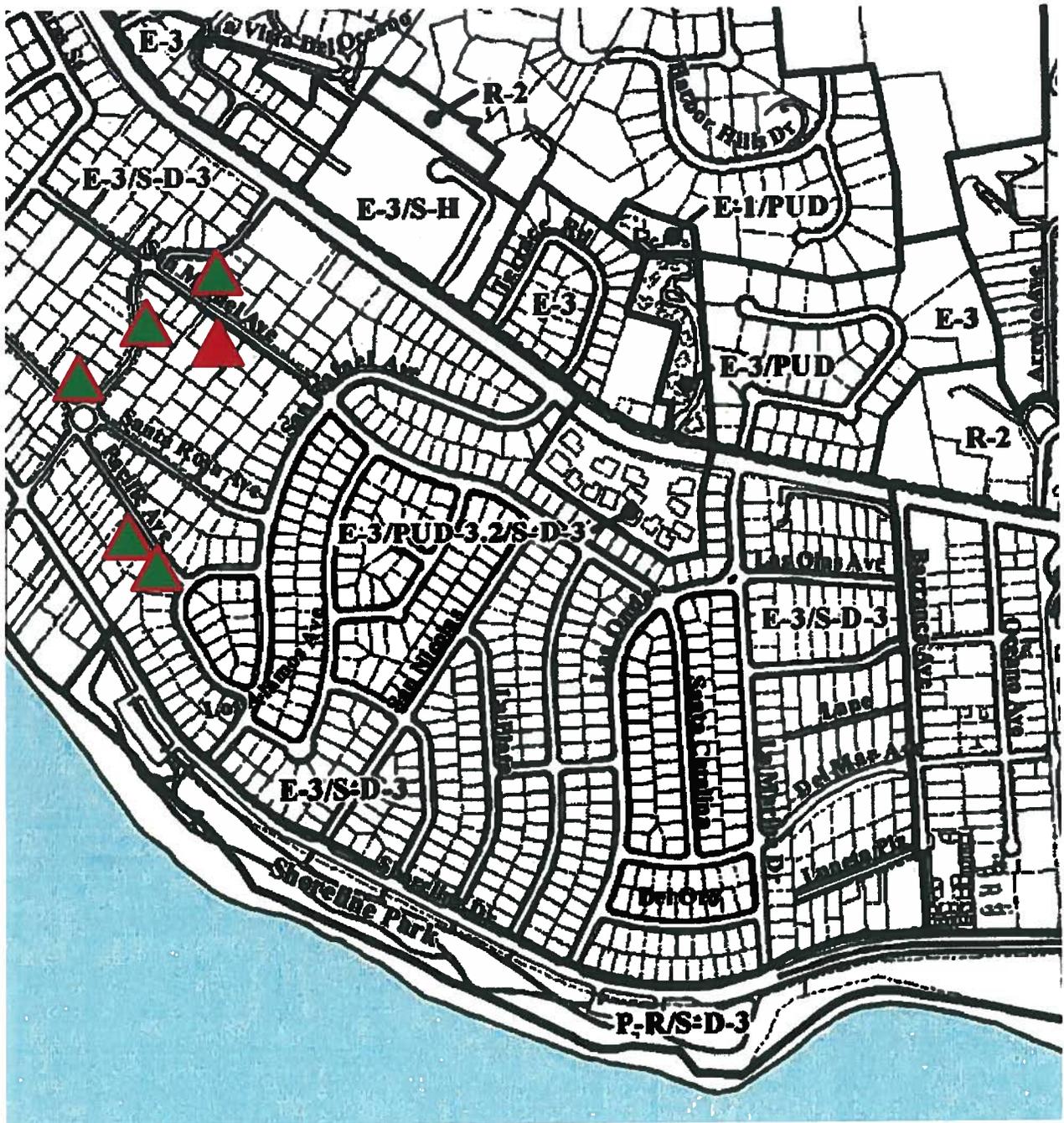
By approving our Modification the increase in the number of circular driveways in our community is relatively insignificant compared to the number of homes. With respect to the amount of vehicles in our neighborhood that use the front setback for illegal parking, it is significant and not enforced as is evidenced by driving through the neighborhood in the evening when the work day is over. Yet this is our neighborhood community and we love it. Thus, by accommodating one more front setback parking space, with a legal modification the net impact to the community is insignificant.



(Meigs Rd/Shoreline defines the east side of neighborhood above)



(Google map of the three circular driveways along Shoreline)



(remained of East Mesa neighborhood – note smaller lots to the east)



As the hearing discussion wrapped up, it was evident to us that the majority of the Planning Commission was going to concur with the SHO to deny the modification request.

Based on some of the discussion during the Planning Commission hearing, we could only conclude that this is the method used by the City to ban additional parking within the front setbacks throughout the City. This was put into place in order to limit the massive violations throughout Santa Barbara and had nothing to do with circular driveways, but more of an enforcement action to curb parking in front setbacks. The conclusion is that the Planning Commission/SHO will never approve a modification for a Front Setback Modification as they would be authorizing someone to park legally in their front setback, which was the reason to apply for the modification.

Examples of illegal parking in the setback;





Example of why;

We were lead to believe by City staff that by following the process to legitimize the parking within a front setback was the correct path to follow and now feel that we were deceived , wasted our time, embarrassed, publicly humiliated and wasted considerable funds to purse this project (over \$10k with site plans, landscape plans, City fees and other costs).

To address the fact that the City is concerning about approving this Modification as it will “Run with the Land”, we would like to propose, if determined necessary by the City Council, we will do the following;

- File with the Clerk of the City a written agreement that binds the property owner (present and future) to remove the circular driveway within the front setback in the event of any public acquisition by condemnation or other recognized process approved by the City Council.

- or other means as recommended by the City Council, if deemed necessary

We feel that those extraordinary circumstances discussed and that the stated conditions are applicable to the property involved and that these circumstances and conditions do not apply generally to other properties. Furthermore the approval of the Modification request alleviates unreasonable and unnecessary hardships, and is necessary for the preservation and enjoyment of a substantial property right of the applicant in consonance and harmony with the enjoyment of their property by our neighbors.

For all the reasons above we are requesting that the City Council reconsider the negative finding and approve our appeal.

Please feel free to contact me if any additional questions are necessary.

Appellant information:

Michael and Jami Gott; 1417 San Miguel Ave, Santa Barbara, CA 93109; 805-770-7717 (home)/408-242-2614(cell); Mhgott01@comcast.net

Thank You,

Michael H. Gott

Attachment 1 to Appeal letter to City Council

Presentation to Planning Commission 10Mar16

Concerning Front Setback Modification for 1417 San Miguel Ave

1417 San Miguel Ave

A few facts about the Gott Residence at 1417 San Miguel Ave. and the relationship to the street to justify the circular driveway.

- **Narrow, two-way 20 foot wide street with allowed parking on the opposite side only. This is applicable for only the 1400 and 1500 blocks on San Miguel Ave.**
- **The driveway to the Gott's garage is along the west side of the property, is 13% average slope and serves two additional properties down to the south.**
- **Unfortunately the steepest slope is from the sidewalk to the recreation room, which is a 6' drop over 25' (covers the entire front set back for the width of the shared driveway (25% slope).**
- **Their home is the only residence on the south side of the street with the entry facing the street that doesn't have a driveway near the front door to park and unload passengers or packages before putting away the car in the garage.**

San Miguel Ave



- Street is 20' wide (curb-to-curb)
 - Assume 7' wide car/truck
 - 13' remaining for traffic and turning in/out of driveway
- No sidewalk on north side
- No parking allowed on south side
 - Posted no parking
- Only between Santa Cruz and Santa Rosa
 - One block

1417 San Miguel Ave

Alternate Options that were suggested or discussed at SHO hearing.

- **Provide parking space beside west end of house, beyond the front setback.....**
 - **Not Physically feasible with terrain restraints to locate the parking space beyond the front setback.**
- **Install a chair rail system from the garage to the kitchen door**
 - **Would impact the entire back yard**
 - **Would not be practical to make multiple trips (grocery bags)**
 - **Suspect future owners would remove the system due to the impact on the back yard**

1417 San Miguel Ave

Inquiries to Public Works:

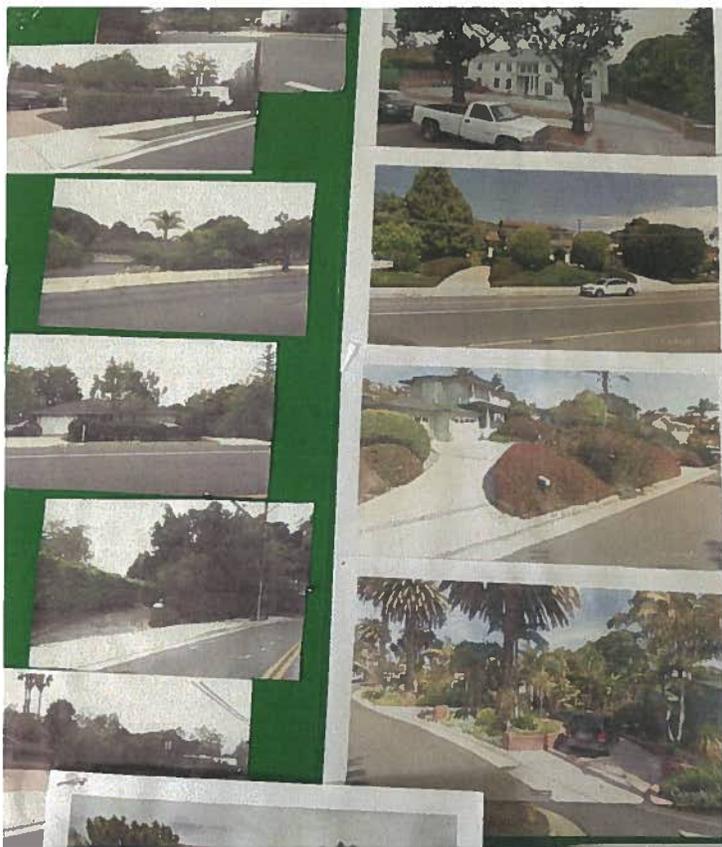
- **What is the possibility to allow an ADA space on street?.....**
 - **Answer – Not allowed**
- **At some time in the future, would it possible that the street could be made One – Way with parking on both sides?**
 - **Answer: No! Street is too narrow.**
- **About circular drive....Transportation Dept . do not approve circular driveways when parking spaces on the street are reduced.**
 - **This requirement has no effect on 1417 SM, as confirmed by the SHO as no parking exists on this side of the street.**

1417 San Miguel Ave

The Proposed Circular Drive

- **The Transportation Dept. has reviewed the design (Chelsea Swanson) and approved the traffic pattern proposed. Additional support was given by the field inspector, Randy Wade.**
- **The Single Family Design Board also approved the layout and positive comments were made about the landscaping proposed. Close attention was also made to comply with visibility issues for the new and existing driveway.**
 - **The new landscaping is also designed to screen as much as possible any vehicle that would be parked in the circular drive.**
- **As to other circular drives that exist on the Mesa and in other areas of the city.**
 - **Of the City's Street Files we observed, there is little to no indication that any Permits/ Applications, where circular drives exist today, were ever approved and additional parking spaces never received a modification to be in the front yard.**

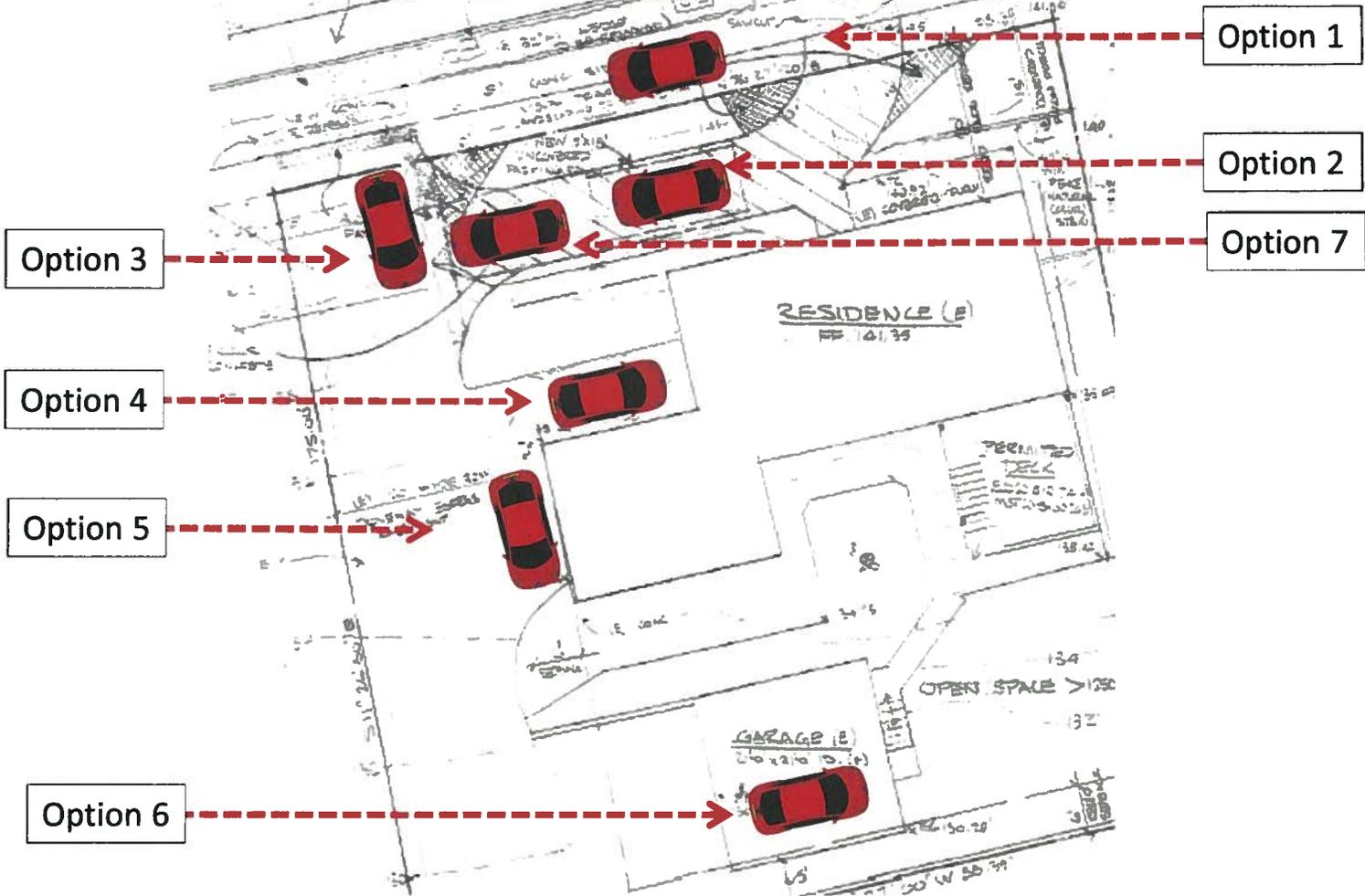
Various Circular Driveways



Loading/Unloading Issue

- **1417 San Miguel Ave is unique**
 - **For over 50 years**
 - **loading/unloading has occurred in the No Parking zone on the street**
 - **Do not feel safe doing this**
 - **Cars go around if possible**
 - » **but it is embarrassing and demeaning for us!!!**
 - **Causes us to rush the loading/unloading**
 - **Loading/unloading in the front yard**
 - **No traffic impacted**
 - **No rushing**

Loading/Unloading Options





Option 1; Heritage unloading; **Use No Parking zone**

Distance Elevation change

20' 1'

Average load of 4 bags requires 160' travel



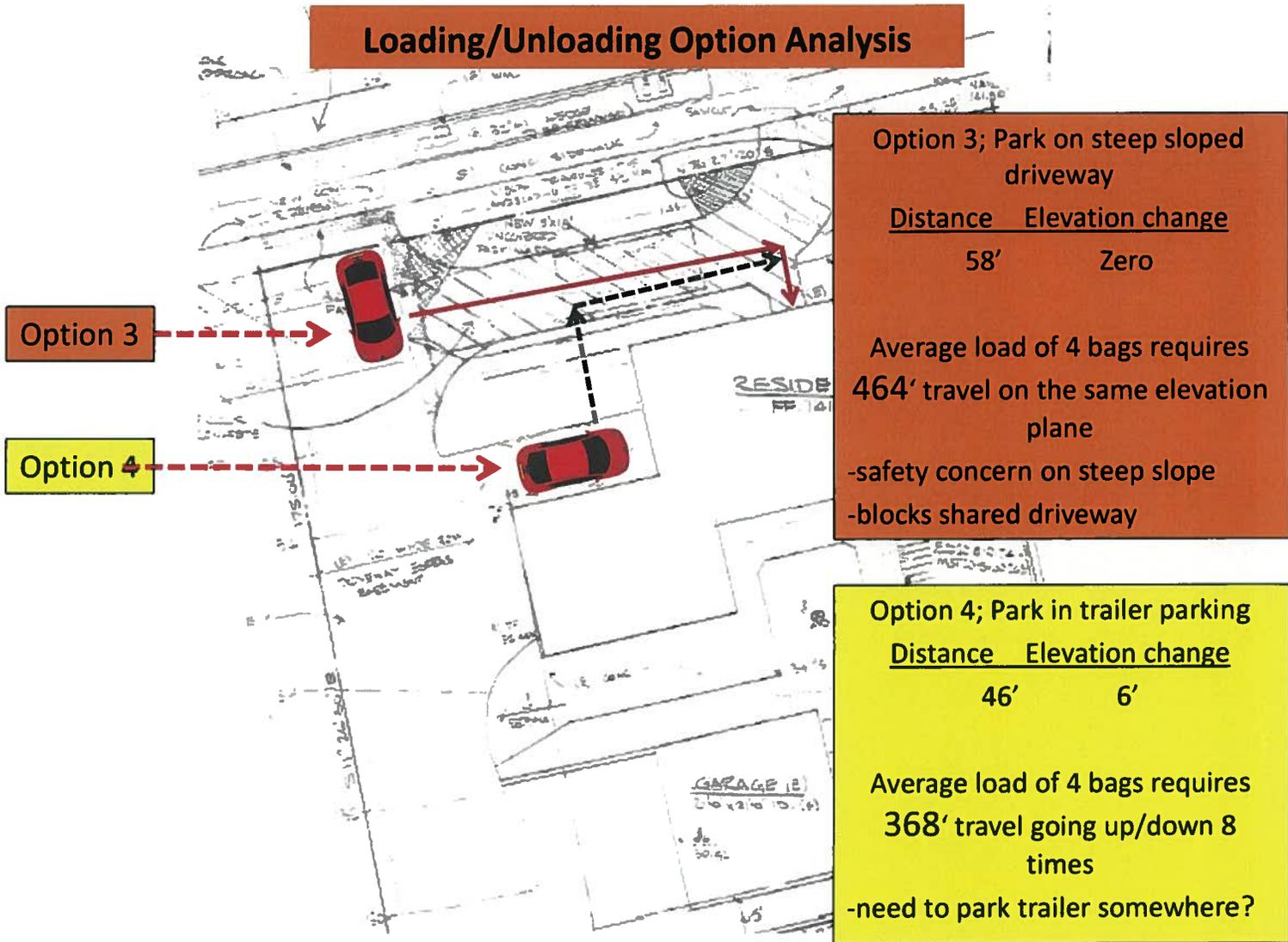
Option 2; Heritage unloading; **Use front setback**

Distance Elevation change

15' Zero

Average load of 4 bags requires 120' travel on the same elevation plane

Loading/Unloading Option Analysis



Loading/Unloading Option Analysis

Option 5; Park next to Rec Rm

Distance Elevation change

77' 6'

Average load of 4 bags requires
616' travel going up/down 8
times

-furthest distance

Option 6; Park in garage

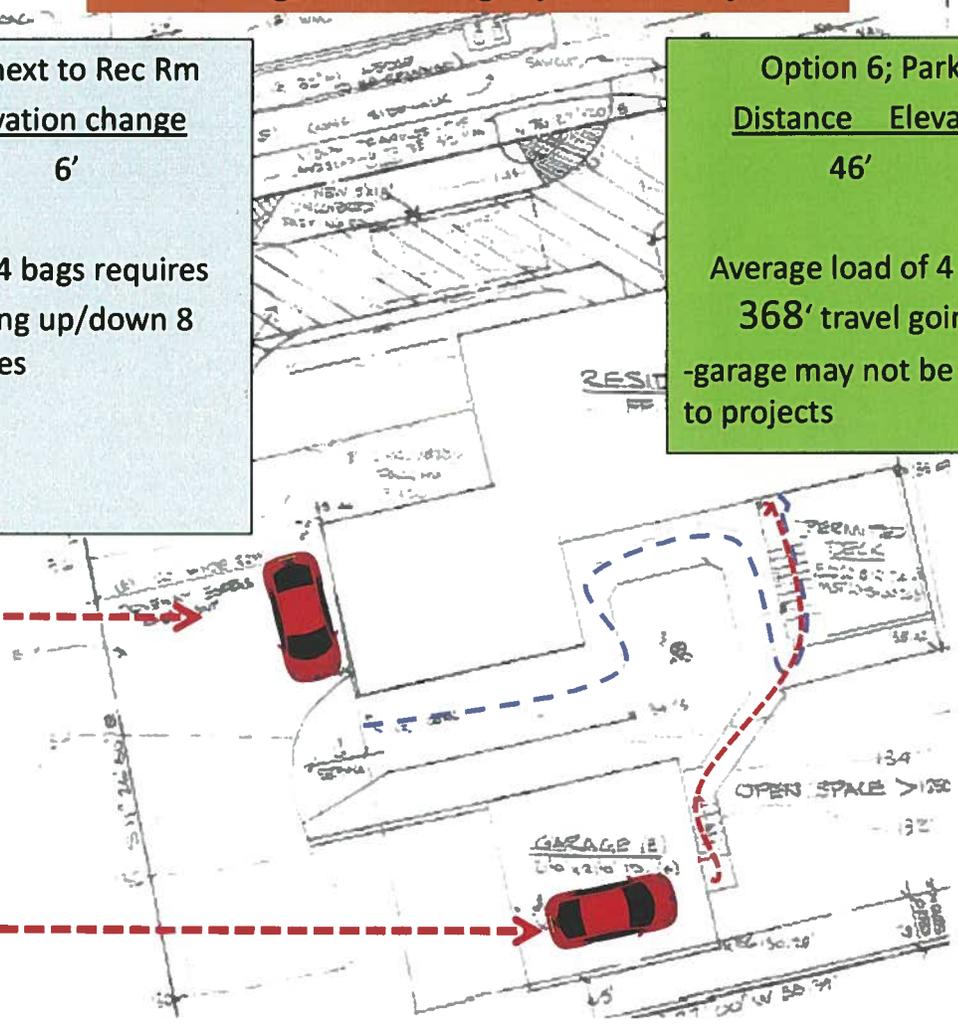
Distance Elevation change

46' 11'

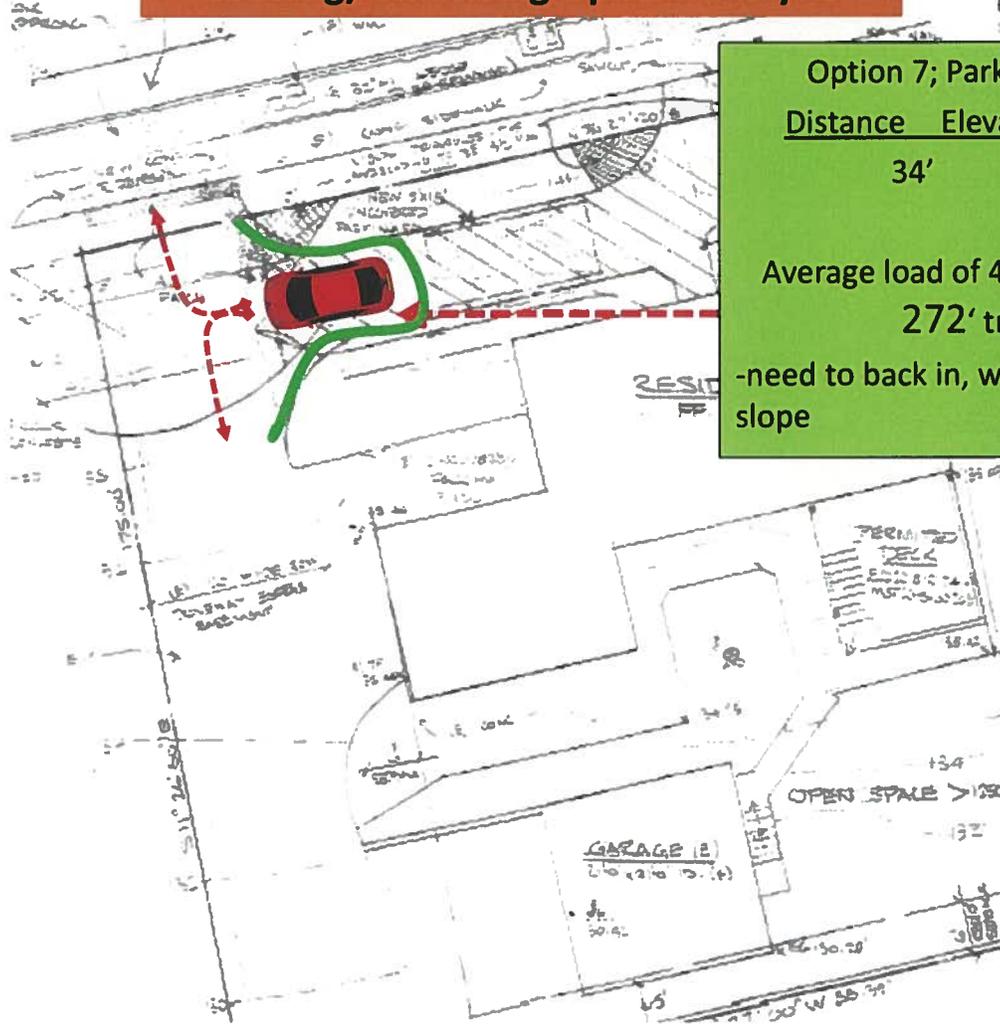
Average load of 4 bags requires
368' travel going up/down
-garage may not be available due
to projects

Option 5

Option 6



Loading/Unloading Option Analysis



Option 7; Park in setback
Distance Elevation change
34' 0'

Average load of 4 bags requires
272' travel
-need to back in, while on step
slope

Option Comparison

Options	Total distance (4 round trips per load/unload)	Elevation change (ft)	Comments
1 -street	160	1	Unsafe, illegal, steps-trip hazard
2 -setback	120	0	Safe, no rushing, Heritage parking in front setback
3- slope	464	0	Unsafe slope (brake failure) blocks shared drive
4-trailer	368	6	Unsafe turn off slope for vehicles, steps-trip hazard
5-rec rm	616	6	Unsafe over steps- trip hazard, Furthest distance
6-garage	368	11	Unsafe over more steps- trip hazard
7-partial parking	272	0	Safe in most cases, worry, no about the slope, no 2 nd approach, needs landscaping

Option 2 is Safest and Shortest

Summary

- **1417 San Miguel Ave is unique**
 - **Comparison indicates the safest and shortest access to main level of house**
 - **Illegally parking in street or front setback**
 - **For safety reasons the front setback is primary option**
 - **Owners wants to legitimize the safe primary option**
 - **Negates ever having to illegally park on the street**
 - **No negative impact to on street parking**
 - **Landscaping plan reduces water consumption**
 - **Improve safety for pedestrians and vehicles**
 - **SRBD finds the project “...aesthetically appropriate and does not pose consistency issue with design guidelines**
 - **Enhances the community, neighborhood and property for the future**
 - **Believe families with small children, families with disabilities would appreciate the improvement**

Want to team with City to create a Win-Win situation

CODE COMPLIANCE NOTE

2013 CALIFORNIA RESIDENTIAL CODE (CRC)
2013 CALIFORNIA BUILDING CODE (CBC) - STRUCTURAL
2013 CALIFORNIA PLUMBING CODE (CPC)
2013 CALIFORNIA MECHANICAL CODE (CMC)
2013 CALIFORNIA ELECTRICAL CODE (CEC)
2013 CALIFORNIA ENERGY CODE (CEC)

SCOPE OF WORK

(1) NEW CONCRETE DRIVEWAY APPROACHES FOR CITY OF SANTA BARBARA RESIDENTIAL DRIVEWAY STANDARD DETAIL 18.03.0
(2) NEW CONCRETE DRIVEWAY APPROACHES FOR CITY OF SANTA BARBARA RESIDENTIAL DRIVEWAY STANDARD DETAIL 18.03.0 SHOWN ON THIS SHEET.

PROJECT DATA

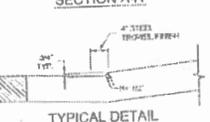
APN 045-152-006 PROPERTY AREA E-3(1) E-1(4) ZONE E-3(1)
SLOPE: PROPERTY 12% BUILDING SITE 3.5% SLOAN ACCESS 12%
OCCUPANCY: R-1/U BUILDING TYPE: V-B
GRADING: 4.0% (EXIST) EXISTING FAC: 52.5'
RESIDENCE (EXISTING) 1215 S FIRM 1614 ST (EXISTING)
GARAGE (EXISTING) 440 S FIRM 1614 ST (EXISTING)
ELEC (EXISTING) - 7500 S (EXISTING)

EXISTING

REQUIRED...
EXISTING...
PROPOSED...

NOTES:

- 1. This driveway is to be used in residential areas...
2. Driveway width (W) shall be 10 feet minimum...
3. Where driveway width exceeds 12 feet...
4. The driveway shall be 8 inches thick...
5. Driveway shall be finished with...
6. Curb shall be 4 inches high...
7. There shall be a 1/4 inch for each 2 inches of curb height...
8. Driveway flares, slope and gutter shall be...
9. Where existing gutter has been removed...
10. Driveway shall consist of gutter, ramp, and sidewalk...
11. See detail 11.03.1 for details...
12. Where existing gutter remains...
13. Provide a minimum 1" wide sidewalk...



RESIDENTIAL DRIVEWAY

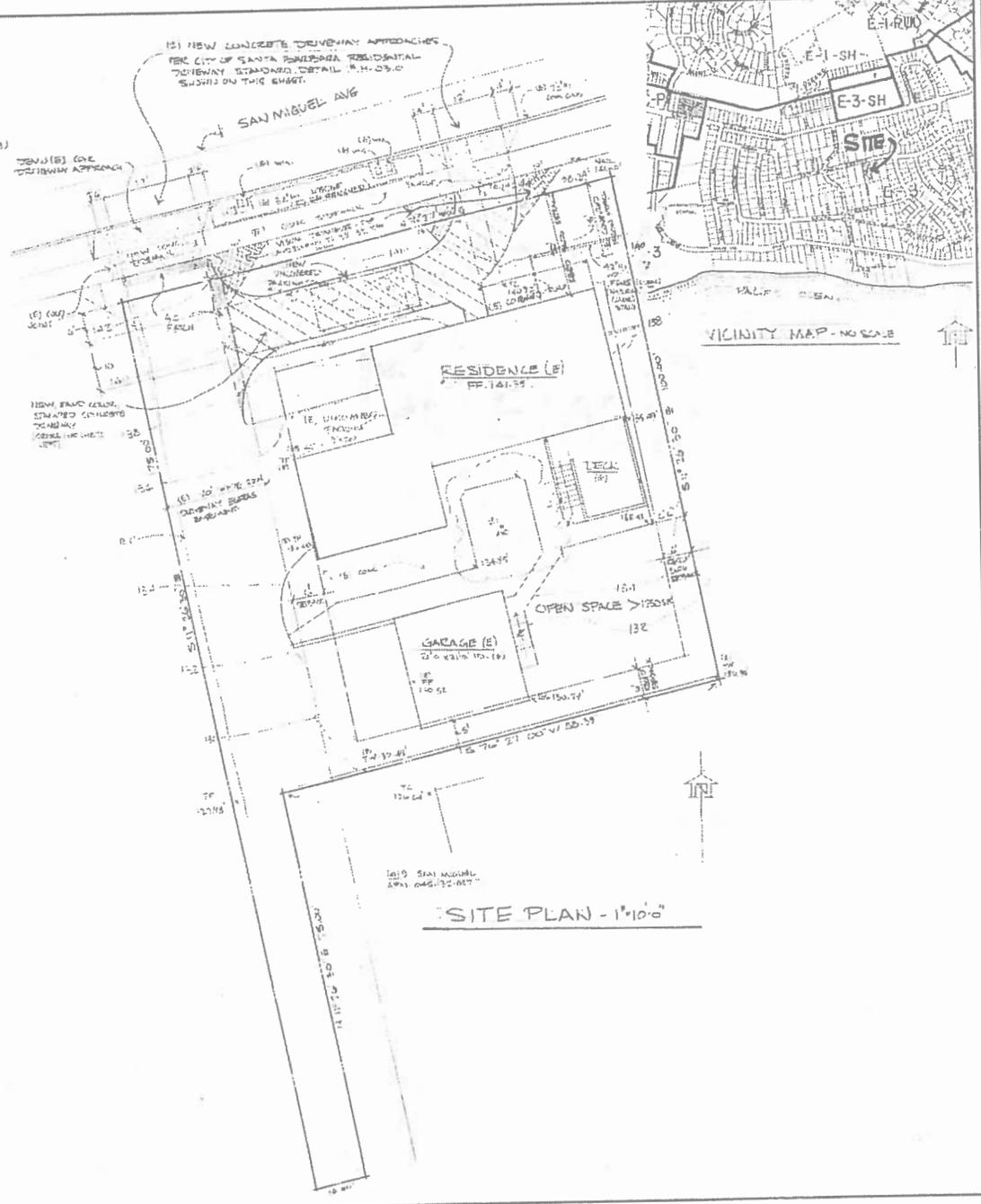


Table with columns for REVISIONS and BT, and project information including client names (DON SWANN, MICHAEL AND JAMI GOTT) and address (216 NORTHRIDGE ROAD, SANTA BARBARA, CA).