



GARCIA ARCHITECTS, INC.
ARCHITECTURE · ENGINEERING · PLANNING

2010 JUN 14 PM 2:21

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

June 12, 2010

City Council
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: APPEAL TO CITY COUNCIL OF PLANNING COMMISSION DENIAL OF MST:
2009-00500

APPLICATION OF GILBERT GARCIA, AGENT FOR WILLIAM PRITCHETT, 401 ½
OLD COAST HIGHWAY, APN 015-291-010, C-P RESTRICTED COMMERCIAL/R-2
TWO FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION; 12 UNITS PER
ACRE.

Dear Mayor and City Council members:

We respectfully request a hearing before the City Council of Santa Barbara to appeal the denial by the Planning Commission on June 10, 2010 to overturn the denial by the Staff Hearing Officer.

We feel that the Planning commission did not adequately understand as evidenced by their comments the merits of the small project that carries out many City goals and staff did not adequately present the negative community consequences if the project is not allowed to proceed which are in addition to the loss of the historic use of a affordable housing unit. The most negative consequences would be to force the owner to convert the historic affordable section eight residence into commercial space that everyone agrees is not in the best interest of the community. Furthermore the conversion to commercial may not be feasible due to building department and fire department requirements which could result in adverse condemnation.

The planning staff presented economically unfeasible possible alternatives that left the planning commission with the impression that it was a possibility, but in reality would force the owner to seek legal remedy or convert the unit to a commercial use. This would result in the other two units on site not being upgraded with the ordinance compliant open space both common and private.

Comment from one planning commissioner that the modification request were not giving something back to the community was not correct when you consider the fact that memorializing the historical affordable section eight housing would be a positive for the community and the open space upgrade would be positive for the tenants and the landscaping would be positive for the community with the addition substantial number of canopy trees.

Another commissioner's comment that this is a market unit is incorrect when in fact the housing authority places a limit on the rent and it may at times be the same as market but many more times is not the case.

In addition the staff and planning commissioner did not consider the high community need for three bedroom one level section eight affordable housing and did not consider the difficulty in getting willing landlords to participate in the section eight program.

For this and the reasons below we request the city council overturn the planning commission denial and grant the appeal for the very needed and necessary project in the community so as not to lose one quality three bedroom single level affordable section eight housing unit.

The 7,117 square foot project site is currently developed with two single family residences and, in city staff's opinion, a 1206 square feet of commercial space. This city staff opinion is currently disputed by the owner and respectfully submits that said commercial space is in fact a documented legal nonconforming residence that has served the community as such under the affordable section 8 housing authority program for over 25 years. In a good faith effort to settle this dispute and continue the use of the space as residential, the owner has submitted an application for modifications as noted below that has been denied by the Architectural board of review and the staff hearing officer.

We request the city council review be based on the merits of the application and not on the merits of the dispute on either side. Granting of the appeal on its merits would effectively settle the dispute between city staff and the owner.

The proposed project involves a request to change the use of commercial space, as claimed by city staff, or to remodel an existing residential space as claimed by the owner. The historic use of the space has served the community as residential for the last 25 years. The approval will result in a residential du-plex consisting of an existing two bedroom unit and existing remodeled three bedroom unit. Existing 1 bedroom detached cottage will remain as is for a total of three living units on the site. Parking will consist of existing six parking spaces with one new carport structure and five will remain uncovered. The property enjoys an existing easement for ingress and egress effectively increasing the usable lot area by about 2,000 sq. ft. The discretionary applications required for the project are Modifications to permit:

Five (5') separations between detached buildings instead of the 10' separation required. (SBMC 28.21.060): and

New residential habitable space within the residential required ten-foot rear yard setback (SBMC 28.21.060).

Justification for having the proposed residential living spaces encroach into the required setback and to allow the 5' separation is:



G A R C I A A R C H I T E C T S , I N C
A R C H I T E C T U R E · E N G I N E E R I N G · P L A N N I N G

- A. The existing one story building was legally constructed with encroachment into the rear yard setback and with the 5' separation. The continued use of this encroachment and separation as remodeled residential living space would allow the low profile structure with minimal mass, bulk, and scale, neighborhood impacts to continue instead of demolishing the building and constructing a new two story unit with compliant setbacks and much less desirable mass bulk and scale neighborhood impacts.
- B. The historic use of the space has served the community well for the last 25 years in the form of affordable housing under the housing authority section eight program and approval of the application would result in the continued use of the space for affordable housing which is in great demand in the city of Santa Barbara and responds to one of the city's major policy goal of encouraging affordable housing.
- C. Agreeing with staff for a moment that this space is commercial, the application approval would be in keeping with Housing element of the General plan that encourages recycling of commercial buildings by changing their use to residential and also the affordable by design policy goal would be achieved by the less costly change of use construction over new construction.
- D. Application approval would greatly enhance quality of life amenities for the remodeled and existing residential units with the addition of open space both common and private per zoning requirements and the addition of light well alcove to existing building to allow for windows in each room of the remodeled residential use. In addition it would dramatically reduce the land use traffic and parking intensity of commercial use that city staff incorrectly implies it is and agrees now that it is an inappropriate use on the site.
- E. As a residential unit it integrates better and is more congruent both in design and function with the surrounding neighborhood properties which have transitioned over the years to almost entirely residential. The location is in the lower Eucalyptus Hill entering off Salinas and is a mixed use neighborhood with many student apartment complexes owned by Westmont College directly behind the property as well as various other businesses mostly built around 1955-1970 timeframe. The area is on a major transit corridor giving access to all other parts of the City. Housing in this area is, in general, moderate to lower income and the continued residential use of this application would preserve this unit as part of the area housing stock.
- F. City Council has stated that the number one problem we face is a lack of "affordable housing" for our residents. And the continued use of this space as affordable residential through the section 8 voucher program would provide housing opportunity to very low income families and individuals facing extreme hardship. Other two units on site are currently rented under the section 8 programs for the last

- 10 years. The proposed remodel unit space is currently empty but has a historical use of affordable residential unit for over the last 25 years.
- G. We respectfully submit that both ABR and SHO denials are not in keeping with the goals and policies of city ordinances and general plan for conversion of existing use to residential use. Their denial findings that the conversion does not meet the goals of a new housing unit development do not take into account that this is an existing development with an application to improve the quality of life of the all tenants on the site. And does not take into account the city goals and policies of encouraging recycling of commercial uses into residential use and does not take into account the long 25 year history of residential use of the space and finally does not take into account that the denial, if upheld, will eliminate a long standing affordable housing unit in the community which we believe is not in the best interest of the community.
 - H. We also respectfully submit the ABR overstepped their authority in the review of this application and their denial is not based on the correct role of their review responsibilities which is to comment on the design and esthetics of the application and not on land use issues and interior floor plan quality of life issues. The historic interior quality of life use is documented with appreciation letters from very happy past tenants for the opportunity to live in the affordable housing space.
 - I. As outlined in the "General Administrative Review Standards" handbook (see Part 1 page 3) The application is meeting the standards of Architectural Design in as much as the building is an existing structure which only requires we stay within the original design, style, color, material, and scale. We have maintained the original design along with the rest of the units. New carport addition is designed to match the existing architecture originally constructed over 50 years ago without deviation.

Respectfully submitted:


Gil Garcia, AIA
(805) 789-2588
e-mail: gil@gilgarcia-aia.com