

Gerrity Garage Conversions Appeal

Case Nos. 23APL-00000-00032 & 22CDP-00000-00009

Santa Barbara County Board of Supervisors
October 17, 2023



County of Santa Barbara
Planning and Development
Veronica King

Aerial Location Map



- **Address: 6794 Trigo and 6793 Pasado Road**
- **Size: 0.17-acre parcel**
- **Zone: SR-M-18**
- **Existing duplex constructed in 1960**

Photos



6794 Trigo Road

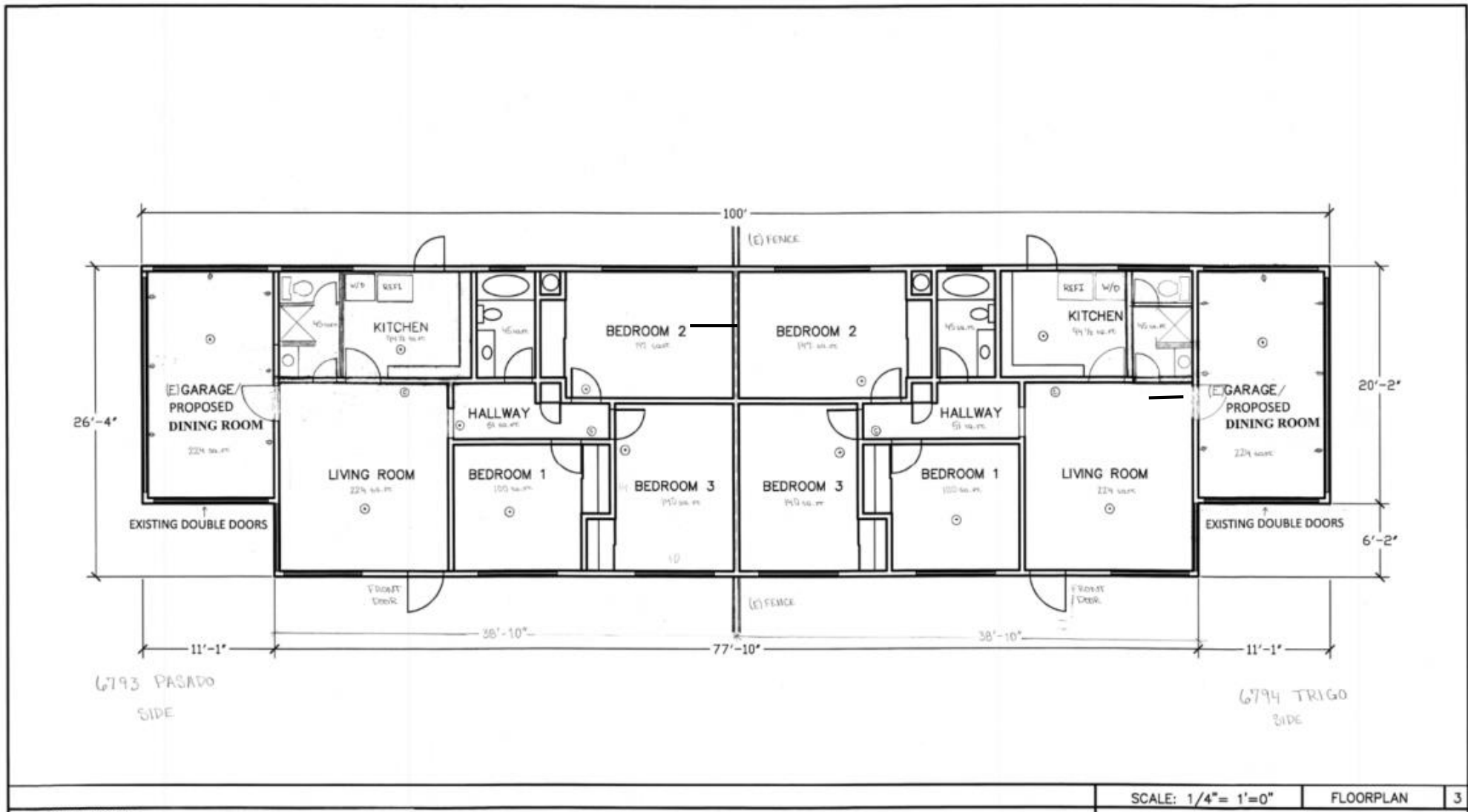


6793 Pasado Road

Site Plan



Floor Plan



Background

The CDP was denied on June 29th, 2022. The decision to deny the CDP was based on the following determinations:

- Project does not comply with Article II and is inconsistent with LCP
- Project constitutes a change in use
- Insufficient parking to satisfy parking requirements (12 spaces)
- Nonconforming structures cannot be extended without conforming to Article II
- Exacerbates overburdened parking supply issues in IV

Applicant appealed the Director's denial to PC and was denied by a vote of 5-0

- Applicant filed a new appeal to the Board
- Staff reviewed the appeal to the Board and finds the issues raised are without merit

Appeal Issues

Appeal Issue #1: The project is not a change of use

Staff Response:

- Garages and duplexes are distinct and separate uses in Article II
- Change of use occurs when non-habitable accessory space is converted to habitable space within principal dwelling (the duplex)

Appeal Issues

Appeal Issue #2: Number of parking spaces shall be calculated for the new use only and dining rooms do not require parking

Staff Response:

- Recalculation of parking spaces required upon the change of *any* use
- *New use* is the expanded principal residential use of the duplex
- Dining rooms are not their own use - they are part of the duplex

Appeal Issues

Appeal Issue #3: The parking ordinance is confiscatory and unconstitutional

Staff Response:

- Regulation of residential parking consistent with County's police powers and ability to regulate land use
- Requirement to recalculate required parking triggered by change of use
- Legal nonconforming status can be maintained without garage conversion

Appeal Issues

Appeal Issue #4: The PC hearing was biased

Staff Response:

- This Board hearing is *de novo* and any assertions of unfairness from the previous PC hearing is not relevant to this decision
- Proper procedures were followed
- Appellant given 25 minutes to present
- PC not required to allow time for an Appellant to rebut statements made by the PC

Summary

Article II:

- Subject lot cannot meet current Article II parking requirements triggered by the change in use
- Nonconforming duplex cannot be extended or enlarged without conforming to all Article II development standards
- Modifications/Variances to reduce the number of required parking spaces in the SR-M zone not allowed

Environmental Review

- CDP denial is exempt from CEQA pursuant to CEQA Section 15270 [Projects which are Disapproved]

Recommended Actions

- Deny the appeal, Case No. 23APL-00000-00032
- Make the required findings for denial of the Coastal Development Permit
- Determine the denial of the appeal and denial of the CDP is exempt from CEQA
- Deny *de novo* the Coastal Development Permit, Case No. 22CDP-00000-00009