

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
Coastal Zone Staff Report for the Gerrity Appeal, Case No. 22APL-00000-00016

Hearing Date: January 11, 2023

Staff Report Date: January 3, 2023

Case Nos.: 22APL-00000-00016, 22CDP-00000-00009

Environmental Document: Exemption pursuant to Section 15270 of the State CEQA Guidelines

Deputy Director: Travis Seawards

Division: Development Review

Supervising Planner: Alex Tuttle

Supervising Planner Phone #: (805) 884-6844

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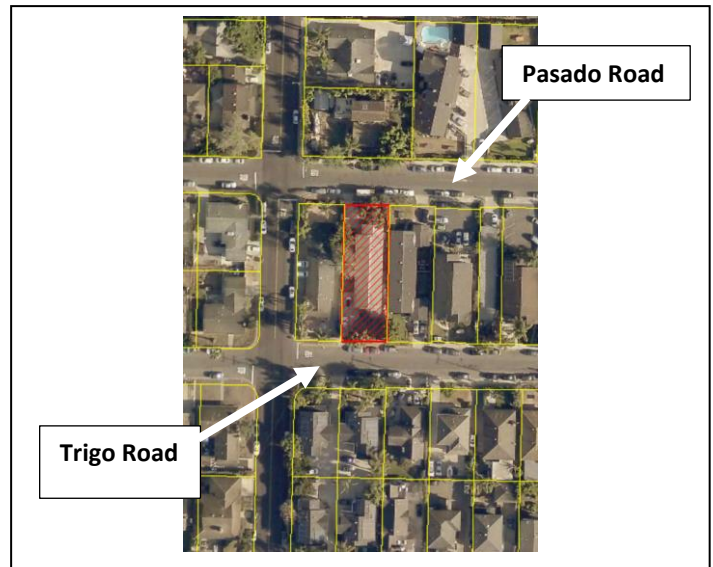
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**OWNER/APPELLANT**

David Gerrity

PO Box 1107

Summerland, CA 93067



The parcel is identified as Assessor's Parcel Number 075-141-003, located at 6794 Trigo and 6793 Pasado Road, in the Goleta Community Plan area (Isla Vista), Second Supervisorial District.

## 1.0 REQUEST

Hearing on the request of property owner, David Gerrity, to consider an appeal, Case Number 22APL-00000-00016, of the Director's denial of 22CDP-00000-00009 for the conversion of two single-car attached garages into dining rooms, in compliance with Section 35-182 of Article II, the Coastal Zoning Ordinance. The applications involve Assessor Parcel Number 075-141-003, located at 6794 Trigo and 6793 Pasado Road in the Goleta Community Plan area (Isla Vista), Second Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Your Commission's motion should include the following:

1. Deny the appeal, Case Number 22APL-00000-00016.
2. Make the required findings for denial of the Coastal Development Permit (CDP) included in Attachment A.
3. Determine that denial of the appeal and denial of the Coastal Development Permit is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15270(b) [Projects Which are Disapproved] as specified in Attachment B.
4. Deny *de novo* the Coastal Development Permit, Case No. 22CDP-00000-00009.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

## **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based on Section 35-182.4.A.2 of Article II, the Coastal Zoning Ordinance, which states:

*Director Decisions. The following decisions of the Director may be appealed to the Planning Commission:*

*a. Any determination on the meaning or applicability of this Article...*

*d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permits approved in compliance with Section 35-137 (Temporary Uses).*

## **4.0 ISSUE SUMMARY**

David Gerrity, owner of the subject parcel, applied for a Coastal Development Permit to convert the existing two single-car garages attached to a duplex located at 6794 Trigo and 6793 Pasado Road into dining rooms.

The Planning and Development (P&D) Director was unable to make the required findings for the Coastal Development Permit in accordance with Section 35-169.2 of the Coastal Zoning Ordinance (as detailed in Section 6 (Project Analysis) below), and therefore denied the CDP on

June 29, 2022. P&D staff found that the proposed project was inconsistent with the certified provisions of the County’s Local Coastal Program (LCP), including the California Coastal Act, the County of Santa Barbara Coastal Land Use Plan, and the County of Santa Barbara Coastal Zoning Ordinance (Article II). The decision to deny the CDP was based upon the following determinations:

- Per Section 35-106 of Article II, *upon the change of any use, the number of parking spaces to be provided shall be calculated according to the requirements of this Division for the new use. Any previous parking modifications granted by the Planning Commission, Zoning Administrator, or the Director shall be null and void.* Since the application includes the conversion of non-habitable garage space to habitable space, the development constitutes a change of use, meaning the project will need to adhere to current Article II, Division 6 parking standards.
- Pursuant to Section 35-76.11, two (2) parking spaces are required per bedroom in the Medium Density Student Residential (SR-M) Zone. These residential parking spaces shall be 8.5 feet wide by 16.5 feet long, although 30 percent of the required spaces may be provided as compact spaces (8 feet by 14.5 feet). Since the existing duplex has six (6) bedrooms total, 12 parking spaces are required to bring the parcel into conformance with current parking standards. The property currently provides 4 spaces which does not meet this ordinance standard. Therefore, the existing duplex is considered legal non-conforming with respect to parking.
- The property cannot accommodate the required 12 spaces and only proposes 4 spaces. The proposed garage conversions would remove the two existing covered spaces and, due to the increased parking requirement triggered by the change of use, result in the inability for the parcel to meet the recalculated 12 parking spaces. In addition, pursuant to Section 35-179.2.3.f and Section 35-173.2.2.c, Modifications or Variances to reduce the number of parking spaces are not allowed in the SR-M Zone. Therefore, the loss of parking spaces would cause the parcel to no longer provide adequate parking for residents of the dwellings and the proposed project is inconsistent with Article II, Section 35-106.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, Coastal, RES-18.0 (Maximum 18 dwelling units per acre)
Zone	Article II, SR-M-18 (medium density student residential)
Site Size	0.17

<b>Site Information</b>	
Present Use & Development	Duplex
Surrounding Uses/Zone(s)	North: SR-M-18 (medium density student residential) South: SR-M-18 (medium density student residential) East: SR-M-18 (medium density student residential) West: SR-M-18 (medium density student residential)
Access	Driveway off of Trigo and Pasado Road
Public Services	Water Supply: Goleta Water District Sewer Services: Goleta West Sanitary District Fire: County Fire Department Police Services: County Sheriff

## 5.2 Description

The project is a request for a Coastal Development Permit to allow for the conversion of two single-car garages into dining room additions for an existing duplex. The project will result in two dwelling units of 1,196 SF and the removal of two covered parking spaces. Two uncovered parking spaces are proposed to replace the lost garage spaces. The site is currently developed with a 1,944 SF duplex and two 224 SF attached garages. No exterior changes, grading, or tree removal is proposed. The parcel will be served by the Goleta Water District, the Goleta West Sanitary District, and the Santa Barbara County Fire Department. Access will be provided by two existing driveways, one off Trigo Road and the other off of Pasado Road. The property is a 0.17-acre parcel zoned SR-M-18, located at 6794 Trigo Road and 6793 Pasado Road in the Isla Vista area, 2<sup>nd</sup> Supervisorial District.

## 5.3 Background Information

The subject lot is part of the Isla Vista Tract in Los Dos Pueblos Rancho, created in November of 1925, as shown on Book 15, Page 81 of the Record of Surveys as Lot 3. The existing single story duplex was constructed in 1960 through Permit No. 11942.

## 6.0 PROJECT ANALYSIS

### 6.1 Appeal Issues

**Appeal Issue #1:** The appellant asserts that the project does not constitute a change of use as the residences and garages are both residential within the same residential use category.

**Staff Response:** Garages and residences are both permitted uses in the SR-M-18 Zone under Article II (Section 35-76.4), however, they are listed as separate uses in the Permitted Uses Section and thus the project creates a change of use when converting garages, which are

considered non-habitable “accessory residential structures,” into newly habitable space of the principal dwellings in the form of dining rooms. As a result, the accessory garage use will become part of the primary residence use, which triggers a re-calculation of parking spaces.

**Appeal Issue #2:** The appellant asserts that the zoning ordinance (Section 35-106) specifies that with a change in use, the number of parking spaces shall be calculated for the new use only and that dining rooms do not require parking.

**Staff Response:** Section 35-106 requires a re-calculation of parking spaces upon the change of “any” use, not just for “new uses only” as asserted by the appellant. Pursuant to Section 35-106 of Article II, *upon the change of any use, the number of parking spaces to be provided shall be calculated according to the requirements of this Division for the new use. Any previous parking modifications granted by the Planning Commission, Zoning Administrator, or the Director shall be null and void.* Since the development constitutes a change of use as described in Appeal Issue No. 1, the project will need to adhere to current Article II, Division 6 parking standards.

The *new use* in question is the principal residential use, as converting garages into dining room space is converting non-habitable space into habitable residential space and expanding the principal residential units. Since the project would add square footage to the existing residential use, the parking requirements for a residential use in the zone shall be re-calculated. The existing duplex is already legal nonconforming and deficient in parking since each unit contains three bedrooms, and the parking calculation requires six spaces per unit (for a total of 12 spaces) and only 4 spaces are currently provided.

**Appeal Issue #3:** The appellant argues that the parking ordinance is confiscatory and unconstitutional as it is an unreasonable and oppressive interference with existing non-conforming uses. The appellant contends that the only way to bring existing buildings in the zone into compliance is to remove bedrooms and to do so would be unreasonable.

**Staff Response:** The regulation of residential parking is consistent with the jurisdiction’s police powers and ability to regulate land use in the County. Current code requirements call for two parking spaces per bedroom in the SR-M Zone. Therefore, 12 parking spaces are required to serve the parking needs of the duplex under current ordinance standards, as each unit contains three bedrooms. Although many of the properties in Isla Vista are legal non-conforming with respect to parking, the requirement to recalculate the required parking and comply with current ordinance standards is specifically triggered by the change of use. As proposed, the project would further exacerbate the non-conformity by removing the existing garage parking.

Furthermore, staff did not suggest that the applicant remove bedrooms in order to comply and, per the Initial Feedback Letter (dated June 2, 2022, and included as Attachment C), this is not the only option to bring the project into compliance with current ordinance regulations. Staff proposed other alternatives, such as converting the garages into Accessory Dwelling Units

(ADUs), which would only require replacement parking for the two parking spaces lost through the garage conversions. The applicant elected not to pursue other permitting options.

## 6.2 Environmental Review

The denial of a Coastal Development Permit request is exempt from environmental review based upon Section 15270 [Projects which are Disapproved] of the California Environmental Quality Act (CEQA) Guidelines. See Attachment B (Notice of Exemption) for a more detailed discussion of the CEQA exemption.

## 6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<b><u>Adequate Services</u></b>	
<p><b>Coastal Land Use Plan Policy 2-6:</b> Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.</p>	<p><b>Inconsistent:</b> The proposed project is inconsistent with this policy because it will result in the inability of the subject lot to meet the parking requirements for the zone. The existing duplex is legal non-conforming with respect to parking as current ordinance standards require 12 spaces for the 6 bedrooms onsite, and only 4 spaces are provided. The change of use would require the development to comply with current Division 6 parking standards. Since only 4 spaces are proposed, the parcel would be unable to comply with ordinance mandated parking standards.</p>

## 6.4 Zoning: Article II

### 6.4.1 Compliance with Coastal Zoning Ordinance Requirements

The project is inconsistent with certain Article II Coastal Zoning Ordinance requirements, including Section 35-76 (Medium Density Student Residential), as outlined below.

#### **Section 35-76.11.1.a - Medium Density Student Residential – Parking**

*Single-family or multiple-residential unit: two spaces per studio or bedroom; however, a unit or units with a total of three bedrooms on any lot smaller than 7,500 net square feet shall require a total of four parking spaces, provided that no additional parking for the unit(s) would be required under Section 35-76.7 (Bedroom Density).*

**Staff Determination: Inconsistent**

The existing duplex contains three bedrooms in each dwelling unit, and each dwelling unit currently provides two parking spaces (one covered garage space and one uncovered space). The four spaces do not meet current Division 6 parking standards, meaning the subject lot is non-conforming with respect to parking. As a result of the recalculation of parking requirements triggered by the change of use, the property would be unable to comply with current code requirements by failing to provide adequate parking to serve the needs of the residents of the existing duplex. This elimination of parking spaces is inconsistent with the parking requirements of a SR-M-18 zoned parcel, which would be 12 spaces total to accommodate the six existing bedrooms. As stated in the Goleta Community Plan and reiterated in a Grand Jury Report commissioned by the Board of Supervisors, "The existing parking demand in Isla Vista exceeds the parking space availability. This problem has been a recognized problem for at least 20 years" (Isla Vista – Who's in Charge, 2002, Attachment G). At the August 20, 2002 Board of Supervisors meeting, the BOS adopted a letter that agreed with this finding (Attachment H). Additionally, the Housing Element of the County's General Plan (2015) states that "For years, Isla Vista has faced challenges with parking, overcrowding, aging housing stock and deteriorating infrastructure." Thus, elimination of the garage spaces would have the practical effect of exacerbating already overburdened parking supply issues in Isla Vista.

**Section 35-106 Recalculation of Parking Spaces Upon Change of Use.**

*Upon the change of any use, the number of parking spaces to be provided shall be calculated according to the requirements of this DIVISION for the new use. Any previous parking modifications granted by the Planning Commission, Zoning Administrator, or the Director shall be null and void.*

**Staff Determination: Inconsistent**

The project constitutes a change of use which triggers a recalculation of parking requirements in order to meet current Division 6 standards. As proposed, the project will not be in compliance with current parking standards as it fails to provide the required 12 spaces for the six existing bedrooms.

## **7. APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. The appeal fee to the Board of Supervisors is \$701.06.

## **ATTACHMENTS**

- A. Findings for Denial

- B. CEQA Exemption
- C. Initial Feedback Letter, dated June 2, 2022
- D. Director Denial of 22CDP-00000-00009, dated June 29, 2022
- E. Applicant Appeal of Director Denial of 22CDP-00000-00009, dated July 7, 2022
- F. Project plans for 22CDP-00000-00009
- G. BOS Letter August 20, 2002
- H. Isla Vista Who's in Charge