City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: July 5, 2007

AGENDA DATE: July 12, 2007

PROJECT ADDRESS: 1400 Rogers Court (MST2006-00736)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Marisela G. Salinas, Associate Planner

SUBJECT: INITIATION FOR ZONE CHANGE AND GENERAL PLAN AMENDMENT

I. PROJECT DESCRIPTION

The project consists of a request to initiate a Zone Change and a General Plan Amendment for an existing lot at 1400 Rogers Court (formerly known as 1418 Cliff Drive) from E-1, Single Family Residential, Zone to R-2, Two-Family Residential, Zone and from a General Plan Designation of Residential - 3 Units per Acre and Residential - 5 Units per Acre to Residential - 12 Units per Acre. The project site is a 16% slope lot, 44,600 square feet in size, and located in the Alta Mesa Neighborhood of the City, accessed from Santa Fe Place.

If the initiation request goes forward, the proposed project, which involves a 12-unit, one-lot subdivision would include eight units proposed at market rate and four units proposed at affordable rates. This would require a Tentative Subdivision Map, Modifications, and a Public Street Frontage Waiver. Final approval of the rezone and General Plan Amendment would subject to City Council review.

The discretionary applications required for this project are:

1. Initiation of a Zone Change from E-1 (One-Family Residence Zone) to R-2 (Two-Family Residence Zone); and
2. Initiation of a General Plan Amendment from Residential – 3 Units per Acre and Residential - 5 Units per Acre to Residential – 12 Units per Acre.

At this time, the Planning Commission is not being requested to take any action regarding approval of the proposed project nor make any determination regarding environmental review.

II. BACKGROUND

This project site is part of the original Rogers Tract Subdivision that was created by a series of deed conveyances beginning in 1929 and completed in the late 1950s. On June 7, 1979, Planning Commission deemed this subdivision illegal and all undeveloped lots and property owners within this subdivision received Notices of Violation, recorded in the Official Record.

Two Rogers Tract properties were issued permits before the Planning Commission action on June 7, 1979. One of those permits was given to SHIFCO, now the Santa Barbara Housing Authority, to construct senior housing, which is located south of the project site. The second was for this subject property, to build a single-family residence.

The subject property, which consists of six contiguous Rogers Tract lots, was merged in 2005 to satisfy conditions set forth in a Land Use Agreement approved by City Council on November 19, 1974 (Agreement No. 7256). The merger was an outstanding condition that was required as part of the approval for the construction of the residence in 1974.

On November 18, 2004, the Planning Commission approved a project which addressed a majority of the remaining Notices of Violations on the undeveloped Rogers Tract Subdivision. The approval included six market-rate homes at the top of La Vista del Oceano Drive and seven duplexes on the lower portion, accessed from Santa Fe Lane, west of this project site. The property on which the duplexes were developed was rezoned from E-1, Single Family Residential Zone to R-2, Two-Family Residential Zone. As part of the approval, the Planning Commission required that seven of the fourteen lower units be sold at Middle-Income affordable rates. The proposal did not require a General Plan Amendment.

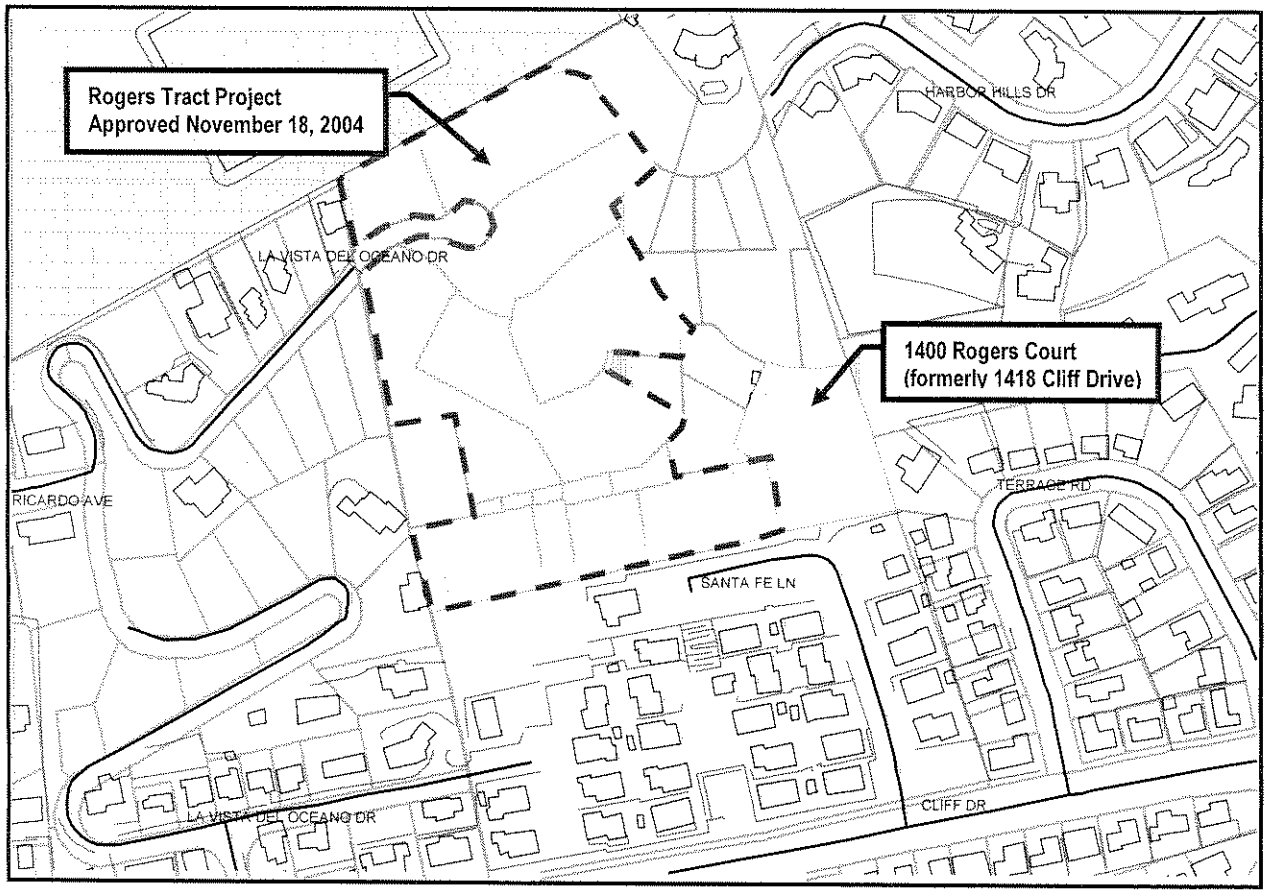

Figure 1 -Vicinity Map

III. DISCUSSION

Both the Rezone and General Plan amendment are legislative processes and the City procedures require that the Planning Commission or City Council initiate the rezoning and General Plan amendment before the applicant can submit a formal application for them. These changes can be initiated by the Planning Commission or City Council. In this case, the property owner is initiating the changes. If, in the opinion of the City, a larger area should be studied, the City may initiate a change of the entire area. The purpose of this hearing is to receive direction from the Planning Commission on the appropriateness of the requests, and to either initiate the rezone and General Plan amendment for further study or to decline to initiate the requests.

As part of these amendments, the Planning Commission and City Council will need to consider the applicability of Section 1507 of the City's Charter as stated below:

Section 1507. General Plan and Zoning Ordinance Amendments Limitations.

It is hereby declared to be the policy of the City that its land development shall not exceed its public services and physical and natural resources. These include, but are not limited to, water, air quality, wastewater treatment capacity, and traffic and transportation capacity. All land use policies shall provide for a level and balance of residential and commercial development which will effectively utilize, but will not exhaust, the City's resources in the foreseeable future. In making land use decisions, the City shall be guided by the policies set forth in this section. In furtherance of these policies, no amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council. Upon such approval, General Plan and Zoning Ordinance amendments shall be conclusively presumed to comply with the policies set forth herein. (Approved by election held November 2, 1982.)

A. GENERAL PLAN AMENDMENT

The project site is located in the Alta Mesa neighborhood, which is bordered by Loma Alta Drive on the east; by the City limits on the west (Elings Park South); on the south by the existing development oriented to Cliff Drive; and on the north by the base of the steep hillside (north side of TV Hill). The properties to the north, northeast, and northwest have a General Plan Designation of Residential - 3 units per acre. The properties to the south, southeast, and southwest have a General Plan Designation of Residential - 5 units per acre. The subject property has two designations: Residential – 5 units per acre and Residential – 3 units per acre. Between 1/2 and 1/3 of the property is designated Residential, 3 Units per Acre. Based on the current General Plan designation, approximately 3 to 4 market-rate units would be allowed.

The Land Use Element discussion of the Alta Mesa Neighborhood states:

"When minimum lot sizes were smaller, the development trend had been to standard subdivisions in which lots too small for the topography were created. Improved regulations affecting grading and lot size alters this situation so that appropriate development will take place on the remaining vacant land."

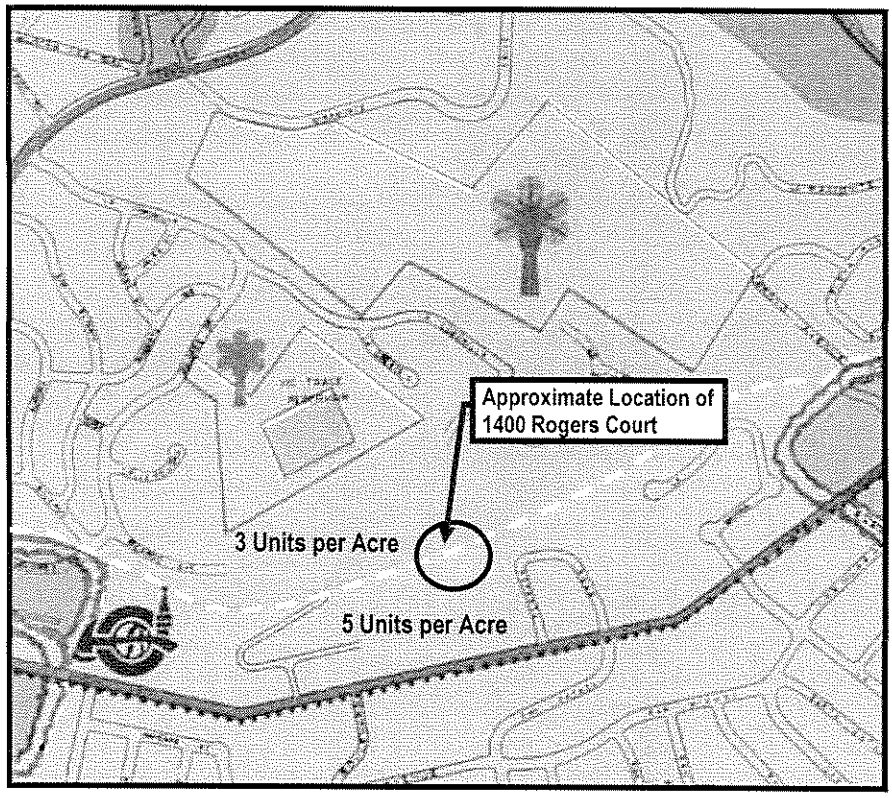

Figure 2 - General Plan Map

The applicant is proposing to amend the General Plan designation to 12 units per acre in order to propose eight (8) market-rate units on the property. Staff does not believe this would be appropriate in this neighborhood. While the Planning Commission approved re-zoning adjacent property to the R-2 Zone, the development remained consistent with the existing General Plan designation. That approval also involved the resolution of a long-standing, illegal subdivision and included seven affordable units.

The subject property is currently conforming to existing standards. In Staff's opinion, creating an area with a higher density (12 units per acre), surrounded by existing areas with 5 and 3 units per acre designations does not appear to be appropriate and would be precedent setting. Staff does not believe that the amount of affordability proposed is enough to merit a change in the General Plan. While there are no clear policies delineating what would constitute an appropriate project, Staff believes that there should be a higher threshold when a project is proposing a General Plan amendment for higher densities. In the interest of promoting affordable units and more conforming improvements, the Commission may wish to amend the General Plan to designate the entire property: Residential, 5 units per acre. This would allow a maximum of 5 market rate units on the project site based on the lot size and provided that a rezone is approved. The Commission would still need to determine the amount of affordability that would be acceptable.

B. ZONE CHANGE

Existing Conditions

This neighborhood is primarily zoned E-1 and E-3, Single Family Residential. The project site is zoned E-1, Single Family Residential and immediately surrounding the site are some vacant parcels remaining from the original Rogers Tract subdivision on the north, single family residences on Harbor Hills to the east, the SHIFCO Housing Authority development to the south and the Rogers Tract project recently approved by the Planning Commission to the west.

The properties to the north, northeast, and northwest are zoned E-1. The SHIFCO Housing Authority development to the south is zoned E-1/S-H, Single Family Residential/Senior Housing. As stated before, the property to the southwest was recently rezoned from E-1 to R-2 as part of a larger project which addresses a number of substandard lots that were created as part of the original illegal Rogers Tract subdivision. Lastly, the properties to the southeast are zoned E-3, Single Family Residential.

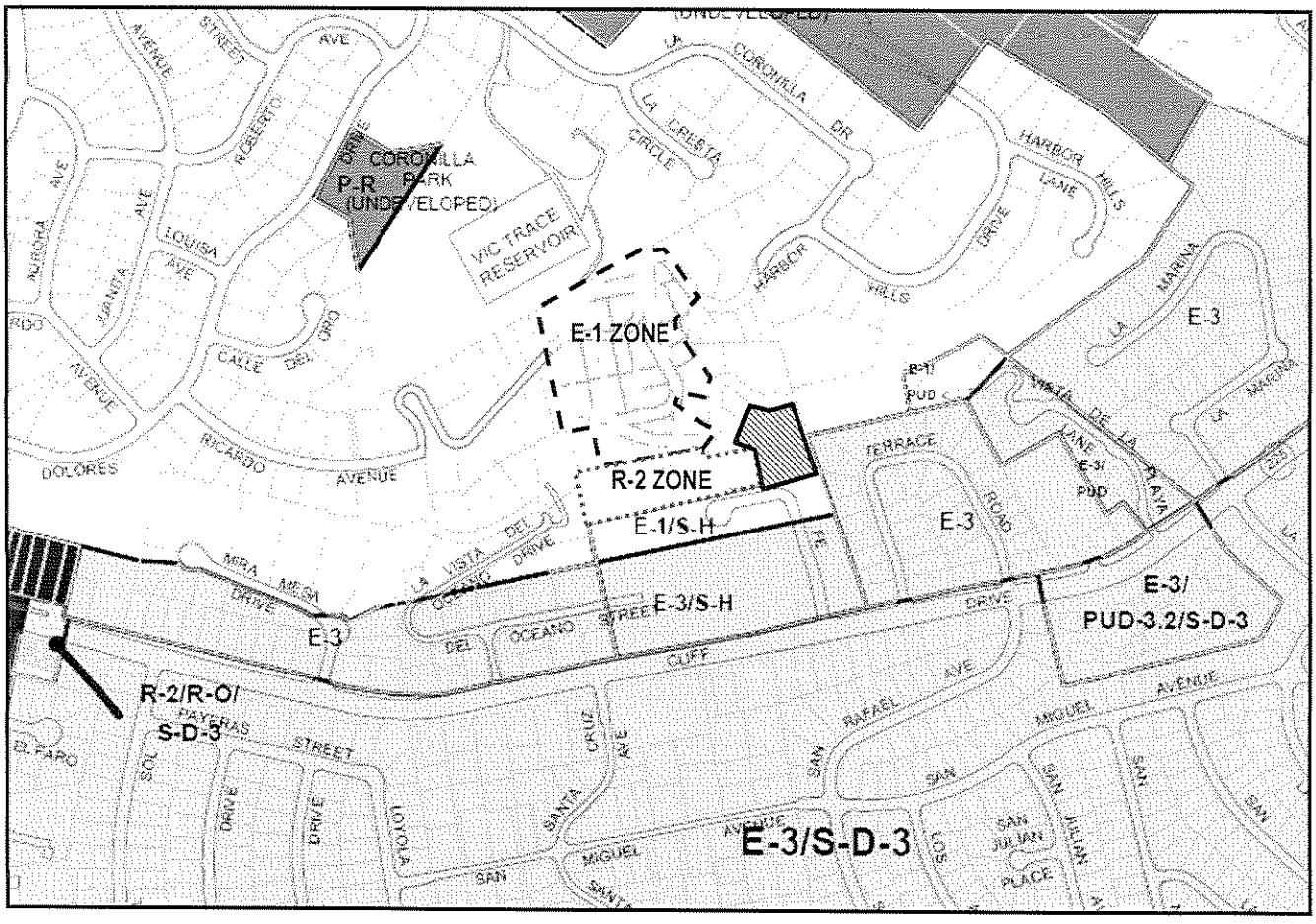

Figure 3 - Zoning Map

Density Calculations

It is important to consider the possible density of residential development that could result on the subject site presently and with the proposed rezone. In the creation of new lots, each residential zone has a minimum lot size and public street frontage requirement. In addition, the slope of a property is a factor in determining the allowable density in single-family and two-family residential zones. The project site has a slope of 16%.

Factor	Percent of Average Slope
1.5 times minimum lot area	10% up to and including 20%
2.0 times minimum lot area	over 20% up to & including 30%
3.0 times minimum lot area	over 30%

Existing

The minimum lot size in the E-1 zone is 15,000 square feet and 90 feet of public street frontage. A minimum of 22,500 square feet is required for each newly created lot under current regulations for a lot with 16% slope. The project site is conforming to density with one single-family residence having a lot size of 44,600 square feet. The property is 400 square feet smaller than required to propose a two-lot subdivision without a lot area modification.

Proposed

The minimum lot size in the R-2 zone is 7,000 square feet and 60 feet of public street frontage. With the application of slope density, a minimum of 5,250 square feet is required for each residential unit created under current regulations for a lot with 16% slope. A maximum of eight market-rate units would be allowed for the existing lot size if it is rezoned to R-2 and the General Plan designation is amended to "12 units per acre".

As stated before, the subject property currently conforms to existing standards. Staff does not believe that the amount of affordability proposed is enough to merit the proposed rezone and the amount of increased market-rate unit potential. The adjacent property was required to have a ratio of 50% affordability. Historically, Staff has viewed all additional units made possible through a rezone as density bonus units, requiring that all excess units be affordable. Given that the project is 400 square feet short of being able to propose a two-lot subdivision, Staff would be supportive of a maximum of two market-rate units with the remaining being affordable.

IV. RECOMMENDATION/FINDINGS

While there are no clear policies delineating what would constitute an appropriate project, Staff believes that there should be a higher threshold when a project requires a Zone Change and General Plan amendment for higher residential densities. Staff does not believe that the limited community benefit being proposed justifies the proposed Zone Change and General Plan Amendment. Additionally, staff is wary of considering a General Plan Amendment at a time when the City is undertaking a major effort to update the General Plan, *Plan Santa* Barbara. General Plan Amendments should be considered carefully, and in light of other policy considerations, if at all, during this time.

Therefore, Staff recommends that the Planning Commission not initiate the Zone Change and the General Plan Amendment because the change of zone is not justified by public necessity, convenience, general welfare or good zoning practice for the reasons outlined in this report. Staff recommends that the Commission consider this application in light of the policies expressed in Charter Section 1507.

If the Commission chooses to initiate the proposed zone change and General Plan Amendment for purposes of environmental review, the Commission should make comments as to the applicability of Section 1507 of the City's Charter. Additionally, the Commission should provide the applicant and Staff with direction regarding the appropriate type and amount of affordability that should be incorporated into the proposal.

If the amendments are initiated, they are not meant to imply any approval of, or formal position on, the proposed project other than acknowledging that the proposed zone change and General Plan amendment can proceed for study and environmental review.

Exhibits:

A. Site Plan
B. Applicant's Letter, dated April 11, 2007

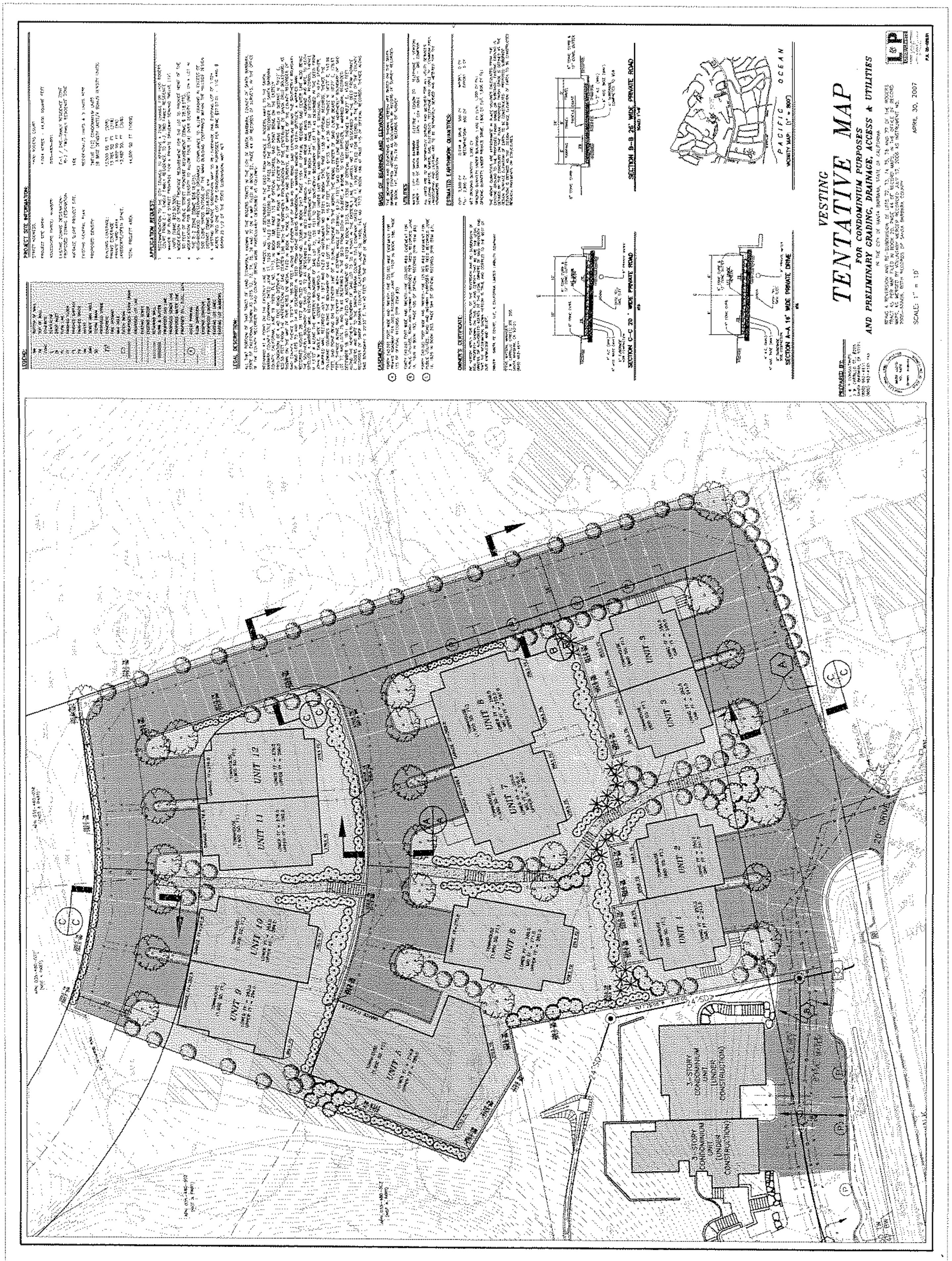
VESTING
TENTATIVE MAP
FOR CONDOMINIUM PURPOSES
AND PRELIMINARY GRADING, DRAINAGE, ACCESS & UTILITIES
SCALE: 1" = 10'
APRIL 30, 2007
PACIFIC OCEAN
SECTION A-A 16' WIDE PRIVATE DRIVE
SECTION C-C 20' WIDE PRIVATE ROAD
SECTION B-B 26' WIDE PRIVATE ROAD
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
UNIT 12
UNIT A

EXHIBIT A

L&P CONSULTANTS

3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101
ph: 805.962.4611 fax: 805.962.4161

April 11, 2007

P.N. 05-029.01

Marisela G. Salinas, Associate Planner
City of Santa Barbara
Planning Division
630 Garden Street
Santa Barbara, CA 93101

Subject: Application to Initiate Change of Zone & General Plan Amendment; 1400 Rogers Court; APN 035-480-001; MST 2006-00736

Dear Ms. Salinas:

Based upon City Planning staff responses to our PRT application, we are requesting that City Planning staff forward to the City Planning Commission a request to initiate a General Plan Amendment and Rezone of the subject property in order to further the development proposal as described in our PRT application materials. Enclosed herewith please find the following items pertaining to our request:

- Eight (8) copies of Vesting Tentative Map for Condominium Purposes.
- General Plan Amendment and Rezone Application fee.

Purpose of Request

The purpose of the application is to request the City Planning Commission to initiate a Change of Zone and General Plan and General Plan Amendment. The application Change of Zone component involves a Rezone of the project site from E-1 single family residential to R-2 multi-family residential. The General Plan Amendment component involves amending the General Plan density for the project site from 3 units per acre and 5 units per acre to 12 units per acre. The Change of Zone and General Plan Amendment approval is necessary in order for our proposed development of the property to occur. Application to follow the initiation process will include a Tentative Map for a one (1) lot subdivision to create twelve (12) airspace condominium units; approval of a Public Works street improvement design waiver; approval of a modification of public street frontage, and obtaining Neighborhood Preservation Ordinance consistency findings.

Project Site Background

The subject property was originally part of the Rogers Tract subdivision recorded in Book 20, Page 44 of Maps and Surveys. The property consisted of Rogers Tract Lots 72, 73, 74, 75, 76, and 77, and was individually conveyed to Keith Spittler during early 1970's. On June 7, 1979, the City Planning Commission determined that the lots created by the Rogers

Tract subdivision were created in violation of the Subdivision Map Act, and subsequent to that determination, a Notice of Violation for Lot 77 was recorded December 5, 1979 as Instrument No. 79-57165 of Official Records of Santa Barbara County. During this timeframe, Spittler had begun processing for a Building Permit for a single family residence on Lot 77. As a condition of issuing the Building Permit, the City required that Spittler merge the six (6) Rogers Tract lots into a single parcel. The Building Permit was issued and construction of the single family residence, utility services and access driveway were completed in the early 19080's. However, the merger was not completed and recorded until 2005 (as Instrument No. 2005-65606 of Official Records). The recordation of the Voluntary Merger operates to extinguish the six (6) Rogers Tract lots, remove the Notice of Violation from Lot 77, and render the merged lots as a single legal parcel.

Project Setting

The project site is a single lot of 44,600 square feet in size located in the Alta Mesa area of Santa Barbara, accessed from Santa Fe Place. The property landform consists of a gently sloping terrace with a range of topography from 5% to 20 percent gradient, with an average 16% gradient. The gently sloping terrace landforms continues off-site to the east and south The property is currently improved with a single story 1,200 square foot single family residence, an attached 400 square foot 2-car garage, several accessory sheds, paved driveway access and utility services. Avocado and macadamia trees cover the remaining project site area.

The property has a current General Plan designation of Residential, Five Units per Acre. Currently the entirety of the property is zoned E-1 which became effective on July 24, 1975. The project site takes access from Santa Fe Place, an improved public street, and a private road easement of record. Surrounding land uses include vacant Rogers Tract lots on the north and northwest, multi-family residential development under construction on the west, the SHIFCO Housing Authority multi-family residential development to the south, and single family residential development on the east. The project site is currently served by utilities and infrastructure for water, sewer, electrical, gas, telephone and CATV.

Project Description

The subject application requests initiation of (i) a Change of Zone for the project site from E-1 Single Family Residential to R-2 Duplex Residential and (ii) a General Plan Amendment to amend the density for the project site from 3 units and 5 unit per acre to 12 units per acre. Upon initiation by the City Planning commission, the applicant would submit applications for a one (1) lot Tentative Map subdivision to create twelve (12) airspace condominium units of which four (4) units would be offered as affordable housing per City and State "Bonus Density" requirements (targeted to sale prices of 130 percent of median income), and eight (8) market-rate units. The project would also require a Modification of the public street frontage requirement and Public Works Street Frontage Waiver because the project site does not abut an existing public street (Santa Fe Place).

The project proposes unit sizes of approximately 800 square feet for the four (4) affordable rate units, and 1,900 square feet for the eight (8) market rate units. All units are proposed with attached two-car garages of 400 square feet. Project density pursuant to the R-2 Zone District requirements, when factoring the 16% average slope for the project site, would result in eight (8) units (3,500 SF per unit x 1.5 slope density = 5250 SF per unit; 44,600 SF project area / 5250 SF per unit = 8.5 units). Proposing a project of eight (8) units consistent with the R-2 density would render a project density below the ten (10) unit threshold for required inclusionary affordable housing of 15% of project density. In order to provide a significant public benefit, the applicant is proposing to increase the density through Bonus Density from eight (8) units to twelve (12) units, and provide 33% of the project density (4 units) as affordable units.

The units will be accessed by a private driveway network designed to meet Public Works and Fire Dept. standards for width, gradient and materials. Utility infrastructure is provided by the extension of private mains for water and sewer, along with under grounding of main extensions for electrical, telephone, gas and CATV facilities. Roof, yard and surface drainage will be collected through drainage swales, inlets and pipes, and discharged into Santa Fe Place. All collection inlets will employ BMP storm water filtration treatment techniques prior to discharge to the public systems.

Grading estimates have been calculated and listed on the Tentative Map for the project and include approximately 3,200 cubic yards of cut, 2,800 cubic yards of fill with no export except for clearing and grubbing spoils.

Environmental Considerations

Pursuant to the California Public Resources Code, CEQA review of project impacts will be required. The following is a cursory narrative of project site environmental considerations that may arise in development of the property with 12 condominium units:

Aesthetics/Visuals Resources – The project site is a gently sloping landform located at the base of Alta Mesa hillsides, and as such cannot be viewed from public viewpoints, except for the immediately adjacent Santa Fe Place public Street right-of-way. This lack of exposure to public view areas results from a combination of the relatively low elevation of the project site and blockage surrounding structures and vegetation. Potential visual impacts from the project are expected to be less than significant.

Biological Resources – The project site contains an existing single family structure, accessory structures and a paved access driveway. Avocado and Macadamia trees cover the remaining portions of the property. No rare or endangered species or sensitive habitat areas are known to be on the property. No significant biological impacts are anticipated.

Cultural Resources – According to the City's Master environmental Assessment, the project site is not located in any archaeological sensitivity zones. No identified historic structures or recorded cultural or religious sites are present on or near the site. No impacts to cultural resources are expected to occur.

Geology and Soils – A Preliminary Soils and Geology Investigation has been prepared for adjoining property of identical geological character. Based on the results of field investigations and laboratory analysis the report concluded that the site is suitable for residential construction. No large-scale geologic landslides, earthen failures, or other geo-hazards were observed on the property. Additionally, no ground water was observed within the first 40 feet below ground surface, therefore geo-hazards associated with seismic events are not expected to occur on the site.

Transportation/Circulation – Trip generation for the 12 unit condominium project would result in twelve (12) A.M. and twelve (12) P.M. peak trip(s) and approximately one-hundred twenty (120) new average daily trips. When distributed and dispersed to the surrounding street network, less than significant traffic impacts are anticipated.

Water Quality - Existing drainage facilities are located on site and would serve as a conductor of drainage from any future development.

Public Services – Adequate public services for water, sewer, electricity, telephone and CATV currently exist in the project site vicinity and can be extended to the site. Impacts from increased use for services should not result in significant impacts.

Summary

The applicant proposes the request for initiation of a Change of Zone and Genral Plan Amendment in order to apply for an "in-fill" project which is consistent and compatible with the surrounding land uses, that has proposed design suitable for the site and that mitigates environmental impacts to a less than significant level, and provides a significant public benefit through construction of affordable housing at the moderate income level. Upon initiation by the Planning Commission, the applicant would prepare a DRT application package with required reports, studies and concept architectural design for floor plans and elevations. Thank you for your consideration.

If you have any questions or wish to discuss this project further, please do not hesitate to contact me.

Very truly yours,
L & P CONSULTANTS

Mark Lloyd
Agent for Santa Fe Court, LLC

cc: Santa Fe Court, LLC w/enc.
Keith Spittler w/enc.

(\\Lpserver1\Projects\2005\05-029.01 Santa Fe Court\Word\GPA & Rezone Initiation Ltr 04-11-2007.doc)