



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** June 29, 2016  
**AGENDA DATE:** July 6, 2016  
**PROJECT ADDRESS:** 321 Oceano Avenue (MST2015-00347)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470 ext. 4539  
 Beatriz Gularte, Senior Planner *BEB*  
 Tony Boughman, Assistant Planner *TB*

### I. PROJECT DESCRIPTION

The 7,564-square foot project site is currently developed with a 1,186-square foot one-story single family dwelling, including a 228-square foot attached garage. The project consists of the demolition of the existing single-family residence and construction of a 1,655-square foot two-story single-unit building with an attached two-car garage, and a 3,453-square foot three-story duplex building with two attached two-car garages. Related site grading, utilities, paving, drainage and landscaping are proposed (plan set Exhibit A). The project site is zoned R-2, Two-Family and is in the non-appealable jurisdiction of the City's coastal zone.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Lot Area Modification to allow greater residential density than currently allowed in the R-2 zone (SBMC §28.92.110.A.2); and
- B. A Coastal Development Permit (CDP2015-00012) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

**APPLICATION DEEMED COMPLETE:** March 16, 2016  
**DATE ACTION REQUIRED:** August 15, 2016 (time extension granted)

### III. RECOMMENDATION

If approved as proposed, the project would not conform to the City's Zoning Ordinance, the General Plan, and the City's Local Coastal Program Land Use Plan designation. Therefore, Staff recommends that the Staff Hearing Officer deny the project, making the findings outlined in Section IX of this report. Should the Staff Hearing Officer decide to approve the project, Staff recommends that the Staff Hearing Officer continue the project to a future hearing date and direct Staff to prepare the necessary environmental review, findings, and conditions of approval.



**Vicinity Map, 321 Oceano Avenue**

#### **IV. BACKGROUND**

Staff completed a Pre-application Review Team (PRT) review, and two Development Application Review Team (DART) 30-day reviews for this application. In the initial review of the project, staff indicated possible support for residential density (involving approval of a Lot Area Modification) consistent with the recommendations for the coastal zone in the 2011 General Plan at unit sizes consistent with the Average Unit Density Incentive Program (AUD). Upon more detailed review of the applicable Local Coastal Program (LCP) Land Use Plan designation, in the last DART letter to the applicant staff indicated non-support and inability to make the consistency findings for the Coastal Development Permit. Because of the significant time invested in developing and revising the proposal, the applicant decided to proceed to SHO review of the application, knowing staff could not recommend approval (applicant's letter Exhibit B).

In 1975, Oceano Avenue was rezoned from R-3, Multiple-Family Residence Zone to R-2, Two-Family Residence Zone. The General Plan designation was changed from Medium High (15-27 dwelling units per acre of land (du/ac) to Medium Density (12 du/ac). The City's LCP Land Use Plan designation is Residential, 12 Dwelling Units Per Acre. There are older, nonconforming multi-family apartment buildings in the area and adjacent to the project site that were developed prior to 1975.

A higher density for this area was discussed as part of the 2011 General Plan update, including a future rezone back to R-3, Multiple-Family Residence Zone and a General Plan and LCP Land

Use Map designation of Medium High Density Residential (15 – 27 du/ac). However, this property is located in the SD-3 Coastal Overlay Zone and neither the rezoning to R-3, Multiple Family Residence Zone nor the General Plan or LCP Land Use Plan designation of Medium High Density (15-27 du/ac) have been approved in the coastal zone of the City. Therefore, this project needs to be evaluated based on current R-2, Two-Family zone requirements and a General Plan and LCP Land Use Map designation of 12 Dwelling Units Per Acre, including slope density requirements.

The City is currently in the process of updating the LCP. This update includes proposed changes for Oceano Avenue to allow Medium High Density Residential (15-27 du/ac), and to rezone this property from R-2, Two-Family Residence Zone to R-3, Multiple-Family Residence Zone. When the California Coastal Commission will certify these recommended changes is unknown at this time. Therefore, the current LCP Land Use Plan designations and zoning of the current Zoning Map are in effect in the Coastal Zone.

In general, staff supports the development of small residential units citywide, however, findings of consistency with policies cannot be made to approve the proposed residential density as further explained in section VI.B below.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Keith Rivera, AIA, ACME Architecture		
<b>Property Owner:</b>	Brad & Cynthia Frohling Living Trust		
<b>Site Information</b>			
<b>Parcel Number:</b>	045-071-003	<b>Lot Area:</b>	7,564 SF (0.17 ac)
<b>General Plan:</b>	Residential 12 du/ac Coastal Land Use Plan: 12 du/ac	<b>Zoning:</b>	R-2/SD-3 Coastal Overlay
<b>Existing Use:</b>	Single family residence	<b>Topography:</b>	11.3%
<b>Adjacent Land Uses</b>			
<p style="text-align: center;"> <b>North</b> - Residential- <b>East</b> - Residential  <b>South</b> - Residential <b>West</b> - Residential         </p>			

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
<b>Living Area</b>	958 SF	3,751 SF total Building A: Unit 1: 1,202 SF Building B, Unit 2: 1,233 SF Building B, Unit 3: 1,316 SF
<b>Garage</b>	228 SF	1,357 SF total Building A: Unit 1: 453 SF Building B, Unit 2: 452 SF Building B, Unit 3: 452 SF

**VI. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/ Allowance</b>	<b>Existing</b>	<b>Proposed</b>
<b>Setbacks -Front</b>	15 feet (ground floor) 20 feet (upper floors) 20 feet (street-facing garage/carport )	15 feet (ground floor)	15 feet (ground floor) >20 feet (2nd floor)
<b>-Interior -Rear</b>	6 feet (3 feet for garage) 6 feet (3 feet for garage)	6 feet (3 feet for garage) 6 feet (3 feet for garage)	6 feet (3 feet for garage) 6 feet (3 feet for garage)
<b>Building Height</b>	30 feet	18 feet	30 feet
<b>Parking</b>	1 covered & 1 uncovered space per unit (for multiple houses on property)	1 covered space	6 covered spaces (3 two-car garages)
<b>Lot Area Required for Each Unit</b>	5,250 SF minimum (based on slope between 10%-20%)	7,564 SF	2,521 SF*
<b>Open Yard</b>	1,250 SF minimum (20' x 20' minimum dimensions)	>1,250 SF	1,260 SF

\*Modification requested

**B. LOT AREA MODIFICATION**

Given the property's lot area, slope, and current zoning of R-2, Two-Family Residence, a maximum of one dwelling unit may be built on the property. Three dwelling units are proposed. That is three times the allowable density requirement. The requested Modification of the lot area requirement is more than staff can support given the allowed density, and the General Plan and Coastal Land Use Plan issues discussed next. Staff recommends denial of the Modification request. Staff has indicated to the applicant that staff could support a lot area modification to allow two dwelling units, consistent with the LCP Land Use Map allowable density. This would require a revised project application with environmental review.

**C. GENERAL PLAN/LOCAL COASTAL PLAN CONSISTENCY**

The property's current General Plan and LCP Land Use designation is 12 Dwelling Units Per Acre. Given the property's lot size of 7,564 square feet, the General Plan and LCP Land Use Plan designation would allow a maximum of two units to be built. Three units are proposed, which exceeds the allowable density by 50%. Although the General Plan and LCP Land Use designation of Medium High Density Residential (15-27 du/ac) is planned for the property in the City's 2011 General Plan, it will not be effective until the City's LCP Update is certified

by the California Coastal Commission. Therefore, at this time the project is not consistent with the General Plan or LCP Land Use Plan. Staff recommends denial of the requested Coastal Development Permit.

## **VII. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on February 2, 2016 (meeting minutes Exhibit C). The ABR completed the Project Compatibility Analysis and found the proposal compatible with the neighborhood and generally approvable.

## **VIII. ENVIRONMENTAL REVIEW**

Staff is recommending that the Staff Hearing Officer deny the applications for the requested Modification and Coastal Development Permit. Public Resources Code section 21080(b)(5) and California Environmental Quality Act (CEQA) Guidelines section 15270 state that "CEQA does not apply to projects which a public agency rejects or disapproves." Therefore, the Environmental Analyst has determined that no environmental review is required for the denial of the requested Modification and Coastal Development Permit. Environmental review would be required prior to approval of any project on this site.

## **IX. FINDINGS**

Staff is recommending denial of both the lot area Modification and Coastal Development Permit to allow three multi-family units on this site because: 1.) under the current zoning requirements, including slope density applicable in the R-2, Two-Family Zone, one unit would be allowed on the 7,564 square foot lot, and 2.) under the City's General Plan and Coastal Land Use Plan of 12 Dwelling Units Per Acre, two units would be allowed, therefore, even if a lot area Modification were supportable, the maximum number of units that could be approved and found consistent with the Coastal Land Use Plan is two units.

Therefore, the Staff Hearing Officer finds the following:

### **A. LOT AREA MODIFICATION (SBMC §28.92.110)**

The requested Lot Area Modification is not consistent with the purposes and intent of the Zoning Ordinance. Factoring in the requirement for 1½ times the lot area for this lot's 11.3% average slope, the project exceeds the allowable density in the R-2 (Two-Family Residence) Zone by 150%. Therefore, the requested Lot Area Modification for increased residential density is not consistent with the intent of the R-2 Zone development standards, and cannot be approved.

### **B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

The three unit project is not consistent with the Local Coastal Plan. The property has a Land Use Plan designation of Residential, 12 Dwelling Units Per Acre. Given the property's lot size, two units is the maximum that could be allowed. Therefore, the project is not consistent with the allowed density level and the requested Coastal Development Permit cannot be approved.

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Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated February 16, 2016
- C. ABR Minutes February 1, 2016

**KEITH RIVERA, AIA**

C17499

February 16, 2016

Staff Hearing Officer  
City Of Santa Barbara Community Development  
630 Garden Street  
Santa Barbara, CA 93101

Re: 321 Oceano Av., Santa Barbara, CA, APN 045-071-003, MST2015-00347  
Staff Hearing Officer Cover Letter

Dear Staff Hearing Officer:

We are requesting a Lot Area Modification for Residential Density/Slope Density and a Coastal Development Permit for a three unit residential rental development in the Non-Appealable Coastal Zone at the referenced address.

The existing R-2 / SD-3 parcel, APN 045-071-003, is 7,564 square feet, or (0.17) acres, in size and slopes down from the street approximately 12 feet for an average 12% slope per the city G.I.S. It is located in the Non-Appealable Coastal Zone. Currently the site contains a single family residence of approximately 962 sq. ft., one story high with a partial basement where an attached one car garage of approximately 198 sq. ft., is located. The site contains no significant trees or vegetation. A large shrub in the rear yard would be removed as part of the proposed project.

SBCB is one half block away to the east and the neighborhood is predominately student rental housing. Adjacent land uses are all multi family residential and include a three story apartment building to the north, two story apartments across Oceano to the east, one and two story residential buildings to the south and two story apartments to the west all in the R-2 / SD-3 zone. The site is serviced by city water and sewer and is not adjacent to a creek or water course. The lot is not traversed by any easements or recreational trails.

A pre-application review, PRE 2013-00340, and PRT application, MST2015-00347, was conducted prior to submitting for a DART review. In addition the project was brought before the ABR for concept review on February 1, 2016 and the ABR unanimously made the Compatability Analysis findings for the project at that meeting.

The project proposes to demolish the existing home and construct three rental townhouses in two separate structures that conform to the zone's setback requirements and distance between buildings. The unit mix would include (1) one bedroom unit in a standalone structure facing the street and (2) three bedroom units in a duplex building at the rear portion of the lot. The proposed project would have a residential density of 18 unit per acre with seven bedrooms total and an average unit size of 1,125 sq. ft.. The structures would be within the 30 foot height limit and solar access envelope.

Approximately 1,260 sq. ft. of common open space would be provided per Ordinance with a minimum dimension of 20 feet.

Acme Architecture | Santa Barbara, California | 805.886.9834 | [www.acmearchitecture.com](http://www.acmearchitecture.com)

**EXHIBIT B**

**KEITH RIVERA, AIA**

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Six covered parking spaces, two per unit per Ordinance, would be provided in garages accessed by a drive that would allow for the required parking maneuvers.

From a predevelopment standpoint this small lot drains west to the rear then south across the neighbor's property. It used to drain west to Barranca St., but that lot installed a carport many years ago and forced the water south. Complicating the matter is that the property north of the project site also contributes storm drainage to our lot that runs across the rear western edge. These existing conditions are off site and not under the control of the project ownership.

The project engineer, Mike Gones, knows the neighborhood quite well and the neighbors have dealt with situation for many years. What was important to us was that our project would not further impact the predevelopment condition. We provided a hydrology study on Sheet C2 in which we make provisions in our post development design to not increase our rate of runoff and still provide for the neighbors run-on to pass through our rear channel. We have this clearly shown on Sheet C2. We have thus met the 25 year storm water requirements of the city on this project.

From a predevelopment perspective the 100 yr overflow path is the same as the 25 yr flow path and it will be the same from a post development standpoint. We have provided a wall at the end of our channel with an orifice that will regulate the flow. We will establish a wall height or weir that allows overland escape for the 100 yr flow in the same path it has always been. We held this wall back a few feet from the south property line in order to provide erosion protection. We have also made the channel floor permeable stone. This design will be refined in the project construction documents. By providing permeable pavement for the driveway and storm chamber for the roofs, we have minimized the runoff for most storms and in fact the adjacent properties will see less flow than they see now from the current improvements.

The proposed project grading consists of 50 cubic yards of cut and 350 cubic yards of fill. A low, 3.5' high, retaining wall is proposed along the western property line as part of the on site detention channel system described above. In addition a low landscape wall, varying in height from 0 to 30" is proposed to minimize the slope of the open space as suggested by the ABR.

**UNIT AREAS**

Unit 1	1,113 Net Sq. Ft.
Unit 2	1,148 Net Sq. Ft.
<u>Unit 3</u>	<u>1,115 Net Sq. Ft.</u>
Total Proposed Habitable Area	3,376 Net Sq. Ft

**KEITH RIVERA, AIA**

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**SITE COVERAGE:**

Bldg. Footprints	2,134 SF (28%)
Impermeable Surface	0 SF ( 0%)
Permeable Surfaces	
Landscape	2,608 SF (35%)
Hardscape	<u>2,822 SF (37%)</u>
Totals	77,564 100%

Exterior lighting would be provided in the form of building mounted wall sconces at unit entries and garages mounted no higher than 8 feet above grade. LED bollard lights no higher than 24 inches above grade would be used along the project driveway. All fixtures would be dark sky, full cut off type, with no upward lighting component

The project would not involve the generation of smoke or odors and would not create new noise sources beyond those associated with typical residential uses. A geotechnical investigation has been performed for use in the construction documents phase of the project for recommendations relative to foundation design and grading. No resource constraint studies have been performed on this previously developed urban lot. The project would not involve the use or disposal of any hazardous materials. The lot has been used only for a single family residential use and there is no known site contamination or abandoned oil wells on site.

As a rental project the proposed development is exempt from compliance with the Inclusionary Housing Ordinance (SBMC §28.43)

Project construction activities would include a Demolition Phase of approximately two weeks that would utilize about six workers at any one time using equipment such as the following: (1) Track excavator, (1) Rubber-tire loader, (1) Dump truck, water hoses and various hand tools.

Next a Grading operation would occur over approximately three weeks with about four workers using (1) Rubber-tire loader, (1) Track dozer, (1) Backhoe / Loader, (1) Dump truck, (1) sheep-foot compactor, (2) motor driven hand compactors, water hoses and various hand tools.

The remaining Construction Phase would take approximately forty two weeks, with an average of eighteen personnel on site at any one time and would involve the use of (1) Backhoe, (1) Bobcat, (1) Dump truck, (1) Material handling fork lift, (1) Concrete pumper, Concrete delivery trucks, (1) Mobile boom crane, (1) Waste handling bin, Waste hauling trucks, water hoses and typical power hand tools. Its anticipated construction staging would occur on site in the central open space area.

**KEITH RIVERA, AIA**

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Significant project issues include the compliance with the SWMP requirements as described as above and neighborhood compatability with regard to mass bulk and scale which has been addressed by separating the mass into two discrete structures whose varied massing responds to the topography and surroundings. The ABR concurred with these measures and unanimously made the Compatability Analysis findings for the project

Located adjacent to SBCC, with its demand for student housing, and surrounded by multi-family uses, the current single family residential use of the property is an anomaly and missed opportunity to provide additional housing choices for the community. The requested increase in density is a logical and sound land use decision given this context and allows the owners the proper utilization of the property within the parameters of the Zoning Ordinance.

Thank you for your attention to this matter and we look forward to your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Rivera', with a stylized flourish at the end.

Keith Rivera, AIA, c17499  
339 Woodley Ct.  
Santa Barbara, CA 93105

Cc: Cynthia & Brad Frohling

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****1. 321 OCEANO AVE****R-2/SD-3 Zone****(3:15)**

Assessor's Parcel Number: 045-071-003  
 Application Number: MST2015-00347  
 Owner: Brad and Cynthia Frohling Living Trust  
 Architect: Acme Architecture

(Proposal to demolish the existing single-family dwelling and garage, and construct three new dwelling units. The project consists of a two-story, 1,113 square foot single dwelling with attached 425 square foot two-car garage at the front of the lot, and a three-story, 2,263 square foot duplex with two attached 425 square foot two-car garages at the rear of the lot. The project includes 350 cubic yards of fill and 50 cubic yards cut grading, new paving, and landscaping on this 7,564 square foot site. Planning Commission review is requested for a Coastal Development Permit and a zoning modification of the required minimum lot area to allow three dwelling units on the site.)

**(Comments only; requires Environmental Assessment and Planning Commission review.)**

Actual time: 3:22 p.m.

Present: Keith Rivera, Architect; Brad and Cynthia Frohling, Owners; and Tony Boughman, Assistant Planner.

Public comment opened at 3:37 p.m.

1) John Beardsmore, opposition; spoke of concerns regarding proposed grading and fill for the project.

Public comment closed at 3:41 p.m.

**Motion: Continued indefinitely to Planning Commission for return to Full Board with positive comments:**

- 1) The Board finds the proposed bulk, mass, and scale are acceptable.
- 2) The proposed architectural style is acceptable.
- 3) The proposed lot area modifications are supportable.
- 4) Provide more details on the storm water retention.
- 5) Study an alternative solution to the proposed double front railings, such as planters.
- 6) Provide demarcation of a pedestrian pathway connection for the rear units.
- 7) Provide roof details.
- 8) Provide corner & siding joining details.
- 9) Provide existing topographic information for adjacent lots where fill is occurring adjacent to the property line.

**10) The Board has reviewed the proposed project and the Compatibility Analysis criteria (SBMC 22.22.145.B. and 22.68.045.B.) were generally met as follows:**

- a. **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The Board made the finding that the proposed development project's design complies with all City Regulations and is consistent with ABR Design Guidelines.
- b. **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive architectural character of the Santa Barbara and of the particular neighborhood surrounding the project.

**EXHIBIT C**

- c. **Appropriate size, mass, bulk, height, and scale.** The proposed development's size, mass, bulk, height, and scale are appropriate for its neighborhood.
- d. **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is appropriately sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures are adequate to reduce adverse impacts.
- e. **Public View of the Ocean and Mountains.** The design of the proposed project responds appropriately to established scenic public vistas.
- f. **Appropriate Amount of Open Space and Landscaping.** The project's design provides an appropriate amount of open space and landscaping.

Action: Hopkins/Miller, 6/0/0. Motion carried. (Cung absent).