City of Santa Barbara
Planning Division

Memorandum

DATE: August 30, 2018

TO: Planning Commission

FROM: Allison De Busk, Project Planner, Beatriz Gularte, Senior Planner

SUBJECT: 226-232 E. Anapamu St., 1117 & 1121 Garden St., and 223 E. Figueroa St. G & H; Mixed-Use AUD Project (MST2017-00092)

PC Conceptual Review – Continued from July 19, 2018

Planning Commission Conceptual Review

The Planning Commission heard the staff and applicant presentations and took public comment on this 52-unit mixed-use development located at the corner of E. Anapamu and Garden Streets on July 19, 2018.

At the July 19, 2018 meeting, the applicant mentioned two additional options that he was exploring: density bonus (information included in the Applicant Letter dated July 9, 2018) and doing a lot line adjustment to split off the two cottages at 223 E. Figueroa G & H so that they are not part of the project and could be sold as separate lots.

No additional information has been submitted regarding the density bonus option. The applicant is simply looking for feedback as to whether the Planning Commission thinks that additional density (and height) as a trade-off for some affordable units is an option worth exploring further.

With regard to the concept of a lot line adjustment, a DART application and review would be required for staff to analyze the proposal. The adjusted lots would be less than the required minimum of 3,500 square feet for a residential lot in the O-R Zone, and would therefore require lot area modifications. Lot area modifications are typically only supported by Staff for the creation of deed restricted Affordable Housing, not market rate housing, which appears to have been the intent of the applicant. Additionally, the adjusted lots would require code compliant parking, which would require larger lots than was contemplated by the applicant. Interior setback modifications may also be required. Furthermore, the AUD project’s lot area would be reduced resulting in the need to reduce that project by approximately six units, for a net loss of approximately four units. Given
these additional factors, the applicant has determined that it would be physically and economically infeasible to pursue this option.

The role of the Planning Commission in their Conceptual Review is to provide comment and recommendation to the Historic Landmarks Commission (HLC) by majority vote on the “proposed design and improvement of the project and the project’s consistency with the City’s General Plan” for use by the HLC in their deliberations.

The General Plan accommodates a wide range of competing interests and policies. No project can be expected to completely satisfy every policy stated in the General Plan and state law does not impose such a requirement.

When considering General Plan consistency, the essential question is “whether the project is compatible with, and does not frustrate, the General Plan’s goals and policies.” Or, stated in another way, whether the project is “in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail of the plan.”

**Housing Accountability Act (Government Code § 65589.5(j))**

The Housing Accountability Act limits the City’s ability to deny or condition the approval of a housing development project upon a reduction of the residential density of the project. Before the City may deny a housing development project or condition its approval upon a reduction of the residential density, the City must make written findings supported by a preponderance of the evidence that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

While policies regarding neighborhood compatibility and the protection of historic resources are important, such policies do not implicate public health and safety. Such policies are grounded in the “welfare” category of the police power’s authority to protect public health, safety and welfare. When reviewing housing development projects, City decision makers must be cognizant of this limitation.
Parking

The staff report for the project identified some inconsistencies with the City’s recently adopted Access and Parking Design Standards (“Standards”). It should be clarified that the project will be required to comply with those Standards and compliance will be confirmed during plan check. At this time, staff is looking for feedback on whether the Planning Commission finds that the parking machines are appropriate for the type of commercial business that could occupy the tenant space(s). Per the Standards, parking machines are only appropriate for non-residential uses where the users of the parking are frequent repeat users who typically park for long-durations (e.g., office workers) or where the parking lot is operated by a valet service (e.g., hotel). Commercial uses allowed in this zone include banks and financial institutions, medical and dental offices, and business and professional offices. While employees of these types of uses are frequent repeat, long-duration users, their clients/customers would not be.

Historic Landmarks Commission

The HLC is the decision-maker on this project. They will need to review and approve a Phase II Historic Structures and Sites Report prior to approving the project. The Phase II Report will evaluate the impacts of the proposed project on the potential historic resources. In order to approve the project, they will also need to make the Development Plan findings in SBMC §30.230.060 and consider the Project Compatibility Analysis as outlined in SBMC §22.22.145 (refer to Attachments 1 and 2, respectively). Included in that Analysis will be review for consistency with both the Urban Design Guidelines and El Pueblo Viejo Guidelines.

Next Steps

Following this Planning Commission concept review, the applicant would submit a complete project application and staff would commence environmental review. The project would then return to HLC for a decision regarding the Project Design and Development Plan approval. The project is not required to return to the Planning Commission.

Attachments:
1. SBMC §30.230.060
2. SBMC §22.22.145

References (provided previously):
1. July 19, 2018 Planning Commission Minutes - Draft
2. July 19, 2018 Planning Commission Staff Report
3. Project Plans
SBMC Chapter 30.230 Development Plan

§30.230.060 Required Findings

A Development Plan shall only be approved if the Review Authority makes all of the following findings in addition to any other findings required by this Title.

A. The proposed development complies with all applicable provisions of this Title;
B. The proposed development is consistent with the principles of sound community planning;
C. The proposed development will not have a significant adverse impact upon the community’s aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.22.145 or 22.68.045 of the Santa Barbara Municipal Code; and
D. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in Section 30.170.030, Traffic Management Strategy.
SBMC Chapter 22.22 Historic Structures

§22.22.145 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Historic Landmarks Commission and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Historic Landmarks Commission when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Section 22.22.132:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

C. PROCEDURES FOR CONSIDERING PROJECT COMPATIBILITY.

1. Projects with Design Review Only. If a project only requires design review by the Historic Landmarks Commission pursuant to the provisions of this Chapter and does not require some form of discretionary land use approval, the Historic Landmarks Commission shall consider the criteria listed in Subsection (B) above during the course of its review of the project's design prior to the issuance of the preliminary design approval for the project.

2. Projects with Design Review and Other Discretionary Approvals. If, in addition to design review by the Historic Landmarks Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Historic Landmarks Commission shall review and discuss the criteria listed in Subsection (B) above during its conceptual review of the project and shall provide its comments on those criteria as part of the minutes of the Commission decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the appropriate case may be) and as deemed necessary by the Historic Landmarks Commission. (Ord. 5464, 2008.)

ATTACHMENT 2