

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE ARCHITECTURAL BOARD OF REVIEW GRANTING PROJECT DESIGN APPROVAL OF A SEVEN-UNIT APARTMENT BUILDING AT 1818 CASTILLO STREET

WHEREAS, DB Partners, LLC, owners of 1818 Castillo Street, applied for design review approval of a proposal to demolish the existing single-family home, a studio apartment, detached garage, and two sheds and construct a two-unit, two-story duplex and a five-unit, two-and partial three-story residential apartment building under the Average Unit-Size Density (AUD) Incentive Program (MST2015-00500). The seven-unit project will comprise 2 two-bedroom units and 5 three-bedroom units totaling 6,609 square feet. The 12,656 square foot parcel is designated Medium-High Density Residential. The proposed density for the project is 25 dwelling units per acre with an average unit size of 944 square feet. Eight uncovered surface parking spaces, including one accessible parking space are proposed for the project; and

WHEREAS, on May 26, 2015, a previous project (MST2015-00092) proposing a three story building consisting of seven apartment units, including 2 two-bedroom units and 5 three-bedroom units was granted Project Design Approval by the Architectural Board of Review (ABR) on a 3/1 vote; and

WHEREAS, on June 2, 2015, the ABR Project Design Approval was appealed by Brian B. Barnwell asserting the following:

1. The project is the only three-story building within blocks, exceeding the neighborhood standards for height, bulk, and scale.
2. The ABR did not conduct an organized site visit to understand the neighborhood context.
3. Story poles were not erected for the project.
4. The individual parking garages were not adequately discussed relative to building height and mass.
5. The parking garages are almost guaranteed to be used for other than car storage, making on-street parking along Castillo Street worse.
6. The AUD ordinance is designed to produce smaller units and smaller buildings in and around Downtown, and the proposed project does neither; and

WHEREAS, on July 21, 2015, the City Council upheld the Barnwell appeal and referred the project to the Planning Commission to specifically comment on the project's

compatibility with the neighborhood, the potential to reduce the number of bathrooms, and the provision of additional parking; and

WHEREAS, on October 6, 2015, MST2015-00092 was withdrawn from further processing and consideration and a new application with a revised project design (MST2015-00500) was filed with the City by RRM Design Group, agent for the project applicant; and

WHEREAS, on November 9, 2015, the ABR conducted its initial concept review of the revised project at which time the ABR voted 4/0/0 (Board Member Hopkins stepped down, Board Members Miller, Cung absent) to continue the project to the Full Board, making the following comments:

1. The project design is vastly improved compared to the previous design.
2. The lot area covered by the building footprint is drastically reduced.
3. The project massing is successful, especially the street elevation.
4. The third story is pushed back into a less obtrusive location.
5. The architectural style and details work well and are compatible with the neighborhood.
6. Study placement of windows so as not to impact neighbors.
7. Study ways to enhance the courtyard experience for residents; and

WHEREAS, the ABR received public comments from five members of the public all of whom spoke in opposition to the project; and

WHEREAS, on January 4, 2016, the ABR voted 4/0/0 (Board Member Hopkins stepped down, Board Members Moore, Wittausch absent) to grant Project Design Approval, finding that the Compatibility Analysis criteria (SBMC §22.68.045.B.) were considered and that the project qualifies for an exemption from further environmental review under CEQA Guidelines §15183 (Project Consistent with the General Plan). The Board made the following comments:

1. Size, bulk and scale of project improved.
2. Significant reduction to second and third story element.
3. Third story set back and centrally located decreasing impact on neighbors.
4. Amount of open space/courtyard very successful and appropriate for site; and

WHEREAS, on January 14, 2016, Eric and Elenor Wernicke, neighbors on West Pedregosa Street, filed an appeal regarding the ABR decision to grant Project Design Approval. The appeal asserted the following grounds for the appeal:

1. Eight parking spaces for the proposed seven units, containing 19 bedrooms is not enough to fulfill the actual needs of the neighborhood.
2. According to the General Plan, a minimum of 12 parking spaces are needed for the project.
3. The project should utilize tandem parking where possible. The appeal argues that if tandem parking can be included at minimal costs, it should be required.

4. Parking studies should be conducted to determine if additional on-street parking can be provided for the impacted neighborhood; and

WHEREAS, on March 7, 2016, the City Council conducted a duly noticed site visit during which it inquired into the size and dimensions of the subject parcel and the maximum building heights of the proposed buildings; and

WHEREAS, on March 8, 2016, the City Council conducted a duly noticed public hearing on the appeal. The project design presented to the City Council on appeal was the project design approved by the ABR on January 4, 2016. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues and a PowerPoint presentation on the appeal issues – both of which are incorporated by reference into this Resolution (along with the entire record of proceedings).

2. A PowerPoint presentation by Eric Wernicke detailing the grounds of the appeal, which are part of the record in this case and were fully considered by the City Council in making its decision on this appeal.

3. A PowerPoint presentation by Detlev Peikert, architect for the project, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.

4. Public comment from Courtney Jane Miller of the ABR detailing the Board's perspective on the project design.

5. Public comment from members of the public all of whom spoke in opposition to the project; and

WHEREAS, after consideration of all the evidence presented (both written and oral), as well as the public testimony received, and after careful deliberation by the Council Members, the City Council voted 5-2 (Council Members Dominguez, White No) to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal of the Project and uphold the decision of the ABR to grant Project Design Approval;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the ABR and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the March 8, 2016 Council Agenda Report attached as Exhibit "A" are incorporated into this Resolution and confirmed as true.

SECTION 3. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

A. Project Compatibility Analysis. The Council makes the following findings pursuant to the Architectural Board of Review Ordinance, Santa Barbara Municipal Code section 22.68.045B. 1-6:

1. **Compliance with City Charter and Municipal Code; Consistency with Design Guidelines.** The proposed seven unit apartment project complies with all applicable requirements of the City Charter and Municipal Code. The project is proposed under the AUD Program (SBMC Chapter 28.20) which allows increased residential densities and development standard incentives in selected areas of the City to encourage and facilitate more housing units. The property is designated Medium-High Residential Density, which allows densities up to 27 dwelling units per acre. The proposed density for the project is 25 dwelling units per acre, therefore complying with the density allowance of the Municipal Code. The project also complies with all applicable development standards and requirements of the AUD Program, including building height, setbacks, distance between buildings, parking, and outdoor living space.

2. **Compatible with Architectural Character of City and Neighborhood.** The proposed project is designed with quality architectural details and materials compatible with the architectural character of the City and neighborhood. The Oak Park neighborhood has a mix of architectural styles and the proposed development will complement and enhance the neighborhood. The project's Spanish Colonial Revival architectural style is consistent with the City's design guidelines and its form, colors, materials and details conform.

3. **Appropriate size, mass, bulk, height, and scale.** The size, mass, bulk, height and scale of the proposed project are appropriate for the site and neighborhood. The project was redesigned to address the design direction given by the City Council on July 21, 2015. The massing was reduced by breaking up the project into two buildings with a two-story building at the front and a two- and three-story building at the rear of the site. The massing was significantly improved by the reduction of the second and third story elements and the placement of the third story at the rear of the site. In addition, the parking garages were eliminated and replaced with surface parking at the center of the site lessening the bulk of the building. The proposed maximum height of both buildings are lower than the 45 feet height limit. The Council finds the proposed redesign to be a much better project in terms of size, bulk and scale and neighborhood compatibility, which factored significantly in the Council's decision.

4. **Sensitivity to Adjacent Landmarks and Historic Resources.** The project site is not located adjacent to Landmarks or Historic Resources, therefore this criteria is not applicable to the proposed project.

5. **Public Views of the Ocean and Mountains.** The project site is not located within an established public scenic vista, therefore this criteria is not applicable to the proposed project.

6. **Use of Open Space and Landscaping.** The proposed project complies with the Common Outdoor Living Space Method (28.20.070G.3) specified under the AUD Program Ordinance. The project provides a 20 ft. by 20 ft. common open space area at the rear of the property and approximately 22% of the site is landscaped. Council agrees with the ABR determination that the amount of open space and landscaping design is successful and appropriate for the site.

B. California Environmental Quality Act Determination. The Council finds that the project qualifies for an exemption from further environmental review under the California Environmental Quality Act (Public Resources Code 21082.3 and CEQA Guidelines Section 15183) because the project is consistent with the development density established by existing zoning and general plan policies. The City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

SECTION 4. The City Council grants Project Design Approval to the proposed seven-unit apartment building as depicted on the set of architectural plans dated November 30, 2015 and presented to the City Council on March 8, 2016, and subject to the Conditions of Approval attached to this Resolution as Exhibit "A." Council further directs staff to conduct a red curb survey for a potential increase of the supply of on-street parking. Staff is directed to prepare and file a Notice of Exemption.

EXHIBIT "A"

CONDITIONS OF APPROVAL

1818 CASTILLO STREET
MAY 24, 2016

- I. In consideration of the Project Design Approval granted by the City Council and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Recorded Conditions Agreement.** The Owners shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the City Council on March 8, 2016 is limited to the construction of a two-unit, two-story duplex and a five-unit, two-and partial three-story residential apartment building under the Average Unit-Size Density (AUD) Incentive Program. The seven-unit project includes two, two-bedroom units and five, three-bedroom units, eight uncovered surface parking spaces including one accessible parking space, seven enclosed bicycle parking spaces, and the improvements shown on the plans reviewed by the City Council, dated November 30, 2015 and on file at the City of Santa Barbara, subject only to Final Design Approval by the Architectural Board of Review.
 2. **Annual Resident Survey.** The owner shall conduct an annual resident survey commencing six months after final Certificate of Occupancy. For example, if an AUD project was approved in November 2015, the first survey report will be due December 31, 2016. The survey report must include findings for each unit and must be submitted to the Planning Division by December 31st of each year for the first eight years of the project. The annual survey report for each unit shall include:
 - a. Net floor area.
 - b. Number of bedrooms.
 - c. Monthly rent (or condominium purchase price) and utilities.
 - d. Periods of vacancy.

EXHIBIT "A"

- e. Household size.
 - f. Current employment location of each adult resident by zip code.
 - g. Prior employment location of each adult resident by zip code.
 - h. Prior residence zip code for each adult.
 - i. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any)
- B.** Requirements Prior to Permit Issuance. The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Community Development Department prior to the issuance of any permit for the project.
- 1. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes the Recorded Conditions identified in condition A "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.