



City of Santa Barbara
Planning Division

Memorandum

DATE: July 6, 2010

TO: Planning Commission

FROM: Planning Division
 Danny Kato, Senior Planner *DJK*
 Daniel Gullett, Associate Planner *DG*

SUBJECT: Suspension of Staff Hearing Officer Approval of 512 Bath Street

Introduction

The project consists of the demolition of an existing two-story, ten-unit apartment building and carport, and the construction of a two and three-story apartment complex on a 1.10 acre lot by the Housing Authority of the City of Santa Barbara. The proposal includes 53 studio efficiency apartments ranging in size between 320 and 445 square feet (sf), affordable to very low- and low-income households to be occupied by tenants with special needs and downtown workers, one two-bedroom 921 sf managers apartment, two 138 sf laundry rooms, a 610 sf recreation room, and a 1,432 sf community center, 13 covered and 17 uncovered automobile parking spaces, and 29 covered and 6 uncovered bicycle parking spaces. The project also includes a transfer of funds from the Housing Authority to the City of Santa Barbara for construction of a portion of the Lower Mission Creek Flood Control Project.

The discretionary applications required for this project are:

1. Lot Area Modification to allow additional dwelling units pursuant to the City's Density Bonus Program (SBMC §28.21.080, §28.87.400, §28.92.110);
2. Parking Modification to allow less than the required number of parking spaces (SBMC §28.90.100, §28.92.110);
3. Distance Between Buildings Modifications to allow less than the required 15 ft separation between each pair of adjacent buildings (eight total Distance Between Buildings Modifications required) (SBMC §28.21.070, §28.92.110); and
4. Interior Setback Modification for the trash enclosure to encroach into interior setback (SBMC §28.21.060, §28.92.110).

The Staff Hearing Officer approved the project at the public hearing of June 16, 2010. The Staff Hearing Officer's decision was suspended at the request of a Planning

Commissioner in accordance with SBMC §28.05.020. The Planning Commission shall review and affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing.

Staff Hearing Officer Review

The Staff Hearing Officer reviewed the subject applications at the hearing of June 16, 2010. The Staff Hearing Officer questioned staff and the applicant on the requested modifications, and ultimately approved the project, making appropriate findings for each of the requested modifications. The Staff Hearing Officer conditioned the project to include three significant trees to replace the Shamel Ash tree that was removed during the course of the project review.

ABR Concept Review

Following the Staff Hearing Officer decision, the Architectural Board of Review (ABR) reviewed the project at one additional concept review on June 28, 2010. The applicant discussed the responses to the ABR comments from the previous hearing and requested preliminary approval from ABR. ABR continued the hearing indefinitely pending the outcome of the suspended land use decisions.

Mission Creek Setback

As stated in the attached Staff Hearing Officer Staff Report, staff had differing opinions regarding what setback from Mission Creek would be appropriate for this project. The plans approved by the Staff Hearing Officer include a minimum 25 foot setback from the Mission Creek top of bank for hardscape and the closest portions of Buildings 2 and 7. Although members of the public commented on the project at the ABR and Staff Hearing Officer hearings, no members of the public, the ABR, or the Staff Hearing Officer expressed concerns regarding the proposed creek setback at the two initial ABR concept reviews or the Staff Hearing Officer hearing. The Urban Creeks Council became aware of the project and raised concerns regarding the development along Mission Creek and the adequacy of the Mission Creek setback to Planning staff after the Staff Hearing Officer decision.

Early in the development of the project, the applicant was advised by staff to obtain design information for the Lower Mission Creek Flood Control Project from Public Works Engineering staff, and provide a project design that includes a creek setback of at least 25 feet from the probable future creek top of bank.

During staff's review of the development application, the Creeks Division recommended that the applicant provide a 50 foot setback from the Mission Creek top of bank. The basis of the recommendation was the fact that the larger setback would improve water quality and help protect biological resources.

Projects along Lower Mission Creek have been evaluated on a case-by-case basis and approved with various setbacks in recent years. As the following table shows, recent

discretionary land use approvals along Lower Mission Creek include creek setbacks that vary from 25 to 50 feet. Please note that projects further up in the Mission Creek watershed and along other City creeks have included larger creek setbacks. An example is the recently-approved Cancer Center project, which included a 130 foot Mission Creek building setback.

| Address | Project Type | Approval | Lot Size (Creek Frontage) | Creek Setback |
|---|--|------------|--|--|
| 512 Bath <i>Bradley Studios</i> | 54 rentals <i>Mods</i> | 6/16 (SHO) | 46,560 sf (187 ft) | 25 ft (to buildings – 25 ft with creek project) |
| 727 Bath | 4 condos <i>TSM, Mod</i> | 3/02 (PC) | 12,550 sf (60 ft) | 40 ft (to building – 25 ft with creek project) |
| 203 Chapala | 8 condos <i>CDP, TSM, Mods</i> | 6/09 (PC) | 20,679 sf (~50 ft) | 25 ft (to building) |
| 401 Chapala <i>Chapala One</i> | 46 condos, 9200 sf NR <i>TSM, Mod</i> | 9/03 (PC) | 24,502 sf (~260 ft) | 36 ft (to hardscape) |
| 423 Chapala <i>Salvation Army</i> | 73 beds, managers unit <i>DP, Mod</i> | 12/99 (PC) | 28,775 sf (50 ft – creek on adjacent parcel) | 41 ft (to surface parking) |
| 414 De la Vina | 5 condos, with 3 live/work <i>TSM</i> | 5/04 (PC) | 18,538 sf (~120 ft) | 35 ft (to new building) |
| 124 Los Aguajes | 3 condos <i>CDP, TSM, Mods</i> | 4/09 (PC) | 6,000 sf (50 ft) | 25 ft (to building) |
| 29 State <i>Harbor View Inn Annex</i> | 19 rooms 28,190 sf NR <i>CDP, Mods, DP, TEDR</i> | 5/04 (PC) | 71,874 sf (~245 ft) | 30 ft (to building – 25 ft with creek project) |

Table 1: Approved Development along Lower Mission Creek

On the site of the subject project, the existing apartment building is located at the existing top of bank and the existing development includes a concrete walkway that extends over the existing top of the creek bank (see Sheet C-2 of the plans). The proposed project removes structures from within 25 feet of the top of bank.

The attached staff report includes a discussion of policy language regarding development setbacks from creeks, specifically Conservation Element Policy 1.0: *Development adjacent to creeks shall not degrade the creeks or their riparian environments.* However, other than the 25 foot setback required in the Municipal Code (SBMC 28.87.250), the City does not have current policies or regulations that clearly define numerical creek setback standards. The unadopted March 2010 Draft General Plan Update includes in the Hydrology, Water Quality, and Flooding Policies an

implementation action (ER16.1) *that a creek setback greater than the existing Mission Creek ordinance standard shall be applied for all new structures, additions and hard surfaces adjacent to all major creeks*, but it does not define a numerical standard either.

Staff understands that the applicant has been in discussions with Urban Creeks Council regarding changes to the site plan to provide a larger creek setback for portions of the project. Among the changes being discussed is the elimination of the four uncovered parking spaces closest to Mission Creek and the associated reconfiguration of the covered bicycle and automobile parking to place bicycle parking closest to the creek to reduce the paved area required for automobile backing. This reduction of hardscape would provide more area for creekside landscaping. Although this change would further reduce the modified parking supply, the projected automobile parking demand (18 spaces) would still be significantly less than the amount of parking that would be provided (26 spaces). Additional creekside buffer area would further City policies aimed to enhance creek areas while providing for the same amount of affordable housing as approved by the Staff Hearing Officer. With the vehicle ownership limitations proposed by the applicant and the bicycle parking provided, staff would support a further reduction of automobile parking from 30 spaces to 26 spaces.

Recommendation

As stated in the Staff Hearing Officer report, Staff took the following into consideration when recommending project approval with a 25 foot Mission Creek setback to the Staff Hearing Officer: 1) the desire for increased water quality and enhanced creek buffer area; 2) the desire for rental units affordable to very-low and low income households; and 3) the improvement to the creek area caused by removing existing development that exists up to the top of bank, and restoring the 25 foot setback area. Staff recommends that the Planning Commission consider further reducing the number of uncovered automobile parking spaces approved by the Staff Hearing Officer, consider other site planning changes to provide additional creekside landscaped area, and otherwise affirm the decisions of the Staff Hearing Officer making the findings for the required modifications included in Staff Hearing Officer Resolution No. 029-10.

- Exhibits:
- A. Staff Hearing Officer Staff Report dated June 9, 2010
 - B. Staff Hearing Officer Meeting Minutes and Resolution of June 16, 2010
 - C. Reduced copies of Site Plan, Floor Plan, and Elevations
 - D. Applicant letter, dated March 18, 2010
 - E. ABR Minutes of November 2 and 16, 2009 and June 26, 2010
 - F. Phase 1 Traffic and Parking Analysis prepared by ATE, dated May 12, 2010



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 9, 2010
AGENDA DATE: June 16, 2010
PROJECT ADDRESS: 512 Bath Street (MST2009-00469)
Bradley Studios
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner *DJK*
Daniel Gullett, Associate Planner *DG*

I. PROJECT DESCRIPTION

The project consists of the demolition of an existing two-story, ten-unit apartment building and carport, and the construction of a two and three-story apartment complex on a 1.10 acre lot by the Housing Authority of the City of Santa Barbara. The proposal includes 53 studio efficiency apartments ranging in size between 320 and 445 sf, affordable to very low- and low-income households to be occupied by tenants with special needs and downtown workers, one two-bedroom 921 sf managers apartment, two 138 sf laundry rooms, a 610 sf recreation room, and a 1,432 sf community center, 13 covered and 17 uncovered automobile parking spaces, and 29 covered and 6 uncovered bicycle parking spaces. The project also includes a transfer of funds from the Housing Authority to the City of Santa Barbara for construction of a portion of the Lower Mission Creek Flood Control Project.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Lot Area Modification to allow additional dwelling units pursuant to the City's Density Bonus Program (SBMC §28.21.080, §28.87.400, §28.92.110);
2. Parking Modification to allow less than the required number of parking spaces (SBMC §28.90.100, §28.92.110);
3. Distance Between Buildings Modifications to allow less than the required 15 ft separation between each pair of adjacent buildings (eight total Distance Between Buildings Modifications required) (SBMC §28.21.070, §28.92.110); and
4. Interior Setback Modification for the trash enclosure to encroach into interior setback (SBMC §28.21.060, §28.92.110).

SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

| | |
|---|---|
| Applicant Lisa Plowman, Peikert Group Architects | |
| Property Owner Housing Authority of the City of Santa Barbara (HASB) | |
| Parcel Information | |
| Assessor's Parcel Number: 037-161-035 | Lot Area: 46,560 sf |
| General Plan: Residential, 12 du/acre and Buffer/stream | Zoning: R-3 and R-4 |
| Existing Use: Multi-family Residential (10 unit apt building) | Topography: Relatively flat with Mission Creek at the rear of the lot |
| Adjacent Land Uses | |
| North - Commercial | East - Preschool/Single Family Residential |
| South - Commercial | West - Multiple Family Residential Apts |

B. PROJECT STATISTICS

| | Existing | Proposed |
|------------------------------|-----------------|-----------------|
| Living Area | 5,470 sf | 23,177 sf |
| Carpport/Garage Space | 2,005 sf | 4,069 sf |
| Accessory Space | 0 sf | 169 sf |

IV. ZONING ORDINANCE CONSISTENCY

The subject property is split-zoned R-3 and R-4, with the majority of the lot in the R-4 Zone and only the rear portion of the proposed parking and circulation area and the creek area located in the R-3 Zone.

The R-3 Limited Multiple-Family Residence Zone is a restricted residential district of high density with a principal use of multiple-family dwellings. The intent of the R-3 Zone is to establish, maintain, and protect the essential characteristics of the district, develop and sustain a suitable environment for family life, and prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment. The R-4 Hotel-Motel-Multiple Residence Zone has the same the principal use of land as the R-3 Zone. In addition, the R-4 Zone allows for hotels and related. The Zoning Ordinance states that the intent of the R-4 Zone provisions is to provide a pleasant and healthful environment with usable open spaces.

As shown in the following table, the proposed project meets the requirements of the R-3 and R-4 Zones except for lot area, parking, distance between buildings, and interior setback. Modifications of these standards are discussed below.

| Standard | Requirement/ Allowance | Existing | Proposed |
|---------------------------------------|---|--|---|
| Setbacks | | | |
| -Front (1 or 2-story) | 10 ft | 182 ft | 15 ft |
| -Interior | 6 ft | 6 ft | 6 ft for buildings 3 ft for trash enclosure* |
| -Interior (3rd story) | 10 ft | n/a | 10 ft |
| -Rear (2+ story) | 10 ft | 35 ft | 56 ft |
| Distance Between Buildings | | | |
| -Multi story | 15 ft | n/a | 0 ft* |
| Building Height | 45 ft | ~23 ft | 34.5 ft |
| Parking | | | |
| -residents | 1 space/studio + 2 spaces/2 br = 55 spaces | 10 spaces | 26 spaces* |
| -guests | 1 space/4 units = 14 spaces | none | 4 spaces* |
| -bicycle | n/a | none | 32 spaces |
| Lot Area (Variable Density) | studio: 1,600 sf 2-br: 2,320 sf 53(1,600) + 1(2,320)= 87,120 sf needed | 1-br: 1,840 sf 10(1,840)= 18,400 sf needed | 46,560 sf provided* (40,560 sf > variable density lot area) |
| Unit Size | 150 sf | ~550 sf | Studios: 320-445 sf 2 br unit: 921 sf |
| Common Outdoor Living Space | 15% of lot area (6,984 sf) | n/a | 47% of lot area (21,742 sf) |
| Net Floor Area/Lot Area | n/a | 0.22 | 0.58 |
| Lot Coverage | | | |
| -Building | n/a | 8,349 sf** 18% | 11,323 sf 24% |
| -Paving/Driveway | n/a | 27,658 sf** 59% | 16,960 sf 36% |
| -Landscaping | n/a | 10,553 sf** 23% | 18,277 sf 39% |

*Requires zoning modification

**Includes four cottages demolished in 2008

A. MODIFICATIONS

The discretionary applications required for this project are modifications for lot area, parking, distance between buildings and an interior setback encroachment. To approve a modification of lot area, distance between buildings, or an interior setback encroachment, the Staff Hearing Officer must find that the modification is consistent with the purposes and intent of the Zoning Ordinance and necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development containing affordable dwelling units rented or

owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures. To approve a modification for parking, the Staff Hearing Officer must find that the parking modification will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area.

Lot Area

The R-3 and R-4 Zones allow for variable density based on lot area, dwelling unit type, and number of bedrooms. Under the R-3/R-4 variable density provisions, the property could be developed with 27 studio units and one two-bedroom unit. The proposed project includes 53 studio units and one two-bedroom manager's unit for a density of 51 units per acre. The City's Density Bonus Program allows for densities greater than those allowed with variable density for affordable housing projects in return for rent restrictions that provide for continued affordability to low-income renters consistent with the City's Density Bonus Program. This project provides 53 units targeted to very low- and low-income renters for a minimum of 90 years. Staff reviewed the HASB proposal and concluded it is consistent with the City's Density Bonus Program criteria. As discussed below, in its review ABR stated that the project's mass, bulk, height and scale were appropriate for the neighborhood. Considering the entire project, including the unit sizes, substantial usable outdoor space, and limited parking, staff's position is that the lot area modification is consistent with the purposes and intent of the Zoning Ordinance as the project provides an appropriate residential living environment.

For density comparison, HASB operates two notable downtown affordable housing projects at 315 W. Carrillo (El Carrillo) and 335 W. Carrillo (Casa de las Fuentes). Casa de las Fuentes includes 42 dwelling units with a density of 54 units per acre and El Carrillo includes 61 dwelling units (216 sf each) and one manager's unit with a density of 124 units per acre. Additionally, the HASB project currently under construction at 416 E. Cota St (Artisan Court) includes 56 units with a density of 62 units per acre.

For informational purposes only, the March 2010 Draft General Plan includes a land use designation change of the subject property to High Density Residential with a base density of 34 dwelling units per acre for developments with average unit size of no more than 800 sf (the average unit size of the project under review is 373 sf). In addition, the Draft General Plan includes an implementation action which would allow an increased density overlay of up to 50% in the affordable rental housing overlay area, which would result in an allowable density of 51 units per acre, equal to the density of the proposed project.

Parking

As shown in the table above, the Zoning Ordinance automobile parking requirement for the project is 55 resident spaces and 14 guest spaces, for a total of 69 spaces. The proposed project includes 30 automobile parking spaces, with 13 in garages and 17 uncovered. In support of the requested Parking Modification, the applicant provided a Traffic and Parking Analysis (attached as Exhibit E). The Parking Analysis evaluated the peak parking demand for the project based on parking data from the El Carrillo and Casa de las Fuentes projects and an

assumption of limited vehicle ownership. The Parking Analysis forecasts the peak parking demand of the project to be 18 spaces based on the rates developed from the parking surveys conducted at the sites listed above. The proposed parking supply of 30 spaces would accommodate the projected demand.

According to the applicant letter (Exhibit B), the parking for El Carrillo, which has 17 parking spaces for 61 units provided for special needs residents, typically has 47% occupancy. It also states that Casa de las Fuentes, which provides 42 parking spaces for 42 units occupied by downtown workers, has historically had a low vehicle ownership rate with only 20 residents owning vehicles. In the evening the Casa de las Fuentes manager occupies one space and an average of eight spaces are occupied by guests for an occupancy rate of 69%.

The applicant also proposes to limit vehicle ownership to one or no vehicles, depending upon available parking, by requiring residents to sign a vehicle limitation agreement. The agreement would allow HASB to determine household vehicle ownership by any means including a search of Department of Motor Vehicle records.

Additionally, HASB has agreed to limit occupancy of those units occupied by gainfully employed tenants to downtown workers consistent with the limitation placed on Casa de las Fuentes.

Transportation Planning staff reviewed the Traffic and Parking Analysis and the applicant letter, vehicle limitation agreement, and work force employer boundaries and agrees with the determination that no increase in on-street parking demand will occur as a result of the project. The recommended conditions of approval include a vehicle limitation agreement and work force employer boundaries (Exhibit A). A map of the work force boundaries is included as Exhibit F.

Distance Between Buildings The R-3 and R-4 Zones require multiple story buildings to be separated from one another by a minimum of 15 feet. This zoning requirement provides open space and some architectural building relief. The proposed development requires modifications of the distance between buildings between Buildings 1 & 2, 1 & 3, 2 & 4, 4 & 6, 4 & 7, 7 & 6, 6 & 5, and 5 & 3, since each pair of buildings is separated by less than 15 feet. ABR supported the distance between buildings modifications and stated that the project's mass, size, bulk, height, and scale and amount of open space were appropriate. The project could be redesigned to provide connections between the buildings (shared roofs or walls), which may be less aesthetically desirable, or provide 15 foot building separations, which would result in open space that would be less usable. Access to the units is provided by an elevated second story walkway between all buildings and a third story walkway between the three-story buildings. The walkways encroach into the required distance between buildings but provide building relief and reduce building volume by allowing for external stairways and a single elevator to access all units. Because the project provides substantial usable open space in the interior courtyard and along the creek, appropriate spatial relationships, and appropriate architectural size, bulk, mass and scale, staff supports the eight requested distance between buildings modifications.

Interior Setback Modification The interior setback modification would allow the trash enclosure to encroach three feet into the required six foot interior setback. At the first ABR

concept review, ABR requested that the applicant study an alternate location for the trash enclosure. The applicant explained the siting of the trash enclosure to ABR at the second concept review to ABR's satisfaction. The density and site design limit the location of the enclosure due to the automobile maneuverability and the locations of the automobile and bicycle parking along the driveway. While the enclosure is located adjacent to Las Flores Preschool property, it is opposite the school's trash area and away from school's playground area and the residential units fronting Haley. Additionally, the siting of the trash enclosure at this location near Bath Street minimizes noise from trash pickup affecting the school and residences along Haley Street. At the second concept review ABR stated that the Board understood the reasoning behind the trash enclosure location and asked the applicant to heavily screen the trash enclosure from the street. Staff supports this modification for the reasons stated above.

V. ISSUES

A. MISSION CREEK

In weighing the City's competing desires for increased water quality, enhanced creek buffer area, affordable housing, and considering the proximity of the existing development to the creek and the low quality of the existing creek setback area, staff recommends a 25 foot setback for all buildings from the more restrictive of the existing top of bank or the probable future top of bank that would be constructed with the Lower Mission Creek Flood Control Project, unless the Chief Building Official approves any portion of the development within the 25 foot setback.

Zoning Ordinance Section 28.87.250 (*Development Along Creeks*) was established to limit development adjacent to Mission Creek. The stated intent of the ordinance is to prevent undue damage or destruction of development by flood waters; prevent new development from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters; and to protect the public health, safety and welfare.

The area subject to the Mission Creek development limitation includes all land within the creek banks and land located within 25 feet of the top of bank. Any development requiring a building permit proposed within that area, including the subject proposal, is required to be reviewed and approved by the Chief Building Official or the Planning Commission on appeal prior to issuance of the building permit.

While the proposed buildings are sited 25 feet from the probable future top of bank location, as shown on Sheet C-3, Buildings 2 and 7 are located within 25 feet of the existing theoretical top of bank, which is more restrictive for a portion of the lot by a distance of up to up six feet. The Chief Building Official has considered the proposal and does not support the siting of the buildings within the existing 25 foot creek setback area that is shown on the current plans. The Building Official, has conceptually approved proposed minor site development (grading, drainage elements, fences, short retaining wall) within the limitation area. However, as this staff report was being finalized, additional information was being submitted by the applicant.

Staff will update the Staff Hearing Officer of the Chief Building Official's determination regarding development within 25' of the top of bank.

The future top of bank location is based on the most current information available on the engineered design of the Lower Mission Creek Flood Control Project as provided by the US Army Corps of Engineers consultant. Public Works Engineering staff expect additional information regarding the top of bank location in coming months as the design of the Mission Creek Flood Control Project is further refined. Consistent with the *Development Along Creeks* Ordinance, the Building Official will review the project with the newest available design information for the Lower Mission Creek Flood Control Project prior to building permit issuance.

If the refined future top of bank results in any additional development encroachments into the limitation area, or if the project is redesigned in response to additional information on the creek design, the project may return to the Staff Hearing Officer for additional review.

As part of this project, HASB has offered to provide \$200,000 to the City to be used toward construction of the Lower Mission Creek Flood Control Project along or immediately adjacent to the subject property, a temporary construction easement for construction of the Lower Mission Creek Flood Control Project, and a permanent easement along the creek to the County Flood Control and Water Conservation District to allow access for flood control activities, maintenance, and landscaping.

The conditions also include a requirement for a riparian restoration plan that includes revegetation, restoration, and maintenance measures. This restoration plan will consider the Lower Mission Creek Flood Control Project improvements in its design and not include major vegetation that would be removed as part of the creek project. The Lower Mission Creek Flood Control Project includes a revegetation plan with large trees and shrubs that would follow the structural creek work.

B. TREE REMOVAL

The project includes the proposed removal of eight trees on the project site, including the removal of a substantial five foot diameter Shamel Ash (*Fraxinus uhdei*). Following the second ABR concept review, the property owner removed the tree under the assumption that removal of the tree at that time was acceptable. The tree removal was not authorized by the City and the Staff Hearing Officer should consider the removal of the ash tree as part of the project during the project review.

Other proposed tree removals include two large Yucca trees and a Pittosporum located in the front setback. Removals of these front setback trees require approval by the Parks and Recreation Commission. This Municipal Code requirement is reflected in Condition D.2. Please note that if the tree removals are not approved, revisions to the site plan and additional review of the project by the Staff Hearing Officer may be necessary.

Please refer to the Conservation Element discussion below for relevant policies related to tree removal.

C. DESIGN REVIEW

This project was conceptually reviewed twice by the Architectural Board of Review (ABR) in November 2009 (meeting minutes are attached as Exhibit D). At the second concept review on November 16, 2009, the ABR stated that the site plan and architecture were moving in the right direction, asked that the applicant study breaking up massing on the north and south elevations, provide street presence and neighborhood-friendly entries to all three buildings fronting Bath Street, and consider a significant specimen replacement for the Shamel Ash tree (see additional discussion below). The ABR continued the project to the Staff Hearing Officer for the land use decisions on a 4-2 vote with the following statements regarding the project compatibility analysis:

- a) The proposed project complies with the Design Guidelines and is generally consistent with the City Charter and applicable Municipal Code requirements. The board finds no negative aesthetic impacts and understands the reasoning behind the proposed trash enclosure location. The applicant is to provide heavy screening of the trash enclosure from the street view.*
- b) The project's design is compatible with the City and the architectural character of the neighborhood, given compliance with the previous comments.*
- c) The project's mass, size, bulk, height, and scale are appropriate for the neighborhood. The majority of the Board is appreciative of the two story presence along Bath Street and the three story portion within the interior of the lot.*
- d) There is no impact to adjacent City Landmarks, adjacent historic resources or established public views of mountains or ocean.*
- e) The project's design provides appropriate amount of open space and landscaping.*

One ABR member opposed to the project stated that it was not compatible with the neighborhood with regard to massing and density. Another ABR member expressed interest in a redesign that incorporates the ash tree into the project. At the two ABR hearings, four members of the public expressed concern with the removal of the ash tree, density, and unit sizes.

D. CONSISTENCY WITH THE GENERAL PLAN

As discussed in the Environmental Review section below, a finding of project consistency with the City's General Plan Land Use Designation and applicable policies is required for the project to qualify for an Infill Development exemption pursuant to the CEQA Guidelines. A discussion of General Plan consistency follows.

Land Use Element

The General Plan's Land Use Element defines and discusses each of the City's neighborhoods. The project site is located in the West Downtown neighborhood, which is bounded on the north by Sola Street; on the south and west by Highway 101; on the east by De la Vina, Ortega and Chapala Streets. The Land Use Element states that that West Downtown is one of the oldest residential neighborhoods in the City and contains some of Santa Barbara's architecturally important residential structures, many of which have been converted into relatively low-density apartments. In addition, the current Land Use Element states that new apartment complexes are replacing older single-family houses as the West Downtown transitions to higher density residential and commercial uses. The proposed development of an apartment complex at this location is consistent with the Land Use Element's vision for this neighborhood.

The Land Use Element also includes a Land Use Map that provides land use designations throughout the City. The Land Use Designation for the subject property is Residential, 12 units per acre and Buffer/stream. Although this site carries a General Plan density of 12 units per acre, the Land Use Element states that the designated densities are not intended to be absolute maximums and allows for variable density in relation to the size of units and occupancy potential. Reflecting that direction, the Zoning Ordinance provides for variable density in the R-3/R-4 Zones. The Zoning Ordinance allows for up to 29 studio units on a 46,560 sf lot in the R-3 Zone. Further increased density is also provided for in Housing Element Implementation Strategy 4.1.2 (see below) which allows for affordable density bonus units on a case-by-case basis.

The Buffer/stream designation along Mission Creek signifies the need for transition between the residential use and the creek. The General Plan expresses a desire to maintain natural qualities of creek open space and states that new development should respect creeks as important community open spaces. It is staff's position a 25 foot creek setback from the more restrictive of the future top of bank, or the calculated top of bank of the existing creek, and restoration plan with native landscaping would enhance and expand the natural qualities of the creek open space consistent with the direction of the General Plan.

Housing Element

The Housing Element supports the development of neighborhood-compatible bonus density projects for rental housing for low income and special needs households. Specific Housing Element goals, policies, and implementation strategies related to the location and provision of affordable housing including the following.

Goal 4: Through the public and private sector, assist in the production of new housing opportunities which vary sufficiently in type and affordability to meet the needs of all economic and social groups, with special emphasis on housing that meets the needs of very low, low, and moderate income and special needs households.

Policy 4.1: Pursue all opportunities to construct new housing units that are affordable to low- and moderate-income owners and renters.

Implementation Strategy 4.1.9 Encourage the construction of rental housing at affordable rental rates.

Implementation Strategy 4.1.10 Support the development of infill residential projects in the City.

Policy 4.5: Promote the development of housing for seniors and the disabled.

The proposed project would provide 53 new infill rental units targeted to very low- and low-income households (including special needs households), consistent this goal and these policies and implementation strategies.

Implementation Strategy 4.1.2: Continue to provide bonus density units above levels required by State law, to be reviewed on a case-by-case basis.

Housing and Redevelopment staff reviewed the current proposal and concluded that the proposed project is consistent with the City-adopted Affordable Housing Policies and Procedures and the City's Density Bonus Program, which on a case-by-case basis allows for a greater density than would be required by state law, consistent with this implementation strategy.

Goal 3: Protect existing neighborhood character while encouraging compatible infill development.

Policy 3.3: New development in or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.

At the second concept review, ABR stated that the size, bulk and scale of the project were appropriate to the site. Staff concurs with ABR and believes the current project, with some redesign in response to ABRs comments, would be compatible with the prevailing character of the neighborhood.

Noise Element

Pursuant to the Noise Element, the required private outdoor living spaces for the residential units must not be exposed to a noise level in excess of 60 L_{dn}. The City's 2010 Master Environmental Assessment Maps indicate that majority of the project site is located in an area exposed to noise levels less than 60 dB(a). According to the noise contour map, the parking area along the driveway is exposed to noise levels between 60 and 65 dB(a), however, no required outdoor living spaces are proposed in that area. The project is, therefore, consistent with the requirements of the Noise Element.

Conservation Element

Visual Resources Policy 1.0: *Development adjacent to creeks shall not degrade the creeks or their riparian environments.*

With implementation of the required site plan redesign, the riparian restoration plan, standard construction best management practices, and compliance with the Storm Water Management Program requirements, the project would enhance rather than degrade the creeks or their riparian environment. The project is therefore consistent with this policy.

Visual Resources Policy 4.0: *Trees enhance the general appearance of the City's landscape and should be preserved and protected.*

Visual Resources Implementation Strategy 4.1: *Mature trees should be integrated into project design rather than removed.*

Visual Resources Implementation Strategy 4.2: *All feasible options should be exhausted prior to the removal of trees.*

Visual Resources Implementation Strategy 4.3: *Major trees removed as a result of development or other property improvement shall be replaced by specimen trees on a minimum one-for-one basis.*

The conditions include a requirement to replace the removed Shamel Ash with at least one substantial specimen tree, subject to ABR review (Condition A.4). As conditioned, the project is consistent with this policy and implementation strategies.

E. ENVIRONMENTAL REVIEW

The Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) identify types of projects that are generally exempt from CEQA review. The City Environmental Analyst determined that this project qualifies for a categorical exemption pursuant CEQA Guidelines Section 15332, which provides for infill development projects in urbanized areas that meet the following conditions:

- 1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

As discussed in Section VI.B and VII above, the project is consistent with General Plan and Zoning Designations with a density consistent with the City's Density Bonus Program. With the redesign of the site plan to accommodate a 25 foot creek setback, and the requested modifications, the project would be consistent with all applicable zoning regulations.

2. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The project site is within the City's incorporated area, is less than five acres in size and surrounded on all sides by urban uses.

3. **The project site has no value as habitat for endangered, rare or threatened species.**

The project site has been previously disturbed, is surrounded by urban uses, and holds no value as habitat for endangered, rare or threatened species. The parcel contains a portion of Mission Creek that would be altered in the approved Lower Mission Creek Flood Control Project. The Final EIS/EIR for the approved Lower Mission Creek Flood Control Project indicates that the steelhead fish (*Oncorhynchus mykiss*) is the only endangered, rare, or threatened species that uses Mission Creek at this location. This reach of Mission Creek, however, does not provide rearing conditions or spawning conditions for adult steelhead and is thus not considered habitat. Adult steelhead swim through this location to the upper reaches of the watershed after winter rains and juvenile steelhead use this reach of Mission Creek as a migratory corridor. Although the migratory corridor is not considered habitat, the applicant offered to limit any construction activity between the line of the creek setback and the creek to minimize any adverse effects on migratory steelhead. This limitation is reflected in Condition D.1 and is consistent with City limitations on other projects.

4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

Traffic. The Phase 1 Traffic and Parking analysis prepared by ATE (attached as Exhibit E) evaluated traffic impacts of project generated traffic using trip generation rates based on two similar downtown developments operated and managed by HASB, El Carrillo and Casa de las Fuentes. The analysis assumes that the majority of traffic would arrive and depart from the site to the downtown Santa Barbara area, and lower vehicle ownership based on HASB vehicle limitations. The analysis concludes that the addition of project traffic would not result in a significant impact and the addition of project traffic would not generate a significant cumulative impact to the Bath and Haley Street intersection. Transportation Planning Staff found the analysis sufficient to provide the necessary information to conclude that no significant project traffic impact or cumulative traffic impact will occur as a result of the project. Condition B.9 related to acceptable parking and vehicle limitation agreement as stated above in Section IV.

Noise. The project is not expected to result in any significant effects relating to noise exposure. According to the 2010 Master Environmental Assessment noise map, the project site is not currently subject to noise levels that exceed City noise level standards. See the noise discussion above in Section VI.B.

Air Quality. For environmental review purposes, the City of Santa Barbara uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts. Based on the APCD's Land Use Screening Table, a project of 54 apartments would not be expected to result in significant air quality impacts, since the project is much smaller than those identified in the screening table.

The project would involve demolition, grading, paving and landscaping activities, which could result in short term less than significant dust-related impacts; however, the applicant would be required to incorporate standard dust control mitigation measures during grading and construction activities. These measures are included as conditions of approval and would further reduce less than significant air quality impacts.

Water Quality. The project is not expected to have any significant adverse effects on water quality. The proposed conditions of approval include standard conditions regarding construction best management practices related to water quality. The proposed project also includes a post-construction stormwater management system to collect and detain surface and roof runoff consistent with the requirements of the City's adopted Storm Water Management Program.

5. **The site can be adequately served by all required utilities and public services.**

All utilities are existing and available at the site and can be extended to the development. The proposed project would result in a less than significant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment.

VI. FINDINGS

The Staff Hearing Officer finds the requested modifications are not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission, the requested modifications would not significantly affect persons or property owners other than those entitled to notice, and the following:

A. LOT AREA MODIFICATION (SBMC §28.92.110)

As described in Section IV.A above, the requested lot area modification for increased density to allow additional dwelling units is consistent with the purposes and intent of the Zoning Ordinance, including the City's Density Bonus Program, and is necessary to construct a housing development containing affordable units rented in the manner provided for in the City's Affordable Housing Policies and Procedures. The proposed development is consistent with the intent of the R-3 & R-4 Zones to provide multiple-family dwellings and a suitable residential development. The development is also consistent with the intent of the City's Density Bonus Program to provide incentives for development of housing affordable to qualifying households.

B. PARKING MODIFICATION (SBMC §28.92.110)

The requested parking modification to allow less than the required number of parking spaces is consistent with purposes and intent of the Zoning Ordinance because adequate parking is provided for the new development and the project will not cause an increase in demand for parking or loading space in the immediate area as described in Section IV.A above.

C. DISTANCE BETWEEN BUILDINGS MODIFICATIONS (SBMC §28.92.110)

The eight requested distance between buildings modifications are consistent with the purposes and intent of the Zoning Ordinance and necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures, because the architecture and site design provide substantial open space and adequate spatial relationships between building masses, as described in Section IV.A above.

D. INTERIOR SETBACK MODIFICATION (SBMC §28.92.110)

The modification of the interior setback to allow encroachment of the trash enclosure is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The location of the trash enclosure is sensitive to the neighboring school and development as described in Section IV.A above.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Floor Plan, Elevations
- C. Applicant's letter, dated March 18, 2010
- D. ABR Minutes of November 2 and 16, 2009
- E. Phase 1 Traffic and Parking Analysis prepared by ATE, dated May 12, 2010
- F. Map of Work Force Boundaries



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

JUNE 16, 2010

CALL TO ORDER:

Susan Reardon, Senior Planner, called the meeting to order at 8:30 a.m.

STAFF PRESENT:

Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Steve Foley, Supervising Transportation Planner
Steven Faulstich, Housing Program Supervisor
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner
Daniel Gullett, Associate Planner
Gloria Shafer, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
None.
- B. Announcements and appeals.
Ms. Reardon announced that on June 10th the Planning commission upheld the decision of the Staff Hearing Officer to deny an application for a project located at 401 ½ Old Coast Highway. An appeal of the Planning Commission decision was filed. A City Council hearing date on that appeal is not yet scheduled.
- C. Comments from members of the public pertaining to items not on this agenda.
None.

II. PROJECTS:

ACTUAL TIME: 8:32 A.M.

- A. APPLICATION OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, INC., AGENT FOR SANSUM CLINIC, 317 W. PUEBLO STREET, APN 025-172-028, C-O MEDICAL OFFICE ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC & INSTITUTIONAL (MST2010-00107)

The 2.69 acre site is currently developed with the Sansum Clinic. The proposed project involves the temporary request to park a 370 square foot MRI trailer on the Sansum Medical Clinic site 1-2 days per week for an indefinite period of time. The discretionary applications required for this project are a Modification to permit the trailer to be located within the required six-foot interior setback and Development Plan Approval (SBMC §28.51.060.B & 28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Present: Trish Allen, Agent; Tom Moore, Architect; Paul Jaconette, Executive VP/Chief Administrative Officer, Sansum Clinic.

Roxanne Milazzo, Associate Planner gave the Staff presentation and recommendation.

The Public Hearing was opened at 8:37 a.m.
A letter in opposition from Paula Westbury was acknowledged.
As no one wished to speak, the Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Reardon stated that the project description will be revised to include a statement indicating that a 370 square foot trailer will be parked on the site one to two days per week. The applicant agreed to the revised project description.

ACTION: **Assigned Resolution No. 028-10**
Approved the project making the findings contained in Section V of the Staff Report dated June 9, 2010.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 8:41 A.M.

B. APPLICATION OF LISA PLOWMAN, AGENT FOR THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 512 BATH STREET, APN 037-161-035, R-3 AND R-4 ZONES, GENERAL PLAN DESIGNATIONS: RESIDENTIAL, 12 UNITS PER ACRE, BUFFER/STREAM (MST2009-00469)

The project consists of the demolition of an existing two-story, ten-unit apartment building and carport, and the construction of a two and three-story apartment complex on a 1.10 acre lot by the Housing Authority of the City of Santa Barbara. The proposal includes 53 studio efficiency apartments ranging in size between 320 and 445 sf, affordable to very low- and low-income households to be occupied by

tenants with special needs and downtown workers, one two-bedroom 921 sf managers apartment, two 138 sf laundry rooms, a 610 sf recreation room, and a 1,432 sf community center, 13 covered and 17 uncovered automobile parking spaces, and 29 covered and 6 uncovered bicycle parking spaces. The project also includes a transfer of funds from the Housing Authority to the City of Santa Barbara for construction of a portion of the Lower Mission Creek Flood Control Project.

The discretionary applications required for this project are:

1. Lot Area Modification to allow additional dwelling units pursuant to the City's Density Bonus Program (SBMC §28.21.080, §28.87.400, §28.92.110);
2. Parking Modification to allow less than the required number of parking spaces (SBMC §28.90.100, §28.92.110);
3. Distance Between Buildings Modifications to allow less than the required 15 ft separation between each pair of adjacent buildings (eight total Distance Between Buildings Modifications required) (SBMC §28.21.070, §28.92.110); and
4. Interior Setback Modification for the trash enclosure to encroach into interior setback (SBMC §28.21.060, §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332 (Infill Development Projects).

Present: Rob Pierson, Executive Director for Santa Barbara Housing Authority; Lisa Plowman, Architect; David Black, Landscape Architect.

Daniel Gullett, Associate Planner gave the Staff presentation and recommendation. Mr. Gullett stated that additional information was received since preparation of the Staff Report and provided suggested changes to conditions A.2, B.9, D.6, and C.1.b.

Bettie Weiss, City Planner explained the land use density changes proposed for this site as part of PlanSB. Ms. Weiss responded that the project is consistent with existing and proposed land use densities and city affordable housing programs.

The Public Hearing was opened at 9:30 a.m.

Wanda Livernois, opposed to the number of proposed modifications, proposed trash location.

Paul Zink, concerned that the DART review process did not ensure that all avenues were considered for saving the large canopy tree.

Suzanne Riordan, Executive Director of Families Act non-profit: in support of the project for providing support services and housing for the homeless.

Two letters in opposition to the project from Paul Zink and Paula Westbury were acknowledged.

The Public Hearing was closed at 9:40 a.m.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon questioned the number of vehicle and bicycle parking spaces and expressed concerns with visibility exiting the site. Mr. Foley stated that when bicycle parking spaces are covered and located in a secure location, bicycles are more likely to be utilized. Mr. Foley explained that visibility is addressed in the plan in that the driveway will be moved to the northwest allowing extra space for visibility.

Ms. Reardon questioned what other areas were considered for the trash enclosure. Ms. Plowman responded that they studied locating the trash enclosure outside of the setback near the rear of the site, but concluded this was not a good location due to its proximity to a single-family residential development and that the trash truck would need to back up a long distance.

Ms. Reardon expressed concern for the proposed distance between buildings 1 and 2, and buildings 3 and 4, and buildings 6 and 7. Ms. Plowman responded that an option is to connect the buildings; they concluded the better solution is to have a larger front setback and open spaces providing a breakup of the massing.

Ms. Reardon expressed concern for removal of the Ash tree and required three large specimen trees as replacement. Ms. Reardon inquired whether the ABR has reviewed a waiver to allow a perimeter planter less than 5' in width between the two properties. Mr. Gullett responded that the ABR will review the waiver when the project returns to ABR.

ACTION: **Assigned Resolution No. 029-10**
Approved the project making the findings contained in Section VI of the Staff Report dated June 9, 2010, and subject to the Conditions of Approval contained in Exhibit A as revised at the hearing.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:35 a.m.

Submitted by,

Gloria Shafer, Staff Hearing Officer Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 029-10
512 BATH STREET
MODIFICATIONS
JUNE 16, 2010

APPLICATION OF LISA PLOWMAN, AGENT FOR THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 512 BATH STREET, APN 037-161-035, R-3 AND R-4 ZONES, GENERAL PLAN DESIGNATIONS: RESIDENTIAL, 12 UNITS PER ACRE, BUFFER/STREAM (MST2009-00469)

The project consists of the demolition of an existing two-story, ten-unit apartment building and carport, and the construction of a two and three-story apartment complex on a 1.10 acre lot by the Housing Authority of the City of Santa Barbara. The proposal includes 53 studio efficiency apartments ranging in size between 320 and 445 sf, affordable to very low- and low-income households to be occupied by tenants with special needs and downtown workers, one two-bedroom 921 sf managers apartment, two 138 sf laundry rooms, a 610 sf recreation room, and a 1,432 sf community center, 13 covered and 17 uncovered automobile parking spaces, and 29 covered and 6 uncovered bicycle parking spaces. The project also includes a transfer of funds from the Housing Authority to the City of Santa Barbara for construction of a portion of the Lower Mission Creek Flood Control Project.

The discretionary applications required for this project are:

1. Lot Area Modification to allow additional dwelling units pursuant to the City's Density Bonus Program (SBMC §28.21.080, §28.87.400, §28.92.110);
2. Parking Modification to allow less than the required number of parking spaces (SBMC §28.90.100, §28.92.110);
3. Distance Between Buildings Modifications to allow less than the required 15 ft separation between each pair of adjacent buildings (eight total Distance Between Buildings Modifications required) (SBMC §28.21.070, §28.92.110); and
4. Interior Setback Modification for the trash enclosure to encroach into interior setback (SBMC §28.21.060, §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332 (Infill Development Projects).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to speak in favor of the application, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 9, 2010.

2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, 650 Miramonte Dr., Santa Barbara, Ca
 - b. Paul Zink, via e-mail.

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

A. Lot Area Modification (SBMC §28.92.110)

As described in Section IV.A above, the requested lot area modification for increased density to allow additional dwelling units is consistent with the purposes and intent of the Zoning Ordinance, including the City's Density Bonus Program, and is necessary to construct a housing development containing affordable units rented in the manner provided for in the City's Affordable Housing Policies and Procedures. The proposed development is consistent with the intent of the R-3 & R-4 Zones to provide multiple-family dwellings and a suitable residential development. The development is also consistent with the intent of the City's Density Bonus Program to provide incentives for development of housing affordable to qualifying households.

B. Parking Modification (SBMC §28.92.110)

The requested parking modification to allow less than the required number of parking spaces is consistent with purposes and intent of the Zoning Ordinance because adequate parking is provided for the new development and the project will not cause an increase in demand for parking or loading space in the immediate area as described in Section IV.A above.

C. Distance Between Buildings Modifications (SBMC §28.92.110)

The eight requested distance between buildings modifications are consistent with the purposes and intent of the Zoning Ordinance and necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures, because the architecture and site design provide substantial open space and adequate spatial relationships between building masses, as described in Section IV.A above.

D. Interior Setback Modification (SBMC §28.92.110)

The modification of the interior setback to allow encroachment of the trash enclosure is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The location of the trash enclosure is sensitive to the neighboring school and development as described in Section IV.A above.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is subject to the review and approval of the (Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied:
1. **Project Design.** The project shall comply with the Mission Creek development restrictions contained in SBMC Section 28.87.250.
 2. **North Elevation Fenestration and Landscaping.** Study the fenestration on the north elevation considering the privacy of the neighboring apartment units and outdoor living spaces in relation to the type, placement, and size of windows and landscaping.
 3. **Tree Replacement.** Provide three significant specimen trees to replace the removed Shamel Ash tree. At least two of the trees shall be provided on the project site. If the ABR deems it to be infeasible to locate the third tree on the project site outside of the creek setback area given site constraints, then the third tree can be placed off-site in the proposed pocket park on the corner of Ortega and Bath Streets.
 4. **Riparian Restoration.** The landscape plan shall include a Riparian Buffer Restoration and Enhancement Plan, prepared by a qualified biological or resource specialist, and reviewed and approved by the City Environmental Analyst. The Riparian Buffer Restoration and Enhancement Plan shall include revegetation, restoration, and maintenance measures. Prior to implementation of the Lower Mission Creek Flood Control Project, creek bank stabilization and revegetation and restoration efforts shall consist of removal of non-native plants, and the use of native grasses, shrubs, and trees common to the riparian zones of the City for revegetation. Species that shall be considered, among others, include blackberry, western ragweed, California brome, mugwort, giant ryegrass, deer grass, meadow barley, and quailbush.
 5. **Minimize Visual Effects of Paving.** A textured and/or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 6. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 7. **Perimeter Planter .** The ABR shall review the required perimeter planter adjacent to the parking area pursuant to the Zoning Ordinance parking landscaping standards (SBMC §28.90.050).
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute *a written instrument*, prepared by Community Development staff, which shall be 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 Staff Hearing Officer on June 16, 2010 is limited to 54 dwelling units and the improvements shown on the plan sheets signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Rental Housing Restrictions.** For the 53 studio dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to sixty percent (60%) of Area Median Income (AMI).

The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.

The two-bedroom unit intended for use by a resident property manager shall not be subject to income or rent restriction.

7. **Residential Parking.** 30 automobile parking spaces will be provided for use by the residents, manager and guests. Assignment of parking spaces to residents will be strictly monitored by the Housing Authority by implementing a program to limit tenant parking, including access to DMV records and on site observations. Residents who choose to own cars and require a parking space on site will be required to pay a parking fee resulting in higher monthly rent.
 8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
 9. **Downtown Employer Boundaries.** To the extent allowed by law, Owner shall require that any prospective tenant who is gainfully employed, be employed by a "downtown employer" as described herein as a condition of occupancy. In addition, Owner shall ensure that any qualified tenant who is gainfully employed shall continue to be employed by a "downtown employer" as a condition of continued occupancy in the Project or Owner shall relocate such tenant to another housing project operated by the City Housing Authority or offered a housing subsidy under the Section 8 Housing Choice Voucher Program. [For purposes of this condition, "downtown employer" shall be defined as the location to which the tenant regularly reports for work and one that is located within the City of Santa Barbara generally bounded by U.S. Highway 101, Castillo Street, Cabrillo Boulevard, Milpas Street, Anapamu Street, Garden Street, Constance Avenue, and Alamar Avenue.]
 10. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited in the Mission Creek development limitation area.
 11. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Dedication(s).** Easements described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

The Owner shall, in anticipation of the proposed Lower Mission Creek Corridor Project, execute and return to City the following described instruments prepared for such purposes, subject to approval as to form by the City Attorney and content by the Public Works Director and the Community Development Director, and *cause to be recorded by separate instrument, easements irrevocably offered to the Santa Barbara County Flood Control and Water Conservation District (FCD), for acceptance by FCD at any time, at its sole discretion, the following described easements located on portions of the real property:*

- a. An executed easement deed for a non exclusive perpetual easement to the FCD from the northerly property line of subject property to a point 10-feet from the southerly face of future Mission Creek wall and parallel to the wall, on the subject property side of the creek for the excavation, removal, demolition, remediation and alteration of Mission Creek and adjacent topography, and for the construction, reconstruction, replacement, repair, use and maintenance of various improvements and landscaping as required in connection with the proposed Mission Creek project, and subsequently, for water flowage, flood control and all related purposes for Mission Creek located on the real property, as existing or may be altered pursuant to the currently available preliminary design plans prepared for the proposed Mission Creek project, and;

- b. A temporary right of entry and agreement for a temporary easement, ten-feet (10') wide, in addition to the perpetual easement stated above, intended for the exclusive, joint and cooperative use by the United States Army Corps of Engineers, the FCD, the County of Santa Barbara, and the City of Santa Barbara, and for all their respective employees, consultants, contractors and assignees, as appropriate, for all activities necessary related to the survey, inspection, excavation, removal, relocation, demolition, remediation, alteration, construction, repair and replacement of existing topography and improvements, as required in connection with the proposed Mission Creek project, which temporary easement shall begin upon actual commencement of construction activities on the proposed Mission Creek project, and continue until the completion of said project, which is anticipated for a construction period of approximately twenty four (24) months, but said temporary construction easement shall finally expire on January 1, 2030. FCD shall install a temporary protective fence along the southerly line of this temporary construction easement and the fence shall be removed at the completion of this phase of the Mission Creek Improvement Project.

2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real

Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.

3. **Final Hydrology Report.** The Owner shall submit a final hydrology report, prepared by a registered civil engineer demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
4. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
5. **Bath Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bath Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *saw-cut and replace all cracked and uplifted sidewalk, construct one new commercial style driveway apron modified to meet Title 24 requirements, saw-cut and replace all damaged curb & gutters, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with final hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 MUTCD during construction, supply and install four new *Stenocarpus sinuatus* (Firewheel) street trees, minimum 24" box size, evenly spaced in 5x8-ft tree wells with tree grates subject to approval by the City's Street Tree Advisory Committee, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*
6. **Encroachment Permits.** Any encroachment or other permits from County Flood Control District for any construction of improvements (including any required appurtenances) within their rights of way (easement).
7. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

8. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 9. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the 2006 CA MUTCD and the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.
- D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Development Along Creeks Approval.** Pursuant to SBMC Section 28.87.250, submit to the Building Official for review of any proposed development within 25 ft of the existing and future Mission Creek top of bank.
 2. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees 1, 2 and 3 as noted on the Conceptual Landscape Plan (Sheet L-1).
 3. **MTD Bus Stop Improvements.** Provide bus stop improvements consistent with current MTD bus stop standards as part of the project for the two bus stops on Haley Street near the intersection with Bath Street. To the extent physically possible, provide benches, trash receptacles, shelters with night lighting, and concrete pads to meet ADA requirements.
 4. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 5. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

6. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:

Owner shall sign and cause to be recorded against the Property an affordability control covenant, in a form approved by the City Attorney, which requires compliance with the requirements for low income rental units as specified in the City's Affordable Housing Policies and Procedures, with rents targeted as follows:

- (1) For 53 of the units, the target income percentage shall be sixty percent (60%) of the Area Median Income.
 - (2) The covenant shall require that the land be owned by a not-for-profit public benefit corporation and the buildings be owned by either a not-for-profit public benefit corporation or a tax-credit partnership. The covenant shall include an assignment of rents whereby the owner(s) assign to the City all rents collected in violation of the covenant. The covenant shall also require the owner(s) make periodic reports to the City to verify compliance with the covenant.
7. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).

- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
2. **Construction Timing/Steelhead Migration.** Construction work within a 25 foot construction buffer area measured from the existing top of bank shall not occur during the period of December 1 through June 1 to avoid disturbance to migrating steelhead. Prior to construction operations in the construction buffer area, a qualified biologist shall survey the stream channel at the project site to determine if steelhead are present. Should it be determined that steelhead are present, the applicant shall contact the California Department of Fish and Game and the National Marine Fisheries Service to determine the appropriate course of action. No work shall occur within the stream channel within the 25 foot construction buffer area measured from the existing top of bank until it is determined that steelhead are not present.
3. **Nesting Birds.** Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting

birds is provided to the satisfaction of the City Environmental Analyst and, if nesting bird species are identified, the affected area is avoided.

4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
6. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity

for recycling containers) shall be provided on the Real Property and reviewed by the Architectural Board of Review.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

7. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

| | | |
|----------------|-------|-------------|
| _____ | _____ | _____ |
| Property Owner | | Date |
| _____ | _____ | _____ |
| Contractor | Date | License No. |
| _____ | _____ | _____ |
| Architect | Date | License No. |
| _____ | _____ | _____ |
| Engineer | Date | License No. |

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.

3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

| | |
|-------------------------------|-----------------------------------|
| New Year's Day | January 1st* |
| Martin Luther King's Birthday | 3rd Monday in January |
| Presidents' Day | 3rd Monday in February |
| Cesar Chavez Day | March 31st* |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th* |
| Labor Day | 1st Monday in September |
| Thanksgiving Day | 4th Thursday in November |
| Following Thanksgiving Day | Friday following Thanksgiving Day |
| Christmas Day | December 25th* |

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:

During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
16. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Lower Mission Creek Channel Improvements.** The Housing Authority of Santa Barbara has offered to contribute \$200,000 to the City of Santa Barbara (City) to be used towards the construction of the Lower Mission Creek Channel improvements along or immediately adjacent to the subject property. These funds shall be deposited with the City prior to issuance the Certificate of Occupancy.
2. **Recorded Easements.** Provide a copy of each of the recorded easements to the Flood Control and Water Conservation District for temporary construction of the future Mission Creek project, and a perpetual easement for access and maintenance of Mission Creek.
3. **Riparian Restoration.** A Riparian Buffer Restoration and Enhancement Plan shall be implemented prior to issuance of the Certificate of Occupancy.
4. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
5. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
6. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
7. **Rental Affordability Provisions Approval.** Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the of the following: (a) the recorded affordability covenant as approved by the City Attorney, (b) the process for selecting the initial residents of the affordable rental units, (c) the eligibility of the initial residents, and (d) the form of the rental agreement used. Since this project includes restrictions on the number of motor vehicles per resident, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the recorded implementing document, which assures compliance with the restrictions on the number of motor vehicles owned, used, possessed or stored by residents.
8. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

H. **Litigation Indemnification Agreement.** In the event the approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and

approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building Permit for the use authorized by the approval is issued within 24 months and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 16th day of June, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

STAFF HEARING OFFICER RESOLUTION NO. 029-10
512 BATH STREET
JUNE 16, 2010
PAGE 17

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



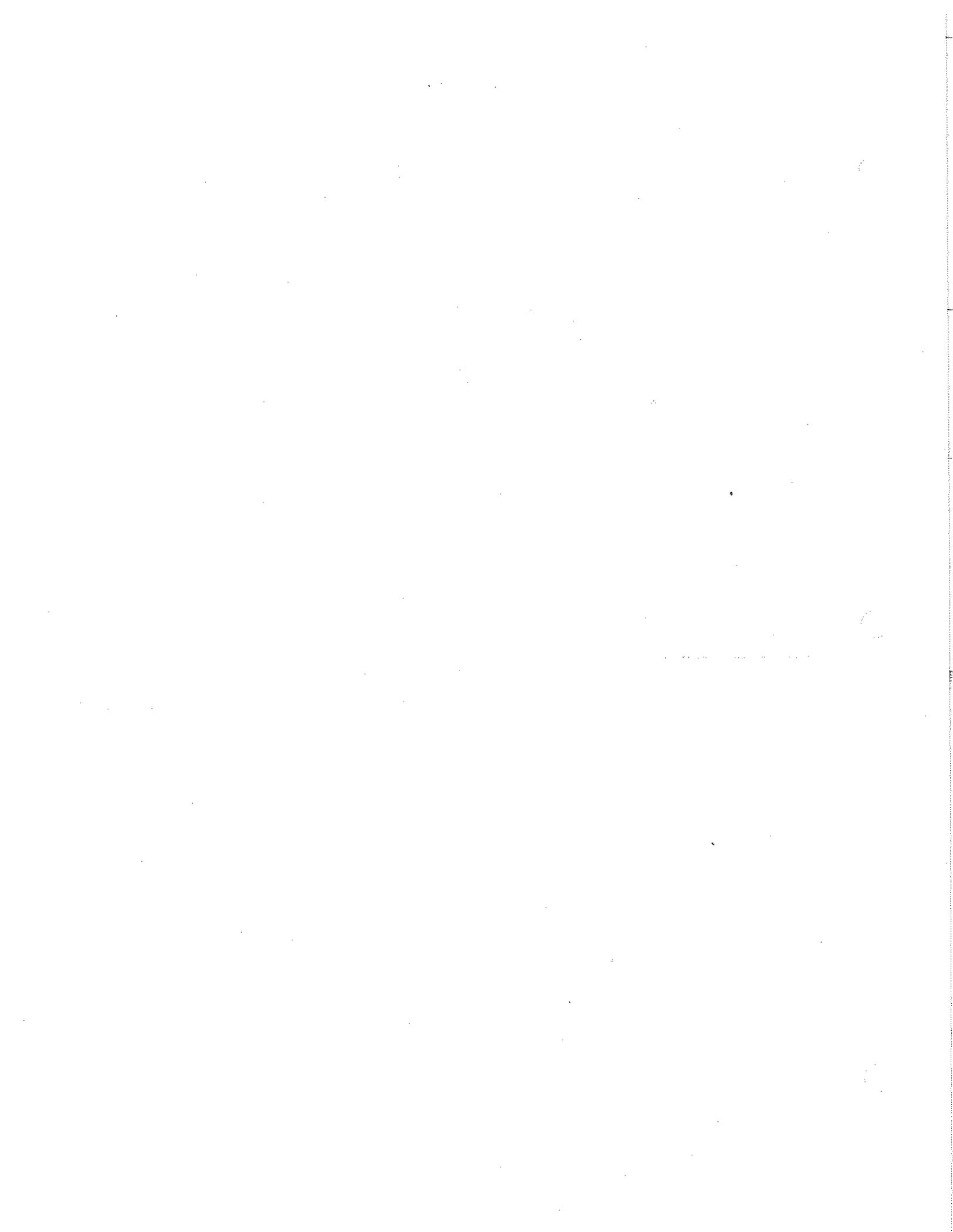
Gloria Shafer, Staff Hearing Officer Secretary

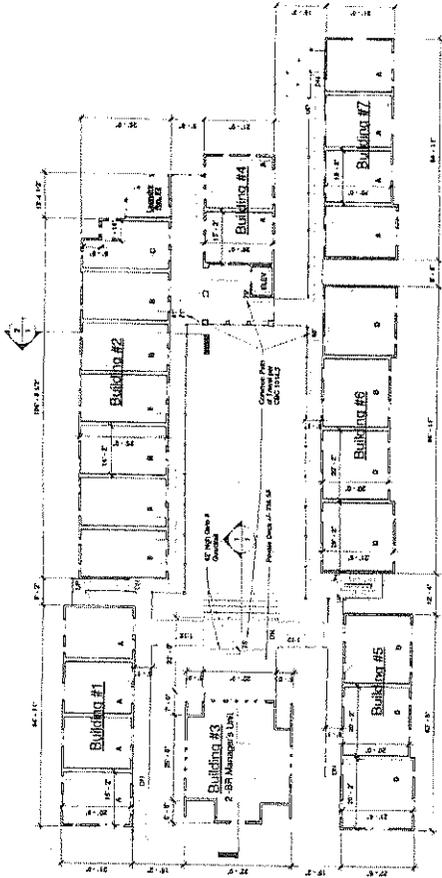
6-23-2010

Date

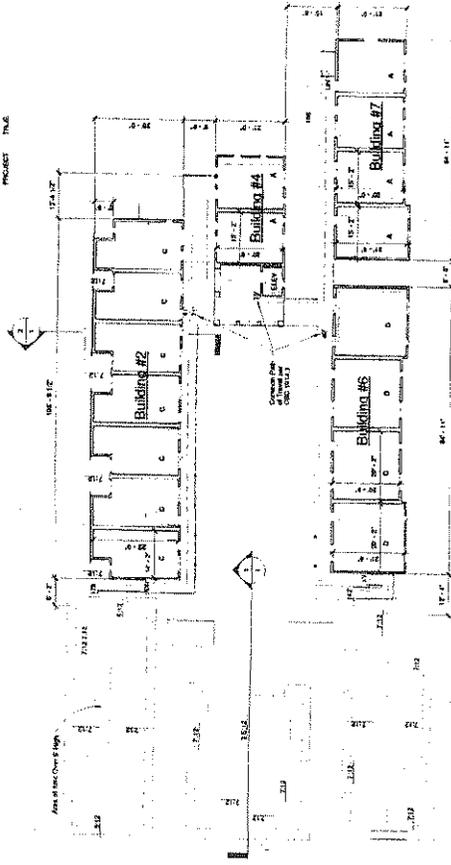
PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.





Second Floor Plan
SCALE: 1/8" = 1'-0"



Third Floor Plan
SCALE: 1/8" = 1'-0"



Pelkert Group
Architects, LLP

10 East Commerce St., Santa Barbara, CA 93101
Tel: 805.963.2322
Fax: 805.963.2320
www.pelkertgroup.com

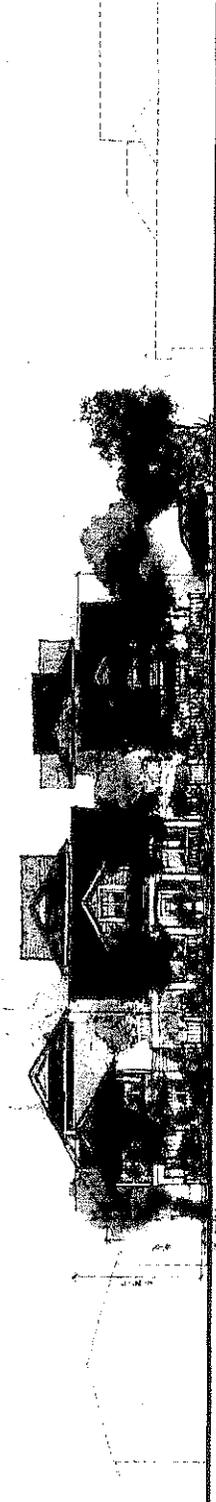
Housing Authority of
The City of Santa Barbara

HACSB Bath Street
512-518 Bath St.
Santa Barbara, CA. 93101

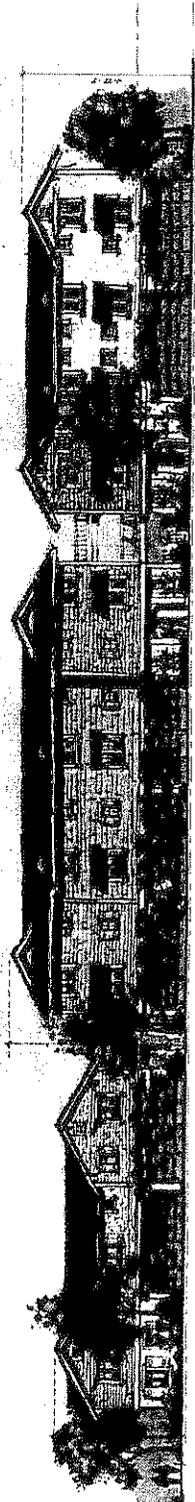
Floor Plans

2

June 1, 2010



West Elevation (Bath Street)
SCALE: 1" = 16'



South Elevation
SCALE: 1" = 16'

PGA
Peikert Group
Architects, LLP
10 East Bay Street, Suite 200
Santa Barbara, CA 93101
www.peikert.com



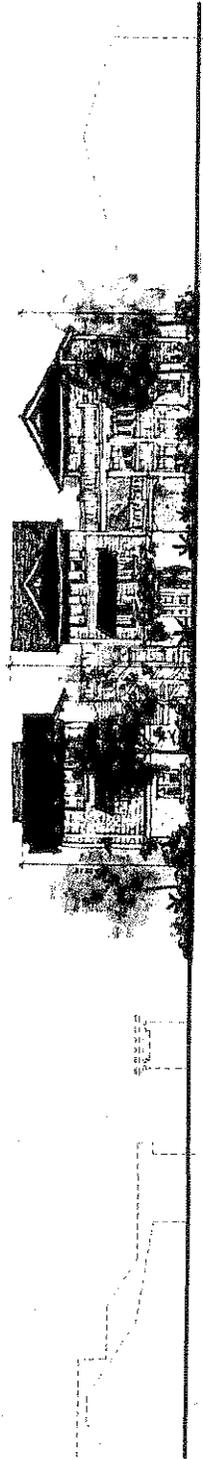
Housing Authority of
The City of Santa Barbara

HACSB Bath Street
512-518 Bath St.
Santa Barbara, CA. 93101

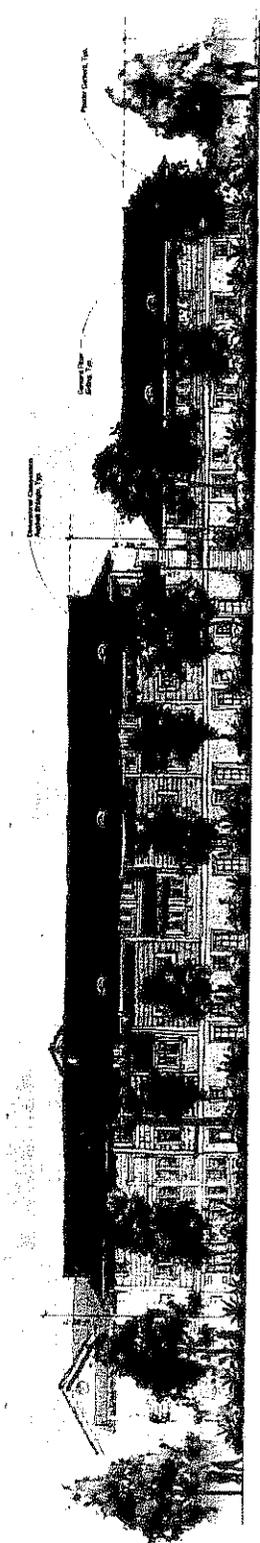
Building Elevations

4

June 1, 2010



1 East Elevation (from Creek)
SCALE: 1" = 10'-0"



2 North Elevation
SCALE: 1" = 10'-0"

PGA
Peikert Group
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10 East Francisco St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 6283
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Housing Authority of
The City of Santa Barbara

HACSB Bath Street
512-518 Bath St.
Santa Barbara, CA. 93101

Building Elevations



PEIKERT GROUP ARCHITECTS, LLP

March 18, 2010

Mr. Paul Casey
Community Development Director
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
MAR 18 2010

**CITY OF SANTA BARBARA
PLANNING DIVISION**

**SUBJECT: 512-518 Bath Street; Assessor Parcel Number 037-161-031;
MST2009-00469**

Dear Mr. Casey:

On behalf of the Housing Authority of the City of Santa Barbara, Peikert Group Architects (PGA) is submitting the enclosed development application for 54 low income rental units located at 512-518 Bath Street. The project site is planned and zoned for multi-family residential. The General Plan designation is Residential 12.3 units per acre and the zoning is R-4 Hotel-Motel-Multiple Residence.

The Housing Authority is requesting discretionary approval by the Staff Hearing Officer for an affordable housing rental project and three zoning ordinance modifications. The modifications are necessary to allow an increase in the on-site residential density, to reduce the parking requirements, and to allow on-site buildings to be closer than 15 feet. A detailed description of the project and requested Modifications is provided below.

I. Existing Setting

The site is 46,561 square feet or 1.06 acres and is currently developed with a ten unit apartment building of 16,018 square feet and a 2,205 square foot free standing carport with 10 parking stalls. The carport also includes an attached laundry facility and storage closet. At the time the Housing Authority purchased the property in July 2008 it also included four cottages. These residential units were removed from the site shortly after the purchase due to their unsafe condition—they had been yellow tagged by the City's Building and Safety Division and it was determined that they were beyond repair.

There is limited existing vegetation on site including a *Fraxinus uhdei* (Shamel Ash) tree in the center of the site, two avocado trees, two pittisporum, a Washingtonian Robusta, and several yucca plants. The site gently slopes to the south and the east toward Mission Creek.

The site is bounded by Bath Street to the west with commercial offices and the Santa Barbara Athletic Club on the opposite side of Bath Street; an apartment building to the north; Mission Creek and an apartment building to the east; and single family homes and a childcare center to the south. Overall, the neighborhood is a mixture of residential (single and multi-family) and commercial uses.

II. Project Description

The Housing Authority's mission is to provide safe, decent, and quality affordable housing to low income families and individuals in the community. In addition to providing needed housing, the Authority also provides supportive social services to assist residents succeed in their living environment and the community.

The proposed project includes the construction of 53 very low and low income apartments and one manager's unit. The planned programming for the proposed project includes downtown workers within a specific geographic boundary and those with special needs.

The proposed project includes:

- 53 studio apartments that range in size from 321-445 net square feet;
- a 916 net square foot two-bedroom manager's unit;
- a 1,428 net square foot community center;
- 700 net square foot recreation room;
- Two 138 net square foot laundry facilities; and
- 13 enclosed single car garages.

Site Design

The three primary objectives that guided the conceptual site design process included: (1) the overall design and architectural style should complement and enhance the neighborhood; (2) the project should create an aesthetically pleasing and safe environment for residents; and (3) the project should integrate the natural beauty of Mission Creek. The application of these objectives resulted in a 26,339 net square foot project that consists of seven buildings which are a mixture of two and three stories. The two story portions of the project front Bath Street and the three story portions are placed toward the rear of the site. The buildings are all linked together by walkways. The architectural style is craftsman with a mix of stucco and shingles and includes include hip roofs with exposed rafter tails, wooden brackets and gable pediment decoration.

shutters and other decorative window treatments. The proposed structures are built around a center courtyard that will serve as common open space for passive recreations and enjoyment. The site layout encourages interaction of the residents and creates a controlled and safe environment. Lastly, the project provides two corridors that visually link the creek to the site. In addition, the Recreation Room is directly adjacent to the creek and opens out onto a patio facing the green space. This area creates an opportunity for passive recreation.

Access to the site and proposed parking is provided via a driveway off of Bath Street. The driveway runs along the southern property boundary which creates a buffer between the single family homes and child care center along Haley Street.

The proposed development totals 27,688 gross square feet. The total building coverage would be 11,111 square feet (24%), hardscaping would total 18,485 square feet (36%), and the proposed landscaping would total 16,964 square feet (40%). Please refer to the architectural plans for more information.

The project complies with the standard setbacks set forth in the R-4 zone district. The front yard setback is approximately 15 feet. The interior yard setbacks range between 6 -10 feet on the northern side of the project and 40 feet along the southern side. The rear of the projects abuts Mission Creek and a 25 foot creek setback is provided. A more detailed description of Mission Creek, the City's planned improvements, and the proposed setback is provided below. The maximum height of the two story portion of the project is approximately 25-½ feet and the three story portion of the structure is approximately 34 feet, which is well within the 45 foot height limit.

The site will be graded to level out existing grades and to ensure the site drains properly. The Civil Engineer estimates that 494 cubic yards of grading that will be balanced on-site.

The civil engineer, Studio Engineers, prepared a Preliminary Stormwater Study for the site. The report concluded that the redevelopment of the site would result in an increase of storm water run-off during any storm event due to an increase in impervious surfaces. In order to address the treatment of the increased run-off (first inch within a 24 hour period), the project would include a series of detention chambers under the proposed center courtyard and a series of bio-swailes that would sufficiently treat the storm water. Please see the attached Stormwater Study for the detailed analysis (Attachment 2).

Open Space & Landscaping

The required outdoor living space will be provided as common open yard area. Section 28.21.081.b. requires that at least 15% of the total lot area be provided as open yard area. The project would include 21,655 square feet of open yard area or 47% of the total site. In addition, the ordinance requires that at least one area be a minimum of 20 feet by 20 feet. As depicted in the Lot Area Diagram (Attachment 3), the common space provided in the center

courtyard exceeds the dimension requirements. The project also includes additional private outdoor space for nine of the ground floor units. The private yard areas range in size and are approximately 100-150 square feet and are located along the northern property line.

All existing vegetation will be removed and the site will be replanted with drought tolerant trees, shrubs and ground cover. It has been confirmed with the City arborist that no permits are required for the removal of any trees on-site. Please refer to the proposed Landscape Plan for information regarding the proposed plant palette.

Parking

The Housing Authority is proposing to provide 30 parking spaces - 13 single car garages and 17 open parking spaces along the southern property boundary. The project also includes covered parking for 32 bicycles. The Zoning Ordinance requires a total of 69 parking spaces for the project; one parking space for each low income rental unit, two spaces for the two-bedroom manager's unit, and 14 guest parking spaces. The Housing Authority is seeking a modification to allow for reduced parking.

As noted above, the proposed resident make up of this project would be downtown workers and those with special needs. The project would include a geographic boundary for the downtown workers similar to the Casa de las Fuentes project at 922 Castillo Street and the special needs individuals would be prohibited from owning cars similar to the El Carrillo Project at 315 West Carrillo Street.

Casa, which provides housing for downtown workers, has 42 parking spaces for 42 units. Historically, only 20 residents (50%) have owned vehicles. The Manager occupies one parking space and on average, 8 visitor spaces are used in the evenings. Therefore, the parking garage is at 69% occupancy. Please note that the parking at Casa accommodated, without incident, off-site parking for an average of 15 vehicles for the large construction project at the El Carrillo project located adjacent to Casa.

El Carrillo, which provides housing for those with special needs, has 17 parking spaces for 61 studio units. As noted above, none of the residents own cars as they are prohibited from doing so through their lease agreement. Please note that, the special needs residents are generally of an income level that does not permit car ownership or they are disabled and unable to operate a car. The on-site Manager of the facility uses two parking spaces and the caseworkers use 5 spaces during business hours. On average only one guest parking space is used on a daily basis. Therefore, the parking at El Carrillo is at 47% occupancy. A visit to these properties on any given day at any time will confirm the underutilization of the parking lots.

It is anticipated that 26 of the proposed units will house downtown workers and 27 will house those with special needs. Based on the data gathered at Casa de las Fuentes and El Carrillo, the

total estimated employee, resident and guest parking demand for the project would be 26 spaces. The anticipated parking demand is broken down as follows:

- Zero spaces for the special needs residents;
- 13 spaces for the downtown worker residents (50% occupancy);
- 2 spaces for the Manager's unit;
- 5 spaces for case workers to be used during business hours only; and
- 6 guest parking spaces.

With this anticipated parking demand there will be 4 additional spaces that can be used for residents or visitors. Please note that the spaces for employees and guests can be shared since the employees use the spaces during business hours and guests generally visit during the evenings.

We emphasize that these projects were specifically designed and developed to reduce parking demand. To provide more parking than is necessary takes away from space that can be used for housing and community outdoor space, and tends to promote vehicle ownership and use. The Housing Authority agency has taken a proactive approach to reducing the community's dependency on the vehicle. Please see the attached letter prepared by the Housing Authority for more information regarding the requested parking modification and their existing operations (Attachment 4).

Mission Creek Improvements

The City Public Works Department is working on the Lower Mission Creek Flood Control Project which is designed to increase flood water conveyance capacity and enhance recreational opportunities and riparian habitat. At this point, the project has been preliminarily designed and involves widening the channel of Mission Creek including the portion of the creek that makes up the eastern boundary of the project site. This widening of the creek includes the construction of a wall with rip rap at the base of the wall. Ultimately, the improvements will shift the top of bank to the west. The proposed development has been sited to ensure a 25 foot setback from the new top of bank. In addition, the project includes restoration within the creek setback area by removing non-native vegetation and re-planting the area. Please see the proposed landscape plan for more detailed information regarding the planting scheme. The timing of the proposed construction of this improvement is unknown at this time. The Housing Authority is working with the Public Works Department to determine if the planned improvements along the eastern boundary of the site will be constructed as part of the proposed affordable housing project or as part of the City's larger project.

Requested Modifications

As noted above, the Housing Authority is requesting the approval of three modifications to the zoning ordinance. The first modification would be to increase the allowable density on the

project site. Under the existing zoning regulations, the allowable density is 28 units (27 studios and one 2-bedroom unit). Pursuant to the City's Density Bonus Program, the Housing Authority is seeking a 95% increase in density to allow for the proposed 54 apartments. The units will be rented under the Housing Authority's affordability policies and guidelines and will more than meet the income requirements set forth in the City's Affordable Housing Policies and Procedures. The funding source for this project will require that all of the units be occupied by Very Low Income households (60% of Area Median Income and below) at affordable rents. As a practical matter and based on the Housing Authority's experience with this funding source, the bulk of the units will be occupied by households at or below 30% of Area median Income (AMI) which is termed Extremely Low Income.

The project consists of seven structures that are linked by walkways which makes the project a single structure under the Building Code. However, under the zoning ordinance each building is considered a separate structure and is therefore subject to the "distance between buildings" requirement set forth in Section 28.21.070. The applicant is seeking a second modification to allow the on-site buildings to be closer than 15 feet in four locations.

Lastly and as discussed above, the Housing Authority is seeking a third modification to allow for a reduction in the total required parking for the project from 69 spaces to 30 spaces.

Design Review

The proposed project was reviewed by the Architectural Review Board on two occasions, November 2, 2009 and November 16, 2009. The project received favorable comments including that the architectural style is appropriate for the neighborhood, the general scale, massing and site planning are going in the right direction. The Board asked the architect to study the street elevation, screen the trash, consider pulling the recreation room back from the creek setback, and refining the north and south elevations. Each of the areas addressed by the Board has been addressed in the newest submittal and will be reviewed by ABR after Staff Hearing Officer makes a decision on the project.

Technical Studies

A Phase I Archaeological Resources Report was prepared by Stone Archaeological Consulting, March 2010. The report found that the project would not impact significant pre-historic or historic resources. The report has been reviewed by staff and will be submitted to the Historic Landmarks Commission for their review and approval on March 30th or April 14th.

In addition, staff requested the preparation of a traffic study. The study is currently being prepared by Associated Transportation Engineers (ATE). Given the historic and existing residential uses on-site, the fact that special needs residents will be prohibited from owning vehicles, and that approximately 50% of the downtown workers will most likely not own cars;

the project is not anticipated to result in a significant traffic impact. The traffic study will be submitted to City staff for their review as soon as possible.

III. Neighborhood Meetings

During the conceptual design process and before review by ABR, the Housing Authority held two neighborhood meetings. The purpose of these meetings was to share information about the Housing Authority and their mission, present and receive comments on the conceptual designs, review the target population for this project, and to learn about the neighbors and their community. The first meeting was held February 4, 2009 on the project site and Peikert Group presented a very conceptual design and the attendees provided comments and requested some modifications. The comments received resulted in changes to the project design and a better understanding of the neighborhood issues.

A second meeting was held on March 5, 2009 at Casa de las Fuentes where the revised design concept was presented and the Housing Authority provided additional information about potential residents of the project and information about their existing developments within the community and neighborhood.

We believe that these early meetings helped to shape the design and ensure its compatibility. In addition, they helped to educate the neighborhood about the Housing Authority and its commitment to providing a high quality and safe living environment for families and individuals as well as enhancing neighborhoods where they own and operate rental housing.

IV. Justification of Project

The justification for the project is that: (1) the site is located in the downtown mixed use area, an ideal location for affordable apartments; (2) this type of project is the essence of smart growth, providing incentives for the use of alternative modes of travel, thereby reducing environmental impacts of traffic, air pollutant emissions, and the use of limited land area for parking; and (3) the project will provide 53 critically needed very low income living opportunities for local residents.

If you have any questions, please feel free to call me at your convenience.

Sincerely,



Lisa Plowman
Planning Manager

ARCHITECTURAL BOARD OF REVIEW MINUTES

November 2, 2009 – First ABR Concept Review

512 BATH ST

Assessor's Parcel Number: 037-161-035

Application Number: MST2009-00469

Owner: Housing Authority of City of Santa Barbara

Architect: Peikert Group Architects

(Proposed demolition of an existing two-story apartment building and the construction of a two and three-story multi-building apartment complex on a 1.10 acre lot. The proposal includes 53 affordable studio units, varying between 300 and 399 square feet, a 901 square foot two-bedroom manager's unit, 2 laundry rooms, a 623 square foot recreation room and a 1,415 square foot community center. The proposal includes 30 vehicle parking spaces, including 12 covered, 18 uncovered, and 32 covered bicycle parking spaces. The project will result in 18,751 square feet of residential area; 2,165 square feet of community facilities; 3,760 square feet of garages; and the removal of eight existing trees. The project requires Staff Hearing Officer review for requested zoning modifications for bonus density, parking, distance between buildings, and an interior setback encroachment.)

(Comments only; project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review for requested zoning modifications.)

(4:51)

Present: Detlev Peikert, Carrie Bingham and Lisa Plowman, Peikert Group Architects, David Black, Landscape Architect, and Skip Szymanski, Deputy Exec. Director for the City Housing Authority.

Public comment opened at 5:37 p.m.

Wanda Livernois, opposition: expressed concern over the proposed removal of the ash tree.

An opposition letter from Paula Westbury and email from Jacob Latham were acknowledged by the Board.

Public comment closed at 5:41 p.m.

Motion: Continued two weeks to Full Board with comments:

- 1) The architectural style is appropriate for the neighborhood.
- 2) Study the aggressiveness of the program which is affecting the quality of the architecture.
- 3) Study the site plan for an alternate location for the trash enclosure, the amount of sunlight at the interior court yard, and the location and use of open space.
- 4) Study the Bath Street elevations to provide neighborhood friendly entries to the other two buildings, similar to the middle building along Bath Street.
- 5) Three stories are acceptable however study methods to break up the long three-story structure massing.
- 6) The Board is withholding their comments on the modifications to the next review.

LANDSCAPING:

- 1) Study providing additional trees along the driveway elevation to break-up the massing of buildings as seen from the street.
- 2) Study the proposed removal of the ash tree and the differences in a proposal where the tree may be retained.

Action: Zink/Gilliland, 6/1/0. Motion carried. (Aurell absent).

November 16, 2009 – Second Concept Review

512 BATH ST

Assessor's Parcel Number: 037-161-035

Application Number: MST2009-00469

Owner: Housing Authority of City of Santa Barbara

Architect: Peikert Group Architects

(Proposed demolition of an existing two-story apartment building and the construction of a two and three-story multi-building apartment complex on a 1.10 acre lot. The proposal includes 53 affordable studio units, varying between 300 and 399 square feet, a 901 square foot two-bedroom manager's unit, 2 laundry rooms, a 623 square foot recreation room and a 1,415 square foot community center. The proposal includes 30 vehicle parking spaces, including 12 covered and 18 uncovered, and 32 covered bicycle parking spaces. The project will result in 18,751 square feet of residential area; 2,165 square feet of community facilities; 3,760 square feet of garages; and the removal of eight existing trees. The project requires Staff Hearing officer review for requested zoning modifications for bonus density, parking, distance between buildings, and an interior setback encroachment.)

(Second Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Staff Hearing Officer review for requested zoning modifications.)

(5:45)

Present: Lisa Plowman, Gordon Brewer, and Carrie Bingham, Peikert Group Architects; and David Black, Landscape Architect.

Public comment opened at 6:01 p.m.

Wanda Livernois, opposition: expressed concern regarding the loss of the ash tree.

Tony Vassallo expressed concern regarding the number of units and small unit sizes.

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 6:05 p.m.

Motion: Continued indefinitely to Planning Commission and return to Full Board with comments:

- 1) The general overall site plan and architectural direction is positive.
- 2) Study opening up the corner of the recreation room open space.
- 3) Consider a significant specimen replacement for the ash tree within the landscape plan.
- 4) Study the north and south elevations for architectural relief to break up massing.
- 5) Provide detailed information on the proposed fruit trees, including quantity and locations.
- 6) Carry forward previous November 2, 2009, comment #4: *"Study the Bath Street elevations to provide a street presence and neighborhood friendly entries to the other two buildings, similar to the middle building along Bath Street."*

- 7) The Board finds the project to be consistent with the Compatibility Analysis as follows:
- a) The proposed project complies with the Design Guidelines and is generally consistent with the City Charter and applicable Municipal Code requirements. The board finds no negative aesthetic impacts and understands the reasoning behind the proposed trash enclosure location. The applicant is to provide heavy screening of the trash enclosure from the street view.
 - b) The project's design is compatible with the City and the architectural character of the neighborhood, given compliance with the previous comments.
 - c) The project's mass, size, bulk, height, and scale are appropriate for the neighborhood. The majority of the Board is appreciative of the two story presence along Bath Street and the three story portion within the interior of the lot.
 - d) There is no impact to adjacent City Landmarks, adjacent historic resources or established public views of mountains or ocean.
 - e) The project's design provides appropriate amount of open space and landscaping.

Action: Rivera/Aurell, 4/2/0. Motion carried. (Zink/Mosel opposed, Sherry/Gross absent).

Additional Board comment:

One Board member wanted it noted for the record that he was opposed to the project as he finds the project is not compatible with the neighborhood in regards to the massing and density.

June 26, 2010 – First Preliminary Review

Note: these are DRAFT Minutes ONLY, pending ABR approval July 12, 2010

512 BATH ST

Assessor's Parcel Number: 037-161-035

Application Number: MST2009-00469

Owner: Housing Authority of the City of Santa Barbara

Architect: Peikert Group Architects

(The project consists of the demolition of an existing two-story, ten-unit apartment building and carport, and the construction of a two and three-story apartment complex on a 1.10 acre lot by the Housing Authority of the City of Santa Barbara. The proposal includes 53 studio efficiency apartments ranging in size between 320 and 445 square feet, affordable to very low- and low-income households to be occupied by tenants with special needs and downtown workers, one two-bedroom 921 square foot managers apartment, two 138 square foot laundry rooms, a 610 square foot recreation room, and a 1,432 square foot community center, 13 covered and 17 uncovered automobile parking spaces, and 29 covered and 6 uncovered bicycle parking spaces. The project also includes a transfer of funds from the Housing Authority to the City of Santa Barbara for construction of a portion of the Lower Mission Creek Flood Control Project. The project received Staff Hearing Officer approval for requested zoning modifications for lot area, parking, distance between buildings, and an interior setback encroachment on 6/16/10 (Resolution No. 029-10).)

(Project requires compliance with Staff Hearing Officer Resolution No. 029-10.)

(5:50)

Present: Gordon Brewer, and Detlev Peikert, Peikert Group Architects; David Black, Landscape Architect; Skip Szymanski, Housing Authority of Santa Barbara; and Dan Gullett, Associate Planner.

Dan Gullett clarified for the Board the Staff Hearing Officer ruling and the current status of the proposed project.

Mr. Szymanski clarified for the Board the Housing Authority's support of the proposed project and request to move forward on the project.

Public comment opened at 6:09 p.m.

Rick Frickmann (submitted letter) representative for the Santa Barbara Urban Creeks Council, spoke in general support of the proposed project, and requested a 50-foot setback buffer (with canopy and native trees) to accommodate new and existing trees and creek proximity.

A letter of concern from Paula Westbury was acknowledged by the Board.

Public comment closed at 6:25 p.m.

Mr. Gullett clarified that staff recommends Mission Creek setbacks that typically vary between 25 and 50 feet on a case by case basis depending upon existing development, the condition of the creek, the project, and the type of approval needed. The general Zoning Ordinance Mission Creek setback requirement is a minimum of 25 feet. The Creeks Division's recommendation was 50 feet for this project, however, Planning Staff's ultimate recommendation for the project was a 25 ft setback. Mr. Szymanski clarified details regarding setback ("top of bank") calculations for the proposed project and commitment to work with the Santa Barbara Urban Creeks Council.

The Board read the Staff Hearing Officer (SHO) Resolution No. 029-10, Conditions of Approval. Mr. Gullett clarified the "top of bank" plan calculations.

Motion 1: Preliminary Approval and continued indefinitely to Full Board with the comment that the Applicant is encouraged to come to an agreement with the Santa Barbara Urban Creeks Council with regard to biomass and setback issues.

Action: Rivera/Aurell, 3/3/0. **Motion failed.** (Zink/Mosel/Manson-Hing opposed, Gross absent).

Ms. Bettie Weiss, City Planner explained to the Board that staff only requested the Board to consider the project as ready for Preliminary Approval and will respect the Board's decision.

Motion 2: Continued indefinitely to Full Board with comments:

- 1) The Board is not comfortable making a determination for Preliminary Approval on the proposed project.
- 2) Applicant to return when the setback issue is resolved and any other unresolved land-use issues.

Action: Sherry/Rivera, 5/1/0. Motion carried. (Mosel opposed, Gross absent).



ASSOCIATED TRANSPORTATION ENGINEERS

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Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

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CITY OF SANTA BARBARA
PLANNING DIVISION

10021L02.wpd

Lisa Plowman
Peikert Group Architects
10 E. Figuerora Street
Santa Barbara, CA, 93101

PHASE 1 TRAFFIC AND PARKING ANALYSIS FOR THE 512 BATH STREET PROJECT, CITY OF SANTA BARBARA

Associated Transportation Engineers (ATE) has prepared the following Phase I traffic and parking analysis for the 512 Bath Street Project. The Phase 1 analysis reviews the traffic and parking-related impacts associated with the project. It is our understanding that the Phase I study will be submitted to the City to assist staff in determining the level of environmental review required for the project.

PROJECT DESCRIPTION

The project is proposing to develop a 53-unit affordable housing facility with an additional 2-bedroom managers unit (54 total units). The project site, located at 512 Bath Street, currently contains a 10-unit apartment building. An additional four single family dwelling units were demolished in 2008 when the Housing Authority of the City of Santa Barbara (HACSB) purchased the property. The traffic analysis assumes no credit for these units. The affordable housing facility would contain two types of housing units; 26 units would be available to individuals transitioning from homelessness and 27 units would be available to low income individuals that work in the downtown area. A total of 30 parking spaces would be provided on site (13 single car garages + 17 uncovered surface spaces). Figure 1 (attached) shows the location of the project site within the City and Figure 2 (attached) presents the Project Site Plan.

TRIP GENERATION

It is important to note that the HACSB affordable housing facilities give preference to applicants that do not own vehicles. Trip generation is therefore significantly lower at these facilities than typical apartment complexes. In order to develop appropriate trip generation rates for the affordable housing facilities in the Santa Barbara area, ATE conducted peak hour driveway counts at two similar sites that are managed by the HACSB (data attached for reference). The surveyed sites are further described below.

El Carrillo, located at 315/321 West Carrillo Street, contains 61 affordable units that are available exclusively to recently homeless individuals and low-income employees that work in the downtown area of Santa Barbara.

Casa de las Fuentes, located at 922 Castillo Street, contains 42 affordable units that are available exclusively to low-income employees in the downtown area of Santa Barbara.

Table 1 presents the trip generation observed at the two sites and the corresponding peak hour trip generation rates.

Table 1
Trip Generation Rates - Existing Affordable Housing Complexes

| Site | Size | Average Daily (a) | | A.M. Peak Hour | | P.M. Peak Hour | |
|---------------------|----------|-------------------|------|----------------|------|----------------|------|
| | | Trips | Rate | Trips (b) | Rate | Trips (b) | Rate |
| El Carrillo | 61 Units | 100 | 1.64 | 4 | 0.07 | 10 | 0.16 |
| Casa de las Fuentes | 42 Units | 180 | 4.29 | 7 | 0.17 | 18 | 0.43 |

(a) Assumes P.M. peak hour trips X 10.

(b) Observed peak hour vehicles trips at site driveways

The rates presented in Table 1 were used to developed trip generation estimates for the proposed project. The trip generation analysis assumes credit for the existing apartment units. Trip generation estimates for the existing uses were developed based on the rates presented in the Institute of Transportation Engineers (ITE) Trip Generation report¹ for Apartments (ITE Land-Use #220). It is noted that ITE apartment rates were used to forecast trip generation for the proposed managers unit that is proposed as part of the project. Table 2 presents the trip generation forecasts developed for the proposed project.

¹ Trip Generation, Institute of Transportation Engineers, 8th Edition, 2008.

**Table 2
Project Trip Generation**

| Land Use | Size | Average Daily | | A.M. Peak Hour | | P.M. Peak Hour | |
|-----------------------------|-----------|---------------|-------------|----------------|------------|----------------|-------------|
| | | Rate | Trips | Rate | Trips | Rate | Trips |
| <u>Proposed</u> | | | | | | | |
| Homeless/Transitional Units | 26 Units | 1.64 | 44 | 0.07 | 2 | 0.16 | 4 |
| Downtown Employee Units | 27 Units | 4.29 | 112 | 0.17 | 4 | 0.43 | 11 |
| <u>Managers Unit</u> | 1 Unit | 6.65 | 7 | 0.51 | 1 | 0.62 | 1 |
| Sub-Total | | | 163 | | 7 | | 16 |
| <u>Existing</u> | | | | | | | |
| Apartments | -10 Units | 6.65 | -67 | 0.51 | -5 | 0.62 | -6 |
| Net New Trips | | | + 96 | | + 2 | | + 10 |

The data presented in Table 2 show that the project is forecast to generate 96 net new average daily trips, 2 net new A.M. peak hour trips, and 10 net new P.M. peak hour trips.

PROJECT TRIP DISTRIBUTION

Trip distribution percentages were developed for the project assuming that the majority of traffic would arrive and depart from the site to the downtown area of Santa Barbara. Trip distribution percentages and peak hour traffic assignments are shown on Figure 3.

TRAFFIC STUDY REQUIREMENTS

The City of Santa Barbara’s practice of assessing project-specific and cumulative traffic impacts entails assigning 5 or more peak hour vehicle trips through intersections within the project study area. This practice provides a statistical certainty for determining project-generated traffic additions at critical intersections on a day-to-day basis.

As shown on Figure 3, the project is forecast to add 7 P.M. peak hour trips to the Bath Street/Haley Street intersection. The project would therefore have the potential to generate impacts at this location based on the City’s impact threshold of 5 peak hour added trips.

EXISTING + PROJECT INTERSECTION OPERATIONS

Table 3 presents the Existing and Existing + Project levels of service for the Bath Street/Haley Street intersection (LOS worksheet attached for reference). Existing traffic volumes were derived from the Plan Santa Barbara Project².

² City of Santa Barbara - Transportation Existing Conditions Report, AMEC Inc., August 2008.

Table 3
Existing + Project P.M. Peak Hour Levels Of Service

| Intersection | Existing | | Existing + Project | | Change in V/C | Impact? |
|--------------------------|-----------|-----|--------------------|-----|---------------|---------|
| | V/C Ratio | LOS | V/C Ratio | LOS | | |
| Bath Street/Haley Street | 0.57 | A | 0.57 | A | .002 | No |

The data presented in Table 3 show that the intersection is forecast to operate at LOS A under Existing and Existing + Project conditions. The addition of project traffic would not generate a significant impact to this location.

CUMULATIVE IMPACTS

LOS data contained in the Plan Santa Barbara Study indicates that the Bath Street/Haley Street intersection is forecast to operate at LOS B (V/C 0.656) under cumulative conditions (LOS sheet attached for reference). The addition of project traffic (7 P.M. peak hour trips) would not generate a significant cumulative impact to this intersection.

PARKING ANALYSIS

The project is proposing to provide a total of 30 parking spaces on site (13 single car garages + 17 uncovered surface spaces). The adequacy of the proposed parking supply was evaluated based on data collected at similar affordable housing facilities. Parking surveys were conducted at the El Carrillo and Casa de las Fuentes sites to determine peak parking demands for the affordable housing facilities in the downtown area (survey data attached for reference). Once again it is noted that the HACSB gives preference to applicants that do not own vehicles, thus parking demands are much lower than typical apartment uses. The peak parking demands observed at the surveyed sites are presented in Table 4.

Table 4
Peak Parking Demands - Existing Affordable Housing Sites

| Housing Site | Size | Observed Peak Demand | Peak Parking Demand Rate |
|---|----------|----------------------|--------------------------|
| El Carrillo (Homeless/Transitional Housing) | 61 Units | 7 Vehicles | 0.11 Spaces/Unit |
| Casa de Las Fuentes (Downtown Worker Housing) | 42 Units | 21 Vehicles | 0.50 Spaces/Unit |

The peak parking demand rates presented in Table 4 were used to forecast the parking demands for the proposed project. Table 5 presents the peak parking demands for the project based on the rates developed from the parking surveys.

Table 5
Peak Parking Demand - Affordable Housing Rates

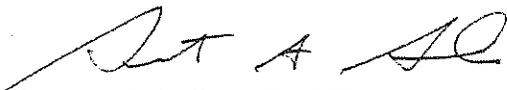
| Land Use | Size | Rate | Parking Demand |
|-----------------------------|----------|-------------------|------------------|
| Homeless/Transitional Units | 27 Units | 0.11 spaces/Unit | 3 spaces |
| Downtown Worker Units | 26 Units | 0.50 spaces/Unit | 13 spaces |
| Managers Unit | 1 Unit | 2 spaces/Unit (a) | 2 spaces |
| Total: | | | 18 spaces |

(a) City of Santa Barbara Zoning Ordinance Parking Requirement for 2 bedroom apartment units.

The data in Table 5 show that the project is forecast to generate a peak parking demand of 18 spaces, based on the rates developed from the parking surveys conducted at the existing sites. The proposed parking supply of 30 spaces would accommodate the estimated parking demands on site.

This concludes our Phase I traffic and parking assessment for the 512 Bath Street Project.

Associated Transportation Engineers



Scott A. Schell, AICP, PTP
 Principal Transportation Planner

SAS/MMF

- Attachments
- Figure 1 – Existing Street Network and Project Location
 - Figure 2 – Project Site Plan
 - Figure 3 – Trip Distribution Percentages and Assignment
 - Level of Service Calculation Worksheets
 - Existing Site Driveway Count Data
 - Parking Survey Data