



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 20, 2013
AGENDA DATE: November 27, 2013
PROJECT ADDRESS: 1626 Santa Barbara Street & 227 E. Arrellaga Street (MST2013-00347)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RUB*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of a lot line adjustment between the properties located at 1626 Santa Barbara Street and 227 E. Arrellaga Street, which will result in the transfer of 21,799 square feet (sf) of lot area from 1626 Santa Barbara Street (Unity House lot) to 227 E. Arrellaga Street (Unity Church lot). The resulting lots would be 20,902 sf (1626 Santa Barbara Street) and 60,070 sf (227 E. Arrellaga Street). No construction or changes to the existing use of the site are proposed.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. An Interior Setback Modification to allow nonresidential development (Unity House and associated improvements) on a residentially zoned lot to be located six feet from the interior property line (SBMC §28.92.110 & 28.21.085);
- B. An Interior Setback Modification to allow nonresidential development (parking for Unity Church) on a residentially zoned lot to be located six feet from the interior property line (SBMC §28.92.110 & 28.21.085); and
- C. A Lot Line Adjustment to transfer 21,799 square feet from property identified as 1626 Santa Barbara Street to property identified as 227 E. Arrellaga Street (SBMC Ch. 27.40).

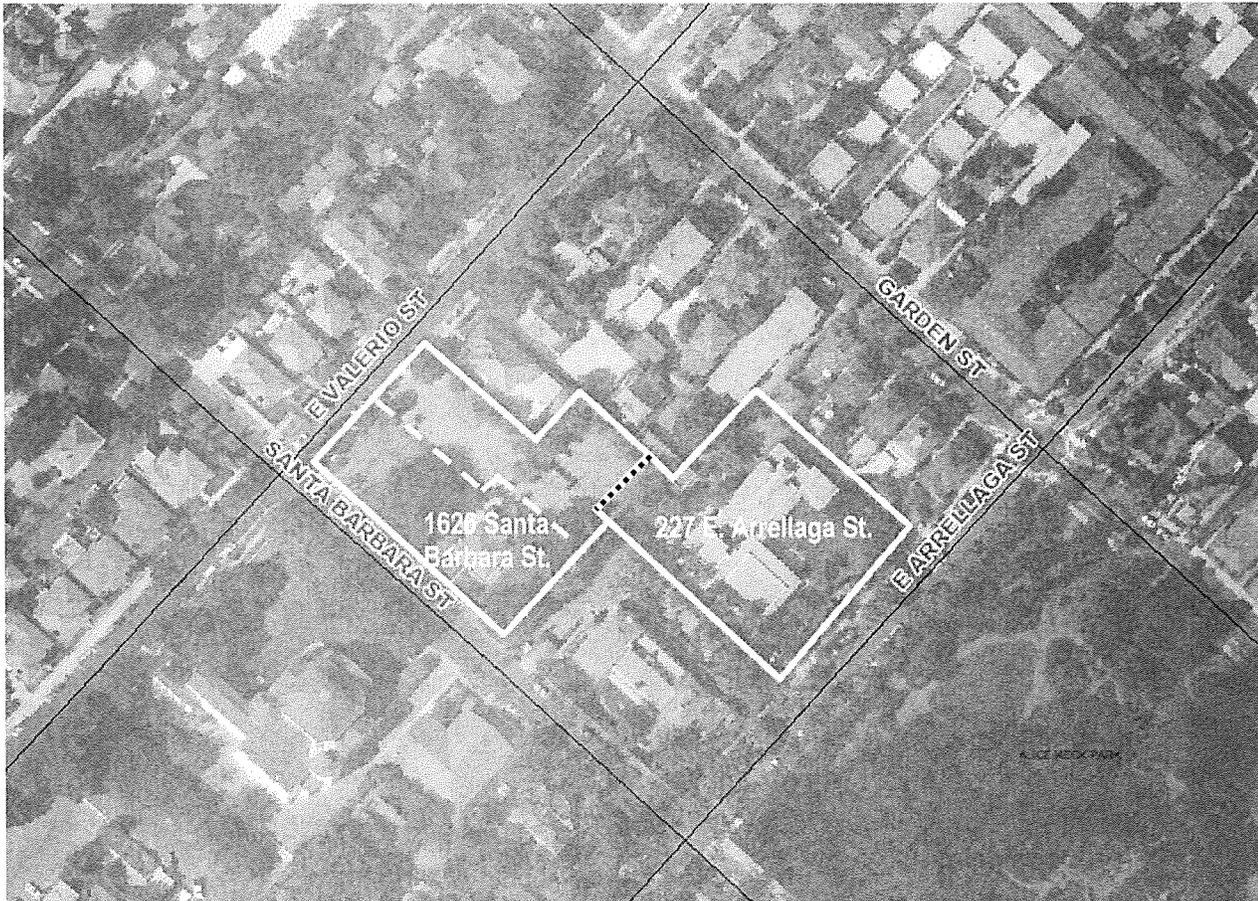
APPLICATION DEEMED COMPLETE: October 14, 2013

DATE ACTION REQUIRED: December 13, 2013

III. RECOMMENDATION

With the approval of the requested setback modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood in that no physical changes are proposed. Therefore, Staff recommends that the Staff Hearing Officer approve the

project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – existing property lines shown in solid white; proposed lot line shown in dashed white; line to be removed shown dotted in black.

IV. BACKGROUND

The Unity Church was approved in its current location (227 E. Arrellaga Street) through a Special Use Permit granted by the Planning Commission in 1958. In 1971, a Conditional Use Permit (CUP) was granted for the residence at 1626 Santa Barbara Street to be used for church purposes (Unity House). In 2001, the Planning Commission approved a CUP Amendment, front setback modifications and a lot line adjustment for improvements to the church and associated parking lots.

V. SITE INFORMATION

Applicant:	Ron Gibbons, agent	
Property Owner:	Unity Church of Santa Barbara	
Site Information	1626 Santa Barbara St.	227 E. Arrellaga St.
Parcel Number:	027-019-024	027-019-023
Lot Area:	42,701 sf	38,271 sf
General Plan:	Medium High Density Residential (15-27 du/ac)	
Zoning:	R-3 Limited Multiple Family Residence Zone	
Existing Use:	Unity House (part of Unity Church)	Unity Church
Topography:	Approx. 5%	Approx. 5%
Adjacent Land Uses		
North	Valerio St. and residential	residential
East	residential	residential
South	McCormick House (off-site facility for the SB Museum of Art)	Arrellaga St. and Alice Keck Park Memorial Gardens
West	Santa Barbara St. and church, residential	McCormick House

VI. POLICY AND ORDINANCE CONSISTENCY ANALYSIS

The Applicant is not proposing any construction as part of this lot line adjustment. Existing uses (church and church-related, as governed by the CUP) are proposed to continue. However, the lot line adjustment is being proposed so that the Church has the ability to sell the parcel developed with the Unity House in the future without affecting the Church's parking.

Because the existing use of the site is proposed to continue, the lot line adjustment would have no material impact on the current operation or development of the site. However, should the adjusted parcel at 1626 Santa Barbara Street (developed with Unity House) be sold, there are implications related to use, the CUP, setbacks and parking. Because a change of use is not currently proposed, and future sale of the Unity House lot is unknown, staff proposes to address this issue through recordation of a lot tie agreement. The agreement would ensure the two lots continue to be used as one, and would require the City to be informed of any sale or change of use of the Unity House lot so that appropriate measures can be taken to ensure continued compliance with Zoning and Building Ordinances.

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	1626 Santa Barbara (Proposed)	227 E. Arrellaga St. (Proposed)
Lot Area	14,000 sf 60' of frontage	20,902 sf 78' min.	60,070 sf 78' min.
Setbacks	(Rqd. setbacks are double the typical requirement because existing/proposed uses are nonresidential)		
-Front	20'	No change/impact	No change/impact
-Interior	12'	6'-3" (to Unity House)*	6' (to parking)*
-Rear	12' to structures 6' to uncovered parking	No change/impact	No change/impact
Building Height	3 stories and 45 feet	No change/impact	No change/impact
Parking	60 spaces	0	60 spaces
Lot Coverage			
-Building	≤ 25% of net lot area	6.1%	13.6%
-Paving/Driveway	N/A	21.1%	46.2%
-Landscaping	N/A	72.8%	40.2%

*Modification requested

With the approval of the Modifications described below, the project would meet the requirements of the R-3 Zone.

1. INTERIOR SETBACK MODIFICATIONS

The subject lots are developed with nonresidential structures and uses in a residential zone. Therefore, required setbacks are double those typically required for a residential development. The proposed lot line would be located such that it is approximately six feet from the existing Unity House building. While this setback would be compliant for a residential structure, because the use of the building is nonresidential, a twelve-foot setback is required. There are also other, minor improvements located within this required setback, including a bike rack and planter walls exceeding ten inches in height.

Similarly, the proposed property line results in a portion of the existing nonresidential parking lot being located within six feet of the property line, where twelve feet is required for the nonresidential development.

No new construction is proposed and the existing improvements have been in their current locations for more than 30 years. It should also be noted that both existing parcels currently have nonconforming interior setbacks because the existing parking is located approximately six feet from the interior property lines, establishing this pattern of development for the site. Given that the proposed use is not changing and no other

site improvements are proposed; staff finds these modifications to be necessary to prevent an unreasonable hardship.

2. FUTURE ZONING CONSISTENCY

If the adjusted 1626 Santa Barbara Street lot is sold, it would likely be used/redeveloped for residential purposes given the R-3 zoning and residential land use designation. Based on the size of the proposed lot, five units could potentially be developed using current base density; additional density could be allowed using the City's Average Unit-Size Density Ordinance.

The following are known issues that would need to be addressed should the 1626 Santa Barbara Street lot be sold and the use changed:

- Any use of the 1626 Santa Barbara Street site would require compliance with the City's parking regulations. The proposed lot configuration would not include any formal parking or street access.
- The 1626 Santa Barbara Street lot contains some of the required bike parking for the Church, and this would need to be relocated onto the 227 E. Arrellaga Street Church property.
- The 1626 Santa Barbara Street site is part of the Church CUP and therefore that CUP would need to be amended to eliminate reference to the site and the uses on it.
- A change of use permit would be required to allow residential use of the Unity House building.

Because it is impractical to address these issues prior to the change of use, staff has recommended a condition of approval that ties the lots together so long as the use doesn't change. Should a change of use be proposed, the City would be notified to ensure proper permitting occurs for any requested changes.

B. BUILDING ORDINANCE CONSISTENCY

Moving the lot line closer to the existing Unity House building has implications relative to State and local building codes. In order to address potential issues, the applicant has proposed a "no build" easement on Proposed Lot 1 (227 E. Arrellaga) to ensure adequate separation between structures should anything be built in the future on Proposed Lot 1. Should Proposed Lot 2 (1626 Santa Barbara Street) be redeveloped, or the existing structure remodeled or the use change, the need for this no build easement may go away. The easement is written to reflect this and could be removed should it no longer be required by building or fire codes.

C. GENERAL PLAN CONSISTENCY

Before a Lot Line Adjustment can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed adjustment is consistent with all plans and policies of the city of Santa Barbara, including the General Plan.

Land Use Element: The project site is located in an area identified in the Land Use Element of the General Plan as the Upper East neighborhood of the City. The Upper East neighborhood is bordered on the north by Mission Creek and Las Encinas Road; on the

south by Sola Street; on the east by Laguna Street, Olive Avenue, and Olive Street; and on the west by State Street. The General Plan recognizes the Upper East neighborhood as being predominately residential uses. Following the lot line adjustment, both lots would continue to be consistent with General Plan policies and densities anticipated for the area.

D. LOT LINE ADJUSTMENT

Government Code Section 66412 (d), a portion of the State Subdivision Map Act, requires that the proposed lot line adjustment be consistent with the City's zoning and building codes. The plans for the existing structures on both properties have been reviewed by the Building and Safety Division and are in compliance with local building codes. The lot line adjustment would increase the lot area of 227 E. Arrellaga Street to 60,070 sf and would decrease the lot area of 1626 Santa Barbara Street to 20,902.7 sf. The minimum lot size for R-3 lots is 14,000 sf, with at least 60 feet of frontage on a public street. The proposed lots would comply with these minimum requirements.

The proposal does not include any additions or alterations of existing structures or the construction of any new structures. With the approval of the requested setback modifications, the resulting parcels and existing development would meet all current zoning standards for the R-3 Zone.

VII. ENVIRONMENTAL REVIEW

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15305 (Minor Alterations in Land Use Limitations) because the parcels have a slope of less than 20%, the subject area is not environmentally sensitive, the project does not change land use or density, and no new parcels are created.

VIII. DESIGN REVIEW

This project does not include any exterior alterations, so no design review is required.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. INTERIOR SETBACK MODIFICATIONS (SBMC §28.92.110)

The Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to prevent an unreasonable hardship. The proposed setback modifications are appropriate because the proposal maintains the existing pattern of development for the lots, does not include any new construction or improvements within the setback areas, and the use of the lots would not change.

B. LOT LINE ADJUSTMENT (SBMC CH. 27.40)

The parcels resulting from the lot line adjustment conform to the General Plan and the zoning and building ordinances, as identified in Section VI of the staff report. The conditions of approval imposed on the project are necessary to ensure continued

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conformance with the General Plan and zoning and building ordinances, should changes be proposed in the future.

Exhibits:

- A. Conditions of Approval
- B. Site Plan (under separate cover)
- C. Applicant's letter, dated August 21, 2013

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1626 SANTA BARBARA ST. & 227 E. ARRELLAGA ST.
LOT LINE ADJUSTMENT, INTERIOR SETBACK MODIFICATIONS
NOVEMBER 27, 2013

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Submit an application for lot line adjustment with Public Works.
 2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of lot line adjustment application.
 3. Record any required documents (see Recorded Conditions Agreement section).
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on November 27, 2013 is limited to a lot line adjustment between two lots in order to create a 20,902 square foot lot developed with Unity House and a 60,070 square foot lot developed with the Unity Church and associated parking lots as shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. No change of use is proposed or approved by this action.
 2. **Use Limitations.** Due to potential parking, setback and building code compliance issues, uses other than the current Unity Church and Unity House are not permitted without further Staff or Planning Commission / Staff Hearing Officer review and approval. Prior to initiating a change of use on either lot, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.
 3. **Lot Tie Agreement.** The Owner shall provide a lot-tie agreement, or other similar legal agreement acceptable to the City, entered into between the two properties and the City to ensure that the two lots continue to be operated as a single entity. If one of the lots is ever intended to be sold separately, the Owner shall notify the City to ensure that code-required parking, bike parking, access, trash, etc. is provided and that any required permits (e.g. building code issues associated with a change of use,

amendment(s) to the existing Conditional Use Permit(s), etc.) are obtained prior to either of the lots being transferred separately.

4. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 6. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
 7. **Parking and Access Agreement.** The Owner shall provide a covenant of easement for reciprocal access and parking between the Unity Church lot and the Unity House lot. The Agreement, which shall replace any prior Parking or Access Agreements recorded on the subject parcels, shall comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.R, and is subject to review and approval by the City Attorney.
- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Easement(s).** Easements, as shown on the approved lot line adjustment map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - (1) A no build easement shall be provided on Proposed Lot 1 to ensure that proper separation is provided from the existing Unity House, which is a non-sprinklered building. This easement can be modified or eliminated if changes are made to Proposed Lot 2 that render the no-build easement unnecessary pursuant to the Building Code.
 - b. **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 prepares said agreement for the Owner's signature.
 - c. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or Declarations of Lot Line Adjustment to the Public Works Department*. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject

Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.

2. **Community Development Department.**

- a. **Recordation of Agreements.** Prior to issuance of any permits and subsequent to recordation of the lot line adjustment, the Owner shall provide evidence of recordation of *the written instrument* identified in Section B "Recorded Conditions Agreement" to the Community Development Department.
- b. **Evidence of Parking and Access Agreement Recordation.** Prior to issuance of any permits and subsequent to recordation of the lot line adjustment, the Owner shall provide evidence that the Parking and Access Agreement required in Section B "Recorded Conditions Agreement" has been recorded.
- c. **Evidence of Lot Tie Agreement Recordation.** Prior to issuance of any permits and subsequent to recordation of the lot line adjustment, evidence shall be provided to the Community Development Director that the Lot Tie Agreement required in Section B "Recorded Conditions Agreement" has been recorded.

D. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution No. 006-01, with the revised project description approved by the Substantial Conformance Determination dated August 8, 2001.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Staff Hearing Officer action approving the Modification 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 and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

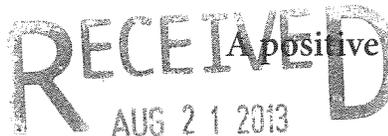
NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

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 land use 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 longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

Site Plan
(under separate cover)



A positive path for spiritual living.

CITY OF SANTA BARBARA
PLANNING DIVISION

August 21, 2013

Staff Hearing Officer
City of Santa Barbara Planning Department
630 Garden Street
Santa Barbara, California 93101

Unity Church of Santa Barbara is requesting approval of a Lot Line Adjustment between the two (2) parcels that we own. Due to the proximity of the requested new lot line to the current parking lot, we are also requesting two modifications. The first is for the required double setback to the parking lot on proposed new parcel #023. The second is for a small planter, steps and a bike rack on the proposed new parcel #024. We are seeking a 6-foot setback for these two areas. We understand that a lot 'tie-in' agreement will also be required

The concept of this project is to increase the size of parcel # 027-192-023, which is the location of Unity Church at 227 E Arrellaga St. This increase would, by way of a simple Lot Line Adjustment, decrease the size of our parcel # 027-192-024 to about one-half (1/2) acre. Unity House, located at 1626 Santa Barbara St. is on this parcel.

Unity Church's youth education program, as well as various adult programs and Sunday services, take place in both Unity House and in the main structures at 277 Arrellaga St. Our current C.U.P. covers these activities for both locations and no changes to the currently approved C.U.P are anticipated nor requested.

There are no proposed changes to the square footage of the current structures, nor are any changes to vegetation, drainage, grading or demolition being proposed.

The current square footage of Parcel # 027-192-023 located at 227 E Arrellaga St. is 38,106.6 Sq. Ft. Parcel 027-192-024, located at 1626 Santa Barbara St. is 42,840.4 Sq. Ft. Combined square footage of the entire Unity Church property is 80,947 Sq. Ft., or about 1.85 acres. Our properties and the surrounding area are all in a R3 zone.

Our current 42-stall parking lot is located on the 1626 Santa Barbara St. parcel. After the Lot Line Adjustment all parking will be on the 227 E. Arrellaga St. parcel. There are no plans to change, nor are we requesting changes to the current parking configuration.

The answer to DART application question # 10, item i through vii is 'No' as these do not apply.

The City of Santa Barbara provides sewer and water to our property.

Unity Church has had several informal meetings with Planning Department staff over the past year. A formal Planner Consult session was begun on July 18, 2013 with Allison DeBusk.

The purpose of this project is to set aside Unity House on its own parcel such that should it become necessary in the future for Unity to secure funding (obtain a Mortgage) such activity would not be encumbered by the entire Church property. In addition, the current parking facilities would be tied directly to the larger parcel, which contains Unity's main sanctuary and offices. We do not foresee any significant issues or problems.

A handwritten signature in black ink that reads "Ron Gibbons".

Dr Ron Gibbons, Agent for Unity Church of Santa Barbara