



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 14, 2009
AGENDA DATE: May 21, 2009
PROJECT ADDRESS: 618 San Pascual (MST2008-00059)
 Habitat for Humanity Appeal
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Daniel Gullett, Associate Planner

I. PROJECT DESCRIPTION

The project consists of the construction of four new attached residential condominium units price restricted to low-income households, including two 981 square foot two-bedroom units, one 1,127 square foot two-bedroom unit, and one 789 square foot one-bedroom unit. Each unit includes one attached single-car garage between 212 and 242 square feet. The public alley on the 500 block of W. Ortega Street would provide automobile access to the site. Proposed grading totals 1,830 cubic yards, with 1,821 cubic yards of cut and 9 cubic yards of fill. The 6,625 square foot site is currently vacant with an average slope of 27.6%. The site is located in the R-3 Zone and carries a land use designation of Residential, 12 units per acre.

On March 11, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of the Staff Hearing Officer action by James Kahan on behalf of Friends of Outer State Street.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Lot Area Modification to allow two bonus density units (SBMC §28.21.080 and 28.92.110);
2. Parking Modification to allow one covered space for each unit instead of the required one covered and one uncovered space for each unit (SBMC §28.90.100 and 28.92.110);
3. Fence/Wall Height Modification for fences and walls to exceed eight feet in height within the interior setback (SBMC §28.87.170 and 28.92.110);
4. Wall Height Modification for walls within ten feet of the front line to exceed 3 ½ feet in height (SBMC §28.87.170 and 28.92.110);

5. Front Setback Modification to allow a patio overhang to encroach 3½ feet into the ten foot front setback (SBMC §28.21.060 and 28.92.110);
6. Interior Setback Modification for the building to encroach one foot into the six foot interior setback (SBMC §28.21.060 and 28.92.110);
7. Rear Setback Modification for the building's second story to encroach 1¼ feet into the ten foot rear setback (SBMC §28.21.060 and 28.92.110); and
8. Tentative Subdivision Map for a one-lot subdivision to create four residential condominium units (SBMC Chapters 27.07 and 27.13).

III. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal, upholding the decision of the Staff Hearing Officer, making the findings in Section X and subject to the Conditions in Staff Hearing Officer Resolution No. 020-09.



Figure 1: 2004 aerial photo showing project vicinity¹

¹ The building depicted on the subject parcel was damaged in a 2005 house fire and later demolished.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Lisa Plowman, Peikert Group Architects	Property Owner: Habitat for Humanity of Southern Santa Barbara County
Parcel Number: 037-102-023	Lot Area: 6,625 sf (0.15 acre)
General Plan: Residential 12 units/acre	Zoning: R-3 (Limited Multi-family Residential)
Existing Use: Vacant	Topography: 27.6% existing average slope 2.9% proposed average slope
Adjacent Land Uses: North – Single Family Residence East – Single Family Residence South – Residential Apartment Building West – Multiple Family Residences	

B. PROJECT STATISTICS

	Unit 1	Unit 2	Unit 3	Unit 4
Ground Floor	503 sf	503 sf	579 sf	-
Second Floor	478 sf	478 sf	548 sf	789 sf
Total Floor Area	981 sf	981 sf	1,127 sf	789 sf
Garage	242 sf	212 sf	212 sf	213 sf

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10 ft	-	6.5 ft*
-Interior	6 ft	-	5 ft*
-Rear – Ground floor	6 ft	-	8.75 ft
-Rear – Second story	10 ft	-	8.75 ft*
Building Height	45 ft	-	26.5 ft
Parking	4 covered / 4 uncovered	-	4 covered*
Lot Area Required for Each Unit (Variable Density)	studio unit: 1,600 sf 1 bedroom unit: 1,840 sf 2 bedroom unit: 2,320 sf 3 bedroom unit: 2,800 sf	-	1 bedroom unit: 1,840 sf 2 bedroom unit: 2,320 sf (x3) TOTAL: 8,800 sf*
Common Outdoor Living Space	15% of net lot area	-	15% of net lot area
Lot Coverage			
-Building	n/a	-	2,824 sf 43%
-Paving/Driveway	n/a	-	2,343 sf 35%
-Landscaping	n/a	-	1,458 sf 22%

*Modifications requested

The proposed project requires Zoning Ordinance modifications for density, parking, front setback, interior setback, rear setback, wall and fence heights, and parking. A discussion of all required modifications is provided in Section IX.

VI. GENERAL PLAN COMPLIANCE

Land Use Element

The project site is located in the Lower West neighborhood, which is bounded on the north by Carrillo Street; on the south by Montecito Street; on the east by Highway 101; and on the west by Loma Alta Drive and the base of the Mesa Hills. According to the Land Use Element, this neighborhood is the City's most densely-settled residential area. The Land Use Element states that future residential growth in this neighborhood will result in part from the development of some existing vacant land into apartments, and from the redevelopment of some single-family residential and duplex areas into multiple-unit use. The proposed development of a multi-unit residential condominium project where there was formerly a single-family residence is consistent with the Land Use Element's vision for this neighborhood.

Although this site carries a General Plan land use designation of twelve 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 this direction, the Zoning Ordinance provides for variable density in the R-3 Zone. The Zoning Ordinance allows for up to four studio units on a 6,400 square foot lot in the R-3 Zone, which equates to a density of 28.57 units per acre. Since the proposed project includes four units on the 6,625 square foot site, the extrapolated project density is 26.30 units per acre. Increased project density is 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.

Housing Element

The Housing Element contains specific goals, policies, and implementation strategies related to the location and provision of affordable housing including the following:

Housing Element Goal 1: Ensure a full range of housing opportunities for all persons regardless of economic group, race, religion, sex, marital status, sexual orientation, ancestry, national origin or color. The City will base the enforcement of equal opportunity on provisions of State and Federal constitutions and fair housing laws, with emphasis on the protection of the housing rights of families with children. The City shall place special emphasis on providing housing opportunities for low income, moderate income and special needs households.

Housing Element 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.

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

Housing Element Implementation Strategy 4.1.3: *Continue to assist the development of infill housing including financial and management incentives in cooperation with the Housing Authority and private developers to use underutilized and small vacant parcels of land for new low and moderate income housing opportunities.*

The proposed project would provide four new infill units of low-income ownership housing on a small vacant parcel consistent with these goals, policies and implementation strategies.

Housing Element 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 normally be allowed under existing zoning.

Housing Element 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 concept review the Architectural Board of Review (ABR) stated that the size, bulk and scale of the project were appropriate to the site. Planning staff concurs with ABR and believes the current project, as redesigned in response to ABR's comments, is also compatible with the prevailing character of the neighborhood.

Noise Element

The City's Master Environmental Assessment indicates that the project site is located in an area exposed to noise levels between 60 to 70 dB(a). The major noise generators affecting the site are Highway 101 (located approximately 400 feet from the site) and Union Pacific Railroad (located approximately 240 feet from the site). 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}, and maximum interior noise levels shall not exceed 45 L_{dn}. A Noise Study was prepared by Dudek & Associates, Inc. (dated December 16, 2008), which concludes that none of the required private outdoor living spaces would exceed the 60 dB(a) threshold. With the proposed retaining wall along the property line and the wall between the common area and driveway, the required outdoor living areas would not exceed 60 L_{dn} according to the submitted study. Additionally, with closed windows, each unit would achieve a 45 L_{dn} interior noise condition.

VII. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review on one occasion, March 10, 2008 (meeting minutes are attached as Exhibit D). At that review, the ABR stated that the overall size, bulk and scale of the project, and the massing on San Pascual were appropriate, and that the site planning was well handled.

ABR requested that a front entry from the street be provided on Unit 1 and additional detailing be provided on the front façade to increase compatibility of the neighborhood. In response, the applicant included window planters and a front entry with a patio overhang that encroaches 3.5 feet into the front yard setback, requiring a front setback modification.

ABR also expressed concern with the then-proposed retaining wall, which was flush with the building face on San Pascual extending to the south. In response, the applicant proposed landscaped terraced planters stepping down toward the front lot line with natural grade. Since the retaining wall along the southern property line and the planters are greater than 3.5 feet in height within ten feet of the front lot line, a wall height modification is needed.

In addition, ABR indicated that the requested modification for a one foot interior setback encroachment for Unit 4 and the garages below Unit 4 would not pose a negative aesthetic impact.

VIII. 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's 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 VI.B above, the project is consistent with the residential General Plan designation with a density consistent with the City's Density Bonus Program. The project is consistent with the R-3 Zone designation and, with the requested modifications, the project, as conditioned, 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 boundary, less than five acres in size and surrounded on all sides by residential urban uses.

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

The site has been previously disturbed, is surrounded on all sides by urban uses, and holds no value as habitat for endangered, rare or threatened species.

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

Traffic. Based on Institute of Transportation Engineers (ITE) trip generation rates, the four-unit project is anticipated to produce 23 average daily trips (ADTs), two pm-peak-hour trips, and two am-peak-hour trips. No anticipated adverse impacts to the adjacent street network are expected as a result of the proposed four unit condominium project.

Noise. The project is not expected to result in any significant effects relating to noise. See the noise discussion above in Section VI.

Air Quality. 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 contained in the *Scope and Content of Air Quality Sections in Environmental Documents* updated June 2008, a project of four residential condominium units 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 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 result in any significant adverse effects on water quality. The proposed project includes a stormwater management system to collect and store surface and roof runoff and detain the net difference in runoff for a 25-year storm consistent with the requirements of the City's adopted Storm Water Management Program. In the event of a storm with greater volume, stormwater would surface flow onto the public alley consistent with current neighborhood drainage patterns.

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 an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment.

IX. APPEAL ISSUES

The appeal letter dated March 23, 2009 (Exhibit A) identifies all approvals granted by the Staff Hearing Officer on March 11, 2009 and the Environmental Analyst's CEQA determination as appeal points. The following is the staff response to the appeal points on the modification, tentative subdivision map, and CEQA exemption.

Modifications

The appeal letter states that the modification approvals were contrary to law and not supported by facts. The letter also states that the findings were *merely conclusions of law that did not bridge the analytic gap between the facts and the conclusion*. Staff disagrees with the appellant that the findings were merely conclusions unsupported by facts. The written staff report and hearing testimony provide substantial evidence with relevant facts supporting the modification findings made by the Staff Hearing Officer. A discussion of each requested modification follows.

1. Lot Area Modification

The requested lot area modification for increased density to allow three two-bedroom units and one one-bedroom unit 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 affordable to low-income households.

The intent of the City's Density Bonus Program is to provide incentives for development of housing affordable to very-low, low, senior and other qualifying households. As discussed above, the project is consistent with the Density Bonus Program and this modification is required to construct four affordable ownership units of the sizes proposed.

2. Parking Modification

The Zoning Ordinance standards for multiple residential units require two spaces for two-bedroom units and 1½ spaces for one-bedroom units. In this case, four covered and four uncovered parking spaces are required per SBMC Subsection 28.90.100.G.3. The proposed project includes four single-car garages (one for each unit), necessitating a zoning modification for parking. To justify the modification finding that the project will not cause an increase in the demand for parking or loading space in the immediate area, Habitat has agreed to limit automobile ownership to one per household, monitor records for automobile ownership annually, and assess fees to non-compliant residents. The recommended conditions require Habitat to maintain records of automobile ownership for each unit and produce those records to the City upon request (see Condition B.7.a). Additionally, the project is conditioned to include four bicycle parking spaces (Condition B.7.g). Bus service is available through MTD Line 17, which stops at the intersection of San Pascual and W. Ortega Streets; and a pedestrian and bicycle Highway 101 overcrossing extends downtown from W. Ortega Street at Wentworth Avenue.

Because of Habitat's automobile ownership limitation, and the alternative modes available near the site, this modification is not expected to increase demand for parking or loading space in the immediate area.

3. Fence/Wall Height Modification

The proposed fence and wall in the southern interior setback exceed the required eight foot height limit, due to the topography of the adjacent lot and proposed project grading. The wall would retain the grade of the adjacent lot and the fence is necessary for safety, and is mandated by the building code.

4. Wall Height Modification

The proposed planters and retaining wall located within ten feet of the front lot line exceed the Zoning Ordinance height limit of 3.5 feet. The planters were incorporated into the design in response to ABR direction to soften appearance of the proposed retaining wall. Because the planters are spaced less than five feet apart horizontally, the height of the planters is measured from the grade of the adjacent sidewalk to the top of the tallest wall located within ten feet of the front setback. No curb cuts are located within ten feet of the proposed planters or wall, so there is no concern of the planters or wall inhibiting sight distance for automobiles entering San Pascual St.

5. Interior Setback Modification

The garage and second story of the proposed building would encroach one foot into the six foot southern interior setback. The Zoning Ordinance provides that the ABR can grant a waiver for certain garages on lots less than 55 feet in width to encroach up to three feet into the interior setback. However, the provision does not apply to habitable area located above the garage. In its review, ABR stated that the subject setback modification would not result in a negative aesthetic impact.

6. Front Setback Modification

The proposed patio overhang encroaches into the ten foot front setback by 3.5 feet. The Zoning Ordinance allows for architectural features, such as the proposed patio overhang, to encroach up to two feet into the front setback, the requested modification would extend 1.5 feet beyond this allowance. The overhang was included in the project in response to ABR direction to provide a front entry on Unit 1 and additional detailing on the front façade.

7. Rear Setback Modification

Both the ground floor and second story of the building are proposed to be 8¾ feet from the rear property line. The ground floor is thus 1¾ feet outside the minimum six foot setback but the proposed second story encroaches into the required ten foot second story rear setback by 1¼ feet. The subject property and the property abutting the rear of the subject property have a recorded reciprocal easement affecting the area on either side of the rear property line. This easement effectively precludes residential development for

a distance of 16¼ feet from the rear wall of the proposed structure, providing building relief for the neighbor at this location.

Tentative Subdivision Map

The appeal letter also states that Tentative Subdivision Map approval was contrary to law and not supported by facts. It further states that the Tentative Subdivision Map is not consistent with zoning or general plan since at least seven modifications were required to permit the project and contends that the Tentative Subdivision Map cannot be approved due to inconsistency with the zoning ordinance and general plan. Approval of the Tentative Subdivision Map requires that the project be found to comply with any requirement or condition of the Municipal Code, including the zoning ordinance. The zoning ordinance provides for permitting of modifications based upon certain findings. The Staff Hearing Officer made the modification findings. With the approved modifications, the Tentative Subdivision Map is consistent with the requirements of the zoning ordinance. The project is also consistent with the General Plan as discussed in Section VI above. As with the zoning ordinance, the staff report and hearing testimony provide substantial evidence with relevant facts supporting the modification findings the Staff Hearing Officer.

CEQA Exemption

The appeal letter states that the project does not qualify for a CEQA categorical exemption *for many reasons* but does not clarify beyond stating that *the most glaring deficiency* is that the project is not consistent with *all* applicable zoning designations and regulations. The City's Environmental Analyst determined that a CEQA categorical exemption for infill development provided under CEQA Guidelines Section 15332, which requires that qualifying projects be consistent with general plan policies and zoning designation and regulations. The zoning ordinance regulations include the provision for modifications of some zoning standards based on certain findings. Granting of modifications of zoning standards is thus consistent with zoning regulations.

X. FINDINGS

The Planning Commission finds the following:

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

As discussed in Section IX of this staff report, the requested lot area modification for increased density to allow three two-bedroom units and one one-bedroom unit 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 affordable to low-income households. The intent of the City's Density Bonus Program is to provide incentives for development of housing affordable to very-low, low, senior and other qualifying households, and this project provides low income housing.

B. *PARKING MODIFICATION (SBMC §28.92.110)*

As discussed in Section IX of this staff report, the requested parking modification to allow one covered automobile parking space per unit is consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area. Automobile ownership will be limited to one automobile per household per Condition B.7.a. Further, bus service is available through MTD Line 17, which stops at the intersection of San Pascual and W. Ortega Streets. Additionally, a pedestrian and bicycle Highway 101 overcrossing extends downtown from W. Ortega Street on Wentworth Avenue.

C. *FENCE/WALL HEIGHT MODIFICATION (SBMC §28.92.110)*

As discussed in Section IX of this staff report, the requested fence and wall modification in the southern interior setback is consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot. The proposed fence and wall in the southern interior setback exceed the required eight foot height limit, due to the topography of the adjacent lot and proposed project grading. The wall would retain the grade of the adjacent lot and the fence is necessary for safety, and mandated by the building code.

D. *WALL HEIGHT MODIFICATION (SBMC §28.92.110)*

As discussed in Section IX of this staff report, the requested wall height modification in the front setback is consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot. The proposed stepped planters and retaining wall located within ten feet of the front lot line is necessary due to the existing topography of the site and proposed project grading, and furthermore, no curb cuts are located within ten feet of the proposed planters or retaining wall, therefore it would not impede sight distance for automobiles entering San Pascual St. The planter design is proposed per the ABR's direction.

E. *INTERIOR SETBACK MODIFICATION (SBMC §28.92.110)*

As discussed in Section IX of this staff report, the requested interior setback modification for the garage and second story of the proposed building is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households. The proposed setback provides adequate separation between the project site and neighboring development. The required six foot interior setback is intended to provide at least 12 feet between neighboring residential buildings. The distance between the proposed building and the existing retaining wall and parking lot on the adjacent lot exceeds 18 feet.

F. FRONT SETBACK MODIFICATION (SBMC §28.92.110)

As discussed in Section IX of this staff report, the front setback modification for the proposed patio overhang is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed patio overhang is an architectural detail which provides a front entry on Unit 1 and additional detailing on the front façade, consistent with the direction of ABR.

G. REAR SETBACK MODIFICATION (SBMC §28.92.110)

As discussed in Section IX of this staff report, the requested rear setback modification for the second story portion of the building is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed setback provides adequate separation between the subject property and the property to the east. These two properties have a recorded reciprocal easement affecting the area on either side of the rear property line. This easement effectively precludes residential development for a distance of 16¼ feet from the rear wall of the proposed structure, providing building relief for the neighbor at this location.

H. TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)

As conditioned and with all other approvals, the Tentative Subdivision Map complies with all requirements and conditions imposed by the Subdivision Map Act and the City's Municipal Code. As discussed in Section VI of the staff report May 14, 2009, the proposed map is consistent with the City's General Plan. The site is physically suitable for the type and density of the proposed development. The design of the project and type of development is not likely to cause substantial environmental damage, substantially and unavoidably injure fish or wildlife in their habitat, or cause serious public health problems. The design of the development would not conflict with public easements for access through or use of the property.

I. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with the provisions of Municipal Code Chapter 27.13 (Residential Condominium Development).

With the proposed modifications, the project complies with all provisions of the City's Condominium Ordinance including the Physical Standards for Condominiums contained in SBMC §27.13.060. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space. The proposed conditions are consistent with the requirements contained in SBMC §27.13.050.

2. The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Land Use, Housing, and Noise Elements as discussed in Section VI of the staff report dated

May 14, 2009. The project will provide infill residential development that is compatible with the surrounding neighborhood.

3. **The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.**

The project is an infill residential project proposed in an area where multiple-family residential development is a permitted use. The project, as conditioned, is adequately served by public streets, would not cause an increase in the demand for parking in the immediate area, and will not result in traffic impacts. The design has been reviewed by the City's Architectural Board of Review, which indicated that the architecture and site design were appropriate for the neighborhood.

Exhibits:

- A. Appellant's letter dated March 23, 2009.
- B. Site Plan, Floor Plan, Elevations, Sections, Landscape Plan, & Tentative Map
- C. SHO Resolution & Minutes
- D. SHO Staff Report dated February 17, 2009 & Memorandum dated March 5, 2009
- E. ABR Minutes from March 10, 2008

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March 23, 2009

Planning Commission
c/o Community Development Department
630 Garden Street
Santa Barbara, CA 93101

Re: Notice of Appeal of Staff Hearing Officer Approvals
Date of Actions: March 11, Resolution No. 020-09
618 San Pascual Street

NOTICE OF APPEAL

Friends of Outer State Street ("FOOSS") hereby appeal all approvals given by the Staff Hearing Officer on March 11, 2009 for the project at 618 San Pascual Street and the acceptance of the determination by the Environmental Analyst that this project qualifies for a Categorical Exemption under the California Environmental Quality Act (CEQA). These approvals include, without limitation:

1. Lot Area Modification to allow bonus density;
2. Parking Modification;
3. Fence/Wall Height Modifications;
4. Wall Height Modification;
5. Front Setback Modification;
6. Interior Setback Modification;
7. Rear Setback Modification;
8. Tentative Subdivision Map; and
9. The Categorical Exemption by Environmental Analyst.

The approvals are all contrary to law and not supported by the facts. The "findings" were merely conclusions of law that did not bridge the analytic gap between the facts and the conclusion. The Tentative Subdivision Map is not consistent with the zoning or general plan. Inconsistency with zoning is proven by the fact that at least seven exceptions from the zoning ordinance were required to permit this project.

RECEIVED
MAR 23 2009

EXHIBIT A

CITY OF SANTA BARBARA
PLANNING DIVISION

Planning Commission

Notice of Appeal of Staff Hearing Officer Approvals, March 11, 2009

March 23, 2009

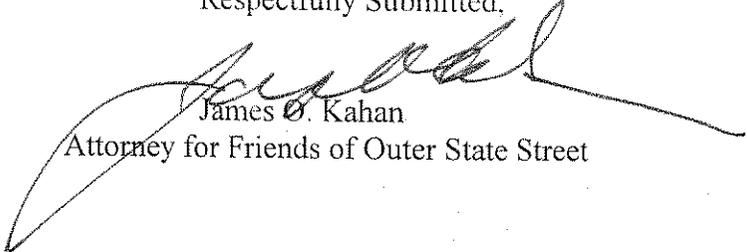
Page 2

This project does not qualify for a categorical exemption for many reasons. The most glaring deficiency is that the project is not be consistent with the all applicable general plan designations and policies and **all** applicable **zoning** designations and regulations. (14 California Code of Regulations §15332 (a).

After I have more completely reviewed the recording of the hearing and other relevant documents and information, I will submit a written amplification of this appeal.

A check for \$180 for the appeal fee is enclosed.

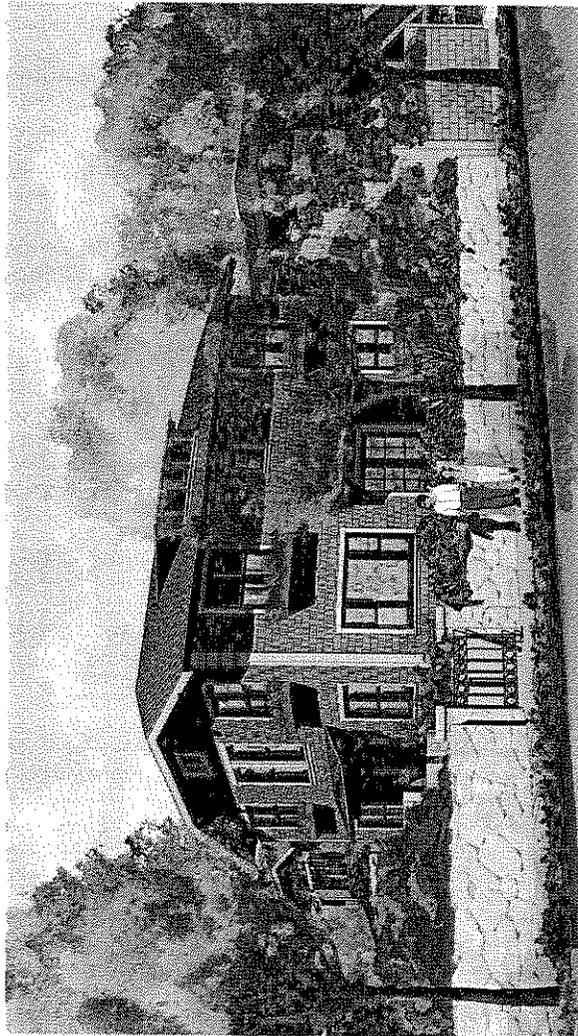
Respectfully Submitted,



James O. Kahan
Attorney for Friends of Outer State Street

Enclosure (Check - \$180)

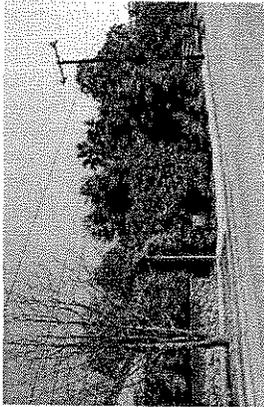
EXHIBIT B



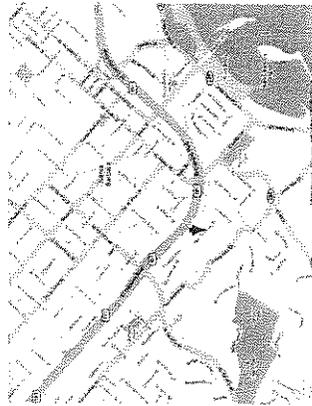
Perspective View at San Pascual Street

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- A3 - Floor Plans
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- L1 - Preliminary Landscape Plan
- TM1 - Tentative Map
- TM2 - Preliminary Grading & Drainage
- TM3 - Sections



Existing View at San Pascual Street



Vicinity Map (NTS)

Project Team:

Owner: Habitat for Humanity of Southern Santa Barbara County
 1601 E. Estrella, Santa Barbara, CA 93101
 (805) 965-2226

Architect: Peikert Group Architects, LLP
 10 East Figueroa St., Santa Barbara, CA 93101
 (805) 963-6283

Civil Engineer: Mike Gomez
 1570 Bath Street, Santa Barbara, CA 93101
 (805) 965-2229

Surveyor: Frigan Survey, Inc.
 2524 Alameda Drive, Santa Maria, CA 93455
 (805) 925-9727

Landscape Architect: Jacob-Hughes, Stone-Hughes Landscape Architecture
 2524 Alameda Drive, Santa Maria, CA 93455
 (805) 965-2429

Project Data:

Project Address: 618 San Pascual Street
 Santa Barbara, CA 93101

APN: 017-102-023
 Land Use Zone: R-1
 General Plan Land Use Designation: Residential 12, medium density

Project Description: To construct four residential units, including three garages, on the site, accessed by a public alley. Proposed grading and retaining walls facilitate an accessible driveway at ground level and additional private steps to the second level.

Measurables:
 - To allow a reduction in the height of the south boundary line at the east portion of the building. (SBAC, Sec. 20.21.060.21)
 - To allow a reduction in the height of the building. (SBAC, Sec. 20.21.060.21)
 - To allow an increase in lot area area. (SBAC, Sec. 20.21.060.03)
 - To allow an increase in lot area area. (SBAC, Sec. 20.21.060.03)
 - To allow a retaining wall and fence to exceed 6 feet from grade along the eastern property line. (SBAC, Sec. 20.21.070.11)
 - To allow a retaining wall and fence to exceed 6 feet from grade along the eastern property line. (SBAC, Sec. 20.21.070.2)

Design Waivers:
 - To allow a reduction in perimeter planting when any driveway abuts the lot line.
 - To allow less than the Parking Design Standard garage setback of 26' authorized by Transportation Act.

Lot Area: 6,525 SF
 Average Slope: 27.6% (Elevating) 2.3% (Proposed)
 Elevation: 1,105 to 1,141 ft
 Curb to under main building footprint: 7,625 sq. ft. (2,000 sq. ft. on lot)
 Total Grading: 1,921 cu. yds. cut/19 cu. yds. fill

Construction Type: Type V-B
 Existing Use: vacant, former residence of 2 bedrooms, burned & demolished
 Proposed Use: Multi-family residential
 Occupancy Group: R-3, U (2007 CBC)

Proposed Structure:	Level 1 (Permitted)	Level 2 (Permitted)	Total (Permitted)
Change:	0 SF / 19% SF	0	0 SF / 19% SF
Row 1 (N4 1 (9 BR))	508 SF / 45% SF	478 SF / 41% SF	986 SF / 1,07% SF
Row 2 (N4 2 (12 BR))	503 SF / 45% SF	473 SF / 41% SF	976 SF / 1,07% SF
Row 3 (N4 3 (10 BR))	579 SF / 64% SF	546 SF / 59% SF	1,125 SF / 1,23% SF
Row 4 (N4 4 (10 BR))	1,585 SF / 1,75% SF	2,243 SF / 2,50% SF	3,828 SF / 4,25% SF
Project Total:	2,465 SF / 2,46% SF	2,243 SF / 2,46% SF	4,708 SF / 5,04% SF

Density Calculation:
 Proposed Density: 0.72 units/acre (1.42 units/acre)
 Proposed Density: 1.12 units/acre (1.12 units/acre)

Permitted:
 Proposed: 1.5 spaces per lot, 1.80 and 2.0 spaces per lot (2.0 BR) - 8 spaces
 Proposed: 1.41 1-car private garages

Common Open Yard Area: 1,304 SF (55%) (1.5% Required)
 Additional Outdoor Space: 448 SF (13%)

Lot Coverage:	Area	%
Building	2,624 SF	43%
Landscaping	1,048 SF	16%
Permitted Areas	1,411 SF	22%
Additional Landscaping	1,268 SF	20%
Public Works	1,911 SF	30%
Total Lot Coverage	2,443 SF	38%
Total	6,525 SF	100%

Habitat for Humanity

618 San Pascual
 Santa Barbara, CA



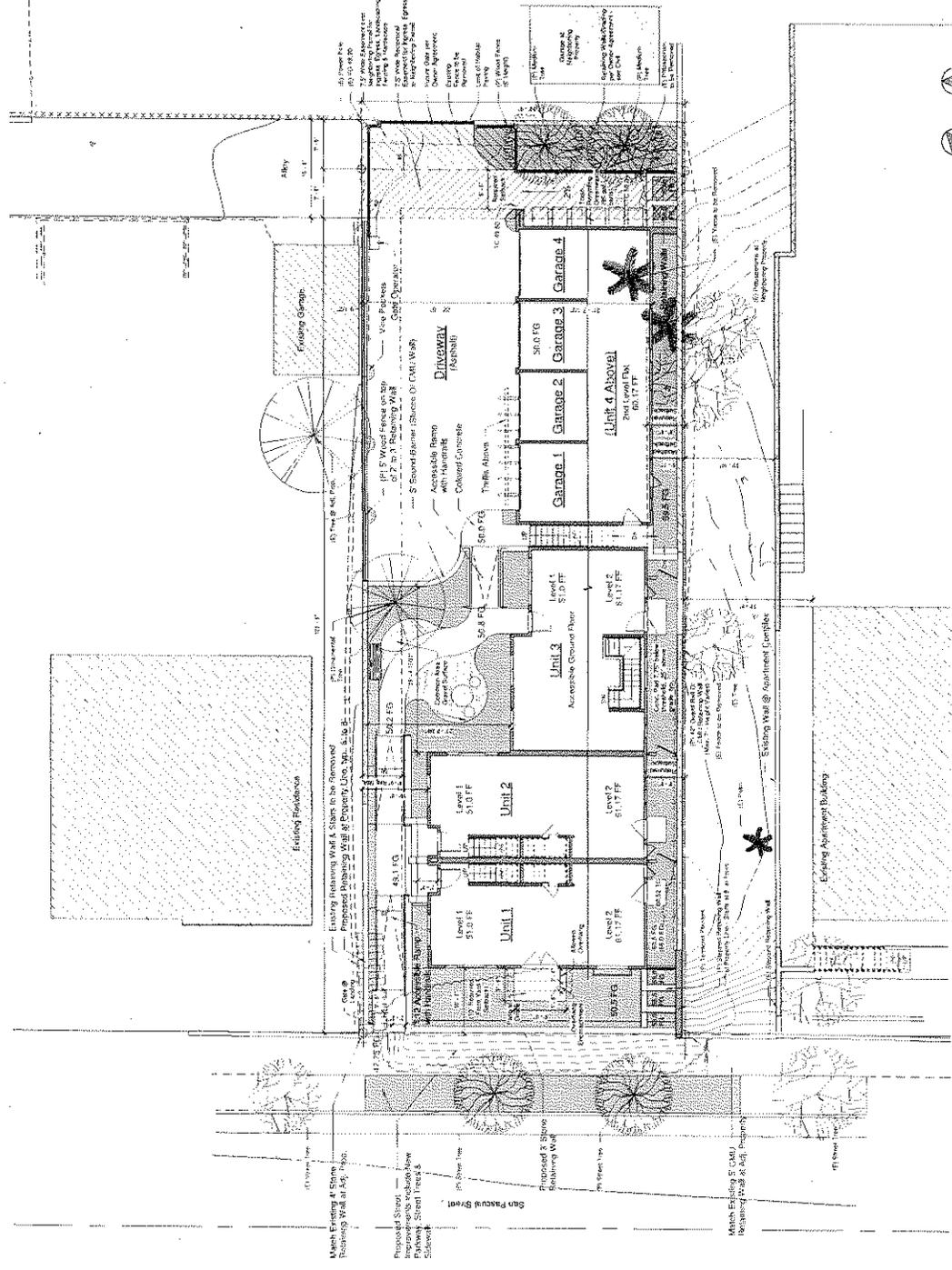
Habitat for Humanity
 of Southern Santa Barbara County



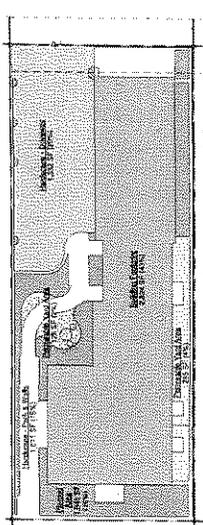
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JANUARY 27, 2009

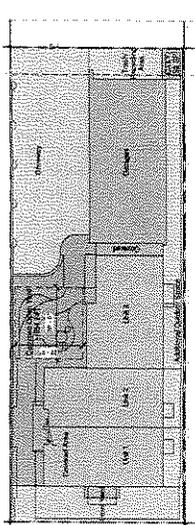
A1



1 Site Plan - Split Level
SCALE: 1/8" = 1'-0"

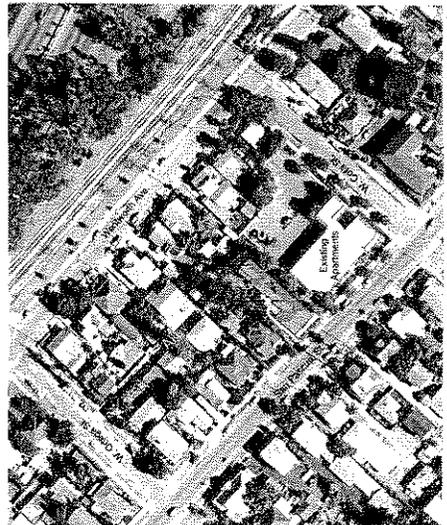


2 Lot Coverage
SCALE: 1/8" = 1'-0"



3 Outdoor Living Space
SCALE: 1/8" = 1'-0"

Covered Deck Area = 1,054 SF (15%)
Additional Outdoor Deck = 640 SF (10%)



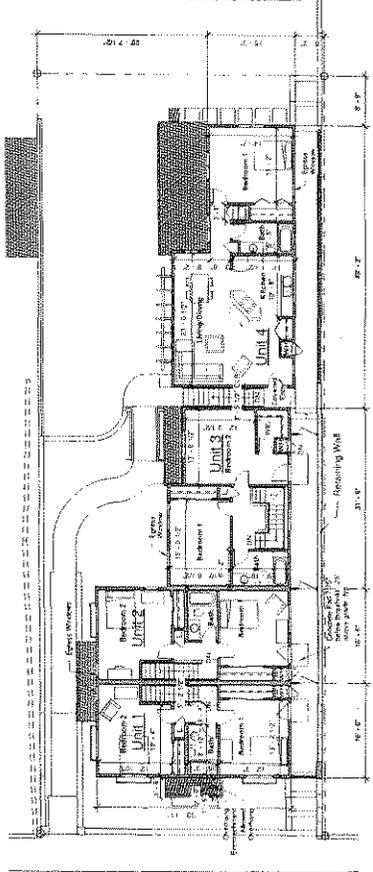
4 Aerial View of Surrounding Block
SCALE: 1" = 80'-0"

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Santa Barbara, CA

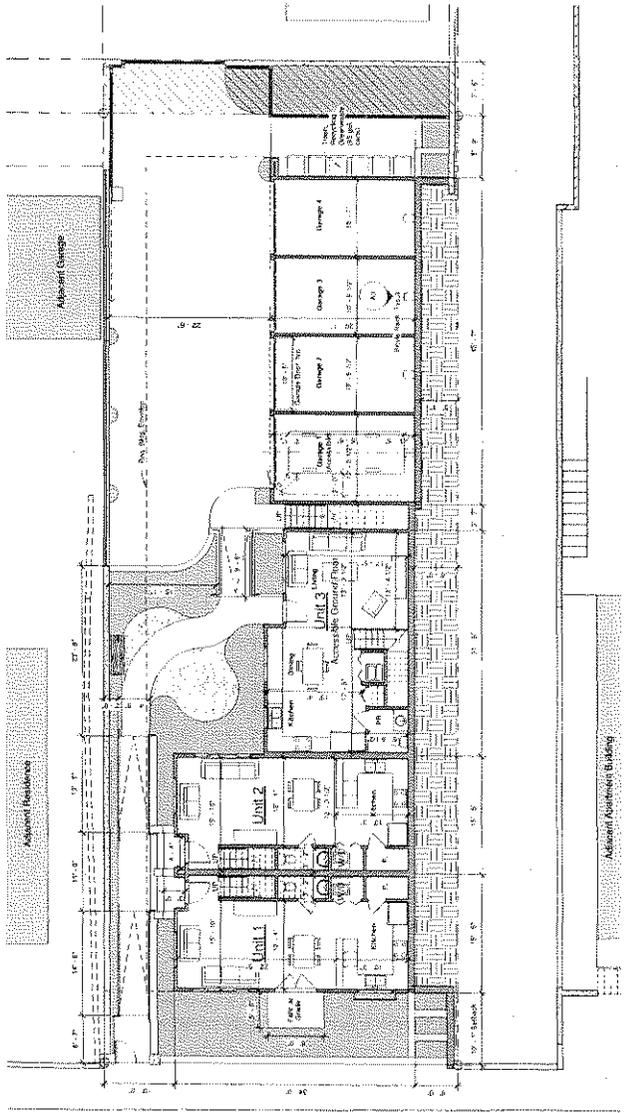


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January 21, 2009
A2



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



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

Notes : Noise Requirements

Environmental Noise Study - DUBEX
 December 16, 2008 - 6262-01
6.0 FINDINGS - RECOMMENDATIONS

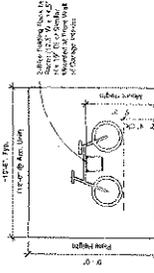
6.1 Exterior Noise Levels
 The year 2005 exterior noise analysis indicates that the highest noise level in the project's outdoor living areas could range up to 60 dB Ldn, which would meet the City of Santa Barbara's noise compatibility criteria for residential land use, without the need for further mitigation.

6.2 Interior Noise Levels
 In order to meet the City of Santa Barbara's 45 Ldn interior noise level requirement, the project's interior noise levels must be maintained at or below 45 Ldn. The project's interior noise levels need to range from 17 dBA for units 1, 2, and 3; 20 dBA for units 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

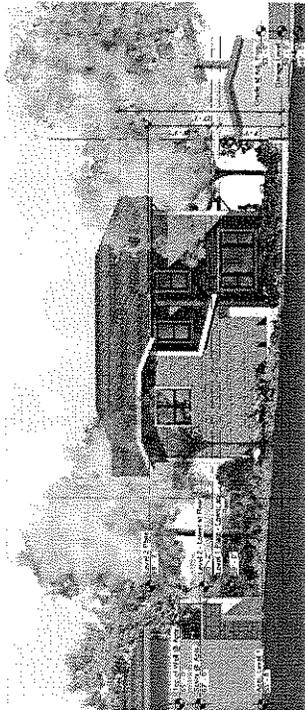
Standard construction materials and techniques used for new developments in Southern California result in a minimum exterior to interior noise attenuation of 12 dB with windows open. Therefore, the interior noise level for the project's units with windows open could exceed the 45 Ldn noise level required by the City of Santa Barbara's 45 Ldn interior noise level requirement.

With the units' windows closed, it is anticipated that the average noise required 21 dB reduction to interior sound (transmission loss will be achieved with the currently planned construction design). Typical double walls (STC 46) and typical double-pane windows and sliding glass doors (STC 36).

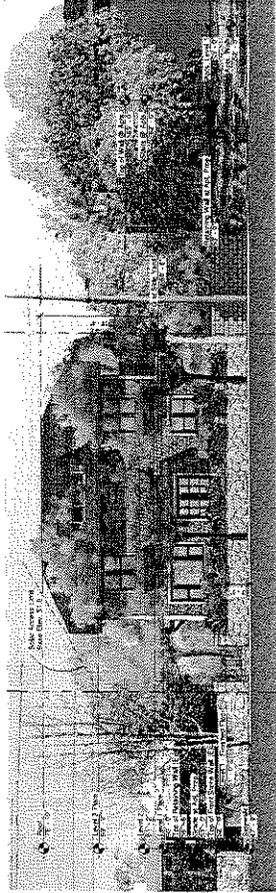
Consequently, a windowed exterior condition will apply to this project's habitable space, which will require a windowed exterior condition. The window system should be designed and constructed to meet the Uniform Building Code minimum window unit requirements.



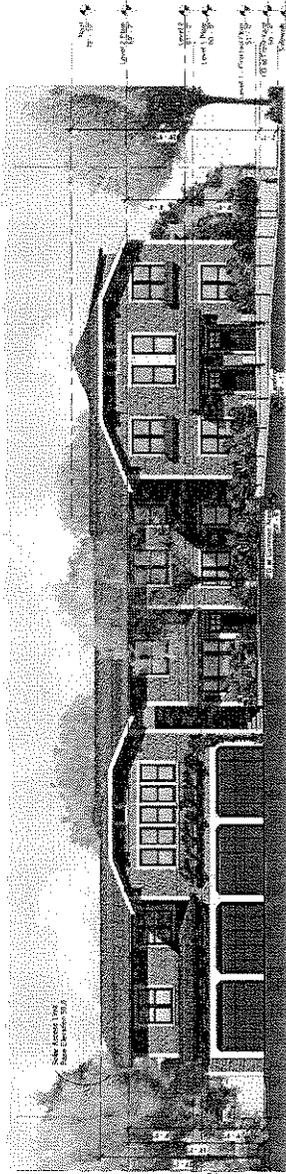
3 Bicycle Rack, Typ.
 SCALE: 1/4" = 1'-0"



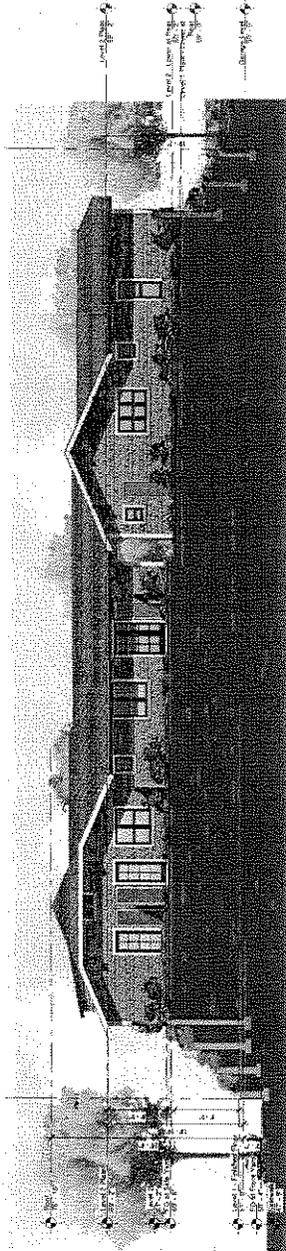
4 East Elevation (Rear)
SCALE: 1/8" = 1'-0"



1 West Elevation at San Pascual Street (Front)
SCALE: 1/8" = 1'-0"



2 North Elevation - View along Common Open Space & Driveway
SCALE: 1/8" = 1'-0"



3 South Elevation - View at Side Yards
SCALE: 1/8" = 1'-0"

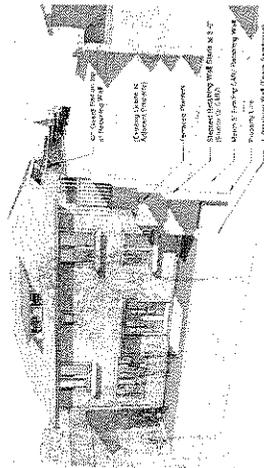
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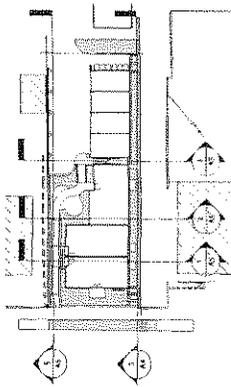
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January 17, 2009

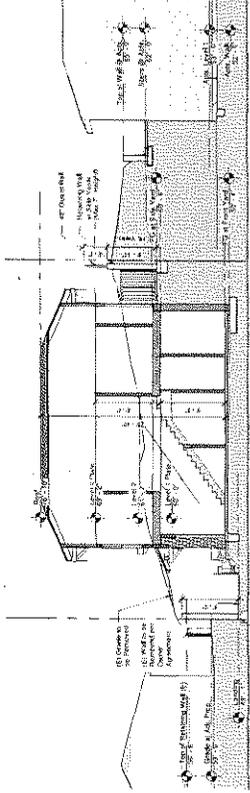
A4



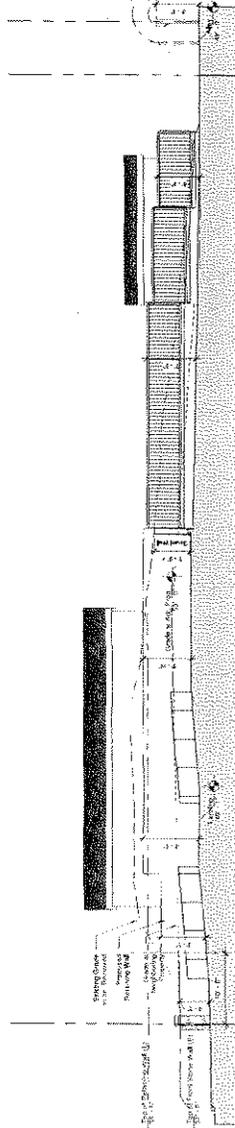
3D View of Retaining Walls at SW Corner



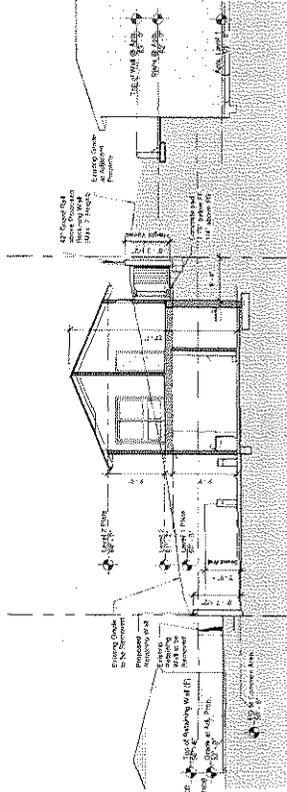
6 Section Key
SCALE: 1" = 32' 0"



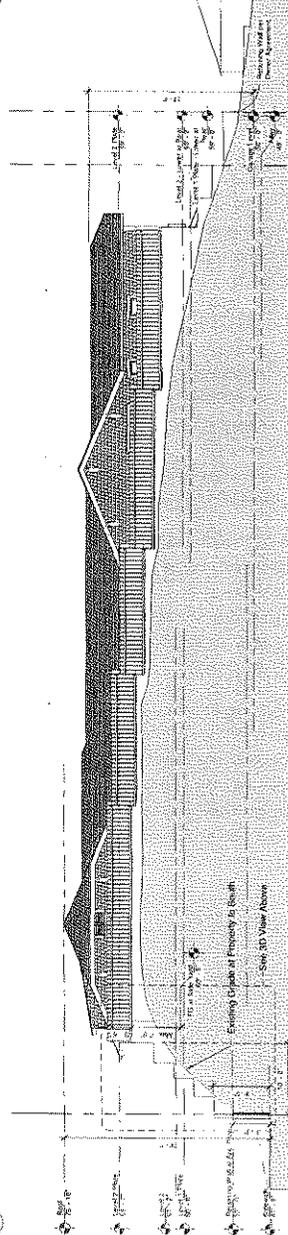
1 Section at Unit 1
SCALE: 1/8" = 1'-0"



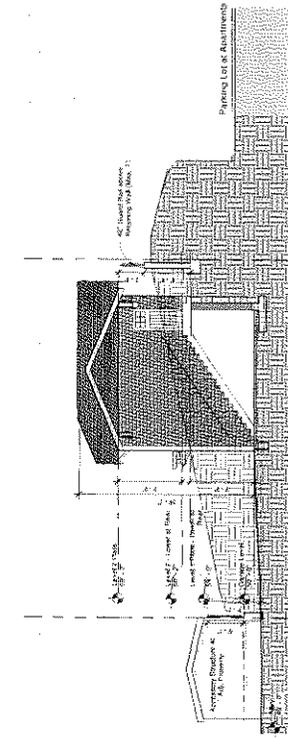
5 Section 19 - View toward Northerly Neighbor
SCALE: 1/8" = 1'-0"



2 Section at Common Open Space
SCALE: 1/8" = 1'-0"

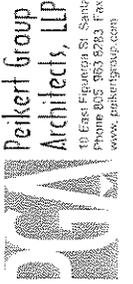


4 South Elevation / Section at Side Yard
SCALE: 1/8" = 1'-0"



3 Section at Stairs to Unit 4
SCALE: 1/8" = 1'-0"

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January 27, 2009

A5



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

Revised

RESOLUTION NO. 020-09
618 SAN PASCUAL STREET
MODIFICATIONS AND
TENTATIVE SUBDIVISION MAP
MARCH 11, 2009

APPLICATION OF LISA PLOWMAN, AGENT FOR HABITAT FOR HUMANITY OF SOUTHERN SANTA BARBARA COUNTY, 618 SAN PASCUAL STREET, APN 037-102-023, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2008-00059)

The proposed project involves construction of four new attached residential condominium units price restricted to low-income households, including two 981 square foot two-bedroom units, one 1,127 square foot two-bedroom unit, and one 789 square foot one-bedroom unit. Each unit includes one attached single-car garage between 212 and 242 square feet. The public alley on the 500 block of W. Ortega Street would provide automobile access to the site. Proposed grading totals 1,830 cubic yards, with 1,821 cubic yards of cut and 9 cubic yards of fill.

The discretionary applications required for this project are:

1. Lot Area Modification to allow two bonus density units (SBMC §28.92.110);
2. Parking Modification to allow one covered space for each unit instead of the required one covered and one uncovered space for each unit (SBMC §28.92.110);
3. Fence/Wall Height Modification for fences and walls to exceed eight feet in height within the interior setback (SBMC §28.92.110);
4. Wall Height Modification for walls within ten feet of the front line to exceed 3½ feet in height (SBMC §28.92.110);
5. Front Setback Modification to allow a patio overhang to encroach 3½ feet into the ten foot front setback (SBMC §28.92.110);
6. Interior Setback Modification for the building to encroach one foot into the six foot interior setback (SBMC §28.92.110);
7. Rear Setback Modification for the building's second story to encroach 1¼ feet into the ten foot rear setback (SBMC §28.92.110); and
8. Tentative Subdivision Map for a one-lot subdivision to create four residential condominium units (SBMC Chapters 27.07 and 27.13).

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, no one appeared to speak in favor or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 17, 2009.
2. Staff Memo with Attachment, March 5, 2009.
3. Site Plans
4. Correspondence received addressing concerns of the project:
 - a. Paula Westbury, 650 Miramonte Drive

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)

The requested lot area modification for increased density to allow three two-bedroom units and one one-bedroom unit 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 affordable to low-income households. The intent of the City's Density Bonus Program is to provide incentives for development of housing affordable to very-low, low, senior and other qualifying households and this project provides low income housing.

B. Parking Modification (SBMC §28.92.110)

The requested parking modification to allow one covered automobile parking space per unit is consistent with purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area. Automobile ownership will be limited to one automobile per household per Condition B.7.a. Further, bus service is available through MTD Line 17, which stops at the intersection of San Pascual and W. Ortega Streets. Additionally, a pedestrian and bicycle Highway 101 overcrossing extends downtown from W. Ortega Street on Wentworth Avenue.

C. Fence/Wall Height Modification (SBMC §28.92.110)

The requested fence and wall modification in the southern interior setback is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed fence and wall in the southern interior setback exceed the required eight foot height limit, due to the topography of the adjacent lot and proposed project grading. The wall would retain the grade of the adjacent lot and the fence is necessary for safety and mandated by the building code.

D. Wall Height Modification (SBMC §28.92.110)

The requested wall height modification in the front setback is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed stepped planters and retaining wall located within ten feet of the front lot line is necessary due to the existing topography of the site and proposed project grading and furthermore, no curb cuts are located adjacent to the planters or retaining wall, therefore it would not impede sight distance for automobiles entering San Pascual St.

E. Interior Setback Modification (SBMC §28.92.110)

The requested interior setback modification for the garage and second story of the proposed building is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households. The proposed setback provides adequate separation between the project site and neighboring development. The required six foot interior setback is intended to provide at least 12 feet between neighboring residential buildings. The distance between the proposed building and the existing retaining wall and parking lot on the adjacent lot exceeds 18 feet.

F. Front Setback Modification (SBMC §28.92.110)

The front setback modification for the proposed patio overhang is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed patio overhang is an architectural detail which provides a front entry on Unit 1 and additional detailing on the front façade.

G. Rear Setback Modification (SBMC §28.92.110)

The requested rear setback modification for the second story portion of the building is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed setback provides adequate separation between the subject property and the property to the east. These two properties have a recorded reciprocal easement affecting the area on either side of the rear property line. This easement effectively precludes residential development for a distance of 16¼ feet from the rear wall of the proposed structure, providing building relief for the neighbor at this location.

H. Tentative Subdivision Map (SBMC §27.07.100)

As conditioned and with all other approvals, the Tentative Subdivision Map complies with all requirements and conditions imposed by the Subdivision Map Act and the City's Municipal Code. As discussed in Section VI.B of the staff report, dated February 17, 2009 the proposed map is consistent with the City's General Plan. The site is physically suitable for the type and density of the proposed development. The design of the project and type of development is not likely to cause substantial environmental damage, substantially and unavoidably injure fish or wildlife in their habitat, or cause

serious public health problems. The design of the development would not conflict with public easements for access through or use of the property.

I. **New Condominium Development (SBMC §27.13.080)**

There is compliance with the provisions of Municipal Code Chapter 27.13 (Residential Condominium Development).

With the proposed modifications, the project complies with all provisions of the City's Condominium Ordinance including the Physical Standards for Condominiums contained in SBMC §27.13.060. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space. The proposed conditions are consistent with the requirements contained in SBMC §27.13.050.

The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Land Use, Housing, and Noise Elements as discussed in Section VI.B of the staff report dated February 17, 2009. The project will provide infill residential development that is compatible with the surrounding neighborhood.

The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where multiple-family residential development is a permitted use. The project, as conditioned, is adequately served by public streets, would not cause an increase in the demand for parking in the immediate area, and will not result in traffic impacts. The design has been reviewed by the City's Architectural Board of Review, which indicated that the architecture and site design were appropriate for the neighborhood.

II. Said approval is subject to the following conditions:

III. 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. **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. **Minimize Visual Effects of Paving.** Textured 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.

2. **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 views.
- 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 an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, 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 March 11, 2009 is limited to construction of four new attached residential condominium units price restricted to Low-Income Households, consisting of two 981 sf two-bedroom units, one 1,127 sf two-bedroom unit, and one 789 sf one-bedroom unit, four attached single-car garage between 212 and 242 sf; grading totaling 1,830 cu yds, with 1,821 cu yds of cut and 9 cu yds of fill; and the improvements shown on the Tentative Subdivision Map 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 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. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Unit 1, 2, 3 and 4 on the Tentative Subdivision Map shall be designated as Affordable Low-Income Units and sold only to households who, at the time of their purchase, qualify as Low-Income Households as defined in the City's Affordable Housing Policies and Procedures.

The Affordable Units shall be sold and occupied in conformance with City Agreement No. 22463B and required replacement covenants. The resale prices of the Affordable Units shall be controlled by means of replacement covenants executed by the Owners and the City to assure continued affordability for at least forty-five (45) years from the initial sale of each affordable unit. No affordable unit may be rented prior to its initial sale.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

- a. **Vehicle Registration Restriction.** A covenant that restricts each unit household to ownership of one vehicle and requires yearly monitoring by Habitat for Humanity of Southern Santa Barbara County to ensure no more than one vehicle is registered at each address. Habitat for Humanity of Southern Santa Barbara County shall maintain records of vehicle ownership and produce those records to the City upon request within two working days.
- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
- c. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 - g. **Bicycle Parking.** A minimum of four bicycle parking spaces shall be provided on site in a lockable and covered location.
8. **Residential Permit Parking Program Restriction.** Residents shall not participate in the Residential Permit Parking Program.
 9. **Notice to Property Owner.** The City has identified 45 dBA Ldn as the maximum acceptable indoor noise exposure level for multiple family residences. To achieve interior noise levels below 45 dB Ldn for the projected 2025 noise environment, exterior windows must be closed.
- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 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. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect 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.

5. **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 Program. 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.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

6. **San Pascual Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on San Pascual Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 6.5-foot wide sidewalk and 5.5-foot wide parkway to match adjacent sidewalk and parkway; saw-cut and replace +/-6 feet of damaged curb & gutter; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20-feet beyond the limit of all trenching, underground service utilities; connection to City water and sewer mains; public drainage improvements with supporting drainage calculations curb drain outlets; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/ CA supplements; storm drain stenciling; new street trees as determined by the City Parks Commission, and City Arborist; and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

- D. **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. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
2. **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.
3. **W. Ortega Street Public Improvements.** The owner shall provide \$2,500 payable to the City of Santa Barbara. The funds will be accepted at the City Public Works counter in lieu of construction of Title 24 ADA one-way access ramps to connect the existing sidewalks on both sides of the alley known as "Alley 500 block W. Ortega Street".

E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **Easement Document.** Submit to the Planning Division a recorded easement agreement demonstrating the applicant's right to construct all proposed development on the property known as APN 037-102-021.
2. **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.
3. **Soils Report.** Submit to the Building and Safety Division a soils report and implement the recommendations outlined in the report.
4. **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:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as Units 1, 2, 3 and 4 on the Tentative Subdivision Map shall be designated as Affordable Low-Income Units and sold only to households who, at the time of their purchase, qualify as Low-Income Households as defined in the City's Affordable Housing Policies and Procedures.
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with City Agreement No. 22463B and required replacement covenants. The resale prices of the Affordable Units shall be controlled by means of a recorded replacement covenant executed by Owner and the City to assure continued affordability for at least forty-

five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

- F. **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. **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 C.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
 3. **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 screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 4. **Bicycle Parking.** A minimum of four bicycle parking spaces shall be provided on site in a lockable and covered location.
 5. **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., Final Map submitted to Public Works 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.

G. **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. **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.
3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
4. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m.; Saturday before 9:00 a.m. and after 5:00 p.m.; and all day Sunday; and holidays observed by the City of Santa Barbara, as shown below:

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 Sunday, the following Monday 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.

5. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction vehicles 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.
 - b. 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.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
6. **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.
7. **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.
 8. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 9. **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.
 10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 12. **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.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **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.

2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 3. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
 4. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded replacement covenants in a form acceptable to the City Attorney signed by the initial purchasers which assure continued compliance with the affordability conditions.
 5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section B.7 have been recorded.
- I. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer 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 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 11th day of March, 2009 by the Staff Hearing Officer of the city of Santa Barbara.

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

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.**

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

Ms. Reardon explained that due to Ordinance amendments, sloped areas over 20% are allowed to be included in the open yard area; "terrace" refers to a terrace or patio area, not a terraced retaining wall area. She further explained that the intent of a setback is to have a separation of buildings, and the proposed addition to the rear respects the neighbors in that it is one-story. Ms. Reardon stated that the intent of open area is to provide recreation area on site, currently the pool area and open area in front of the residence provide open space and meets intent of the ordinance. Ms. Reardon clarified that the finding is that the modification is necessary to secure an appropriate improvement.

Ms. Brooke reinforced that at the time of development, the site did meet the intent of ordinance in terms of open yard requirements, but due to ordinance changes the lot is considered constrained.

ACTION:

Assigned Resolution No. 019-09

- I. Approved the project making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The site is constrained in that it is irregularly shaped and the existing house is to the rear of the site. The proposed addition does not reduce the private outdoor living area which is located in front of the residence which is improved with amenities for the intended use.
- II. Said approval is subject to the following conditions:
 1. Reduce the turn around area within the interior setback to the minimum necessary per the Transportation Department.
 2. Return to the Single Family Design Board to study the planting for adequate screening between the neighbor's property.

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

ACTUAL TIME: 10:20 A.M.

- F. **APPLICATION OF LISA PLOWMAN, AGENT FOR HABITAT FOR HUMANITY OF SOUTHERN SANTA BARBARA COUNTY, 618 SAN PASCUAL STREET, APN 037-102-023, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS, PER ACRE (MST2008-000059)**

The proposed project involves construction of four new attached residential condominium units price restricted to low-income households, including two 981 square foot two-bedroom units, one 1,127 square foot two-bedroom unit, and one 789 square foot one-bedroom unit. Each unit includes one attached single-car garage between 212 and 242 square feet. The public alley on the 500 block of W.

Ortega Street would provide automobile access to the site. Proposed grading totals 1,830 cubic yards, with 1,821 cubic yards of cut and 9 cubic yards of fill.

The discretionary applications required for this project are:

1. Lot Area Modification to allow two bonus density units (SBMC §28.92.110);
2. Parking Modification to allow one covered space for each unit instead of the required one covered and one uncovered space for each unit (SBMC §28.92.110);
3. Fence/Wall Height Modification for fences and walls to exceed eight feet in height within the interior setback (SBMC §28.92.110);
4. Wall Height Modification for walls within ten feet of the front line to exceed 3½ feet in height (SBMC §28.92.110);
5. Front Setback Modification to allow a patio overhang to encroach 3½ feet into the ten foot front setback (SBMC §28.92.110);
6. Interior Setback Modification for the building to encroach one foot into the six foot interior setback (SBMC §28.92.110);
7. Rear Setback Modification for the building's second story to encroach 1¼ feet into the ten foot rear setback (SBMC §28.92.110); and
8. Tentative Subdivision Map for a one-lot subdivision to create four residential condominium units (SBMC Chapters 27.07 and 27.13).

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: Lisa Plowman, Planning Manager; Joyce McCullough, Executive Direct, Habitat for Humanity; Dennis Elledge, Boardmember.

Daniel Gullett, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon questioned whether a "windows closed" condition should be applied due to exterior noise levels. Mr. Gullett responded that a note had been placed on the plans stating that windows must be closed in order to achieve a 45 dBA Ldn. He explained the standards in the Noise Ordinance and in the Building Code that interior noise levels shall not exceed 45 dBA Ldn, and suggested that a noise condition to notify future property owners could be added to the Recorded Conditions Agreement.

Ms. Reardon requested clarification of the setback for the garage given a recent Zoning Ordinance amendment allowing a setback reduction to 3 feet for narrow lots less than 55 feet, when garages do not facing the street, pending a waiver from the ABR. Mr. Kato responded that if ABR were the only reviewing Board they could grant a waiver; however the SHO is not precluded from granting a modification. Ms. Reardon suggested a waiver be formalized setting a 5 foot setback when the project returns to ABR.

Ms. Reardon requested comments from Transportation Staff regarding parking demand and the parking modification. Ms. Swanson, Transportation Planner, responded that the modification is supportable for several reasons, including the purposed CC&R condition that Habitat will restrict vehicles to one per household, the proposal to impose a monetary fine for noncompliance, site proximity to bus line, shopping, and the proposed bicycle parking.

Ms. Plowman addressed concerns with Conditions of Approval subsection C.7, which requires that sidewalks ramps be improved to be ADA compliant. Ms. Plowman objected to the condition and requested that it be removed from the project. Mr. Dennis Elledge stated that ADA compliance will require more than simply a ramp, but rather a curb wall with continued maintenance, and street excavation for water flow, creating a financial hardship and burden.

The Public Hearing was opened at 11:06 a.m.

A letter from Paula Westbury expressing concerns was acknowledged.

Public Hearing was closed.

Ms. Reardon recessed the meeting recessed at 11:12 a.m. and reconvened at 11:17 a.m.

Mr. Kato reported that during the break he confirmed with Mark Wilde, Supervising Engineer, that there is a mechanism allowing the applicant to pay less than the full estimated amount for ADA curb accessibility improvements. The applicant and staff agreed that the maximum amount of contribution by Habitat for Humanity would be set at \$2,500.

ACTION:

Assigned Resolution No. 020-09

Approved the project making the findings contained in the Staff Memorandum, dated March 5, 2009, as revised during the hearing.

Said approval is subject to the Conditions of Approval contained in Exhibit A of the Staff Report dated February 25, 2009, with revision to condition C.6. as amended in the Staff Memorandum dated March 5, 2009, with the addition of Condition B.9, Noise Control, to notify future property owners that windows must remain closed to achieve a noise level of 45 dBa Ldn and with an amended condition C.7. that the applicant is to pay the maximum of \$2,500 toward ADA sidewalk improvements on both sides of the W. Ortega Street alley.

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

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



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 17, 2009
AGENDA DATE: February 25, 2009
PROJECT ADDRESS: 618 San Pascual Street (MST2008-00059)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DG*

I. PROJECT DESCRIPTION

The project consists of construction of four new attached residential condominium units price restricted to low-income households, including two 981 square foot two-bedroom units, one 1,127 square foot two-bedroom unit, and one 789 square foot one-bedroom unit. Each unit includes one attached single-car garage between 212 and 242 square feet. The public alley on the 500 block of W. Ortega Street would provide automobile access to the site. Proposed grading totals 1,830 cubic yards, with 1,821 cubic yards of cut and 9 cubic yards of fill. The 6,625 square foot site is currently vacant with an average slope of 27.6%. The site is located in the R-3 Zone and carries a land use designation of Residential, 12 units per acre.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Lot Area Modification to allow two bonus density units (SBMC §28.92.110);
2. Parking Modification to allow one covered space for each unit instead of the required one covered and one uncovered space for each unit (SBMC §28.92.110);
3. Fence/Wall Height Modification for fences and walls to exceed eight feet in height within the interior setback (SBMC §28.92.110);
4. Wall Height Modification for walls within ten feet of the front line to exceed 3½ feet in height (SBMC §28.92.110);
5. Front Setback Modification to allow a patio overhang to encroach 3½ feet into the ten foot front setback (SBMC §28.92.110);
6. Interior Setback Modification for the building to encroach one foot into the six foot interior setback (SBMC §28.92.110); and
7. Tentative Subdivision Map for a one-lot subdivision to create four residential condominium units (SBMC Chapters 27.07 and 27.13).

III. RECOMMENDATION

With the requested approvals and recommended conditions, the proposed project conforms to the City's Zoning Ordinance regulations and General Plan policies. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

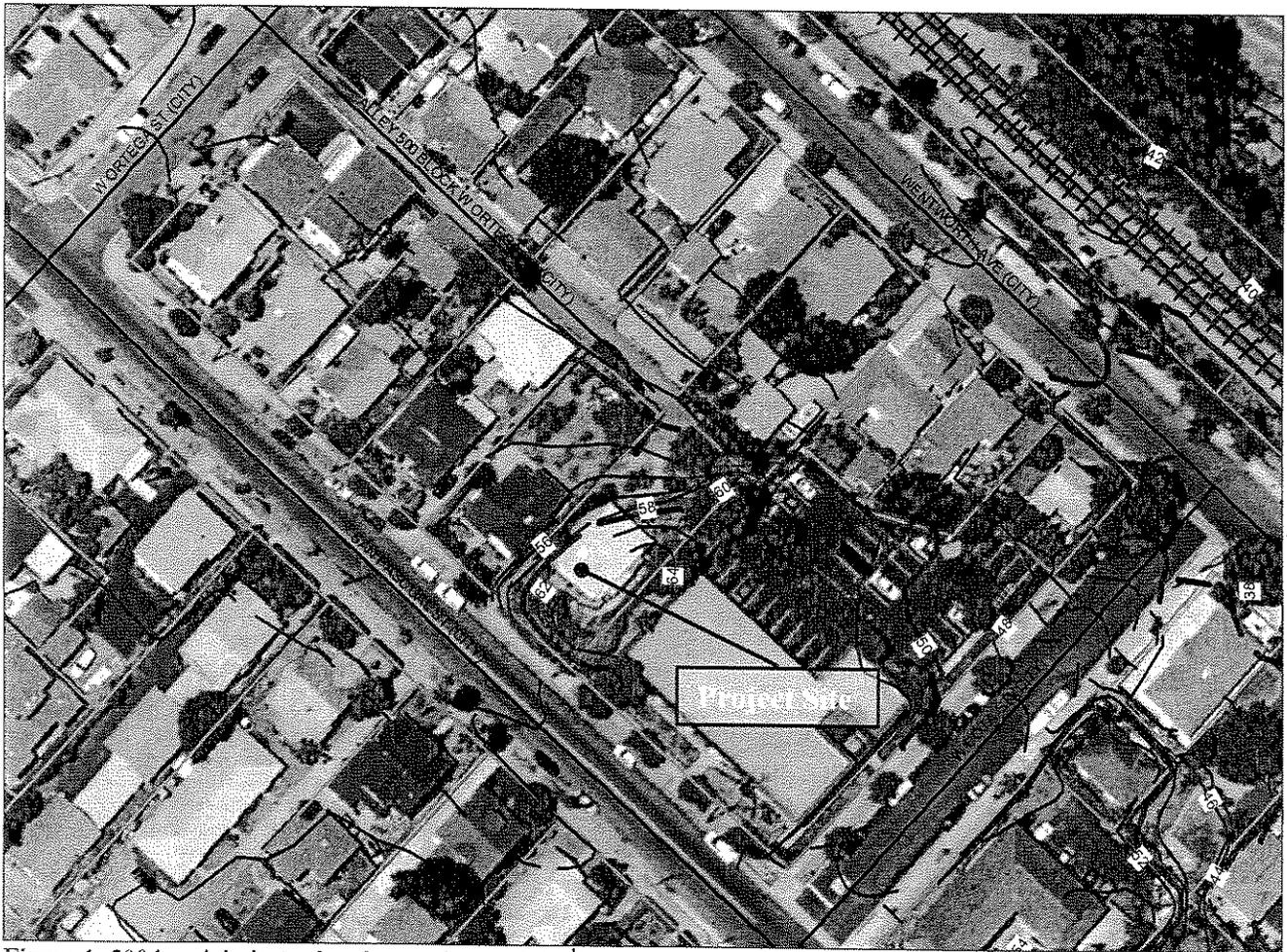


Figure 1: 2004 aerial photo showing project vicinity¹

APPLICATION DEEMED COMPLETE: January 30, 2009
DATE ACTION REQUIRED PER MAP ACT: March 31, 2009

¹ The building depicted on the subject parcel was damaged in a 2005 house fire and later demolished.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Lisa Plowman, Peikert Group Architects	Property Owner: Habitat for Humanity of Southern Santa Barbara County
Parcel Number: 037-102-023	Lot Area: 6,625 sf (0.15 acre)
General Plan: Residential 12 units/acre	Zoning: R-3 (Limited Multi-family Residential)
Existing Use: Vacant	Topography: 27.6% existing average slope 2.9% proposed average slope
Adjacent Land Uses: North – Single Family Residence East – Single Family Residence South – Residential Apartment Building West – Multiple Family Residences	

B. PROJECT STATISTICS

	Unit 1	Unit 2	Unit 3	Unit 4
Ground Floor	503 sf	503 sf	579 sf	-
Second Floor	478 sf	478 sf	548 sf	789 sf
Total Floor Area	981 sf	981 sf	1,127 sf	789 sf
Garage	242 sf	212 sf	212 sf	213 sf

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10 ft	-	6.5 ft*
-Interior	6 ft	-	5 ft*
-Rear	6 ft	-	6 ft
Building Height	45 ft	-	26.6 ft
Parking	4 covered / 4 uncovered	-	4 covered*
Lot Area Required for Each Unit (Variable Density)	studio unit: 1,600 sf 1 bedroom unit: 1,840 sf 2 bedroom unit: 2,320 sf 3 bedroom unit: 2,800 sf	-	1 bedroom unit: 1,840 sf 2 bedroom unit: 2,320 sf (x3) TOTAL: 8,800 sf*
Common Outdoor Living Space	15% of net lot area	-	15% of net lot area
Lot Coverage			
-Building	n/a	-	2,824 sf 43%
-Paving/Driveway	n/a	-	2,343 sf 35%
-Landscaping	n/a	-	1,458 sf 22%

* Modifications requested

The proposed project would meet all applicable requirements of the Zoning Ordinance, except density, parking, front setback, interior setback, wall and fence heights, and parking, which require modifications. A discussion of all required modifications is provided in Section VII.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on one occasion, March 10, 2008 (meeting minutes are attached as Exhibit D). At that review, the ABR stated that the overall size, bulk and scale of the project, and the massing on San Pascual were appropriate, and that the site planning was well handled.

ABR requested that a front entry from the street be provided on Unit 1 and additional detailing be provided on the front façade to increase compatibility of the neighborhood. In response, the applicant included window planters and a front entry with a patio overhang that encroaches 3.5 feet into the front yard setback, requiring a front setback modification.

ABR also expressed concern with the then-proposed retaining wall, which was flush with the building face on San Pascual extending to the south. In response, the applicant proposed landscaped terraced planters stepping down toward the front lot line with natural grade. Since the retaining wall along the southern property line and the planters are greater than 3.5 feet in height within ten feet of the front lot line, a wall height modification is needed.

In addition, ABR indicated that the requested modification for a one foot interior setback encroachment for Unit 4 and the garages below Unit 4 would not pose a negative aesthetic impact.

B. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element

The project site is located in the Lower West neighborhood, which is bounded on the north by Carrillo Street; on the south by Montecito Street; on the east by Highway 101; and on the west by Loma Alta Drive and the base of the Mesa Hills. According to the Land Use Element, this neighborhood is the City's most densely-settled residential area. The Land Use Element states that future residential growth in this neighborhood will result in part from the development of some existing vacant land into apartments, and from the redevelopment of some single-family residential and duplex areas into multiple-unit use. The proposed development of a multi-unit residential condominium project where there was formerly a single-family residence is consistent with the Land Use Element's vision for this neighborhood.

Although this site carries a General Plan land use designation of twelve 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 this direction, the Zoning Ordinance provides for variable density in the R-3 Zone. The Zoning Ordinance allows for up to four studio units on a 6,400 square foot lot in the R-3 Zone, which equates to a density of 28.57 units per acre. Since the proposed project includes four units on

the 6,625 square foot site, the extrapolated project density is 26.30 units per acre. Increased project density is 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.

Housing Element

The Housing Element contains specific goals, policies, and implementation strategies related to the location and provision of affordable housing including the following.

Housing Element Goal 1: Ensure a full range of housing opportunities for all persons regardless of economic group, race, religion, sex, marital status, sexual orientation, ancestry, national origin or color. The City will base the enforcement of equal opportunity on provisions of State and Federal constitutions and fair housing laws, with emphasis on the protection of the housing rights of families with children. The City shall place special emphasis on providing housing opportunities for low income, moderate income and special needs households.

Housing Element 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.

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

Housing Element Implementation Strategy 4.1.3: Continue to assist the development of infill housing including financial and management incentives in cooperation with the Housing Authority and private developers to use underutilized and small vacant parcels of land for new low and moderate income housing opportunities.

The proposed project would provide four new infill units of low-income ownership housing on a small vacant parcel consistent with these goals, policies and implementation strategies.

Housing Element 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 normally be allowed under existing zoning.

Housing Element 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 concept review ABR stated that the size, bulk and scale of the project were appropriate to the site. Planning staff concurs with ABR and believes the current project, as redesigned in response to ABRs comments, is also compatible with the prevailing character of the neighborhood.

Noise Element

The City's Master Environmental Assessment indicates that project site is located in an area exposed to noise levels between 60 to 70 dB(a). The major noise generators affecting the site are Highway 101 (located approximately 400 feet from the site) and Union Pacific Railroad (located approximately 240 feet from the site). 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}, and maximum interior noise levels shall not exceed 45 L_{dn}. A Noise Study was prepared by Dudek & Associates, Inc. (dated December 16, 2008), which concludes that none of the required private outdoor living spaces would exceed the 60 dB(a) threshold. With the proposed retaining wall along the property line and the wall between the common area and driveway, the required outdoor living areas would not exceed 60 L_{dn} according to the submitted study. Additionally, with closed windows, each unit would achieve a 45 L_{dn} interior noise condition.

C. 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's 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 VI.B above, the project is consistent with the residential General Plan designation with a density consistent with the City's Density Bonus Program. The project is consistent with the R-3 Zone designation and, with the requested modifications, the project, as conditioned, 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 with the City boundary, less than five acres in size and surrounded on all sides by residential urban uses.

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

The site has been previously disturbed, is surrounded on all sides by urban uses, and holds no value as habitat for endangered, rare or threatened species.

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

Traffic. Based on Institute of Transportation Engineers (ITE) trip generation rates, the four-unit project is anticipated to produce 23 average daily trips (ADTs), two pm-peak-hour trips, and two am-peak-hour trips. No anticipated adverse impacts to the adjacent street network are expected as a result of the proposed four unit condominium project.

Noise. The project is not expected to result in any significant effects relating to noise. See the noise discussion above in Section VI.B.

Air Quality. 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 contained in the *Scope and Content of Air Quality Sections in Environmental Documents* updated June 2008, a project of four residential condominium units 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 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 project includes a stormwater management system to collect and store surface and roof runoff and detain the net difference in runoff for a 25 year storm consistent with the requirements of the City's adopted Storm Water Management Program. In the event of a storm with greater volume, stormwater would surface flow onto the public alley consistent with current neighborhood drainage patterns.

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 an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment.

D. RECOMMENDED CONDITIONS OF APPROVAL

The staff-recommended Conditions of Approval are attached to this Staff Report as Exhibit A. Of note and discussed below, are conditions related to automobile ownership, construction hours and public improvements.

Automobile Ownership

The Zoning Ordinance standards for multiple residential units require two spaces for two-bedroom units and 1½ spaces for one-bedroom units. In this case, four covered and four uncovered parking spaces are required per SBMC Subsection 28.90.100.G.3. The proposed project includes four single-car garages (one for each unit), necessitating the zoning modification discussed below. To justify the modification finding that the project will not cause an increase in the demand for parking or loading space in the immediate area, Habitat has agreed to limit automobile ownership to one per household, yearly monitor records for automobile ownership, and assess fees to non-compliant residents. The recommended conditions require Habitat to maintain records of automobile ownership for each unit and produce those records to the City upon request (see Condition B.7.a). Similar limitations have been applied to Housing Authority projects in the past.

Construction Hours

Habitat for Humanity of Southern Santa Barbara County depends primarily on voluntary construction labor and requests to perform site preparation and construction activities on Saturdays. While the Municipal Code generally restricts the construction between 8:00 pm and 7:00 am (SBMC 9.16.015), it does not prohibit construction on weekend days or holidays. Projects reviewed by the Staff Hearing Officer and Planning Commission are typically conditioned to restrict construction activities to non-holiday weekdays between 7:00 am and 5:00 pm. In June 2003 the Planning Commission conditioned Habitat's three unit condominium project at 3965 Via Lucero (MST2002-0073) to allow construction between the hours of 9:00 am and 5:00 pm on Saturdays in addition to 8:00 am to 5:00 pm Monday through Friday. The 3965 Via Lucero site vicinity was similar in density at the time of construction to the subject project site and City has no record of construction-related noise complaints during construction of the Via Lucero project. Staff recommends that the same construction related time allowances be granted to this project as were granted with the Via Lucero project.

Public Improvements

Habitat is proposing a sidewalk and parkway to match existing adjoining sidewalk and parkway on the San Pascual frontage, consistent with the Pedestrian Master Plan and recommended Condition C.6. Staff also recommends that the applicant improve the existing intersection of the alley with the sidewalk and W. Ortega Street with a City-standard alley entrance and ADA-standard one-way access ramps to transition to the alley grade from the adjoining sidewalk. These improvements are considered reasonable for the parcels being created. This section of sidewalk is along the direct route between the subject property and the Highway 101-Ortega Street overcrossing.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. LOT AREA MODIFICATION (SBMC §28.92.110)

The requested lot area modification for increased density to allow three two-bedroom units and one one-bedroom unit 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 affordable to low-income households.

The intent of the City's Density Bonus Program is to provide incentives for development of housing affordable to very-low, low, senior and other qualifying households. As discussed above, the project is consistent with the Density Bonus Program and this modification is required to construct four affordable units of the sizes proposed.

B. PARKING MODIFICATION (SBMC §28.92.110)

The requested parking modification to allow one covered automobile parking space per unit is not inconsistent with purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area.

As discussed above, automobile ownership will be limited to one automobile per household per Condition B.7.a. Further, bus service is available through MTD Line 17, which stops at the intersection of San Pascual and W. Ortega Streets. Additionally, a pedestrian and bicycle Highway 101 overcrossing extends downtown from W. Ortega Street on Wentworth Avenue. This modification is therefore not expected to increase demand for parking or loading space in the immediate area.

C. FENCE/WALL HEIGHT MODIFICATION (SBMC §28.92.110)

The requested fence and wall modification in the southern interior setback is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

The proposed fence and wall in the southern interior setback exceed the required eight foot height limit, due to the topography of the adjacent lot and proposed project grading. The wall would retain the grade of the adjacent lot and the fence is necessary for safety and mandated by the building code. Therefore, this modification may be granted.

D. WALL HEIGHT MODIFICATION (SBMC §28.92.110)

The requested wall height modification in the front setback is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot and would prevent unreasonable hardship.

The proposed planters and retaining wall located within ten feet of the front lot line exceed the Zoning Ordinance height limit of 3.5 feet. The planters were incorporated

into the design in response to ABR direction to soften appearance of the proposed retaining wall. Because the planters are spaced less than five feet apart horizontally, the height of the planters is measured from the grade of the adjacent sidewalk to the top of the tallest wall located within ten feet of the front yard setback. Further, no curb cuts are located adjacent to the planters or wall, so there is no concern of the planters or wall inhibiting sight distance for automobiles entering San Pascual St.

E. INTERIOR SETBACK MODIFICATION (SBMC §28.92.110)

The requested interior setback modification for the garage and second story of the proposed building is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households.

The garage and second story of the proposed building would encroach one foot into the six foot southern interior setback. The Zoning Ordinance provides that certain garages on lots less than 55 feet in width may encroach into the interior setback up to three feet by the design review board reviewing the project allowing for garage ingress and egress. However, the provision does not apply to habitable area located above the garage. ABR stated that the subject setback modification would not result in a negative aesthetic impact. The interior setback modification may be granted because it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households.

F. FRONT SETBACK MODIFICATION (SBMC §28.92.110)

The requested front setback modification for the proposed patio overhang may be granted since it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

The proposed patio overhang encroaches into the ten foot front setback by 3.5 feet. The overhang was included in the project in response to ABR direction to provide a front entry on Unit 1 and additional detailing on the front façade. This modification may be granted since it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

G. TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)

As conditioned and with all other approvals, the Tentative Subdivision Map complies with all requirements and conditions imposed by the Subdivision Map Act and the City's Municipal Code. As discussed in Section VI.B of this staff report, the proposed map is consistent with the City's General Plan. The site is physically suitable for the type and density of the proposed development. The design of the project and type of development is not likely to cause substantial environmental damage, substantially and unavoidably injure fish or wildlife in their habitat, or cause serious public health problems. The design of the development would not conflict with public easements for access through or use of the property.

H. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

- 1. There is compliance with the provisions of Municipal Code Chapter 27.13 (Residential Condominium Development).**

With the proposed modifications, the project complies with all provisions of the City's Condominium Ordinance including the Physical Standards for Condominiums contained in SBMC §27.13.060. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space. The proposed conditions are consistent with the requirements contained in SBMC §27.13.050.

- 2. The proposed development is consistent with the General Plan of the City of Santa Barbara.**

The project is consistent with policies of the City's General Plan including the Land Use, Housing, and Noise Elements as discussed in Section VI.B of this staff report. The project will provide infill residential development that is compatible with the surrounding neighborhood.

- 3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.**

The project is an infill residential project proposed in an area where multiple-family residential development is a permitted use. As discussed above, the project, as conditioned, is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's Architectural Board of Review, which indicated that the architecture and site design were appropriate for the neighborhood.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Floor Plan, Elevations, Sections, Landscape Plan, & Tentative Map
- C. Story Pole Plan
- D. Applicant's letter to the Staff Hearing Officer, dated February 9, 2009
- E. ABR Minutes from March 10, 2008
- F. Noise Study





City of Santa Barbara
Planning Division

Memorandum

DATE: March 5, 2009

TO: Staff Hearing Officer

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

SUBJECT: 618 San Pascual Street (MST2008-00059)

INTRODUCTION

This item was continued from the February 25, 2009 Staff Hearing Officer hearing because it was determined that the proposal requires a Modification to allow the second story of the building to encroach 1.25 feet into the rear setback and proper public notice was not prepared.

The project consists of construction of four new attached residential condominium units price restricted to low-income households, including two 981 square foot two-bedroom units, one 1,127 square foot two-bedroom unit, and one 789 square foot one-bedroom unit. Each unit includes one attached single-car garage between 212 and 242 square feet. The public alley on the 500 block of W. Ortega Street would provide automobile access to the site. Proposed grading totals 1,830 cubic yards, with 1,821 cubic yards of cut and 9 cubic yards of fill. The 6,625 square foot site is currently vacant with an average slope of 27.6%. The site is located in the R-3 Zone and carries a land use designation of Residential, 12 units per acre.

REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Lot Area Modification to allow two bonus density units (SBMC §28.92.110);
2. Parking Modification to allow one covered space for each unit instead of the required one covered and one uncovered space for each unit (SBMC §28.92.110);
3. Fence/Wall Height Modification for fences and walls to exceed eight feet in height within the interior setback (SBMC §28.92.110);
4. Wall Height Modification for walls within ten feet of the front line to exceed 3 ½ feet in height (SBMC §28.92.110);
5. Front Setback Modification to allow a patio overhang to encroach 3½ feet into the ten foot front setback (SBMC §28.92.110);
6. Interior Setback Modification for the building to encroach one foot into the six foot interior setback (SBMC §28.92.110);

7. Rear Setback Modification for the building's second story to encroach 1¼ feet into the ten foot rear setback (SBMC §28.92.110); and
8. Tentative Subdivision Map for a one-lot subdivision to create four residential condominium units (SBMC Chapters 27.07 and 27.13).

RECOMMENDATION

With the requested approvals and recommended conditions, the proposed project conforms to the City's Zoning Ordinance regulations and General Plan policies. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, staff recommends that the Staff Hearing Officer approve the project, making the findings outlined below, and subject to the conditions of approval in Exhibit A in the attached staff report which the condition revisions indicated below.

REVISED CONDITIONS

Staff recommends revisions to the following two conditions from the versions found in Exhibit A. Changes are indicated with strikethrough and underline.

C. 6. San Pascual Street Public Improvements. The Owner shall submit building plans for construction of improvements along the property frontage on San Pascual Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 6.5-foot wide sidewalk and 5.5-foot wide parkway to match adjacent sidewalk and parkway; saw-cut and replace +/-6 feet of damaged curb & gutter where ~~damaged~~; crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20-feet beyond the limit of all trenching, underground service utilities; connection to City water and sewer mains; public drainage improvements with supporting drainage calculations curb drain outlets; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs per the 2006 MUTCD w/ CA supplements; storm drain stenciling; new street trees as determined by the City Parks Commission, and City Arborist; and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

C.7. W. Ortega Street Public Improvements. Construct Title 24 ADA ~~a City standard alley entrance at the intersection of W. Ortega Street at the alley known as Alley 500 block W. Ortega Street, and construct~~ one-way access ramps to transition across the alley known as Alley 500 block W. Ortega Street connecting existing sidewalks on both sides of the alley to Title 24 ADA standards.

FINDINGS

The Staff Hearing Officer finds the following:

1. **Lot Area Modification (SBMC §28.92.110)**

The requested lot area modification for increased density to allow three two-bedroom units and one one-bedroom unit 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 affordable to low-income households.

The intent of the City's Density Bonus Program is to provide incentives for development of housing affordable to very-low, low, senior and other qualifying households. As discussed above, the project is consistent with the Density Bonus Program and this modification is required to construct four affordable units of the sizes proposed.

2. **Parking Modification (SBMC §28.92.110)**

The requested parking modification to allow one covered automobile parking space per unit is not inconsistent with purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area.

As discussed above, automobile ownership will be limited to one automobile per household per Condition B.7.a. Further, bus service is available through MTD Line 17, which stops at the intersection of San Pascual and W. Ortega Streets. Additionally, a pedestrian and bicycle Highway 101 overcrossing extends downtown from W. Ortega Street on Wentworth Avenue. This modification is therefore not expected to increase demand for parking or loading space in the immediate area.

3. **Fence/Wall Height Modification (SBMC §28.92.110)**

The requested fence and wall modification in the southern interior setback is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

The proposed fence and wall in the southern interior setback exceed the required eight foot height limit, due to the topography of the adjacent lot and proposed project grading. The wall would retain the grade of the adjacent lot and the fence is necessary for safety and mandated by the building code. Therefore, this modification may be granted.

4. **Wall Height Modification (SBMC §28.92.110)**

The requested wall height modification in the front setback is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot and would prevent unreasonable hardship.

The proposed planters and retaining wall located within ten feet of the front lot line exceed the Zoning Ordinance height limit of 3.5 feet. The planters were incorporated into the design in response to ABR direction to soften appearance of the proposed retaining wall. Because the planters are spaced less than five feet apart horizontally, the height of the planters is measured from the grade of the adjacent sidewalk to the top of the tallest wall located within ten feet of the front yard setback. Further, no curb cuts are located adjacent to the planters or wall, so there is no concern of the planters or wall inhibiting sight distance for automobiles entering San Pascual St.

5. **Interior Setback Modification (SBMC §28.92.110)**

The requested interior setback modification for the garage and second story of the proposed building is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households.

The garage and second story of the proposed building would encroach one foot into the six foot southern interior setback. The Zoning Ordinance provides that certain garages on lots less than 55 feet in width may encroach into the interior setback up to three feet by the design review board reviewing the project allowing for garage ingress and egress. However, the provision does not apply to habitable area located above the garage. ABR stated that the subject setback modification would not result in a negative aesthetic impact. The interior setback modification may be granted because it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct a housing development affordable to low-income households.

6. **Front Setback Modification (SBMC §28.92.110)**

The requested front setback modification for the proposed patio overhang may be granted since it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

The proposed patio overhang encroaches into the ten foot front setback by 3.5 feet. The overhang was included in the project in response to ABR direction to provide a front entry on Unit 1 and additional detailing on the front façade. This modification may be granted since it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

7. **Rear Setback Modification (SBMC §28.92.110)**

The requested rear setback modification for the second story portion of the building may be granted since it is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

Both the ground floor and second story of the building are proposed to be 8¾ feet from the rear property line. The ground floor is thus 1¾ feet outside the minimum six foot setback but the proposed second story encroaches into the ten foot second story rear setback by 1¼ feet. The subject property and the property abutting the rear of the subject property have a recorded reciprocal easement affecting the area on either side of the rear property line. This easement effectively precludes residential development for a distance of 16¼ feet from the rear wall of the proposed structure, providing building relief for the neighbor at this location. This modification may therefore be granted because provides an appropriate improvement on the subject lot.

8. Tentative Subdivision Map (SBMC §27.07.100)

As conditioned and with all other approvals, the Tentative Subdivision Map complies with all requirements and conditions imposed by the Subdivision Map Act and the City's Municipal Code. As discussed in Section VI.B of the staff report, the proposed map is consistent with the City's General Plan. The site is physically suitable for the type and density of the proposed development. The design of the project and type of development is not likely to cause substantial environmental damage, substantially and unavoidably injure fish or wildlife in their habitat, or cause serious public health problems. The design of the development would not conflict with public easements for access through or use of the property.

9. New Condominium Development (SBMC §27.13.080)

There is compliance with the provisions of Municipal Code Chapter 27.13 (Residential Condominium Development).

With the proposed modifications, the project complies with all provisions of the City's Condominium Ordinance including the Physical Standards for Condominiums contained in SBMC §27.13.060. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space. The proposed conditions are consistent with the requirements contained in SBMC §27.13.050.

The proposed development is consistent with the General Plan of the City of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Land Use, Housing, and Noise Elements as discussed in Section VI.B of the staff report. The project will provide infill residential development that is compatible with the surrounding neighborhood.

The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

Staff Hearing Officer Memorandum
618 San Pascual Street (MST2008-00059)
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The project is an infill residential project proposed in an area where multiple-family residential development is a permitted use. As discussed above, the project, as conditioned, is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's Architectural Board of Review, which indicated that the architecture and site design were appropriate for the neighborhood.

Exhibit:

Staff Hearing Officer Staff Report dated February 17, 2009

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

618 SAN PASCUAL ST R-3 Zone
Assessor's Parcel Number: 037-102-023
Application Number: MST2008-00059
Owner: Habitat For Humanity
Architect: Peikert Group Architects

(Proposal to construct four two-story attached residential condominium units on an existing 6,250 square foot vacant lot in the R-3 Zone. The proposed units will be offered to low and very low income residents. The proposal includes 1 one-bedroom unit and 3 two-bedroom units to range in size from 737 square feet to 1,120 square feet. Proposed parking will be provided by four one-car garages. The proposal also includes 1,211 square feet of common open space and 634 square feet of private outdoor living space. Total on-site proposed development would be 4,691 square feet on a 6,250 square foot lot. The project requires review by the Staff Hearing officer for a Tentative Subdivision Map and requested modifications.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND REVIEW BY THE STAFF HEARING OFFICER FOR A TENTATIVE SUBDIVISION MAP AND MODIFICATIONS.)

(Time: 3:35)

Present: Peikert Detlev and Lisa Plowman, Peikert Architects; Joyce McCullaugh, Executive Director, and Christine Garvey, Habitate for Humanity.

Public comment opened at 4:04 p.m.

A letter in opposition from Paula Westbury was acknowledged.

Public comment closed at 4:05 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and return to the Full Board with the following comments:

- 1) The Board finds: a) the street front massing is appropriate; b) the site diagram and planning are well handled; c) the front wall trellis as shown and described as "nitch with bench and trellis" is appropriate.
- 2) There is concern with the amount of grading and retaining walls, particularly in relation to the neighbor at the north property line. Mitigate with landscaping, and reduced grading.
- 3) Property line plaster walls should be finished on both sides, particularly adjacent to the neighboring properties.
- 4) The Board understands the existing 24 inch wide pittosporum trees may be in poor health.
- 5) The front walls abutting the sidewalk should be stone to match the neighbor.
- 6) The right front retaining wall as faced from the street appears out of character. The Board prefers the alternative offered by the applicant to either step the grading and/or step the planters.
- 7) Provide a more integrated entry at the stairs to Unit 4, which is located above the garages. Provide additional landscaping and an entry stoop.
- 8) Overall the size, bulk, and scale are appropriate to the site. The Board is reticent to comment on the reduction in parking and the requested bonus density as they may be out of the Board's jurisdiction.
- 9) The 5 foot side yard setback requested for the Unit 4 garage at the rear of the site does not pose a negative aesthetic impact.
- 10) Vine pockets on the driveway north side wall/retaining wall portion acceptable.
- 11) Provide a front entry from the street for Unit 1, to be more compatible with the neighborhood.
- 12) Provide additional detailing of the front facade, including window boxes and other features to provide animation.

Action: Blakeley/Manson-Hing, 6/0/1. Motion carried. (Zink abstained. Mudge absent.)