



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 002-19 1502 CHAPALA STREET MODIFICATIONS JANUARY 10, 2019

APPLICATION OF ALEX PUJO, ARCHITECT FOR JASON LOCICERO, TRUSTEE FOR LOCICERO LIVING TRUST 6 28-95, 1502 CHAPALA STREET, APN 027-231-017, C-G ZONE (COMMERCIAL GENERAL), GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/ACRE) (MST2018-00454)

The project consists of legalization of four “as-built” converted commercial tenant spaces to residential tenant spaces, “as-built” interior remodels to accomplish the changes of use, and proposed landscape changes, including the addition of bicycle parking.

The 11,250 square foot C-G zoned lot is currently permitted to include eight residential units totaling 3,644 net square feet, seven commercial units totaling 2,291 net square feet, and a 480 square foot commercial accessory structure.

The “as-built” configuration includes twelve residential units and four commercial tenant spaces. The project proposes to use the City’s Density Bonus Program to legalize the “as-built” residential units, which exceed the density allowances on the project site. In exchange, the project would restrict tenancy of four of the residential units to low-income tenants, which is defined as not to exceed a household income of 80% of Area Median Income adjusted for household size and bedroom count.

The discretionary applications required for this project are:

- A. A Lot Area Modification to allow for twelve residential units on the site rather than the three allowed under base density, or the six allowed under the Average Unit-Size Density Incentive Program, in conjunction with the City’s Density Bonus Program (SBMC §30.25.030, SBMC §30.145.030, and SBMC Chapter 30.250); and
- B. A Parking Modification to maintain nonconforming parking and not provide the additional four required residential on-site parking spaces for the four converted residential units (SBMC §30.150.090.F and SBMC Chapter 30.250); and
- C. An Open Yard Modification to provide less than 15% of the lot area as common open yard and no private open yard for the four proposed residential units (SBMC 30.140.140.2 and SBMC Chapter 30.250).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, January 3 2019
2. Site Plans
3. Correspondence received in opposition to, or with concerns of, the project:
 - a. Paulina Conn, Santa Barbara CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

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

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183 based on city staff analysis and the CEQA certificate of determination on file for this project.

B. LOT AREA MODIFICATION (SBMC §30.250.060.F)

The Lot Area Modification is necessary to construct a housing development containing affordable residential units rented in the manner provided for in the City's Affordable Housing Policies and Procedures, using the City's Density Bonus Program. The 11,250 square foot lot is nonconforming to residential density, as it is legally developed with eight residential units. Under current standards, base density would only allow for three units on this lot and Average Unit-Size Density Program would allow six units. Per the General Plan designation of 27 dwelling units per acre, 6 units are appropriate for the site (7 units if rounded up per State Density Bonus Law). The State's Density Bonus Program would allow for a 35% bonus (10 units), requiring that two units be deed-restricted. With the proposed conversion of commercial floor area to four residential units, a total of 12 residential units would be provided on the site. Four of these 12 units will be deed-restricted to low-income households. The four units include three studios and one 1-bedroom unit, and will be consistent with the City's Affordable Housing Policies and Procedures.

With approval of the other requested modifications, the project is consistent with the general purposes of the zoning ordinance and with the specific purposes of the C-G zone, most notably to allow both commercial and residential uses and utilize the City's Density Bonus Program to encourage additional density on the site.

C. PARKING MODIFICATION (SBMC §30.250.060.B)

The Parking Modification is appropriate given that the project site exemplifies unusual or unique circumstances in regards to site constraints to provide parking on-site. The permitted uses on the project site include eight residential units, seven commercial units, and a commercial accessory structure, all enclosed within three buildings. Four on-site parking spaces are provided and the lot is essentially built out. The proposed project includes incorporation of four deed-restricted residential units. Supplying parking on-site without demolishing portions of the existing structures, most likely including residential units and leading to tenant eviction, is not feasible. Finally, General Plan policies encourage affordable housing and flexible development standards, including a reduction in parking.

D. OPEN YARD MODIFICATION (SBMC §30.250.060.F)

With approval of the other requested modifications, the project is consistent with the general purposes of the zoning ordinance, specifically the intent of open yard requirements to provide a sense of openness on and around developments, and with the specific purposes of the C-G zone.

The Open Yard Modification is necessary to secure an appropriate improvement on the lot (conversion of commercial space to residential units and creation of affordable housing) and prevent unreasonable hardship due to the physical characteristics of the existing development. The proposed project's only exterior alterations are to improve landscaping around the site, and along W. Micheltorena and Chapala Streets, for the benefit of on-site commercial and residential tenants, as well as City pedestrians. No conforming private open yard exists for the permitted eight residential units. Providing additional common and private open yard (for the proposed units) is not feasible without demolition of structures or removing the existing nonconforming parking. Waiving the on-site Open Yard requirement will not impede residents' access to outdoor living opportunities. The location of the project site, one block from State Street near the Downtown area, will allow residents to access public open spaces and entertainment opportunities within walking distance, such as Alice Keck Park Memorial Gardens, and within affordable public transportation routes, such as the State Street Shuttle and several bus routes offered by the Santa Barbara Metropolitan Transit District around Santa Barbara and to adjacent Goleta.

II. Said approval is subject to the following conditions:

- A. Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Record any required documents (see Recorded Conditions Agreement section).
 3. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 10, 2019 is limited to the legalization of four "as-built" converted commercial tenant spaces to residential tenant spaces, "as-built" interior remodels to accomplish the changes of use, and proposed landscape changes, including the addition of bicycle parking, and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 3. **Rental Housing Restrictions.** For four of the dwelling units (30 W. Micheltorena Street, 36 W. Micheltorena Street, 1502-C Chapala Street, 1502-E Chapala Street), the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to eighty percent (80%) of Area Median Income (AMI).
 - a. The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.

Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above.
 4. **Residential Permit Parking Program.** Current residents with active city-issued residential parking permits or guest permits shall be allowed to use their parking permits until they either (1) vacate the unit or (2) City-issued neighborhood parking passes expire, whichever comes first. Moving forward, each unit shall be allowed one residential parking permit, with the exception of Unit 1502-G (upstairs two-bedroom unit), which may have up to two residential parking permits; guest parking permits shall not be issued or allowed for any unit.
 5. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- C. Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
- D. Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Community Development Department.**
 - a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

- b. **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:

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

- (1) For four (4) of the units, the target income percentage shall be eighty percent (80%).
- (2) The covenant shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.

- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site or in the right-of-way, as applicable.

- d. **Street Tree(s).** Obtain necessary permits for installation of street tree(s).

- e. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

		Date
Property Owner		
	Date	License No.
Contractor		
	Date	License No.
Architect		
	Date	License No.
Engineer		

- E. **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, including demolition and grading.

1. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
2. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. 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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Street Tree(s).** Install approved street tree(s).

3. **Rental Affordability Provisions Approval.** Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the recorded affordability covenant as approved by the City Attorney, (b) the process for selecting the initial residents of the affordable rental units, (c) the eligibility of the initial residents, and (d) the form of the rental agreement used. For projects with senior occupancy requirements or restrictions on the number of motor vehicles per resident, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the recorded implementing document, which assures compliance with the senior housing restriction and/or the restrictions on the number of motor vehicles owned, used, possessed or stored by residents.

G. General Conditions.

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - d. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - e. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - f. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Modifications shall terminate three (3) years from the date of the approval, per Santa Barbara Municipal Code §30.205.120, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 10th day of January, 2019 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Krystal M. Vaughn, Senior Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

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