



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 046-06

1017 E. HALEY STREET

MODIFICATION

AUGUST 2, 2006

APPLICATION OF VADIM HSU, ARCHITECT, FOR ROBERT BARTLEIN & PRISCILLA JACOBS, PROPERTY OWNERS, 1017 EAST HALEY STREET, 031-242-020 , R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2006-00116)

The project consists of a proposal to demolish two houses and a detached garage, and construct three new apartments units on a 9,056 square foot parcel. The three units consist of a two-story duplex that is approximately 1,580 square feet (two bedrooms each) and a single-family unit that is approximately 1,026 square feet (three-bedrooms). The proposal also includes two, two-car carports and two uncovered parking spaces.

The discretionary application required for this project is a lot area Modification to allow the development of an additional affordable two-bedroom unit (SBMC §28.92.026.A) beyond what the zoning allows.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

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 of or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 2, 2006.
2. Site Plans

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

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

Approved the project, with revised findings, “...consistent with the purpose and intent of the Zoning Ordinance,” and additional Conditions of Approval, A2. “The owner shall comply with the landscape plan approved by the ABR including tree replacement,” and adding new Condition 4 - *The applicant shall comply with the spirit and intent of the proposed draft tenant displacement assistance ordinance presented and acted upon by the Council Ordinance Committee on August 15, 2006, including notification, monetary assistance and/or equivalent relocation assistance or an adopted Ordinance if in effect at time of building permissions.*” The Modification is necessary to construct a housing development which is affordable to low-income households, will provide an affordable rental opportunity for a member of our community, and is consistent with the purpose and intent of the Zoning Ordinance.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoying of the Real Property, shall be executed by the Owner in a written instrument, 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
 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 tree replacement
 3. **Rental Housing Restrictions.** The two-bedroom dwelling unit that fronts on Haley Street (designated as Unit A on the plans) shall be subject to the City's affordable rental and occupancy restrictions (Affordable Unit). 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 seventy percent (70%) of Area Median Income (AMI). [Currently the AMI is \$65,800 and the maximum rent for a two bedroom unit targeted to 70% of AMI is \$940 per month if the tenant pays all utilities].

The Affordable Unit shall be occupied only by an eligible low income household in conformance with the City's adopted AHP&P. The rental rates and tenant selection process for the Affordable Unit shall be controlled by means of a recorded City-approved 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. [Currently the maximum income for a two-person household to qualify as low income is \$42,100 per year]. For one of the dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low income units targeted to sixty percent (60%) of Area Median Income (AMI).

4. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 2, 2006 is limited to 3 dwelling units and the improvements shown on the Development Plan signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 5. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Public Works Submittal Prior to Issuance of Permits.** 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 issuance of permits for the project:
1. **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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 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.
- C. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Recorded Affordability Covenant.** Submit to the Staff Hearing officer 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:
 2. **Rental Housing Restrictions.** The two-bedroom dwelling unit that fronts on Haley Street (designated as Unit A on the plans) shall be subject to the City's affordable rental and occupancy restrictions (Affordable Unit). 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 seventy percent (70%) of Area Median Income (AMI). [Currently the AMI is \$65,800 and the maximum rent for a two bedroom unit targeted to 70% of AMI is \$940 per month if the tenant pays all utilities].
- The Affordable Unit shall be occupied only by an eligible low income household in conformance with the City's adopted AHP&P. The rental rates and tenant selection process for the Affordable Unit shall be controlled by means of a recorded City-approved 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. [Currently the maximum income for a two-person household to qualify as low income is \$42,100 per year].

3. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
4. Applicant shall comply with the spirit and intent of the proposed draft Tenant Displacement Assistance Ordinance presented and acted upon by the Council Ordinance Committee on August 15, 2006, including notification, monetary assistance and/or equivalent relocation assistant, or if an adopted ordinance is in effect at time of Building Permit issuance.
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.

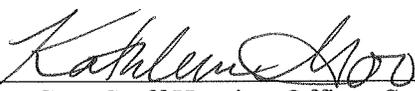
Signed:

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

- D. **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, etc.) subject to the review and approval of the Public Works Department. 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 improvement/building plans, including utility undergrounding and installation of street trees.

This motion was passed and adopted on the 2 day of August, 2006 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.



Kathleen Goo, 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 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.
3. Subsequent to the outcome of any appeal action you next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
4. **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.

5. NOTICE OF APPROVAL TIME LIMITS:

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

1. A Building Permit for the use authorized by the approval is issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community Development Director, if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. 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.
3. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.