



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

*REVISED***

RESOLUTION NO. 076-13

227 E. ARRELLAGA ST AND 1626 SANTA BARBARA STREET
MODIFICATIONS AND LOT LINE ADJUSTMENT
NOVEMBER 27, 2013

APPLICATION OF RON GIBBONS, AGENT FOR UNITY CHURCH OF SANTA BARBARA, 227 E. ARRELLAGA STREET AND 1626 SANTA BARBARA STREET, APNs 027-192-023 AND -024, R-3 LIMITED MULTIPLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (15-27 UNITS/AC), (MST2013-00347)

The project consists of a lot line adjustment between two lots identified as 1626 Santa Barbara Street and 227 E. Arrellaga Street. The proposal would transfer 21,799 square feet from 1626 Santa Barbara Street (Unity House lot) to 227 E. Arrellaga Street (Unity Church lot), thereby creating lots of 20,902 and 60,070 square feet, respectively. No construction or changes to the existing use of the site are proposed.

The discretionary applications required for this project are:

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

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

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

1. Staff Report with Attachments, November 20, 2013.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA.

- I. NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the subject application making the following findings and determinations:
- A.** The Interior Setback Modifications (SBMC §28.92.110) are consistent with the purposes and intent of the Zoning Ordinance and are necessary to prevent an unreasonable hardship. The proposed setback modifications are appropriate because the proposal maintains the existing pattern of development for the lots, does not include any new construction or improvements within the setback areas, and the use of the lots would not change.
 - B.** The parcels resulting from the Lot Line Adjustment (SBMC Ch. 27.40) conform to the General Plan and the zoning and building ordinances, as identified in Section VI of the staff report. The conditions of approval imposed on the project are necessary to ensure continued conformance with the General Plan and zoning and building ordinances, should changes be proposed in the future.
- I.** Said approval is subject to the following Conditions of Approval:
- A. Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 - 1. Submit an application for lot line adjustment with Public Works.
 - 2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of lot line adjustment application.
 - 3. Record any required documents (see Recorded Conditions Agreement section).Details on implementation of these steps are provided throughout the Conditions of Approval.
 - B. Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 - 1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on November 27, 2013 is limited to a lot line adjustment between two lots in order to create a 20,902 square foot lot developed with Unity House and a 60,070 square foot lot developed with the Unity Church and associated parking lots as shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. No change of use is proposed or approved by this action.
 - 2. ****Use Limitations.** Due to potential parking, setback and building code compliance issues, uses other than the current Unity Church and Unity House are not permitted without further Staff or Planning Commission / Staff Hearing Officer review and approval. Prior to initiating a change of use on either lot, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.

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

legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.

D. Community Development Department Requirements.

1. **Recordation of Agreements.** Subsequent to recordation of the lot line adjustment, the Owner shall provide evidence of recordation of *the written instrument* identified in Section B “Recorded Conditions Agreement” to the Community Development Department.
2. **Evidence of Parking and Access Agreement Recordation.** Subsequent to recordation of the lot line adjustment, the Owner shall provide evidence that the Parking and Access Agreement required in Section B “Recorded Conditions Agreement” has been recorded.
3. **Evidence of Lot Tie Agreement Recordation.** Subsequent to recordation of the lot line adjustment, evidence shall be provided to the Community Development Director that the Lot Tie Agreement required in Section B “Recorded Conditions Agreement” has been recorded.

E. General Conditions.

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

This motion was passed and adopted on the 27th day of November, 2013 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 1/6/2014
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 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. **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 MODIFICATION APPROVAL TIME LIMITS:** The Staff Hearing Officer action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:
 - a. An extension is granted by the Community Development Director prior to the expiration of the approval; or
 - b. 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.
6. **NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:**

The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.
7. **NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

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