



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 018-17 813 E. CARRILLO STREET MODIFICATIONS MARCH 29, 2017

APPLICATION OF TONY TOMASELLO, APPLICANT FOR THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 813 EAST CARRILLO STREET, APN 029-251-016, R-3 MULTIPLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MST2015-00602)

Proposal for a residential project using the Average Unit Density Incentive Program (AUD). The proposed project includes the demolition of the existing 1,428 square foot two-story single-family residence and the construction of a two- and three-story 17-unit affordable housing project to serve the homeless veteran population. The project site is a 15,000 square foot lot in the R-3 zone with a General Plan Land Use Designation of Medium High Density Residential (15-27 du/acre). The project consists of 16 single-room occupancy (SRO) units within a 7,386 square foot two- and three-story building and one 950 square foot, two-story, two-bedroom manager's unit with a one-car carport. A total of seven parking spaces and seventeen bicycle parking spaces are proposed. The average unit size is 334 square feet and the proposed residential density is 49 dwelling units per acre, with a maximum allowed density of 27 dwelling units per acre.

The discretionary applications required for this project are:

1. A Lot Area Modification to allow 17 dwelling units (density of 49 dwelling units per acre) on a lot with a maximum allowed density of 9 dwelling units (density of 27 dwelling units per acre) (SBMC §28.20 and §28.92.110); and
2. An Interior Setback Modification to allow the proposed building to encroach into the required east interior setback (SBMC §28.21.060.B and §28.92.110); and
3. A Separation Between Buildings Modification to allow two main buildings to be closer than the minimum ten (10) feet to any other main building on the same lot per (SBMC §28.20.070.E); and
4. A Parking Modification to allow a reduction in required parking from 17 vehicle spaces to 7 vehicle spaces (SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183.

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 the application, and one person with concerns regarding the project appeared to speak thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 8, 2017
2. Staff Memorandum dated March 20, 2017
3. Site Plans

4. Correspondence received in support of the project:
 - a. Cheryl Mac Clellan-Long, Santa Barbara, CA.

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

- I. Approved the subject application making the following findings and determinations:
 - A. The project qualifies for an exemption from further environmental review under the California Environmental Quality Act Guidelines Section 15183, "Projects Consistent with a Community Plan or Zoning," based on the CEQA certificate of determination on file for this project.
 - B. The Lot Area Modification is consistent with the purposes and intent of the AUD Program in that the project provides small affordable rental units with an average size of 357 square feet versus the average 905 square feet allowable unit size and is necessary to construct a housing project affordable to low-income veterans (for at least 90 years), thereby providing a long-term affordable rental opportunity for members of our community.
 - C. The Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed encroachment is acceptable because the Housing Authority is executing eminent domain over the 3'-8" wide strip of vacant land adjacent to their property, which will create a new property line and subsequently the building will conform to the required six-foot interior setback.
 - D. The Distance Between Buildings modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to allow an appropriate improvement on the lot as it allows the new development to be located closer together which provides greater separation and space between the proposed project and the surrounding neighboring properties. In addition, the modification is necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures as defined in subsection (A) of Section 28.43.020 of the Ordinance.
 - E. The Parking Modification to reduce the parking required to be provided on the project site from 17 spaces to 7 spaces is consistent with the purposes and intent of the Zoning Ordinance. The project will serve veterans moving out of homelessness who are unlikely to have a car, the Housing Authority has the ability to consider car ownership as a factor in tenancy, the project site is close to bicycle lanes that connect to downtown and is within walking distance of neighborhood markets, the Eastside Neighborhood Clinic, and MTD bus stops. As discussed in Section VI.b of the Staff Report and with the Conditions of Approval, the modification is not expected to cause an increase in demand for parking or loading spaces in the immediate area, because the parking demand is anticipated to be met on site.
- II. Said approval is subject to the following conditions:
 - A. **Lot Merger Required.** Recordation of a lot merger with the adjacent three-foot strip of land to the east, or other appropriate and equivalent process, as determined by the Public Works Department, Engineering Division, is required prior to issuance of a building permit for the new development.

- B. Annual Resident Survey.** If determined by the Community Development Director, the Housing Authority shall conduct an annual resident survey commencing six months after final Certificate of Occupancy. For example, if an AUD project was approved in November 2015, the first survey report will be due December 31, 2016. The survey report must include findings for each unit and must be submitted to the Planning Division by December 31st of each year for the first eight years of the project. The annual survey report for each unit shall include:
1. Net floor area.
 2. Number of bedrooms.
 3. Monthly rent (or condominium purchase price) and utilities.
 4. Periods of vacancy.
 5. Household size.
 6. Current employment location of each adult resident by zip code.
 7. Prior employment location of each adult resident by zip code.
 8. Prior residence zip code for each adult.
 9. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).
- C. Rental Housing Restrictions.** For 16 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 fifty percent (50%) of Area Median Income (AMI).
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.
- D. Vehicle Ownership.** The Housing Authority shall restrict tenant vehicle ownership so that number of tenant vehicles does not exceed the number of parking spaces provided by implementing a program that includes applicant screening, assignment of parking spaces, monitoring of DMV records, and on site observations.
- E. Car and Bicycle Ownership Annual Report.** The applicant shall provide Community Development Director and Transportation Planning and Parking Manager with an annual report on tenant vehicle and bicycle ownership for the next five years following issuance of the Certificate of Occupancy and the units occupied.

- F. Limitations on External Use of Community Room.** The community room shall not be rented by the general public for events, meetings, classes, parties or similar functions.
- G. Residential Permit Parking Program.** Tenants shall not participate in the Residential Permit Parking Program.
- H. Oak Tree Replacement.** The two existing oak trees indicated for removal on the site plan shall be replaced on-site with two new oak trees. One oak tree shall be of a minimum 36" box container size as indicated on landscape plan; the second replacement oak tree shall be of a minimum 15 gallon container size.
- I. 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.

This motion was passed and adopted on the 29th day of March, 2017 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.

Julie Rodriguez, Planning Commission 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.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.