

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION GRANTING APPROVAL OF A 90-UNIT AFFORDABLE HOUSING DEVELOPMENT AT 251 S. HOPE AVENUE, PURSUANT TO COUNCIL'S DIRECTION OF MAY 3, 2016

WHEREAS, the Housing Authority of the City of Santa Barbara, owner of 251 S. Hope Avenue, applied for approval of a new, four-story affordable housing development for very-low and low income senior residents, under the City's Average Unit-Size Density Incentive Program and the City's Density Bonus Program with a proposed density of 51 dwelling units per acre, on a vacant 1.76 acre lot adjacent to Arroyo Burro Creek. The project includes 89 studio apartments, one-bedroom manager's unit, kitchen, dining facilities, storage, and common areas (lobby/reception area, conference room, offices, gift shop, salon, and gym) (MST2014-00142);

WHEREAS, on February 18, 2016, the Planning Commission made a recommendation to City Council for an amendment to the Rancho Arroyo Specific Plan to allow Community Benefit Housing and Recreation/Open Space as the uses in Area A-2 (SBMC §28.08.010); and a recommendation to City Council for a Zone Change for the Rancho Arroyo Specific Plan Area A-2 from E-3/PD/SP-4/SD-2 (One-Family Residence, Planned Development, Rancho Arroyo Specific Plan and Upper State Street Area Overlay) Zones to R-3/SP-4/SD-2 (Limited Multiple-Family Residence Zone, Rancho Arroyo Specific Plan and Upper State Street Area Overlay) Zones (SBMC Chapters 28.10 and 28.92);

WHEREAS, on February 18, 2016, the Planning Commission approved the project, making the findings for the Interior Setback Modification to allow uncovered parking to encroach into the required interior setback (based on AUD requirements for R-3) (SBMC §28.92.110), the Lot Area Modification to allow 90 residential units instead of 47 residential units on the subject property (SBMC §28.92.110), the Parking Modification to allow 34 vehicle and 5 bicycle parking spaces instead of the required 90 vehicle and 90 bicycle parking spaces required for AUD projects (SBMC §28.92.110), and the California Environmental Quality Act (CEQA) Exemption (CEQA Guidelines Section 15183), as outlined in the Staff Report, dated February 11, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report, with the following revisions to the Conditions of Approval: 1) Remove C.6. Senior Housing Restrictions and C.7. Required Redesign if Senior Housing Not Used; 2) Revise D.1. Creekside Native Habitat

Enhancement Plan to read: A Creekside Native Habitat Enhancement Plan, including a Creek Restoration Maintenance and Monitoring Program (CMMP), shall be subject to the approval of the Creeks Division; and 3) Revise E.2.b. Conservation Easement to read: The applicant shall dedicate and record a permanent conservation easement, in a form acceptable to the City Attorney, for the benefit of the City of Santa Barbara. The conservation easement shall be generally 60 to 80 feet wide measured easterly from the western property line (as depicted on Exhibit K to the Planning Commission Staff Report), in order to allow for future restoration of Arroyo Burro Creek. All proposed improvements in the conservation easement shown on the proposed site, depicted on Exhibit K, shall be allowed to remain at the time any future restoration project is constructed. The conservation easement shall be shown on plans submitted for building permit, and dedicated before issuance of the first project building permit;

WHEREAS, on February 18, 2016, the Planning Commission approved the project, making the finding for the Front Setback Modification to allow the building to encroach into the required front setback (based on AUD requirements for R-3) (SBMC §28.92.110), as outlined in the Staff Report, dated February 11, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report as revised;

WHEREAS, on February 25, 2016, the Santa Barbara Urban Creeks Council appealed the Planning Commission approval, asserting that the restoration of Arroyo Burro Creek, included in the City's General Plan as a priority project, would not be feasible without a 50-foot setback from the theoretical top of bank;

WHEREAS, on May 2, 2016, the City Council conducted a duly noticed site visit during which it reviewed the locations of the proposed building, theoretical top of bank and creek setback;

WHEREAS, on May 3, 2016, the City Council conducted a duly noticed public hearing on the appeal. The proposal presented to the City Council on appeal was the project approved by the Planning Commission on February 18, 2016, with an offer by the Housing Authority of Santa Barbara to dedicate additional land to the Conservation Easement. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues and a PowerPoint presentation on the appeal issues, both of which are incorporated by reference into this Resolution (along with the entire record of proceedings).

2. A PowerPoint presentation by the Santa Barbara Urban Creeks Council detailing the grounds of the appeal, which are part of the record in this case and were fully considered by the City Council in making its decision on this appeal.

3. A PowerPoint presentation by RRM Design Group, architect for the project, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.

4. Public comment from June Pujo of the Planning Commission detailing the Commission's perspective on the project.

5. Public comment from members of the public both in support of the project and in opposition to the project;

WHEREAS, after consideration of all the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council Members, the City Council voted unanimously to approve item B (Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning of Assessor's Parcel Number 051-240-008) and item C (Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Amendment to Specific Plan No. 4 (Rancho Arroyo), for Specific Plan Area A-2, Assessor's Parcel Number 051-240-008, Subject to Environmental Findings and Findings of Consistency with the General Plan) from the staff recommendation with the modification that the resolution not to take effect for 30 days from date of approval; and

WHEREAS, after consideration of all the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council Members, the City Council voted 5-2 (Council Members Murillo, White dissenting) to approve item A (Deny the appeal of Santa Barbara Urban Creeks Council of the application of RRM Design Group, architect for the Housing Authority of the City of Santa Barbara, and uphold the Planning Commission's approval of the project and Zoning Modifications, with the proposed revised condition), item D (Determine that the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183, Projects Consistent with the General Plan), and item E (Direct Staff to return to Council with Decision and Findings reflecting the outcome of the appeal) from the staff recommendation and to include the following: 1) a change in project design to provide a 50-foot creek setback from the theoretical top of the creek bank to the parking area; 2) re-design of the parking area to eliminate those parking spaces that intrude into the 50-foot creek setback area; and 3) add new Condition of Approval C.12 to require the applicant to construct and maintain the public trail.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the Planning Commission and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the May 3, 2016 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

A. Modifications. The Council makes the following findings pursuant to the Santa Barbara Municipal Code sections 28.92.110 and 28.87.400:

1. The Lot Area Modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on a lot and is necessary to construct a housing development containing affordable dwelling units rented and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures because the project, which will provide vitally needed affordable housing, could not otherwise be constructed.
2. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, as the purpose of the encroachment is to move the proposed development closer to the street in order to provide a greater creek setback along Arroyo Burro Creek, thereby promoting the creek protection policies of the City's General Plan.
3. The Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, as the one-foot encroachment is balanced with sufficient landscaping to provide a buffer from adjacent commercial development.

4. The Parking Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area because the reasonably projected parking demand will be met onsite with 34 vehicle parking spaces and 5 bicycle parking spaces.

B. California Environmental Quality Act Determination. The Council finds that the project qualifies for an exemption from further environmental review under the California Environmental Quality Act (Public Resources Code 21082.3 and CEQA Guidelines Section 15183). The City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

SECTION 4. The City Council grants approval to the proposed 90-unit apartment affordable housing development as depicted on the set of architectural plans dated January 18, 2016 and presented to the City Council on May 3, 2016 with the following changes: 1) a change in project design to provide a 50-foot creek setback from the theoretical top of the creek bank to the parking area; 2) re-design of the parking area to eliminate those parking spaces that intrude into the 50-foot creek setback area; and 3) add new Condition of Approval C.12 to require the applicant to construct and maintain the public trail. This approval shall be subject to all conditions of approval proposed by the Planning Commission and staff, as modified and amplified by this Resolution.