



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: December 9, 2010
AGENDA DATE: December 16, 2010
PROJECT ADDRESS: 1032 E. Mason St. (MST2009-00332)
 Second Baptist Church Senior Apartments
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DGC*

I. PROJECT DESCRIPTION

The project includes a new two-story, six-unit affordable senior apartment building in the existing Second Baptist Church parking lot. Each new unit would have one-bedroom and 540 square feet of floor area. The lot is currently developed with a 2,265 square foot church and an existing two-story 2,319 square foot residential duplex. The project includes converting the 1,599 square foot ground floor duplex unit to church use. The existing 720 square foot second floor care taker's unit would remain. The seven resulting rental dwelling units would be price restricted for low-income seniors. The project would result in 3,864 square feet of non-residential use and 3,960 square feet of residential use on the 24,872 square foot lot. Twenty-two (22) automobile parking spaces and four bicycle spaces would be provided. A State Density Bonus of one additional unit and associated concessions and incentives were requested to allow a six-unit building in the R-2 Zone, outdoor living space consistent with the R-3/R-4 Zone requirements, and parking in the front setback.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Parking Modification to allow a reduction in the required parking (SBMC §28.92.110);
2. Front Setback Modification to allow encroachment of bicycle parking in the front setback (SBMC §28.92.110);
3. Conditional Use Permit to allow church use in the R-2 Zone (SBMC §28.94.030); and
4. Development Plan for the conversion of 1,599 sf of residential space to non-residential use (SBMC §28.87.300).

III. RECOMMENDATION

With the approval of the two requested Modifications, the proposed project conforms to State Density Bonus Law, General Plan policies, and Zoning Ordinance regulations. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section XI of this report, subject to the conditions of approval in Exhibit A.

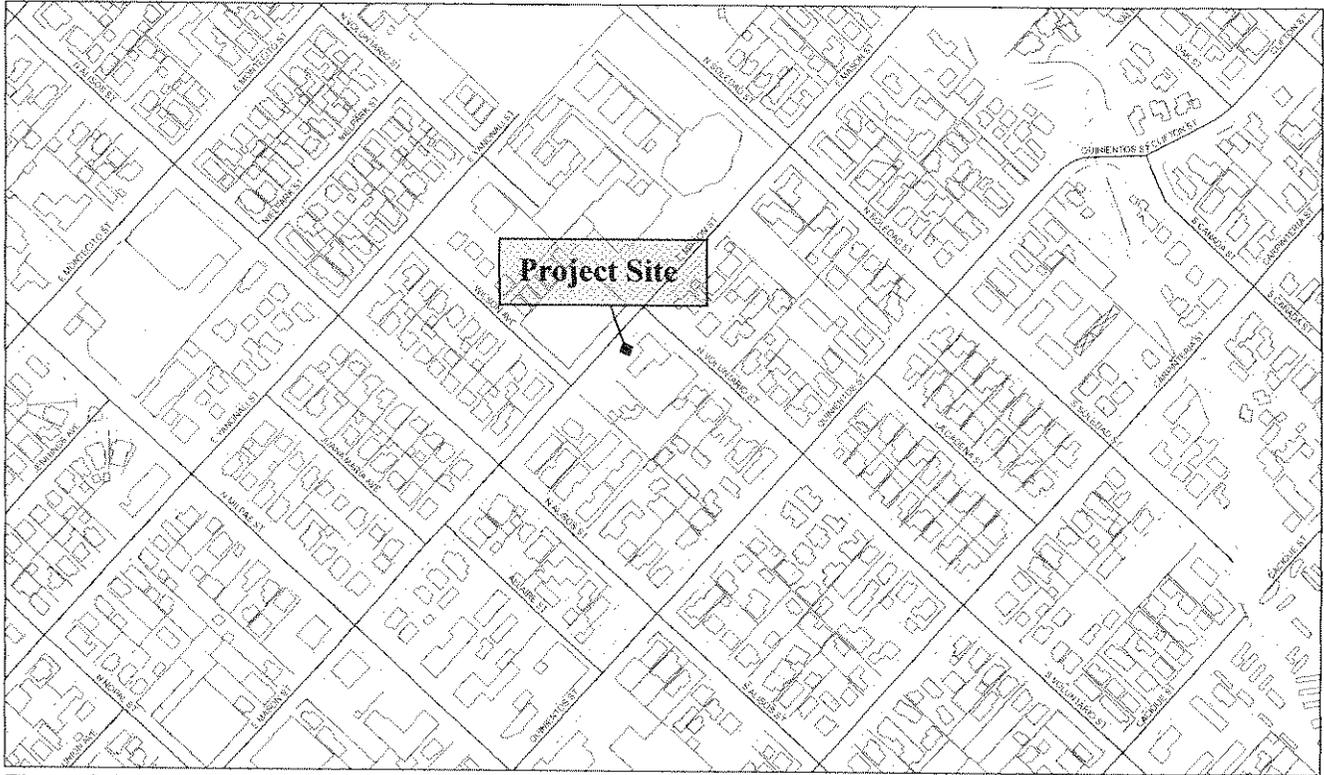


Figure 1: Project Vicinity

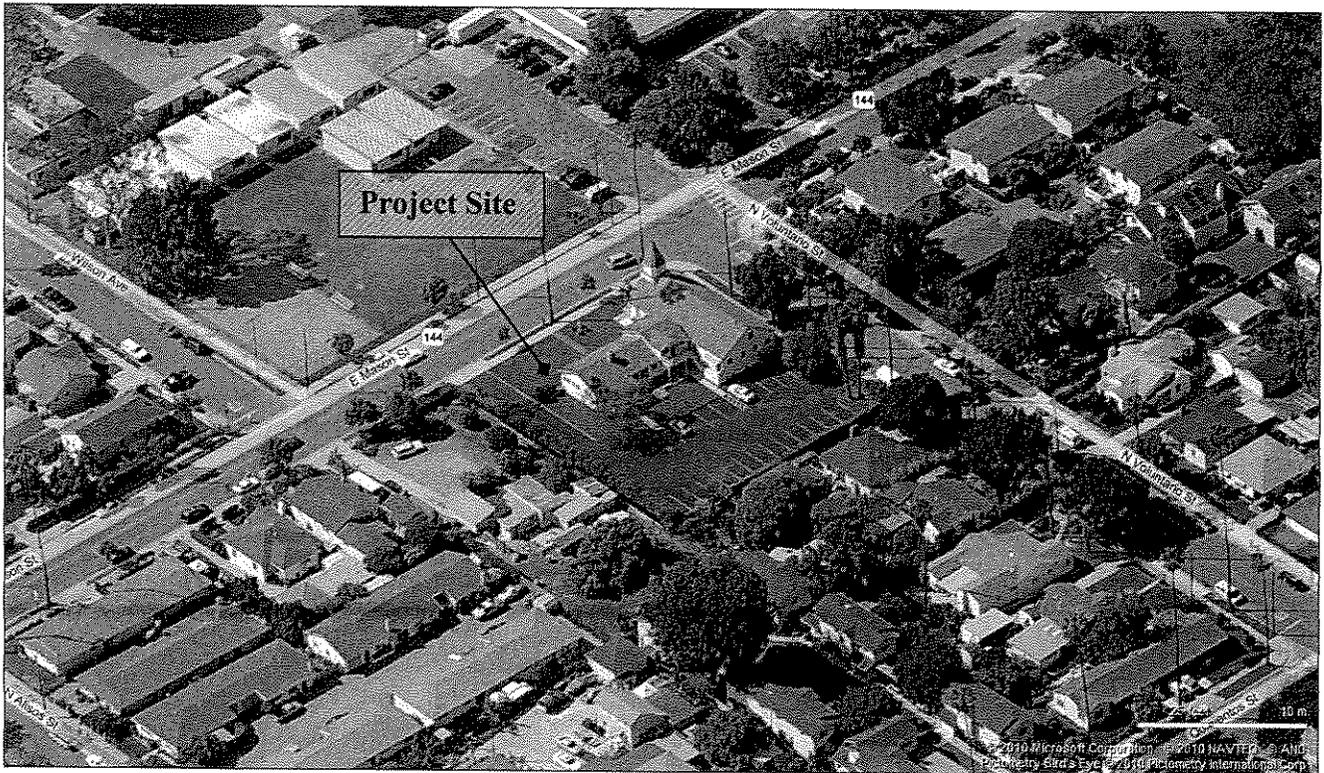


Figure 2: Aerial Photograph

IV. CITY REVIEW HISTORY

A. PARCEL HISTORY

The City has no record of construction of the original residence on the property. The oldest permit in the City file is a building permit from 1927 for an addition and reorientation of the residence. In 1952, City Council approved the use of the ground floor of the existing duplex building as a church (the portion referred to as the Fellowship Hall). In 1956 City Council approved the sanctuary building. The sanctuary included 232 seats and a parking lot with 23 parking spaces served the site (the parking requirement at the time was one space per ten seats). With the approval of the new sanctuary building, the use of the ground floor of the duplex building reverted to residential use. The duplex ground floor has since been used for church purposes again as a "fellowship hall." The conversion of the residential unit back to church use was completed without the benefit of permits at some unknown time. The seat count for the sanctuary was also reduced to 84 seats from the 232 seats that were permitted (as shown on Sheet A-3), while 23 parking spaces continue to be provided.

B. PROJECT APPLICATION

The initial proposal submitted in September 2009 was for an eight-unit low-income garden apartment building and no changes to the church buildings. Staff expressed concerns with the initial proposal due to a lack of parking and an inadequate amount of open space. The applicant revised the project in response to staff's direction.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

| | |
|---|---|
| Applicant: Lisa Plowman, Peikert Group Architects, LLP | Property Owner: Second Baptist Church |
| Parcel Number: 017-133-005 | Lot Area: 24,872 sf |
| General Plan: Residential, 12 units per acre | Zoning: R-2 (Two-family Residence Zone) |
| Existing Use: Church and duplex | Topography: less than 2% avg. slope |
| Adjacent Development: North – 10 unit HASB duplex development East – Single family residence South – Single family residence West – Franklin School | |

B. PROJECT STATISTICS

| | Existing | Proposed |
|------------------------------|--------------------|--------------------|
| Non-residential | | |
| -sanctuary | 2,265 sf | 2,265 sf |
| -fellowship hall | 0 sf | 1,599 sf |
| Residential | 2,319 sf (2 units) | 3,960 sf (7 units) |
| Total Floor Area | 4,564 sf | 7,824 sf |
| Floor Area : Lot Area | 0.18 | 0.31 |

VI. STATE DENSITY BONUS LAW

State Density Bonus Law (Gov't Code Sections 65915-65918) requires that cities and counties grant up to a 35% density bonus and additional exceptions from normally applicable zoning and development standards depending on the amount and type of affordable housing provided.

Since more than 20% of the dwelling units are proposed as price-restricted, low-income units, a 35% density bonus is applicable. With the General Plan Land Use Designation of 12 units per acre, the maximum number of units on the site under the base zoning and general plan density is six. A 35% density bonus would allow for three additional units for a total of nine on the site. State Density Bonus Law allows an applicant to elect to have a lesser percentage of density bonus than an applicant is otherwise entitled to. In this case, the applicant is electing for one density bonus unit (17% density bonus).

In addition to density bonus units, State Density Bonus Law entitles an applicant up to three incentives or concessions for projects that include low income price restrictions for at least 35% of the total number of units. The applicant has specified the following three concessions pursuant to State Density Bonus Law:

- 1) to allow attached multifamily units within the R-2 Zone;
- 2) to allow a reduction in the R-2 Open Yard and Private Outdoor Living Space requirements, providing Outdoor Living Space consistent with the R-3 and R-4 Zones; and
- 3) to allow encroachment of two parking spaces five feet into the 15-foot front setback on Voluntario Street.

The City is required to grant requested concessions or incentives unless the City makes a written finding based on substantial evidence of any of the following (Gov't Code Subsection 65915(d):

- 1) the concession or incentive is not required in order to provide for affordable housing costs;
- 2) the concession or incentive would have a specific adverse impact upon public health or safety, the physical environment, or on any property that is listed on the California Register of Historic Resources; or
- 3) the concession or incentive would be contrary to state or federal law

Staff has found that the three requested concessions are consistent with State Density Bonus Law. Staff is not aware of any specific adverse impacts that would justify denying the requested concessions.

VII. ZONING ORDINANCE CONSISTENCY

| Standard | Requirement/Allowance | Existing | Proposed |
|-----------------------------|--|----------------|--|
| Front Setbacks | | | |
| -Residential Structures | 15 ft (ground floor) 20 ft (second floor) | 40 ft 40 ft | No change No change |
| -Non-residential Structures | 30 ft (ground floor) | 10 ft | No change to building 14 ft to bike parking |
| -Uncovered parking | 15 ft | 15 ft | 10 ft |

| | | | |
|--|--|---|---|
| Interior Setbacks | | | |
| -Residential Structures | 6 ft | 39 ft | 6 ft |
| -Non-residential Structures | 12 ft | 77 ft | 39 ft to building 12 ft to bike parking* |
| -Uncovered parking | 3 ft | 5 ft | 4 ft |
| Density | 3,500 sf/unit | 12,436 sf/unit | 3,553 sf/unit |
| Building Height | 30 ft | 24 ft (church) | 22 ft (apts) |
| Parking | | | |
| -Church | 21 spaces (1 space/4 seats) | 23 total spaces provided 25 spaces required per current code | 18 spaces |
| -Duplex | 0 spaces (2 spaces/unit) | | 4 spaces (7 units) |
| -low income senior apartments | 4 spaces (½ space/unit) | | TOTAL : 22 spaces* |
| | TOTAL : 25 spaces | | |
| Bicycle Parking | 3 (1 space per 7 required church spaces) | None | 4 |
| Non-residential Building Coverage | Max 25% of lot area | 9% | 17% |
| R-2 Outdoor Living Space | | | |
| Open Yard | 1,250 sf | >1,250 sf | ~815 sf |
| Private Outdoor Living Space | 120 sf / unit (for 4+ 1-bedroom units) | n/a | 120 sf / new unit |
| R-3 Outdoor Living Space | | | |
| Private Outdoor Living Space | | | |
| -Ground Level | 120 sf | >120 sf | 120 sf |
| -2 nd Floor | 72 sf | 62 sf | 120 sf (for new units) |
| Open Space | 2,487 sf (10% of lot area) | > 2,487 sf | 2,536 sf (10.2% of lot area) |
| Common Open Area | 15x15 area | 15x15 area | 15x15 area |
| Lot Coverage | | | |
| -Building | N/A | 4,228 sf 17% | 6,964 sf 28% |
| -Paving/Driveway | N/A | 10,944 sf 44% | 11,939 sf 48% |
| -Landscaping | N/A | 9,700 sf 39% | 5,969 sf 24% |

*Modification requested

The proposed project complies with applicable Zoning Ordinance requirements, except for bicycle parking in the front setback, automobile parking, and the three concessions pursuant to State Density Bonus Law.

R-2 Zone Uses

The Zoning Ordinance describes the R-2 Zone as a restricted residential district of medium density in which the principal use of the land is for two family dwellings, together with recreational, religious, and educational facilities required to serve the community. The R-2 regulations are designed and intended to establish, maintain and prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment. Church use is allowed in the R-2 Zone through issuance of a Conditional Use Permit.

For lots greater than 7,000 square feet, the R-2 Zone allows one residential unit per 3,500 square feet of lot area, for up to seven units on the site with single-family or duplex dwelling units. The applicant requested a concession from the City consistent with State Density Bonus Law for a six-unit apartment building. Although the number of units provided in the building exceeds the number of units typically allowed in the zone, note that the size of the building at 3,240 square feet is not significantly greater in size than the typical two family dwelling due to the modestly sized 540 square foot units.

Outdoor Living Space

While the project does not meet the R-2 open yard requirement, it does provide outdoor living space consistent with the R-3/R-4 requirements as a concession pursuant to State Density Bonus Law. Since the residential development is similar to development provided in the R-3 and R-4 Zones, staff believes that the outdoor living space would be adequate as proposed.

Front Setback Encroachment

The applicant also requested a State Density Bonus Law concession to allow two parking spaces to encroach five feet into the 15 foot Voluntario Street parking setback. The two spaces line up with the wall of the sanctuary building, which encroaches 20 feet into the 30 foot non-residential building setback. A 16 inch pepper tree and 30 inch palm tree are proposed for removal to accommodate the two parking spaces. The Parks and Recreation Commission approved removal of these front setback trees contingent upon approval of the project by the Planning Commission.

Accessibility Improvements

The Zoning Ordinance allows for setback encroachments necessary to make accessibility improvements to existing buildings. Staff considers the ramps and accessible paths of travel to the sanctuary and fellowship hall reasonably necessary to accommodate the existing buildings, therefore no modification is required for the front setback encroachment of the ramps and terrace provided for access.

Automobile Parking Modification

The existing parking supply is 23 spaces for the church use and two apartments. The Zoning Ordinance parking requirements for the project are half a space per unit for the low income senior apartments (7 units, 4 parking spaces) and one space per four seats for the church use (84 seats, 21 parking spaces). The total parking required is 25 spaces.

The parking demand study (attached as Exhibit D) states that the peak parking demand for the entire project according to the Institute of Parking Engineers (ITE) rates is 17 spaces, while the Sunday peak parking demand for the project based on a survey of the church parking is 19 spaces.

Since the proposed parking supply of 22 spaces would accommodate the parking demand on site, the provided parking would be consistent with the purposes and intent of the Zoning Ordinance and the project would not cause an increase in demand for parking in the immediate area.

Front Setback Modification- bicycle parking

The bike racks provided adjacent to the Mason Street driveway entrance encroach into the 30-foot front setback (the nearest rack is approximately 22 feet from the front property line). Three bicycle spaces are required and four are provided. Staff's position is that the front setback modification for the two bike racks is minor due to the size of the structures. In addition, the location of the bicycle parking is easily identifiable, allows for ready access to the church buildings, and provides for maximum usable open space areas on the site. The ABR stated that there would be no negative aesthetic impact from this modification with appropriate landscaping. The recommended conditions include a requirement for the Single Family Design Board to review the landscape plan for appropriate plantings for screening the bicycle parking. The modification is therefore consistent with the purposes and intent of the Zoning Ordinance and necessary for the project, which is an appropriate improvement.

VIII. DESIGN REVIEW

The Architectural Board of Review (ABR) reviewed this project twice, February 8 and August 9, 2010 (meeting minutes are attached as Exhibit E). At the second concept review, the ABR stated that the project provides an appropriate amount of open space and that the project's size, mass, bulk and scale were appropriate for the neighborhood. However, ABR asked the applicant to study reducing the overall second story mass, in particular the roof elements over the second floor outdoor spaces and the pilasters adjacent to the stairs, prior to returning for project design approval. The ABR stated that with a quality landscaping plan, there would be no negative aesthetic impact from the modifications.

IX. GENERAL PLAN CONSISTENCY

Findings of project consistency with the City's General Plan Land Use Designation and applicable General Plan policies are required for approval of the Conditional Use Permit for the church use and for the project to qualify for a categorical exemption for infill development pursuant to the CEQA Guidelines. A discussion of project General Plan consistency follows.

Land Use Element

The General Plan's Land Use Element includes a narrative for each of the City's neighborhoods. The project site is located in the Eastside neighborhood, which is bounded on the north by Canon Perdido Street; on the south by Highway 101; on the east by the base of the Riviera; and on the west by the commercial strip along the east side of Milpas St. The Eastside is described in the Land Use Element as an area of modest homes with a scattering of duplex and apartment development. The proposed apartment building is consistent with the Land Use Element's neighborhood description.

The Land Use Element classifies churches as Institutional and Public Facilities (along with hospitals, schools, and parks) and states that Institutional and Public Facilities are found in all parts of the City.

The General Plan's Land Use Map provides land use designations throughout the City. The Land Use Designation for the subject property is Residential, 12 units per acre, which allows for up to six units on the site. However, the applicable density is the density required by State Density Bonus Law, which is seven units.

Housing Element

The Housing Element encourages development of neighborhood-compatible rental projects for low-income seniors. Specific goals, policies, and implementation strategies in the Housing Element related to the location and provision of such affordable housing include the following:

Goal 1: Ensure a full range of housing opportunities for all persons regardless of economic group, race, religion, sex, marital status, sexual orientation, ancestry, national origin or color. The City will base the enforcement of equal opportunity on provisions of State and Federal constitutions and fair housing laws, with emphasis on the protection of the housing rights of families with children. The City shall place special emphasis on providing housing opportunities for low income, moderate income and special needs households.

Policy 1.5: Seek to ensure the availability of a range of housing opportunities with an emphasis on low- and moderate-income seniors.

Implementation Strategy 1.5.1 Encourage the development of a full range of senior living situations, available at market and affordable rates.

Implementation Strategy 1.5.2 Continue to promote and assist in the acquisition and rehabilitation of existing dwelling units for use as affordable senior housing.

Goal 4: Through the public and private sector, assist in the production of new housing opportunities which vary sufficiently in type and affordability to meet the needs of all economic and social groups, with special emphasis on housing that meets the needs of very low, low, and moderate income and special needs households.

Policy 4.1: Pursue all opportunities to construct new housing units that are affordable to low- and moderate-income owners and renters.

Implementation Strategy 4.1.9 Encourage the construction of rental housing at affordable rental rates.

Policy 4.5: Promote the development of housing for seniors and the disabled.

The proposed private sector project would convert one existing unit into a price-restricted unit and provide a total of seven rental units targeted to low-income senior households consistent with this General Plan direction.

Implementation Strategy 4.1.10 Support the development of infill residential projects in the City.

Policy 4.3: Given limited remaining land resources, the City shall concentrate efforts to develop housing on vacant infill sites and redevelopment of opportunity sites in commercial and residential zones with priority for commercial and mixed-use development.

The proposed project is located in an urbanized area and provides infill mixed-use redevelopment with housing and church uses consistent with this General Plan direction.

Goal 3: Protect existing neighborhood character while encouraging compatible infill development.

Policy 3.3: New development in or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.

At the second concept review, ABR stated that the size, bulk and scale of the project were appropriate to the site. Staff concurs with ABR that current project, with some changes to the elevations of the apartment building in response to ABRs direction, would be compatible with the prevailing character of the neighborhood and thus consistent with this General Plan direction.

X. ENVIRONMENTAL REVIEW

The Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) identify types of projects that are generally exempt from CEQA review. The City Environmental Analyst determined that this project qualifies for a categorical exemption pursuant CEQA Guidelines Section 15332, which provides for infill development projects in urbanized areas that meet the following conditions:

1. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

As discussed in Sections VII and IX above, with modifications for parking and bicycle racks in the front setback and a Conditional Use Permit for the church use, the project is consistent with applicable General Plan policies, the R-2 Zone designation, and applicable zoning regulations. The State Density Bonus Law (Government Code sections 65915.k and 65915.j)) states that the granting of density bonus units and concessions as provided in the State Density Bonus Law shall not be construed as requiring a general plan amendment or a zoning change. Therefore, the City is treating the bonus density unit and requested concessions as occurring within the scope of the site's zoning and general plan designations.

2. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The project site is within the City's incorporated area, is less than five acres in size and surrounded on all sides by urban uses.

3. **The project site has no value as habitat for endangered, rare or threatened species.**

The project site is fully developed with urban uses and holds no value as habitat for endangered, rare or threatened species

4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

Traffic. Based on the Institute of Transportation Engineers (ITE) trip generation rates for church and senior adult housing, the five net new units combined with 1,796 gross square feet of new church use would result in approximately two new PM and two new AM peak hour trips. Based on the minimal peak hour trip generation, as well as, the project location, any traffic impacts as a result of the project would be less than significant.

Noise. According to the 2010 Master Environmental Assessment noise map, the project site is subject to noise levels of less than 60 dB, which is below the City noise level standards for residential development. No significant new noise sources are proposed by the development that would affect neighboring parcels.

Therefore, the project is not expected to result in any significant effects relating to noise exposure.

Air Quality. For environmental review purposes, the City of Santa Barbara uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts. Based on the APCD's Land Use Screening Table, a project of five net new apartments and 1,599 square feet of net church addition would not be expected to result in significant air quality impacts, since the project is much smaller than those identified in the screening table.

The project would involve grading, paving and landscaping activities, which could result in short term less than significant dust-related impacts; however, the applicant would be required to incorporate standard dust control mitigation measures during grading and construction activities. These measures are included as conditions of approval and would further reduce less than significant air quality impacts.

Water Quality. The project is not expected to have any significant adverse effects on water quality. The proposed conditions of approval include standard conditions regarding construction best management practices related to water quality. The project also includes a post-construction stormwater management system to collect, retain, and treat surface and roof runoff consistent with the requirements of the City's adopted Storm Water Management Program.

5. **The site can be adequately served by all required utilities and public services.**

All utilities are existing and available at the site. The proposed project would result in a less than significant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment.

XI. FINDINGS

The Planning Commission finds the following:

A. PARKING MODIFICATION (SBMC 28.92.110.A.1)

The modification to provide 22 automobile parking spaces rather than the 25 required under the Zoning Ordinance is consistent with the purposes and intent of the Zoning Ordinance to provide sufficient parking for the uses on the project site. As discussed in Section VII of the Staff Report, the parking modification will not cause an increase in the demand for parking space in the immediate area, because the project's parking demand will be met on-site.

B. MASON STREET FRONT SETBACK MODIFICATION (SBMC 28.92.110.A.2)

As discussed in Section VII of the Staff Report, modification of front setback on Mason Street to provide structures associated with bicycle parking within the 30-foot non-residential setback is minor due to the size of the structures and would result in no

aesthetic impact. In addition, the location of the bicycle parking is appropriate since it is accessible and identifiable and allowing for ready access to the church buildings and to maximize open space and use of hardscape and landscape areas. The modification is therefore consistent with the purposes and intent of the Zoning Ordinance to provide appropriate building and structural relief along the street frontage and the modification is necessary for the project, which is an appropriate improvement.

C. CONDITIONAL USE PERMIT (SBMC §28.94.020)

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The use of the property as a church is desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan as identified in Section IX of the Staff Report. The General Plan recognizes that churches are appropriate in all parts of the City.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The use of the property will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The expansion of the church and addition of residential units is appropriate at this location. The number of church users would not significantly change with the church addition, since no additional sanctuary seats are included. The residential density allowed by the addition of five net new units is allowed in the R-2 Zone.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The new building is sufficiently set back from E. Mason and Voluntario Streets and observes a six foot setback from the nearest interior property line consistent with the standards of the R-2 Zone. With 37% lot coverage for landscaping, walks and patios, the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

The parking configuration complies with the City's parking design standards.

As indicated in Section VII of the Staff Report, adequate access and off-street parking are provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The proposed structures, landscaping, and hardscape were conceptually reviewed by ABR and the found to be compatible with the character and appropriate with the neighborhood, as described in Section VIII of the Staff Report.

D. DEVELOPMENT PLAN APPROVAL (SBMC 28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

With the requested Conditional Use Permit and Modifications, the proposed development, including the conversion of the 1,599 square feet residential unit to non-residential use, complies with all applicable provisions of the Zoning Ordinance, as identified in Section VII of the Staff Report.

2. The proposed development is consistent with the principles of sound community planning.

As described in Section IX of the Staff Report, the project is an infill mixed-use project proposed in an area where residential development and church uses are appropriate. The project is adequately served by public streets, public transportation and utilities.

3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.

As described in Section VIII of the Staff Report, the design has been reviewed by the City's Architectural Board of Review, which found the architecture and site design appropriate and compatible with the neighborhood.

Final review of the project, including architectural details, outdoor lighting, and landscaping will be provided by the Architectural Board of Review.

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The proposed development will result in a beneficial impact to the City's affordable housing stock since the project adds seven 540 square feet dwelling units affordable to low-income households to the City's affordable housing stock and only 1,599 square feet of net new church use.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

As described in Section VI.C.5. of the Staff Report, adequate City services, including water, are currently available to the project site. Water resource impacts are not anticipated as a result of the construction of 5 additional rental units and a net increase of 1,599 square feet of non-residential floor area.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

The proposed development will not have a significant unmitigated adverse impact on the City's traffic, as discussed in Section X of the Staff Report.

7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

No traffic improvements are required due to less than significant traffic impacts resulting from the project as discussed in Section X of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant Letter dated December 6, 2010
- D. Parking Study prepared by ATE dated September 16, 2010
- E. ABR Minutes of February 8 and August 9, 2010

PLANNING COMMISSION CONDITIONS OF APPROVAL

1032 E MASON STREET
CONDITIONAL USE PERMIT & MODIFICATIONS
DECEMBER 16, 2010

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to screen the bicycle parking from E. Mason Street.
 2. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided to the new residential units from the Voluntario Street sidewalk using a differentiated paving to enhance pedestrian friendliness.
 3. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create an enhanced pedestrian environment, and provide access for all users.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute *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. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 16, 2010 is limited to a new two-story, six-unit affordable senior apartment building, each of the six new units would have one-bedroom and 540 square feet of floor area, the existing 2,265 square foot church and an existing two-story 2,319 square foot residential duplex building would remain; the project includes converting the 1,599 square foot ground floor duplex unit to church use; the seven resulting rental dwelling units (including the existing 720 square foot second floor care taker's unit) would be price restricted for low-income seniors; twenty-two (22) automobile parking spaces and four bicycle spaces would be provided. The development also includes the improvements shown on the plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. 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.
7. **Rental Housing Restrictions.** For all of the dwelling units, the rent shall 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). However, any unit that receives a "project-based" Section 8 voucher may be rented to a low-income household at rents allowed by and according to the requirements of the Section 8 program.
6. **Senior Housing Restrictions.** Occupation of the seven residential units on the Real Property shall be limited to elderly or senior persons sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
7. **Required Redesign if Senior Housing Not Used.** In the event that residential units on the Real Property are not or cannot be used solely for senior housing, the project shall return to the Planning Commission for further consideration as necessary and the following changes are required to achieve compliance with the City's parking requirements then in effect:
 - a. The structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced; and/or

- b. The seating capacity of the church shall be reduced
8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit 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 in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 2. **E. Mason Street and Voluntario Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on E. Mason and Voluntario Streets. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: saw-cut and replace all cracked and/or uplifted sidewalk, one 17-foot-wide driveway apron and one 16-foot-wide driveway apron modified to meet Title 24 requirements, saw-cut and replace all damaged existing curb & gutter, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, install new street trees and tree grates, size, species and placement per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 3. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements (Not a Subdivision)*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 4. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 5. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans shown on the building plans, a Public Works permit shall be issued concurrently with a Building permit.
 6. **Traffic Control Plan.** A traffic control plan shall be submitted to the Public Works counter prior to issuance of any permits, as specified in the CAMUTCD and

the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

D. Community Development Requirements with Building or Public Works Permit Application. The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:

1. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
3. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of all trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground in the required front setbacks.
4. **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:
 - a. **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 all seven residential units, the target income percentage shall be sixty percent (60%). However, any unit that receives a "project-based" Section 8 voucher may be rented to a low-income household

at rents allowed by and according to the requirements of the Section 8 program.

- (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.
 5. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.
 3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the

site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

5. **Conditions on Plans/Signatures.** The final Planning Commission 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., Archaeologist contract submitted to Community Development 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. |
|----------|------|-------------|

- F. **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.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

| | |
|-------------------------------|-----------------------------------|
| New Year's Day | January 1st* |
| Martin Luther King's Birthday | 3rd Monday in January |
| Presidents' Day | 3rd Monday in February |
| Cesar Chavez Day | March 31st* |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th* |
| Labor Day | 1st Monday in September |
| Thanksgiving Day | 4th Thursday in November |
| Following Thanksgiving Day | Friday following Thanksgiving Day |
| Christmas Day | December 25th* |

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of

48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

6. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
7. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.

9. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
10. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
11. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
12. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
13. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
14. **Unanticipated Archaeological Resources Contractor Notification.** 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant 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.

G. **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 directly adjacent to the subject property (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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 building plans, including utility service undergrounding and installation of street trees.
3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist when a backflow device, pool, spa or solar panels are installed, or a 3 or more story building is constructed.
4. **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 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.
5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These

commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

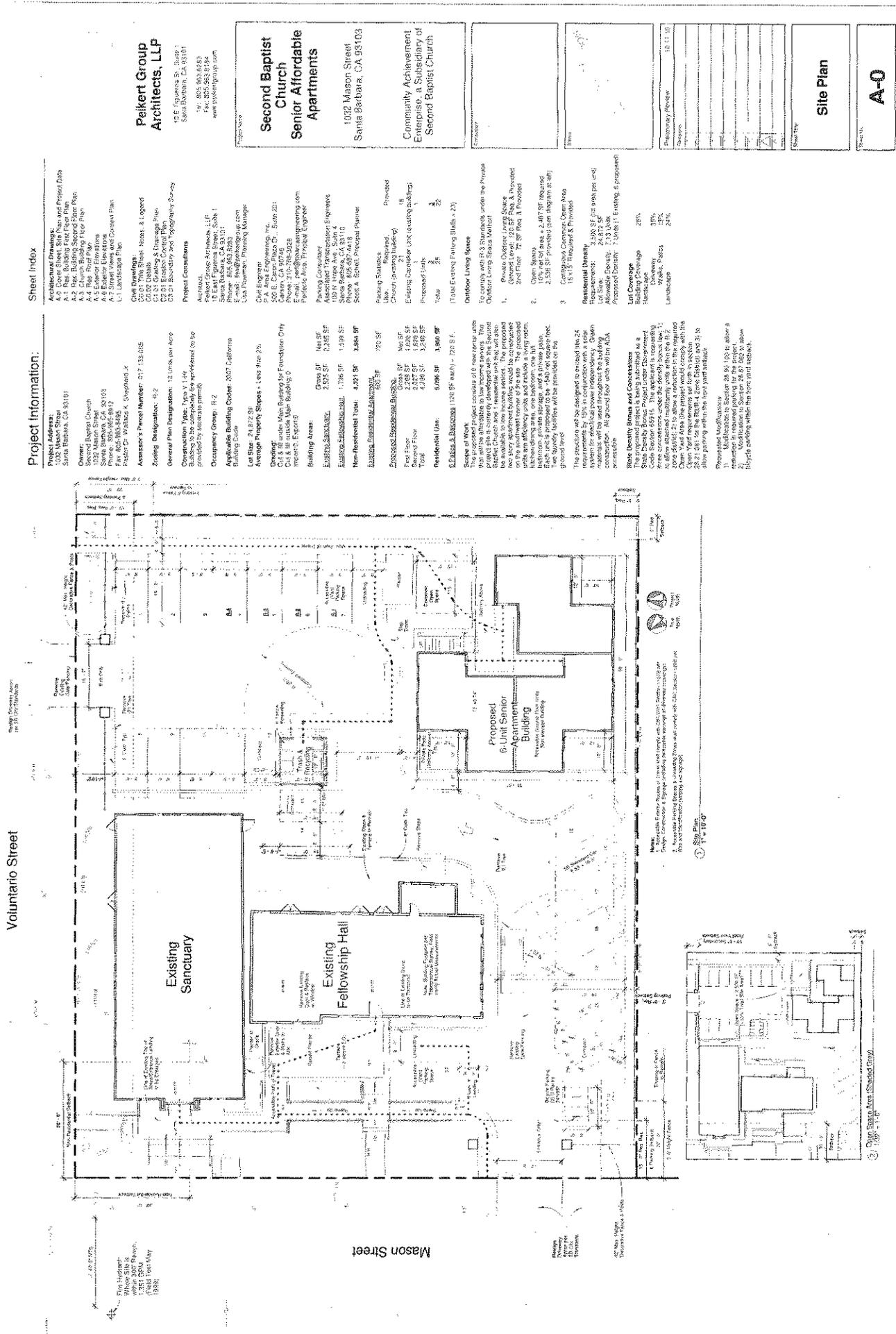
NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit and Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, 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 within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. 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.

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 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 application, unless otherwise specified by state or federal law.

EXHIBIT B



Project Information:

Project Address: 1022 Mason Street, Santa Barbara, CA 93101
Owner: Second Baptist Church, Santa Barbara, CA 93103
Phone: 805-965-8812
Address: 1022 Mason Street, Santa Barbara, CA 93101
Assessor's Parcel Number: 017-135-025
Zoning Designation: R-2
General Plan Designation: 12 Units per Acre
Construction Type: Type V (1-10) - Single-Family Detached, provided by separate permit.
Occupancy Group: R-2
Applicable Building Code: 2007 California Building Code (CBC)

Architect: Peikert Group Architects, LLP, 1022 Mason Street, Santa Barbara, CA 93101
Phone: 805-965-8812
Website: www.peikertgroup.com
City Engineer: P.A. Area Engineering, Inc., 500 E. Canon Plaza Dr., Suite 201, Santa Barbara, CA 93101
Phone: 805-965-8812
Email: peikertgroup@peikertgroup.com
Professional Engineer: Patrick Hoop, Principal Engineer, Peikert Group, 1022 Mason Street, Santa Barbara, CA 93101
Phone: 805-965-8812
Soil: S.A. Soils, Proposed Review

Building Area:
 Existing Sanctuary: 2,845 SF
 Existing Fellowship Hall: 4,000 SF
 Non-Residential Total: 6,845 SF
Proposed 6-Unit Senior Apartment Building:
 Gross SF: 2,200 SF
 Net SF: 1,800 SF
 First Floor: 2,200 SF
 Second Floor: 1,800 SF
 Total: 4,000 SF
Residential Use: 6,000 SF (120 SF each) = 50 Units
Site Area: 11,000 SF (Net) = 770 SF

Scope of Work:
 The proposed project consists of a new senior apartment building to be constructed on the site. The project also includes site improvements such as parking, landscaping, and utility adjustments. The project is currently under development with the Second Baptist Church and is intended to provide affordable housing for the senior population in the area. The proposed building will be a two-story structure with a total of 6 units. The building will include a common area, a private storage area, and a private patio. The building will be constructed in accordance with the 2007 California Building Code (CBC) and will be subject to the same requirements as a residential building. The building will be located on the east side of the site, adjacent to the existing Fellowship Hall. The building will be a two-story structure with a total of 6 units. The building will include a common area, a private storage area, and a private patio. The building will be constructed in accordance with the 2007 California Building Code (CBC) and will be subject to the same requirements as a residential building.

Site Density Bonus and Concessions:
 The proposed project is eligible for a density bonus under the CBC Section 15.09. The project is eligible for a density bonus because it is a residential project that is located in a residential zone and is subject to the same requirements as a residential building. The project is eligible for a density bonus because it is a residential project that is located in a residential zone and is subject to the same requirements as a residential building. The project is eligible for a density bonus because it is a residential project that is located in a residential zone and is subject to the same requirements as a residential building. The project is eligible for a density bonus because it is a residential project that is located in a residential zone and is subject to the same requirements as a residential building.

Proposed Modifications:
 1. Modification to Section 15.09.030 to allow a maximum height of 28 feet for a building with a maximum height of 28 feet.
 2. Modification to Section 15.09.030 to allow a maximum height of 28 feet for a building with a maximum height of 28 feet.
 3. Modification to Section 15.09.030 to allow a maximum height of 28 feet for a building with a maximum height of 28 feet.

Peikert Group Architects, LLP
 1022 Mason Street, Suite 101
 Santa Barbara, CA 93101
 Phone: 805-965-8812
 www.peikertgroup.com

Second Baptist Church Apartments
 1022 Mason Street
 Santa Barbara, CA 93103
 Community Achievement Enterprise, a Subsidiary of Second Baptist Church

Summary

| | |
|--|-------------|
| Use: | Residential |
| Required: | 18 |
| Church-sponsored: | 21 |
| Existing (Certificate Unit-saving building): | 18 |
| Proposed Units: | 50 |
| Total: | 24 |

Outdoor Living Space

1. Provide Outdoor Living Space: 1,000 SF
 2. Provide Outdoor Living Space: 1,000 SF
 3. Provide Outdoor Living Space: 1,000 SF

Residential Density

| | |
|--------------------|--------------------------------|
| Lot Area: | 11,000 SF |
| Lot Coverage: | 24.0% |
| Allowable Density: | 7.13 Units |
| Proposed Density: | 7 Units (18 Units, 6 proposed) |

Lot Coverage

| | |
|--------------------|-----|
| Building Coverage: | 28% |
| Driveway: | 13% |
| Walks, Paths: | 13% |
| Landscaping: | 24% |

Site Plan

A-0





PEIKERT GROUP ARCHITECTS, LLP

December 6, 2010

Honorable Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

**SUBJECT: 1032 E. Mason Street; Assessor Parcel Number 017-133-005;
MST2009-00332**

Dear Commissioners:

On behalf of the Second Baptist Church (SBC) and Community Achievement Enterprises (CAE), a subsidiary of the Church, Peikert Group Architects (PGA) is resubmitting the enclosed development application for 6 low income rental units located at 1032 E. Mason Street. The project site is planned and zoned for residential uses. The General Plan designation is Residential 12.3 units per acre and the zoning is R-2 Two-Family Residence.

The SBC/CAE is requesting discretionary approval by the Planning Commission for an affordable housing rental project. The proposed project is being submitted as a State Density Bonus Project under Government Code Section 65915. The Applicant is requesting three concessions under the density bonus law; 1) to allow attached multifamily units within the R-2 zone district, 2) to allow for a reduction in the required Open Yard Area, and 3) to allow parking within the front yard setback.

In addition, in the staff's incomplete letter it was indicated that SBC would need to apply for a Conditional Use Permit since at the time the Church was constructed a CUP was not required and uses within the existing building have been slightly modified. As such, the applicant is seeking a Conditional Use Permit for the existing Church. In addition, the SBC/CAE is seeking two modifications as part of the CUP; to allow reduced parking for the Church and to allow bicycle parking within the front yard setback.

I. Existing Setting

The site is 24,872 square feet and is currently developed with the Second Baptist Church. The Church includes a 2,525 square foot sanctuary, a 1,796 square foot fellowship hall, and a 800 square foot care taker's unit. The site currently provides 23 parking spaces.

There is limited existing vegetation on site including a nine Palm Trees, two pepper trees, lawn, and some non-native shrubs. The site is generally level.

The site is bounded by Mason Street and Franklin School to the north; Voluntario Street and multi-family apartments to the east; single family residences to the south; and single family residences to the west. Overall, the neighborhood is a mixture of residential (single and multi-family) and public institutional uses.

II. Project Description

The SBC/CAE is seeking to help provide affordable housing opportunities for local community members. SBC/CAE submitted a Project Based Section 8 application to the Housing Authority of the City of Santa Barbara and it is anticipated that this status will be awarded. Project Based Section 8 units are guaranteed Section 8 Assistance and tenants. The proposed project includes the construction of six low income one-bedroom apartments that will be available to seniors.

State Density Bonus & Concessions

As noted above, the proposed project is being submitted as a State Density Bonus Project under Government Code Section 65915. Under Government Code Section 65915 (d)(2)(C), when a project makes at least 30 percent of the total units available for lower income households, the project is entitled to three concessions that waive or modify required development standards. The proposed project easily meets this threshold as it will be 100% affordable to lower income households. The Applicant is requesting three concessions; 1) to allow attached multifamily units within the R-2 zone district, 2) to allow for a reduction in required open yard area, and 3) to allow parking to be provided in the front yard setback. The applicant is seeking a density bonus for one residential unit.

Site & Unit Design

The proposed two story apartment would be constructed on the in the southwest corner of the site. The proposed units are efficiency units and include a living room, kitchen/dining area, one-bedroom, one full bathroom, private storage, and a private patio. Each unit is proposed to be 540 net square feet. Two laundry facilities will be provided on the ground level.

The structure will be designed to exceed Title 24 requirements by 15% in conjunction with a solar system for electrical power independency. Green materials will be used throughout the building construction. All ground floor units will be ADA accessible.

The entrance to the site will be provided off Mason Street and the exit from the site is off Voluntario Street. The entrance driveway runs along the western property boundary which creates a buffer between the single family homes and Church. Bicycle parking for four bikes is provided near the entrance to the church off of Mason Street.

The proposed development totals 24,872 gross square feet. The total building coverage would be 6,590 square feet (28%), hardscaping would total 12,312 square feet (49%), and the proposed landscaping would total 5,970 square feet (24%). Please refer to the architectural plans for more information.

The proposed development complies with the standard setbacks set forth in the R-2 zone district. The residential units are setback over 100 feet from property line along Mason Street and over 70 feet from the property line along Voluntario Street. The proposed rear yard setback is 10 feet and the interior yard setback along the west is 6 feet. The maximum height of the two story structure is 21 feet, 9 inches which is well within the 30 foot height limit.

The project includes 22 parking spaces on-site. Four spaces would be provided for the existing unit and six new residential units and 18 spaces would be provided for the Church. The code requires the provision of 25 parking spaces based on number and size of the existing pews. A parking demand analysis has been prepared by Associated Transportation Engineers (ATE). The Study shows that the parking demand for the church based on ITE rates is 21 parking spaces. To confirm this demand, ATE conducted counts and found that the actual demand is 22 spaces. Therefore, the parking that is provided meets the demand.

Limited grading will occur on-site and will only be necessary to prepare the site for construction of the proposed units.

The civil engineer, P.A. Arca Engineering, prepared a Drainage Analysis/Hydrology Study for the site. The report concluded that the redevelopment of the site would result in an increase of storm water run-off during any storm event due to an increase in impervious surfaces. In order to address the treatment of the increased run-off (first inch within a 24 hour period), the project would include a bioswale and depression storage will allow for infiltration of the first inch of rainfall. Please see the attached Drainage Analysis/Hydrology Study for the detailed analysis (Attachment 3).

Open Yard Space & Landscaping

As noted above, the Church is seeking a concession to allow for a reduction in the required Open Yard Area. Rather than comply with the R-2 standards, the Church is proposing to comply with

the R-3/R-4 standards under the Private Outdoor Living Space method. The Code requires 120 square feet of private outdoor living space on the first floor and 72 square feet for second story units; 10% open space on the site; and an area of contiguous common area that is a minimum of 15x15. The project complies with these requirements.

The majority of the existing vegetation will remain on-site. Three trees that are within the front yard setback are proposed for removal. As such, an application to remove one pepper tree and two Mexican fan palms was submitted to and approved by the Parks and Recreation Commission. Please refer to the proposed Landscape Plan for information regarding the proposed plant palette.

Design Review

The proposed project was reviewed by the Architectural Review Board on February 8 and August 9, 2010. The project received favorable comments including that the architectural style is appropriate for the neighborhood, the general scale, massing and site planning are going in the right direction. The Board asked the architect to study the use of the two story columns and the opportunity for adding more windows in the living rooms of the units.

Cultural Resources

An Archaeological Letter Report, February 7, 2010, was prepared for the site by Stone Archaeological Consulting. The report found that the project did not have the potential to impact intact significant or important historic or prehistoric cultural remains as defined in the City Cultural Resources MEA. The letter report was reviewed and approved by the City's environmental analyst (Attachment 5).

IV. Conditional Use Permit & Development for the Existing Church

As previously discussed, the Church was established on-site prior to the existence of the requirements for a Conditional Use Permit. The church is therefore considered a non-conforming use. To remedy this situation the Planning Staff requested that the applicant apply for the required CUP as part of this application.

The Church currently has 67 members of the Parish, but can accommodate 85 parishioners based on pew size and number. It should be noted that the number of parishioners has remained at this level for the last 50 years. On most Sundays 25-45 people attend the service at 11 a.m. The Church holds evening services five times per year around the various holidays from 4 p.m. to 6 p.m. on Sundays. The Church also holds a bible study class every Wednesday at 3 p.m. and 7 p.m. The class size ranges between 5-10 people. Lastly, the Church sponsors a Woman's meeting on the first Saturday of every month from 11 a.m. to 12 p.m. Attendance at this meeting ranges from five to nine members.

The Church was constructed prior to the requirement for a conditional use permit (CUP) and prior to the existence of the R-2 zoning. As such, the existing structure does not meet the front yard setbacks. More specifically, the setbacks along Mason Street and Voluntario Street are required to be 30 feet because the use is non-residential. The Sanctuary is setback 20 feet from Mason Street and 10 feet from Voluntario Street. The portion of the structure that contains the Fellowship Hall and Caretaker's unit meets the required setback along Mason Street. Because the structure was constructed prior to the existing zoning standards the Church is considered a legal nonconforming structure.

The Church is also seeking the approval of a Development Plan and Measure E allocation. At the time the Church was approved and permits obtained the existing Fellowship Hall was a residence and has since been converted. The approval of a Development Plan would validate this conversion to a non-residential use. The Fellowship Hall is 1,796 square feet. The allocation can be granted under Small Additions, Section 28.87.300.B.14 the zoning ordinance.

Requested Modification

The SBC/CAE is requesting two modifications for this project. The first modification being sought by the applicant is to allow for a reduction in required parking for the Church. As noted above, the Church/CAE is proposing to provide four spaces for each senior residential unit and 18 spaces for the Church use. The code requires 25 parking spaces. A parking demand analysis has been prepared by Associated Transportation Engineers (ATE), which shows that the parking demand for the church is 22 spaces. Therefore, the supply would meet the demand.

The second modification being sought is to allow bicycle parking for the Church within the front yard setback along Mason Street. The Code requires a 30 foot non-residential setback and a 15 foot residential setback. Because the Church fronts Mason Street the 30 foot setback applies. The Church is proposing a 20 foot setback for the bicycle parking. The parking will be placed behind a decorative fence and landscaping.

V. Justification of Project

The justification for the project is that: (1) the site is located in a mixed single and multi family area, an ideal location for affordable apartments; (2) this type of project is the essence of infill development; and (3) the project will provide six critically needed low income living opportunities for local residents.

Honorable Planning Commission
December 6, 2010
Page 6 of 6

If you have any questions, please feel free to call me at your convenience.

Sincerely,



Lisa Plowman
Planning Manager

cc: Pastor Wallace Shepherd

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ASSOCIATED TRANSPORTATION ENGINEERS

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Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

September 16, 2010

10004L04.wpd

Pastor Wallace Shepherd
Second Baptist Church
P.O. Box 482
Santa Barbara, CA 93102

REVISED PARKING STUDY FOR THE SECOND BAPTIST CHURCH PROJECT- CITY OF SANTA BARBARA

Associated Transportation Engineers (ATE) has prepared the following revised parking study for the Second Baptist Church Project, proposed at 1032 East Mason Street in the City of Santa Barbara.

Project Description

The project site currently contains a church building with an attached apartment unit. The project is proposing to build six additional affordable senior apartment units on the church property. All of the apartments (existing and proposed) would be restricted to senior housing. No changes are proposed to the existing church building. A total of 22 parking spaces would be provided on site, with four spaces reserved for the affordable senior apartment units and 18 spaces available for the church. Figure 1 (attached) presents the project site plan.

City of Santa Barbara Zoning Ordinance Parking Requirements

The City's Zoning Ordinance parking requirements were calculated for the project as shown in Table 1.

Table 1
City of Santa Barbara Zoning Ordinance Parking Requirements

| Land-Use | Size | Parking Rate | Spaces Required |
|------------------------------|----------|-----------------|------------------|
| Affordable Senior Apartments | 7 Units | 0.5 Space/Unit | 4 Spaces |
| Church | 84 Seats | 1 Space/4 Seats | 21 Spaces |
| Total Spaces | | | 25 Spaces |

The data presented in Table 1 indicate that the Zoning Ordinance parking requirement for the project is 25 spaces. The proposed parking supply of 22 spaces would not meet the City's parking requirements (deficit of 3 spaces), thus a modification to the ordinance requirement will be needed.

Parking Demand Analysis - ITE Rates

The actual parking demand generated by the project may be different than the Zoning Ordinance parking requirements. In order to evaluate the adequacy of the proposed parking supply, parking demand estimates were developed for the project based on the rates contained in the Institute of Transportation Engineers (ITE) Parking Generation Report¹ for churches. The analysis assumes that four parking spaces would be reserved for the senior housing units, and that there would be no shared parking between the affordable senior apartment parking spaces and the church parking spaces. The analysis focuses on the Sunday peak demand period when the church use is highest.

Table 2 presents the Sunday parking demand estimates developed for the project based on the ITE parking demand rates.

¹ Parking Generation, Institute of Transportation Engineers, 3rd Edition 2003.

Table 2
ITE Peak Parking Demand - Sunday

| Land-Use | Size | Parking Rate | Parking Demand | Spaces Provided |
|----------------------------------|----------|-----------------|------------------|------------------|
| Affordable Senior Apartments (a) | 7 Units | 0.5 Space/Unit | 4 Spaces | 4 Spaces |
| Church | 84 seats | 0.16 Space/Seat | 13 Spaces | 18 Spaces |
| Total Spaces | | | 17 Spaces | 22 Spaces |

(a) Demand analysis assumes 4 assigned spaces pursuant to the City's Zoning Ordinance requirement.

The data presented in Table 2 indicate that the peak Sunday parking demand for the project is 17 spaces based on the ITE rates. The proposed parking supply of 22 spaces would accommodate the weekend parking demands on site and provide 5 reserve spaces.

Parking Demand Analysis - Field Surveys

ATE also conducted parking surveys at the existing site to determine the actual parking demands generated by the church during both weekday and weekend periods. For the weekday analysis, parking surveys were conducted on Wednesday afternoon when the bible study class is held between 3:30 - 7:00 P.M. This is the highest use of the church on weekdays. For Sundays, parking surveys were conducted during the church services which are held between 11 A.M. and 1:00 P.M.

Tables 3 and 4 present the weekday and Sunday parking demand estimates developed for the project based on the parking surveys conducted at the existing site.

Table 3
Peak Parking Demand Based on Surveys - Weekdays

| Land-Use | Size | Parking Rate | Parking Demand | Spaces Provided |
|------------------------------|---------|--------------------|-----------------|------------------|
| Affordable Senior Apartments | 7 Units | 0.5 Space/Unit (a) | 4 Spaces | 4 Spaces |
| Church | NA | NA (b) | 4 Spaces | 18 Spaces |
| Total Spaces | | | 8 Spaces | 22 Spaces |

(a) Demand analysis assumed 4 assigned spaces pursuant to the City's Zoning Ordinance requirement.

(b) Based on parking survey.

The data presented in Table 3 indicates that the peak weekday parking demand for the project is 8 spaces. The proposed parking supply of 22 spaces would accommodate the weekday demands on site.

Table 4
Peak Parking Demand Based on Surveys - Sunday

| Land-Use | Size | Parking Rate | Parking Demand | Spaces Provided |
|------------------------------|---------|--------------------|------------------|------------------|
| Affordable Senior Apartments | 7 Units | 0.5 Space/Unit (a) | 4 Spaces | 4 Spaces |
| Church | NA | 15 Vehicles (b) | 15 Spaces | 18 Spaces |
| Total Spaces | | | 19 Spaces | 22 Spaces |

(a) Demand analysis assumed 4 assigned spaces pursuant to the City's Zoning Ordinance requirement.

(b) Based on parking survey.

The data presented in Table 4 indicate that the peak Sunday parking demand for the project is 19 spaces. The proposed parking supply of 22 spaces would accommodate the demands on site and provide 3 reserve spaces.

This concludes our parking demand analysis for the Second Baptist Church Project.

Associated Transportation Engineers


Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/MMF

Attachments: Figure 1 - Project Site Plan

cc: Lisa Plowman

ARCHITECTURAL BOARD OF REVIEW MINUTES

February 2, 2010 (First Concept Review)

1032 E MASON ST

Assessor's Parcel Number: 017-133-005

Application Number: MST2009-00332

Owner: Second Baptist Church of Santa Barbara

Architect: Bill Spencer

(Proposal for a new two-story, six-unit, affordable residential complex on an existing 24,997 square foot lot. The proposed residential complex will be comprised of six, one-bedroom, 540 square foot units, totaling 3,240 square feet. Each unit will include 120 square feet of private outdoor living space. The lot is currently developed with a 2,265 square foot church and an existing two-story 2,319 square foot residential duplex. The proposal involves converting 1,599 square feet of the existing duplex to non-residential use for a fellowship hall and requires Measure E square footage. The remaining 720 square foot "care taker's unit" on the second floor is proposed to remain. A total of 21 parking spaces will be provided, including two accessible spaces. The proposed development will result in 3,864 square feet of non-residential use and a total of seven residential units, totaling 3,960 square feet. Planning Commission review and State Density Bonus concessions or incentives are required for a requested six-unit building in the R-2 Zone, parking modification, outdoor living space modification, interior setback modification, two front setback modifications, Development Plan Approval, and a Conditional Use Permit for a Church in the R-2 Zone.)

(Comments only; project requires Environmental Assessment, Compatibility Analysis, and Planning Commission review for five requested zoning modifications, Development Plan Approval, Bonus Density, and a Conditional Use Permit.)

(3:11)

Present: William Spencer/WKS Architects, Inc. and Detty Peikert/Peikert Group Architects, LLP; and Dan Gullett, Associate Planner.

Public comment opened at 3:23 p.m. As no one wished to speak, public comment was closed. An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to the Full Board with comments:

- 1) Provide photographs of the surrounding properties, specifically to the south and west. Include the adjacent parcels and building footprints on the site plan.
- 2) The Board expressed concerns regarding the modifications for open yard space and the front yard setback. The Board encourages the applicant to study ways to reduce the number of requested zoning modifications.
- 3) Study opportunities for adding additional windows to the living room; consider eliminating the plaster box out pattern.
- 4) Generally, the site plan is acceptable and the architecture is heading in an appropriate direction.
- 5) Two Board members requested the applicant study the use and appropriateness of the two-story column architectural features (pilasters) which could be exacerbating the mass of the project.

Action: Sherry/Rivera, 5/0/0. Motion carried. (Aurell/Gross/Gilliland absent).

