

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: 6/14/01
Department: Planning and Development
Budget Unit: 053
Agenda Date: 6/26/01
Placement: Departmental
Estimate Time: 5 hours
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TO: Board of Supervisors

FROM: Rita Bright
Secretary to the Planning Commission

STAFF CONTACT: Patricia Miller, Supervising Planner (x2054)
Steve Goggia, Planner (x2067)

SUBJECT: El Encanto Apartment Project, Planning and Development case numbers 99-GP-08, 99-RZ-10, 99-DP-045, 00-CP-107 and 01-GC-01

Recommendations :

Consider the Planning Commission's recommendation for project approval and:

1. Adopt the required findings for the project specified in Attachment A of the staff report dated February 14, 2001, including CEQA findings as amended at the Planning Commission hearings of March 28 and April 4, 2001; and
2. Approve the Final Negative Declaration 00-ND-38, and adopt the mitigation monitoring program contained in the conditions of approval as amended at the Planning Commission hearings of March 28 and April 4, 2001; and
3. Approve the General Plan Amendment 99-GP-008, to amend the Comprehensive Plan Land Use Element, Goleta Community Plan land use designation for the project site from Neighborhood Commercial to Residential 12.3 units per acre, with an Affordable Housing Overlay (AHO) of Residential 18 units per acre and adopt the Resolution included as Attachment C of the staff report dated February 14, 2001; and
4. Approve the Rezone 99-RZ-010, to change the zoning designation of the parcel from Shopping Center to Design Residential 12.3 units per acre, with an Affordable Housing

Overlay (AHO) of DR-16 and adopt the Ordinance included as Attachment D of the staff report dated February 14, 2001; and

5. Approve the Development Plan 99-DP-45, with modifications as presented in the staff report prepared for the February 28, 2001 Planning Commission hearing subject to the conditions included as Attachment E of the staff report dated February 14, 2001, as amended at the Planning Commission hearings of March 28 and April 4, 2001 and at this Board of Supervisors hearing of June 26, 2001; and
6. Approve the Minor Conditional Use Permit 00-CP-107, subject to the conditions included as Attachment F of the staff report dated February 14, 2001, as amended at the Planning Commission hearings of March 28 and April 4, 2001 and at this Board of Supervisors hearing of June 26, 2001; and
7. Adopt the Resolution of Intent to Vacate the County's fee simple absolute interest for the 4,016 square feet of Calle Real right-of-way, stretching across the project frontage (Attachment A to this Board Letter); and
8. Direct Public Works as to what method the surplus 4,016 square feet of road property owned in fee by the County should be transferred to Santa Barbara Community Housing Corporation upon adoption of a future Order to Vacate and set September 25, 2001 as the hearing date for this action (e.g. sell or conditional grant); and
9. Direct Public Works to schedule and complete full width improvements to Calle Real giving the project a priority such that construction would be completed by December 2002 or as soon thereafter as possible, if feasible.

The application involves AP No. 077-490-039, located on the north side of Calle Real, west of Glen Annie, approximately 150 feet east of Ellwood Station Road, addressed as 7388 Calle Real, Goleta area, Third Supervisorial District.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Implementation of the proposed project would result in the development of a 16-unit 100% affordable apartment project on a one-acre currently vacant parcel of land. The site is located in an urban neighborhood situated between a neighborhood shopping center and a 37-unit condominium development with a density of 8 units per acre.

Consistent with numerous Goleta Community Plan housing policies, this project represents an effort to meet the goal that the County strive to provide a jobs/housing balance. In addition, Planning

and Development, the office of the Treasurer –Tax Collector, and other County Departments have responded to the mandate to provide fast track processing, processing fee deferrals, and other incentives such as modified development standards to projects such as this which provide affordable housing consistent with the criteria with the County's Housing Element and the Affordable Housing Overlay (Program LUR-GV-1.1 and 1.2). However, the County has fallen short of the mandate to actively pursue the goal of providing 50% of the total new residential development in the Goleta Planning Area priced in the affordable range per the County's Housing Element (Policy LUR-GV-2).

There have been a number of opportunities for the neighbors and interested parties to review the proposal prior to this Board hearing including 3 Planning Commission hearings. Concerns raised at these meetings include the density of the project, alleged incompatibility with the single-family El Encanto Heights neighborhood, traffic safety, safety of the children residing in the apartments, project access, noise impacts, and water quality of the adjacent Ellwood Creek. All of these issues are addressed in the Proposed Final Mitigated Negative Declaration and within the Policy and Ordinance Compliance section of the staff report and follow-up memos prepared for the Planning Commission hearings (Attachments B, C, D and E).

In an effort to address these issues, the original three story, 18-unit project has been reduced to 16 units and two stories. The reduction in the number of units has made it possible to apply an AHO zoning designation of 16 units per acre. As the Comprehensive Plan does not have the 16 unit per acre designation, the AHO designation of 18 units per acre is proposed.

Comments were voiced by several area residents that the site should be considered for senior housing rather than for families (with children). Reasons cited include the concern for the safety of the children residing in the project and the fact that even with the play area located in the interior courtyard, there might simply not be enough room for many children of various ages to play.

The south coast housing crisis affects all segments of the community, however the greatest need is for low-income family style apartments. The El Encanto Apartments addresses this need. Housing for seniors is not a priority in the Board of Supervisor's adopted Consolidated Plan. Further, senior housing would not be allowed under the terms of the particular loan and regulatory agreement with the Santa Barbara Community Housing Corporation, which requires a family rental low income housing project with a 55 year affordability period. In addition the applicant has no funding source for senior housing, and would not pursue a senior project at this particular site.

The project was heard by the Planning Commission on February 28, March 28, and April 4, 2001. At the April 4th hearing, the Planning Commission made the Government Code Section 65402(a) determination that the vacation of approximately 28 feet of Calle Real right-of-way (4,016 square feet) stretching across the project frontage is in conformance with the County Comprehensive Plan. In order

to facilitate development of the project as proposed, your Board must adopt an Order to Vacate the County's fee simple absolute interest for the 4,016 square feet of Calle Real right-of-way.

Recommendation number 7 of this Agenda Letter requests that your Board adopt the Resolution of Intent to Vacate the Calle Real right-of-way (Attachment A), and set September 25, 2001 as the hearing date to adopt the Order to Vacate. Actual vacation of the roadway will not however occur until your Board adopts an Order to Vacate and that order is recorded.

Recommendation number 8 of this Agenda Letter requests that your Board direct Public Works staff as to what method the surplus 4,016 square feet of road property owned in fee by the County should be transferred to Santa Barbara Community Housing Corporation upon adoption of a future Order to Vacate. The three methods to be considered are: a) Donate the property; b) Sell the property at fair market value - currently appraised at \$49,115.68 (\$12.23 per square foot); or c) Sell the property at a price less than fair market value. The applicant has requested that Public Works donate the surplus property proposed to be vacated in order to make this project economically viable. It should also be noted that, as a matter of public record, Caltrans conveyed this portion of Calle Real right-of-way to the County without requiring any compensation under the Relinquishment of Highway Right of Way recorded on November 29, 1967. Staff recommends that if the property is to be donated or transferred for less than the full market value, the Order to Vacate be conditioned on the recordation of a covenant providing that if the property is used for a purpose other than affordable housing, the owner reimburse the County for the fair market value of the property prior to the issuance of land use approvals.

The following condition is proposed to be added to the project's conditions of approval on order to allow the project to be conditionally approved at this time:

Prior to approval of the Land Use Permit, the order to vacate approximately 28 feet of Calle Real right-of-way (4,016 square feet) stretching across the project frontage must be recorded, demonstrating that the project may be developed consistent with the approved Site Plan.

Included in the above recommendations to your Board, and in response to concerns raised regarding existing traffic issues along Calle Real, the Planning Commission requested that your Board direct Public Works to schedule and complete full width improvements to Calle Real, giving the project a priority such that construction would be completed by December 2002 or as soon thereafter as possible, if feasible. The specific issues raised prompting this request concern traffic safety along this section of Calle Real and area-wide congestion which occurs during the morning rush hour and in the afternoon when school gets out.

The request to vacate the 28 feet of road right-of-way across the front of the property has raised concerns that the County would be prohibited from constructing additional travel lanes in the future should they be needed. Public Works Transportation staff had responded with a plan proposing a center turn lane which could be developed at some time in the future given the remaining 60 foot right-of-way

width. Staff from the Public Works Transportation Division will be present at the Board hearing to expand on the issue.

The Planning Commission also recommended that your Board make the required findings and conditionally approve the 100% affordable housing project.

Mandates and Service Levels:

The proposed project comprises five companion discretionary cases, including four land use applications and one real property transaction. Pursuant to §35-292d. of the Article III Zoning Ordinance, jurisdiction over two or more applications relating to the same development project rests with the highest level decisionmaker for any of the individual applications. As the Rezone and General Plan Amendment applications fall under the jurisdiction of the Board of Supervisors pursuant §35-325.4.3 of Article III, the final decisionmaker on these permits is your Board.

Pursuant to Government Code Sections 65355 and 65090, a notice must be published in at least one newspaper of general circulation. Mailed notice required to property owners within 1,000 feet of the project, including the real property owners, project applicant, persons or agencies who have provided comments regarding the project and/or Negative Declaration, persons who had requested to be placed on the noticing list, and local agencies expected to provide essential services, shall be done at least ten days prior to the hearing (Government Code Section 65091).

Fiscal and Facilities Impacts:

Permit processing fees will be paid by the applicant at the time of building permit issuance. If the project does not move forward to the building permit phase, these fees will be paid out of the General Fund Affordable Housing Fee Deferral Program funds approved by your Board on March 27, 2001.

The fiscal impacts resulting from the conveyance of the Calle Real surplus right-of-way are as follows: a) If the County donates the road property, there are no perceived impacts due to the fact that the County originally received this road property without payment of compensation; b) If the County sells the road property, the County Road Fund will receive proceeds in the amount of the sales price of the surplus road property.

There are no facilities impacts resulting from the conveyance of this surplus road property.

Special Instructions:

The Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press **at least 10 days prior to the hearing** and shall complete the mailed notice for the project (mailing labels are attached).

The Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Hearing Support Section, Attn: Cintia Mendoza.

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

Concurrence:

County Counsel
Treasurer-Tax Collector Housing Finance & Development
General Services Property Management

Attachments:

Attachment A	Resolution of Intent to Vacate
Attachment B	Planning Commission Action Letter, dated April 25, 2001
Attachment C	Planning Commission Staff Report dated February 14, 2001
Attachment D	Memo to the Planning Commission dated March 21, 2001
Attachment E	Memo to the Planning Commission dated April 4, 2001
Attachment F	Public letters

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