



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 27, 2006
AGENDA DATE: May 4, 2006
PROJECT ADDRESS: 15 E. Islay Street (MST2005-00346)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KAK*

I. PROJECT DESCRIPTION

The project consists of the conversion of five existing detached residential units to condominiums. There is currently one (1) one-bedroom unit, four (4) two-bedroom units and five uncovered parking spaces onsite. No new development is proposed. The project site is 12,712 square feet with a 1,140 square foot easement area, for a total of 13,853 square feet. A single driveway provides access to the existing units and parking spaces as well as access to two adjacent residences located to the west of the project.

The project also includes a request for approval of two exceptions to the physical standard requirements for condominium conversions. One exception would allow five parking spaces instead of ten and the other exception would allow a waiver of the requirement that each unit have at least 200 cubic feet of enclosed private storage space.

Extensive renovations of the buildings, landscaping and hardscape were completed in 2005. At the driveway entrance, there are two as-built gates and gate posts, which are higher than the maximum allowable height of three and one-half feet; therefore, a Modification to allow them to remain is required.

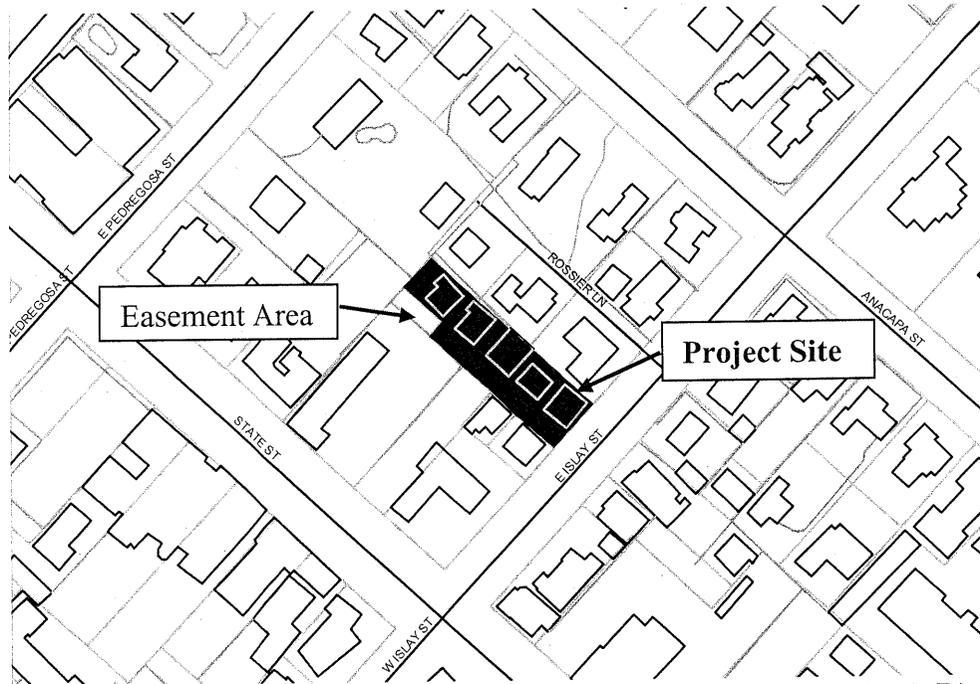
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow two as-built gates and gate posts with lamps, to be a maximum of eight feet high instead of the maximum allowable height of three and one-half feet at the driveway entrance along the front property line (SBMC§28. 87.170);
2. A Tentative Subdivision Map to allow a one-lot subdivision to create five residential condominium units (SBMC§27.07); and
3. A Condominium Conversion Permit to convert five existing detached residential units to five condominium units (SBMC§28.88), including waivers of parking and storage requirements.

III. RECOMMENDATION

The proposed project conforms to the City’s Zoning and Building Ordinances and policies of the General Plan; therefore, Staff recommends that the Planning Commission approve the project, without the exception to allow no additional private storage space, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 15 E. Islay Street and 15 E. Islay Street (Units A-D)

APPLICATION DEEMED COMPLETE: March 21, 2006

DATE ACTION REQUIRED PER MAP ACT: June 9, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Peter W. Hunt, Architect	Property Owner:	Lloyd G. Tupper Trust
Parcel Number:	027-032-015, & -016,	Lot Area:	13,853 square feet
General Plan:	Buffer/ General Commerce/ Offices	Zoning:	R-1, One-Family Residence
Existing Use:	Residential	Topography:	Approx. 2% towards Islay Street
Adjacent Land Uses:			
North – Multi-family Residential		East - Residential	
South - Multi-family Residential		West – Residential, Commercial	

B. PROJECT STATISTICS

Existing Units	# of Bedrooms	Unit Size (gross)
15 E. Islay St.	2	850 square feet
15 E. Islay St. A	1	620 square feet
15 E. Islay St. B	2	938 square feet
15 E. Islay St. C	2	720 square feet
15 E. Islay St. D	2	720 square feet

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing
Setbacks -Front -Interior -Rear	15 feet 5 feet 5 feet	8 feet varies from 2.5 feet to 13 feet 21 feet
Building Height	3 stories/ 30' maximum	14' maximum
Parking	10 spaces	5 spaces
10% Open Space	1,385 square feet	2,858 square feet
Private Outdoor Living Space	One bedroom unit: 120 square feet Two bedroom units: 140 square foot	>120 square feet >140 square foot
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	3,848 sq. ft. 28% 4,200 sq. ft. 30% 5,805 sq. ft. 42%

As stated in the Condominium Conversion Ordinance (SBMC§28.88.030), all buildings sought to be converted are required to be in all respects in compliance with the Zoning Ordinance and the goals and policies of the General Plan, or legally nonconforming therewith. In this case, the residential units, which are believed to have been originally constructed in 1945, are legal nonconforming to the density requirements of the R-1 Zone. In addition, a variance was granted in 1947 to legalize the nonconforming setbacks.

The owners of the subject property and the owners of the two adjacent properties (11 and 11 "B" E. Islay St.) share the driveway and there is a recorded agreement that, among other things, allows the parking space for 11 "B" E. Islay St. to encroach two feet into a portion of the driveway. The recorded agreement also states that all owners are equally responsible for the maintenance of the driveway, and the landscaping and hardscape within the driveway, including the two gates and gate posts. The gate post located to the west of the driveway is located on the adjacent property.

Modification: At the driveway entrance, the two as-built gates and gate posts with lamps are higher than the maximum allowable height of three and one-half feet; therefore, a Modification to allow them to remain is required. Staff is supportive of the Modification request given that they add aesthetic value to the site, although the solid portion of the gate and the western gate post does obscure the view of the sidewalk to the west for approximately five feet in length, dependent upon where the driver is positioned in relationship to the gate. There are other similar entry posts in the immediate vicinity. Staff has determined that it would be necessary to require that the gates remain open at all times for fire and emergency vehicle access and visibility purposes and a condition of approval requiring such has been included.

VI. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The Land Use Element of the General Plan describes the project site as being located in the Upper East neighborhood of the City and it has a General Plan designation of Buffer/ General Commerce/ Offices. It is located in a buffer, or transition, area between primarily large, single-family residences to the east and commercial uses to the west on State Street. Other multi-family residential uses are located within the buffer area as well. The renovations to the buildings and the onsite improvements have resulted in an aesthetically pleasing development that is consistent with the vision for this neighborhood of the General Plan.

B. CONDOMINIUM CONVERSIONS

Maximum Number of Conversions: Projects that involve conversions of five or more units must comply with SBMC§28.88.130 which regulates the maximum number of conversions that can be approved during a calendar year. These types of projects need to be deemed complete between January 2nd and March 30th of the year that they are to be considered by the Planning Commission. If more than a total of 50 units, involved in projects with five or more units each, are deemed complete during this time period, the Planning Commission is required to schedule an allocation hearing in either April or May to determine which projects could proceed in that calendar year.

This year only one other applicable project, with five units, was deemed complete prior to March 30th; therefore, an allocation hearing is not required. The evaluation system set forth in the procedures for processing condominium conversions (see Exhibit E) is to be used as a guide even when the total number of units is less than 50. Staff determined that the proposed project would receive a total of 20 points out of a possible 100, or if the private storage space were required, a total of 22 points. Only 10 points are required to meet ordinance requirements. It is important to note that higher totals reflect higher standards than are required by the Ordinance. Furthermore, if an allocation hearing were required, that would be an incentive on the part of the applicant to strive to reach a higher point total. Staff has recommended additional points in the area of open space, due to the larger than required private and common open spaces provided. Additionally, a number of points were added under the Additional Provisions

category, due to the substantial improvements made to the property and its overall aesthetic values.

Exceptions: As stated previously, the project also includes a request for two exceptions to the required physical standards for condominium conversions. One exception would allow five parking spaces instead of ten and the other exception would allow a waiver of the requirement that each unit have at least 200 cubic feet of enclosed private storage space.

The Planning Commission may grant an exception to certain physical standards required for condominium conversions if any one of the following findings can be made: 1) the economic impact of meeting the standard is not justified by the benefits of doing so; 2) the project includes design features or amenities which offset the project's failure to meet the standard; 3) the project includes provisions for low-, or moderate-income sales restrictions on the converted units beyond what is otherwise required by the condominium conversion section of the Zoning Ordinance that offset the project's failure to meet the standard; or 4) the project's proximity to public open space could partially offset the project's lack of onsite open space.

Staff is supportive of the proposal to provide five uncovered parking spaces instead of the required ten parking spaces because the existing units are located adjacent to pedestrian, bicycle, and transit corridors in all directions. In addition, the property is located two blocks from the Central Business District where only one parking space per residential unit is required. Furthermore, the units are relatively small, which is more conducive to small sized households, thereby reducing the vehicle ownership averages on the parcel. Therefore, the finding that the project includes design features or amenities which offset the project's failure to meet the standard can be made.

Staff is not in support of the exception regarding a waiver of the requirement that each unit have at least 200 cubic feet of enclosed private storage space. Because the units are relatively small, there is limited storage space within the units themselves. The outdoor areas are also relatively small and in close proximity to each other; therefore, an enclosed storage area of 200 cubic feet attached to the existing units would reduce the potential for storing items elsewhere onsite. It is Staff's contention that the project does not include design features or amenities which offset the project's failure to meet the standard. The design of the storage spaces, if required, would be subject to review by the Architectural Board of Review.

C. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on March 6, 2006. The ABR stated that the condominium conversion findings could be made with the condition that the trash containers for Unit D be relocated away from the private outdoor living space of Unit C and out of the setback. The ABR determined that the entry gates are an aesthetic enhancement to the project and that the modification to allow the entry gate posts to be higher than three and one-half feet is acceptable due to the fact that the sight lines to the sidewalk and street are unimpaired by fences or landscaping along the front property line. A landscape plan was not reviewed by the ABR; however, a condition of approval has been added to require that a landscape plan be prepared and approved by the ABR prior to permit issuance. The minutes

from the ABR meeting are attached. Preliminary and final approval by the ABR will be required following Planning Commission approval of the project.

D. ENVIRONMENTAL REVIEW

No new development is proposed for the project site. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Existing Facilities) which exempts conversions of existing multiple family or single-family residences into common-interest ownership where no physical changes occur which are not otherwise exempt.

VII. FINDINGS

The Planning Commission finds the following:

A. HEIGHT MODIFICATION (SBMC§28.87.170)

The modification to allow two as-built gates and gate posts with lamps to be higher than the maximum allowable height of three and one-half feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

B. EXCEPTIONS TO THE PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS (SBMC§28.88.040.N)

1. The project includes design features or amenities which offset the project's failure to meet the standard of providing ten parking spaces (two parking spaces per unit).
2. The project *does not* include design features or amenities which offset the project's failure to meet the standard of providing 200 cubic feet of private storage space for each unit.

C. TENTATIVE SUBDIVISION MAP (SBMC§27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara, or legally nonconforming therewith. The site is physically suitable for the proposed development and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage and associated improvements will not cause serious public health problems.

D. CONDOMINIUM CONVERSIONS (SBMC §28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.

Planning Commission Staff Report

15 E. Islay Street and 15 E. Islay Street (Units A-D) (MST2005-00346)

April 27, 2006

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2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara or legally non-conforming with the density requirement of its Land Use Element.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
5. The units have not been affordable rental units; therefore, affordability restrictions do not apply to the project.
6. The requirements of Section 28.88.130 (Maximum Number of Conversions) have been met.
7. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.
8. The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated March 21, 2006
- D. ABR Minutes dated March 6, 2006
- E. Condominium Conversion Evaluation System

PLANNING COMMISSION CONDITIONS OF APPROVAL

15 E. ISLAY ST. AND 15 E. ISLAY ST. (UNITS A-D)
MODIFICATION, TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSION PERMIT
MAY 4, 2006

In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants 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. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of a Certificate of Occupancy for the condominium conversion permit. Said agreement(s) shall be recorded in the Office of the County Recorder:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as 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.
 4. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 4, 2006 is limited to the conversion of five detached residential units to condominiums and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 5. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the approved Operations and Maintenance Procedure Plan.
 6. **Required Private Covenants.** Prior to the issuance of a Certificate of Occupancy for any residential condominium unit or the sale of any residential condominium unit within the subdivision, whichever comes first, the Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal

EXHIBIT A

easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, including the private storm drain system and shared sewer laterals, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Designated Spaces Available for Parking.** A covenant that includes a requirement that all designated parking spaces be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted.
 - c. **Entry Gates.** A covenant that includes a requirement that the entry gates shall remain in a fixed, open position at all times in order to maintain emergency access to all properties included in the access easement.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** A covenant that includes a requirement that adequate space shall be provided and maintained for trash and recycling purposes.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- B. **Design Review.** The following are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit:
1. **Private Storage Areas.** Each condominium unit shall have at least 200 cubic feet of private storage space pursuant to SBMC§28.88.040.
 2. **Trash and Recycling Containers.** The trash and recycling containers for Unit D shall be relocated away from the private outdoor living space of Unit C and shall not be located within the setback.
 3. **Entry Gates, Posts and Lamps.** As-built plans for the entry gates, posts and lamps.
 4. **Landscape Plan.** Plans showing the existing landscaping.
- C. **Required Prior to Building Permit Issuance.** The following shall be finalized and specified in written form and submitted with the application for a building permit:

1. **Islay Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Islay Street. As determined by the Public Works Department, the improvements shall include approx. 20 lineal feet of sidewalk, driveway trench drain backside of sidewalk, underground utilities, preserve and/or reset contractor stamp and/or survey monuments, and provide adequate positive drainage. The public improvement/building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
 2. **Hydrology Calculations.** All drainage conveyance systems shall be designed to convey the 25-year storm event. If additional drainage conveyance structures are needed based on the review of the results of the hydrology calculations, the improvements shall be constructed prior to Certificate of Occupancy, prior to obtaining the Condo Conversion Permit from Building and Safety, and prior to recordation of the Final Map, at the sole expense of the Owner.
 3. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
- D. **Public Works Submittal Prior to Final Map Recordation.** Owners shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Parcel Map.
1. **Building Permit Required for Conversion.** Evidence that a conversion permit has been issued for the conversion of the five detached residential units to condominiums.
 2. **Water Rights Assignment.** Owners shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
 3. **Final Map Preparation.** Owners shall submit a Final Map to the Public Works Department acceptable for recordation. The Final Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
 4. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. 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.

E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy for the condominium conversion permit, the Owners of the Real Property shall submit the following or evidence of completion of the following to the Public Works Department:

1. Recordation of Final Map.
2. Recordation of the Agreement Relating to Subdivision Map Conditions Imposed on Real Property.
3. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of the City Arborist.
4. Public improvements constructed as shown on the building plans.

F. **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.

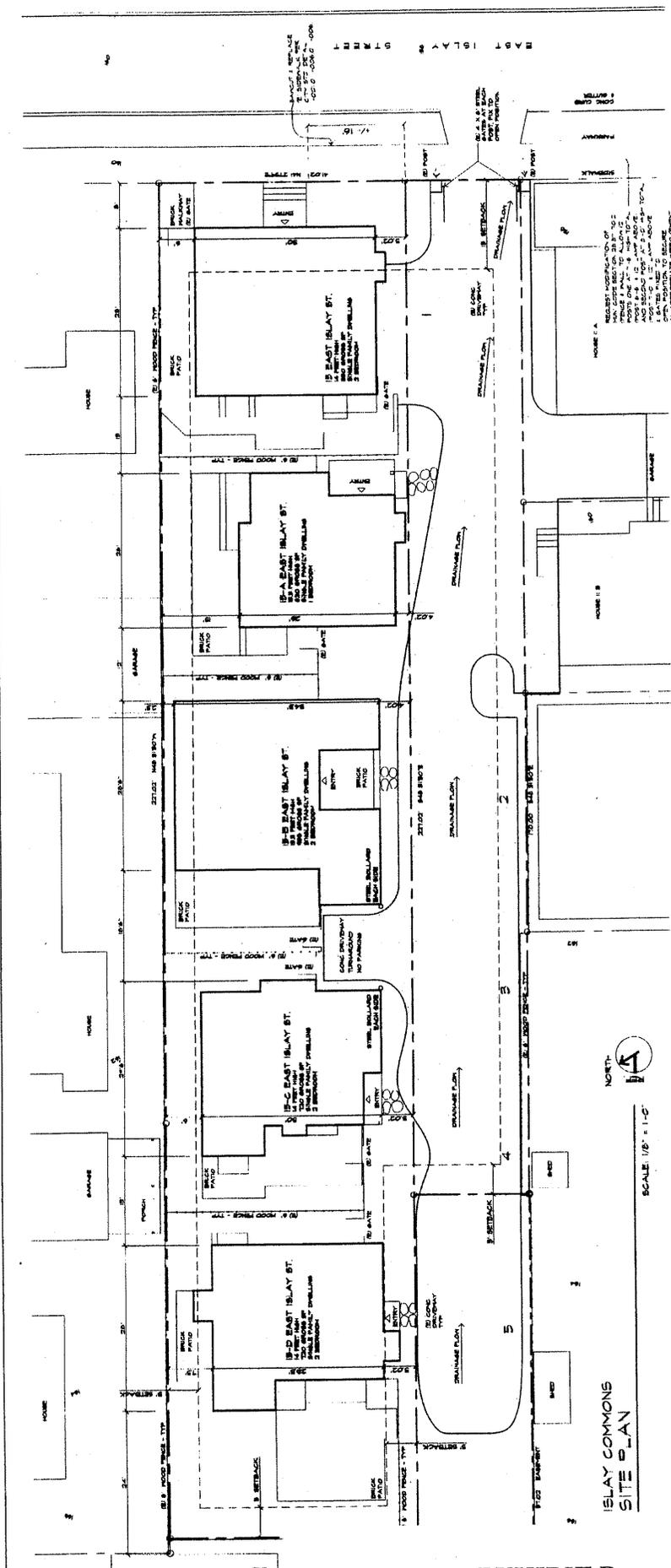
NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Modification shall terminate two (2) year from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. A Building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. 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) one (1) year from granting the approval.
3. The project also includes approval of a Tentative Subdivision Map, in which case the longer approval period shall prevail.

NOTICE OF TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSIONS TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.



SHEET INDEX

- A1 SITE PLAN
- A2 PARKING & PRIVATE OUTDOOR LIVING SPACE
- A3 UTILITY PLAN
- A4 FLOOR PLANS & ELEVATIONS
- A5 TENTATIVE MAP

PROJECT INFORMATION

OWNER
 Lloyd G. Tupper Trust, et al.
 Ten Fourth Street
 Santa Barbara, CA 93101
 707 675 6425
 Lttupper@earthlink.net

PROJECT ADDRESS
 Islay Commons
 15 East Islay Street
 Santa Barbara, CA 93101
 027 032 015
 027 032 015

LAND USE
 R-1 (95% RESIDENTIAL CONSUMABLE CONVERSION OF LEGAL NON CONFORMING DWELLINGS)

GENERAL PLAN
 V-N

TYPE OF CONSTRUCTION
 R-3

OCCUPANCY GROUP
 5 CARS

PARKING
 5 CARS

GRADING
 CUT = 5' FILL = 5'

COVERAGE
 BLDG. COVERAGE = 3848 SF = 28%
 PAVING COVERAGE = 4200 SF = 30%
 TOTAL SITE / LANDSCAPE COVERAGE = 13,863 SF = 100%

BASIS OF ELEVATION
 1985 TOPO, MVD 1986, MAT 83

BASIS OF BEARING
 FOUND CITY MONUMENTS AT STATE & ISLAY ST.
 AND ANACAPA & ISLAY ST. N 41 30' E



Best Management Practices for Construction Activities

1. Erosion sediment and other pollutants must be contained on site and may be transported from the site via sheet flow, rills, ruts, or ditches, natural drainage systems or wind.
2. Sediment and other pollutants must be prevented from being transported from the site by 24 hours of runoff or rain.
3. Erosion control measures must be installed and maintained throughout the construction process.
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7. Erosion control measures must be installed and maintained throughout the construction process.
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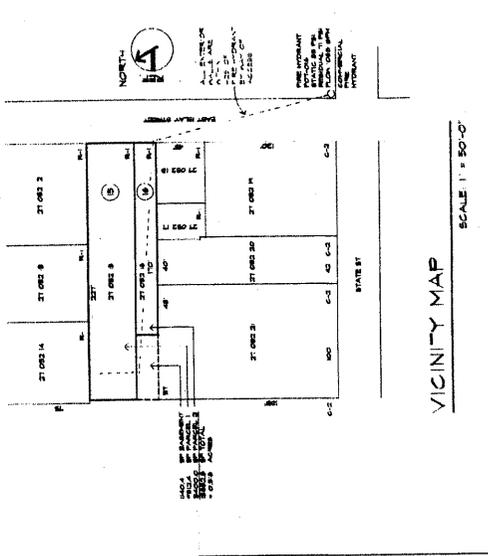


EXHIBIT B

PETER WALKER HUNT AIA
POST OFFICE BOX 92045
SANTA BARBARA CALIFORNIA 93190
805 965 5600

December 30, 2005
Revised March 21, 2006

PROJECT DESCRIPTION

Planning Commission
City of Santa Barbara
630 Garden Street

RECEIVED
MAR 21 2006
CITY OF SANTA BARBARA
PLANNING DIVISION

RE: CONDOMINIUM CONVERSION
15 East Islay Street Santa Barbara, CA 93101

Dear Planning Commission:

The Lloyd G. Tupper Trust as owner of *Islay Commons* at 15 East Islay Street in Santa Barbara is seeking to convert to condominium ownership and needs Planning Commission approval.

In order to be eligible for ownership conversion, the buildings must meet requirements for both the Zoning Ordinance and the General Plan. The General Plan map locates these parcels in "the buffer zone" between commercial property along State Street and residential property to the east.

The Zoning Ordinance reflects the General Plan in that 15 East Islay Street is zoned R-1, a small 'island' zone, three parcels wide. To the State Street side, or west of the 'island', parcels are zoned C-2 (a commercial zone). To the east, parcels are zoned E-1 (a residential zone).

Both north and south of the island are other island zones, CL (a limited commercial zone) and R-3 (a residential zone). Our 88 year old development is a true buffer between commercial and residential zones because it has multiple family residential uses.

These parcels which contain the bungalows were subdivided and built out prior to any General Plan or Zoning laws in the City of Santa Barbara. The parcels, its easement, and five bungalows were granted legal non-conforming status by the City Council in 1947. It is generally agreed these days that older mixed-use neighborhoods have a certain charm and that charm should be encouraged in the city planning. Existing sites such as *Islay Commons* that were developed prior to the 1957 Zoning Ordinance and 1930 Municipal Code should be further validated. Please look at *Islay Commons* for yourself. We think you will agree it is a delightful place for small individually owned condos.

The Zoning Ordinance requires certain Physical Standards be met for Condominium Conversion. The Planning Commission may waive some of those requirements.

We are asking the Planning Commission to waive two requirements.

First, the bungalows do not have a Private Storage Space built. There is enough space on the parcels to construct such storage units should Planning Staff or Commission think it is necessary. We have identified some places for such storage, should you think it is a good idea.

Second, the existing five parking spaces serving the existing five bungalows cannot be increased to match the requirement of 9.5 spaces. Staff has indicated support for only one space per unit because: the units are existing, the parcel is adjacent to pedestrian, bicycle, and transit corridors, and the parcel is one block away from the Central Business District where only one space per unit is required.

We are asking the Planning Commission to grant a modification to the Zoning Ordinance at the request of Planning Staff. There are two brick posts with a lamp on top at either side of the driveway entry that are higher than 3.5 feet. The taller of the two is eight feet high total (seven foot high post with a one foot lamp atop). The second is seven feet six inches high total. Similar in height and location to other existing entry posts on East Islay Street, we find the posts and fixed entry gates to be appropriate and consistent with the purposes and intent of the ordinance. Please permit a modification of 28.87.170.2 as allowed by 28.92.026.A.3.

The bungalows range in size from 620 square feet to 938 square feet. Although small, they are delightful and appear to be new. Because they are small they are not the kind of place a typical homeowner (one with a family) wants at this point in time around here given current market and demographic information.

We think there is a niche market for these bungalow condominiums. We think it could be an individual with a minimalist lifestyle who wants to own their place close to downtown. Or, we think the owner of the bungalow might be an individual who wants an investment property as a rental. This is an attractive investment because the buy-in cost is likely to be available to a larger number of people than the median price.

Please grant approval for condominium conversion under City Ordinance Section 28.88.030.C.

Sincerely

A handwritten signature in black ink, appearing to read "Peter W. Hunt". The signature is stylized with a large, looped "P" and "H".

Peter W. Hunt

(5:25)

Tom Meaney Architect, and Bob Cunningham, Landscape Architects, present.

Motion: **LANDSCAPING:** Continued indefinitely with the following comments: 1) Increase the landscaping opportunity adjacent to the park and alley, and enhance the paving along the park-alley adjacent to the property. 2) The Board looks forward to further refinement on the landscaping concept. 3) Study the possibility of additional plantings including trees such as palms within the central plaza to show above the roof of the building.

Action: Mudge/Wienke, 7/0/0 (Romano stepped down)

Motion: **ARCHITECTURE:** Continued one week with the following comments: 1) Updates to the plans since the last presentation to the Board are successful in breaking up the façades, especially along the park, and the two interior property lines. 2) Restudy the decorative elements and the proportions of the four-story tower to be more in keeping with the overall architectural expression. 3) Restudy the proportions of the north elevation pedestrian entrance arch which was deemed too tall leaving minimal mass above the arch elements. 4) Restudy the overall proportion of the garage entrance and provide an elevation drawing at the garage face. 5) The introduction of buttress elements adjacent to the ventilation tower adds to the architectural appearance. 6) Further decorative treatment to tower ventilation grills at the top of the garage ventilation tower is requested by the Board. 7) Restudy the proposed pilasters on the upper portion of the tower. 8) The blank property walls along the interior walls on the west elevation requires more landscape opportunities or wall offsets to further break down the wall facade.

Action: LeCron/Wienke, 7/0/0 (Romano stepped down).

***** THE BOARD RECESSED FROM 6:00 P.M. UNTIL 6:40 P.M. *****

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

5. 15 E ISLAY ST

R-1 Zone

Assessor's Parcel Number: 027-032-015
 Application Number: MST2005-00346
 Owner: Lloyd G. Tupper, Trust 8/11/98
 Architect: Peter Hunt

(Proposed conversion to condominiums of five existing single-family residences on a 13,853 square foot lot. There are four two-bedroom units and one one-bedroom unit on the property with five uncovered parking spaces. No changes are proposed for the conversion. Alterations and upgrades were completed under previous permits.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR A CONDOMINIUM CONVERSION.)

(6:41)

Peter Hunt, Architect, Russ Williams, agent for Lloyd G. Tupper Trust, present.

Public comment opened at 6:48 p.m.

Mr. Mark Chapman, neighbor at 11 E. Islay #B, expressed support for an excellent renewal project, but also expressed concern regarding the standard parking limitation and future additional conversions to multiple storied buildings (condo conversions) in the area.

Public comment closed at 6:50 p.m.

Public comment re-opened at 7:02 p.m.

Mr. Chapman expressed his concern that his address at 11 E. Islay #B not change, despite discussion on the proposal to change them.

Public comment closed again at 7:03 p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments:
1) The Board can make the condo conversion findings with the condition that trash from Unit D be relocated away from the private outdoor living space of Unit C and out of the setback. 2) The entry gates are deemed an aesthetic enhancement to the project provided they are maintained in a permanently open position. 3) The entry gate posts are acceptable to the Board due to the fact that the site lines to the sidewalk are unimpaired by other fences or landscaping along the front property line.

Action: Mudge/LeCron, 8/0/0.

CONCEPT REVIEW - CONTINUED ITEM

6. 416 S CANADA ST

Assessor's Parcel Number: 017-334-008

Application Number: MST2005-00441

Owner: Antonio C. Sarabia & Yolanda Marin

Designer: Robert Stamps

(Proposal to construct a new, detached, two-story 1,736 square foot three bedroom residence with an attached, 433 square foot, two-car garage on a 6,390 square foot lot with one existing 829 square foot residence. The existing one-car garage is to be demolished and two additional uncovered parking spaces are also proposed.)

(Third Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT.)

(7:03)

Robert Stamp, Agent and Designer, present.

Public comment opened at 7:10 p.m.

Mr. Philip Walker of 410 S. Canada Street expressed support for the project.

Public comment closed at 7:11 p.m.

R-4 Zone

CONDOMINIUM CONVERSION EVALUATION SYSTEM

	POINTS POSSIBLE	POINTS RECEIVED
A. PHYSICAL STANDARDS		
1. <u>Unit Size</u> Meets ordinance requirements Substantially exceeds ordinance requirements	5 (1) (4)	3
2. <u>Utility Metering</u> Meets ordinance requirements for separate metering of all utilities Exception to requirements requested	2 (2) (0)	2
3. <u>Private Storage Space</u> Meets ordinance requirements Substantially more than 200 cubic feet provided	4 (2) (2)	0
4. <u>Laundry Facilities</u> Meets ordinance requirements Provisions beyond minimum	3 (2) (1)	3
5. <u>Open Space</u> Meets ordinance requirements Provisions beyond minimum including additional private open space, additional common open space that is useable and accessible to occupants, common recreation facilities and/or permanent open space to preserve unique and/or natural features with extra emphasis on additional useable and accessible open space for families when units include greater numbers of bedrooms.	5 (1) (4)	5
6. <u>Parking Standards</u> Meets ordinance requirements Provisions beyond minimum including additional assigned parking, covered parking for each unit, guest parking, bicycle parking facilities or other provisions.	5 (2) (3)	1
7. <u>Additional Provisions</u> Provisions beyond minimum for energy or water conservation, improvements to existing structures and/or landscaping or other provisions.	6	6
SUB-TOTAL SECTION A	30	20

	POINTS POSSIBLE	POINTS RECEIVED
B. TENANT PROVISIONS		
1. <u>Tenant's Right to Purchase</u> Provisions beyond minimum including sales prices affordable to existing tenants, special financing arrangements and other provisions.	10	0
2. <u>Vacation of Units</u> Provisions beyond minimum including supplying professional relocation assistance and other provisions.	5	0
3. <u>Increase in Rents</u> Provisions beyond minimum including smaller than allowed rent increases, no rent increases or other provisions.	5	0
4. <u>Moving Expenses</u> Provisions beyond minimum including payment of actual expenses up to a stated maximum or other provisions.	5	0
5. <u>Additional Provisions</u>	5	0
SUB-TOTAL SECTION B	30	0

C. AFFORDABILITY		
1. A portion of the units are held as rental units with long-term leases at affordable rates.	10	0
2. A portion of the units, beyond those required by ordinance, are targeted for sale to households with incomes at 120% of median income in perpetuity.	10	0
3. A portion of the units are targeted for sale to households with incomes of less than 120% of the median income in perpetuity.	10	0
4. Other affordable housing provisions.	10	0
SUB-TOTAL SECTION C	40	0

SUB-TOTAL SECTION A	30	20
SUB-TOTAL SECTION B	30	0
SUB-TOTAL SECTION C	40	0
GRAND TOTAL	100	20