City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: April 30, 2009

AGENDA DATE: May 7, 2009

PROJECT ADDRESS: 505, 509 W. Los Olivos St./2121 Oak Park Ln. (MST2007-00470)
Westmont Employee Housing

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner DAK
Daniel Gullett, Associate Planner DRG

I. PROJECT DESCRIPTION

The 13 unit condominium project includes a lot merger; demolition of a duplex and detached garage; demolition of a single-family residence and attached garage; construction three new buildings containing nine new three-bedroom units and one new two-bedroom unit; an addition and remodel to an existing apartment building; and the conversion of the existing apartment building into two three-bedroom condominiums and one two-bedroom condominium. Parking for the converted apartment building would be provided by one uncovered and five covered spaces in the existing carport and parking for the ten newly-constructed units would be provided in two-car garages attached to each unit. Three guest parking spaces would also be provided on site. The proposed development would total 24,635 sf on the 32,550 sf lot. Two of the three-bedroom units would be provided to Middle Income Households using a target income of 130% of AMI consistent with the Inclusionary Housing Ordinance.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modification to allow a reduction of the required 15 ft front setback for the three-story building on W. Los Olivos St. (SBMC §28.92.026.A);
2. Modification to allow a reduction of the required 15 ft separation between buildings (SBMC §28.92.026.A);
3. Tentative Subdivision Map for a one-lot subdivision to create 13 residential condominium units (SBMC 27.07 and 27.13); and
4. Condominium Conversion Permit to convert four existing residential units to three condominium units (SBMC 28.88).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are compatible with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

APPLICATION DEEMED COMPLETE: March 13, 2009
DATE ACTION REQUIRED PER MAP ACT: June 1, 2009

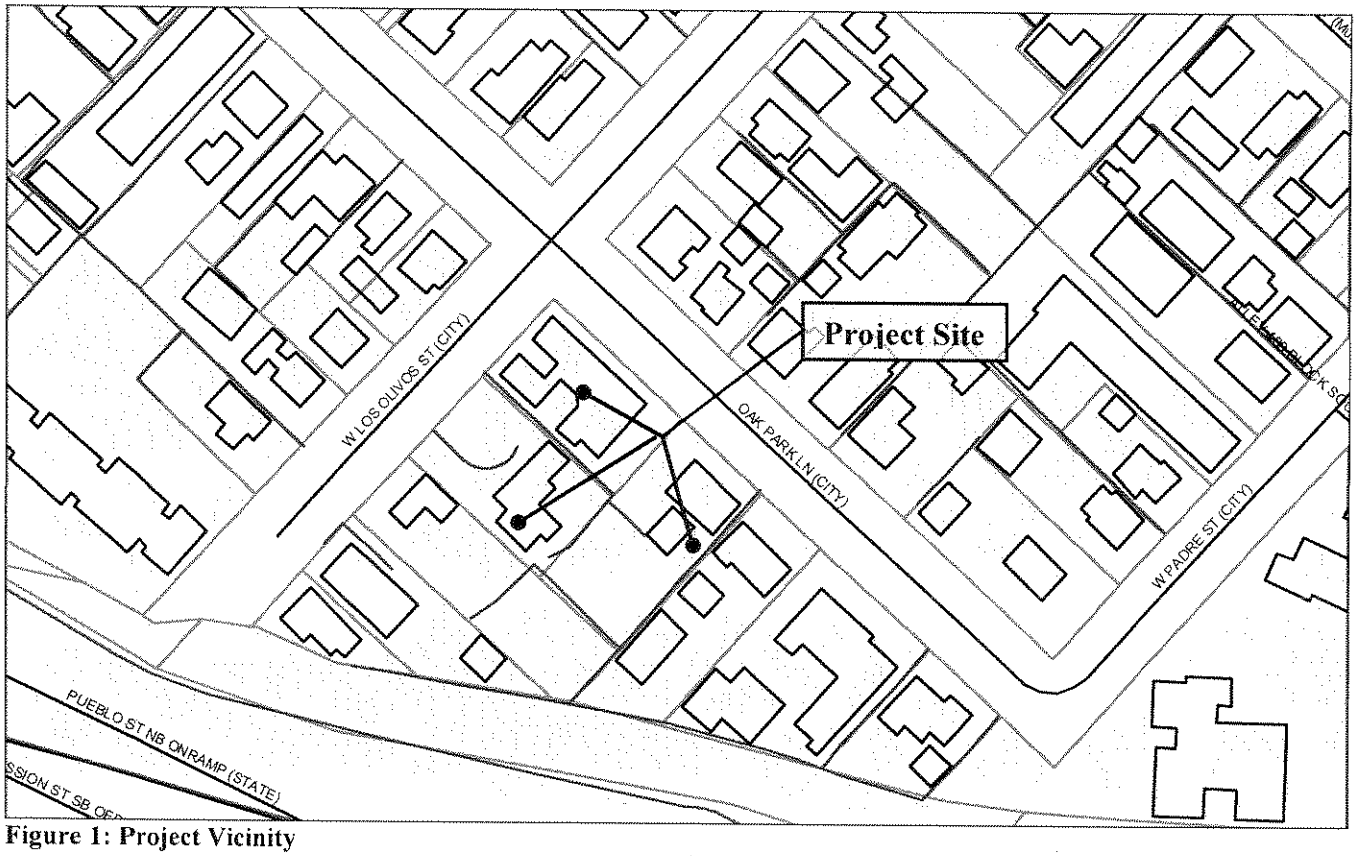


Figure 1: Project Vicinity

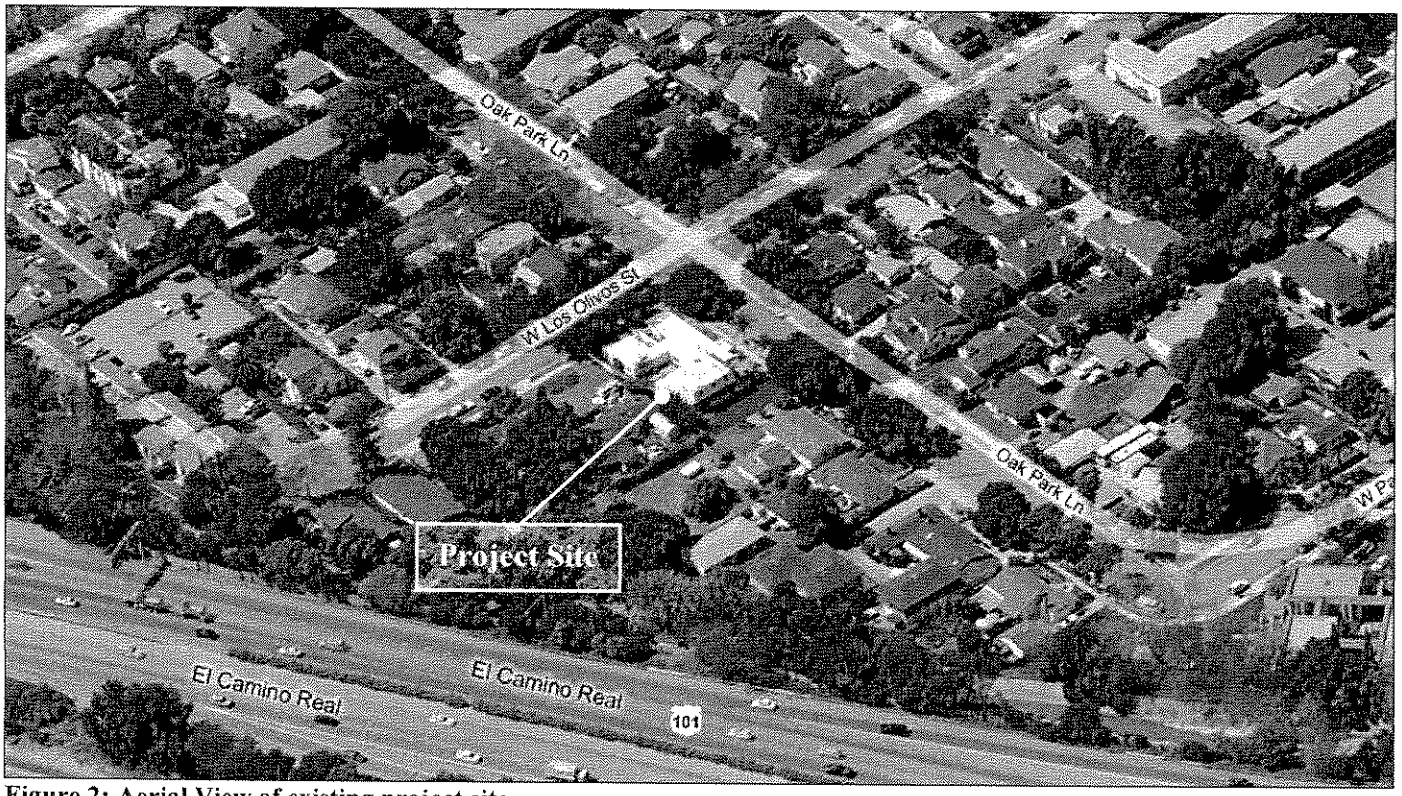


Figure 2: Aerial View of existing project site

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Lisa Plowman, Peikert Group	**Property Owner**: Westmont College	
General Plan:	Residential 12 units/acre	**Zoning:** R-3 (Limited Multiple Family Residence)	
Adjacent Land Uses: North – Multi Family Residential South – Single Family Residential		East – Multiple Family Residential West – Single Family Residential	
505 W. Los Olivos St.			
Parcel Number:	025-210-012	Lot Area:	9,750 sf
Existing:	Four unit apartment building (to be remodeled and converted into three condos)	Topography:	~2% average lot slope
509 W. Los Olivos St.			
Parcel Number:	025-210-004	Lot Area:	10,400 sf
Existing:	1,944 sf single family residence and attached garage (to be demolished)	Topography:	~2% average lot slope
2121 Oak Park Ln.			
Parcel Number:	025-210-011	Lot Area:	12,400 sf
Existing:	1,642 sf duplex and detached garage (to be demolished)	Topography:	~2% average lot slope

B. PROJECT STATISTICS

505 W. Los Olivos – (condominium conversion)	Existing	Proposed
Carport		
	940 sf	940 sf
Unit 1		
Ground Floor	698 sf	1,552 sf
Unit 2		
Ground Floor	698 sf	1,645 sf
Unit 3*		
Ground Floor	1,540 sf	-
Second Floor	-	945 sf
Unit 4*		
Second Floor	717 sf	-

*With the proposed project, 479 sf would be added to the building and the building's unit count would be reduced from four to three.

New Condominiums	Proposed Area per Unit
Units 1 & 2 (two-story, three-bedroom)	
Garage	410 sf
Ground Floor	652 sf*
Second Floor	894 sf
Total Floor Area	1,546 sf
Units 3-9 (three-story, three-bedroom)	
Garage	410 sf
Ground Floor	352 sf
Second Floor	670 sf*
Third Floor	580 sf*
Total Floor Area	1,602 sf*
Unit 10 (two story, two bedroom)	
Garage	410 sf
Ground Floor	370 sf
Second Floor	789 sf
Total Floor Area	1,159 sf

* Average area, individual units vary slightly

V. ZONING ORDINANCE CONSISTENCY

A. NEW CONSTRUCTION

Standard	Requirement/ Allowance	Existing SFR & Duplex	Proposed
Setbacks			
-Front (1 or 2-story)	10 ft	10 ft	10 ft
-Front (3-story)	15 ft	n/a	*10 ft for 1st and 2nd story** 34 ft at 3rd story
-Interior	6 ft	2 ft	26 ft
-Interior (3rd story)	10 ft	n/a	29 ft
-Rear (ground)	6ft	6 ft	10 ft
-Rear (2+ story)	10 ft	n/a	10 ft
Distance Between Buildings			
-Single story	10 ft	5 ft	n/a
-Multi story	15 ft	n/a	*7.375 ft**
Building Height	45 ft	20 ft	34.5 ft
Parking (residents)	26 spaces (2/unit)	n/a	26 spaces
Parking (guests)	1 space/4 units=3.25, rounds to 3 spaces	n/a	3 spaces
Lot Area Required (Variable Density)	2 bedroom: 2,320 sf 3 bedroom: 2,800 sf 2(2,320) + 11(2,800)= 35,440 sf	n/a n/a	32,550 sf (2,890 sf > variable density lot area)
Inclusionary Housing	(15%)(13 units)=1.95 rounds to 2 units	n/a	two 3-bedroom units
Common Outdoor Living Space	15% of lot area	n/a	19+%
Lot Coverage			
-Building	n/a	n/a	13,861 sf 42.5%
-Paving/Driveway	n/a	n/a	10,576 sf 32.5%
-Landscaping	n/a	n/a	8,113 sf 5.0%

*Requires zoning modification

The proposed project would meet the requirements of the R-3 Zone, with the exceptions of the front yard setback on W. Los Olivos St., distance between buildings, and lot area. The modifications for the front yard setback and distance between buildings are discussed below in Section VII.B. Since the Inclusionary Housing Ordinance applies, no lot area modification is necessary to provide the Inclusionary Units, see the Affordable Housing/Density and Housing Element discussions below in Sections VII.A and VII.D.

B. CONDOMINIUM CONVERSION ORDINANCE

The proposed development includes a conversion of three units into condominiums at 505 W. Los Olivos St. requiring a finding of consistency with the Condominium Conversion Ordinance

(Zoning Ordinance Chapter 28.88). As conditioned, the conversion portion of the proposed project is consistent with the Condominium Conversion Ordinance as discussed below.

Physical Standards

SBMC Section 28.88.040 provides physical standards for Condominium Conversions. The following describes how the proposed conversion meets each physical standard without the need of exception.

Each of the three proposed 505 W. Los Olivos units would exceed 600 sf in net floor area. Smoke detectors would be provided for each unit and on-site fire hydrants, alarm systems, extinguishers in would be maintained in operational condition at all times. Wall and floor-ceiling assemblies would conform to building code requirements. Separate utility metering would be provided for each unit. A minimum of 200 cubic feet of enclosed, lockable private storage space and laundry facilities would be provided for each unit. Working appliances would be provided in each unit. Westmont would provide any required public easements. The three units would be remodeled and refurbished to ensure a high quality appearance and safety. Two off-street parking spaces would be provided per unit. Any element identified in the submitted Physical Elements Report having less than two years of useful life would be replaced. And, finally, common outdoor living space would be provided per SBMC Section 28.21.081. Since the conversion involves less than five units, the accessibilty and adaptability requirements are not required.

Application Requirements

The applicant provided a complete development plan and physical elements report as required by SMBC Section 28.88.050. The applicant provided information on household composition and tenant information. Westmont purchased the building in July 2006 and does not have rental rate history for the units from the previous owner. Westmont claims to have informed the tenants of the long term plans to use the existing building for faculty housing at the time the building was purchased.

Tenant Protection Provisions

The applicant provided evidence that a notice of intent to convert was provided to each of the buildings tenants in November 2007. The project conditions include the tenant's right to purchase in the event that the property owner makes purchase of the conversion units available to the general public.

Low and Moderate-Income Housing Supply

According to the rental rates provided by the applicant, none of the units are considered to be "affordable rental units" per Section 28.88.110. Further, the tenants were formally informed of the intent to convert the rental units to condominiums for purchase by Westmont faculty and staff within 16 months of the purchase of the building and two of the three conversion units would be price restricted to Middle Income Housholds as Inclusionary Units (see below). Each of the four units is currently occupied and there is no evidence of increased vacancies in the conversion units.

VI. NEW RESIDENTIAL CONDOMINIUM DEVELOPMENT

Chapter 27.13 provides for condominium projects in the R3 zone subject to the Physical Standards for Condominiums provided in 27.13.060. The proposed new condominiums are consistent with the Physical Standards and all other requirements of Chapter 27.13.

The Physical Standards require: two covered off street parking spaces and three guest spaces pursuant to SBMC Section 28.90.100; each unit with an enclosed garage allowing for a waiver of the 300 cubic feet of private storage space; each unit with separate gas and electricity metereing and laundry facilities; a number of dwellings consistent zoning ordinance density requirements; and the outdoor living space consistent with SBMC Section 28.21.081.

VII. ISSUES

A. AFFORDABLE HOUSING/DENSITY

In developments of ten or more units, the City's Inclusionary Housing Ordinance (IHO) requires a minimum of 15% of units to be constructed and offered for sale as Inclusionary Units restricted for owner-occupancy by Middle Income Households (SBMC Chapter 28.43). Additionally, the average number of bedrooms of the Inclusionary Units must, at minimum, equal the average number of bedrooms in the market rate units. In this case, applicant's Inclusionary Housing Plan (Exhibit D) identifies the inclusionary units as Units 11 and 12, the two three-bedroom condominium conversion units.

The IHO provides the Community Development Director authority to allow a target income of 130% Area Median Income (AMI) for inclusionary condominiums considered to be exceptionally large and desireable rather than the standard 120% AMI target. Units 11 and 12 qualify as exceptionally large and desireable with floor areas of 1,552 sf and 1,645 sf, a minimum of two bathrooms per unit, and substantial private courtyard space.

As part of the application, Westmont proposes the eleven non-inclusionary units to be targeted to Westmont Employees earning up to 200% AMI. While staff supports and commends the applicant for proposing a 100% below market employer-sponsored housing project, the City's Inclusionary Housing Ordinance considers all non-inclusionary units to be *market rate units*. Further, the proposed 200% AMI units do not conform to the affordability requirements outlined in the City's adopted *Affordable Housing Policies and Procedures* or the inclusionary unit price limits provided in the IHO. Therefore, the provision of the 200% AMI units is not included in the project description under consideration. Staff also notes that the inclusion of the 200% AMI units as part of the proposal has not factored into any of staff's recommendations regarding this project. Staff's recommendations are based purely on the merits of the submitted plans and the project description and conditions in Exhibit A.

If the Inclusionary Housing Ordinance and the City's Density Bonus Program are amended to provide for employer-sponsored housing prior to the sale of the units, staff would review the project for substantial conformance upon the request of the applicant and consult the Planning Commission regarding a substantial conformance determination as appropriate.

B. MODIFICATION REQUESTS

Two modifications are requested as part of the approval of the project for front setback encroachment and distance between buildings.

Front Setback Modification

This modification is required for the encroachment of the proposed building containing Units 7-10 into the 15 ft front yard setback on W. Los Olivos St. The R-3 Zone provides a front setback of 10 ft for two story buildings, and 15 ft for three story buildings that have a third story floor area that is greater than 50% of the first floor net floor area. Although the unit fronting W. Los Olivos St. is two stories, the 15 ft setback applies to the entire building since the building is three stories and the area of the third floor is greater than 50% of the net ground floor area. The affected building's first and second floors would be setback 13 ft and the entry porch would be set back 10 ft. .The third story is proposed to be set back 34 ft.

Because the third story portion of the building is proposed to be so far from the front lot line (34 ft), staff believes the building meets the intent of the zoning ordinance by providing significant third story building relief at the W. Los Olivos St. frontage. At the concept review of June 16, 2008, the ABR stated that the proposed front setback modification did not pose a negative aesthetic impact. Staff believes the project to provide an appropriate improvement on the lot and therefore supports this proposed modification.

Distance Between Buildings Modification

The other modification request is for the distance between the proposed buildings containing Units 3-6 and 7-10. The R-3 zone requires that buildings greater than one story in height be located at least 15 ft apart and that one story buildings be no closer than than ten ft. The ordinance also provides that trash enclosures may encroach up to three ft into the required minimum distance between buildings and that under no circumstance the distance between buildings be less than five ft.

The trash enclosures are proposed to be directly opposite each other. In addition, the enclosures are proposed to be covered with the eaves of the two trash enclosure roofs having a separation of 7.375 ft. Wall to wall, with no attached trash enclosures, the two buildings would have 17 ft of separation.

The single-story trash enclosures exceed the the allowed three-foot encroachments to accommodate 95 gallon trash carts to serve the development. Smaller carts (65 or 35 gallon) could be provided, but would require additional area to accommodate the volume. Staff believes that fewer carts encroaching ten inches into the building separation to be more desirable and roofed enclosures to be more more aesthetically attractive than unroofed structures. At the June 16, 2008 concept review, ABR stated that the roofed trash enclosures were preferred to enclosures with no roof and the proposed enclosures did not pose a negative aesthetic impact. Because the zoning ordinance allows enclosures and eaves to encroach into the required building separation, staff believes the intent of the zoning ordinance would be met

with the accommodation of larger containers and the distance between buildings modification would be necessary to secure an appropriate improvement on the lot.

C. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on three separate occasions (meeting minutes are attached as Exhibit E). At the first two concept reviews (December 3, 2007 and March 18, 2008), ABR indicated that the buildings were too aggressive and not compatible with the neighborhood. ABR also expressed concern with the modifications for guest parking and the setback for the trash enclosure that were requested at the time. Prior to the third concept review, the applicant redesigned the project to eliminate the need for these two modifications, and reduced the new duplex building fronting Oak Park Ln. and the unit fronting W. Los Olivos St. from three stories to two stories. At the third concept review on June 16, 2008, ABR appreciated the blending of the two-story portions at the street frontages with the neighborhood. ABR also commented that the requested modifications for distance between buildings and the front setback posed no negative aesthetic impact as indicated in Section VII.B above.

D. COMPLIANCE WITH THE GENERAL PLAN

In order to approve a condominium project and the associated tentative map, the proposal must be found consistent with the City's General Plan. Staff believes the project is consistent with the General Plan. Particularly relevant policies and guidance are discussed below.

Land Use Element

The proposed project is located in the City's Oak Park neighborhood, which contains older homes that have gradually been replaced by apartments and condominiums. The Oak Park neighborhood is bounded on the north by Mission Creek; on the south by Sola Street; on the east by State Street and on the west by Highway 101. The General Plan calls for a density of twelve dwelling units to the acre for most of this neighborhood, including the project site. The thirteen proposed condominiums on the 32,550 sf lot would result in in an average density of 17.4 dwelling units per acre. The Land Use Element recognizes that, in multiple family residential zones where variable density standards apply, development exceeding the twelve unit per acre General Plan designation may be allowed without causing an inappropriate increase in the intensity of development. With variable density, up to 18 one bedroom units could be provided on the site. Increased project density is also provided for in Housing Element Implementation Strategy 4.1.2 (see below) which allows for affordable density bonus units on a case-by-case basis.

Housing Element

A goal of the Housing Element is to provide a full range of housing opportunities for all persons. Santa Barbara has very little vacant or available land for new infill residential development and, therefore, the City has supported build-out of housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The proposed development would provide homeowner opportunities in a neighborhood with close proximity to employment and commercial opportunities.

Housing Element Implementation Strategy 4.1.2 reads *Continue to provide bonus density units above levels required by State law, to be reviewed on a case-by-case basis.* City Housing and Redevelopment Staff reviewed the current proposal and concluded that the proposed project is consistent with the City-adopted Affordable Housing Policies and Procedures and the City's Density Bonus Program, which allows on a case-by-case basis greater density than would normally be allowed under existing zoning.

E. 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's 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 VII.B above, the project is consistent with the residential General Plan designation with a density consistent with the City's Inclusionary Housing Ordinance and Density Bonus Program. The project is consistent with the R-3 Zone designation and, with the requested modifications to the front setback and distance between buildings, the project, as conditioned, would be consistent with all applicable zoning regulations.

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 boundary, less than five acres in size and surrounded on all sides by residential urban uses.

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

   The site has been previously disturbed, is surrounded by 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. A Phase I Traffic and Parking Study and a Parking Demand Management Plan were prepared for the project by Associated Transportation Engineers (ATE). The Phase I analysis concluded that the proposed project would generate two to three net new peak hour trips, less than the City's Impact threshold of five or more peak hour trips through impacted intersections. Because the units will be occupied by Westmont College faculty and staff, a Transportation Demand Management (TDM) Plan was incorporated into the project. The TDM Plan includes a ride-share/van pool program with one of the project occupants designated to operate the program and inform the other occupants of the program. Also included the TDM Plan is a gas allowance, insurance allowance, and vehicle maintenance allowance provided by Westmont. With the TDM Plan, project generated traffic is expected to be offset. Therefore, no significant effects are expected related to traffic.

Noise. A Noise Study Report was prepared by Dudek in May 2008 and a supplemental interior noise study was prepared in August 2008. The report concluded that with windows closed, the project would meet the City's interior noise threshold of 45 Ldn, and exterior noise levels in the required outdoor living spaces would meet the City's exterior noise threshold of 60 Ldn without mitigation. Therefore, the project is not expected to result in any significant effects relating to noise.

Air Quality. 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 contained in the *Scope and Content of Air Quality Sections in Environmental Documents* updated June 2008, a project of thirteen residential condominium units 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 demolition, grading, paving and landscaping activities, which could result in short term 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 then significant air quality impacts.

Water Quality. The proposed project addresses increased peak runoff volumes with landscaping and permeable pavers and the volume from a one inch storm would be treated by filtering through sandy subsurface soils consistent with Storm Water Management Project requirements. Therefore, the proposed project is not expected to have any significant adverse effects on water quality.

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

   All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment.

In addition, the City has reviewed and accepted a Phase I Archaeological Resources Report and and Arborist Report. The Historic Landmarks Commission accepted the June 2008 Phase I Archaeological Resources Report prepared for the project by Dudek, which concluded that the project would not have the potential to result in significant impacts on prehistoric or historic resources. The conditions of approval include the standard unanticipated archaeological resources discovery notification

The City accepted an arborist report dated January 2009 that inventoried trees on site, analyzed the project impacts, and provided the recommendations for tree protection. The project includes sidewalk improvements for ADA accessibility adjacent to mature oak trees in the Oak Park Ln. and W. Los Olivos St. parkway. The report calls for root pruning for the adjacent parkway oaks, and boxing and replanting for the two semi-mature oaks in the eastern interior setback. Tree protection measures are included on the landscape plan and required in the conditions of approval.

VIII. FINDINGS

The Planning Commission finds the following:

A. FRONT SETBACK MODIFICATION (SBMC §28.92.110)

The requested front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The purpose of the front three story building setback is to provide relief from building massing at the property frontage. With the third story set back 34 ft from W. Los Olivos St., the project is consistent with the purposes and intent of the Zoning Ordinance.

B. DISTANCE BETWEEN BUILDINGS MODIFICATION (SBMC §28.92.110)

The requested distance between buildings modification is consistent with purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because a slightly larger enclosure is necessary to enclose the largest trash carts, as described in Section VII.B of the staff report.

C. CONDOMINIUM CONVERSION (SBMC §28.88.120)

A. All provisions of SBMC Chapter 28.88 are met and the project will not be detrimental to the health, safety, and general welfare of the community.

As described in Section V.B in the staff report, the project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community.

B. The proposed conversion is consistent with the General Plan of the City of Santa Barbara or legally nonconforming with the density requirement of its Land Use Element.

As discussed in Section VII.D in the staff report, the conversion is consistent with the City's General Plan.

C. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed to be complete, except as otherwise provided in this Chapter.

The proposed conversion will conform to all regulations in the Municipal Code including zoning requirements as shown in Section V of the staff report. No modifications are needed for the development associated with the conversion.

D. 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.

Based on ABR's most recent review, staff's analysis and the project conditions, the overall project design and physical condition of the conversion will result in a project which is aesthetically attractive, safe, and of quality construction because the additions must comply with the building code and Condominium Conversion Ordinance.

E. If required by Subsection 28.88.110 A, the proposed conversion has mitigated impacts to the City's low and moderate income housing supply through an agreement to record affordability control covenants on the specified number of units.

As discussed in Section V.B of the staff report, the conversion is not required to provide affordable low or moderate housing units by Subsection 28.88.110.A.

F. 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. In making this finding, consideration shall be given to:

1. Rent increases at a rate greater than the rate of increase in the Consumer Price Index (all items, Los Angeles - Long Beach) unless provided for in leases or contracts in existence prior to the submittal of the first application for City review, or

2. Any other action by applicant which is taken against tenants to coerce them to refrain from opposing the project. An agreement with tenants which provides for benefits to the tenants after the approval shall not be considered a coercive or retaliatory action.

According to the applicant, Westmont College has not taken any coercive retaliatory action toward the residents of 505 West Los Olivos Street. The College informed the tenants of their long term plans to use the existing four units for faculty housing when they purchased the units in July 2006 and the tenants have been informed of their rights pursuant to the City's Condominimum Conversion Ordinance.

G. 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.

The owner has made a reasonable effort to assist those tenants wishing to purchase their units by making the converted units only available to employees of Westmont College. Westmont will provide required relocation assistance for any tenants displaced by the conversion.

H. The requirements of SBMC Section 28.88.130 have been met.

Since four units are being proposed for conversion, the Section 28.88.130 requirements are not applicable pursuant to SBMC Subsection 28.88.130.C.1.a.

D. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the City of Santa Barbara's General Plan as discussed in Section VI.D of the staff report and consistent with the Zoning Ordinance, as shown in staff report Section V, including the Inclusionary Housing Ordinance. The site is physically suitable for the proposed development and the proposed use is consistent with the vision for the Oak Park neighborhood of the General Plan.

As discussed in Section VII.E of the staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

E. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. *There is compliance with all provisions of the City's Condominium Ordinance.*

As demonstrated in Section VI of the staff report, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.

2. *The proposed development is consistent with the General Plan of the city of Santa Barbara.*

The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.D in the staff report. The project will provide infill residential development that is compatible with the surrounding neighborhood.

3. *The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.*

The project is an infill residential project proposed in an area where residential development is a permitted use. The design has been reviewed by the Architecutral Board of Review, which found the architecture and site design appropriate. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts.

Exhibits:

A. Conditions of Approval
B. Reduced Site Plan, Floor Plans, and Elevations
C. Applicant's letter, dated April 16, 2009
D. Inclusionary Housing Plan
E. ABR Minutes

PLANNING COMMISSION CONDITIONS OF APPROVAL

505 & 509 W. Los Olivos St., 2121 Oak Park Ln.
Tentative Subdivision Map, Condominium Conversion Permit, Modifications
May 7, 2009

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. **Notice of Approval of Condominium Conversion.** Owner shall provide evidence of delivery of written notice of the condominium conversion approval to the Community Development Department within 15 days of the approval of said conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.

B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:

   a. **Landscaping Under Trees.** Landscaping under the trees shall be compatible with the preservation of the trees.

   b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Arbor Services, dated January 2009, shall be implemented.

2. **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 a pedestrian environment, and provide access for all users.

3. **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.

4. **Permeable Paving.** Incorporate a permeable paving system for the driveways that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.

C. **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 an Agreement Relating to Subdivision Map Conditions Imposed on Real Property, 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 May 7, 2009 is limited to a lot merger; demolition of a

EXHIBIT A

duplex and detached garage; demolition of a single-family residence and attached garage; construction three new buildings with 19,563 sf of floor area containing nine new three-bedroom units and one new two-bedroom unit; a 479 sf addition and remodel to an existing 3,653 sf apartment building; and the conversion of the existing apartment building into two three-bedroom condominiums and one two-bedroom condominium; and the improvements shown on the Tentative Subdivision Map signed by the chairperson 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. The following tree protection measures shall be included

   (1) **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Arbor Services, dated January 2009. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees.

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 approved 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.

6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Units 11 and 12 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

   Units No. 11 and 12 (3-bedroom units) = $350,800

   The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal 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, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

   b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

   c. **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.

   d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

e. **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.

8. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Westmont shall designate one of the project occupants as the Transportation Demand Officer responsible for insuring that all residents comply with the provisions of the approved Transportation Management Plan.

   a. **Ride-Sharing Program.** Residents shall be made aware of the Ride-Share/Van Pool Program administered by Westmont. Westmont shall make every effort to encourage participation in the program.

   b. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any resident employed by Westmont using alternative modes of transportation such as, mass transit, carpool, or vanpool, to get to work, Westmont shall provide cab fare, a company car, or other means to guarantee a free ride home.

9. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

D. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.

2. **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.

3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.

4. **Drainage Calculations.** The Owner shall submit (drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES

Storm Water Management Plan (SWMP). Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building 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, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

6. **W. Los Olivos St. Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on W. Los Olivos St. As determined by the Public Works Department, the improvements shall include the following: *sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, supply and install one Dome Style residential height standard street light & coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 CA MUTCD during construction, storm drain stenciling, off-site biofilter/swale sized per drainage calculations, new street trees and tree grates 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.

7. **Oak Park Ln. Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Oak Park Ln. As determined by the Public Works Department, the improvements shall include the following: *sidewalk, driveway apron modified to meet Title 24 requirements, saw-cut and replace damaged curb & gutter, access ramp, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 CA MUTCD during construction, storm drain stenciling, new street trees and tree grates 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.

8. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, 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.

9. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements including any required appurtenances within their rights of way.

10. **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.

E. **Public Works Requirements Prior to Building/Condominium Conversion 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/Condominium Conversion Permit for the project.

1. **Submittal for Recordation of Final Map Agreements.** After City Council approval, the owner shall submit application for approval and recordation of the Final Map to the Public Works Department.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works Permit shall be issued concurrently with a Building Permit.

F. **Community Development Requirements with Building/Condominium Conversion Permit or Public Works Permit Application.** The following shall be submitted with the application for any Building/Condominium Conversion Permit or Public Works Permit and finalized prior to issuance of any Building/Condominium Conversion or Public Works Permit:

1. **Notice of Vacation of Unit.** Each non-purchasing tenant that is not in default shall have not less than 180 days from the date of approval of the conversion to find substitute housing and relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100. E of the Municipal Code.

2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

3. **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.

4. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees proposed to be retained during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division and the City arborist, if appropriate.

5. **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. **Initial Sale Price Restrictions.** The dwelling units designated as Units 11 and 12 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

      Units No. 11 and 12 (3-bedroom units) = $350,800

   b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

G. **Building/Condominium Conversion Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building/Condominium Conversion 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 B above.

2. **Physical Elements Report.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced and shown on the plans.

3. **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.

4. **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 F.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

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., Final Map submitted to Public Works 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.

H. **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. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.

5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.

6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.

7. **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.

8. **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.

9. **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.

10. **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.

11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.

12. **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.

13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

15. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, and any related Conditions of Approval, as follows.

a. **Grading Plan Notes.** Notes on the grading plan that specify the following:

(1) No grading shall occur within the driplines of the existing trees.

(2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.

(3) All excavation within the dripline of the trees shall be done with hand tools.

(4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

(5) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.

(6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.

(7) All trees within 25 feet of proposed construction activity shall be fenced six feet outside the dripline for protection.

b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:

(1) During construction, fencing or protective barriers shall be placed around and six feet outside of the dripline of all oak trees located within 25 feet of development.

(2) No grading shall occur under any non relocated oak tree dripline, except as indicated on the drainage, grading, and utility plan. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

(3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.

(4) No storage of heavy equipment or materials, or construction parking shall take place within six (6) feet of the dripline of any oak tree.

(5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

c. **Tree Relocation.** The existing oak trees #17 and 18 shall be boxed relocated on the Real Property and shall be fenced and protected during construction.

d. **Existing Tree Preservation.** The existing trees shown on the approved Landscape Plan to be saved shall be preserved and protected and fenced six feet outside the dripline during construction.

16. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

17. **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.

18. **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.

I. **Prior to Certificate of Occupancy for Condominium Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (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 improvement/building plans, including utility service undergrounding and installation of street trees.

3. **Physical Elements Report Completion.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced.

4. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review.

6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.

7. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

8. **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.

9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section E have been recorded.

10. **Final Map Approved.** The Final Map shall be approved by City Council.

11. **Exclusive Right to Purchase (Right of First Refusal).** Owner shall provide evidence of the extension to each tenant household of an exclusive right to

purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.

L. **After Certificate of Occupancy for Condominium Conversion Permit:** The following conditions shall be completed after issuance of the Certificate of Occupancy for the Condominium Conversion Permit has been completed.

1. **Final Map Recordation.** The Final Map shall not be recorded until the Certificate of Occupancy for the Condominium Conversion Permit has been issued. The following shall be provided prior to Map recordation.

2. **Notice of Department of Real Estate Report.** Owner shall submit evidence showing that written notification has been submitted to each tenant household that an application for a public report has been submitted to the California Department of Real Estate within 10 days of the submission of such application.

3. **Notice of Final Map Approval.** Owner shall submit evidence that written notice of approval of the Final Map has been provided to each tenant household within 10 days of such approval.

M. **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 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.

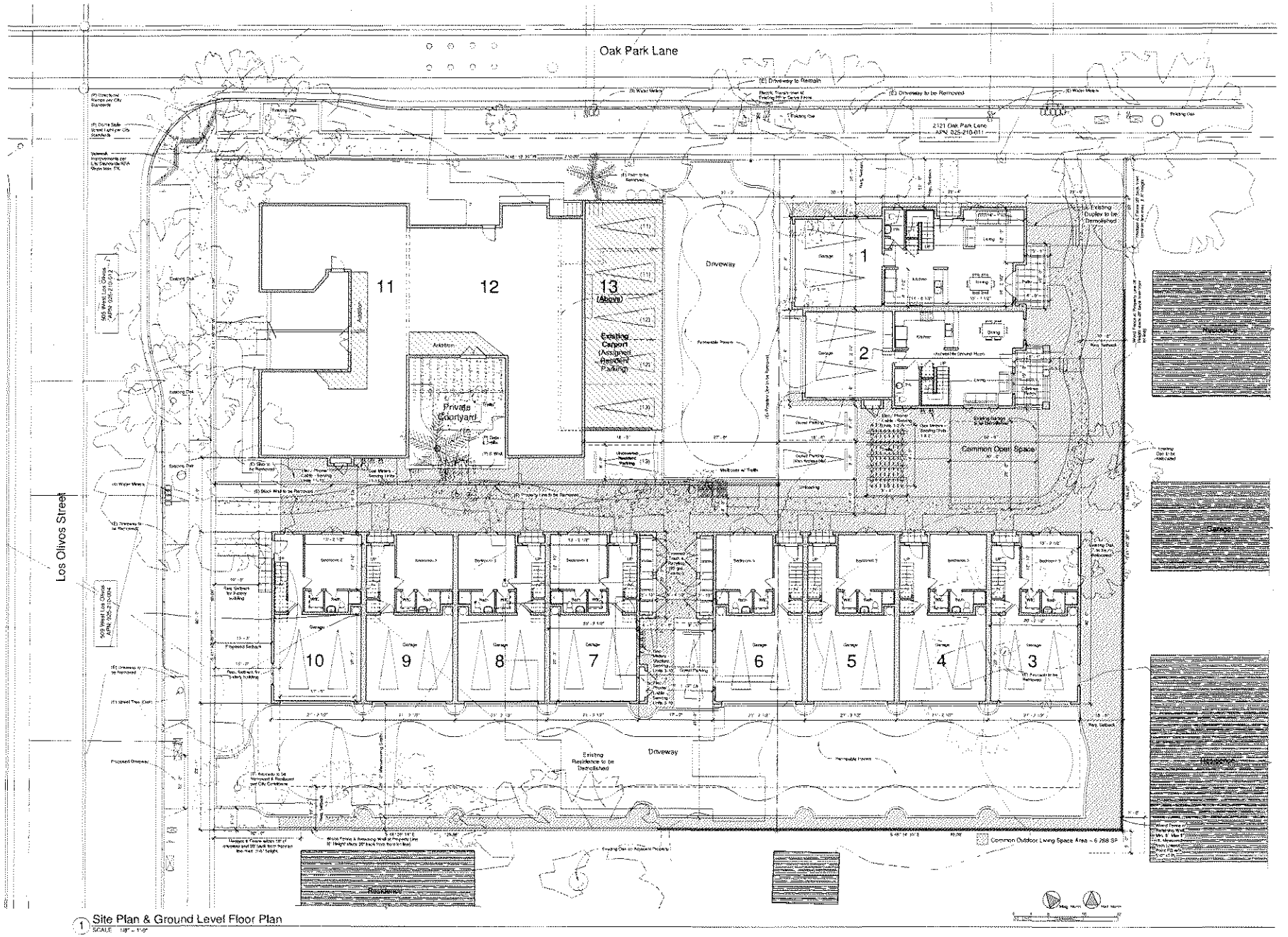
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

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.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire three (3) 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.

EXHIBIT B



1 Site Plan & Ground Level Floor Plan
SCALE 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

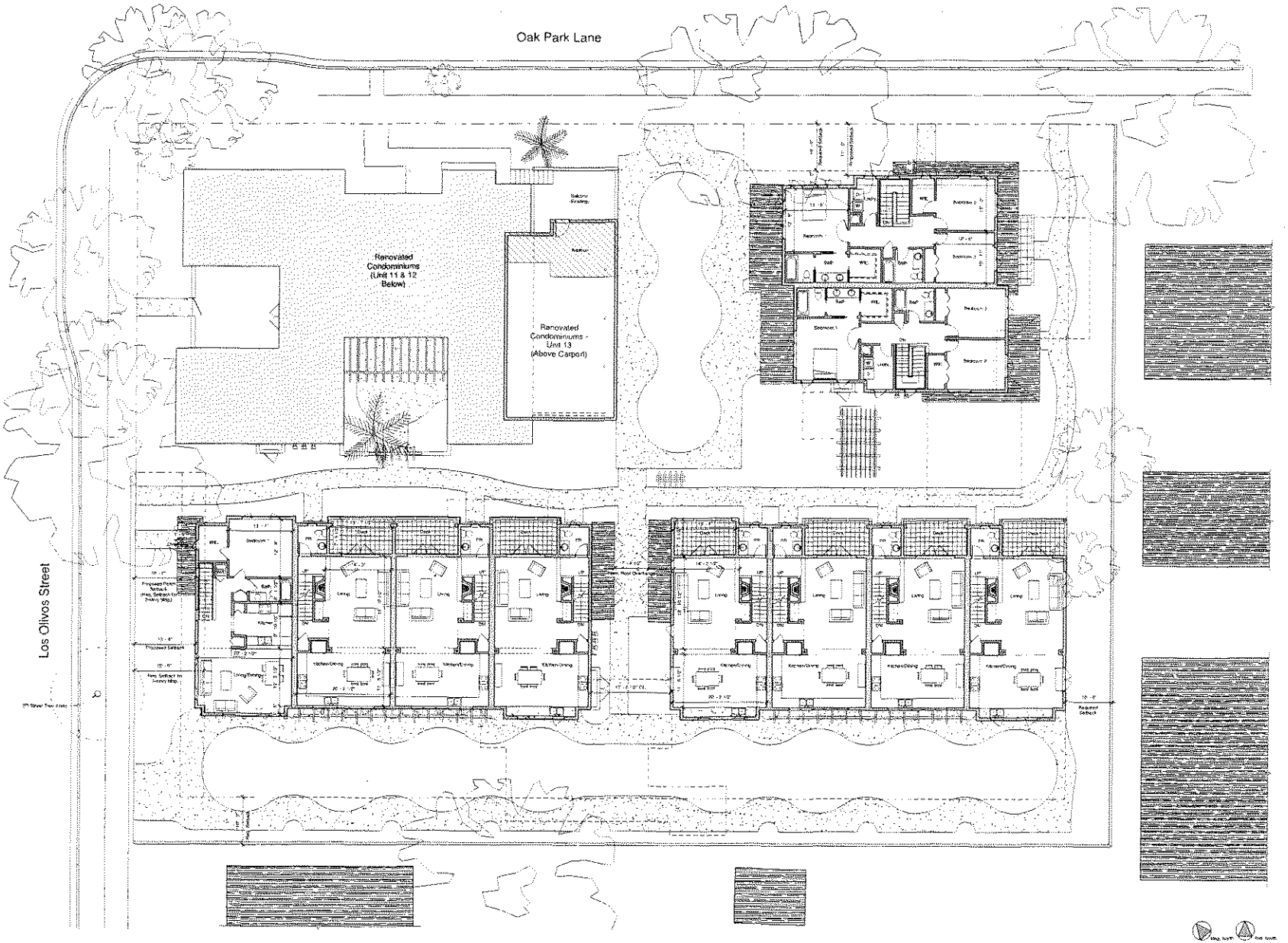
Site Plan & Ground Level Floor Plans

Westmont College
955 La Paz Road
Santa Barbara, CA 93108
805.565.6000

Peikert Group Architects, LLP
10 East Figueroa St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 8283
www.pgaikertgroup.com

January 30, 2009

A1



1 Level 2 Floor Plans
SCALE 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

Level 2

Westmont College
955 La Paz Road
Santa Barbara, CA 93108
805.565.6000

Peikert Group Architects, LLP
10 East Figueroa St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 8285
www.peikertgroup.com

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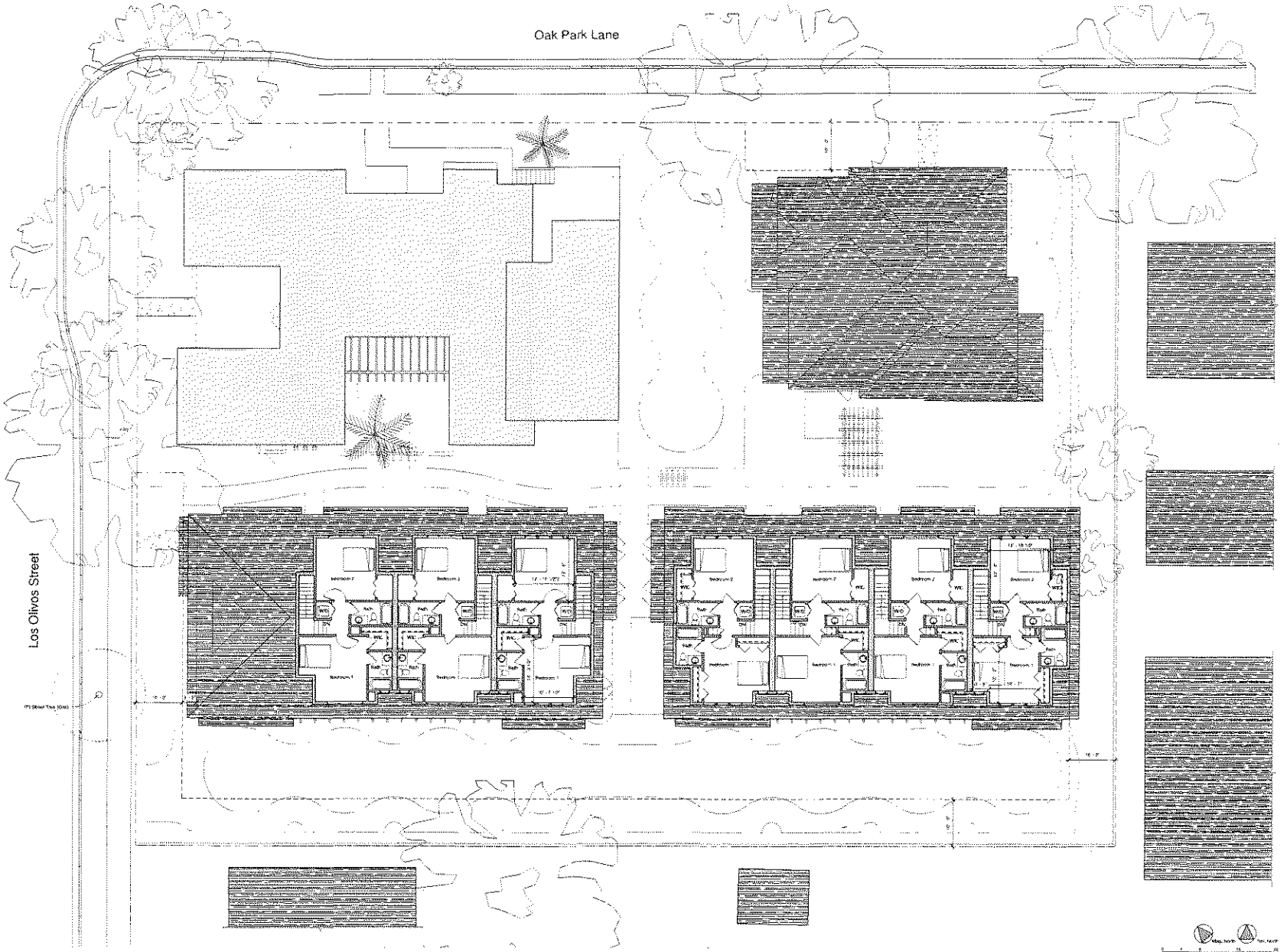
A2



1 Third Level Floor Plans
SCALE: 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

Level 3

Westmont College
955 La Paz Road
Santa Barbara, CA 93108
805.565.6000

Peikert Group Architects, LLP
10 East Figueroa St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 8283
www.peikertgroup.com

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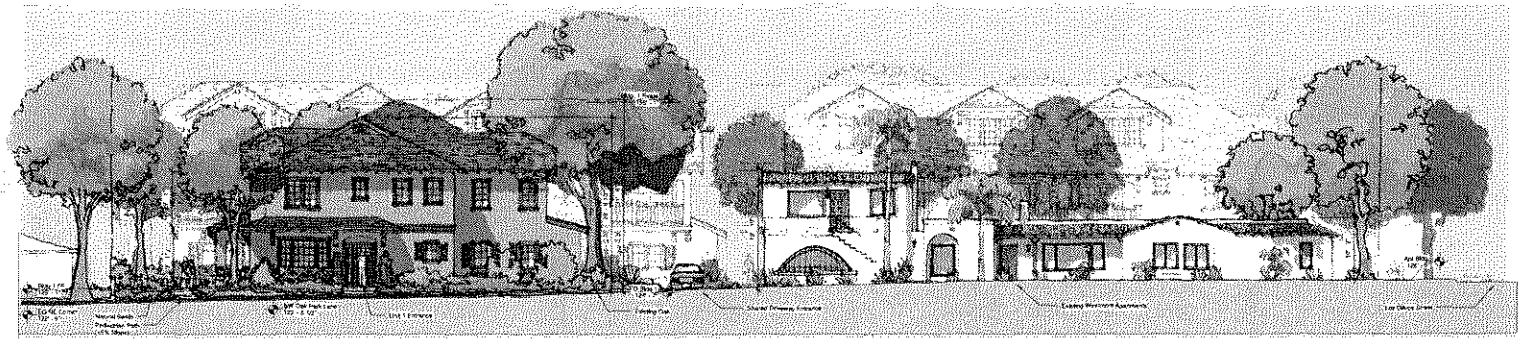
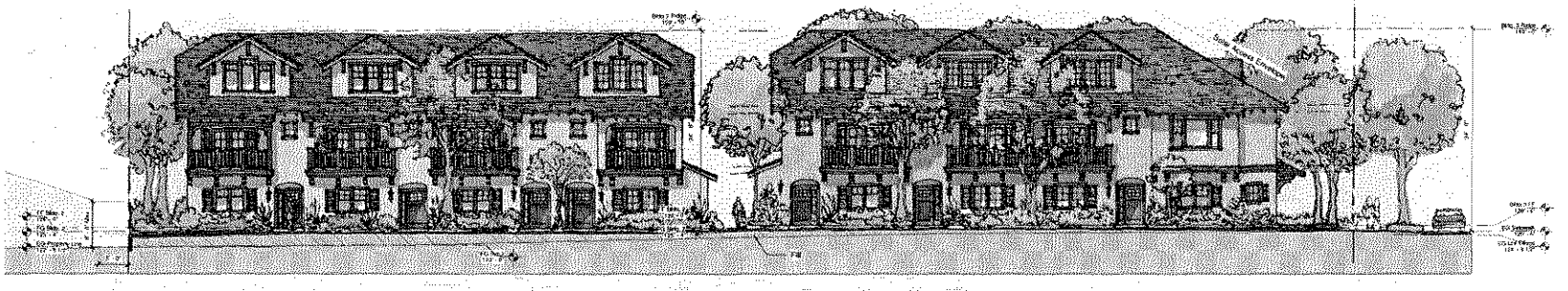
A3



1 North Elevation - Oak Park Lane
SCALE 1/8" = 1'-0"



2 Site Section - EW
SCALE 1/8" = 1'-0"

3 South Elevation - Rear Driveway
SCALE 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

Elevations

Westmont College
955 La Paz Road
Santa Barbara, CA 93108
805.565.6000

Peikert Group Architects, LLP
10 East Figueroa St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 8283
www.peikertgroup.com

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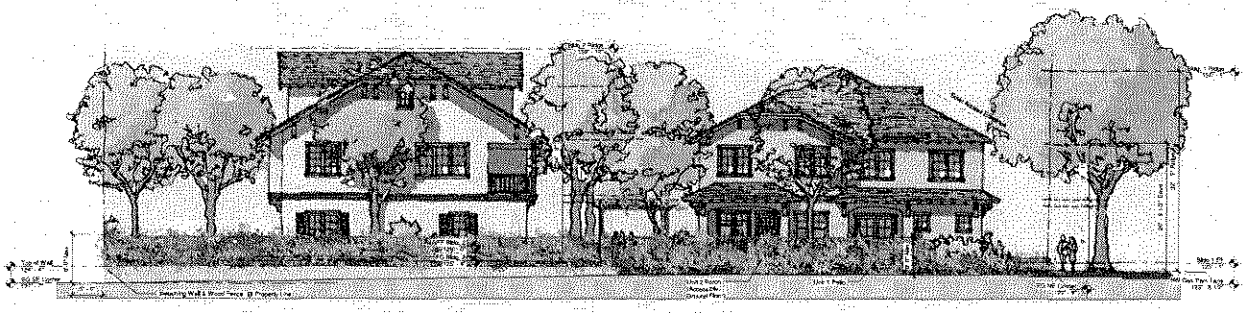
1 West Elevation - Los Olivos Street
SCALE: 1/8" = 1'-0"

2 Site Section - West Elevation of Units 1 & 2, Side of 6
SCALE: 1/8" = 1'-0"



3 East Elevation - Side of Unit 3, Common Lawn, Units 1 & 2
SCALE: 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

Elevations

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Santa Barbara, CA 93108
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January 30, 2009

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Notes per SBMC 28.88.040 Physical Standards for Condominium Conversions

A. **UNIT SIZE.** The enclosed living or habitable area of each unit shall be not less than 600 square feet.

B. **FIRE PREVENTION.**
1. **Smoke Detectors.** Each living unit shall be provided with approved detectors of products of combustion other than heat conforming to standards of the California Building Code as adopted and amended by the City, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
2. **Maintenance of Fire Protection Systems.** All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times, maintained by the Homeowner's Association and delineated in the Covenants, Conditions and Restrictions. S44-0 rev. 9/30/08

C. **SOUND TRANSMISSION.**
Wall and floor-ceiling assemblies shall conform to Title 25, California Code of Regulations, Section 1092, or its successor, or permanent mechanical equipment, including domestic appliances, which is determined by the Chief Building Official to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Chief Building Official to lessen the transmission of vibration and noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. The requirements of this paragraph shall not apply to a unit in a building with no other unit(s).

D. **UTILITY METERING.**
1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. Each unit shall have its own electrical panel, or access thereto, for all electrical circuits which serve the unit. A gas shut-off valve shall be provided for each unit and for each gas appliance.
2. Each dwelling unit shall be served by a separate City water meter. An additional separate City meter shall be provided to serve the landscaped areas in projects that include five or more dwelling units.
3. All plumbing fixtures shall conform to the standards for water saving devices as contained in the Uniform Plumbing Code as adopted and amended by the City of Santa Barbara in Chapter 22.04 of this Code.
4. An exception to any requirement of this subsection may be granted by the Staff Hearing Officer or Planning Commission if the following requirements are met:
a. A licensed engineer has determined that compliance with the requirement cannot practically be accomplished and the applicant has included alternative measures to accomplish conservation equivalent to that which would be expected through compliance with the requirement.
b. The Public Works Director has reviewed the proposed exception and the proposed alternative measures and has concurred that equivalent conservation is likely to be accomplished as a result thereof. Measures proposed as alternatives to the water conservation requirements of this subsection may include, but are not limited to, installation of privately owned sub-meters on each dwelling unit, conversion of existing landscaped areas to conform with current standards for water conserving landscaping, and installation of additional separate City meters to serve groups of dwelling units.

E. **PRIVATE STORAGE SPACE.** Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space, in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit owner. Such space shall be accessible from the garage or parking area for the units it serves.

F. **LAUNDRY FACILITIES.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

G. **CONDITION OF EQUIPMENT AND APPLIANCES.** The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air-conditioners that are provided are in working condition as of the close of escrow. At such time as the Homeowner's Association takes over management of the development, the applicant shall provide written certification to the Association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the Association is in working condition.

H. **PUBLIC EASEMENTS.** The applicant shall make provisions for the dedication of land or easements for street widening, public access or other public purpose in connection with the project where necessary and in accordance with established planned improvements.

I. **REFURBISHING AND RESTORATION.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the Staff Hearing Officer or Planning Commission shall be refurbished and restored as necessary to achieve high quality appearance and safety.

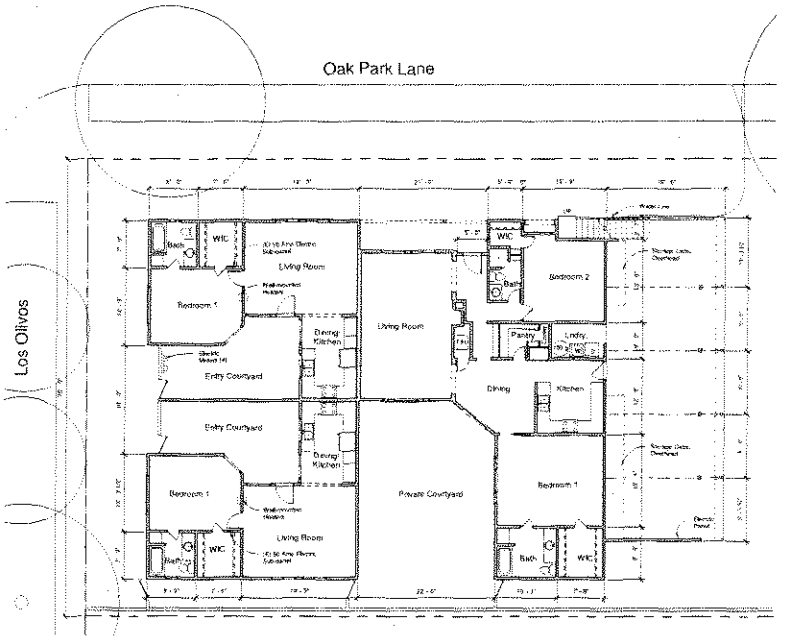
J. **PARKING STANDARDS.** The off-street parking requirements for a conversion project shall be one and one-half (1½) parking spaces per unit for one bedroom or efficiency units and two (2) parking spaces per unit for units containing two or more bedrooms.

K. **PHYSICAL ELEMENTS.** Any physical element identified in the Physical Elements Report as having a useful life of less than two (2) years shall be replaced.

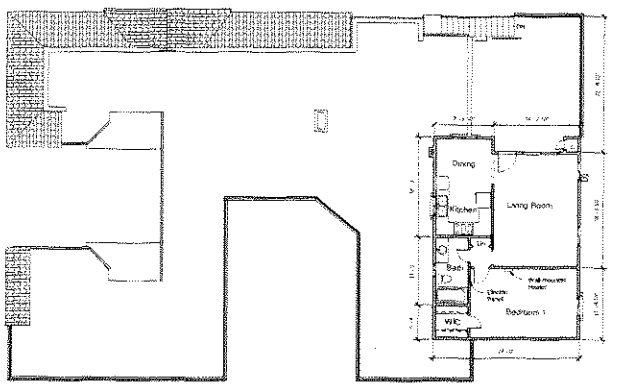
L. **OUTDOOR LIVING SPACE.** Outdoor living space for a conversion project shall be provided as required in MC §28.21.081.

M. **HANDICAPPED ACCESSIBILITY AND ADAPTABILITY.** All conversions involving five or more units shall meet the accessibility and adaptability requirements of the State Housing and Community Development Commission.

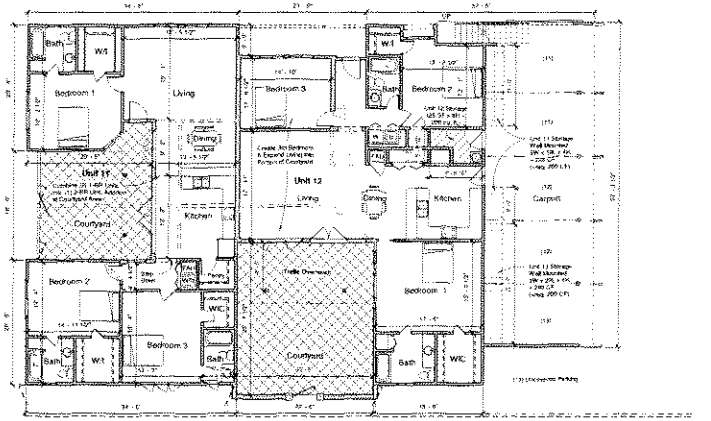
N. **EXCEPTIONS.** The Staff Hearing Officer or Planning Commission may grant an exception to the physical standards set forth in Subsections A, E, F, J, L, and M of this Section if it makes any of the following findings:
1. The economic impact of meeting the standard is not justified by the benefits 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 in this Chapter that offset the project's failure to meet the standard.
4. The project's proximity to public open space could partially offset the project's lack of on-site open space.



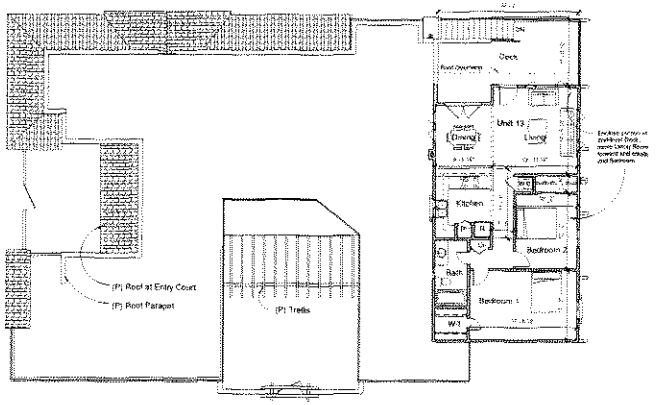
1 Existing Apartments - Level 1
SCALE: 1/8" = 1'-0"



2 Existing Apartments - Level 2
SCALE: 1/8" = 1'-0"



3 Proposed Conversion - Level 1
SCALE: 1/8" = 1'-0"



4 Proposed Conversion - Level 2
SCALE: 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

As-Built Development Plan
Existing Apartment Building -
Proposed Condominium Conversion

Westmont College
955 La Paz Road
Santa Barbara, CA 93108
805.565.6000

Peikert Group Architects, LLP
10 East Figueroa St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 8283
www. peikertgroup.com

January 30, 2009

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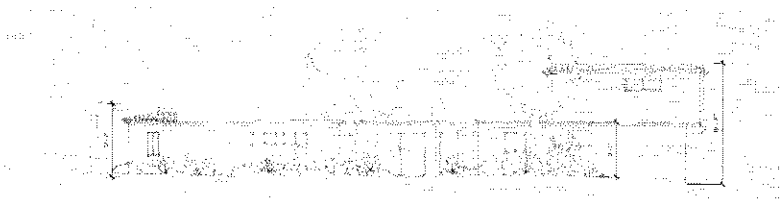
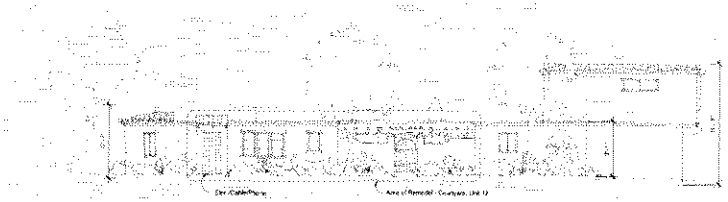
1A North Elevation - Existing
SCALE: 1/8" = 1'-0"

1B North Elevation with Proposed Remodel
SCALE: 1/8" = 1'-0"

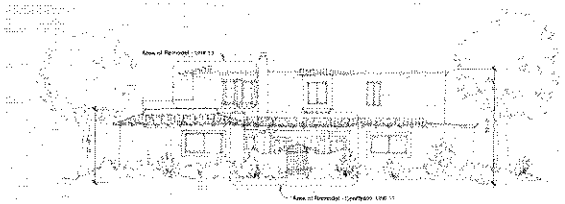


2A South Elevation - Existing
SCALE: 1/8" = 1'-0"

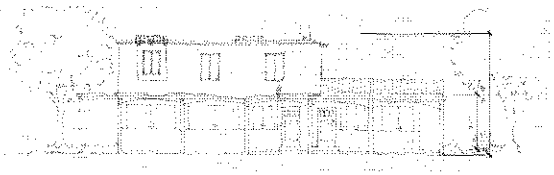


2B South Elevation with Proposed Remodel
SCALE: 1/8" = 1'-0"

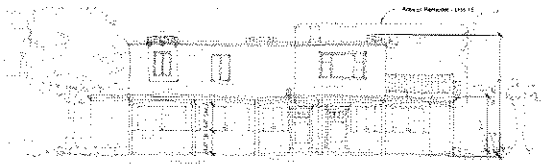
3A West Elevation - Existing
SCALE: 1/8" = 1'-0"



3B West Elevation with Proposed Remodel
SCALE: 1/8" = 1'-0"



4A East Elevation - Existing
SCALE: 1/8" = 1'-0"



4B East Elevation with Proposed Remodel
SCALE: 1/8" = 1'-0"

Westmont Employee Housing

Oak Park Lane & Los Olivos Street
Santa Barbara, CA

As-Built Development Plan
Existing Apartment Building -
Proposed Condominium Conversion

Westmont College
955 La Paz Road
Santa Barbara, CA 93108
805.565.6000

Peikert Group Architects, LLP
10 East Figueroa St. Santa Barbara, CA 93101
Phone 805 963 8283 Fax 805 963 8283
www.peikertgroup.com

January 30, 2009

A7

PEIKERT GROUP ARCHITECTS, LLP

April 16, 2009

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

SUBJECT: 505 & 509 W. LOS OLIVOS STREET, 2121 OAK PARK LANE; MST #2007-00470

Dear Commission Members:

On behalf of Westmont College, Peikert Group Architects (PGA) is pleased to submit this development application package for a residential condominium project on three adjacent parcels. The project involves two components; a condominium conversion and remodel of an existing four unit apartment at 505 W. Los Olivos and the development of 10 residential condominiums at 2121 Oak Park Lane and 509 W. Los Olivos Street. We are requesting the approval of a lot merger and one lot subdivision to create 13 air space condominiums. The project site and neighboring parcels are zoned R-3/Limited Multiple Family Residence. The three parcels total 32,550 square feet and are broken down as follows:

- 2121 Oak Park Lane (Assessor Parcel Number 025-210-011) is 12,400 square feet
- 505 W. Los Olivos Street (Assessor Parcel Number 025-210-012) is 9,750 square feet
- 509 W. Los Olivos Street (Assessor Parcel Number 025-210-004) is 10,400 square feet

The project was reviewed by City staff through a Preliminary Review Team (PRT) application process and was reviewed by the Architectural Review Board (ABR) three times. This application package includes the following information and consultant studies:

1. Architectural and Civil Plan set
2. Response to City comments provided in the PRT
3. Minutes from the ABR meetings – December 3, 2007 & March 18, 2008
4. Noise Report, Dudek - May 2008
5. Archaeological Report, Dudek - June 2008
6. Traffic Report, Associated Transportation Engineers - June 2008
7. Preliminary Drainage Analysis, InSite Civil Engineering - June 2008
8. Title Report (two copies)

10 EAST FIGUEROA STREET 805 963 8283 F 805 963 6184

EXHIBIT C

9. Site Photos

Project Objectives

As you are aware, Westmont College is keenly interested in assisting their staff and faculty achieve home ownership within the community. The College established an affordable housing program for faculty at their Las Barancas property in 1995 that includes 41 existing homes. All of these homes have four bedrooms and serve their employees with families very nicely. This program was sanctioned by the city and the two entities cooperatively administer its operations.

Westmont is proposing to convert an existing four unit apartment building they currently own and develop the two adjacent parcels with 10 modestly sized units. The units would be sold to their staff and faculty at prices affordable to those earning up to 200% of the area median income (AMI) with a target price at the same level. Westmont's objective is to expand their existing city sanctioned program to include the proposed development, which would make a greater variety of unit types available to meet the needs of their employees at different times in their life. Both serve to enhance Westmont's ability as an employer to attract and retain employees.

Ideally faculty and staff that have raised families in a larger Las Barancas home will move to a smaller unit in the new development while allowing faculty and staff with growing families to move into larger homes at Las Barancas as they become available.

Project Description

Existing Zoning & Development

The site is 32,550 square feet and is currently zoned R-3 which would allow for a total of 14 two-bedroom residential units or 11 three-bedroom units. The three parcels are generally level and are developed with residential uses. A summary of on-site development is provided below:

- 2121 Oak Park Lane - The site is currently developed with an existing 1,821 square foot duplex and garage and contains one mature avocado tree which is proposed to be removed.

- 505 W. Los Olivos - As noted above, there is an existing four unit apartment building currently located on site. There are three 1-bedroom units and one 2-bedroom unit. The structure is approximately 4,907 square feet and would be preserved.

- 509 W. Los Olivos - The site is currently developed with a 2,161 square foot single family residence with attached garage. The structure was in the process of being remodeled by the former owner, is not currently habitable and is proposed to be demolished. The site contains four mature non-native trees which are proposed to be removed.

Proposed Project

As shown on the attached plans, the project involves an existing four unit apartment located at 505 W. Los Olivos. Westmont is proposing to add 489 square feet to the existing building, reconfigure the building into three units and convert it to condominiums. In addition, the project includes 10 new multi-family residential townhomes proposed on 2121 Oak Park Lane and 509 W. Los Olivos. The total number of units included in the project is 13; two two-bedroom units and 11 three-bedroom units. Under the existing R-3 zoning 11 three-bedroom units would be allowed. Based on the fact that 100% of the units would be subject to permanent resale price restrictions and sold to employees of Westmont College earning up to 200% of AMI, the college is seeking a density bonus to allow for the development of two additional two-bedroom units.

As previously noted, Westmont is proposing to add 479 square foot to the existing apartment building and reconfigure it into three units; one 2-bedroom unit and two 3-bedroom units. Unit 1 would be 1,552 square feet, Unit 2 would be 1,645 square feet, and Unit 3 would be 935 square feet. The 10 proposed townhomes include one 2-bedroom unit that is 1,159 square feet and nine 3-bedroom units which range between 1,546 and 1,602 square feet. Measurements are net and exclude the garage. The total residential development footprint would be approximately 13,501 square feet (42%) and the proposed townhomes total approximately 21,630 gross square feet (including garages).

The common open space provided on-site is approximately 6,153 square feet or 19%, which satisfies the outdoor living space requirements. We are also proposing to provide private outdoor living space for each unit in the form of individual patios or balconies. These private open spaces range in size from approximately 92 to 514 square feet. The site will be generously landscaped with native and drought tolerant plantings. On-site landscaping totals 8,799 square feet or 27% of the site.

The proposed townhomes that face Oak Park Lane and West Los Olivos Street have been designed to include one and two-story elements set back from the property line. Third-story elements consist of dormers nestled into the roof and occur in units behind the facing the street units. The purpose of stepping the units down near the street is to create a human scale interface between the buildings and the public realm. In addition, the new townhomes are configured into three separate buildings in order to reduce the massing and ensure compatibility with the surrounding neighborhood.

Building 1, fronting Oak Park Lane, is a 2-story duplex with the first unit's primary entrance oriented to the street. The front yard set back is 11 feet and maximum height is approximately 32 feet. Building 2, located at the interior (SE) corner of the site, contains four units and is three stories, where the third-story elements consist of dormers within the roof. The maximum height of this building is 34 feet 6 inches. Building 3 is similar in form to Building 2 and is also 34 feet 6 inches with the exception of the last unit fronting West Los Olivos. This unit drops down to 2

stories with its entrance oriented to the street and the eave height at 20 feet. The proposed front yard setback for Building 3 is 13 feet and requires a modification as described below.

The required setback for Building 3 is 15 feet, essentially because it is does not meet the conditions under Section 28.21.060 where a 10 foot setback is permitted for a structure that has both two and three stories only if 50 percent or less of the ground floor area is three stories and that area is set back 1/3 the distance perpendicular from the street. These conditions could be met and the modification eliminated by removing one unit from Building 3 and attaching it to Building 2, but we do not believe that this change would be beneficial to the overall design and massing of the project. The perceived result of a two-story presence at the street would be the same in either case. The modification was discussed and supported at the ABR June 16, 2008 meeting.

As currently designed, the trash enclosures are located between Buildings 2 and 3. A small shed roof is proposed to fully enclose the trash areas for aesthetic purposes. The separation between buildings is 17 feet, and the trash enclosures extend into the required 15 foot separation by approximately 3 feet on each side, with an additional 1 foot overhang, exceeding the allowed encroachment of 3' for trash enclosures between buildings (Section 28.87.062). The resulting separation between trash enclosure walls is 9 feet 4 inches; we request a modification to allow this reduced separation between buildings. The modification could be eliminated if the trash areas were fenced rather than fully enclosed. The ABR supported a fully enclosed trash areas and the modification to allow a reduction in the required separation between buildings.

In addition, we are requesting that the required five foot planting strip between the proposed driveway and south property line be waived to allow three feet of planting. This was supported by the Architectural Review Board. This reduced width of the planter allows for greater open space and separation between the existing apartment building and the proposed townhomes. It should be noted that a fence would be constructed along this property boundary to provide privacy for the proposed townhomes and the adjacent property owner.

Due to the site's proximity to Mission Creek, a small portion of the site is located within the 100-year flood plain. As indicated on the grading and drainage plan, Building 3 at the southwest corner of the site will be raised slightly to ensure the residential units are not subject to flooding. In addition, the natural slope of the site steps gently down to the southeast corner. In order to direct site drainage toward the street rather than across the neighboring property, this corner of the site will need to be raised approximately 2.5 feet. A low retaining wall would be constructed along the eastern and southern property boundary, as shown on the elevations. The project is near Mission Creek, but is sufficiently set back from the creek to ensure that impacts to the riparian corridor are prevented.

A total of 29 parking spaces are proposed on-site which meets the parking requirements for the residents and guests of the project. Six parking spaces are provided for the three reconfigured units at 505 West Los Olivos Street and each of the townhomes includes a two-car garage. The

code also requires three guest parking spaces on-site. These three spaces will be provided on-site.

The project site will be accessed from two driveways, one from Oak Park Lane and one from West Los Olivos. The three reconfigured units and two of the proposed townhomes would share access from an existing driveway on Oak Park Lane that currently serves the apartments. The eight remaining townhomes would be accessed by a driveway off of West Los Olivos Street. It should be noted that the proposal to use only two driveway entrances to the site where currently there are four will allow the removal of curb cuts and create additional on-street parking on Oak Park Lane and West Los Olivos.

Architectural Board of Review (ABR)

As part of the PRT, the project was reviewed by the ABR on three separate occasions. The first meeting was December 3, 2007, the second meeting on March 18, 2008, and the third meeting on June 16, 2008. At these two meetings the ABR generally praised the general site plan and layout, but expressed concerns about the massing of the structures, the three story elements at the street frontage and the lack of on-site guest parking. The project has been revised to address these concerns and received support from the ABR at the third conceptual review hearing.

Meeting with the Neighbors

A few of the neighboring property owners attended the ABR meeting and expressed concerns similar to those expressed by the ABR. In an effort to better understand their concerns, we met with the neighbors on four occasions. Through this process the site plan was revised to include all of the required parking and the units fronting the street were reduced to two stories.

Inclusionary Housing Ordinance

The City's existing Inclusionary Housing Ordinance applies to projects that include 10 or more residential units and therefore would apply to this project. An inclusionary housing plan has been prepared for the project which requires that two of the units be sold at a target price of 130% of AMI. However, Westmont has been working with City staff to bring forward an Employer Housing Program that would exempt housing units constructed by employers and offered at below market rates to employees. If this Program is approved by the City, the project would not be subject to the inclusionary program and the price of the two units would be targeted at 200% of AMI. The justification for this higher pricing is that the applicant is providing a 100% below market project that will house local employees.

Justification of Project

The proposed project site is located in an urbanized area with a mix of single family and multi-family residential units and commercial (medical office) development. The development of this project is consistent with the City's goals of redeveloping urban infill sites and providing affordable home ownership opportunities to local employees.

In closing, we believe that this concept provides a needed housing opportunity in Santa Barbara. If you have any questions, please feel free to call me at your convenience.

Sincerely,

Lisa Plowman,
Planning Manager

CC: Mr. Doug Jones

Attachments:

1. Architectural and Civil Plan set
2. Response to City comments provided in the PRT
3. Minutes from the ABR meetings – December 3, 2007 & March 18, 2008
4. Noise Report, Dudek, May 2008
5. Archaeological Report, Dudek
6. Traffic Report, Associated Transportation Engineers, June 2008
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8. Title Report (two copies)
9. Site Photos

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Westmont Employee Housing
2121 Oak Park Lane, 505 & 509 W. Los Olivos Street
MST#2007-00470

INCLUSIONARY HOUSING PLAN

As specified in Municipal Code §28.43.090(C), an Inclusionary Housing Plan must include eight elements or submittal requirements. The following Inclusionary Housing Plan for the Westmont Employee Housing Project sets forth a plan based on the required elements.

1. ***The number, location, structure (attached, semi-attached, or detached), and size of the proposed market-rate and inclusionary units and the basis for calculating the number of inclusionary units.***

The project will include a total of 13 residential units contained in 3 multi-family residential buildings, comprised of:

- 11 market-rate ownership units
- 2 inclusionary ownership units

The required inclusionary units will include two 3-bedroom units in the renovated condominiums at 505 W. Olivos Street. There are 11 3-bedroom units and two 2-bedroom units so the proposed plan meets the required bedroom density requirements.

2. ***A floor or site plan depicting the location of the inclusionary units and the market-rate units.***

The project application includes a Site Plan depicting the location of all buildings on site, including the location of inclusionary units and market-rate units. The inclusionary units are Units 1 and 2 in the renovated condominiums at 505 W. Los Olivos Street.

3. ***The income levels to which each inclusionary unit will be made affordable.***

The inclusionary units will be made affordable to employees of Westmont with a target income of 130% AMI, and an income category of 120-160% AMI, as adjusted pursuant to the City's household size adjustment factor.

4. ***The methods to be used to advertise the availability of the inclusionary units and select the eligible purchasers, including preference to be given, if any, to applicants who live or work in the City in conformance with the City's Affordable Housing Policies and Procedures.***

The inclusionary units will be sold to Westmont Employees that qualify for participation in the program.

5. ***For phased development, a phasing plan that provides for the timely development of the number of inclusionary units proportionate to each proposed phase of development as required by Section 28.43.060.A.3 of [this] Chapter.***

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The project will be built in one phase

6. ***A description of any modifications as listed in Section 28.87.230 that are requested of the City.***

The project includes a request for two modifications: 1) a reduction of the required front yard setback along W. Los Olivos Street and 2) allow for a reduction in the required distance between buildings to allow trash areas to be covered.

7. ***Any alternative means designated in Section 28.43.080(A) proposed for the development along with information necessary to support the findings required by Section 28.43.080B for approval of such alternatives.***

None; the proposed project meets the requirements of the City's Inclusionary Housing Ordinance.

8. ***Any other information reasonably requested by the Community Development Director to assist with evaluation of the plan under the standards of [this] Chapter.***

At this time, the Community Development Director has not requested other information to assist with the evaluation of this plan.

December 3, 2007 First Concept Review

505/509 W LOS OLIVOS ST AND 2121 OAK PARK LN

Assessor's Parcel Numbers: 025-210-012, -004, and -011
Application Number: MST2007-00470
Owner: Saunders Family Trust
Owner: Westmont College
Architect: Peikert Group Architects

(This 13 unit condominium project consists of a three lot merger; demolition of an existing 2,250 square foot duplex; demolition of an existing 2,400 square foot single-family residence; construction of ten new 1,683 square foot three-story, three-bedroom condominium units (each with a 408 square foot two-car garage); addition of 481 square feet to an existing 4,928 square foot four-unit apartment building; remodel and conversion of the apartment building into three condos (one 941 square foot two-bedroom unit and two 3-bedroom units at 1,652 and 1,779 square feet). Parking for the converted apartment building would be provided by one uncovered parking space and five covered parking spaces. All 13 condo units would available to employees of Westmont College earning up to 200% of Average Median Income. Proposed development would total 27,929 square feet on the 32,550 square foot lot. Planning Commission review is required for a Tentative Subdivision Map; Condominium Conversion Permit; and Modifications to allow bonus density units, reduction of setbacks, and reductions in the guest parking requirement.)

Present: Detlev Peikert, Architect; Lisa Plowman, Agent; Rob Kroft, Westmont College; Dan Gullett, Staff Planner.

Public comment:

- Barry Atsatt: concerned with massing, setbacks, potential parking issue.
- Ralph Philbrick: concerned about sufficient parking for project; alley needs to be softened.
- A public comment letter expressing concern submitted by Celeste Barber was acknowledged by the Chair.

Motion: **Continued indefinitely to the Planning Commission and return to the Full Board with the following comments:**

1) Several Board members are concerned that all buildings are too aggressive; they share the public's concern and prefer not to have modifications in exchange for height and mass.
2) Some Board members are concerned with the inadequate parking (the lack of guest parking).
3) There is concern with the lack of significant one and two story building presence to the street, to blend into the neighboring structures providing nh compatibility.
4) There is concern that keeping the original apartment building may contribute to the aggressive site design and a new building may help achieve a less aggressive site design.
5) It was suggested removing the trash enclosure away from the southeast setback.
6) The overall site plan is well executed; the open space and amenities are appreciated. The Board appreciates the articulation

EXHIBIT E

of facades, especially the dormer third-story elements, nestled into the second story roof.

7) The applicant is encouraged to return to the Full Board prior to going to the Planning Commission.

Action: Mudge/Mosel, 7/0/0. Motion carried. (Manson-Hing absent.)

March 18, 2008 – Second Concept Review
505/509 W LOS OLIVOS ST AND 2121 OAK PARK LN

Assessor's Parcel Number: 025-210-012, -004, and -011
Application Number: MST2007-00470
Owner: Saunders Family Trust
Owner: Westmont College
Architect: Peikert Group Architects

(This 13 unit condominium project consists of a three lot merger; demolition of an existing 2,250 square foot duplex; demolition of an existing 2,400 square foot single-family residence; construction of ten new 1,683 square foot three-story, three-bedroom condominium units (each with a 408 square foot two-car garage); addition of 481 square feet to an existing 4,928 square foot four-unit apartment building; remodel and conversion of the apartment building into three condos (one 941 square foot two-bedroom unit and two three-bedroom units at 1,652 and 1,779 square feet). The parking for the converted apartment building would be provided by one uncovered parking space and five covered parking spaces. All 13 condo units would be provided to employees of Westmont College earning up to 200% of Average Median Income. Proposed development would total 27,929 square feet on the 32,550 square foot lot. Planning Commission review is required for a Tentative Subdivision Map; Condominium Conversion Permit; and Modifications to allow bonus density units, waiver of solar access height limits, reduction of rear and interior yard setbacks, and reduction in the guest parking requirement.)

Present: Detlev Peikert, Architect, Bonnie Sangster, Designer for Peikert Group Architects.

The Chair stated for the record that the Board was not encouraging demolition for the proposed project which was only previously mentioned as an option to alleviate the density of the project, and clarified for the public that the proposed project is located within an R-3 zone which allows for construction of a three-story structure.

The applicant was unable to clarify or confirm Member Mudge's request to clarify any special project circumstances or impairment as required by Ordinance that would justify the need for a modification request.

Mr. Peikert clarified that the parking modification was necessary for the project to proceed, whereas the solar access modification request was intended for aesthetic enhancement of the building.

Public comment:

- Ken Barber, opposed: addressed compatibility of the parking garage, and suggested the applicant consider off-street guest parking, and was opposed to three-story construction and setback modifications in the neighborhood.
- Barry Atsatt: opposed: addressed incompatibility of the project mass and problems of neighborhood parking density and traffic congestion.

- Three individual opposition letters from Paula Westbury, Nora Gallagher (Oak Park Neighborhood Association), and Celeste Barber, were read into the record.

Motion: Continued indefinitely to return to Full Board, with the comments:

1) The Board's generally view is that the applicant has not made a significant effort to resolve the previously mentioned items from the December 3, 2007 meeting, and are therefore carrying forward comment items 1, 2, 3, 4, and 6 as follows:
   - 1 - The Board is still concerned that all project buildings are too aggressive; they share the public's concern and prefer not to have modifications in exchange for height and mass.
   - 2 - The Board is still concerned with the inadequate parking; specifically the lack of on-site parking.
   - 3 - The Board is still concerned with the lack of two-story presence to the street.
   - 4 - There is still concern from the Board of the original apartment building contributing to the aggressive site design where a lesser building might contribute to a lesser site design.
   - 6 - Although the overall site plan is well executed, the project could benefit by providing additional open space in the central core of the project for more accessibility.
2) Applicant to return with accurate drip lines for the existing oak trees to remain.

Action: Sherry/Mudge, 6/0/0. Motion carried. (Blakeley/Wienke absent.)

June 16, 2008 – Third Concept Review
505/509 W LOS OLIVOS ST AND 2121 OAK PARK LN

Assessor's Parcel Number: 025-210-012, -004, -009

Application Number:	MST2007-00470
Owner:	Saunders Family Trust
Owner:	Westmont College
Architect:	Peikert Group Architects

(This 13 unit condominium project consists of a three lot merger; demolition of an existing 2,250 square foot duplex; demolition of an existing 2,400 square foot single-family residence; construction of ten new 1,683 square foot three-story, three-bedroom condominium units (each with a 408 square foot two-car garage); addition of 481 square feet to an existing 4,928 square foot four-unit apartment building; remodel and conversion of the apartment building into three condos (one 941 square foot two-bedroom unit and two three-bedroom units at 1,652 and 1,779 square feet). The parking for the converted apartment building would be provided by one uncovered parking space and five covered parking spaces. All 13 condo units would be provided to employees of Westmont College earning up to 200% of Average Median Income. Proposed development would total 27,929 square feet on the 32,550 square foot lot. Planning Commission review is required for a Tentative Subdivision Map; Condominium Conversion Permit; and Modifications to allow bonus density units, waiver of solar access height limits, reduction of rear and interior yard setbacks, and reduction in the guest parking requirement.)

Present: Detlev Peikert, Peikert Architects; Doug Jones, Westmont College.

Public comment:

- A letter in opposition from Paula Westbury was acknowledged.
- Douglas Muse, address concerns: three guest parking spaces is inadequate; freeway traffic noise; potential loss of archeological artifacts.
- Barry Atsatt, thanked the Architect for functional group meetings. Satisfied that Zoning requirements have been met.

Motion: **Continued indefinitely to the Planning Commission and return to Full Board with the following comments:**

1) The Board finds that the modification setback at the front unit on Los Olivos Street does not pose a negative aesthetic impact.
2) The 13 foot setback for the two-story portion of the building, and two, four-unit buildings separated at mid-block are appreciated.
3) The Board recommends that the center area between the two, four-unit buildings have enclosed trash and recycling containers located adjacent to unit 7, allowing a perceived courtyard in front of the guest parking area and allowing a larger open space between the two buildings.
4) The board finds no aesthetic impact to having a roof over the trash enclosure. Although it triggers a modification request for separation distance between buildings; the roof is preferable and is not a negative aesthetic impact.
5) The massing of the project with the two-story portions on the streets blending into the neighborhood is appreciated.
6) Study lowering the first and second-floor plate heights.
7) The Board would prefer to see the Los Olivos Street entry to unit #10 redesigned to include more substantial architectural elements for a more pedestrian friendly entrance.
8) There is concern with the number of third-story dormers. The Board appreciates the dormers nestling into the roof, but would prefer more variety of styles, such as gables, hips and shed roof styles.
9) Some Board members would like to see the building articulated in a more townhouse-like style to delineate the courtyard feeling between the units and for added variety.
10) The use of sustainable concepts is appreciated. The use of permeable pavers in the guest parking is preferred. The 19 percent outdoor landscape area, retention of all existing oak trees, and the introduction of additional planting on site are appreciated.
11) The Board appreciates the applicant working with the neighbors to resolve issues.

Action: Mosel/Zink, 4/0/0. Motion carried. (Aurell, Blakeley, Manson-Hing absent.)