



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 2, 2008  
**AGENDA DATE:** April 9, 2008  
**PROJECT ADDRESS:** 810 Bond Avenue and 516 N. Nopal Street (MST2004-00351)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner *JH*  
 Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The proposed project involves the conversion of an existing four-story, mixed-use development, consisting of three apartments and one commercial unit, to four condominium units on a 7,185 square foot (SF) lot. The residential units consist of one 601 SF one-bedroom unit, one 1,137 SF two-bedroom unit, and one 1,262 SF three-bedroom unit. The residential portion consists of a total of 3,376 SF and the commercial portion consists of a total of 3,421 SF. There are seven existing parking spaces (two covered and five uncovered). The two-car garage is 314 SF. No exterior architectural alterations are proposed.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments to condominium units (SBMC§28.88).

### III. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the Tentative Subdivision Map and Condominium Conversion Permit, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**Vicinity Map for 810 Bond Avenue and 516 N. Nopal Street**

**APPLICATION DEEMED COMPLETE:** February 21, 2008  
**DATE ACTION REQUIRED PER MAP ACT:** May 11, 2008

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Orosz Engineering Group, Inc.,	Property Owner: Peter and Sylvia Kurrels
Parcel Number: 031-234-022	Total Lot Area: 7,185 square feet
General Plan: Industrial	Zoning: C-2, Commercial
Existing Use: Three apartments/ automotive repair business	Proposed Use: Residential/Commercial Condominiums
Topography: flat	
Adjacent Land Uses:	
North: Residential	East: Commercial
South: Residential	West: Residential

**B. PROJECT STATISTICS**

Units	# of Bedrooms	Unit Size (net)	Deck Size
A & C (Commercial)	n/a	3,171 sq. ft.	48 sq. ft.
B (Residential)	1	601 sq. ft.	94 sq. ft.
D (Residential)	2	1,137 sq. ft.	245 sq. ft.
E (Residential)	3	1,262 sq. ft.	240 sq. ft.

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing
Setbacks -Front -Interior	0' 0'	varies, min. 2.7' varies, min. < 1'
Building Height	4 stories/ 60' maximum	4 stories/ 39'-11"
Parking	7 uncovered spaces	2 covered, 5 uncovered spaces
Lot Area Required for Each Unit (Variable Density)	(1) 1-Bd. = 1,840 sq. ft. (1) 2-Bd. = 2,320 sq. ft. (1) 3-Bd. = 2,800 sq. ft. 6,969 sq. ft. required	Lot area : 7,185 square feet
Open Space	10% of lot area: 718 square feet	729 square feet
Private Outdoor Living Space	1- bedroom unit: 72 sq. ft. 2- bedroom unit: 84 sq. ft. 3- bedroom unit: 96 sq. ft.	1- bedroom unit: 94 sq. ft. 2- bedroom unit: 245 sq. ft. 3- bedroom unit: 240 sq. ft.
Lot Coverage -Building/ Porch -Paving/Driveway -Landscaping	n/a	3,171 sq. ft. (44 %) 3,286 sq. ft. (46 %) <u>729 sq. ft. (10%)</u> 7,185 sq. ft. (100 %)

*Parking:* In any mixed-use development, where residential uses occupy up to fifty percent of the development, residential parking requirements may be reduced by fifty percent. In this case, the residential portion is less than fifty percent; therefore, three parking spaces, instead of six, are required. For the commercial portion, which is an auto repair business, the parking requirement is as much paved area for outside storage and parking of vehicles as there is area used for servicing of vehicles inside. In this case, the auto repair garage has four repair bays; therefore, four parking spaces are required onsite. With the provision of seven parking spaces, the parking requirement is met. Future changes of use from auto repair to other commercial uses could result in an increased parking requirement. For example, conversion to offices would require 13 spaces instead of the currently available four spaces. It would be necessary for the owner to find additional offsite parking to meet the requirement. A condition has been included that requires additional City review if the commercial use changes to a more intense use.

## **VI. ISSUES**

### **A. COMPLIANCE WITH THE GENERAL PLAN**

*Land Use Element:* The project site is located in the Lower East neighborhood of the City, which is bounded on the north by Cota Street, on the south by Highway 101, on the east by a line behind the Milpas commercial strip, and on the west by Santa Barbara Street. The General Plan Designation of this area is Industrial, which is inconsistent with the Zoning designation of C-2, Commercial. The City's current Land Use Element, adopted in 1995, describes this neighborhood as a mix of residential, commercial, and industrial uses, with the anticipation that it would become an exclusively industrial area with no additional residential growth. That trend did not continue as the City has experienced more residential than industrial growth. However, the General Plan does not prohibit the construction of new residential units in the industrial area; therefore the proposed project to convert existing residential units to condominiums would not be inconsistent with the General Plan.

### **B. DESIGN REVIEW**

The Architectural Board of Review (ABR) reviewed the project on January 8, 2008 and made the following comments: 1) The project design appears well handled; 2) Provide laundry facilities for Unit B; 3) Provide photos of way finding signs to all units; and 4) Provide photos verifying that parkway landscaping is being maintained. The applicant has indicated that the laundry facilities will be installed in Unit B, the way finding signs will be installed and photographs of the parkway landscaping will be provided upon returning to the ABR for preliminary approval.

### **C. REQUIREMENTS FOR CONDOMINIUM CONVERSIONS**

The Condominium Conversion Ordinance states that "once a building permit has been issued, a building may not be converted unless the certificate of occupancy for the building was issued more than five (5) years prior to the date the owner files with the City an application for the approval of a tentative condominium map or conversion to a hotel or similar use, unless the building satisfies the City's requirements for new condominium construction." In this case, the certificate of occupancy for the mixed-use development was issued approximately one year ago, on April 24, 2007, and it has been determined that it satisfies the requirements for new condominium construction as well as the physical standards for new residential condominium development.

In addition to the requirements of the zone in which a project is located, physical standards are required for all condominium conversion projects per SBMC §28.88.040. The proposed condominium conversion project meets all of the required physical standards including unit size, separate utility metering, private storage space, laundry, parking and outdoor living space.

### **D. ENVIRONMENTAL REVIEW**

No new construction is proposed for the condominium conversion project; therefore, the Environmental Analyst has determined that the project is exempt from further environmental

review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

## **VII. FINDINGS**

The Staff Hearing Officer finds the following:

### **A. TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed condominium conversion and the density of development, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project is not likely to cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

### **B. CONDOMINIUM CONVERSION (SBMC§28.88.120)**

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion conforms to the density requirement of the Land Use Element of the General Plan.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
5. The units have not been "affordable rental units"; therefore, affordability restrictions do not apply to the project.
6. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than four residential units.
7. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant Letter dated March 24, 2008

**STAFF HEARING OFFICER**  
**CONDITIONS OF APPROVAL**

810 BOND AVENUE & 516 N. NOPAL STREET  
TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION  
APRIL 9, 2008

In consideration of the project approval granted by the Staff Hearing Officer 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. **Public Works Submittal Prior to Parcel 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 Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Bond Ave Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bond Avenue. As determined by the Public Works Department, the improvements shall include a new driveway apron modified to meet Title 24 requirements and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
  3. **Agreement to Construct and Install Improvements** The Owner shall submit an executed "Agreement to Construct and Install Improvements 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.
- B. **Recorded Agreement(s).** 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*, prepared by the Engineering Division which shall be recoded in the Office of the County Recorder including the following provisions:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  2. **Required Private Covenants.** The Owners shall submit 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. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall 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. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
  - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to

capture, infiltrate, and/or treat, 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. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 9, 2008 is limited to the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to three residential condominium units and one commercial condominium unit and the improvements shown on the project plans and Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  7. **Use Limitations.** Due to potential parking impacts, uses which require more parking than auto repair are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
  8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
  9. **Residential Permit Parking Program.** Residents of the Real Property and their guests shall not participate in the Residential Permit Parking Program.
- C. **Design Review.** The following items are 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 conditions have been satisfied.
1. Provide photographs of way finding signs to all units.
  2. Provide photographs verifying that the parkway landscaping is being maintained.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the three residential condominiums, and one commercial condominium.
2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).

E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

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

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

2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer 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.

- F. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88) (including adjustments to the tenant assistance specified in Subsection 28.88.100.G as specified below):

1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
  2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.
  3. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
  4. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.
  5. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.
- G. Prior to Final Inspection for the Condominium Conversion Permit.** Prior to Final Inspection for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:
1. **Recordation of Parcel Map.**
  2. **Recordation of the Agreement Relating to Subdivision Conditions Imposed on Real Property.**
  3. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curb, gutter, sidewalk, roadway, 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.
  4. **Complete Public Improvements.** Complete public improvements identified earlier in these conditions.
  5. **Recordation of Map and Agreements.** After City Council approval of the Parcel Map and Agreement(s), the Owner shall provide evidence of recordation to the Public Works Department.

6. **Evidence of Private CC&R's Recordation.** Evidence shall be provided that the private CC&R's required in Section A have been recorded, prior to Final Inspection.

**NOTICE OF TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Subdivision Map and Condominium Conversion shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.





Orosz Engineering Group, Inc.

1627 Calzada Avenue  
Santa Ynez, California 93460  
Phone/FAX 805-688-7814  
email oeg@quixnet.net

OEG Ref 050104

March 24, 2008

Staff Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

Subject: Kurrels Condominium Conversion 810 Bond Avenue, 516 N. Nopal Street  
APN 031-234-022, MST#2004-00351

On behalf of the property owner's Peter and Sylvia Kurrels, Orosz Engineering Group, Inc. is seeking the City's approval of the conversion of three existing apartment units and one commercial unit to condominiums.

The project site is located at 810 Bond Avenue at Nopal Street. The property owner's have completed the construction of the mixed use complex located on the same property. In that approval, three apartment units were approved along with the commercial uses. The certificate of occupancy for the project was granted in the Spring of 2007. The condominium conversion proposed would not modify the actual construction, only the type of use. The current structure was designed and constructed with the additional requirements associated with condominiums in mind. The property owners have decided that they would like to be able to provide housing ownership opportunities in Santa Barbara, not additional rental units, based on the housing market and the economy.

The existing use of the property is for a commercial enterprise – The Engine Company. The existing commercial business houses 2,359 SF. The commercial space used by the Engine Company on the second floor of the building totals 812 SF. The residential units comprise the balance of the building use and square footage. The commercial square footage is greater than the residential square footage for the project. No changes in building square footage are proposed with the condominium conversion project. The existing business hours are 8:00 AM to 6:00 PM Monday through Thursday. The business is closed Friday through Sunday.

On-site parking for seven spaces is exists. Three of the parking spaces are designated for the exclusive use of the three residential units. The remaining four spaces are shared between the daytime commercial business and night time residential uses. As required by the City's municipal code, the parking requirements for Automotive Repair are to provide an equivalent amount of parking outside of the facility as there are repair bays inside the structure. The Engine Company has four repair bays and there are four commercial use spaces outside of the structure provided for this use. The residential uses require 6 spaces. However, as this is a mixed use project with less than 50% residential square footage, the residential parking requirements are reduced 50% to 3 spaces. Bicycle and covered parking are not required.

Staff Hearing Officer  
March 24, 2008  
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Each residential unit has indoor laundry facilities, private storage and outdoor living space. When the building was constructed in 2005-2006, the building had individual utility metering and fire prevention systems installed and meet the Title 25 sound transmission requirements.

The site is located on APN 031-234-022 and encompasses 7,184.5 square feet. The conversion project does not propose any removal of any existing trees or significant vegetation. The site drainage plan is not impacted by the conversion plan. The site drainage is addressed under the previous building permit and construction documents incorporated by reference.

The site has 729 square feet or 10% of the site of landscaping. There is no grading proposed with the condominium conversion project. No variances or waiver of requirements are proposed.

The project received a concept review by the ABR. The ABR requested that the Unit C have a washer/dryer unit installed and that the way finding be improved at the entrance on Bond Avenue. The owner is complying with these requests and will provide proof of completion when the project goes back to ABR for preliminary and final approval.

Attached to this letter are plans depicting the layout of the condominiums, tentative map and reference drawings as requested by the planning staff.

On behalf of the property owners, Orosz Engineering Group, Inc respectfully asks the City to approve this application. We would also like to acknowledge the good work that our planner (Kathleen Kennedy) provided us during the application review process. Should you have any questions, feel free to contact me at 805-688-7814.

Sincerely,



Stephen A. Orosz  
Agent for Peter & Sylvia Kurrels  
Orosz Engineering Group, Inc

Attachments