



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 018-06

15 EAST ISLAY STREET

MODIFICATION, TENTATIVE SUBDIVISION MAP

MAY 4, 2006

APPLICATION OF PETER W. HUNT, ARCHITECT, FOR LLOYD G. TUPPER TRUST, PROPERTY OWNER, 15 E. ISLAY STREET AND 15 E. ISLAY STREET (UNITS A-D), APN 027-032-015 & -016, R-1, ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: BUFFER/ GENERAL COMMERCE/ OFFICES (MST2005-00346)

The project consists of the conversion of five existing, detached residential units to condominiums. There is currently one (1) one-bedroom unit, four (4) two-bedroom units and five uncovered parking spaces onsite. No new development is proposed. The project site consists of 13,853 square feet. Two exceptions to the required physical standards for condominium conversions are requested. One exception is to allow five parking spaces instead of ten and the other exception is to provide no additional private storage space for each unit.

The discretionary applications required for this project are:

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

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Existing Facilities).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 4, 2006
2. Site Plans
3. Correspondence received in support of the project:
 - a. Arthur Denk, 32 E. Islay Street, SB, CA 93101

- b. Phillip Suding, via email
- c. Denny Rea, 1809 Rossier Lane, SB, CA via email
- d. Lais Da Silva, 19 E. Islay Street, SB, CA 93101

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

The Planning Commission finds the following:

A. **HEIGHT MODIFICATION (SBMC§28.87.170)**

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

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

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

C. **TENTATIVE SUBDIVISION MAP (SBMC§27.07.100)**

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

D. **CONDOMINIUM CONVERSIONS (SBMC §28.88.120)**

- 1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.
- 2. 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.
- 3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
- 4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
- 5. The units have not been affordable rental units; therefore, affordability restrictions do not apply to the project.

6. The requirements of Section 28.88.130 (Maximum Number of Conversions) have been met.
7. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.
8. The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.

II. Said approval is subject to the following conditions:

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

- A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of a Certificate of Occupancy for the condominium conversion permit. Said agreement(s) shall be recorded in the Office of the County Recorder:
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 4, 2006 is limited to the conversion of five detached residential units to condominiums and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

5. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the approved Operations and Maintenance Procedure Plan.
 6. **Required Private Covenants.** Prior to the issuance of a Certificate of Occupancy for any residential condominium unit or the sale of any residential condominium unit within the subdivision, whichever comes first, the Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, including the private storm drain system and shared sewer laterals, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Designated Spaces Available for Parking.** A covenant that includes a requirement that all designated parking spaces be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted.
 - c. **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.** A covenant that includes a requirement that adequate space shall be provided and maintained for trash and recycling purposes.
 - 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.
- B. **Design Review.** The following are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit:
1. **Private Storage Areas.** Each condominium unit shall have at least 50 cubic feet of private storage space attached to the exterior of each unit, pursuant to SBMC§28.88.040.
 2. **Trash and Recycling Containers.** The trash and recycling containers for Unit D shall be relocated away from the private outdoor living space of Unit C and shall not be located within the setback.

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

4. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

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

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

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

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

1. A Building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.
3. The project also includes approval of a Tentative Subdivision Map, in which case the longer approval period shall prevail.

NOTICE OF TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSIONS TIME LIMITS:

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

Two motions were passed and adopted on the 4th day of May, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (White, Larson)

PLANNING COMMISSION RESOLUTION No. 018-06
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MAY 4, 2006
PAGE 8

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Deana McMillion, Administrative/Clerical Supervisor for
Julie Rodriguez, Planning Commission Secretary

6-15-06

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.