



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 25, 2006
AGENDA DATE: June 1, 2006
PROJECT ADDRESS: 1009 Del Sol Avenue (MST2005-00132)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *[Signature]*
 Chelsey Swanson, Assistant Planner *[Signature]*

I. PROJECT DESCRIPTION

The project consists of the demolition of a single-family residence and garage and the construction of two new three-bedroom condominium units within a two-story duplex on a 6,000 square foot lot in the non-appealable jurisdiction of the Coastal Zone. The units would be 1,447 square feet and 1,467 square feet and four parking spaces would be provided within two attached two-car garages.

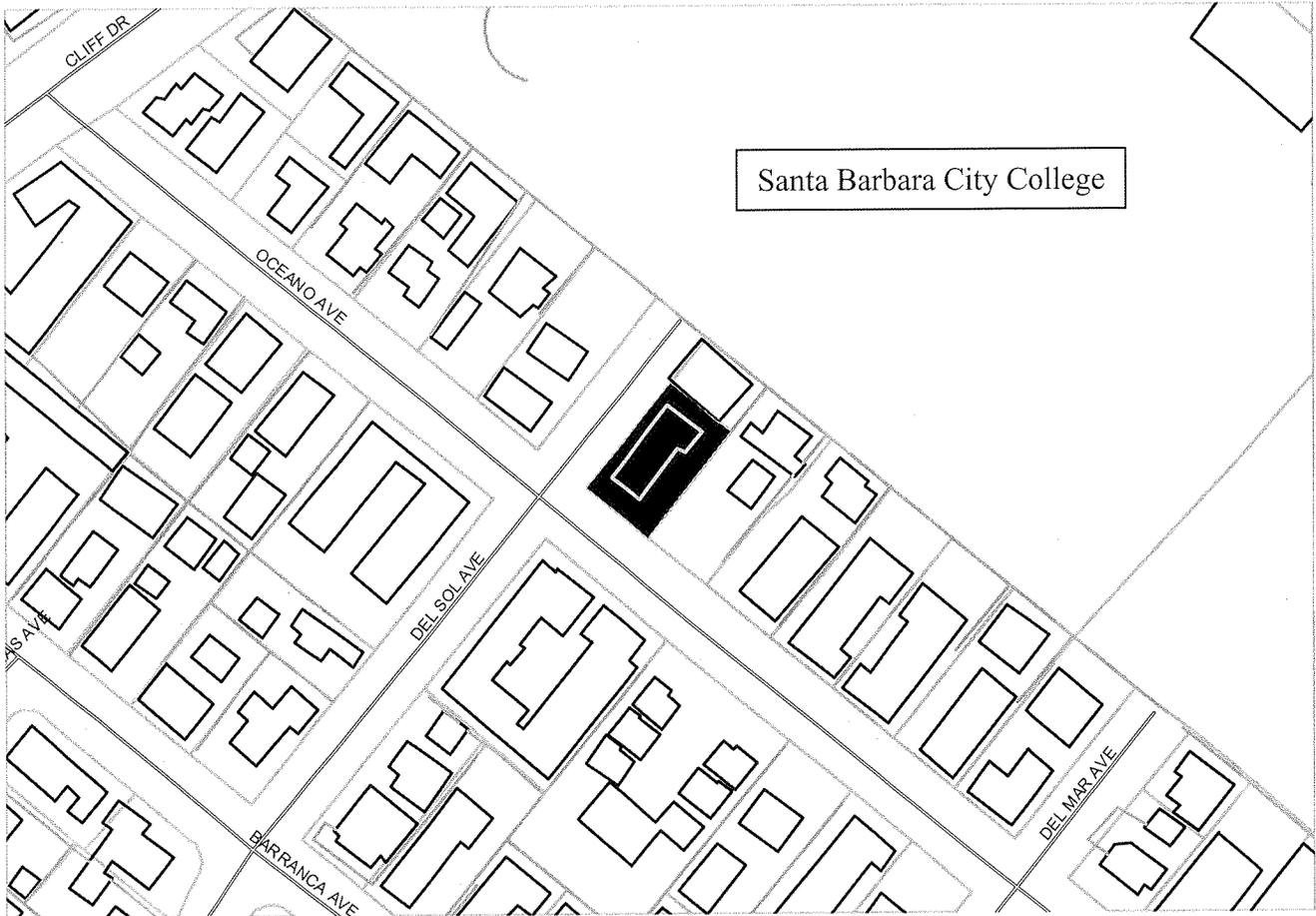
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow the required open yard to encroach into the front yard setback (SBMC §28.18.060);
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC 27.07 and 27.13); and
3. A Coastal Development Permit (CDP2005-00010) to subdivide a residential parcel and allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

III. RECOMMENDATION

Upon approval of the requested modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent 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.



Vicinity Map – 1009 Del Sol Avenue

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

April 27, 2006
July 16, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant/ Property Owner: Shawn Dirksen	
Parcel Number: 045-074-001	Lot Area: 6,000 sq. ft.
General Plan: Residential, 5 units/ acre	Zoning: R-2/ SD-3
Existing Use: Residential	Topography: ~5%
Adjacent Land Uses: North – Residential and SBCC East - Residential and SBCC South - Residential West - Residential	

B. PROJECT STATISTICS

	Existing	Proposed (Unit 1)	Proposed (Unit 2)
Living Area	1,587	1,447	1,467
Garage	143	400	400

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior	15' (1 st story) 20' (2 nd story) 6'	10' & 20' >6' (house) and <6'(garage)	15' (1 st story) 20' (2 nd story) 6'
Building Height	30'	One-story	24'
Parking	2 covered, 2 uncovered	1 covered	4 covered
Lot Area Required for Each Unit	3,000 sq. ft.	6,000 sq. ft.	3,000 sq. ft.
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	1,250 sq. ft.
Private Outdoor Living Space	160 sq. ft./ unit	N/A	160 sq. ft./ unit
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	1,650 sq. ft. 28% 350 sq. ft. 6% 4,000 sq. ft. 67%	2,290 sq. ft. 38% 668 sq. ft. 11% 3,042 sq. ft. 51%

The proposed project would meet the requirements of the R-2 Zone, with the exception of a portion of the required open yard area being located within the front yard.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the ABR on four separate occasions (meeting minutes are attached as Exhibit D). Only public comments were received for the first conceptual review and the ABR decided to continue the item so they could do a site visit first. The original proposal was a three-story building, which the ABR expressed was out of character with the neighborhood and suggested that a two-story building be proposed. Based on the revised two-story design, the ABR stated that the size, bulk, and scale is compatible with the neighborhood, and asked that charm giving elements be added to the north elevation. The Board also supported a modification for a fence to exceed 3½' within the front yard setback; however, staff does not support this modification and it is no longer proposed.

The project returned to the ABR on May 15, 2006, for the purpose of reviewing newly added roof decks, which included a third-story element as access to the roof decks. The ABR stated that the third-story roof deck and stairs were not acceptable as presented and that they would consider the addition of roof decks if the applicant were to study ways of providing an access stairway that does not add mass, and does not add a third-story element to the building. Further, the ABR requested that the applicant provide photo documentation from the third-story elevation to ensure that privacy impacts do not occur for adjacent neighbors. The ABR also reviewed the Preliminary Landscape Plan and found the plan to be acceptable. The applicant was given the choice to proceed to Planning Commission or to return the ABR for further review of revisions of the roof decks. The applicant chose to return to the ABR, with the current proposal, which still includes a roof deck for both units, but eliminates the third-story element by utilizing hatch doors for access. These revisions are scheduled for review by the ABR on May 30, 2006.

B. MODIFICATION

A modification is required for a portion of the required 1,250 square feet of open yard to be located within the front yard. Approximately 625 square feet of designated open yard area located adjacent to Unit 1 is proposed within the front yard area that abuts Oceano Avenue. The project site is a corner lot, and therefore has two front yards with 20' setbacks, which the open yard is not allowed to be located within without a modification. Further, the lot size is approximately 6,000 square feet, which is the minimum size for a lot zoned R-2 that allows two units. Due to these site constraints, staff feels that this modification request is supportable and believes that the findings can be made that the modification is consistent with the purposes and intent of the Zoning Ordinance and necessary to prevent an unreasonable hardship.

C. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The proposed project is located within the East Mesa neighborhood, as identified in the Land Use Element of the General Plan. This neighborhood is bordered on the north by the southern edge of the Mesa Hills; on the south by the ocean; on the east by Oceano Avenue; and on the west by Meigs Road. The East Mesa neighborhood is primarily developed with single-family residences on small lots, with the exception of the vicinity of the project,

which includes Oceano and Barranca Avenues. Almost all of this area is in a density classification of five dwelling units per acre, with the exception of the area located between Santa Barbara City College and Barranca Avenue, where the project site is located and there is a density classification of twelve units per acre.

The proposed project would result in a density of 14.5 units per acre. The Land Use Element states that the density category of twelve dwelling units per acre is intended to reduce the amount of development that could take place on remaining large parcels in multiple family areas. In addition, the General Plan recognizes that there are existing smaller lots in both two-family and multiple-family areas where development would be confined to single-family homes if a density of twelve dwelling units to the acre were required in every instance. Therefore, in order to allow for development to occur on these smaller parcels in accordance with surrounding types of development, the General Plan recommends that provisions be established in the Zoning Ordinance to allow for a two-family home on existing small lots above a certain minimum size in duplex areas. The proposed project is located on a 6,000 square foot parcel, which per the Zoning Ordinance, is the minimum lot size in the R-2 Zone that may be developed as if it were a 7,000 square foot parcel, thereby allowing 2 units on the parcel (3,500 square feet per unit). Therefore, based on this discussion in the Land Use Element, the project is found to be consistent with General Plan density.

Housing Element: Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas. The development would provide for homeowner opportunities in a neighborhood with close proximity to the commercial area of the Mesa and to downtown.

A goal of the Housing Element associated specifically with new housing development is to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The proposed project contains two units of the same size. The small lot area and allowed density limit the ability to provide a variety unit sizes and types on the project site. The proposed residential units would not be restricted to low- or moderate-income households. The City provisions for inclusionary zoning only apply to projects that involve ten or more units.

Conservation Element: One of the visual policies of the Conservation Element is that new development shall not obstruct scenic view corridors, including those of the ocean. The proposed project would not obstruct scenic corridors or existing public views of the ocean and would be consistent with the scale of neighboring residential development.

D. COMPLIANCE WITH THE LOCAL COASTAL PLAN

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. A Coastal Development Permit (CDP) is required for this project because it is located within the Non-Appealable Jurisdiction of the Coastal Zone and includes a one-lot subdivision for the proposed

of creating two new condominiums. The project is in Component Two of the LCP, which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential and has very limited additional development potential. Major coastal issues in this area that are applicable to the project area include seacliff retreat, public access, maintenance of existing public views of the coast and open space, and protection of archaeological resources. More specifically, LCP Policy 9.1 requires the protection of existing views to, from, and along the ocean. Further, LCP Housing Policy 5.3 states, "*New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.*"

The project is not located on a coastal bluff and would not affect public access or open space areas. The project is located within a large area that is identified by the City's Master Environmental Assessment maps as an archaeologically sensitive area. However, the project site was reviewed by an archaeological consultant and it was concluded that the proposed project would not have an impact on archaeological resources (see Environmental Review section). Further, the proposed two-story building would not block existing public views of the ocean, nor be visible from the public beach or public lookouts along the bluff top. Finally, the project has been designed to be compatible with the prevailing character of the surrounding neighborhood, which includes mostly two-story homes and apartment buildings, and some single-story homes and multi-story apartment buildings. Therefore, Staff believes the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

E. ENVIRONMENTAL REVIEW

Archaeological Resources: Based on the City's Cultural Resource Sensitivity Map, the project site is located within a Prehistoric Sensitivity Area. A Phase I Archaeological Report was prepared for the adjacent property to the southeast in 1996 and for a property across the street in 1999. Based on these reports, the closest known archaeological resources are located approximately 1,000 feet from the project site and no historical resources were found or anticipated to be found on either parcel. Based on the guidelines of the City's Master Environmental Assessment, it was determined that A Letter Report Confirming No Archaeological Resources was required for the proposed project. The study included both background research and an intensive field inspection to determine the presence of potentially significant prehistoric and historic archaeological remains. The report concluded that the proposed project is not considered to have the potential to impact unknown, intact significant or important historic or prehistoric cultural remains.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303, New Construction or Conversion of Small Structures, and 15315, Minor Land Divisions.

VII. FINDINGS

The Planning Commission finds the following:

A. OPEN YARD MODIFICATION (SBMC §28.18.060)

A modification to allow a portion of the open yard area to be located within the front yard is consistent with the purposes and intent of the Zoning Ordinance and necessary to prevent an unreasonable hardship to a small corner lot that is required to provide 20' setback on two street frontages.

B. THE 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 development, the project is consistent with the density provisions of the Municipal Code and the General Plan, 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.

C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space (garages provided for each unit), and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. 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.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. 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. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

D. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

Exhibits:

- A. Conditions of Approval
- B. Applicant's letter, dated April 16, 2006
- C. ABR Minutes

PLANNING COMMISSION CONDITIONS OF APPROVAL

1009 DEL SOL AVENUE
TENTATIVE SUBDIVISION MAP, OPEN YARD MODIFICATION, COASTAL DEVELOPMENT PERMIT
JUNE 1, 2006

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. **Recorded 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, 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 that will preclude any hazard to 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 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 June 1, 2006 is limited to two (2) dwelling units and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 5. **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 parcels.

- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles in the manner for which the parking areas 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.** 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.
6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 7. **Street Tree Protection.** The street tree(s) within the City's right-of-way shall be preserved and protected unless specifically approved for removal by the Park and Recreation Director or Park and Recreation Commission on appeal.
 8. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the City Engineer.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Roof Decks.** Access to roof decks shall not include a third-story element. The decks shall be designed to preserve privacy for adjacent neighbors.
 2. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 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.
- C. **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 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. **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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 4. **Off-Site Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Del Sol Avenue. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards, the following: sidewalk, two driveway aprons modified to meet Title 24 requirements, access ramp at Del Sol and Oceano Avenues, apply crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City water and sewer mains, drainage system, supply and install one residential standard street light style determined by Public Works and ABR, coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments, drought-tolerant parkway landscaping, street trees, and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
- D. Public Works Requirements Prior to Building 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 Permit for the project.
1. **Recordation of Parcel Map and Concurrent Agreements.** After City Council approval, the Owner shall provide evidence of recordation 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.
- E. 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. **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.

2. **Soils Report.** Submit to the Building and Safety Division a soils report.
 3. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Parcel Map submitted to Public Works Department for review), and attach documents as appropriate.
- F. 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. **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. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
 3. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
 4. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
 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., Parcel 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.

- a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
 - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
5. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
- Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement 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.
6. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
 7. **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.
 8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 9. **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, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
 10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 17. **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 an archaeologist from the most current

City Qualified Archaeologists List shall be retained by the applicant. 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.

- J. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc., caused by construction) 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 a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.
 3. **Backwater Valve.** Provide an approved backwater valve placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
- K. 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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time 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. Not more than three (3) extensions may be granted.

NOTICE OF APPROVAL 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.

Roteman, Eberhard and Associates

A R C H I T E C T S A I A

April 16, 2006

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

Re: 109 Del Sol
A.P.N.: 045-074-01

RECEIVED
APR 17 2006
CITY OF SANTA BARBARA
PLANNING DIVISION

Honorable Chair and Commissioners,

On behalf of Shawn and Sheri Dirksen, Roteman, Eberhard & Associates, Architects is pleased to present the following description of the proposed construction of two new condominiums on the subject property.

Existing Conditions:

Project Site - The proposed project would occur on a flat parcel, Assessor's Parcel Numbers 045-074-01 (6,000 SF), that is at the intersection of Del Sol Avenue and Oceano Avenue. Currently the site has no curbs, sidewalks, street trees, or other public amenities.

The project site is zoned R-2 and has an SD3 (Coastal) overlay and lies just off the City College campus to the west. The General Plan designation is Two-family Residence. The immediate neighborhood is high density residential, primarily characterized by large apartment blocks. To the northwest is an apartment complex made up of smaller buildings. To the northeast, between the site and the parking lot for Santa Barbara City College West Campus, is a "house" looking two-storey building that serves as several apartments. Similarly, the "house" looking building to the south is apparently also rented to students, typically having six cars parked on site

Significant Trees – There two trees on the property, an 8" Pittosporum bush/tree and an 8" Avocado tree.

Buildings – The existing parcel has a one story, three bedroom, 1651 square foot Single Family Residence with an attached 140 square foot deck, and a detached 158 square foot non-permitted one car garage building at the rear. Both structures are non-descript single storey "tract house", probably built late in the 1960s, and neither conforms to current zoning requirements.

The owner and this office initially attempted to work with the existing house, perhaps adding only a "granny unit". However, after several attempts, each including working with City Staff, it was determined that there were too many issues and that the design problem would be better solved by starting over.

Project Description:

Project Site – The site design provides for (2) two car garages, with driveways off Del Sol, private outdoor living space for each unit of 625 square feet each and with one pedestrian entrance facing Del Sol and the other one facing Oceano (to give each unit a separate identity).

Grading - Other than the requirements of the Soils Report, footings, and finish grading, no grading is anticipated in association with this proposal.

109 W. ORTEGA ST., SANTA BARBARA, CA 93101
805.963.2728 FAX 805.564.5007

EXHIBIT B

Significant Trees – The project removes the avocado tree and the pittosporum bush/tree. There are no existing street trees. Street trees will be planted per the City's direction.

Buildings – Under this proposal, the existing house and garage along with the associated site improvements would be removed.

The proposed building includes two three-bedroom units. In addition to parking, the ground floor of each unit includes the entry, living room, dining room, and kitchen. The units are configured as townhouses with the main living level on the first floor and the three bedrooms on the second floor. The third floor is for access to the rooftop deck for each unit. Each unit is provided with their own laundry spaces. The architecture is a simple vernacular cottage style.

Project Issues and Discussion:

Planning Division –

Density: The Zoning Ordinance allows for two three-bedroom units on this site as proposed.

Setbacks: As designed, all required building setbacks are met. These include additional setbacks for the garage and second floor and Solar Access Ordinance requirements.

Height: This zone allows for a height of thirty feet and the proposed building is twenty-eight feet, ten inches tall.

Stories: Three stories are allowed and three stories are proposed, although the third floor is just to access the roof top decks.

Private Outdoor Living Space: In addition to the required open space, twelve hundred fifty square feet of private outdoor living space, six hundred twenty-five square feet per unit, is provided which is more than the 160 square feet per unit that is required. Each unit also has a 210 square foot private roof top deck

Grading: No grading is necessary for configuration of the property except for foundations and finish grading for drainage.

Physical Standards for Condominiums: All of these standards are met as demonstrated by the project plans. Certain technical requirements, such as individual utility metering are anticipated and will be documented with the technical plans. Four private garage spaces are provided even though a duplex only requires two covered spaces and two uncovered spaces.

Trash: The units are provided with (1) 95 gallon trash can and (1) 95 gallon recycling can common storage area beside their garage. The green waste will be hauled offsite by the landscaping maintenance company.

Water Conservation Standards: The landscaping and irrigation design will comply with these standards.

Misc. Environmental: The enclosed parking design will minimize the impacts of parking lot lighting including ambient light. Double wall construction is proposed to provide adequate sound isolation for the units.

Reviews: We believe that the necessary approvals for this project include Planning Commission, Coastal Development Permit, Modification, and Tentative Subdivision Map, Architectural Board of Review, Building Department, and assorted Public Works agreements and permits.

Modifications Requested: Modification # 1: As proposed, one of the private outdoor living spaces is provided in the required front yard setback. This solution allows each unit to enjoy a truly private yard and allows for better massing of the structure. In working with the Transportation Division, using Oceano as a front yard – with access to a garage - was denied. This seems to support using it as an interior yard. Finally, it is notable that the “granny unit” requirements would allow this solution without need of a Modification.

Architectural Board of Review: The Architectural Board of Review has reviewed the project and after significantly reducing the project, unanimously forwarded it to the Planning Commission with positive comments regarding the Modification and the design (mass, bulk, and scale).

Engineering Division –

Preliminary Title Report: Current Preliminary Title Reports for the parcel is attached....

Property Configurations: A two unit air space condominium map would be established for the parcel (6,000 SF).

Public Improvements: This design will require the installation of a new curb cuts on Del Sol Avenue (City Standard Type II) and curbs and sidewalks along Oceano Avenue and Del Sol Avenue. A standard wheel chair ramp will be installed at the corner, per city standards. We anticipate that work within the street will need to leave the street in a condition per standard requirements.

Street trees: No street trees exist in front of the subject parcel. We propose four new street trees, two on Del Sol and two on Oceano per the City Arborist.

Drainage: See attached Hydrology Analysis. The site is generally flat, with some slope to the southeast corner. All of the building surface drains can be readily brought to the curb, as per the site plan.

Utilities: We expect to provide underground utility services and individual unit and house metering of the utilities and individual unit sewer laterals. Water meters would be vault type, where the existing meter is. Gas meters would be vault type where the current meter is.

Fire Department -

Building Design: Please see also the discussion under the Building and Safety heading.

Fire Hydrant: An existing fire hydrant, number F12-012, is located at the northeast corner of Oceano Avenue and Del Sol Avenue. It has a 2 ½” and a 4” cap, a flow of 792 gpm, static pressure of 100 psi and residual pressure of 60 psi. A one hundred sixty-four foot fire hose would be necessary to reach all points along the exterior walls of the building.

Truck Access: Truck access is not restricted since the project has two street frontages.

Smoke Detectors: Smoke detectors shall be installed in the project and compliance would be documented on the permit drawings.

Transportation Division -

On-street Parking: The new curb cut will not cost on-street parking spaces.

Count: This project requires two covered parking spaces per unit. Two private two car garages are provided. No guest parking is required because the project involves less than six units.

Building and Safety Division -

Construction Type: The proposed construction type is V-N.

Occupancy:

Residences: R-3

Private Garages: U-1

Accessibility: Since the units are "townhouse" type, no accessible or adaptable units are required.

Fire Rated Construction: Protection associated with proximity to property lines is not required. The horizontal and vertical separation between the garage and living area will be one-hour construction.

Thank you for your consideration.

Sincerely,

Andrew Roteman

CONCEPT REVIEW - CONTINUED ITEM**4. 1009 DEL SOL AVE**

R-2/SD-3 Zone

Assessor's Parcel Number: 045-074-001
Application Number: MST2005-00132
Owner: Shawn K. Dirksen
Architect: Karl Eberhard

(Proposal to demolish an existing 1,650 square foot residence and associated site improvements to construct a three-story, two unit condominium on a 6,000 square foot lot. The first unit will be 1,815 square feet and the second unit will be 1,557 square feet with two, two-car garages proposed. Planning Commission approval for a Coastal Development Permit and a Tentative Subdivision Map is requested.)

(An informal site visit was requested by board members.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT.)

(4:46)

Karl Eberhard, Architect; and Shawn Dirksen, Owner; present.

Public comment opened at 4:48p.m.

John Beardsmore, neighbor, stated that he walked through the neighborhood and noticed that most of the houses are two stories in nature. Mr. Beardsmore believes that the contour of most of the buildings in the neighborhood work with the slope of the hill.

Bob McKinley, neighbor, stated that the size, scope and scale is too large. The project does not appear to be a single family residence as it should be. Mr. McKinley is also concerned that there will not be enough parking.

Public comment closed at 4:53p.m.

Motion: Continued one week with the following comments: 1) The Board appreciates that the neighborhood is a large scaled neighborhood with mostly two story structures, however, a three story building is out of character in size. 2) Although the project lot is small, the Board recommends a two story building, as it would be consistent with the neighborhood.

Action: Wienke/Bartlett, 5/0/0.

CONCEPT REVIEW - CONTINUED ITEM9. **1009 DEL SOL AVE**

R-2/SD-3 Zone

Assessor's Parcel Number: 045-074-001
Application Number: MST2005-00132
Owner: Dirksen, Shawn K
Architect: Karl Eberhard

(Proposal to demolish an existing 1,650 square foot residence and associated site improvements to construct a three-story, two unit condominium on a 6,000 square foot lot. The first unit will be 1,815 square feet and the second unit will be 1,557 square feet with two, two-car garages proposed. Planning Commission approval for a Coastal Development Permit and a Tentative Subdivision Map is requested.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT AND TENTATIVE SUBDIVISION MAP.)

(7:37)

Karl Eberhard, Architect; and Shawn Dirksen, Owner, present.

Public comment opened at 7:39p.m.

Chair Pierron read a letter submitted from A.J. Bosse, neighbor which stated that a three story building would not fit in with the neighborhood. Mr. Bosse is concerned that condominium units will bring in rental tenants who will have loud parties, play football and skateboard in the street, and there will be unnecessary litter. For that reason, Mr. Bosse is requesting the condominiums be owner-occupied. In addition, the parking in the area is scarce and with development of the project there will not be enough parking.

Public comment closed at 7:40p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments:
1) The size, bulk and scale is compatible with the neighborhood. 2) The Board finds that the modification for the fence height within the front yard setback is consistent with the neighborhood. 3) Add charm giving elements to the north elevation.

Action: Eichelberger/Bartlett, 6/0/0.

5/15/06

(THIS IS AN IN-PROGRESS REVIEW OF THE ADDITION OF THIRD STORY ROOF DECKS FOR EACH UNIT AND THE LANDSCAPE PLAN. PROJECT REQUIRES PLANNING COMMISSION REVIEW.)

(4:01)

Karl Eberhard, Architect; and Shawn K. Dirksen, Owner, present.

Motion: Continued indefinitely to Full Board or Planning Commission with the following comments: 1) As to the Architecture: The Board finds the changes to the project to accommodate the third-story roof decks and stairs is not acceptable as presented. 2) The Board would consider the addition of roof decks if the applicant were to study ways of providing an access stairway that does not add mass, and does not add a third-story element to the building. 3) The applicant shall provide photo documentation from the third-story elevated levels to ensure no impacts upon privacy issues for adjacent neighbors. 4) As to the Landscaping: The Board finds the Landscape Plan is acceptable as presented.

Action:LeCron/Wienke, 8/0/0 (Wienke stepped down on the 4th comment regarding landscaping).