



City of Santa Barbara
Planning Division

Memorandum

DATE: September 6, 2007

TO: Planning Commission

FROM: Planning Division
Jan Hubbell, AICP, Senior Planner
Peter Lawson, Associate Planner *PLW*

SUBJECT: 2515-2519 Orella Street – Condominium Conversion

INTRODUCTION

On July 19, 2007 the Planning Commission held a public hearing to consider the conversion of seven existing residential units to condominiums. The project also included additions to each of the units and the conversion of an existing, non-conforming, single car garage to a storage building that would serve each of the units. The Planning Commission continued the project with direction to the applicant to revise the project to address their concerns raised in the hearing. The Commission directed the applicant to consider the following:

1. Remove the studio unit, which would reduce the number of units to six.
2. Do not propose any additions to the units and request exceptions for all of the units to be less than 600 square feet.
3. Create a laundry and storage area in the former studio unit.
4. Keep the existing garage as a parking space.

This memorandum provides a discussion of the changes that have been made to the project in order to address the Planning Commissions recommendations listed above.

REVISED PROJECT DESCRIPTION

The proposed project is to convert six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The project includes demolition of an existing garage and construction of a new, freestanding 244 square foot storage building that would serve each of the units. A laundry facility would also be located within the storage building and a common trash area would be located adjacent to the building. Seven existing parking spaces will remain and one guest parking space is proposed. Exceptions to the physical standards for condominium conversions have been requested for the units to be less than the required unit size of 600 square feet, the location of the storage space and for having less than the required number of parking spaces per unit.

Removal of the Studio Unit

The Commission expressed concerns about the number of units on the project site. While the project is not consistent with the General Plan density, it is consistent with the Variable Density under the R-3 Zone District. However, the Commission provided direction to the applicant to convert the studio into a laundry and storage facility. The applicant has continued to include this unit in their proposal. Based upon the most recent rental history, the applicant found that it provides a quality affordable, handicap accessible living space.

Garage Conversion

The Commission provided direction to keep the garage in its originally permitted use and, as discussed above, use the studio unit for a storage and laundry facility. The applicant is proposing to demolish the garage, which would remove a legal and nonconforming structure, in terms of side yard setback. In its place and consistent with the required side yard setback, a new storage building with laundry facilities would be constructed. With the new storage/laundry building no Modification would be necessary. The parking space behind the new building would remain.

Laundry Facility

Direction was given to the applicant to remove the laundry facility from each of the units and locate laundry facilities in a central location. While the applicant is not proposing to convert the studio unit to a storage/laundry facility per the Commission's direction, the applicant is proposing to construct a new storage/laundry building. As proposed, a pair of washer and dryers will be provided, consistent with the Condominium Conversion Ordinance.

STAFF RECOMMENDATION

The applicant has made an effort to address the Commission's concerns:

- The additions to each of the units are no longer proposed; however, the applicant is requesting to keep the studio unit, as it is an opportunity for an entry level housing unit.
- The applicant is proposing to demolish the garage and rebuild a freestanding storage building to serve all of the units. This new storage building would be consistent with the required side yard setback; thus, no Modifications are being requested under the current proposal.
- Three Exceptions, requested under the original proposal, would remain. These Exceptions would be for providing less than the required parking, the proximity of laundry facilities and units less than the required size. Staff continues to support these Exceptions, as there is no additional development being proposed and the unit sizes are fairly small.

With the reduction in development, that allows for more common open space, and the elimination of a non-conforming structure, staff recommends approval of the project as stated in the findings below.

REVISED FINDINGS

The Planning Commission finds the following:

A. 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 variable 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.

B. FOR THE CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. The project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion is legally nonconforming to the density requirement of the Land Use Element of the General Plan (Residential- 12 units/acre). The unit density of the project is 23 units/acre.
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 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.
6. 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.
7. The requirements of Section 28.88.130 have been met because there are fewer than 50 units proposed for conversion this year.
8. The use of the site as condominium units will not be detrimental to the public peace, health, safety, comfort or general welfare, nor will it decrease property values in the neighborhood. Adequate consideration has been given to setbacks, visibility, amenities and parking such that there will be no impact on surrounding properties or the neighborhood in general.

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

1. Unit Size – All of the seven units are less than 600 square feet. These units provide an opportunity buy into the Santa Barbara housing market and the project includes amenities, such as ample outdoor living space and an open floor plan, which offset the

project's failure to meet the 600 square foot unit size minimum. Additionally, increasing the size of the unit beyond that proposed would result in increased development on a site that is non-conforming as to density under the General Plan. However, it should be noted that the project is consistent with the Variable Density under the R-3 Zone District.

2. Parking –Historically, there has been one parking space per unit and that will not change. Further, one additional parking space is being provided for guest parking. Given the size of the units at approximately 550 square feet or less and that there is a large amount of common open space in conjunction with private open space, reducing the parking is appropriate. Finally, based upon parking demand, a reduction of parking from 1.5 spaces/unit to 1.0 space per unit has been supported in the past for units of 750 s.f. or less.
3. Location of Storage – The project's design features, such as providing storage in a location that is easily accessible to all affected residents, offsets the fact that the storage is not accessible directly from that unit's parking space.

Exhibits:

- A. Revised Conditions of Approval, dated September 20, 2007
- B. Planning Commission Staff Report for July 19, 2007
- C. Planning Commission Minutes dated July 19, 2007
- D. Site Plan
- E. Applicant's letter, dated September 6, 2007

PLANNING COMMISSION CONDITIONS OF APPROVAL

2519 ORELLA STREET
INTERIOR SETBACK MODIFICATION,
CONDOMINIUM CONVERSION AND TENTATIVE SUBDIVISION MAP
SEPTEMBER 20, 2007

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.** 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 Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of any Public Works permit or Building Permits for the condominium conversion. 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.
 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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **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.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 20, 2007 is limited to converting six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The project includes demolition of an existing garage and construction of a new, freestanding 244 square foot storage building that would serve each of the units. A laundry facility would also be located within the storage building and a common trash area would be located adjacent to the building. Seven existing parking spaces will remain and one guest parking space is proposed. Exceptions to the physical standards for condominium conversions have been requested for the units to be less than the required unit size of 600 square feet, the location of the storage space and for having less than the required number of parking spaces per unit and the improvements as shown on the Tentative Subdivision Map and architectural plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
6. **Public Improvement Agreement.** "Agreement for Land Development Improvements", and associated Securities.
7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Available for Parking for Tenants.** A covenant that includes a requirement that all parking spaces, except for one guest parking space, be kept open and available for the parking of vehicles owned by the residents of the property.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

8. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- B. 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. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - (1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
 - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 2. **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. 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. **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 shown on the improvement plans and constructed prior to

Certificate of Occupancy for the improvements permit, 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.
4. **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.
5. **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.

6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- 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. **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. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
 3. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of 1 street tree in the front yard setback.
 4. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
 5. **Noise Measurements.** Submit an interior noise analysis from a licensed acoustical engineer, verifying that interior noise levels for future conditions (20 years) are no more than 45 dBA CNEL. As part of the structural and seismic upgrades, any deficiencies in noise mitigation shall be remedied.
- E. **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. **Notice of Department of Real Estate Report.** Owner shall deliver written notice to each tenant household that an application for a public report has been submitted with the California Department of Real Estate within 10 days of the submission of such application.
 4. **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.
 5. **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.
 6. **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.

F. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction

1. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Saturday before 7:00 a.m. and after 5:00 p.m., and all day on Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.
4. **Oak Tree Protection.** The following provisions shall apply to existing oak trees on site:
 - a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.

- b. Grading within the dripline of any oak tree shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - c. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - d. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
5. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to recordation of the Final Map:
1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the seven units to condominiums.
 2. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **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. If the private covenants required pursuant to Section A.7 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
 5. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
 7. **Orella Street Public Improvement Plans.** The Owner shall submit public improvement plans for construction of improvements along the property frontage on Orella Street. The C-1 plans shall be submitted separately from plans submitted for a Building permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *crack seal to the centerline of the street along entire subject property frontage and a minimum of twenty-feet (20') beyond the limits of all trenching, underground service utilities,*

connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of (drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.), supply and install one (1) residential standard street light, style to be determined by the Public Works Department and the ABR, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs according to the MUTCD Chapter 6, and provide adequate positive drainage from site. The existing private sewer lateral serving the property is subject to the Sewer Line Inspection Program and shall be repaired before new dwellings are 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, drainage calculations and hydrology report shall be prepared by a registered civil engineer. Any work in the public right of way requires a public works permit.

8. **Land Development Agreement.** The Owner shall submit an executed "Agreement for Land Development Improvements," prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 9. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- H. 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 Final Map and 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.
- I. Prior to Certificate of Occupancy for the Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Conversion Permit, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.

4. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
5. **Recordation of Final Map and Agreements.** After City Council approval of the Map and Agreements, the Owner shall provide evidence of recordation to the Public Works Department.

J. 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 TENTATIVE SUBDIVISION MAP (INCLUDING 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.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 10, 2007
AGENDA DATE: July 19, 2007
PROJECT ADDRESS: 2515-2519 Orella (MST2007-00038)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Peter Lawson, Associate Planner

I. PROJECT DESCRIPTION

The proposed project is to convert six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The project includes small additions to each of the seven units of approximately 50 to 60 square feet, new paving and landscaping, and conversion of an existing garage to storage space. Seven existing parking spaces will remain and one guest parking space is proposed. A modification is requested for a change of use from a garage (partially located in the interior yard setback) to storage space to serve each of the units and two new door openings in the storage space located within the interior yard setback. Exceptions to the physical standards for condominium conversions have been requested for one of the units to be less than the required unit size, the location of the storage space and for having less than the required number of parking spaces per unit.

II. REQUIRED APPLICATIONS

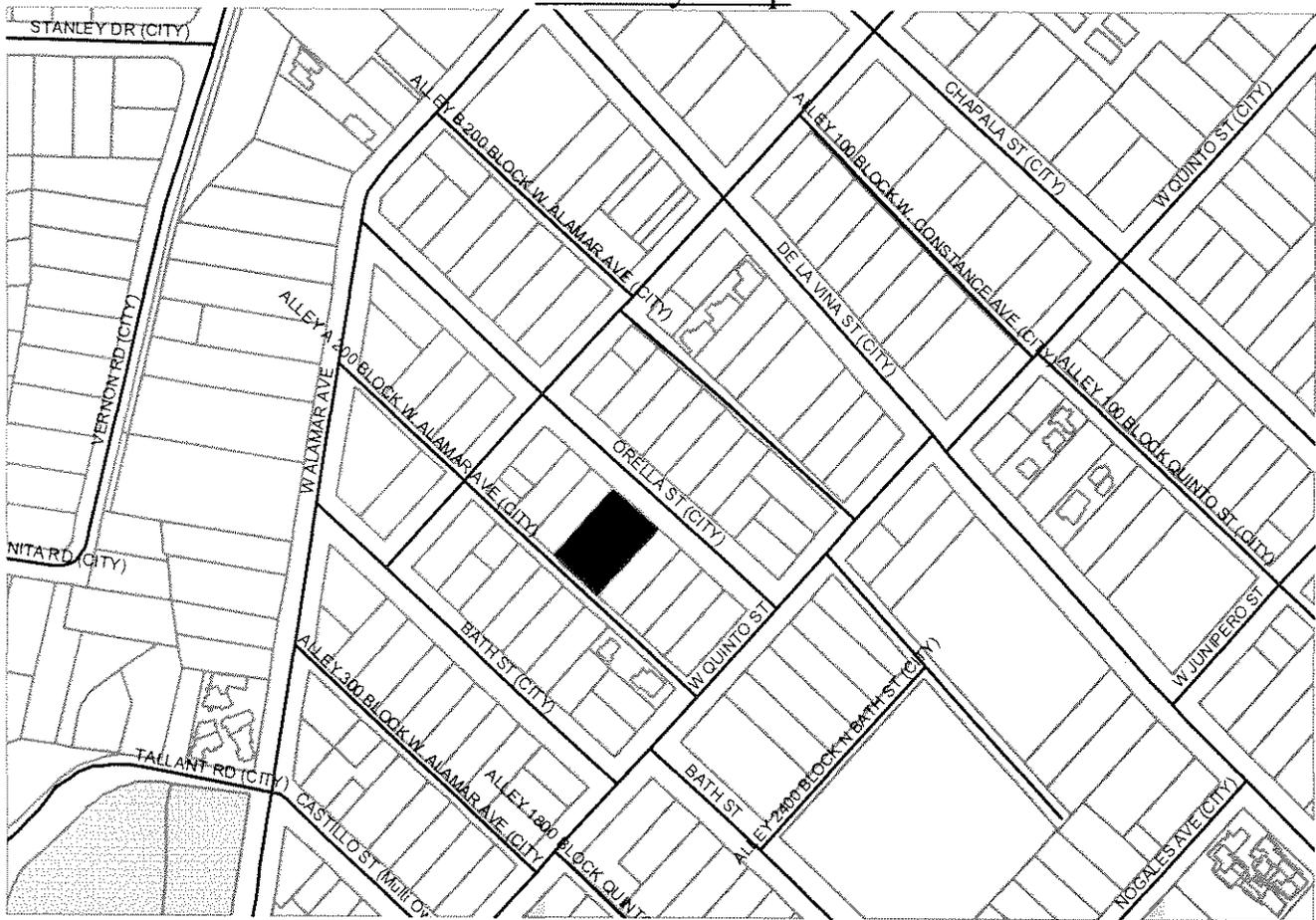
The discretionary applications required for this project are:

1. A Modification of the required interior yard setback to allow the conversion of an existing non-conforming garage to storage space located within the required interior yard setback (SBMC §28.92.110.A);
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
3. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including a waiver to reduce the number of parking spaces for each unit from 1.5 to 1.0, the unit size requirements for Unit 2519 C and a waiver of the storage space location requirement (SBMC 28.88).

III. RECOMMENDATION

Upon approval of the requested Modifications and exceptions, the proposed project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the structures are proposed to change only minimally, and would remain 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



APPLICATION DEEMED COMPLETE: April 23, 2007*
DATE ACTION REQUIRED PER MAP ACT: July 12, 2007
90 DAY TIME EXTENSION APPROVED BY APPLICANT – October 10, 2007

*Conditionally complete on March 23, 2007
Deemed fully complete on April 23, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Jyl Ratkevich	Property Owner: John Holehouse
Parcel Number: 025-021-007	Lot Area: 12,506 square feet (0.29 ac)
General Plan: Residential (12 units/ac)	Zoning: R-3
Existing Use: Residential	Topography: 0-2%
Adjacent Land Uses: North - Residential South - Residential East - Residential West - Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	Unit 2515 A – 580 s.f. Unit 2517 A – 580 s.f. Unit 2519 A – 580 s.f. Unit 2515 B – 580 s.f. Unit 2517 B – 580 s.f. Unit 2519 B – 580 s.f. Unit 2519 C – 420 s.f	Unit 2515 A – 629 s.f. Unit 2517 A – 629 s.f. Unit 2519 A – 629 s.f. Unit 2515 B – 629 s.f. Unit 2517 B – 629 s.f. Unit 2519 B – 629 s.f. Unit 2519 C – 483 s.f.
Garage	Single Car -240 s.f	None
Uncovered Parking	7 spaces	7 spaces 1 guest space = 8 total
Accessory Space	None	240 s.f. – designated storage

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10 feet – 1 st & 2 nd bldg. 15 feet – 3 rd floor	14 feet – one story building	10 feet – one story building
-Interior	6 feet	Unit 2517 A&B – 5' 9" Unit 2515 A&B – 5' 10" Unit 2519 C – 5' 8" Garage – 1'	All structures remain the same, no further reduction of setback No additions -
-Rear	6 feet	6 feet	6 feet
Building Height	3 stories & 45 feet (must comply with solar requirements)	1 story & 15 feet maximum	1 story & 15 feet maximum (additions are approximately 13')
Parking	1.5 space/1 bedroom	1 space/unit = 7 spaces	1 space/ 1 bedroom unit &

Standard	Requirement/ Allowance	Existing	Proposed
	unit or efficiency unit		efficiency unit = 7 spaces 1- guest space
Lot Area Required for Each Unit (Variable Density)	Studio – 1,600 s.f./unit 1- Bedroom – 1,840 s.f./unit	1 Studio 1,600 s.f. 6 -1 bedroom 11,040 s.f. 12,640 s.f. Lot size 12,815 s.f.	No Additional Units Proposed
Outdoor living Space	15% of total lot (1,932 s.f.) 1 area shall be 20'X20'	Not designated	2,716 s.f. (2 areas @ 20' X 20')
Private Outdoor Living Space	Studio – 100 s.f. 1 bedroom – 120 s.f.	Not designated	Not required due to being consistent with the 15% req. However, each unit will have a fenced yard.
Lot Coverage -Building	N/A	32% (4,143 s.f.)	35% (4,531 s.f.)
Paving/Driveway	N/A	24% (3,071 s.f.)	23% (2,915 s.f.)
-Landscaping	N/A	44% (5,601 s.f.)	42% (5,372 s.f.)

As stated in the Condominium Conversion Ordinance (SBMC §28.88.030), all buildings sought to be converted are required to be in compliance with the Zoning Ordinance and the goals and policies of the General Plan, or legally nonconforming therewith. In this case, the residential units are legally nonconforming with regard to setback of the R-3 Zone. A Modification is requested only for the proposed conversion of the garage to storage. The minor additions to the existing structures would be on the portion of the structure consistent with the required setback, thus no other Modifications are being requested. Exceptions to the Condominium Conversion Ordinance are requested for the number of parking spaces, size of the studio unit and storage location and are discussed below.

A. INTERIOR YARD SETBACK MODIFICATION

The required interior yard setback in the R-3 zone is six feet. There is an existing garage located within one foot of the site's site interior property line. This garage is proposed to be converted to the required storage space to serve each of the units. Changing the use of a structure that is non-conforming as to setback requires a modification. Staff is supportive of this modification request because it is an existing structure, the new use will not be more intensive than the current use for parking, and relocating the parking to another area will reduce the amount of paving on the site and create better vehicular and pedestrian circulation within the property.

B. CONDOMINIUM CONVERSION

The development consists of three separate structures. The project includes minor additions in order to increase six of the seven units to the minimum 600 square feet size, consistent with the Municipal Code. The studio unit would also include an addition that would increase its size by 62 square feet, but it would fall short of the required 600 square feet. The proposed project would provide the physical amenities the Code requires for condominiums. The amenities include private outdoor living space, private laundry facilities, and private storage space. The owners have complied with Santa Barbara Municipal Code (SBMC) §28.88.100, which provides tenant protection rights for tenants of any unit being converted to condominiums. Staff believes that these modestly-sized condominium units will provide an important ownership opportunity for households of various income levels.

1. Maximum Number of Conversions

Projects that involve conversions of five or more units must comply with SBMC §28.88.130, which regulates the maximum number of conversions that can be approved during a calendar year. These types of projects need to be deemed complete between January 2nd and March 30th of the year that they are to be considered by the Planning Commission. If more than a total of 50 units associated with projects with five or more units each are deemed complete during this time period, the Planning Commission is required to schedule an allocation hearing to determine which projects could proceed in that calendar year. This year only two other applicable projects, with a combined 22 units, were deemed complete prior to March 30th; therefore, an allocation hearing is not required.

An evaluation system of projects set forth in the procedures for processing condominium conversions (see Exhibit E) is used as a guide, rather than a mandatory evaluation system, for decision-makers. Staff determined that the proposed project would receive a total of 11 points out of a possible 100. Only 10 points are required to meet ordinance requirements. It is important to note that higher totals reflect higher standards than are required by the Ordinance. Furthermore, if an allocation hearing were required, that would be an incentive on the part of the applicant to strive to reach a higher point total.

2. Exceptions

As stated previously, the project includes a request for three exceptions to the required physical standards for condominium conversions. The first exception is to allow a unit to have less than 600 net square feet, the second exception is to allow 7 parking spaces instead of 11, and the third exception is to provide storage space that is not directly accessible from the parking area for the unit it serves.

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

a. Unit Size

Unit 2519-C is proposed to be a studio unit totaling 454 net square feet. The minimum unit size for a residential condominium is 600 net square feet (SBMC §28.88.040.A). Although the proposed unit is smaller than the minimum required, it would be increased by 63 square feet. While there are no affordable units proposed for this project site, this studio unit will provide an opportunity to buy an entry unit in an expensive housing market.

b. Parking

Currently there are seven parking spaces on site, with one space being provided in the existing garage. Based upon the Condominium Conversion Ordinance, 1.5 spaces per 1 bedroom or less are required, which would total 11 spaces. However, one additional parking space will be provided for guest parking; thus the project would continue to be non-conforming to the parking requirements, which requires an exception from this provision. No additional bedrooms are proposed for the project site and the additional square footage being proposed would increase the size of the living room of each of the units. Given the size of the units, the location in an urbanized setting near public transportation and no additional bedrooms being proposed, staff can support this exception.

c. Location of Storage Space

The Ordinance specifies that the private storage space is usually in a parking area adjacent to the living unit, which would be the garage. With no covered parking provided, the private storage is proposed in a common location towards the rear of the site in a structure that is now used as a garage. The amount of storage space provided is consistent with the required 200 cubic foot provision per unit. Therefore, staff finds that the project includes design features, such as the living units that are still in close proximity to the units. Additionally, the project includes a landscaped separation between each building, which offset the fact that the storage space is not accessible from the units' parking area.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed once by the Architectural Review Board (ABR) on April 23, 2007 and meeting minutes are attached as Exhibit D. The ABR stated that they are in support of the overall changes being proposed and the common area features are a positive addition to the site. The Board felt the Modification was a technical aspect of the project and did not impact the aesthetics of the project.

B. COMPLIANCE WITH THE GENERAL PLAN

Before a Tentative Subdivision Map can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision can be found consistent with the plans and policies of the City of Santa Barbara.

Land Use Element: The property is located in the Oak Park neighborhood, as identified in the Land Use Element of the General Plan. The Oak Park neighborhood is a densely developed residential area, with a mix of single-family homes and apartments, and a heavy development influence by Cottage Hospital with all of the associated medical facilities surrounding the hospital complex. The General Plan designation for the property is Residential, 12 units per acre and the development has a density of approximately 23 dwelling units per acre. This density is a legal nonconforming situation, and does not change with the proposed condominium conversion. Condominium conversions are specifically exempted from density provisions as long as they are legally nonconforming to those requirements. While the number of residential units exceed the General Plan density, the actual number of bedrooms under the proposed project could be accommodated in a development of three units and be consistent with the density requirement. Thus, the intensity of use of the site would remain the same. Finally, this development provides more common open space than required and also provides private yard areas, which provides for a great deal of openness to the project. Additionally, this condominium conversion with its modest additions to the existing units retains the neighborhood character by maintaining an existing "bungalow-court" style development.

Housing Element: A goal of the Housing Element 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 condominium conversion would provide for homeowner opportunities in a neighborhood with close proximity to transit, employment and commercial opportunities. The proposed project contains seven modest to small size units that would not be restricted to low- or moderate-income households, but would provide less expensive home ownership opportunities.

C. ENVIRONMENTAL REVIEW

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, for the division of existing residences into common interest ownership.

VII. FINDINGS

The Planning Commission finds the following:

A. INTERIOR YARD MODIFICATION

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The interior yard modification allows the existing garage, located approximately two feet from the property line, to be converted to storage space. This structural encroachment can be supported because it is an existing structure, the new use as storage is not be more intensive than the current use, relocating the parking to another area will reduce the amount of paving on the site and create better vehicular and pedestrian circulation, and provides storage in an area that is easily accessible to residents of the development.

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 variable 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. FOR THE CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. The project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion is legally nonconforming to the density requirement of the Land Use Element of the General Plan (Residential- 12 units/acre). The unit density of the project is 23 units/acre.
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 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.
6. 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.

7. The requirements of Section 28.88.130 have been met because there are fewer than 50 units proposed for conversion this year.
 8. The use of the site as condominium units will not be detrimental to the public peace, health, safety, comfort or general welfare, nor will it decrease property values in the neighborhood. Adequate consideration has been given to setbacks, visibility, amenities and parking such that there will be no impact on surrounding properties or the neighborhood in general.
- D. EXCEPTIONS TO THE PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS (SBMC §28.88.040.N)**
1. Unit Size – The project includes one unit that is less than 600 square feet. This unit provides an opportunity buy into the Santa Barbara housing market and the project includes amenities, such as ample outdoor living space and an open floor plan, which offset the project's failure to meet the 600 square foot unit size minimum. Additionally, increasing the size of the unit beyond that proposed would result in increased development on a site that is non-conforming as to density.
 2. Parking –Historically, there has been one parking space per unit and that will not change. Further, one additional parking space is being provided for guest parking. Given the size of the units at approximately 600 square feet and that there is a large amount of common open space in conjunction with private open space, reducing the parking is appropriate. Finally, based upon parking demand, a reduction of parking from 1.5 spaces/unit to 1.0 space per unit has been supported in the past for units of 750 s.f. or less.
 3. Location of Storage – The project's design features, such as providing storage in a location that is easily accessible to all affected residents, offsets the fact that the storage is not accessible directly from that unit's parking space.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated March 1, 2007
- D. ABR Minutes dated April 23, 2007
- E. Condo Conversion Evaluation System

D A R T ROUTING FORM

SUBMITTAL #6

PROJECT ADDRESS: 1642 CALLE CANON/2418 CALLE MONTILLA
APPLICANT: PETE EHLEN, EAST BEACH VENTURES
PHONE (work)/E-MAIL: 637-0601/pete@east-beach.net
APPLICATION TYPE: LLA, TSM, Mods/Public Street Waiver
DATE SUBMITTED: 9/6/07
DATE 30-DAY REVIEW ENDS: 10/6/07

MST #: 99-00606
APN: 041-140-008, -009
PHONE (home):
GEN. PLAN: Major Hillside
ZONE: A-2/E-1

PROJECT DESCRIPTION: Proposed subdivision of two existing parcels into six parcels. Two existing residences & two studios would remain. The proposal includes development envelopes, but does not include future development of the four undeveloped parcels.

COMMENT SECTION: This was last reviewed in August 2005.

See additional comments

SCHEDULE			
Action	Day	Date	Time
Distribution of Mail	Wednesday	9/12/07	8:30 a.m. - 8:35 a.m.
Site Visit (Optional)	Thursday	9/13/07	
Draft comments due in Global DART Directory	Monday	9/24/07	by 5:00 p.m.
Working Meeting	Wednesday	9/26/07	
Final Comments due in Global DART Directory	Thursday	9/27/07	By 5:00 p.m.
Final Letter due to Development Review Supervisor	Monday	10/1/07	By Noon
Final Letter Sent	Tuesday	10/2/07	by 1:30 p.m.
Meeting with Applicant	Tuesday	10/9/07	
120-day Reminder (for incomplete applications only)			N/A

MATERIALS SUBMITTED			
<input checked="" type="checkbox"/> Biologist Clarification Letter	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Traffic Study	<input checked="" type="checkbox"/> Site Plan
<input type="checkbox"/> Drainage Study	<input type="checkbox"/> Phase I Archaeo. Rpt..	<input type="checkbox"/> Tree Protection Plan	<input type="checkbox"/> Building Elevations
<input checked="" type="checkbox"/> Geologist Clarification Letter	<input type="checkbox"/> Phase I Hist. Struct. Rpt.	<input checked="" type="checkbox"/> Preliminary Title Report	<input type="checkbox"/> Landscape Plan
<input type="checkbox"/> Hydrology Report	<input type="checkbox"/> Soils Report	<input checked="" type="checkbox"/> Visual Study	<input checked="" type="checkbox"/> Civil Drawings

Please call Allison at 564-5470, extension 4552 if you have any questions.

CASE PLANNER – ALLISON DE BUSK
BUILDING & SAFETY – CHRIS HANSEN (WAS MARK)
FIRE DEPARTMENT – JIM AUSTIN
ENGINEERING AND D&C (3) – MARK WILDE
TRANSPORTATION – STEVE FOLEY (WAS ROB)
PARKS & REC/CREEKS – AUTUMN MALANCA
DEBRA ANDALORO (SPECIAL STUDIES ONLY)
STEVEN FAULSTICH (AFFORDABLE HOUSING ONLY)
CC: (AGENDA ONLY) – JAN HUBBELL

ADMIN STAFF - STEPHANIE ROUTHIER

Chair Jacobs announced the ten calendar day appeal period.

ACTUAL TIME: 2:39 P.M.

Commissioner Jostes returned to the dais.

To avoid any appearance of a conflict of interest, Commissioner White stepped down from the hearing the following item.

B. **APPLICATION OF JYL RATKEVICH, ARCHITECT/AGENT FOR PROPERTY OWNER, 2519 ORELLA STREET, 025-021-007, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 UNITS/ACRE) (MST2007-00038)**

The proposed project involves a proposal to convert six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The proposal includes small additions to each of the seven units of approximately 50 to 60 square feet, new paving and landscaping, and conversion of an existing garage to storage space. Seven parking spaces currently exist on site and one additional parking space for guest parking is proposed for a total of eight parking spaces. A modification is requested for a change of use of an existing building from a garage (partially located in the interior yard setback) to storage areas for each of the units and two new door openings on the storage space located within the interior yard setback. Exceptions to the physical standards for condominium conversions have been requested for one of the units to be less than the required unit size, the location of the storage space and for having less than the required number of parking spaces per unit.

The discretionary applications required for this project are:

1. A Modification of the required interior yard setback to allow the conversion of an existing non-conforming garage to storage space located within the required interior yard setback (SBMC §28.92.110.A);
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
3. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including an exception to reduce the required parking for each unit from 1.5 to 1.0 space per unit, the unit size requirements for Unit 2519 C and an exception of the storage space location requirement (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.

Case Planner: Peter Lawson, Associate Planner
Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

John Holehouse, Owner, gave the applicant presentation.

Staff answered Planning Commission's questions on studio size considerations for storage; the oak tree drip line variances shown on the plan sheets; clarification of non-conformity with condominium conversion ordinance; and unit sizes per the condominium conversion ordinance.

Mr. Holehouse agreed to take additional storage for the studio units into consideration and answered the Commission's questions about the projected market rate which is in the \$500K range, and considerations made for lack of covered parking.

Chair Jacobs opened the public hearing at 3:00 P.M.

Richard Drosehdahl spoke in opposition to the project stating that it would reduce the rental housing market by seven units. He also stated that there is not enough off-street parking. Listed alternatives for use of the property that included upgrading the existing site; a tear down with replacement by a new development; maintaining existing property use; or selling off the property.

With no one else wishing to speak, the public hearing was closed at 3:04 P.M.

Commissioner's comments and questions:

1. One Commissioner listed the pros and cons of the public benefit; could not find that approval of this project would contribute to good public policy.
2. Most Commissioners could not make the findings for any of the requested exceptions.
3. Lower cost units for sale to public were appreciated, but were not sufficient to offset requested modifications.
4. One Commissioner could not support the incorporation of laundry space in bedroom; took away from living space.
5. Suggested the applicant look at revising plans.
6. Request for exemption should be for unit sizes rather than adding square footage.

Staff stated that the rental units do not meet affordability criteria and therefore affordability is not a requirement. The change in use of the garage to utility structure is compliant. Parking exception and parking requirements were explained; the one space parking demand per unit is clear with the units less than 750 square feet.

Mr. Holehouse addressed the Commission by stating that the garage structure would remain the same; it would be the use that would change. The open space being provided is greater than what is required by the Condominium Conversion Ordinance. This project presents an opportunity for the sale of smaller size Santa Barbara condominiums.

MOTION: Thompson/Myers

Continued the project for applicant revision and Commission review prior to October 10, 2007.

Commissioner's recapped the positive and made suggestions to the applicant:

1. Delete the studio.
2. Consolidate the storage/laundry area.
3. Consider keeping the garage for parking units.
4. Like that the applicant is returning the bungalow court with its lush landscaping.
5. Consider offering a reduced price to existing tenants.
6. Keep units sizes at existing square footage – helps affordability and protects the oak tree dripline.
7. Remove laundry from units and provide a shared laundry area.
8. Would like to see some public benefit to offset loss of rental housing.

Ms. Hubbell reiterated the condominium conversion ordinance.

STRAW VOTE:

Favor applicant returning with exception of all the unit sizes.

Ayes: 4 Noes: 2 (Jostes, Larson) Abstain: 0 Absent: 1 (White)

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (White)

Chair Jacobs called a recess at 3:37 P.M. and reconvened the meeting at 3:55 P.M.

III. CONCEPT REVIEW ITEM:

ACTUAL TIME: 3:55 P.M.

Commissioner White returned to the dais.

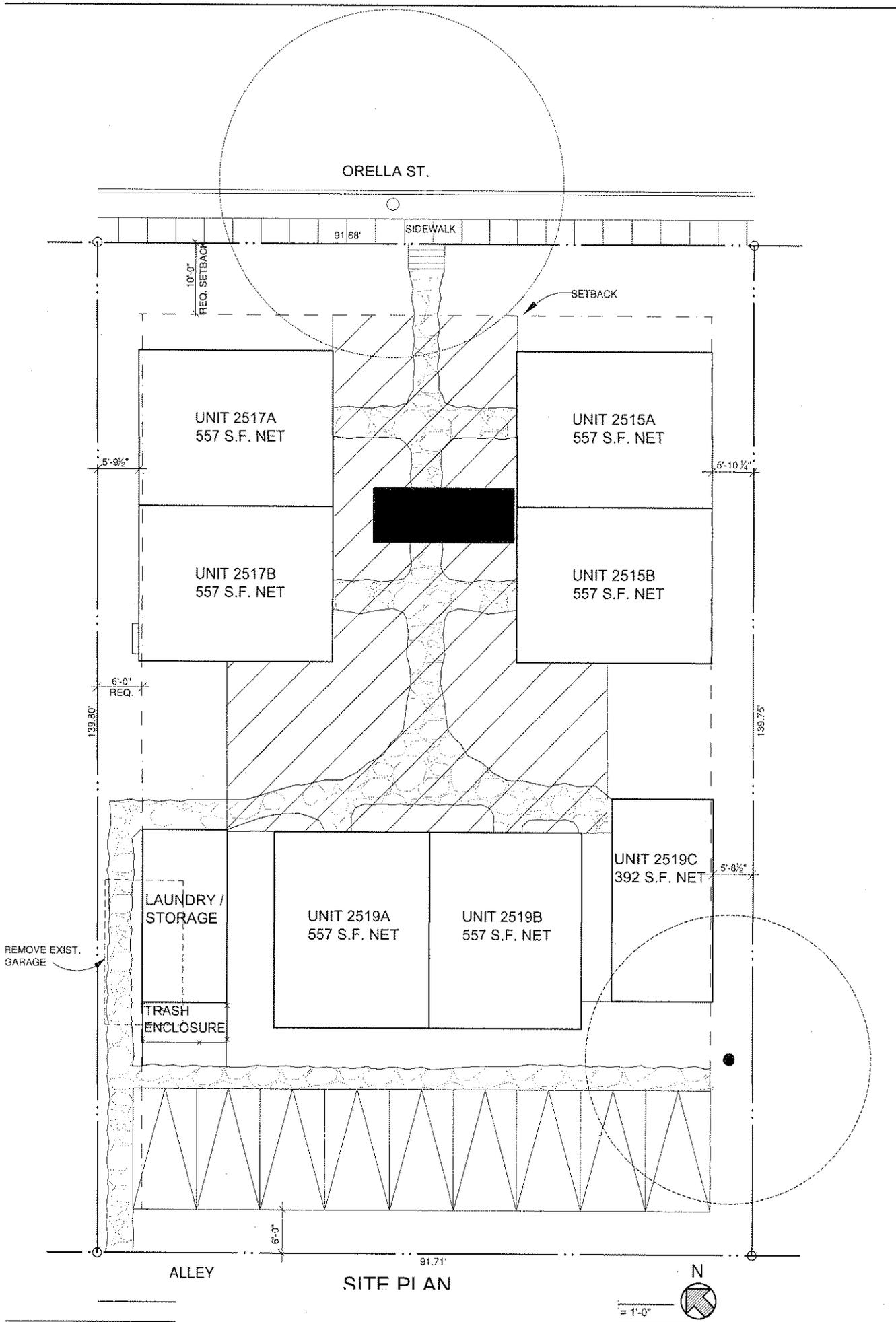


EXHIBIT D

Jyl Ratkevich, Architect

August 6, 2007

Dear Planning Commission

We are requesting Planning Commission approval for a Tentative Subdivision Map and a condominium conversion permit for 6 existing one-bedroom units and 1 existing studio unit located at 1215 – 1219 Orella St. in the City of Santa Barbara. The existing lot size is 12,815.5 square feet, the parcel is # 025-021-007, and the zoning is R-3.

Existing on the site are 4 separate buildings. The 2 duplexes adjacent to Orella St. consist of (2) 1- bedroom units each. The 3rd building is at the rear of the property and has (2) 1-bedroom units and a studio apartment attached by a covered breezeway. Along the southwest property line accessed from a public alley, there is a 1-car garage. The existing parking in addition to the garage consists of 6 uncovered spaces, also accessed from the alley. The 1- bedroom units are 550 s.f. in area each, and the studio is 406 s.f.

The site slopes 5 feet to the southwest, away from Orella Street. The existing drainage pattern follows this slope and will not be altered as a result of the proposed development.

This proposal includes the demolition of the existing 1-car garage and the construction of common laundry facilities and the required storage spaces. The new structure will be located in the same area as the existing garage, though no longer in the required setback. The laundry room will face the common open yard and the storage spaces will be accessible from the parking area. There is also a fenced area for trash and recycling at the rear of this same building.

Parking will continue to be at the rear of the property, accessible from the alley, and will consist of 9 uncovered spaces. The parking demand for units less than 750 s.f. is understood to be 1 space per unit, therefore a minimum of 7 spaces would be required for this project. We are providing 2 guest spaces for a total of 9. The 9th space will encroach into the side yard setback by 1'- 4".

New separate utility meters will be installed, including house meters for pathway lighting and common area maintenance. New attic demising walls will be constructed to create a physical separation of space in the attic for help in the reduction of sound and as a non-rated fire barrier. New refrigerators and stoves, and energy saving bathroom fixtures and controls

will be installed. The private outdoor living space and the open space requirement will be provided by a designated 15% common open yard. There is a newly completed flagstone pathway that will be extended, along with upgraded landscaping.

We are requesting a modification to the physical standards unit size requirements for the proposed condominiums, to allow less than the required size of 600 s.f.. We are also requesting a modification to the side yard setback for parking space #9.

Proposed areas of total development are as follows:

Building Coverage:	4191 sf	33 %
Paving:	2915 sf	23 %
Landscaping:	5710 sf	44 %

Converting the existing 7 units to condominiums will be an asset to a community with limited reasonably priced units in a residential neighborhood near Cottage Hospital. As a result of the required CC&R's, there will be tighter controls on occupancy and maintenance. We feel that this will be more conducive to the neighborhood along with providing better guarantees in regards to the long-term upkeep and maintenance of this property.

Please contact me should you have any questions at (805) 682-5607

Sincerely;

Jyl Ratkevich

1836 Loma St. Santa Barbara, Ca. 93103
682-5607 fax 687-0698 email jylraker@silcom.com