



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 035-08

810 BOND AVENUE AND 516 N. NOPAL STREET

TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSION

SEPTEMBER 18, 2008

APPEAL OF OROSZ ENGINEERING GROUP, INC., AGENT FOR PETER AND SYLVIA KURRELS, 810 BOND AVENUE AND 516 N. NOPAL STREET, APN 031-234-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2004-00351)

The denial of the proposed project by the Staff Hearing Officer on April 9, 2008 has been appealed by the property owner. The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

The discretionary applications required for this project are:

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

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

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

WHEREAS, 4 people appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 3, 2008
2. Memorandum with Attachments, September 4, 2008
3. Staff Report with Attachments,
4. Site Plans

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

- I. Upheld the appeal and approved the Tentative Subdivision Map and Condominium Conversion (including a parking exception), making the required findings in Exhibit B and subject to the amended conditions of approval in Exhibit A.
- II. Said approval is subject to the following conditions:
 - A. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Bond Avenue Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bond Avenue. As determined by the Public Works Department, the improvements shall include a new driveway apron modified to meet Title 24 requirements, a new luminaire (applicant shall fund the purchase of the luminaire at a cost not to exceed \$2,500.00, with the installation to be done by the city) and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 3. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed "Agreement to Construct and Install Improvements prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 - B. **Recorded Agreement(s).** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, prepared by the Engineering Division which shall be recoded in the Office of the County Recorder including the following provisions:
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 2. **Required Private Covenants.** The Owners shall submit either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways,

- common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
- b. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted. The uncovered parking space for Unit B, as shown on the project plans, shall be reserved for that unit.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping and open space shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not

limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 18, 2008 is limited to the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to three residential condominium units and one commercial condominium unit and the improvements shown on the project plans and Tentative Subdivision Map signed by the Planning Commission on said date and on file at the City of Santa Barbara.
 7. **Use Limitations.** Due to potential parking impacts, uses which require more parking than auto repair are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
 8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
 9. **Residential Permit Parking Program.** Residents of the Real Property and their guests shall not participate in the Residential Permit Parking Program.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Signs.** Provide photographs of way finding signs to all units.

2. **Parkway Landscaping.** Provide photographs verifying that the parkway landscaping is being maintained. Additional parkway landscaping may be required at the discretion of the ABR.
 3. **Open Space Area.** Applicant shall install two planters with a tree in each, on the western property line, near the uncovered parking spaces, and a raised planter and/or bench in the open space area shown on the approved plans with the final design to be determined by the ABR, except that the final design shall include a 24" box tree planted in the ground;
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the three residential condominiums, and one commercial condominium.
 2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits. .
1. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 2. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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

1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.
3. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
4. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.
5. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.

G. **Prior to Final Inspection for the Condominium Conversion Permit.** Prior to Final Inspection for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:

1. **Recordation of Parcel Map.**

2. **Recordation of the Agreement Relating to Subdivision Conditions Imposed on Real Property.**
3. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curb, gutter, sidewalk, roadway, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
4. **Complete Public Improvements.** Complete public improvements identified earlier in these conditions.
5. **Recordation of Map and Agreements.** After City Council approval of the Parcel Map and Agreement(s), the Owner shall provide evidence of recordation to the Public Works Department.
6. **Evidence of Private CC&R's Recordation.** Evidence shall be provided that the private CC&R's required in Section A have been recorded, prior to Final Inspection.

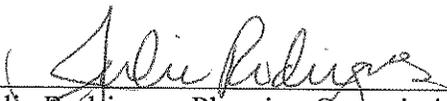
NOTICE OF TIME LIMITS:

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

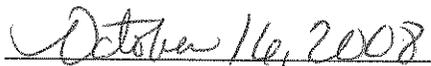
This motion was passed and adopted on the 18th day of September, 2008 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jostes)

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



Julie Rodriguez, Planning Commission Secretary



Date

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