



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 17, 2009
AGENDA DATE: December 20, 2007
PROJECT ADDRESS: 319 N Milpas Street (MST2006-00076)

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

I. PROJECT DESCRIPTION

The project is for a single lot subdivision to convert an existing 5,323 square foot, two-story mixed use building into three condominiums. The ground floor commercial portion of the building, which is currently occupied by a medical office, would be one unit. On the second floor are two residential units and each would become a condominium unit. No construction is proposed with this project.

The project site is partially zoned commercial (C-2) and manufacturing (M-1). As part of the project, a rezone is proposed. The new zoning designation would be commercial (C-2), consistent with a residential and medical office usage.

Parking for the project would be provided by an existing 14-space parking lot, which is located partially on the subject lot and on the adjacent lot the south. A warehouse located on the adjacent lot (317 N Milpas) shares the use of the parking lot. Four of the parking spaces on the subject lot would be dedicated to the residential units. Access to the site is provided by a 12 foot wide driveway, located adjacent to the western property line.

II. REQUIRED APPLICATIONS

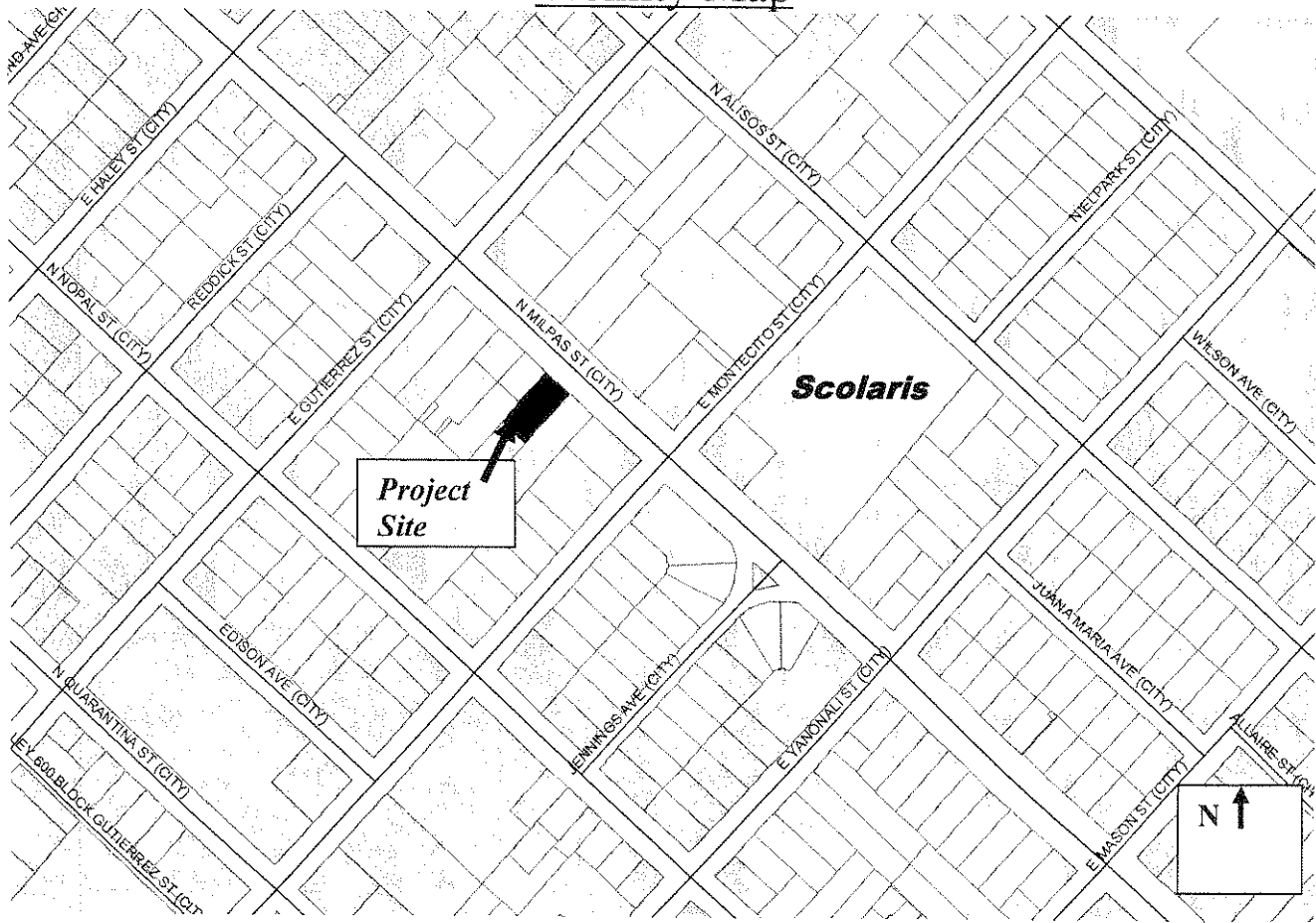
The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) condominium units (SBMC 28.88).
3. Recommendation to the City Council to rezone the M-1 portion of the property to C-2 (SBMC 28.92)

III. RECOMMENDATION

With the approval of the zone change, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the existing building are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



APPLICATION DEEMED COMPLETE: October 11, 2007
DATE ACTION REQUIRED PER MAP ACT: N/A (Legislative Action)

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Brian Nelson	Property Owner: Milpas Street Partners
Parcel Number: 031-363-035	Lot Area: 6,667 square feet
General Plan: Industrial	Zoning: C-2/M-1
Existing Use: Office & Residential	Topography: 0.01%
Adjacent Land Uses: North - Commercial South - Commercial East - Commercial West - Commercial	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	Unit A - 907 s.f. Unit B - 961 s.f.	No Change
Garage	N/A - Assigned uncovered spaces	No Change
Accessory Space	400 s.f. per unit	No Change

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance: C-2 & M-1	Existing	Proposed
	Unless noted, the requirements are the same		
Setbacks -Front	None	2 feet	No Change
Interior	None	17' - North 0' - South 40' - West	No Change
Building Height	4 Stories @ 60'	28'	No Change
Parking	Residential - 2 spaces/unit Commercial - 1 Space/250 s.f.	Residential: 4 spaces Commercial: 10 spaces	No Change
Lot Area Required for Each Unit (Variable Density)	- Studio unit - 1,600 s.f.; - 1 bedroom unit - 1,840 s. f.; - 2 bedroom unit - 2,320 s f; - 3 or more bedroom unit - 2,800 s f.	3,336.5 s.f./unit	No Change
10% Open Space	663.9 s.f.	1,175 s.f.	No Change
Private Outdoor Living Space	Second Floor Units and above: 2 bedroom unit-84 square feet	Unit A - 2 terraces: 204 s.f.& 64 s.f. Unit B - 2 terraces	No Change

Standard	Requirement/ Allowance: C-2 & M-1	Existing	Proposed
	Unless noted, the requirements are the same		
		84 s.f. & 72 s.f	
Lot Coverage			
-Building	N/A	2,682 s.f. 40.4%	No Change
Paving/Driveway	N/A	2,781. 41.9%	No Change
-Landscaping		1,175 s.f. 17.7%	No Change

The existing development is consistent with the requirements of both of the C-2 and M-1 Zone Districts, except for the fact that one of the units is partially in the M-1 zone, which does not allow residential development unless it is accessory to the primary commercial uses. The units were built in 1994. Further, the project would be consistent with the Condominium Conversion Ordinance. Each unit has adequate laundry, storage, private open space and parking, as well as the other requirements consistent with Section 28.88.040, Physical Standards for Condominium Conversions. Finally, a Modification was granted on July 7, 1993 to allow a one foot planter between the driveway and building instead of the required three feet.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit D). Since the project did not involve any changes to the structure other than adding sound dampening glass on the balconies on the east and south sides, the ABR commented on the Landscaping and signage for the building and parking area. The project was then referred to the decision maker for consideration of the permits.

B. COMPLIANCE WITH THE GENERAL PLAN

The proposed project is located within the Milpas area, which is bounded on the north by Canon Perdido Street; on the south by Highway 101; and on the east and west by the rear of the commercial establishments on each side of Milpas Street. Milpas Street has developed into a solid strip of commercial activity along both sides of the street, which is consistent with present zoning. Some residential use exists in the area either on the second level of the commercial businesses or immediately behind the commercial businesses. Milpas Street is the main commercial center for the Eastside neighborhood, Eucalyptus, and/or parts of the Riviera.

The project site is currently split zoned two-thirds Commercial and one-third Manufacturing. The lot was created in its current configuration on September 12, 1961 and the zoning was the same as it is today. A single family residence was located on the lot fronting Milpas and a parking lot serving an adjacent business was located on the interior lot. The Commercial Zone District boundary on the west side of Milpas Street is generally parallel with the street and encompasses most of the lots that front Milpas. However, there are a number of lots that are split by this zone district boundary. As proposed, the Commercial Zone District boundary

would be shifted to the west to coincide with the lot line boundary. The site is developed with a mixed use medical office and residential building, consistent with the C-2 Zone District. There is no proposal to increase the development or change the use.

Both the Municipal Code and the policies under the Land Use Element support the realignment of the zone District. Section 28.10.010.13 of the Municipal Code states that for any new zone district or rezone, the new zone boundary shall follow the existing lot lines. Under policy 3.2 of the Land Use Element, the City recognizes the economic importance of small business in the community and to implement this policy a Haley/Milpas retail/commercial service area should be considered. Finally, under Policy 4.2, options for providing additional housing opportunities shall be explored, where appropriate, in nonresidential zones and allowing residential uses in the M-1 zone and in other non-residential zones where residential uses are currently not permitted. While there is now more interest in preserving M-1 zoned property, this parcel facing Milpas is not an ideal location for industrial uses.

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, and 15305, Minor Alterations in Land Use Limitations, for minor zoning Ordinance amendments that do not significantly change planned uses in an area.

VII. 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 consistent with the General Plan of the City of Santa Barbara, as long as City Council approves the requested rezone.

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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated January 17, 2007
- D. ABR Minutes dated January 16, 2007

PLANNING COMMISSION CONDITIONS OF APPROVAL

319 N MILPAS
CONDOMINIUM CONVERSION AND TENTATIVE SUBDIVISION MAP
JANUARY 17, 2008

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. **Approval Contingent Upon Amendment of Zoning Ordinance Map.** Approval of the subject project is contingent upon adoption of an Ordinance approving the Zoning Change from M-1 to C-2 Amendment by the City Council.
- B. **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 December 20, 2007 is limited to the conversion of an existing 5,323 square foot, two-story mixed use building into three condominiums. The ground floor commercial portion of the building, which is currently occupied by a medical office, would be one unit. On the second floor are two residential units and each would become a condominium unit. Parking for the project would be provided by an existing 14-space parking lot, which is located partially on the subject lot and on the adjacent lot the south. A warehouse located on the adjacent lot (317 N Milpas) shares the use of the parking lot. Four of the parking spaces on the subject lot would be dedicated to the residential units. Access to the site is provided by a 12 foot wide driveway, located adjacent to the western property line. Approval includes 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. Additionally, a shared parking agreement shall be provided that allows parking on the adjacent interior lot, addressed as 317 N Milpas.
 - 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.

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. **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.
2. **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.
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. **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.
5. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including, at a minimum, an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings, or combustible roof eaves lines unless sprinkler coverage is provided.
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
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

D. **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.

E. **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:

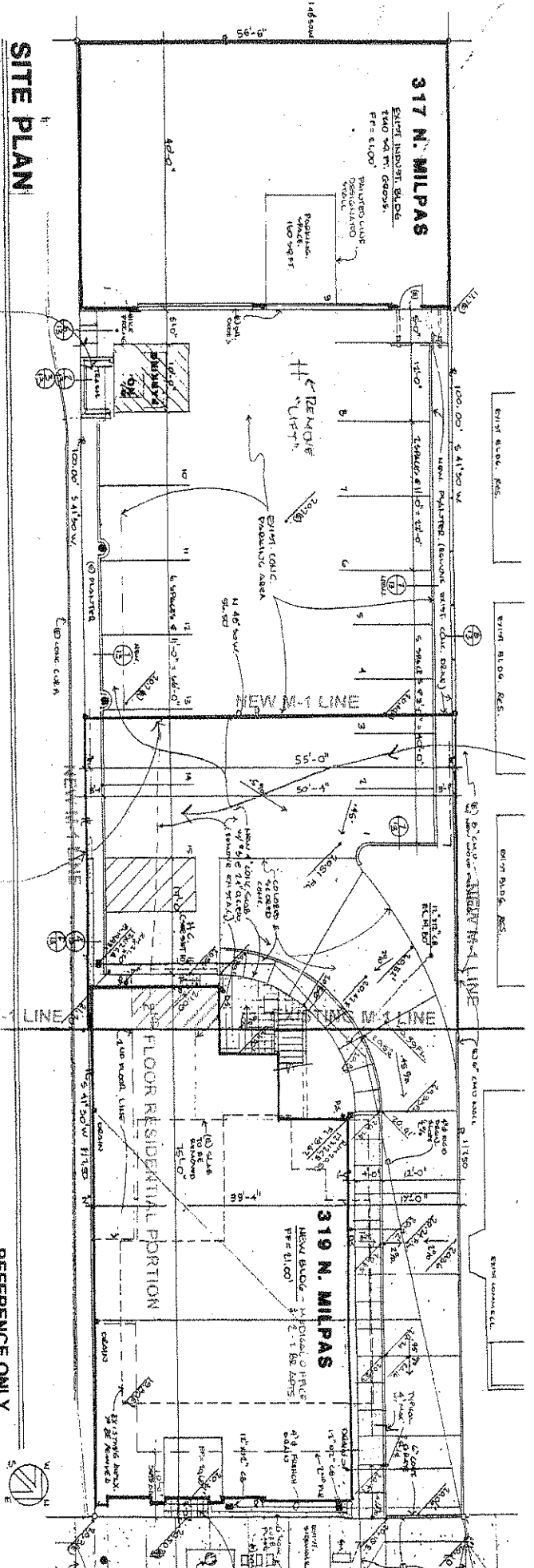
1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the seven units to condominiums.
 2. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed 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. **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.
 6. **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. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
 2. **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.



1/8" = 1'-0"

3-45 GAL DECYCLE CABTS
1-2 YRD TERRACE

PROPOSED M-1 LINE

M-1 ZONE
C-2 ZONE

REFERENCE ONLY

OWNERS:
MILPAS STREET PARTNERS
C/O DR. WILLIAM MELLER
2926 KENMORE PLACE
SANTA BARBARA, CA 93105
CONTACT: BILL MELLER (805) 682-0299

STATISTICS:

OPEN SPACE:

10% X 6638.74 SQ. FT. = 663.9 SQ. FT. REQRD.
1,175.0 SQ. FT. PROVIDED 17.7%

ARCHITECT:
R. BRIAN NELSON ARCHITECTURE
P.O. BOX 80397
GOLETA, CA 93118
(805) 685-9060

BLDG. COVERAGE

2,682 SQ. FT. 40.4%

**DRIVEWAYS/PARKING
LOT SIZE**

2,781.17 SQ. FT. 41.9%
6,638.75 SQ. FT. 100%

TENTATIVE MAP:
WATERS LAND SURVEYING, INC
5553 HOLLISTER AVE, SUITE 7 & 8
GOLETA, CA 93117
CONTACT: JOE WATERS (805) 967-4416

NOTES:

1. THE ARCHITECTURAL SHEETS ARE FROM THE ORIGINAL BUILDING PERMITTED SET OF DRAWINGS AND ARE FOR REFERENCE ONLY.
2. THE SITE PLAN (SHT. #1) IS FOR REFERENCE

January 4, 2008

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

Re: 319 North Milpas Street
APN 031-363-035
Zoning C-2, M-1

Dear Planning Commission,

There is an existing mixed use building consisting of 2,667 square feet of commercial space (the Medcenter), and two 2-bed room apartments on a 6,638.75 square foot lot. This building was completed in 1994 and has not been remodeled or altered since.

A portion of the lot is in the M-1 zone. We are requesting an adjustment to the M-1 zone boundary so this lot will be entirely within the C-2 zone (see accompanying request).

There is an adjacent lot that shares some of the parking, trash area, etc., that is entirely within the M-1 zone. Appropriate "reciprocal easements" will be recorded to facilitate ingress/egress, parking, access, utilities, trash, etc.

The parking requirement for a condominium conversion is 2 spaces per 2-bedroom unit, which supersedes the typical mixed-use parking requirement. In this case the required would be 4 spaces for the residential units. However, this building has been used, and will continue to be used, as the MedCenter since it was built 13 years ago. The MedCenter has 3 employees during peak hours of operation (therefore 3 max. spaces), the average patient load is 30 per day, or 2 ½ patients per hour (therefore 2 ½ spaces maximum assuming no public transportation was used), the industrial use has varied over the years (4 spaces assumed per parking ordinance), and the mixed-use 2 two bedroom residence demand of 4 is normally at 50%. Therefore, the "parking by demand" peak for this site is 11 ½ spaces. Over the last 13 years, there has not been a demand for more than the existing 16 provided spaces.

The building meets all other zoning requirements.

We are requesting a condominium conversion to include the two residential units and the commercial space (into 2 spaces). We meet, or exceed, all of the requirements for exiting and occupancy. The residential units are 907 square feet (unit "A") and 961 square feet (unit "B"), whereas only 600 square feet is required.

Each unit has smoke detectors, and the building has a mixed-use fire alarm system and fire extinguishers. There are Sound Transmission rated walls and floor systems separating each unit/occupancy. Each unit is individually metered for all utilities.

There is 400 cubic feet of private storage space for each of the residential units off of the private terrace adjacent to the bedrooms. Because this is a mixed-use project with "shared" parking, and because both residential units are on the second floor, it is impractical to have the required storage space adjacent to the parking area. This amenity is better served to be accessed from the units.

Each of the units has a laundry room. The outdoor lining space far exceeds the minimum requirements; Unit "A" has 2 terraces with 84 and 71 square feet totaling 155 sq. ft. and Unit "B" has 2 terraces with 208 and 72 sq. ft. totaling 380 sq. ft. The minimum requirements are 84 sq. ft. per 2 bedroom unit.

An Environmental Noise Study Report has been prepared. At the time the building was constructed, there was no requirement for a Noise Study. The conclusion of the current analysis suggests "that a 6 foot high sound wall is necessary on top of the existing perimeter wall on the front terrace and a 4 ½ high sound wall on top of the existing terrace (on the left/south side) to mitigate the exterior noise levels to the City 60 Ldn exterior noise level requirement for outdoor living space". They suggest "1/4" tempered glass..." would meet those requirements. We have designed decorative wrought iron and glass enclosures with retractable canvas awnings that meet those requirements. This has been reviewed by ABR with favorable comments.

The overall project was reviewed by the ABR and all of the comments were very positive. It was requested that hand painted signage be used to direct guests to the residential units. As we were leaving, one of the members commented (off the record), "Thank you for bringing up the standards in the neighborhood with your building". We have also submitted an updated Landscape Plan for your review.

We feel that this project has been, and will continue to be, an asset to the Milpas Street Corridor. As an approved condominium project with CC & R's, this project and site will be assured to be well maintained in the future.

Thank you for your time and consideration.

Sincerely,

R. Brian Nelson, Architect

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**7. 319 N MILPAS ST**

C-2/M-1 Zone

(6:30) Assessor's Parcel Number: 031-363-035
 Application Number: MST2006-00076
 Owner: Milpas Street Partners
 Architect: Brian Nelson

(Proposal for condominium conversion of an existing 5,004 square foot two-story, mixed-use building consisting of two two-bedroom apartment units on the second floor and 2,506 square feet of commercial medical office space on the first floor. The proposal includes enclosure of part of the existing patio to create two private storage areas for the residential condominiums. The condominium conversion requires Staff Hearing officer approval.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR CONDOMINIUMS.)

(7:37)

Present: Brian Nelson, Architect; Bill Meller, Owner.

Motion: Continued indefinitely to the Consent Calendar with the following comments:
 1) The applicant is to add signage, preferably hand painted, way finding signs, from the sidewalk on Milpas Street to the rear entry. 2) Provide an indication of self assigned parking for the condo units, and required signage. 3) Provide a Landscape Plan which provides additional landscaping along the driveway, sidewalk, and front-yard.

Action: Manson-Hing/Sherry, 6/0/0. Motion carried.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**8. 4126 HIDDEN OAKS RD**

PUD 0.4 Zone

(7:00) Assessor's Parcel Number: 049-440-005
 Application Number: MST2006-00752
 Owner: David and Stevie Peters
 Architect: Paul Zink

(Proposal for garage conversion and additions to an existing 2,417 square foot two-story dwelling located on a 26,058 net square foot lot. The proposal would convert an existing attached 460 square foot two-car garage to habitable space and construct a new attached 460 square foot two-car garage, a 386 square foot first-floor addition, and a 100 square foot second-floor addition.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS.)

(7:58)

Present: Paul Zink, Architect; David and Stevie Peters, Owner.

Public comment opened at 7:56 p.m.

