



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 1, 2009
AGENDA DATE: April 8, 2009
PROJECT ADDRESS: 416 & 418 Montgomery Street (MST2008-00131)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Project Planner *DK*
 Kelly Brodison, Assistant Planner *KAB*

I. PROJECT DESCRIPTION

The project consists of a proposal to convert two existing, one-story residential units to condominium units on an 8,598 square foot lot in the Mission Area Special Design District. The unit at 418 Montgomery Street is a 1,346 square foot three-bedroom unit. The unit at 416 Montgomery Street is 1,063 square foot two-bedroom unit. An existing, detached 360 square foot two-car garage will remain. The proposal includes the addition of exterior storage spaces for each unit and two uncovered parking spaces (one for each unit) along the private alley off of Montgomery Street.

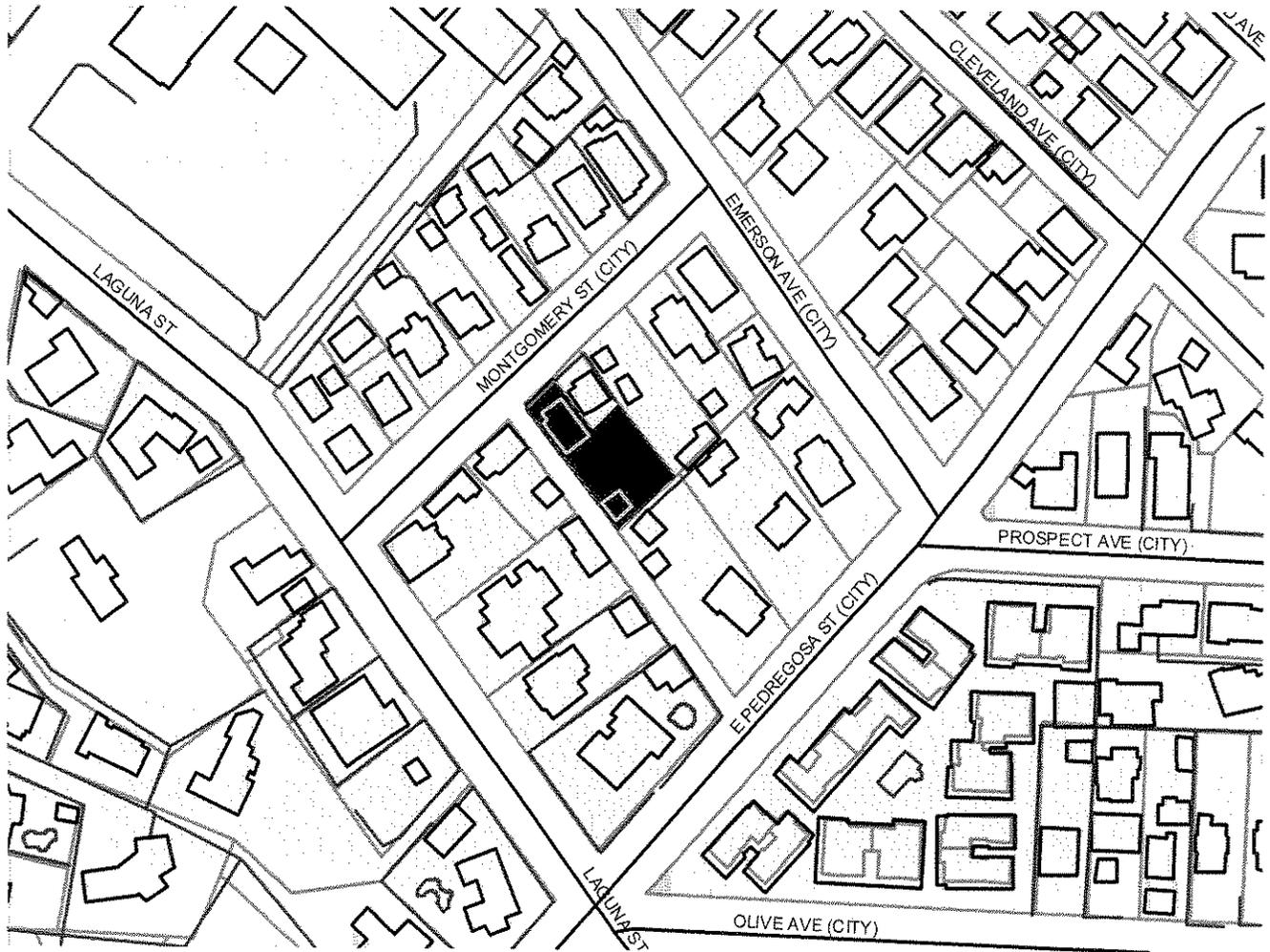
II. REQUIRED APPLICATIONS

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 (SBMC 27.07 and 27.13);
2. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) condominium units (SBMC 28.88).

III. RECOMMENDATION

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 project will not be changed and are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer 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 - 416 & 418 Montgomery Street

APPLICATION DEEMED COMPLETE: March 11, 2009
DATE ACTION REQUIRED PER MAP ACT: May 30, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Dave Tabor	Property Owner: Dan Secord
Parcel Number: 025-393-003	Lot Area: 8,598 sq. ft.
General Plan: Residential – 12 units per acre	Zoning: R-2, Two Family Residential
Existing Use: Residential	Topography: 6%
Adjacent Land Uses:	
North – Residential	East - Residential
South – Residential;	West - Residential

B. UNIT STATISTICS

	Existing & Proposed Bedrooms	Proposed Living Area (Net)	Covered Parking (net sq. ft.)	Storage (cubic ft.)	Private Outdoor Living Space
Unit 1 (416)	2	1,063 sq. ft.	180 sq. ft.	200	510 sq. ft.
Unit 2 (418)	3	1,346 sq. ft.	180 sq. ft.	200	245 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	15'	15'	No Change
-Interior	6'	6'	No Change
-Rear	3' for uncovered parking 6'	6'	No Change
Building Height	30'	9'-11"	No Change
Parking	2 covered 2 uncovered	2 covered	2 covered 2 uncovered
Open Yard (15%)	1,290 sq. ft.	> 1,290 sq. ft.	1,480 sq. ft.
Lot Coverage			
-Building	N/A	2,908 sq. ft. 34%	2,944 sq. ft. 34%
-Paving/Driveway	N/A	588 sq. ft. 7%	1,111 sq. ft. 13%
-Landscaping	N/A	5,102 sq. ft. 59%	4,543 sq. ft. 53%

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. This proposed project would meet the requirements of the R-2, Two-Family Residence Zone.

VI. PROJECT HISTORY

The earliest permit record available for this property is a building permit issued in 1937 for alterations to the existing dwelling at 416 Montgomery (the rear unit). Subsequently, in 1940 a second permit was issued for the construction of 418 Montgomery (the front unit) and the garage. The City's Urban Historian reviewed the existing structures and determined that no Historic Structures Report would be required for the proposal to convert the existing units to condominiums. However, any future alterations would be re-evaluated.

VII. 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). At the first conceptual review on August 25, 2008, the Board found that several items needed further study, including the trash and recycle bins, the storage areas and the landscaping. On November 3, 2008, the project returned to the ABR for a second review at which time the Board found the project design acceptable. Further refinements will be made to the Landscape Plan. The project was forwarded to the Staff Hearing Officer and will return to the Full Board for Preliminary and Final approval.

B. PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS

The project consists of two, one-story residential units and four parking spaces. The project includes improvements to the foundation, replacing the paved walkways with brick paths, new fencing, landscaping and parking. The project also provides the physical amenities required by the Condominium Conversion Ordinance, including adequate 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.

In addition to the requirements of the zone in which a project is located, physical standards are required for all condominium conversion projects per SBMC §28.88.040. The project would meet the parking standard of four parking spaces by providing two covered spaces and two uncovered spaces. Separate storage areas provided for each unit, meet the minimum of at least 200 cubic feet and are accessible from the parking spaces. Separate utility meters would be provided for each unit. Laundry facilities are proposed within each unit. The project also meets the minimum requirements for density, unit size, and outdoor living space.

C. COMPLIANCE WITH THE GENERAL PLAN

Before a Condominium Conversion project and a Tentative Subdivision Map can be approved, both must be found consistent with the City's General Plan.

Land Use Element: The project site is located in the Lower Riviera Neighborhood and has a General Plan land use designation of Residential, 12 units per acre. The Lower Riviera Neighborhood as delineated in the City's General Plan, lies between the bottom of the Riviera and Alameda Padre Serra and it is bordered on the west by the Old Mission and on the east by Canon Perdido Street. The Lower Riviera is primarily given over to residential uses, with single-family home development predominating, but with significant pockets of more intensive duplex and multiple-unit development. The General Plan designates this neighborhood primarily for a density of three dwelling units to the acre with small portions to the west and south at higher densities of twelve dwelling units to the acre. This neighborhood is primarily characterized by residential development as well as numerous public and institutional uses. The project would be subject to the density requirements of the R-2 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. In this case, the project is proposing two units resulting in a density of approximately 10.4 units per acre and is therefore consistent with the Land Use Element of the General Plan.

Housing Element: Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The condominium conversion would provide for homeowner opportunities in a neighborhood with near proximity to schools, parks and commercial areas.

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 project contains relatively modest unit sizes. The proposed residential units would not be restricted to low- or moderate-income households because the historical rental rates of the units do not merit affordability requirements.

D. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities, for the division of existing multiple-family residences into common interest ownership.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)

The proposal is two convert two existing residential units into condominiums, therefore, 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 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 as shown in Sections V and VII.C. above. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

B. CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community as indicated in the Zoning Consistency chart in Section V and VII.B. above.
2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara and with the density requirement of its Land Use Element as discussed in Section VII.C., above.
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 because no modifications are requested and it meets the requirements of the R-2 Zone.
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. Several upgrades are proposed to enhance the existing structures as described in Section VII.B. above.
5. The units have not been "affordable rental units"; therefore, affordability restrictions do not apply to the project. The applicant provided a rental history summary demonstrating that the units have not been affordable rental units within the last four years.
6. 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. The units are currently being rented by family members of the owner.
7. The owner notified the tenants about the condominium conversion proposal and informed the tenant of their rights pursuant to SBMC §28.88. There is a letter in the file demonstrating the appropriate tenant notification.
8. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than five units.

Exhibits:

- A. Conditions of Approval
- B. Reduced Plans
- C. Applicant's letter, dated March 9, 2009
- D. ABR Minutes

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

416 & 418 MONTGOMERY STREET
TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION PERMIT
APRIL 8, 2009

- I. In consideration of the project approval granted by the Staff Hearing Officer 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. **Notice of Approval of Condominium Conversion.** Owner shall provide evidence of delivery of written notice of the condominium conversion approval to the Community Development Department within 15 days of the approval of said conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
- B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.
1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 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.
 3. **Physical Elements Report Requirements.** All requirements listed in the physical elements report that result in exterior changes shall be subject to ABR review.
 4. **Trash Enclosures Provision.** A trash enclosure(s) with an area for recycling containers shall be provided on the Real property and screened from view from surrounding properties and the street.
 5. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
- C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property," which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 8, 2009 is limited to the conversion of two (2) residential units to two (2) condominium units and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
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 in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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. **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. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) be kept open and available for the parking of vehicles owned by the residents of the

property in the manner for which the parking spaces were designed and permitted.

- c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
- d. **Trash and Recycling.** 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.

D. **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 Final/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. **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.
3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
4. **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 Plan (SWMP). 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.

5. **Montgomery Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Montgomery Street. As determined by the Public Works Department, the improvements shall be the following: supply and install one Dome style residential standard street light, final placement to be determined by the Public Works Department and the appropriate design review board, coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 MUTCD w/CA supplements, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
- E. **Public Works Requirements Prior to Building/Condominium Conversion 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/Condominium Conversion Permit for the project.
- Submittal for Recordation of Parcel Map and Agreements.** Owner shall submit application for approval and recordation of the Parcel Map to the Public Works Department.
- F. **Community Development Requirements with Building/Condominium Conversion Permit or Public Works Permit Application.** The following shall be submitted with the application for any Building/Condominium Conversion Permit or Public Works Permit and finalized prior to issuance of any Building/Condominium Conversion or Public Works Permit:
1. **Notice of Vacation of Unit.** Each non-purchasing tenant that is not in default shall have not less than 180 days from the date of notice of the intent to convert is served pursuant to Government Code section 66427.1 before the Owner may terminate the tenancy.
 2. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of the Yucca tree in the front yard.
- G. **Building/Condominium Conversion Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building/Condominium Conversion 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. **Physical Elements Report.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced and shown on the plans.
3. **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.
4. **Conditions on Plans/Signatures.** The final Staff Hearing Officer 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.

- H. **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. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st
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 that is answered by a person, not a machine.

3. **Existing Tree Preservation.** The existing tree shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
4. **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.

- I. **Prior to Certificate of Occupancy for the Condominium Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Condominium 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. **Physical Elements Report Completion.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced.
 4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section C have been recorded.
 5. **Parcel Map Approved.** The Parcel Map shall be approved by City Council and recorded
 6. **Exclusive Right to Purchase (Right of First Refusal).** Owner shall provide evidence of the extension to each tenant household of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
- J. **After Certificate of Occupancy:** The following conditions shall be completed after issuance of the Certificate of Occupancy for the Condominium Conversion Permit has been completed.
 1. **Parcel Map Recordation.** The Parcel Map shall not be recorded until the Certificate of Occupancy for the Condominium Conversion Permit has been issued. The following shall be provided prior to Map recordation.
 - a. **Notice of Department of Real Estate Report.** Owner shall submit evidence showing that written notification has been submitted to each tenant household that an application for a public report has been submitted to the California Department of Real Estate within 10 days of the submission of such application.

- b. **Notice of Parcel Map Approval.** Owner shall submit evidence that written notice of approval of the Parcel Map has been provided to each tenant household within 10 days of such approval.
- K. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire three (3) 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.

CONDO CONVERSION FOR:
DANA B. RECORD
44 & 46 HUNTERS BL
DANA BARBORA, CA 94011



SITE PLAN

PROJECT SUMMARY

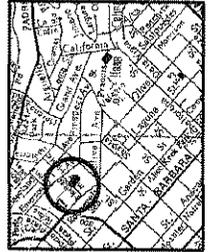
OWNER: DANA B. RECORD
PROJECT: CONDO CONVERSION OF 44 & 46 HUNTERS BL, DANA BARBORA, CA 94011
DATE: 12/15/2010
SCALE: 1/8" = 1'-0"

GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CALIFORNIA MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODES.
 2. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE EXISTING RECORD DRAWINGS AND FIELD SURVEY. THE ARCHITECT HAS NOT CONDUCTED A STRUCTURAL ANALYSIS OR INVESTIGATION OF THE EXISTING STRUCTURE.
 3. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE EXISTING RECORD DRAWINGS AND FIELD SURVEY. THE ARCHITECT HAS NOT CONDUCTED A STRUCTURAL ANALYSIS OR INVESTIGATION OF THE EXISTING STRUCTURE.
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SQUARE FOOTAGE BREAKDOWN

DESCRIPTION	NET	GROSS
CONDO UNITS	10,500 SF	11,500 SF
COMMON AREAS	1,500 SF	1,500 SF
PARKING	1,000 SF	1,000 SF
LANDSCAPE	500 SF	500 SF
TOTAL	13,500 SF	14,500 SF

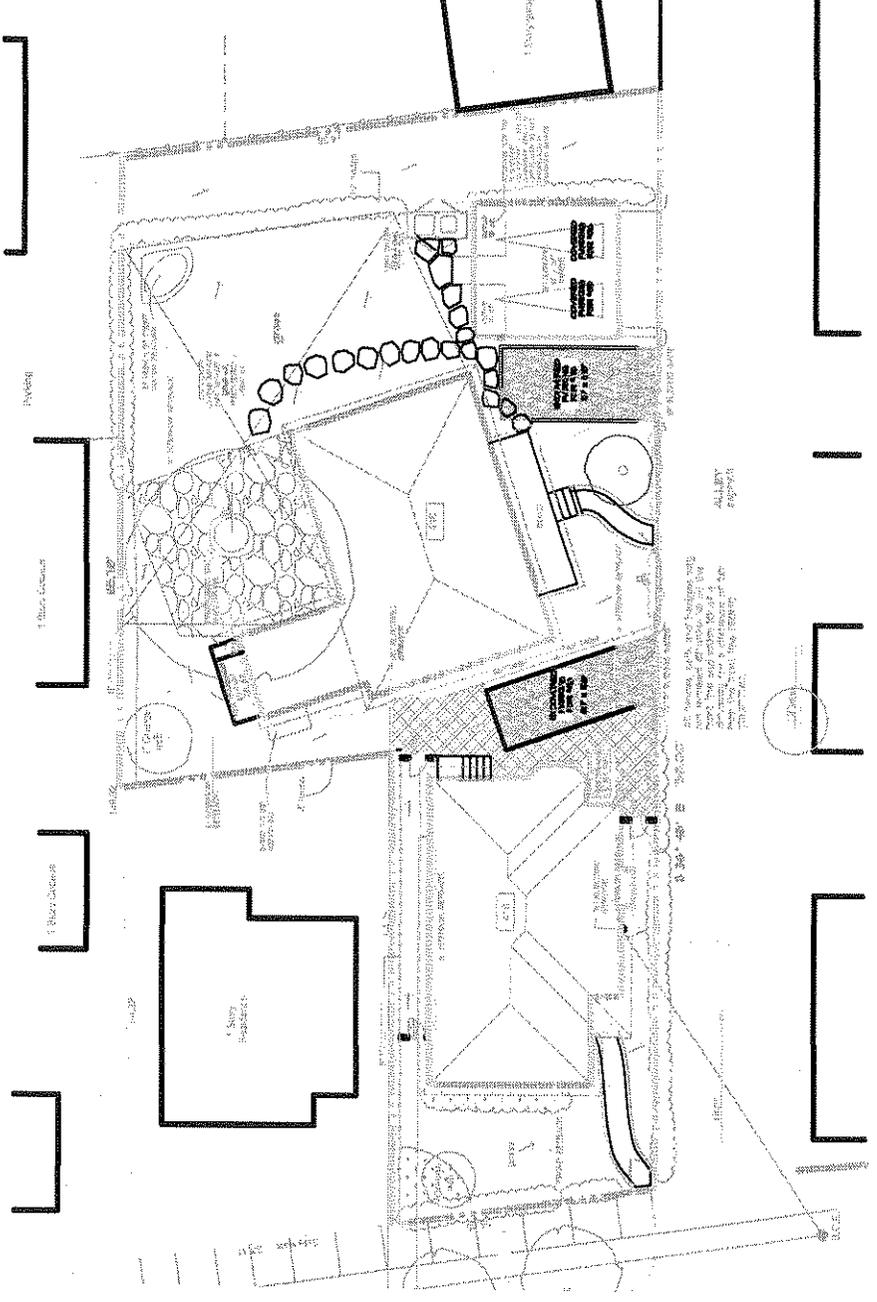
PROJECT DESCRIPTION:
 This project consists of the conversion of an existing single-family residence located at 44 & 46 Hunters Bl, Dana BarBora, CA 94011 into a multi-unit residential building. The existing structure is a single-story building with a total floor area of approximately 14,500 square feet. The proposed conversion will result in the creation of 10 condominium units, including 5 one-bedroom units and 5 two-bedroom units. The project also includes the construction of a new 5-story building on the adjacent lot, which will house 5 three-bedroom units. The total number of units in the project is 20. The project also includes the construction of a new 5-story building on the adjacent lot, which will house 5 three-bedroom units. The total number of units in the project is 20.



VICINITY MAP



SITE PLAN

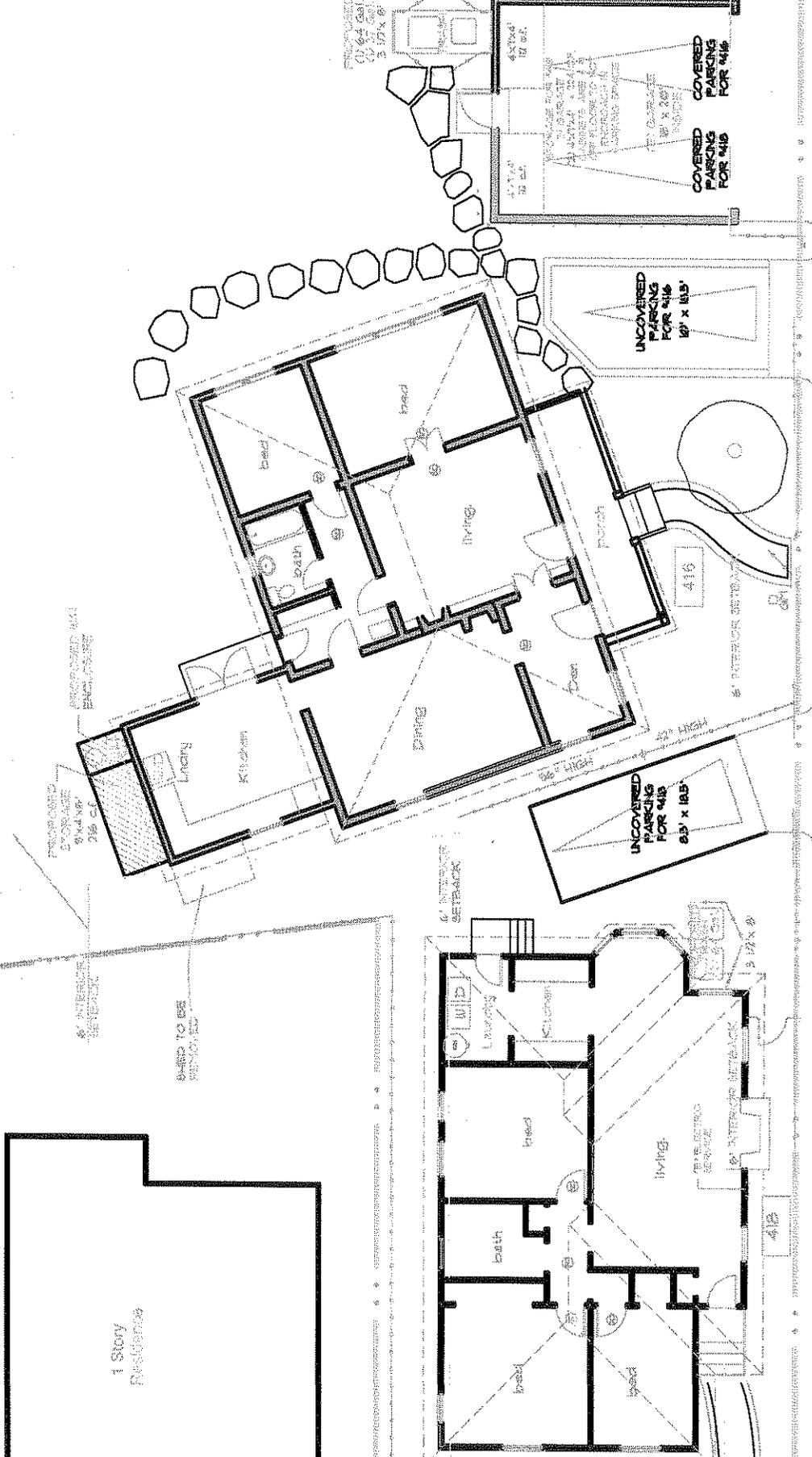


Scale: 1/8" = 1'-0"

CONDO CONVERSION FOR:
DAN & BEVERLY
415 / 416 - BRICKBERRY ST
SANTA BARBARA, CA 93101

Eric Guzman
Architect
1000 ...
Santa Barbara, CA

FLOOR PLANS



FLOOR PLAN



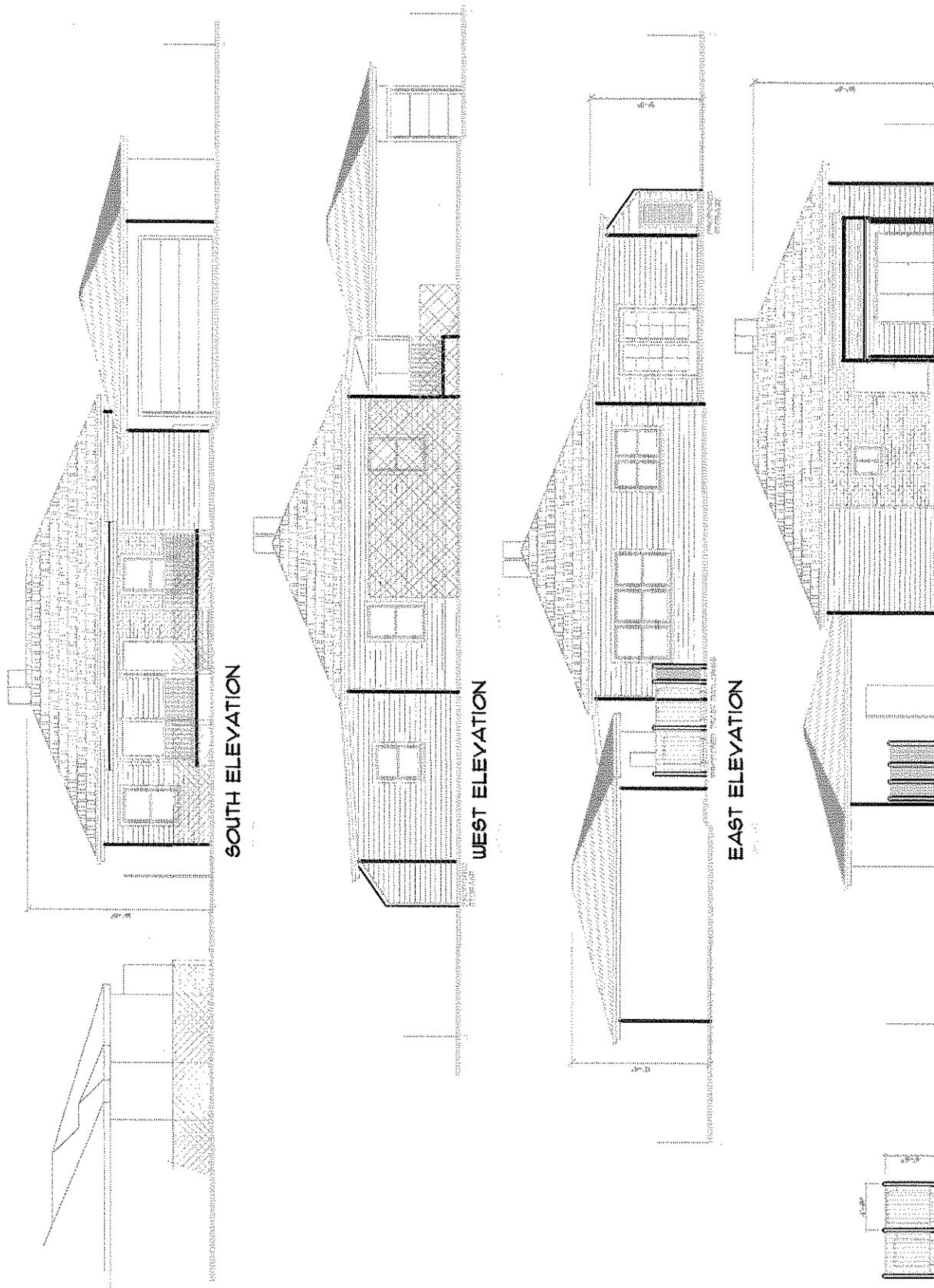
FLOOR PLAN

CONDO CONVERSION for
DAN & AZUCAR
557 435 1325-0-2521 01
SANTA BARBARA, CA 93101



Eric Guzman
Architect
1000 State Street
Santa Barbara, CA 93101
805.964.1111
www.ericguzman.com

EXTERIOR ELEVATIONS
UNIT #418



SOUTH ELEVATION

WEST ELEVATION

EAST ELEVATION

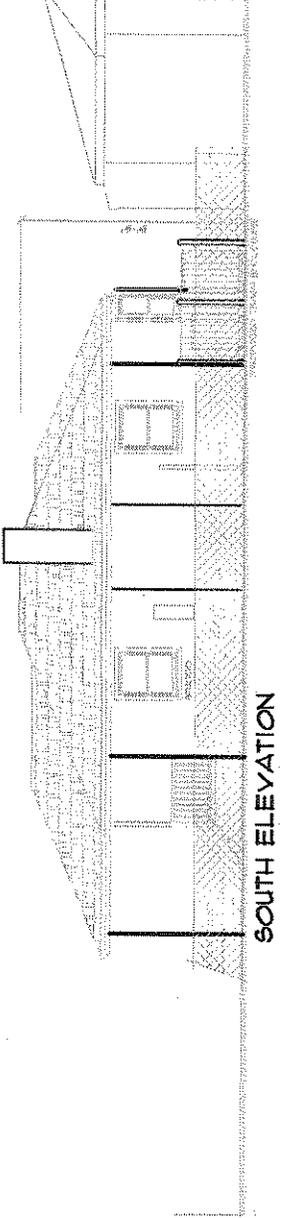
NORTH ELEVATION

CONDO CONVERSION FOR:
DAN R. GREGORY
457 / 458 HUNTERS BLVD
DANTA DAMASCUS, VA 20814

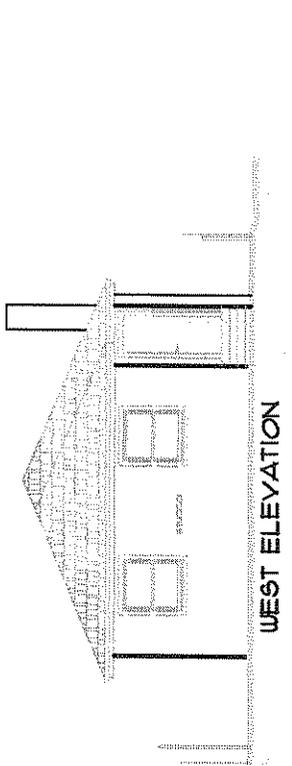


Eric Guenther
Architect
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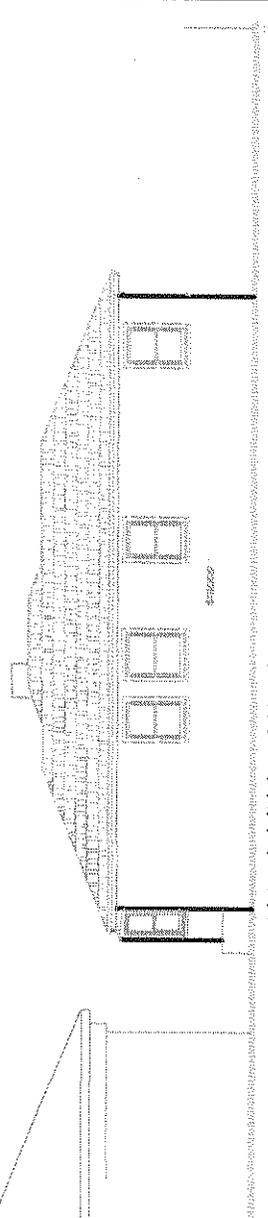
EXTERIOR ELEVATIONS
UNIT #418



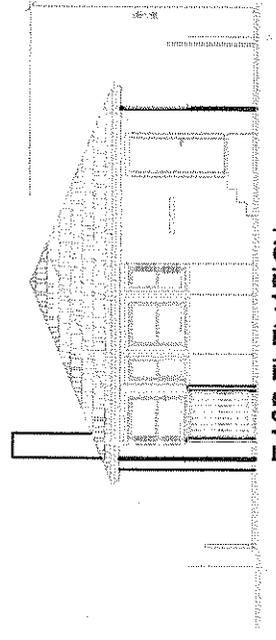
SOUTH ELEVATION



WEST ELEVATION

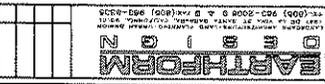


NORTH ELEVATION

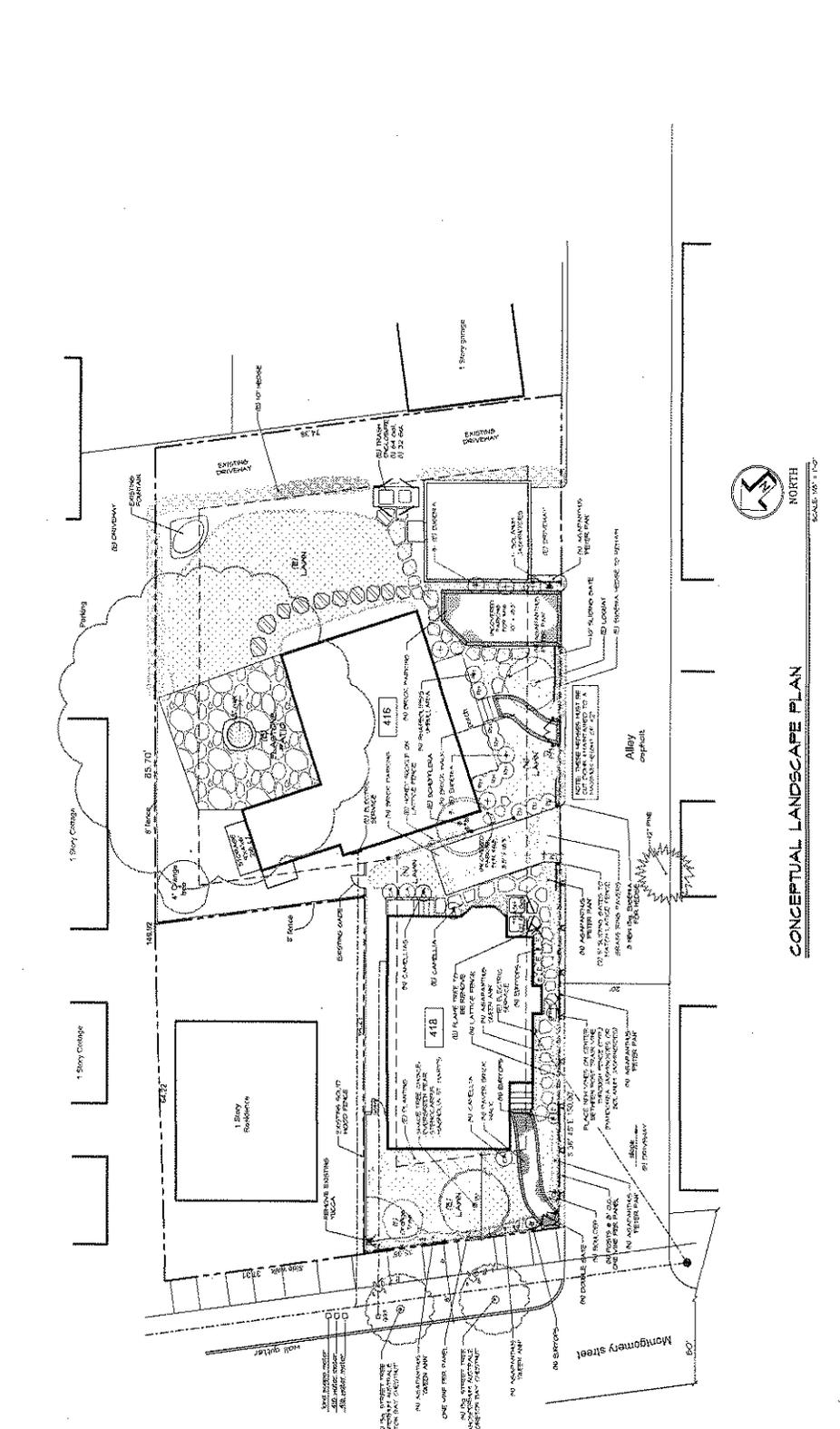
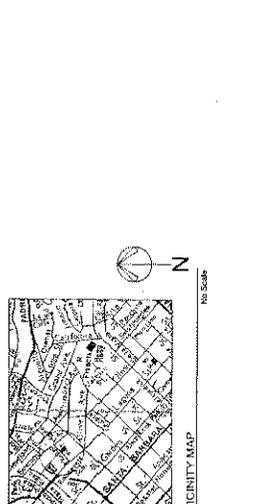


EAST ELEVATION

DATE	1/1/20
SCALE	AS SHOWN
PROJECT	CONCEPTUAL LANDSCAPE PLAN
CLIENT	BARBARA & JIM
DESIGNER	DAVID W. BROWN
ARCHITECT	DAVID W. BROWN
ENGINEER	DAVID W. BROWN
PLANNING	DAVID W. BROWN
LANDSCAPE	DAVID W. BROWN
CONTRACTOR	DAVID W. BROWN
PHOTOGRAPHER	DAVID W. BROWN
PAINTER	DAVID W. BROWN
SCULPTOR	DAVID W. BROWN
WRECKER	DAVID W. BROWN
SEWER	DAVID W. BROWN
WATER	DAVID W. BROWN
IRRIGATION	DAVID W. BROWN
LANDSCAPE	DAVID W. BROWN
CONTRACTOR	DAVID W. BROWN
PHOTOGRAPHER	DAVID W. BROWN
PAINTER	DAVID W. BROWN
SCULPTOR	DAVID W. BROWN
WRECKER	DAVID W. BROWN
SEWER	DAVID W. BROWN
WATER	DAVID W. BROWN
IRRIGATION	DAVID W. BROWN

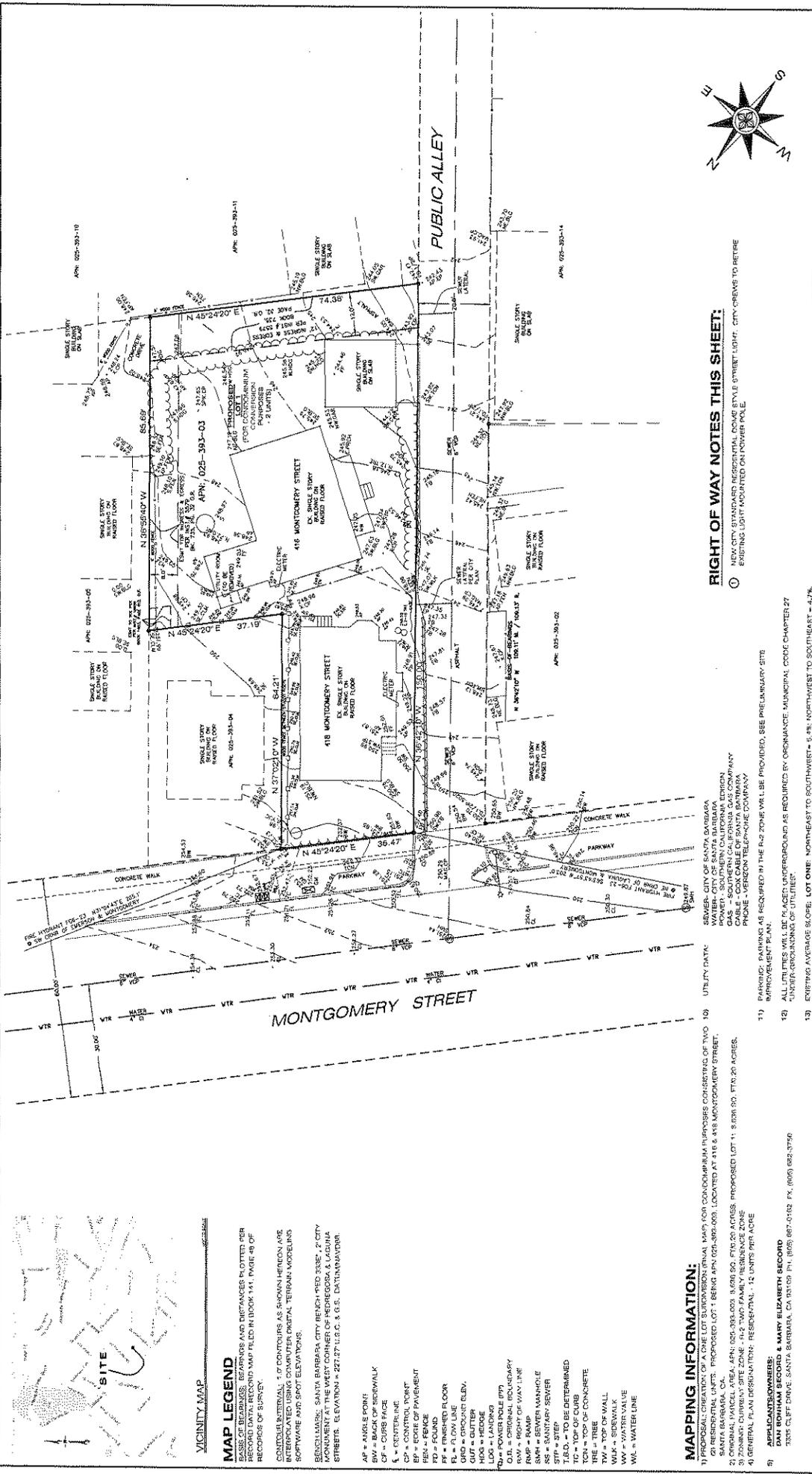


PROJECT SUMMARY
OWNER: LANDSCAPE ARCHITECTURE
 416 & 418 MONTGOMERY ST
 SANTA BARBARA, CA 93101
 PH: (805) 965-1000
PROJECT SITE: 416 & 418 MONTGOMERY ST
 SANTA BARBARA, CA 93101
APN: 022-090-000
LAND USE: RESIDENTIAL
USE: MULTI-FAMILY RESIDENTIAL
OCCUPANCY GROUP: R3/UD
CONSTRUCTION TYPE: VN
PARCEL SIZE: 8,398.4
SLOPE: 1.5%
SOIL TYPE: VES
NET SQUARE FOOTAGE: 13,964.0
EXISTING RESIDENTIAL: 13,964.0
EXISTING DETACHED GARAGE: 400.0
EXISTING DETACHED GARAGE: 1,000.0



CONCEPTUAL LANDSCAPE PLAN
 NORTH
 SCALE: 1/8" = 1'-0"

This plan is a conceptual landscape plan and is not intended to be used for construction. It is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The designer is not responsible for any errors or omissions in this plan.



TENTATIVE MAP
 SHEET TM-1
 DIVISION OF CALIFORNIA STATE PUBLIC WORKS, LAND AND MINERAL RESOURCES
 RESIDENTIAL CONDOMINIUM CONVERSION PURPOSES, CONSISTING OF
 TWO (2) RESIDENTIAL UNITS
 APNs 025-393-01, 025-393-02, 025-393-03, 025-393-04, 025-393-05, 025-393-06
 BEING A PORTION OF THE WEST CORNER OF HERODAS & LADUNA
 STREETS, IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA,
 STATE OF CALIFORNIA.
 PREPARED BY: **JMS**
 JAMES M. SWANSON, INC.
 1303 WEST STATE STREET, SUITE 100
 SANTA BARBARA, CA 93101
 PHONE: (805) 967-3528
 FAX: (805) 967-3527
 --APRIL 2009--
 SCALE: 1" = 10'

RIGHT OF WAY NOTES THIS SHEET:
 1) NEW CITY STANDARD DOMESTIC STYLE STREET LIGHT, CITY CREWS TO RETIRE EXISTING LIGHT MOUNTED ON POWER POLE.
 2) ALL UTILITIES WILL BE PLACED UNDERGROUND AS REQUIRED BY ORDINANCE, MUNICIPAL CODE CHAPTER 27 UNDER SPOUNDING OF UTILITIES.
 3) EXISTING AVERAGE SLOPE: LOT ONE: NORTH-EAST TO SOUTH-WEST = 4.7%; NORTH-WEST TO SOUTH-EAST = 4.7%; SOUTH-EAST TO SOUTH-WEST = 5.1%.

AGENTS CERTIFICATE:
 I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.
 SIGNED: _____
 DAVID WATERS
 1236 HERODAS ROAD, SANTA BARBARA, CA 93109
 (805) 967-3528

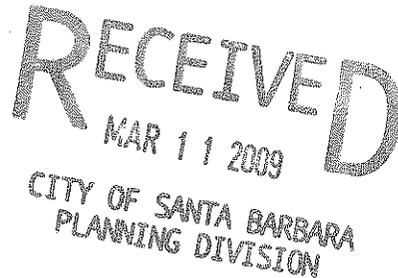
MAPPING INFORMATION:
 1) PROPOSED CREATION OF ONE (1) LOT SUBDIVISION, CONSISTING OF TWO (2) RESIDENTIAL UNITS, PROPOSED LOT 1 BEING APN 025-393-01, LOCATED AT 410 & 418 MONTGOMERY STREET, SANTA BARBARA, CA.
 2) ORIGINAL PARCEL AREA: APN 025-393-001 3.6761 ACRES, PROPOSED LOT 1: 8.0311 ACRES, LOT 2: 20 ACRES.
 3) GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE.
APPLICANTS/OWNERS:
 DAN BOHANNAN SECOND & MARY ELIZABETH SECOND
 3208 CLIFT DRIVE, SANTA BARBARA, CA 93106 PH: (805) 967-0342 FX: (805) 962-3790
 DAN SECOND DATE: _____
AGENT: DAVID TARDI
 1236 HERODAS ROAD, SANTA BARBARA, CA 93109 PH: & FX: (805) 966-3276
ARCHITECT: JAMES M. SWANSON
 1303 WEST STATE STREET, SUITE 100, SANTA BARBARA, CA 93101 PH: & FX: (805) 967-3527
ENGINEER: JAMES M. SWANSON, INC.
 1303 WEST STATE STREET, SUITE 100, SANTA BARBARA, CA 93101 PH: (805) 967-3528
CIVIL ENGINEER: GARY FROST, INC. P.E.
 22 HETCHELWOOD WAY #104, SANTA BARBARA, CA 93105-4191 PH: & FX: (805) 962-3887

MAP LEGEND:
 AP = ANGLE POINT
 BW = BACK OF SIDEWALK
 C = CENTERLINE
 CP = CONTROL POINT
 EP = EDGE OF PAVEMENT
 FEN = FENCE
 FD = FOUND
 FL = FLOW LINE
 GRD = GROUND ELEV.
 GUT = GUTTER
 HOG = HOOD
 HOG = HOOD
 T.O. = TOP OF CURB
 O.B. = ORIGINAL BOUNDARY
 RW = RIGHT OF WAY LINE
 S = SETBACK
 S.M. = SEWER MANHOLE
 SS = SANITARY SEWER
 STP = STEP
 T.I.R.D. = TO BE DETERMINED
 T.O. = TOP OF CURB
 T.O. = TOP OF CONCRETE
 T.O. = TOP OF WALL
 TW = TOP OF WALL
 WALK = SIDEWALK
 WY = WATER VALVE
 WL = WATER LINE

VICINITY MAP
MAP LEGEND
 APN 025-393-01
 APN 025-393-02
 APN 025-393-03
 APN 025-393-04
 APN 025-393-05
 APN 025-393-06
 APN 025-393-07
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 APN 025-393-99
 APN 025-393-100

March 9, 2009

City of Santa Barbara Staff Hearing Officer
630 Garden Street
Santa Barbara, CA 93101



RE: 416 & 418 MONTGOMERY STREET - APN 25-393-03
PARCEL MAP FOR TWO-UNIT CONDOMINIUM CONVERSION

The owners of the subject property are seeking your approval for the conversion of the two units on the subject property into condominiums. The application includes a Tentative Map to create the two separate units and common areas, and a Conversion Permit.

BACKGROUND

This 8,598 square foot property is located in the R-2 zone along the south side of Montgomery Street between Laguna Street and Emerson Avenue. The property is bordered by Montgomery Street to the north, an alley to the west, and residential lots on all sides. It is half-block south of Roosevelt Elementary School. The oldest building permit for 416 Montgomery, the rear house, was issued in 1937 for alterations to the existing dwelling. The front unit, 418 Montgomery Street, and the garage were built in compliance with a permit issued March 1, 1940.

The proposal is to convert the two units into condominiums. The existing units are in good condition, and their separation and orientation make them ideal candidates for conversion. There are several physical changes proposed:

- provide 2 uncovered parking spaces, one for each unit;
- foundation bracing for 416 Montgomery;
- provide trash/recycling enclosure for each unit;
- add enclosed storage inside garage and behind 416 Montgomery;
- replace existing paved walkways with brick walkways to access each unit;
- new fence and landscaping (max. 42 inch height) along street and alley frontage for 418 Montgomery;
- trim existing hedge (max. 42 inch height) along alley in front of 416 Montgomery; and
- sliding gates for each new parking space.

Open Space - The project meets the requirement for the R-2 zone by having a 1480 square-foot open area at the rear of the property. In addition, each unit has its own private outdoor space. The yard areas will be divided as they are currently. The uncovered parking space for 418 Montgomery has been designed to serve for open space use as well as for parking. Grass-ring pavers will be used to provide sufficient integrity for vehicles to use the space, but to not interfere with the use of the entire area as an active play area.

Parking - The existing garage will be shared so that each unit will have 1 covered parking space. An additional uncovered parking space will be provided directly off the alley for each unit. Each space will be set 3 feet off the alley in conformance with R-2 standards and back directly onto the alley. Sliding gates will be placed at the edge of the alley to allow access to the parking as well as security to the individual yard areas. The placement of the parking spaces and gate design has been endorsed by Transportation Staff. Parking design as part of the proposed improvements along the alley was reviewed and enthusiastically supported by the ABR.

Tenant Issues - The property is occupied by family members who share in the ownership of the property. The occupants of each unit will become owners of their units following the conversion. The required noticing procedures will be followed in order to meet the letter of the Conversion Code, but there will be no displacement of tenants. Neither is there an issue with unit affordability since this ownership situation has been in place since 2002.

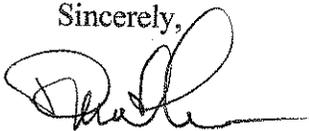
SUMMARY

Overall, the project appears to be one that can be easily converted to condominiums, with few changes required to the overall site plan. The new landscape plan updates these units and improves their livability as well as the pedestrian feel of the neighborhood. The units will provide unique homeownership opportunities that will benefit the community while having positive impacts to the surrounding neighborhood. The project preserves the existing buildings which preserves the neighborhood character.

Overall, the project meets the conversion standards, and is an excellent example of an existing situation that can be easily considered for individual ownership. The units are in good condition, and the proposed paving enhancements and new parking spaces will improve the situation for both the future owners and the neighbors.

I am looking forward to presenting this project to you at an upcoming meeting. Please call me if you have any questions.

Sincerely,



David Tabor AICP



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

416 MONTGOMERY ST

MST2008-00131

R-CONDO CONVERSIC

Page: 1

Project Description:

Proposal to convert two existing, one-story residential units to condominium units on an 8,598 square foot lot in the Mission Area Special Design District. Existing unit number one is a three-bedroom, 1,346 square foot unit. Existing unit number two is a two-bedroom, 1,063 square foot unit. An existing, detached two-car garage will remain. The proposal includes the addition of exterior storage spaces for each unit and two uncovered parking spaces (one for each unit) along the private alley off of Montgomery Street. The project requires Staff Hearing Officer Review of a Tentative Subdivision Map.

Activities:

11/3/2008

ABR-Concept Review (Continued)

(Second Concept Review. Comments only; project requires Environmental Assessment and Staff Hearing Officer review of a Tentative Subdivision Map.)

(6:27)

Present: Dave Tabor, Agent; Dan and Mary Secord, Owners; and Sam Maphis, Landscape Architect.

Public comment opened at 6:38 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with the following comments:

ARCHITECTURE:

1) The Board finds the proposed project design is acceptable.

LANDSCAPING:

1) Continue the lattice on the alley to the garage at the rear of the property line.

2) The parkway at Montgomery Street shall be design and planted as appropriate to the neighborhood.

3) Provide landscape planting at the bottom of the fence in addition to the vines in order to animate the space at the bottom of the fence.

Action: Manson-Hing/Gross, 7/0/0. Motion carried. (Sherry absent).

10/9/2008

ABR-FYI/Research

Applicant needs to put detailed scope of work on plans

Activities:

9/29/2008 ***ABR-Resubmittal Received***

ABR resubmittal received

8/25/2008 ***ABR-Notice Prepared-PC/SHO Req***

8/25/2008 ***ABR-Concept Review (New) - PH***

(Comments only; project requires environmental assessment and Staff Hearing Officer review of a Tentative Subdivision Map.)

(5:20)

Present: Dave Tabor, Agent; Mary Secord, Owner; and Eric Swenumson, Designer.

Public comment opened at 5:30 p.m.

A letter was read into the record from Ms. Bettie Wood, opposed to condominium units in her neighborhood.

Public comment closed at 5:33 p.m.

Mr. Boughman stated that the parking functions as proposed and asked the Board to comment on the location and aesthetics of the exterior storage areas and two uncovered parking spaces.

Motion: Continued indefinitely to Full Board with the following comments:

- 1) Examine the existing easement for use as access to parking behind garage.*
- 2) Show hedges, hedge heights, and all proposed gates on the site plan.*
- 3) Relocate trash and recycle bins outside the setbacks. Try reducing the trash and recycling areas down to one instead of two areas as currently proposed.*
- 4) Look for alternative storage area solutions instead of the attic or garages. The design of the storage units are not unattractive and they do match the house, but the design of one storage unit in particular between the two buildings makes it difficult to provide a comfortable parking area in that location.*
- 5) The attachment of a storage unit to Unit 416 is unacceptable.*
- 6) Show locations of existing trees.*
- 7) Provide a combined elevation from the alley showing the building, and any hedges, gates, etc.*
- 8) Provide a sidewalk to rear unit.*

Action: Gross/Sherry, 7/0/0. Motion carried. (Manson-Hing absent.)

8/15/2008 ***ABR-Posting Sign Issued***

Activities:

8/5/2008

ABR-Resubmittal Received

Proposal to convert existing sfr into 2 condos.