



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 13, 2009
AGENDA DATE: May 20, 2009
PROJECT ADDRESS: 825 W Victoria Street and
 1229 Gillespie Way (MST2008-00549)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Suzanne Johnston, Assistant Planner *SJ*

I. PROJECT DESCRIPTION

The project consists of the conversion of two existing single family residences to condominiums. The applicant is not proposing any additional improvements at this time.

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); and
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 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.



APPLICATION DEEMED COMPLETE: April 9, 2009
DATE ACTION REQUIRED PER MAP ACT: May 29, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Maruja Clensay Suzanne Elledge Planning & Permitting Service	Property Owner: Paige Patterson Wilson Colleen Kelly Alfred Ramirez
Parcel Number: 039-141-003	Lot Area: 8,000 ft ²
General Plan: Residential – 12 units per acre	Zoning: R-2, Two Family Residential
Existing Use: Residential	Topography: 6%
Adjacent Land Uses: Residential	

B. UNIT STATISTICS

	Existing Bedrooms	Existing Living Area (Net)	Parking Provided	Storage (cubic ft.)	Private Outdoor Living Space
Unit 1	2	1,655.25 ft ²	1 covered & 1 uncovered	Waived Garage provided	> 140 ft ²
Unit 2	4	1,346 ft ²	1 uncovered	200 ft ³ provided	> 160 ft ²

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	825 W Victoria Street	1229 Gillespie Way
Setbacks			
-Front (Victoria)	15' buildings or	15'	15'
- (Gillespie)	20' parking facing street		10' parking
-Interior	3' parking use	6'	6" uncovered parking
	6' structures		6' residences
-Rear	6'	6'	7'
Parking	2 covered	1 uncovered, 1 covered	1 uncovered
Lot Area Required for Each Unit (Variable Density)	3,500 ft ² per unit x 2	8000 ft ²	
Open Yard	1,250 ft ²	1,400 ft ² Shared	
Lot Coverage			
-Building	N/A	2,774 ft ²	35%
-Paving/Driveway	N/A	3,756 ft ²	47%
-Landscaping	N/A	1,470 ft ²	18%

The proposed project would meet the requirements of the R-2 Zone, with the exception of the existing non-conforming parking. The applicant has requested an exception to the Condominium Conversion ordinance parking requirements for the proposed condominium unit at 825 W. Victoria Street and the private storage requirements for the proposed condominium unit at 1229 Gillespie Way as provided for under SBMC§28.88.040(N). In order to bring the parking up to current standards a portion of the existing home at 825 W. Victoria Street would be required to be demolished or converted to covered parking spaces in order to meet the minimum dimensions for two covered spaces and observe the required setbacks. A second uncovered parking space in the interior setback could be achieved; however, it would reduce the required open yard, eliminate the owner's garden and require two modifications. The economic impact of providing an additional parking space for the proposed condominium at 825 W. Victoria Street is not justified by the benefit of doing so. The enclosed garage improvement for the proposed condominium unit at 1229 Gillespie Way offsets the need for separate private storage space.

VI. PROJECT HISTORY

This property was the first Homes for People Project which was built in 1981. The property owners involved at the time of the 1981 project remain the owner/occupant to date. There have

been numerous improvements made to the property since 1981. The owners took title to the property under a deed that includes an affordability covenant that will sunset in 2012. The property has not been used as a rental property since 1981 and has remained owner occupied. Additional discussion regarding Affordable housing is listed below.

VII. ISSUES

A. DESIGN REVIEW

The proposed project does not include any proposed changes to the exterior of the buildings on the lot. However, for the purposes of the Architectural Board of Review (ABR) commenting on the ability to make findings for the conversion of units to condominiums the project was reviewed by the ABR on one occasion (meeting minutes are attached as Exhibit D). On February 9, 2009, the ABR stated that it found the project to be aesthetically attractive, safe, and of quality construction. Specifically, each unit has a separate identity; each unit entry is easily identifiable and functional; the open space is useable, defensible and safe; each unit has been designed to avoid privacy issues; and the project is appropriate in scale and compatible with neighborhood.

B. AFFORDABLE HOUSING

The project site was the first affordable housing project developed through the Homes for People program. The current owners have been the owners since the time that the original affordability covenant was put in place requiring affordability restrictions. The two existing units have not been rental units since 1982. The Housing & Redevelopment Staff have encouraged the owners, who are partners in common, to pursue a condominium conversion to allow the owners to own the property outright. Housing staff would not have considered allowing a conversion of the property to condominiums without extending the length of the affordability covenants if the property had not been owner occupied. The condition of approval listed as condition B.4. in the attached Exhibit A updates the language of the affordability covenant but will not extend the duration of covenant.

Upon finalization of the condominium conversion permit and recordation of the parcel map, the units could be sold individually. The for-sale price will be income restricted for the duration of the affordability covenant but could be sold at market-rate following the expiration of the covenant. Several findings, listed in Section VII of this staff report, must be made for the conversion of existing dwelling units to condominiums. Many of these findings are related to impacts to existing tenants and elimination of units from the affordable rental stock. The existing owners have occupied the units for the entire length of time that the affordable covenant has been in place and therefore there is no impact created on the stock of affordable rental units.

C. COMPLIANCE WITH THE GENERAL PLAN

Before an application for condominium conversion can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision is consistent with the plans and policies of the City of Santa Barbara.

Land Use Element: the project site is located in an area recognized by the Land Use Element of the General Plan as the Westside neighborhood of the City. The Westside neighborhood is bordered on the north and east by Highway 101; on the south by Carrillo Street and the base of the Mesa Hills; and on the west by the base of the hills containing Bel Air Knolls. The major portion of the Westside neighborhood is used primarily for single-family homes. The General Plan calls for 12 dwelling units to the acre, and by the R-2 zoning coincides with this allowed density. The project proposes a density of 10.8 units per acre.

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.

Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood. The surrounding neighborhood is comprised of a mix of residential uses and architectural styles. The project is proposing no changes to the site. The two residences have their own identity established by separate driveways and siting on the lot to locate entries to the street frontage at which they are addressed.

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. THE TENTATIVE 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 VI.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. No alterations are proposed with this application. The property is legally non-conforming as to the front setbacks. The economic impact of providing an additional parking space for the proposed condominium at 825 W. Victoria Street is not justified by the benefit of doing so. The enclosed garage improvement for the proposed condominium unit at 1229 Gillespie Way offsets the need for separate private storage space.
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 VI.B. above.
5. The "affordable" units have not been used as rental units; therefore, there is not an impact to the loss of affordable rental units from the housing stock. The applicants have provided a written statement that the units have been owner occupied continuously since the affordability covenant was placed on the property title.
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 owner occupied.
7. The units are owner occupied therefore there are no tenants to notify about the condominium conversion proposal and informed the tenant of their rights pursuant to SBMC §28.88. There is a letter in the file stating that the units are owner occupied.
8. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than five units.

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Exhibits:

- A. Conditions of Approval
- B. Applicant's letter, dated November 21, 2008
- C. February 9, 2009 ABR Minutes

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1229 GILLESPIE WAY & 825 WEST VICTORIA STREET

TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSION PERMIT, OTHER APPLICATION(S)

MAY 20, 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. **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 _____ is limited to (two (2) condominium units and the improvements shown on the Tentative Subdivision Map 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. **Recorded Affordability Covenant.** Prior to the approval of the final parcel map by the City Council, the applicants shall sign two separate affordability agreements in a form suitable for recordation, one for each of the two parcels ("Affordability Covenants"). The Affordability Covenants shall each be in a form substantially similar to "Exhibit B" of the affordability covenant recorded in the County Recorder's Office on April 14, 2008 as document 2008-0021424. The initial maximum sale price of each of the two units as stated in each Affordability Covenant shall be One Hundred Ninety-Four Thousand Nine Hundred Dollars (\$194,900). The Affordability Covenants shall expire on February 11, 2012, after which either unit or both units may be sold to any buyers at any price. The City shall record each Affordability Covenant against the appropriate parcel after the final parcel map is recorded and the parcel numbers have been assigned by the County.
 5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common

utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages 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.
6. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- B. **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. **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. **Gillespie Way and Victoria Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Gillespie Way and Victoria Street. As determined by the Public Works Department, the improvements shall be the following: driveway apron modified to meet Title 24 requirements on the Victoria Street frontage, crack seal to the centerline of the street along entire subject property frontage, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of drainage pipe and curb drain outlets, preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 5. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
 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.
- C. **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.
1. **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.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans for a new City Standard Driveway Approach, a Public Works Permit shall be issued concurrently with a Building Permit.
- D. **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. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- E. **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. **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.
2. **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.

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

1. **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 Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
3. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval, as follows.
 - a. **Existing Tree Preservation.** The existing tree(s) 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. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
5. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all

further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

G. **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. **Private Covenants, Conditions & Restrictions (CC&R's).** Submit to staff a copy of the recorded Private CC&R's with the recorded instrument stamped on the first page.
2. **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.
3. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
4. **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.
5. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if a spa, pool or solar panels are installed at this time or at any point in the future.
6. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
7. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
8. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
9. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
10. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section E have been recorded.
11. **Parcel Map Approved.** Parcel Map shall be approved by City Council.

12. **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 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.
- H. **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. **Notice of Department of Real Estate Report.** Owner shall submit evidence showing that written notification has been submitted that no tenant household has been affected at the time of 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.
- I. **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.

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

RECEIVED
NOV 21 2008

21 November 2008

CITY OF SANTA BARBARA
PLANNING DIVISION

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

**RE: Proposed Condominium Conversion – 1229 Gillespie Way and 825 W. Victoria Street
(APN 039-141-003)**

Dear Commissioners:

On behalf of the property owners Mr. Alfred Ramirez and Ms. Coleen Kelly of 825 W. Victoria Street and Ms. Paige P. Wilson of 1229 Gillespie Way, we are requesting a condominium conversion to convert two (2) existing single family residences to condominium units and approval of a tentative map to convert the existing units to condominium ownership.

Site Description:

The properties at 1229 Gillespie Way and 825 W. Victoria Street are on an 8,000 square foot L-shaped lot with two (2) existing single family residences. Access is provided to 1229 Gillespie Way from a public alley named Gillespie Way via driveway leading to one uncovered parking space and a one (1)-car garage. Access to 825 W. Victoria Street is provided from W. Victoria Street via driveway leading to one (1) uncovered parking space.

The property is zoned R-2 Two-Family Residence Zone and the General Plan designation is twelve (12) units per acre in the Westside Neighborhood.

Permit History

This property was the first Homes for People Project built in 1981. Permit history includes the installation of a gas heater in 1994 for 825 W. Victoria Street. In 1996, the applicant proposed 615 square feet second-story addition for the 825 W. Victoria Street residence (BLD96-01453). In 1999, the construction of a small storage unit to the side of 825 W. Victoria Street was permitted. In 2007, the property at 1229 Gillespie Way recently underwent ABR review and Staff Hearing Officer (SHO) approval for a 422 square feet two-story addition, new entryway, and new porches as well as a 219 square feet detached one (1) car garage and a one (1) new uncovered parking space to replace the existing 326 feet carport (building permit BLD2007-01365 pending). The Gillespie property recently received modifications to permit the new

garage and the uncovered parking space to be located within the required front (facing Gillespie Way) and interior yard setbacks (SBMC §28.18.060 and 28.90.100).

The existing 1,918 square feet residence at 825 W. Victoria Street will remain unaltered during Gillespie unit's pending construction phase.

Project Description

The application request involves a tentative subdivision map to create two condominiums (APN 039-141-003). With some physical upgrades proposed in the issued building permit for 1229 Gillespie Way, the project would comply with the physical requirements for condominium conversions. See detailed physical standards compliance listed below. The unit sizes and proposed configurations are as follows:

- Unit 1 – 1229 Gillespie Way: 1,655.25 square feet; two (2) bedrooms
- Unit 2 – 825 W. Victoria Street: 1,918 square feet; four (4) bedrooms

Unit 1 has nearly completed an addition and converted a one (1) car carport to a new one (1) car garage with the addition of one (1) new uncovered parking space. Unit 2 has one (1) uncovered parking space existing and will remain unaltered. Outdoor living space is provided as required in SBMC §28.18.060.C.

Tree or vegetation removal and grading is not part of the project. The demolition of the one (1) car carport at 1229 Gillespie Way to construct a one (1) car garage and one (1) new uncovered parking space was allowed by SHO approval of zoning modification (issued building permit BLD2007-01365).

Since 1982, the residences have been market restricted through the City's Affordable Housing Program. When the Inclusionary Housing Ordinance is amended, they would be exempt from the in-lieu fee provision.

Physical Standards

Condominium Conversion Provisions

SBMC §28.88.040 requires the applicant to demonstrate compliance with the following physical standards:

- A. UNIT SIZE. The enclosed living or habitable area of each unit shall be not less than 600 square feet.

The smallest unit in the proposed development is 1,655.25 square feet.

B. FIRE PREVENTION.

1. Smoke Detectors. Each living unit shall be provided with approved detectors of products of combustion other than heat conforming to the latest uniform Building

Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

Both units are already equipped with the required smoke detector devices.

2. Maintenance of Fire Protection System. All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times, maintained by the Homeowner's Association and delineated in the Covenants, Conditions and Restrictions.

In regards to 1229 Gillespie Way, Fire Inspector Alan Reitz confirmed verbally at City Counter 7/18/07 that:

- a) *Distance of fire hydrant #FH-E10-006 to project is under 500 feet*
- b) *The fire hydrant has two (2) outlets at 2 ½ inches and one (1) outlet at 4 inches*
- c) *The G.P.M. flow is 1,308 G.P.M.*

Further, language will be incorporated into the project CC&R's to address the maintenance of all fire protections systems and devices.

C. SOUND TRANSMISSION.

1. Wall and floor-ceiling assemblies shall conform to Title 25, California Code of Regulations, Section 1092, or its successor, or permanent mechanical equipment, including domestic appliances, which is determined by the Chief of Building and Zoning to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Chief of Building and Zoning to lessen the transmission of vibration and noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. The requirements of this paragraph shall not apply to a unit in a building with no other unit(s).

This provision is not applicable to the project because both of the units are freestanding.

D. UTILITY METERING.

1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. Each unit shall have its own electrical panel, or access thereto, for all electrical circuits which serve the unit. A gas shut-off valve shall be provided for each unit and for each gas appliance.

Both units currently have individual metering for all utilities, a separate gas shut off valve, and a separate shut off valve for each gas appliance.

2. Each dwelling unit shall be served by a separate City water meter. An additional separate City meter shall be provided to serve the landscaped areas in projects that include five or more dwelling units.

Each unit currently has its own water meter and does not require additional city meters since there are only two (2) units.

3. All plumbing fixtures shall conform to the standards for water saving devices as contained in the Uniform Plumbing Code as adopted and amended by the City of Santa Barbara in Chapter 22.04 of this Code.

The pending project will comply with all requirements of the Uniform Plumbing Code upon completion.

4. An exception to any requirement of this subsection may be granted by the Planning Commission if each of the following requirements are met:
 - a. A licensed engineer has determined that compliance with the requirement cannot practically be accomplished and the applicant has included alternative measures to accomplish conservation equivalent to that which would be expected through compliance with the requirement;
 - b. The Public Works Director has reviewed the proposed exception and the proposed alternative measures and has concurred that equivalent conservation is likely to be accomplished as a result thereof. Measures proposed as alternatives to the water conservation requirements of this subsection may include, but are not limited to, installation of privately owned sub-meters on each dwelling unit, conversion of existing landscaped areas to conform with current standards for water conserving landscaping, and installation of additional separate City meters to serve groups of dwelling units.

These requirements are not applicable as the project complies with all of the provisions of this section.

- E. PRIVATE STORAGE SPACE. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space, in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit owner. Such space shall be accessible from the garage or parking area for the units it serves.

This section is primarily applicable to apartment buildings converting into condominiums and should not be considered applicable towards single family residences. Lockable private storage space is intended to give security to tenants in units that contain multiple residents and that are frequently and randomly trafficked day and night. Since both properties are single family residences, all required storage space has been provided in the built structure. The existing conditions of both properties offset the private storage space requirement.

- F. LAUNDRY FACILITIES. A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

Each unit provides a laundry area. See floor plans on sheets 2 and 4 of the enclosed plans.

- G. CONDITION OF EQUIPMENT AND APPLIANCES. The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air-conditioners that are provided are in working condition as of the close of escrow. At such time as the Homeowner's Association takes over management of the development,

the applicant shall provide written certification to the Association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the Association is in working condition.

This provision will be a part of the conditions of approval; however, it is the owners' intent to maintain ownership of the units.

- H. EASEMENTS. The applicant shall make provisions for the dedication of land or easements for street widening, public access or other public purpose in connection with the project where necessary and in accordance with established planned improvements.

Since these properties have been established for over twenty-five (25) years, it would be a valid assumption that the city has all necessary public easements and pedestrian accessibility in place and enforced. Therefore, any additional provisions for land dedications or public easements are not applicable in this case.

- I. REFURBISHING AND RESTORATION. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the SHO shall be refurbished and restored as necessary to achieve high quality appearance and safety.

It is our understanding that all refurbishment and restoration has been carried out and completed as described by the owners to achieve high quality appearance and safety.

- J. PARKING STANDARDS. The off-street parking requirements for a conversion project shall be one and one-half (1½) parking spaces per unit for one bedroom or efficiency units and two (2) parking spaces per unit for units containing two or more bedrooms.

The project meets the required parking standards by providing one (1) carport space and one (1) additional uncovered space for the 1229 Gillespie Way property. The residence at 825 W. Victoria Street has had the same parking configuration of one (1) uncovered parking space since its construction. In 1996, a second-story addition was approved for 825 W. Victoria Street with its current parking configuration, maintaining a legal non-conforming parking requirement.

- K. PHYSICAL ELEMENTS. Any physical element identified in the Physical Elements Report as having a useful life of less than two (2) years shall be replaced.

Owners have provided a statement indicating that all identified physical elements for condominium conversions are present in each unit and that those elements having a useful life of less than two (2) years shall be replaced.

- L. OUTDOOR LIVING SPACE. Outdoor living space for a conversion project shall be provided as required in SBMC §28.18.060.

All provisions for outdoor living space have been met. The project complies with the R-2 requirements for private outdoor living space.

M. **HANDICAPPED ACCESSIBILITY AND ADAPTABILITY.** All conversions involving five or more units shall meet the accessibility and adaptability requirements of the State Housing and Community Development Commission.

This provision does not apply to the project because only two units are proposed.

SBMC §28.88.060 requires additional submittals for condominium conversions as follows:

A. A statement of any unique provisions of the proposed Covenants, Conditions and Restrictions which would be applied on behalf of any and all owners of a condominium units within the project. With regard to stock cooperatives, this submission shall consist of a summary of proposed management, occupancy and maintenance policies on forms approved by the City Attorney.

There are no unique provisions anticipated as a part of the future Covenants, Conditions and Restrictions for the project.

SBMC §28.88.060.B1-6 involves specific information concerning tenant demographics and rental history. This section is not applicable to either property on APN 039-141-003 because both units have been owner occupied since 1981. Please refer to *Owner Occupancy Exemption for Tenant Displacement Assistance Ordinance Affidavit* enclosed.

Findings

In addition to the physical standards required by the Condominium Conversion Ordinance specific findings must be made before the SHO can approve the conversion. The findings are listed below along with a discussion of how the proposed project meets each finding.

1. All provisions of the Chapter are met and the project will not be detrimental to the health, safety, and general welfare of the community.

The proposed condominium conversion is in compliance with the provisions of the R-2 Zone and the General Plan, given the existing non-conforming parking provided at 825 W. Victoria Street, and the modifications granted of both interior and front setbacks for the in-progress construction of a new one (1) car carport and one (1) uncovered parking space for 1229 Gillespie Way.

2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara or legally nonconforming with the density requirement of its Land Use Element.

The General Plan Map designation for the property is Residential -12 units per acre. The zoning designation of the property is R-2. Based on allowed density of 3,630 square feet per unit, the proposed condominium conversion would result in a density of 2.20 units per acre. Since the application involves two (2) units, the proposed conversion complies with the General Plan Density.

This project is in compliance with applicable General Plan policies.

3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed to be complete, except as otherwise provided in this Chapter.

The project would be in compliance with the Municipal Code at the time the application is deemed complete.

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.

The Architectural Board of Review (ABR) has reviewed and approved improvements for both residences. In 1996 the ABR reviewed and approved a second story addition for the residence at 825 W. Victoria and in June 2007 the ABR reviewed and approved a second story addition and other improvements for the residence located at 1229 Gillespie Way. The addition for 825 W. Victoria was completed that year and the project received a final inspection. The addition at 1229 Gillespie is currently in progress, though it is nearly completed. Given the recent reviews and approvals by the ABR,; therefore, the residences and proposed condominiums meet aesthetic design standards.

5. If required by Subsection 28.88.110 A above, the proposed conversion has mitigated impacts to the City's low and moderate income housing supply through an agreement to record affordability control covenants on the specified number of units.

SBMC §28.88.110 A does not apply to the project because both of the units will remain owner occupied.

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.

Please refer to Owner Occupancy Exemption for Tenant Displacement Assistance Ordinance Affidavit enclosed.

7. 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.

Please refer to Owner Occupancy Exemption for Tenant Displacement Assistance Ordinance Affidavit enclosed.

8. The requirements of Section 28.88.130 have been met.

SBMC §28.88.130 is not applicable because the project consists of only two (2) units. This provision is only applicable to developments of five units or more.

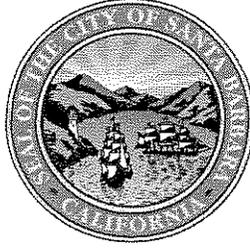
The project can be found to be consistent with the intent and purposes of applicable General Plan policies and the standards established in the Zoning Ordinance. In addition, the necessary findings can be made to approve the requested Tentative Subdivision Map and Condominium Conversion.

On behalf of the applicant project team, we thank you for your consideration of this project.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES

A handwritten signature in cursive script, appearing to read "Trish Allen".

Trish Allen
Senior Planner



DESIGN REVIEW ACTIVITIES SUMMARY

825 W VICTORIA ST (MST2008-00549)

R-CONDO CONVERSION

Proposal for a one lot subdivision for the purposes of converting two existing single family residences (825 W. Victoria and 1229 Gillespie Streets) to condominiums on an 8,000 square foot lot. Parking is provided in a one-car garage and two uncovered parking spaces. No changes are proposed to the existing site plan or structures. Project requires Condominium Conversion Findings made by ABR and Staff Hearing Officer review for a Tentative Subdivision Map.

Status: Pending

DISP

Date 3

ABR-Consent (New)

DONE

02/09/09

(Project requires Condominium Conversion Findings made by ABR. The project will be reviewed by the Staff Hearing Officer for the Tentative Subdivision Map.)

Made the Condominium Conversion Findings and continued indefinitely to the Staff Hearing Officer for final discretionary review of the Tentative Subdivision Map. Note the project is not required to return to ABR.

EXHIBIT C