



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 9, 2011
AGENDA DATE: November 16, 2011, 2011
PROJECT ADDRESS: 127 W. Canon Perdido Street (MST2011-00294)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of a one-lot subdivision to create three commercial condominium units in an existing 12,070 square foot commercial building on an 18,025 square foot lot. The only physical development proposed is the construction of three trash enclosures, one for each commercial condominium.

II. REQUIRED APPLICATIONS

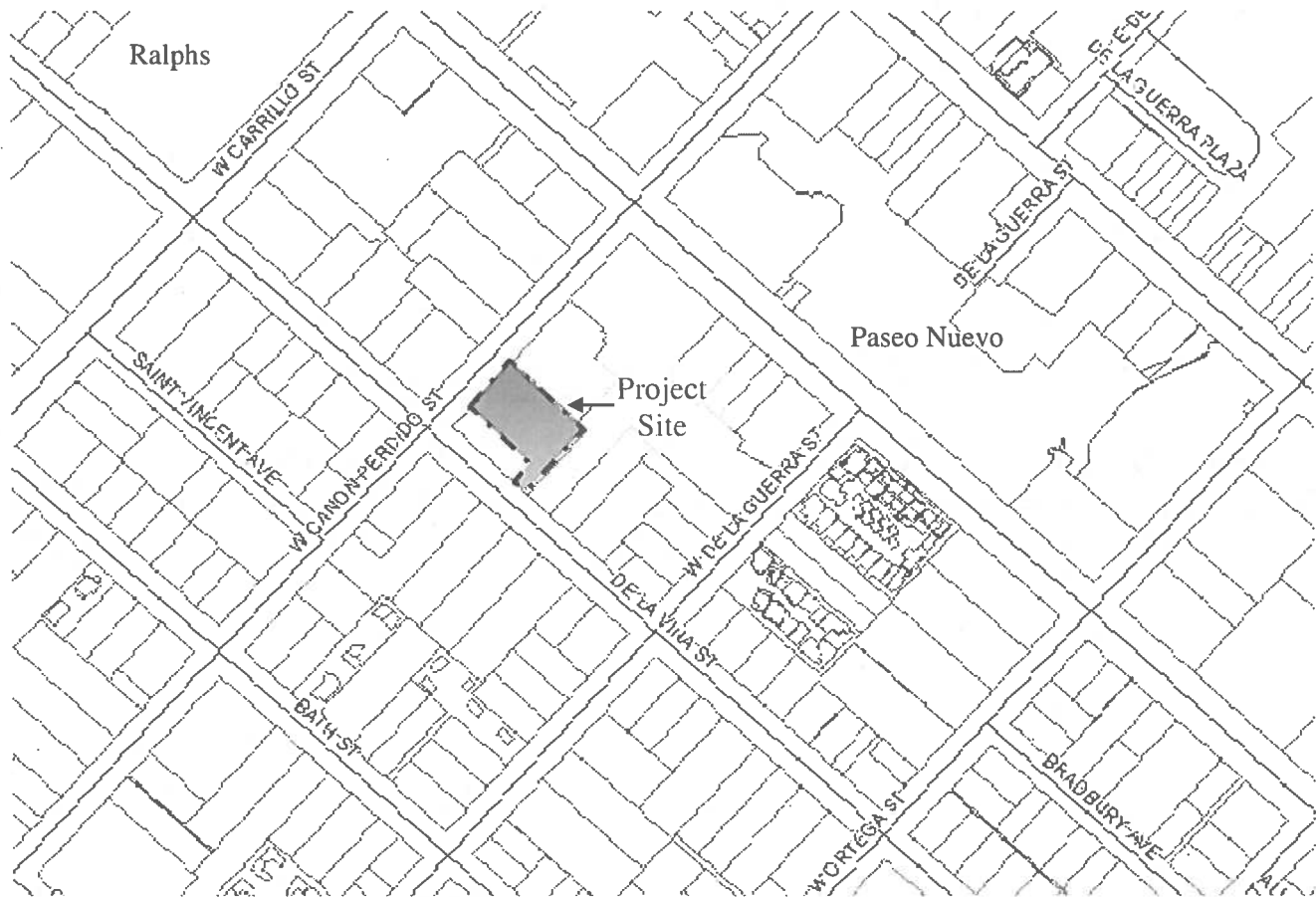
The discretionary application required for this project is a:

1. Tentative Subdivision Map for a one-lot subdivision to create three (3) commercial condominium units (SBMC 27.07).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. 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: October 13, 2011
DATE ACTION REQUIRED PER MAP ACT: December 22, 2011



Vicinity Map – 127 W. Canon Perdido St.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jarrett Gorin, AICP Vanguard Planning, LLC	Property Owner:	127 WCP, LLC
Parcel Number:	037-042-002	Lot Area:	18,025 square feet
General Plan:	General Commerce	Zoning:	C-2
Existing Use:	commercial	Topography:	flat
Adjacent Land Uses: North – Canon Perdido St. and commercial East - Commercial South – Commercial West – De la Vina Street and commercial/office			

B. PROJECT STATISTICS

	Existing/Proposed
Unit A	4,676 square feet
Unit B	3,405 square feet
Unit C	3,539 square feet

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing/Proposed
Setbacks -Front -Interior -Rear	none none none	0 feet 0 feet 34 feet to utility enclosure 45 feet to building
Building Height	60 feet / 4 stories	< 30 feet
Parking	1 per 500 sq. ft. less 15% credit = 21 spaces	No legal parking
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	12,070 sq. ft. 67% 5,955 sq. ft. 33% 0 sq. ft. 0%

The proposed project would meet the requirements of the C-2 Zone. The parcel is legal, non-conforming as to parking. Due to the dimensions and configuration of the rear portion of the lot (the area that is undeveloped), there is not adequate room to provide any code compliant parking.

VI. ISSUES

A. DESIGN REVIEW

The project will require design review approval for the new trash enclosures. It is likely that these will qualify for administrative approval because they are small and located at the back of the building.

B. COMPLIANCE WITH THE GENERAL PLAN

The General Plan Land Use Designation for the lot is General Commerce and Residential, twelve dwelling units per acre. The existing and proposed use as a commercial building is consistent with its General Plan Land Use Designation.

The project site is located in the Downtown neighborhood, which is bordered by Sola Street on the north, Santa Barbara Street on the east, Ortega Street on the south and De la Vina Street on the west. The Downtown is more intensively used than other parts of the City, and its primary function is for commercial and office use, although there are also existing residences in the

area, and it is anticipated that higher density residential use will occur in the future. This neighborhood is almost entirely zoned C-2 (Commercial Zone).

C. ENVIRONMENTAL REVIEW

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions). Section 15315 allows for the division of property into four or fewer parcels if certain conditions are met. The project meets these conditions because: it is located within an urbanized area; it conforms with General Plan and zoning; all services and access to the proposed parcels are available to City standards; the parcel was not involved in a division of a larger parcel within the previous two years; and the parcel slope is less than 20%.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara because it would create separate ownership of an existing commercial building in an area designated for commercial use. The site is physically suitable for the type and density of development because said development already exists, and the only change is the addition of trash enclosures for the existing commercial units, and the proposed use is consistent with the vision for this neighborhood of the General Plan because it retains an existing building that has been part of the neighborhood fabric for more than fifty years. The design of the project will not cause substantial environmental damage because it proposes only minor improvements on a fully paved lot in the urban core, and associated improvements will not cause serious public health problems because the site is not located in any designated hazard areas and is not identified as a hazardous waste site pursuant to Section 65962.5 of the Government Code.

Exhibits:

- A. Conditions of Approval
- B. Tentative Map
- C. Applicant's letter, dated November 3, 2011

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

127 W. CANON PERDIDO STREET
TENTATIVE SUBDIVISION MAP
NOVEMBER 16, 2011

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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Public Works Permit (PBW) for all required public improvements and **complete** said improvements.
4. Make application and obtain Building Permit (BLD) for the construction of all private improvements required to ensure the lot is ready for subdivision, and complete said improvements.
5. Make application and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** 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 November 30, 2011 is limited to up to 12,070 square feet of commercial development that may be subdivided into as many as three commercial 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 continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, provides for 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. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 - c. **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.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal For 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:
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 prepares 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 concurrently with the Parcel Map.
 4. **Private Driveway Maintenance Agreement.** The Owner shall submit a copy of the draft *Agreement for Maintenance* of the proposed private driveway. Said Agreement is subject to the review and approval of the Public Works Director and City Attorney.
 5. **W. Canon Perdido Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on W. Canon Perdido Street. As determined by the Public Works Department, the

improvements shall include the following to City standards: *saw-cut and replace (E) damaged sidewalk from joint to joint to avoid patchwork-like concrete, and replace or grind recently installed concrete panels with graffiti as directed by the Public Works Inspector, protect (E) Monitoring wells near curb, and slurry seal a minimum of 20 feet beyond the limits of the recent trenching for this project.* Any work in the public right-of-way requires a Public Works Permit.

6. **De la Vina Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on De la Vina Street. As determined by the Public Works Department, the improvements shall include the following: *replace (E) driveway approach to current City standards.* Any work in the public right-of-way requires a Public Works Permit.
- D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Staff Hearing Officer land use conditions have been satisfied.
1. **Screened Backflow Device.** Backflow devices are required for all commercial buildings, and shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
 2. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Please note that these conditions are in addition to standard submittal requirements.
- a. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.
 - b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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, including demolition and grading.

1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

G. Prior to Map Recordation. Prior to recordation of the Map, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction 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 shall be completed.
3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B "Recorded Conditions Agreement" have been recorded.
4. **Evidence of Private Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private driveway *Agreement for Shared Maintenance* required in Section C.4 "Requirements Prior to Permit Issuance" has been recorded.

H. General Conditions.

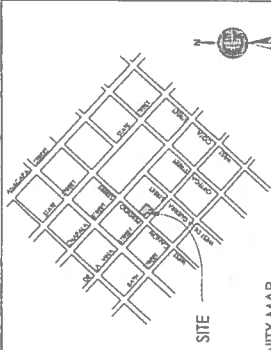
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application or prior to recordation of the Map, whichever comes first.
 4. **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 being notified of a lawsuit regarding 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 action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.



VICINITY MAP

PARCEL INFORMATION

ADDRESS: 177 WEST CANYON PERDIDO STREET, SANTA BARBARA, CA 93101
 APN: 03-04-002
 LOT AREA: 18,800 SQUARE FEET (0.43 ACRES)
 BULKHEAD AREA: 12,800 SQUARE FEET (0.29 ACRES)
 ADJACENT: C 178 (30' MINIMUM SETBACK FROM LOT LINE)
 SPECIAL: C 178 (30' MINIMUM SETBACK FROM LOT LINE)
 ZONING: C 178 (30' MINIMUM SETBACK FROM LOT LINE)
 FLOOD ZONE: X-1 (SPECIAL FLOOD HAZARD AREA)
 SURVEY NOTES: SEE SURVEY FOR DETAILS

SURVEYOR'S NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURVE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO THE FACE OF THE CURVE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURVE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE FACE OF THE CURVE UNLESS OTHERWISE NOTED.

EASEMENTS NOTES:

1. ALL EASEMENTS ARE SHOWN ON THIS PLAN.
 2. ALL EASEMENTS ARE TO BE MAINTAINED AS SHOWN.
 3. ALL EASEMENTS ARE TO BE MAINTAINED AS SHOWN.

SCOPE OF WORK:

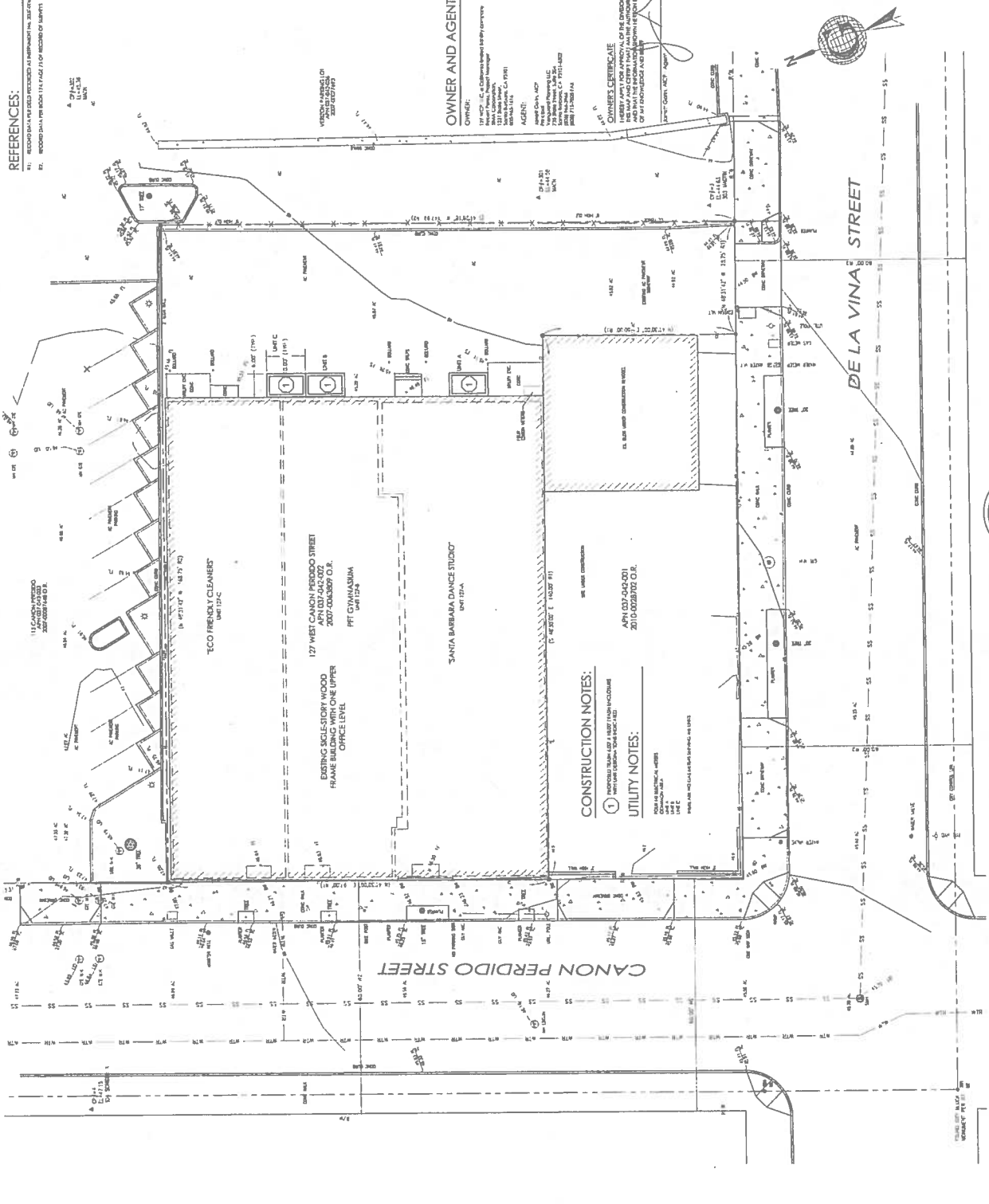
1. SURVEY AND SETTING OF CORNERS.
 2. SURVEY AND SETTING OF EASEMENTS.
 3. SURVEY AND SETTING OF BOUNDARIES.

LEGEND

1	EXISTING BOUNDARY	11	EXISTING CONCRETE CURB
2	EXISTING EASEMENT	12	EXISTING ASPHALT DRIVE
3	EXISTING FENCE	13	EXISTING DRIVE
4	EXISTING DRIVE	14	EXISTING SIDEWALK
5	EXISTING SIDEWALK	15	EXISTING UTILITY
6	EXISTING UTILITY	16	EXISTING CURB
7	EXISTING CURB	17	EXISTING DRIVE
8	EXISTING DRIVE	18	EXISTING SIDEWALK
9	EXISTING SIDEWALK	19	EXISTING UTILITY
10	EXISTING UTILITY	20	EXISTING CURB

REFERENCES:

- 1. RECORD MAP FOR THIS PROJECT AS SHOWN ON THE RECORD MAP OF OFFICIAL RECORDS.
- 2. RECORD MAP FOR BLOCK 116, PLAT 17 FOR RECORDS OF SURVEY.



OWNER AND AGENT INFO:

OWNER:
 Santa Barbara Dance Studio
 177 West Canyon Perdido Street
 Santa Barbara, CA 93101
 (805) 964-1234

AGENT:
 Romalci
 177 West Canyon Perdido Street
 Santa Barbara, CA 93101
 (805) 964-1234

CONSTRUCTION NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA BARBARA ORDINANCES AND SPECIFICATIONS.

UTILITY NOTES:

1. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN.

PROFESSIONAL LAND SURVEYOR
 STATE OF CALIFORNIA
 No. 12345
 ROMALCI
 177 WEST CANYON PERDIDO STREET
 SANTA BARBARA, CA 93101
 (805) 964-1234
 DATE: 06/15/2011

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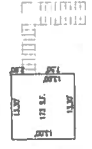
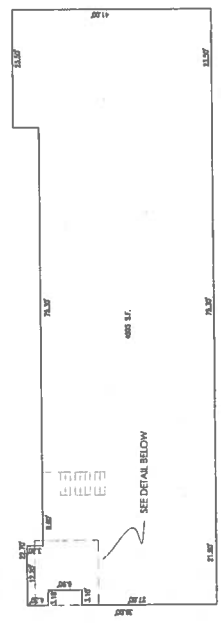
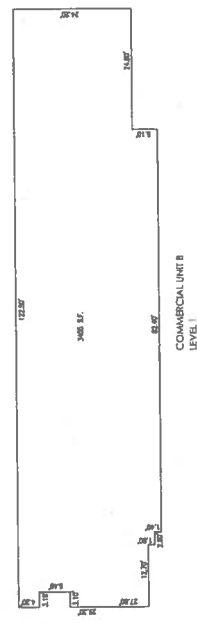
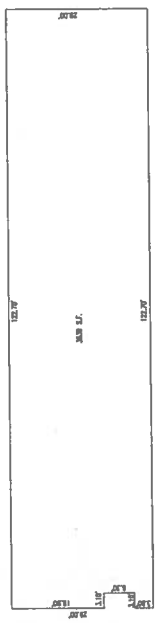
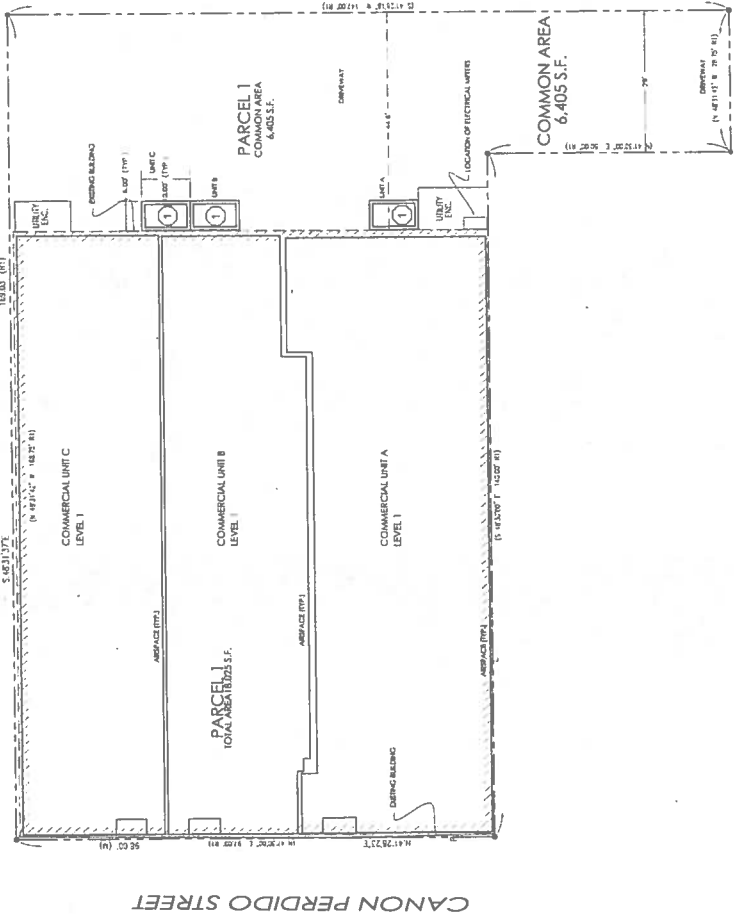
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CONSTRUCTION NOTES:

- 1. REFER TO SHEET 1 FOR ALL EXISTING UTILITIES AND STRUCTURES.

BUILDING INFORMATION

UNIT	AREA
UNIT A	2,511 S.F.
UNIT B	1,731 S.F.
UNIT C	2,163 S.F.
UNIT D	8,000 S.F.
UNIT E	3,339 S.F.

SITE STANDARDS: 1. USE OF BARRIERS SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BARRIERS REGULATIONS. 2. ALL ACCESSIBLE ROUTES SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BARRIERS REGULATIONS. 3. ALL ACCESSIBLE ROUTES SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BARRIERS REGULATIONS. 4. ALL ACCESSIBLE ROUTES SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BARRIERS REGULATIONS. 5. ALL ACCESSIBLE ROUTES SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO'S BARRIERS REGULATIONS.

UTILITY NOTES:

- 1. REFER TO SHEET 1 FOR ALL EXISTING UTILITIES AND STRUCTURES.
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- 4. REFER TO SHEET 1 FOR ALL EXISTING UTILITIES AND STRUCTURES.
- 5. REFER TO SHEET 1 FOR ALL EXISTING UTILITIES AND STRUCTURES.

PARCEL INFORMATION

OWNER: 177077 LLC, a California Limited Liability Company
 2515 Bay Street, Suite 200
 San Francisco, CA 94133
 (415) 435-1111

AGENT: JAMES BROWN, AEP
 177077 LLC, a California Limited Liability Company
 2515 Bay Street, Suite 200
 San Francisco, CA 94133
 (415) 435-1111

ADDRESS: 127 WEST CANON PERDIDO STREET, SANTA BARBARA, CA 93101

APN: 031-003-0000

PROJECT: 177077 LLC, a California Limited Liability Company, 127 WEST CANON PERDIDO STREET, SANTA BARBARA, CA 93101

DATE: JUNE 21, 2011

SCALE: 1" = 10'

SCOPE OF WORK:

THESE PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS A COMPLETE SET OF DOCUMENTS FOR THE CONSTRUCTION OF THE PROJECT. ANY CHANGES TO THE PLANS SHALL BE MADE BY A CORRECTIVE SHEET. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN FRANCISCO AND THE COUNTY OF SAN FRANCISCO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN FRANCISCO AND THE COUNTY OF SAN FRANCISCO.



James Brown
 JAMES BROWN, AEP
 177077 LLC, a California Limited Liability Company
 2515 Bay Street, Suite 200
 San Francisco, CA 94133
 (415) 435-1111



TENTATIVE MAP
 127 WEST CANON PERDIDO STREET
 SANTA BARBARA, CA
 PORTION OF CITY BLOCK 378 APN 031-003-000
 SHEET 1 OF 2

Vanguard Planning LLC

November 3, 2011

Page 1 of 2

Ms. Susan Reardon, Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Delivered via E-mail and 1st Class Mail

RE: 127 West Canon Perdido Commercial Subdivision (MST 2011-00294)

Dear Ms. Reardon:

Vanguard Planning LLC is pleased to submit this letter on behalf of 127 WCP, LLC, the applicant for the above referenced project. This proposal was submitted on July 15, 2010.

1.0 Project Description

The proposed project would subdivide a fully developed commercial property located at 127 West Canon Perdido Street (the "Subject Property"). The Subject Property is zoned C-2, and has a "striped" General Plan Designation of "General Commerce" and "Offices". The property comprises 18,025 s.f. (gross and net), and is currently developed with an 11,566 s.f. commercial building and paved driveway area.

The existing commercial building would be divided into three (3) commercial condominium units corresponding to the existing three (3) commercial spaces within the structure. Unit A would include 4,449 s.f. of existing floor area on the ground floor, and 173 s.f. of existing floor area on the second floor. Unit B would include 3,405 s.f. of existing floor area on the ground floor. Unit C would include 3,539 s.f. of existing floor area on the ground floor. The structural portions of the existing building, and an existing paved access driveway that occupies the Southeastern portion of the Subject Property, would be incorporated within the common area for the subdivision.

The subdivision will be subject to a set of recorded Conditions, Covenants, & Restrictions which will establish permanent mechanisms governing: 1) use and maintenance of the common area; 2) sharing of utility costs between the units; and 3) maintenance of insurance coverage for the common area/improvements.

The proposed commercial condominium units correspond exactly to the manner in which the existing structure is currently divided. No structural development (including interior alterations) would be required to implement the proposed subdivision. The only physical development associated with the project is construction of three (3) new trash/recycling enclosures located adjacent to the existing structure within the common driveway area. These would be six (6) foot by ten (10) foot areas enclosed by six (6) foot tall wooden fencing.

All three (3) of the proposed commercial condominium spaces (i.e. the existing commercial spaces) are occupied by retail uses permitted in the C-2 zone district. Each of the commercial spaces is subject to an existing lease. The proposed subdivision would not alter the terms of any lease agreements with the current tenants.

No requirement for "owner occupation" is proposed. Each of the units created by the project could continue to serve as an existing commercial rental space, or could be occupied by a business that belongs to the owner of the unit.

2.0 Benefits of The Project

The proposed subdivision will allow for the sale or transfer of individual commercial spaces within an existing building. This would make each of the spaces accessible for potential purchase by the existing tenant, another small business, or an individual seeking to acquire commercial rental property in the downtown area. It is more feasible for a small business owner to qualify to purchase a 3,405 s.f. commercial condominium than it is to purchase an entire commercial property developed with an 11,566 s.f. commercial building.

With the exception of three (3) proposed trash/recycling enclosures, the project does not involve any physical development, and the current use of the Subject Property will remain unchanged. The new trash enclosures would bring the Subject Property into conformance with current City requirements for outdoor trash storage areas. Each of the proposed commercial spaces currently exist onsite, and the spaces are occupied by three (3) different tenants. The subdivision would allow for the three existing commercial spaces to be occupied by three (3) different owners or tenants. The project has no potential to alter anything other than the party holding title to the existing spaces. With the exception of new trash enclosures, all conditions present following approval of the proposed subdivision would be identical to the existing conditions on the site.

3.0 Conclusion

The proposed subdivision will allow for increased flexibility of ownership of the Subject Property, and accomplishes this without the need for any significant physical modifications or additions to the existing structure.

The proposed commercial subdivision:

- **Does not have the potential to generate any adverse impacts to the Subject Property or its surroundings,**
- **Is consistent with all applicable SBMC requirements,**
- **Is consistent with all applicable General Plan policies,**

The proposal does not include any feature or component that has the potential to trigger any finding for denial identified in Santa Barbara Municipal Code Section 27.07.100.

We look forward to presenting this proposal to you on November 16, 2011. We were required to submit this "Applicant Letter" prior to reviewing the Staff Report for this project. Therefore, we may submit supplemental correspondence prior to the hearing if required.

Sincerely,

VANGUARD PLANNING LLC

Jarrett Gorin, AICP
Principal

cc: Allison De Busk (via E-mail only)
Adam Geeb (via E-mail only)
Alison Ernst (via E-mail only)