



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 12, 2014
AGENDA DATE: February 19, 2014
PROJECT ADDRESS: 115 and 117 E. Valerio Street (MST2007-00639)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Renee Brooke, AICP, Senior Planner *RLB*
Kelly Brodison, Assistant Planner *KJB*

I. PROJECT DESCRIPTION

The project consists of a proposal to convert three existing residential units to condominium units. The 12,500 square foot lot is currently developed with a 1,113 square-foot one-story, two-bedroom unit, and a two-story duplex with two (2) two-bedroom units at 1,493 and 1,468 square feet each. The proposal includes some site and landscaping alterations; no exterior alterations are proposed for the buildings. There is currently one (1) two car garage and one (1) one-car garage on site and three new uncovered spaces are proposed for a total of six parking spaces.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

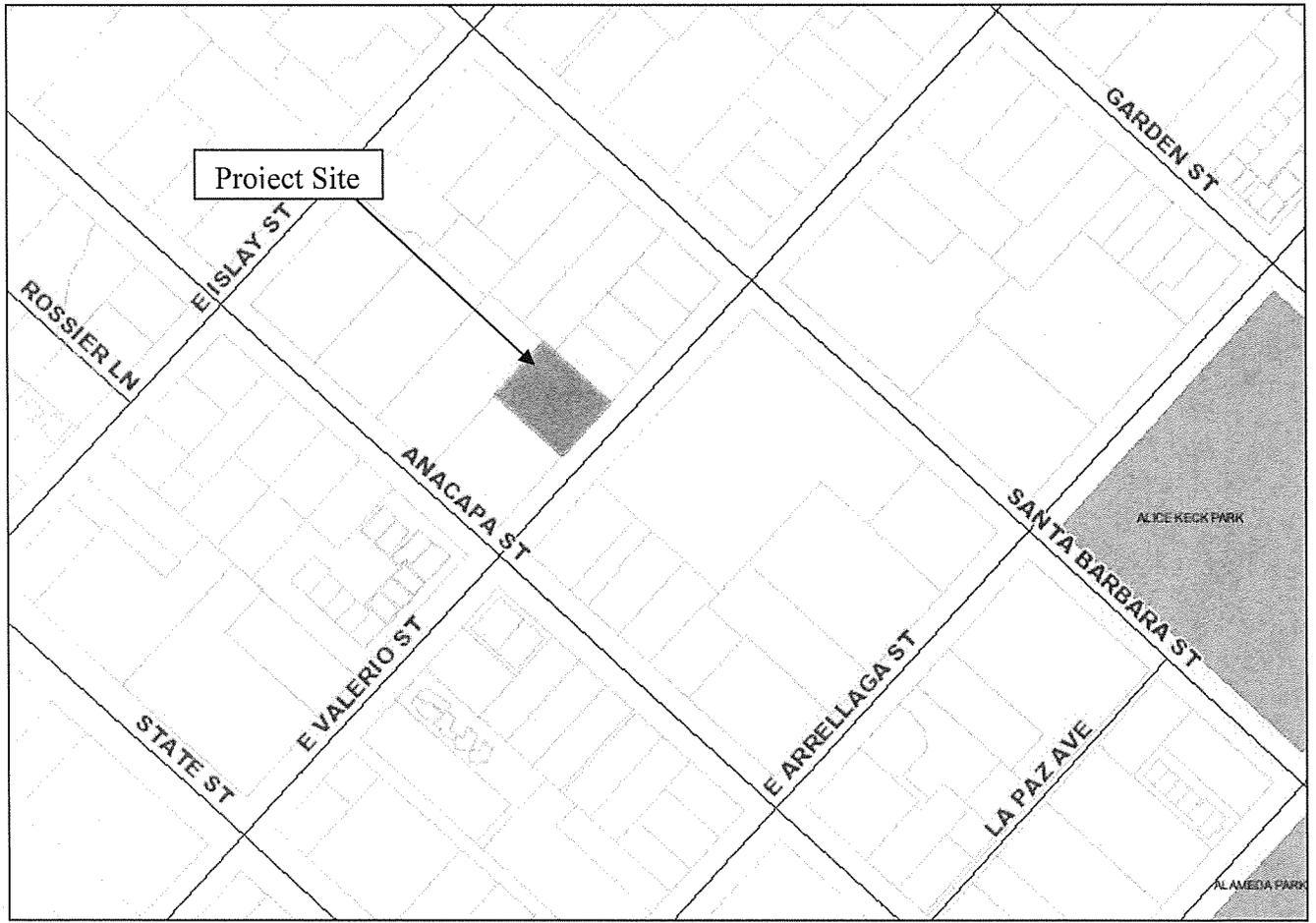
1. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC Chapters 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert three (3) existing residential units to three (3) condominium units (SBMC Chapter 28.88).

APPLICATION DEEMED COMPLETE: January 14, 2014

DATE ACTION REQUIRED PER MAP ACT: March 5, 2014

III. RECOMMENDATION

This 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 VIII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – 115 & 117 East Valerio Street

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Syndi Souter	Property Owner:	Annie Maxwell/Matie McPeters
Parcel Number:	027-111-012	Lot Area:	12,500 square feet
General Plan:	Residential, 12 units/acre	Zoning:	R-2
Existing Use:	Multi-Family	Topography:	~7%

Adjacent Land Uses:

North - Residential	East - Church and Parking Lot
South - Church and Parking Lot	West - Residential

A. UNIT STATISTICS

	Existing & Proposed Bedrooms	Proposed Living Area (Net)	Covered Parking (net sq. ft.)	Storage (cubic ft.)	Private Outdoor Living Space
Unit 1 (115)	2	1,113 sq. ft.	403 sq. ft.	200	168 sq. ft.
Unit 2 (117 A)	2	1,493 sq. ft.	250 sq. ft.	200	350 sq. ft.
Unit 3 (117 B)	2	1,468 sq. ft.	250 sq. ft.	200	180 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	15'(ground floor) 20' (second floor)	15' (non-conforming two -story building)	No Change
-Interior	6' 3' for uncovered parking	5' non-conforming (South property line) 2'-10" non-conforming (North property line)	No Change
Building Height	30'	2 story (22'-6")	No Change
Parking	6 spaces	2 covered for the single family residence One covered and one uncovered for the duplex	3 covered 3 uncovered
Open Yard	1,250 sq. ft.	> 1,250 sq. ft.	1,344 sq. ft.
10% Open Space	1,250 sq. ft.	>1,250 sq. ft.	>1,250 sq. ft.

Private Outdoor Living Space	Unit A - 140 sq. ft. Unit B - 140 sq. ft. Unit C - 84 sq. ft.	N/A		Unit A - 168 sq. ft. Unit B - 350 sq. ft. Unit C - 180 sq. ft.
Lot Coverage				
-Building	N/A	3,663sq. ft.	29%	3,663 sq. ft. 29%
-Paving/Driveway	N/A	3,510 sq. ft.	28%	3,910 sq. ft. 32%
-Landscaping	N/A	5,327 sq. ft.	43%	4,927 sq. ft. 39%

The proposed project would meet the requirements of the R-2 (Two-Family Residence) Zone related to setbacks, building height, solar access, density and parking, and the private outdoor living space is consistent with SBMC §28.21.081 (condominium conversion requirements). The residential development is subject to the density requirements of the R-2 Zone which calls for 3,500 square feet of lot area per unit. The lot is 12,500 square feet in size which exceeds the amount of lot area required.

Parking Exception

The parking requirement for the project is two covered spaces for the detached single family residence (Unit #1) and one covered and one uncovered space for each unit in the duplex as described in SBMC Section 28.90.100.G. The applicant is providing one covered space and one uncovered space for each unit. The garage attached to Unit 1 was approved with a bathroom and laundry facilities encroaching into the minimum required dimensions of 20' x 20', thereby creating a one car garage. The applicant is providing three additional off-street parking spaces that will be located at the back of the lot and will not be visible from the street. The option of constructing a carport would reduce the available space in that area, allowing for only two additional spaces. The new uncovered parking area will be permeable which will be an improvement to the overall site aesthetics. Therefore, Staff believes that this project qualifies for an exception to the physical standards for parking requirements because the project includes design features and amenities which offset the project's failure to meet the standard, per SBMC Section 28.99.040.N.

VI. ENVIRONMENTAL REVIEW

This project is Categorically Exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315, which allows division of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, all services and access to the proposed parcels to local standards are available and the parcel was not involved in a division of a larger parcel within the previous two years and the parcel does not have an average slope greater than 20 percent.

VII. ISSUES

A. DESIGN REVIEW

The Architectural Board of Review (ABR) is tasked with finding that the overall design (including project amenities) and the physical condition of the conversion will result in a

project which is aesthetically attractive, safe, and of quality construction. This project was reviewed by the ABR on three occasions (meeting minutes are attached as Exhibit D). There are minor exterior changes proposed for this project including three uncovered parking spaces and landscaping improvements. The ABR granted a Design Review waiver to allow the applicant to provide the private outdoor living space for Unit 1 in the front yard without providing a fence, stating that the existing landscaping provides adequate privacy without blocking the attractive front elevation. The Board reviewed the condition of the existing buildings in conjunction with the proposed condominium conversion and found the project to be consistent with the condominium conversion guidelines. The project will return to the Consent Calendar for Project Design and Final Approvals.

B. PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS

The 12,500 square foot lot is currently developed with a 1,113 square foot one-story, two-bedroom unit, and a two-story duplex with two (2) two-bedroom units at 1,493 and 1,468 square feet each. The project includes providing off-street parking and permeable paving in the parking area.

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 six parking spaces by providing one covered space and one uncovered space for each unit. Separate storage areas are provided for each unit within the garages, and meet the minimum size of at least 200 cubic feet. Separate utility meters would be provided for each unit, laundry facilities are proposed within each unit, and the project meets the minimum requirements for density, unit size, and outdoor living space. The applicant has also complied with SBMC §28.88.100, which provides tenant protection rights for tenants of any unit being converted to condominiums.

Open Space Requirements:

The project site is located in the R-2 Zone which requires a minimum open yard of 1,250 square feet. The open yard in this case exceeds the minimum standards required of the R-2 zone and is located in one area behind the two story structure. In addition, a condominium conversion project must meet the open space requirements of SBMC §28.21.081. The applicant has chosen to demonstrate compliance with Method A of this requirement by providing more than 10% of the overall lot area (1,250 square feet) as open space outside of the required setbacks, a common open area measuring a minimum of 15 feet by 15 feet, and Private Outdoor Living spaces for each unit based on the bedroom count and location as shown on the Site Plan.

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 The Upper East neighborhood, as identified in the Land Use Element of the General Plan and has a land use designation of Commercial/Medium High Residential that allows a range of between 12-27 du/acre. The Upper East neighborhood is bordered on the north by Mission Creek and Las Encinas Road; on the south by Sola Street; on the east by Laguna Street, Olive Avenue, and Olive Street; and on the west by State Street.

The Upper East Neighborhood is primarily a residential neighborhood. The northern portion of the Upper East Neighborhood is characterized by prestigious, spacious, single family houses set back from the street on large lots. Along the southwestern portion of the neighborhood, near Valerio, there is a mix of structures including apartment structures, motels, professional offices, churches, parks and schools. The area bounded by Sola Street and Valerio, Garden and Laguna Streets is primarily multi-family development and, as stated above, has a General Plan designation of Commercial/Medium High Residential that allows a range of between 12-27 du/acre. The proposed project would not change the existing density of approximately 10 units per acre, and would provide three similarly sized units that will offer new home ownership opportunities. Also, this condominium conversion project is appropriate for this area because it is in the downtown area of Santa Barbara and is well served by city parks and within walking distance to Downtown.

Housing Element

Santa Barbara has very little vacant or available land for new infill residential development and, therefore, the City has supported build-out of housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The proposed development would provide for homeowner opportunities in a neighborhood with close proximity to employment and commercial opportunities.

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 three relatively modest unit sizes. The proposed condominiums would not be restricted to low- or moderate income households because the historical rental rates of the units do not merit affordability requirements of SBMC §28.88.110.

D. INCLUSIONARY HOUSING ORDINANCE

On May 12, 2009 the City's Inclusionary Housing Ordinance (IHO) was revised to apply to residential subdivision projects of 2 through 9 units. Prior to this revision, the IHO only applied to projects of 10 or more units. Condominium conversion projects are subject to the IHO but apartment projects (where the units may not be sold separately) are not.

All residential subdivision projects of 2 through 9 units or lots (including condominium conversion projects) must pay an inclusionary housing fee. Unlike the inclusionary requirements for projects of 10 or more units, there is no requirement that these smaller projects provide an affordable unit, and there is no entitlement to a density bonus if an affordable unit is included by choice as an alternative to paying the inclusionary housing fee.

The inclusionary housing fee for smaller projects is currently \$54,000 per unit or lot. This is equal to 5% of the "in-lieu fee" specified in the IHO. An inclusionary housing fee of \$54,000 must be paid prior to the issuance of a building permit. This fee amount will be in effect until it is recalculated in March 2014. The IHO does provide for some exemptions allowing for reduced calculations of fees but the exemption applies to new construction only and not the condominium conversion process.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the 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 discussed in Section VII 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 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 Sections V and VII 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 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.

C. CONDOMINIUM CONVERSION – PARKING EXCEPTION (SBMC §28.88.040)

An exception to the parking standards can be made because although the requirement is to provide two covered parking spaces for the single family residence, the applicant is providing one covered space and one uncovered space for each unit. The garage attached to Unit 1 was approved with a bathroom and laundry facilities encroaching into the minimum required dimensions of 20' x 20', thereby creating a one car garage. The applicant is providing three additional off-street parking spaces that will be located at the back of the lot and will not be visible from the street. The option of constructing a carport would reduce the available space in that area, allowing for only two additional spaces. The new uncovered parking area will be permeable which will be an improvement to the overall site aesthetics. Therefore, Staff believes that this project qualifies for an exception to the physical standards for parking requirements because the project includes design features and amenities which offset the project's failure to meet the standard, per SBMC Section 28.99.040.N.

Exhibits:

- A. Conditions of Approval
- B. Site Plan (under separate cover)
- C. Applicant's letter, dated January 15, 2013
- D. ABR Minutes

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STAFF HEARING OFFICER CONDITIONS OF APPROVAL

115 & 117 E VALERIO STREET
CONDOMINIUM CONVERSION, TENTATIVE SUBDIVISION MAP
FEBRUARY 19, 2014

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. Notify tenants of the Condominium Conversion approval.
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee.
4. Obtain a "Physical Standards" Building Permit (BLD) to perform all physical improvements necessary to bring the existing development up to condominium standards.
5. Pay Inclusionary Housing In-Lieu Fee.
6. The "Physical Standards" Building Permit listed above shall be signed off ("finalized") by the Building Division as appropriate.
7. Apply for a "Condominium Conversion" Building Permit (BLD) pursuant to SBMC §28.88.029.
8. Obtain City Council approval of the Parcel Map and Agreement(s) and record said documents concurrently with the Private CC&Rs.
9. Provide evidence of recordation of the Map and Agreements to Building and Safety to receive "Occupancy" status on the Condominium Conversion Building Permit, which is required before the newly subdivided lots or condominiums can be legally sold.

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 concurrent with the Parcel Map following completion of any physical improvements required to bring the structure up to Condominium Standards, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on February 19, 2014 is limited to the conversion of three existing residential units to three condominiums units. The 12,500 square foot lot

is currently developed with a 1,113 square foot one-story, two-bedroom unit, and a two-story duplex with two (2) two-bedroom units at 1,493 and 1,468 square feet each. The proposal includes site and landscaping alterations; the construction of three new uncovered spaces at the rear of the lot 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. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owner shall record, concurrently with the Parcel Map, 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, shall provide 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. **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. **Parking Space Assignment.** Parking spaces within the project shall be allocated with one cover space and one uncovered space being assigned to each unit.
 - d. **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. Such Plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - e. **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.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88), including adjustments to the tenant assistance specified in SBMC §28.88.100.G, as specified below:
- 1. **Notice of Approval of Condominium Conversion.** Owner shall provide written notice of the condominium conversion approval to each tenant within 15 days of the approval of said conversion. The content of such notice shall include an explanation of any Condominium Conversion Ordinance requirements and conditions of approval that affect the tenants, including, but not limited to, notice of time to vacate the unit (SBMC §28.88.100.C, and E.) moving expenses, and tenant's right to purchase (SBMC §28.88.100.B). Evidence of delivery of such notice shall be provided to the Community Development Department, Planning Division prior to submitting plans for design review approval, or prior to issuance of any Building or Public Works permits, whichever comes first.
 - 2. **Moving Expenses.** In place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89 of the Santa Barbara Municipal Code. This information shall be provided in the Notice of Approval of Condominium Conversion identified above.

- 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.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems 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. **Sandstone Wall.** The existing sandstone wall along the front of the property shall be preserved in place as part of the proposal.
 3. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted “Malaga Green,” and if feasible, they shall be screened as approved by ABR.
 4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (at least 50 percent of the area) shall be provided on the Real Property and screened from view from surrounding properties and the street.
- E. **Requirements Prior to “Physical Standards” Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following for review and approval, or shall incorporate said requirements/notes into the construction plans, as appropriate, prior to the issuance of any Building or Public Works permit for the project.
1. **Public Works Department:**
 - a. **Submittal for Recordation of Parcel Map and Agreements.** The Owner shall submit application for approval and recordation of the Parcel Map and Agreements to the Public Works Department.
 - b. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City’s Storm Water Management Plan. Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
 - c. **Street Trees.** The applicant shall obtain a Public Works Permit for the installation of two street trees at the frontage of the property. The location

and construction shall be reviewed by the Public Works Land Development prior to issuance of permit. The trees shall be 15 gallon Afrocarpus (Podocarpus), gracilior, Fern Pine.

2. **Community Development Department:**

- 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. **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. **Evidence of Compliance With Condominium Conversion Ordinance.** Evidence of compliance with the notification requirements identified in Condition of Approval C “Condominium Conversion Ordinance Compliance” shall be provided to the Planning Division.

- a. **Conditions on Plans/Signatures.** The final 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 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. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the point of entry to the site that lists the contractor’s name and

telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

2. **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.
3. **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.
4. **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 Finaling the Physical Standards Building Permit and/or Public Improvements.** Prior to signing off or “finaling” the Physical Standards Building Permit and/or Public Works Permit for public improvements, 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. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Physical Elements Report Completion.** All elements identified in the Physical Elements Report as having five or fewer years of life remaining shall be repaired or replaced.
 3. **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 provisions of Section 66427.1(d) of the Government Code.
 4. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- H. **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.
1. **Building Permit Required for Conversion.** Provide evidence that a Physical Standards Building Permit has been issued and all work completed for the future conversion of the units to condominiums.
 2. **Condominium Conversion Building Permit.** Provide evidence that a Condominium Conversion Building Permit has been applied for.
 3. **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.
 4. **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.

5. **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.
 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.
 7. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$54,000.00 to the Community Development Department prior to recordation of the Parcel Map.
- I. **Prior to Certificate of Occupancy for the Condominium Conversion Building Permit.** The following conditions shall be completed after the Physical Standards Building Permit and Public Works Permit have been signed off, and prior to granting Occupancy of the Condominium Conversion Building Permit.
1. **Parcel Map Recordation.** Provide evidence of recordation of the Map and Agreements to the Public Works and Community Development Departments.
 2. **Parcel Map Approved.** The Parcel Map shall be approved by City Council.
 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. **Notice of Department of Real Estate Report.** Owner shall submit evidence showing that written notification has been submitted to each tenant house hold 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.
 5. **Notice of Parcel Map Approval.** Owner shall submit evidence that written notice of approval of the Parcel Map has been provided to each tenant house hold within 10 days of such approval.
 6. **Notice To Tenants of Parcel Map Approval.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval. Proof of such notification shall be submitted to the Planning Division.
- J. **General Conditions.**
1. **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 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

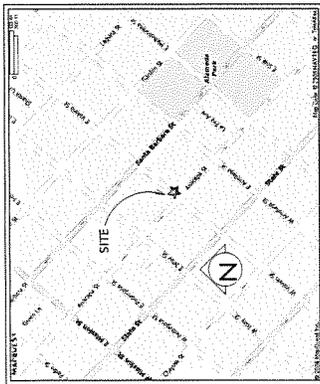
Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

2. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid upon submittal for the “Physical Standards” building permit or prior to recordation of the Map, whichever comes first.
3. **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

SCALE: NONE

CODE COMPLIANCE REQUIREMENTS

THIS PROJECT SHALL COMPLY WITH THE 2001 CBC, 2010 CMC, 2010 CPC, 2010 CEC, SBMC, 2005 CAL ENERGY STND.

SITE NOTES

1. PROVIDE VERIFY STREET ADDRESS IN 4" HIGH MIN NUMERALS PLAINLY VISIBLE & LEGIBLE FROM CENTER OF STREET IN CONTRASTING COLORS TO BACKGROUND.
2. PROVIDE MIN OF 2% SLOPE AWAY FROM STRUCTURE FOR ALL EXPOSED SURFACES.
3. NOTE: SEWER BACKFLOW PREV. DEVICE BEGS TO BE DETERMINED IN FIELD BY BUILDING INSPECTOR.
4. ALL UTILITY CONDUCTORS, INCLUDING ELECT, TELEPHONE, & CAVY SERVICE MUST BE PLACED UNDERGROUND FROM THEIR POINT OF ORIGIN AT THE UTILITY POLE TO SERVIC. MITR. ALL UTILITIES TO BE REMOVED OR ABANDONED UTILITY LINES SHALL BE TERMINATED PER APPLICABLE CPC 1207 & CEC CODES.
5. NO NEW OVERHEAD UTILITY LINES PROPOSED AS PART OF THIS PROJECT.
6. WATER METERS SHALL BE UPGRADED TO CURRENT SB CITY STANDARDS.

SHEET INDEX

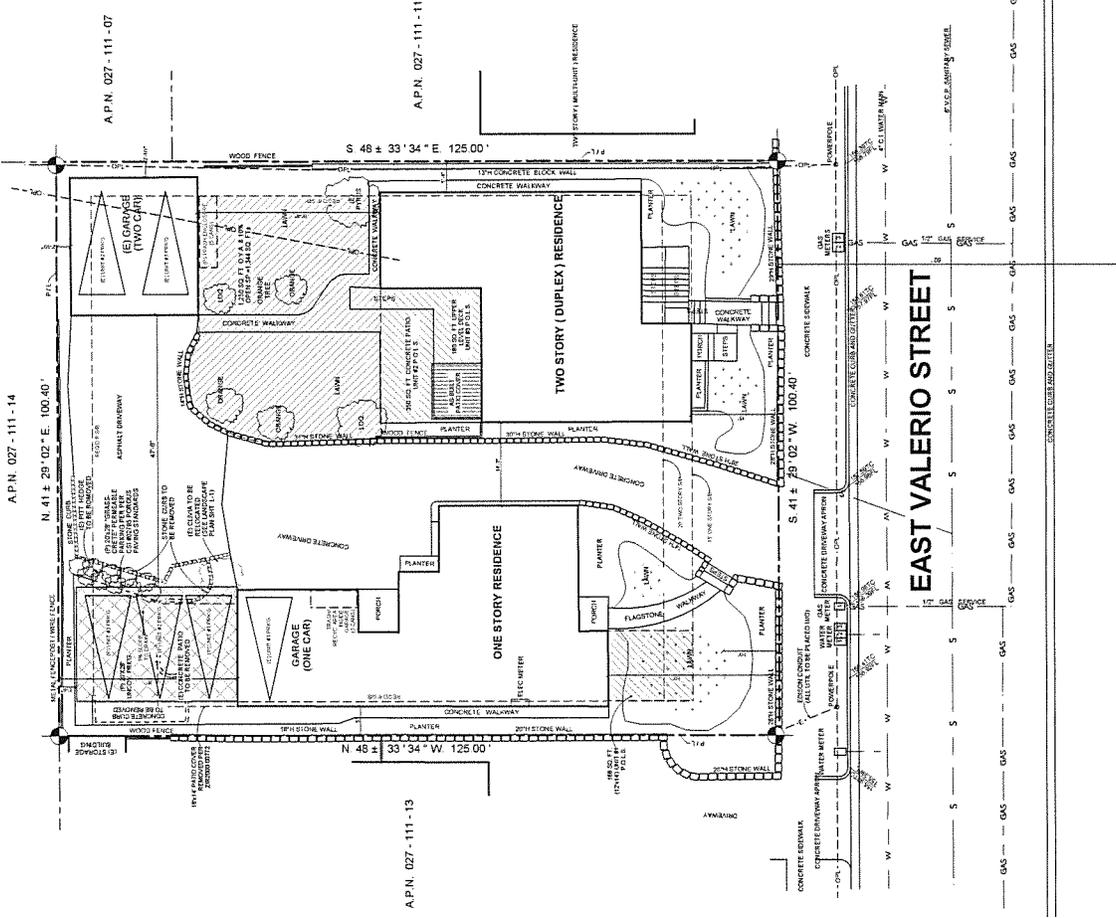
1. SITE PLAN/VICINITY MAP/PROJECT DATA
2. UNIT #1 FLOOR PLAN
3. UNIT #1 ELEVATIONS
4. UNITS #2 & #3 FLOOR PLANS
5. UNITS #2 & #3 ELEVATIONS
6. UNITS #2 & #3 ELEVATIONS
7. BUILDING SECTIONS
8. LANDSCAPE PLAN

SCOPE OF PROJECT

1. CONVERSION OF A SINGLE-FAMILY DWELLING AND A TWO-STORY DUPLEX TO THREE (3) CONDOMINIUM UNITS ON A 12,500 SQ. FT. LOT IN THE R-2 ZONE. EACH UNIT WILL HAVE ONE (1) GARAGE AND ONE (1) BATHROOM. THE PROJECT WILL BE PROVIDED WITH IMPROVED LANDSCAPING IMPROVEMENTS WILL BE NECESSARY TO CREATE THE THREE UNITS. UNITS 2 AND 3 WILL HAVE UNCOVERED PARKING SPACES IN THE REAR OF THE PROPERTY.
2. UNITS 1, 2 AND 3 WILL HAVE 32-GALLON TRASH AND RECYCLING CONTAINERS LOCATED INSIDE THE GARAGE. UNITS 2 AND 3 WILL HAVE A NEW TRASH ENCLOSURE. GREEN WASTE WILL BE DISPOSED OF OFF-SITE AT A GREEN WASTE RECYCLING CENTER.
3. PERMIT AS-BUILT WINDOW IN THE GARAGE OF UNIT 1.
4. PERMIT AS-BUILT LAUNDRY ENCLOSURES AND AS-BUILT WATER HEATER RELOCATIONS IN UNITS 2 AND 3.
5. PERMIT AS-BUILT PATIO COVER FOR UNIT 3.

APPLICATIONS REQUIRED AND APPROVALS REQUESTED

1. A TENTATIVE SUBDIVISION MAP FOR A ONE-LOT SUBDIVISION WITH THREE CONDOMINIUM UNITS PERMITTED.
2. A CONDOMINIUM UNIT PERMIT TO CONVERT THREE RESIDENCES TO THREE CONDOMINIUMS PER SBMC §29.8B.
3. A MODIFICATION TO ALLOW WINDOW CHANGES WITHIN THE INTERIOR SETBACK PER SBMC §29.8B(6)(g).



SITE PLAN

SCALE: 1" = 10'



DATE	REV.

DESIGN SYSTEMS
 10000 SANTA BARBARA, CA 93101 (805) 705-6168
 10000 SANTA BARBARA, CA 93101 (805) 705-6168

PROJECT DIRECTORY
 OWNER: ANNIE MAXWELL & MATTIE MCFETERS
 319 CONSTANCE LN
 SANTA BARBARA, CA 93105
 (805) 705-6168
 AGENT: LAND USE CONSULTING
 P.O. BOX 59493
 SANTA BARBARA, CA 93150
 (805) 695-0046
 DESIGN/DRAFTING:
 DESIGN SYSTEMS
 10000 SANTA BARBARA, CA 93101
 (805) 692-5753

SITE DATA
 PROJECT ADDRESS:
 115 G-117 E. VALERIO ST.
 SANTA BARBARA, CA 93101
 APN: 027-111-12
 ZONING: R-2
 GENERAL PLAN DESIGNATION:
 RESIDENTIAL 12 UNITS/AGRI
 LOT SIZE: 13,500 SQ. FT. (29 AC)
 SLOPE: AVG. -07% (FROM CITY DATA)
 YEAR BUILT: CA. 1948/1957
 FOUNDATION: RAISED FLOOR

PROJECT DATA
 EXISTING SQ. FT.
 RESIDENCE #1: 1,113 N/1,164 G
 ATTACHED GARAGE: 403 N/430 G
 TOTAL (HABITABLE): 1,113 N/1,164 G
 TOTAL (INC. GARAGE): 1,516 N/1,584 G
 RESIDENCE #2: 1,493 N/1,551 G
 RESIDENCE #3: 1,468 N/1,533 G
 DETACHED GARAGE: 501 N/528 G
 1,914 SQ. FT.
 PROPOSED 2020' UNCOV. FRK'G
 TOTAL SQ. FT. ON LOT: 4,978 N/5,196 G
 TOTAL PARKING SPACES:
 EXISTING: 4
 PROPOSED: 6
 LOT COVERAGE:
 EXISTING: 3,663 SQ. FT. (29%)
 PROPOSED: 3,663 SQ. FT. (29%)
 PAVING:
 EXISTING: 2,705 SQ. FT. (21%)
 PROPOSED: 3,105 SQ. FT. (23%)
 HARDCAPE:
 EXISTING: 895 SQ. FT. (6%)
 PROPOSED: 805 SQ. FT. (6%)
 LANDSCAPING:
 EXISTING: 5,337 SQ. FT. (43%)
 PROPOSED: 4,977 SQ. FT. (39%)
 GRADING: NO GRADING PROPOSED
 F.A.R.: 40
 BLDG TYPE: V-N
 OCC. GRP: R-3(U)

SITE PLAN
 CONDOMINIUM CONVERSION
 115 & 117 EAST VALERIO STREET
 SANTA BARBARA, CA 93101

1

Date: 05/29/2013
 Scale: 1" = 10'
 Designer:
 Job: MAXWELL
 Sheet:

 Souter Land Use Consulting
 P.O. Box 50423
 Santa Barbara, CA 93150
 (805) 695-0046
 syndisouter@aol.com

January 15, 2013

Susan Reardon, Staff Hearing Officer
Community Development Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: 3-Unit Condominium Conversion Project at 115 & 117 East Valerio Street;
APN 027-111-012; R-2 Land Use Zone; MST2007-00639

Dear Ms. Reardon,

On behalf of the property owners, Annie Maxwell and Matie McPeters, I am submitting this application for a Condominium Conversion, Tentative Subdivision Map and a Modification and need Staff Hearing Officer approval to convert the three (3) existing residential units on the property, addressed as 115, 117A, and 117B East Valerio Street, to condominium units. The property is 12,500 sq. ft. (0.29 acres) in size and is in the R-2 Land Use Zone. The property is surrounded by residences on three sides, and a church is located across the street.

The property is currently developed with the following structures:

- A 2-bedroom single family residence with an attached 2-car garage. This unit is addressed as 115 East Valerio (115). The residence was constructed in 1948 under permit #D-942. The residence is 1,113 sq. ft. in size, and the attached garage is 403 sq. ft. in size, for a total of 1,516 sq. ft. for the structure. This unit has separate water, gas, and electrical meters.
- A 2-story duplex, which was constructed in 1957 under permit #F-5583. The ground floor unit is addressed as 117A East Valerio (117A), contains 2 bedrooms, and is 1,493 sq. ft. in size. The second floor unit is addressed as 117B East Valerio (117B), contains 2 bedrooms, and is 1,468 sq. ft. in size. Both units have their own separate water, gas, and electrical meters.
- A detached 501 sq. ft. 2-car garage, which was also constructed in 1957 under permit #F-5583.

EXHIBIT C

This project has been designed to comply with the R-2 Land Use Zone and Condominium Conversion requirements, as outlined below:

Section 28.88.040:

- **Unit Size:** The units are each larger than 600 sq. ft.
- **Fire Prevention:** Smoke detectors are already installed in each unit. Upon project approval, a clause for the on-going maintenance of the fire protection systems will be included in the CC&Rs.
- **Sound Transmission:** The duplex has been inspected and it conforms to the sound and vibration transmission requirements.
- **Utility Metering:** Each unit has its own separate gas, electric, and water meters. The plumbing fixtures have been inspected and they conform to the standards for water saving devices.
- **Private Storage Space:** The 200 cu. ft. of private storage space will be provided for each unit within their respective garage parking areas.
- **Laundry Facilities:** Each unit currently contains laundry hook-ups, so this requirement has already been met.
- **Condition of Equipment and Appliances:** Upon project approval, the equipment included with each unit at time of sale and common area will be certified as required.
- **Public Easements:** No additional public easements are necessary as part of the project.
- **Refurbishing and Restoration:** Upon project approval, any necessary improvements will be completed.
- **Parking Standards:** Two parking spaces will be provided for each unit. A new 30x20 sq. ft. uncovered parking area is proposed in the rear of the property to provide a total of 6 parking spaces for the project. Each unit would have one garage space and one uncovered space in the proposed parking area.
- **Physical Elements:** The units have been inspected, and it has been determined that the units do not contain any elements with a useful life of less than two years.
- **Outdoor Living Space:** 115 has a 168 sq. ft. area in the front of the property, as shown on the plan; the area designated exceeds the 140 sq. ft. requirement. 117A has a 350 sq. ft. patio, which exceeds the 140 sq. ft. requirement. 117B has a 180 sq. ft. balcony, which exceeds the 84 sq. ft. requirement. Additionally, an area of approximately 1,344 sq. ft. located behind the duplex serves as the 10% Open Space and as the Open Yard Area for the R-2 requirements.
- **Handicapped Accessibility and Adaptability:** The project only involves three units so the accessibility requirements do not apply.

Section 28.88.050:

- **Plans:** Please see the enclosed plans which show the applicable information.
- **Physical Elements Report:** The following reports are enclosed:
 - Home Inspection Report for 115 (KMI)
 - Home Inspection Report for 117A (KMI)
 - Home inspection Report for 117B (KMI)

Pest Inspection Report for 115 (Hydrex)
Pest inspection Report for 117A, 117B, and detached garage (Hydrex)
Building History Report (Maxwell, Souter)

Section 28.88.060:

- At this time, no unique provisions are expected to be contained in the CC&Rs for the project upon approval.
- Please see the enclosed Rental History Report which includes the rental rate history, tenant information, and vacancy rate information for the three units.
- The tenants of the units, and subsequent tenants, have been notified of the intention of the owners to convert the units to condominiums. The tenants were first notified on 8/18/2007; at that time, Matie McPeters resided in the unit at 115, so she noticed herself and her future tenant. Presently, Matie McPeters and her family live in 117A. Copies of the notices were included in the PRT application package and this resubmittal package. The notice was created based on the City's existing example letter.

Since the project entails the conversion of existing structures to condominium units, the potential impacts of the project are miniscule. The project will not require the removal of any existing trees or significant vegetation. The site drainage will continue to follow the existing drainage pattern, as no new structures are proposed. Additionally, no grading is proposed as part of the project. The project will not include the use or disposal of hazardous materials, nor is there any known site contamination from hazardous materials.

The purpose of the condominium conversion project is for estate planning purposes. Since the property is owned by two sisters, the condominium conversion would allow them more flexibility with their investment. They are not planning to sell any of the units in the near future.

If you have any questions or need any additional information for your review, please feel free to call me at 695-0046 or e-mail me at syndisouter@aol.com.

I am looking forward to the successful completion of this project.

Sincerely,



Syndi Souter
Souter Land Use Consulting

cc: John Maxwell, agent for Annie Maxwell and Matie McPeters

Architectural Board of Review Minutes
115/117 E. Valerio Street
Condominium Conversion

December 1, 2008

Motion: Continued indefinitely to the Staff Hearing Officer to return to Consent Review with the following comments:

- 1) Provide a hedge between the private outdoor area and parking.
- 2) Note the material of the private open yard area.

July 27, 2009

The project was resubmitted for an in-progress review. The resubmittal included relocating the Private Outdoor Living Space in the front yard for unit one and a request for a Design Review Waiver to not fence the private outdoor living space in the front yard. The plans currently show 360 sf of Private Outdoor Living Space for unit one in the front.

A Design Review waiver has been granted to allow the private outdoor living space (for Unit #1) to be located in the front yard without a fence.

Motion: Continued indefinitely to the Staff Hearing Officer

January 28, 2013

The project had not been reviewed since 2009, therefore, Staff requested the applicant return to the Consent Calendar for updated comments.

Motion: Continued indefinitely to Staff Hearing Officer to return to the Consent Calendar with comments:

- 1) A waiver is granted to provide open yard in front without a fence. The existing landscaping provides adequate screening and adding a fence would block the handsome front elevation.
- 2) Window in setback has no adverse visual impact aesthetically.
- 3) Meets guidelines for condo conversion.