



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** May 10, 2007  
**AGENDA DATE:** May 17, 2007  
**PROJECT ADDRESS:** 814 & 816 W. Figueroa Street (MST2006-00271)

**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Allison De Busk, Project Planner

### I. PROJECT DESCRIPTION

The project consists of the conversion of seven residential apartments located on two adjacent parcels to seven residential condominium units on one lot. Six of the units are 2-bedroom units and one unit is a one-bedroom unit that would be sold as a moderate income affordable unit. The project would include the addition of approximately 200 gross square feet to Unit 816-D, construction of a two-car garage, the conversion of the existing four-car carport to four garage spaces, the conversion of an existing carport to storage, and other related site improvements such as drainage, landscaping and building façade improvements.

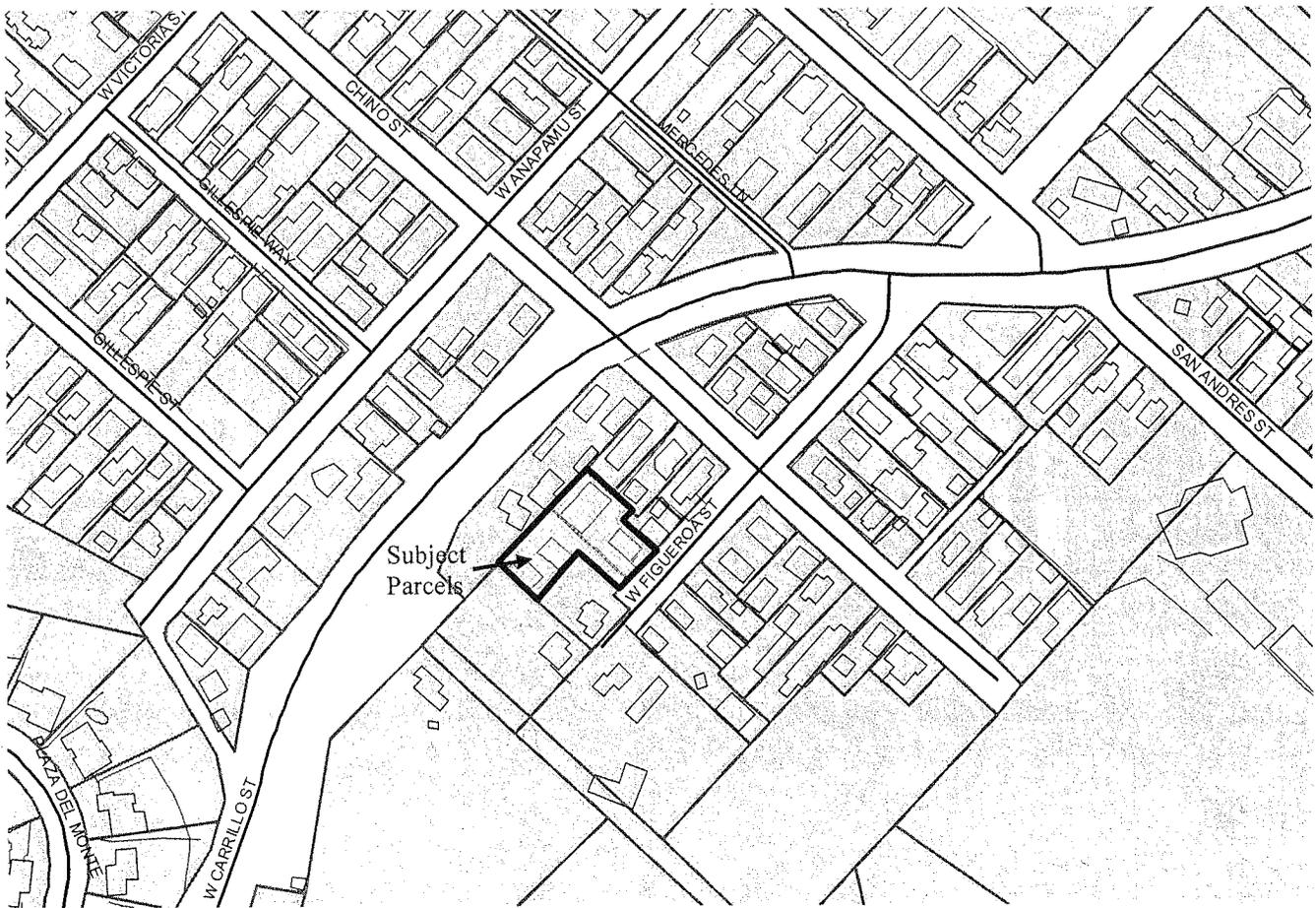
### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Lot Area Modification to allow the addition of square footage to a development that is non-conforming as to density (SBMC §28.18.075.D);
2. A Modification of the required front yard setback (SBMC §28.92.110);
3. A Modification of the required interior yard setback to allow the conversion of an existing non-conforming carport to storage space within the required interior yard setback (SBMC §28.92.110.A);
4. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
5. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including a waiver of the parking and unit size requirements for Unit 816-D and a waiver of the storage space location requirement (SBMC 28.88).

### III. RECOMMENDATION

Upon approval of the requested Modifications and exceptions, 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 structures are proposed to change only minimally, and would remain consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**Vicinity Map – 814 & 816 W. Figueroa Street**

**APPLICATION DEEMED COMPLETE:** March 30, 2007  
**DATE ACTION REQUIRED PER MAP ACT:** June 18, 2007

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Susan McLaughlin, SEPPS	Property Owner:	Elconin Family Trust
Parcel Number:	039-191-023 and 039-191-026	Lot Area:	19,836 square feet (0.455 acres)
General Plan:	Residential – 12 units per acre	Zoning:	R-2
Existing Use:	Multi-Family Residential	Topography:	Majority of lot slopes gently (less than 5%), with a steeper gradient for the western portion of the lot (approx. 30%). Average slope of the merged lots is 17.6%.
Adjacent Land Uses:			
North - Residential		East - Residential	
South - Residential		West - Residential	

**B. PROJECT STATISTICS**

	Existing	Proposed
Living Area	6,174 gross square feet (5,749 net square feet)	6,415 gross square feet (5,934 net square feet)
Parking	12 spaces (6 covered, 6 uncovered)	13 spaces (6 covered, 7 uncovered)
Accessory Space	none	569 square feet

**C. UNIT STATISTICS**

	Bedrooms	Size (Net)	Parking	Private Outdoor Living Space
Unit 814-A	2	839 sq. ft.	1 covered, 1 uncovered	370 sq. ft.
Unit 814-B	2	984 sq. ft.	1 covered, 1 uncovered	200 sq. ft.
Unit 814-C	2	989 sq. ft.	1 covered, 1 uncovered	225 sq. ft.
Unit 816-A	2	862 sq. ft.	1 covered, 1 uncovered	520 sq. ft.
Unit 816-B	2	862 sq. ft.	1 covered, 1 uncovered	297 sq. ft.
Unit 816-C	2	894 sq. ft.	1 covered, 1 uncovered	397 sq. ft.
Unit 816-D	1	504 sq. ft.	1 uncovered	150 sq. ft.

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	15 feet (first story)	11 feet	4 feet to ex. building,

-Interior	20 feet (second story)  6 feet (building) 3 feet (parking)	11 feet  6 feet (building) 3 feet (open parking) 0 feet (carport)	8 feet to new trash encl.  6 feet (building) 3 feet (open parking) 0 feet (storage)
Building Height	30 feet and meet solar	29 feet (doesn't meet solar)	29 feet (doesn't meet solar)
Distance Between Buildings	15 feet	At least 27 feet	15 feet
Parking	1.5 spaces per 1-Bd unit <u>2 spaces per 2-Bd unit</u> Total = 14 spaces	12 spaces (6 covered, 6 uncovered)	13 spaces (6 covered, 7 uncovered)
Lot Area Required for Each Unit	5,250 square feet (36,750 sq. ft. total)	36,750 sq. ft. required; 19,836 sq. ft. provided	36,750 sq. ft. required; 19,836 sq. ft. provided
10% Open Space	1,984 sq. ft.	More than 2,300 sq. ft.	More than 3,500 sq. ft.
Private Outdoor Living Space	1-Bd unit: 120 sq. ft. 2-Bd units: 140 sq. ft. on ground or 84 sq. ft. on 2 <sup>nd</sup> floor	1-Bd unit: 174 sq. ft. 2-Bd units: 0-520 sq. ft.	1-Bd unit: 150 sq. ft. 2-Bd units: at least 200 sq. ft. each
Private Storage Space	200 cubic feet per unit	None	At least 200 cubic feet per units
Lot Coverage			
-Building	N/A	5,329 sq. ft. (26.9%)	5,735 sq. ft. (28.9%)
- Paving/Driveway	N/A	6,631 sq. ft. (33.4%)	6,244 sq. ft. (31.5%)
-Common Open Space	N/A	7,875 sq. ft. (39.7%)	7,857 sq. ft. (39.6%)

As stated in the Condominium Conversion Ordinance (SBMC §28.88.030), all buildings sought to be converted are required to be in compliance with the Zoning Ordinance and the goals and policies of the General Plan, or legally nonconforming therewith. In this case, the residential units are legally nonconforming with regard to setback, height and density requirements of the R-2 Zone. Modifications are requested for the proposed conversion to allow minor additions to the existing structures and to locate structures in the required front and interior yard setbacks. Exceptions to the Condominium Conversion Ordinance are requested for parking, unit size and storage location.

#### A. LOT AREA MODIFICATION

The project site is legally nonconforming to the density requirements of the R-2 zone. Per Section 28.87.030.E.1 of the Municipal Code, no increase in floor area or habitable space shall be permitted on lots with nonconforming residential density. The applicant is proposing to add square footage to two of the units, thus necessitating a lot area modification. The square footage proposed to be added to Unit 816-D would increase its habitable floor area from approximately 350 square feet to 500 square feet. Staff believes that this is an appropriate addition as it brings the unit closer to meeting the minimum condominium size standard of 600

square feet, and the unit would be sold as an affordable dwelling unit. The square footage proposed to be added to Unit 814-C would provide that unit with a separate entry. This is an appropriate improvement for a condominium development, and the new square footage (approximately 35 square feet) is minimal. Additional square footage is being proposed to provide each unit with private storage space; however this square footage would not be habitable and is therefore permitted under SBMC §28.87.030E.1.q. It should be noted that this project could technically proceed without the lot area modification if the applicant were to eliminate the proposed minor additions. Staff believes that this would decrease the quality of the project overall by eliminating amenities for future residents. Findings in support of the lot area modification are provided in Section VII below.

**B. FRONT YARD SETBACK MODIFICATION**

The required front yard setback in the R-2 zone is 15 feet for the first story and 20 feet for the second story of a building. The site currently contains a two-story building located within the required front yard; this is a legal non-conforming structure. A new trash enclosure is proposed to be located 15 feet back from the existing front property line. As currently configured, the project would not require a front yard modification. However, the City is requesting a seven foot wide right-of-way dedication for future street improvements as part of the subdivision. The City measures front yard setbacks from the back of right-of-way, which means that although the trash enclosure would comply with the required setback as measured from the existing property line, it requires a modification following the right-of-way dedication. It should be noted that if the Planning Commission determines that a right-of-way dedication is not appropriate, the front yard modification would not be required. Staff is supportive of the modification given that the new trash enclosure will be set back further than the existing building, the benefit of the additional right-of-way dedication outweighs any negative impact of the modification, and the trash enclosure will appear to satisfy the setback requirement until such time as a cul-de-sac is developed at the terminus of West Figueroa Street.

**C. INTERIOR YARD SETBACK MODIFICATION**

The required interior yard setback in the R-2 zone is 6 feet. There is an existing carport located on the site's rear interior property line. This carport structure is proposed to be converted to storage space to serve five of the units. Changing the use of a structure that is non-conforming as to setback requires a modification. Staff is supportive of this modification request because it is an existing structure, the new use will not be more intensive than the current use as parking, and relocating the parking to another area will reduce the amount of paving on the site and create better vehicular and pedestrian circulation within the property.

**D. CONDOMINIUM CONVERSION**

The development consists of four separate structures designed and built at different times. The project includes architectural modifications and minor additions in order to create a more cohesive and appropriate overall development.

The seven units in the project provide the physical amenities the Code requires for condominiums. The amenities include private outdoor living space, private laundry facilities, and private storage space.

The owners have complied with Santa Barbara Municipal Code (SBMC) §28.88.100, which provides tenant protection rights for tenants of any unit being converted to condominiums. In addition, the applicant has proposed to provide relocation assistance commensurate with the updated provisions of the City's Tenant Displacement Assistance Ordinance (TDAO), which currently only applies to demolished units. One of the units has been rented as an "affordable rental unit" under the Condominium Conversion Ordinance; therefore, affordability provisions for that unit are applicable to this project (this is discussed in more detail below). Staff believes that these modestly-sized condominium units will provide an important ownership opportunity for households of various income levels.

**1. Maximum Number of Conversions**

Projects that involve conversions of five or more units must comply with SBMC §28.88.130, which regulates the maximum number of conversions that can be approved during a calendar year. These types of projects need to be deemed complete between January 2<sup>nd</sup> and March 30<sup>th</sup> of the year that they are to be considered by the Planning Commission. If more than a total of 50 units associated with projects with five or more units each are deemed complete during this time period, the Planning Commission is required to schedule an allocation hearing to determine which projects could proceed in that calendar year.

This year only two other applicable projects, with a combined 15 units, were deemed complete prior to March 30<sup>th</sup>; therefore, an allocation hearing is not required. The evaluation system set forth in the procedures for processing condominium conversions (see Exhibit E) is therefore used as a guide, rather than a mandatory evaluation system, for decision-makers. Staff determined that the proposed project would receive a total of 21 points out of a possible 100. Only 10 points are required to meet ordinance requirements. It is important to note that higher totals reflect higher standards than are required by the Ordinance. Furthermore, if an allocation hearing were required, that would be an incentive on the part of the applicant to strive to reach a higher point total. Staff has recommended additional points in the Additional Provisions category, due to the project's proposal to meet the 2-star rating under the Built Green Program; and additional points in the Tenant Provisions Section due to the applicant's proposal to comply with the TDAO provisions for monetary assistance.

**2. Affordability Requirement**

Under the City's Condominium Conversion Ordinance, if a rental unit that is proposed for conversion has been rented as an "affordable rental unit" for 24 out of the previous 48 months preceding the conversion application, that unit shall be subject to a recorded affordability covenant as a condition of conversion (SBMC §28.88.110). The City determined that one unit on site (Unit 816-D) had been rented at an affordable rate for a one-bedroom apartment, and therefore the project needed to include an affordable for-sale unit. The project had previously proposed to combine Units 816-C and -D, given the small size of Unit 816-D (350 square feet).

In order to provide the requisite affordable condominium unit, the applicant decided to maintain Unit 816-D as a separate unit, and add square footage to it to make it more livable. This is one of the reasons the project requires a lot area modification (see discussion above). The affordable unit is subject to the City's Affordable Housing Policies and Procedures. This Handbook identifies minimum square footage requirements for affordable units. According to these minimum standards, a one-bedroom condominium unit should be at least 600 square feet. Given the existing development, staff has determined that an exception to the minimum size is appropriate (see Unit Size Exception discussion below). This unit would be sold as a one-bedroom unit at the moderate-income affordability level.

### 3. **Exceptions**

As stated previously, the project includes a request for three exceptions to the required physical standards for condominium conversions. The first exception is to allow a unit to have less than 600 net square feet, the second exception is to allow 13 parking spaces instead of 14, and the third exception is to provide storage space that is not directly accessible from the parking area for the unit it serves.

The Planning Commission may grant an exception to certain physical standards required for condominium conversions if any one of the following findings can be made: 1) the economic impact of meeting the standard is not justified by the benefits of doing so; 2) the project includes design features or amenities which offset the project's failure to meet the standard; 3) the project includes provisions for low-, or moderate-income sales restrictions on the converted units beyond what is otherwise required by the condominium conversion section of the Zoning Ordinance that offset the project's failure to meet the standard; or 4) the project's proximity to public open space could partially offset the project's lack of onsite open space.

#### a. **Unit Size**

Unit 816-D is proposed to be a one-bedroom unit totaling 504 net square feet. The minimum unit size for a residential condominium is 600 net square feet (SBMC §28.88.040.A). This Unit has been rented at "affordable" rates per the City's Condominium Conversion Ordinance, and must be sold at an Affordable level. Although the proposed unit is smaller than the minimum required, it would be larger than the existing unit. In this case, there is a need to balance the fact that the site already exceeds the maximum density permitted (refer to lot area modification discussion above) with the fact that the unit does not satisfy minimum size requirements. Staff believes that the modest addition proposed (approximately 150 net square feet) is an appropriate compromise and balances the need to provide a useable for-sale unit with concerns regarding over-building of the site.

#### b. **Parking**

The proposed project is requesting that the 504 square foot one-bedroom unit (Unit 816-D) provide one uncovered parking space, rather than two spaces.

Staff is supportive of this request because the unit is being offered as an affordable unit and staff is typically supportive of reducing the required parking (through a parking modification) from 1.5 stalls to one stall when a unit is less than 750 square feet and has only one bedroom. The subject unit would satisfy both of those criteria. It should be noted that there is room on the site to provide an additional parking space, if the Planning Commission determines that the findings to support a parking exception cannot be made. Staff believes that the use of this available area is better served as open space for the development.

c. **Location of Storage Space**

Private storage space for the units is provided in a common location towards the rear of the site for five of the units, and adjacent to the two remaining units. The amount of storage space provided for most of the units is in excess of the minimum required. Therefore, staff finds that the project includes design features that offset the fact that the storage space is not accessible from the units' parking area.

**VI. ISSUES**

**A. DESIGN REVIEW**

This project was reviewed by the ABR on February 5, 2007 (meeting minutes are attached as Exhibit D). At that meeting, the ABR stated their general support for the project and the proposed upgrades. They recommended additional "charm-giving elements" wherever possible, as well as providing garages rather than carports for the covered parking. The applicant has since revised the plans to include garages in place of the previously proposed carports.

Although the aesthetics of the existing development would not be considered appropriate for a condominium project, staff believes that, between the site and building improvements currently proposed and preliminary and final review and approval by the ABR, the project will achieve the high quality appearance expected of a condominium project.

**B. COMPLIANCE WITH THE GENERAL PLAN**

Before a Tentative Subdivision Map can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision can be found consistent with the plans and policies of the City of Santa Barbara.

*Land Use Element:* The property is located in the Lower West neighborhood, as identified in the Land Use Element of the General Plan. The Lower West neighborhood is a densely developed residential area, with a mix of single-family homes and apartments, and some recent condominium development. The General Plan designation for the property is Residential, 12 units per acre and the development has a density of approximately 15.38 dwelling units per acre. This density is a legal nonconforming situation, and does not change with the proposed condominium conversion. As previously stated, condominium conversions are specifically

exempted from density provisions as long as they are legally nonconforming to those requirements.

*Housing Element:* 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 condominium conversion would provide for homeowner opportunities in a neighborhood with close proximity to transit, employment and commercial opportunities. The proposed project contains six modestly-sized units that would not be restricted to low- or moderate-income households. One small one-bedroom unit would be restricted to a moderate-income household, as described in Section V above.

*Public Improvements:* Staff is recommending that the applicant install parkway and sidewalk within the right-of-way along the property frontage. Public improvements along West Figueroa Street are haphazard at best, and many properties along this short stretch of road have encroached into the right-of-way with private improvements, making it difficult to determine where that actual right-of-way is located. Staff believes that installing sidewalk and parkway in front of this development will help to define the right-of-way. Staff has also required the applicant to dedicate an additional seven feet of right-of-way so that there is the potential to install a cul-de-sac at the terminus of this street in the future, should other opportunities to obtain right-of-way dedications emerge. Curb and gutter are also being required along the entire frontage.

### C. ENVIRONMENTAL REVIEW

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

## VII. FINDINGS

The Planning Commission finds the following:

### A. LOT AREA MODIFICATION

The Planning Commission finds that the requested lot area modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot, and construct a housing development which is affordable to moderate-income households. The existing development of the project site exceeds the maximum density provisions of the R-2 zone. The proposed conversion to condominium units includes minor square footage additions to two of the residential units. This modification can be supported because the additional square footage is proposed in order to make these two units more livable and consistent with the City's condominium standards. The project also includes one residential unit that is affordable to a moderate-income household, and the additional square footage will make this unit more consistent with the City's minimum unit size requirements as

outlined in the Affordable Housing Policies and Procedures manual and the Condominium Conversion Ordinance, as well as more consistent with the size of the other units on site.

**B. FRONT YARD MODIFICATION**

The Planning Commission finds that the requested front yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The front yard setback modification allows the new trash enclosure to encroach into the required 15' setback from West Figueroa Street. This modification can be supported because the proposed trash enclosure would be located farther back than the existing two-story building on site; the modification is only necessary because of the right-of-way dedication required for future street improvements, which are a public benefit; and the enclosure satisfies the minimum 15' setback from the existing property line and will appear to satisfy the setback requirement until such time as a cul-de-sac is developed at the terminus of West Figueroa Street.

**C. INTERIOR YARD MODIFICATION**

The Planning Commission finds that the requested interior yard setback modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on the lot. The interior yard modification allows the existing carport located on the property line to be converted to storage space. This structural encroachment can be supported because it is an existing structure, the new use as storage is not be more intensive than the current use, relocating the parking to another area will reduce the amount of paving on the site and create better vehicular and pedestrian circulation, and provides storage in an area that is easily accessible to residents of the development.

**D. FOR THE CONDOMINIUM CONVERSION (SBMC §28.88.120)**

1. The project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community. 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.
2. The proposed conversion is legally nonconforming to the density requirement of the Land Use Element of the General Plan (Residential- 12 units/acre). The unit density of the project is 15.38 units/acre.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.

5. The conversion has mitigated impacts to the City's low and moderate income housing supply by agreeing to record an affordability control covenant (price restricted to a moderate-income homebuyer) on the one unit (816-D) that was rented as an "affordable rental unit".
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.
8. 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.
9. The requirements of Section 28.88.130 have been met because there are fewer than 50 units proposed for conversion this year.
10. The use of the site as condominium units will not be detrimental to the public peace, health, safety, comfort or general welfare, nor will it decrease property values in the neighborhood. Adequate consideration has been given to setbacks, visibility, amenities and parking such that there will be no impact on surrounding properties or the neighborhood in general.

**E. EXCEPTIONS TO THE PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS (SBMC §28.88.040.N)**

1. Unit Size – The project includes one unit that is less than 600 square feet. This unit is provided as an affordable housing unit and the project includes amenities, such as ample outdoor living space and an open floor plan, which offset the project's failure to meet the 600 square foot unit size minimum. Additionally, increasing the size of the unit beyond that proposed would result in increased development on a site that is non-conforming as to density.
2. Parking – The project includes the provision of an affordable for-sale housing unit and design features which offset the project's failure to meet the standard of providing fourteen parking spaces (two parking spaces per unit). The unit for which only one parking space is provided is a moderate-income affordable unit with one-bedroom and less than 600 square feet, thus making it more conducive to fewer residents and therefore fewer vehicles. Additionally, the project is providing one parking space within a garage for six of the seven units, which is above and beyond the requirements of the condominium conversion ordinance, and, providing an additional parking space to serve the unit would reduce common open space, which is an amenity that benefits the entire development.
3. Location of Storage – The project's design features, such as providing storage in a location that is easily accessible to all affected residents, offsets the fact that the storage is not accessible directly from that unit's parking space.

**F. TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

Exhibits:

- A. Conditions of Approval
- B. Reduced Tentative Map and Site Plan
- C. Applicant's letter, dated April 11, 2007
- D. ABR Minutes - February 5, 2007
- E. Condominium Conversion Evaluation System

PLANNING COMMISSION CONDITIONS OF APPROVAL

814 & 816 W. FIGUEROA STREET

LOT AREA MODIFICATION, INTERIOR SETBACK MODIFICATION, FRONT SETBACK MODIFICATION,  
CONDOMINIUM CONVERSION AND TENTATIVE SUBDIVISION MAP

MAY 17, 2007

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "*Agreement Relating to Subdivision Map Conditions Imposed on Real Property*" reviewed and approved as to form and content by the City Attorney, Community Development Director and Public Works Director that shall be executed by the Owners concurrent with the Final Map, and recorded by the City prior to issuance of a Certificate of Occupancy for the condominium conversion permit. Said agreement(s) shall be recorded in the Office of the County Recorder:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Ownership Unit Affordability Restrictions.** The dwelling unit designated as unit number 816-D on the Tentative Subdivision Map shall be designated as an Affordable Moderate Income Unit with a price targeted to 110% of Area Median Income and sold only to households who, at the time of their purchase, qualify as Moderate Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale price upon initial sale shall not exceed the following:

Unit No. 816-D (1-bedroom unit) = \$186,600

The Affordable Unit shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures (AHP&P). The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 17, 2007 is limited to the conversion of seven (7) apartment units on two lots to seven (7) condominium units on one lot, including construction of a new garage, conversion of a carport to garages, conversion of a carport to storage units, and minor residential additions and improvements as shown on the Tentative Subdivision Map and architectural plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
7. **Public Improvement Agreement.** "Agreement for Land Development Improvements", and associated Securities.
8. **Dedication(s).** "Irrevocable Offer of Street Easement Deed" for an easement described as follows:

"Easement for all Street Purposes along the proposed roadway, as shown on the Tentative Map, in order to expand an existing right of way to accept a 25 foot radius cul-de-sac (1975 Interim Design And Improvement Standards), 18 inch gutter, 6 inch curb, 4 foot parkway, and 6 foot sidewalk (Pedestrian Master Plan) terminating an existing 60 foot wide public right of way."
9. **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.

10. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:

- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
- b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

B. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.

1. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:

- a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
- b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
  - (1) Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
  - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to

one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.

2. **Pedestrian Pathway.** A pedestrian pathway shall be provided to the units at the rear of the property from the sidewalk using a different paving material or design.
3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

C. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.
2. **West Figueroa Street Public Improvement Plans.** The Owner shall submit C-1 building plans for construction of improvements along the property frontage on West Figueroa Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk; driveway apron modified to meet Title 24 requirements; curbs; gutters; asphalt concrete; crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching; underground service utilities; connection to City water and sewer mains; public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection (provide off-site storm water BMP plan), etc.; supply and install 1 residential standard street light, style to be determined by the Public Works Department and the appropriate design review board; preserve and/or reset survey monuments and contractor stamps; supply and install directional/regulatory traffic control signs. The existing private sewer laterals serving the property are subject to the Sewer Line Inspection Program (S.L.I.P.) and shall be repaired before new dwellings are occupied. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer. Any work in the public right-of-way requires a Public Works Permit.
3. **Hydrology Calculations.** All drainage conveyance systems shall be designed to convey the 25-year storm event. If additional drainage conveyance structures are needed based on the review of the results of the hydrology calculations, the improvements shall be shown on the improvement plans and constructed prior to Certificate of Occupancy for the improvements permit, and prior to recordation of the Final Map, at the sole expense of the Owner.
4. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.

5. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building 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.
  2. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
  3. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
    - a. **Initial Sale Price Restrictions.** The dwelling units designated as unit number 816-D on the Tentative Subdivision Map shall be designated as Affordable Moderate Income Unit and sold only to households who, at the time of their purchase, qualify as Moderate Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Unit No. 816 D (1-bedroom unit) = \$186,600

b. **Resale Restrictions.** The Affordable Unit shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

4. **Noise Measurements.** Submit an interior noise analysis from a licensed acoustical engineer, verifying that interior noise levels for future conditions (20 years) are no more than 45 dBA CNEL. As part of the structural and seismic upgrades, any deficiencies in noise mitigation shall be remedied.

E. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88) (including adjustments to the tenant assistance specified in Subsection 28.88.100.G as specified below):

1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.

2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.

3. **Notice of Department of Real Estate Report.** Owner shall deliver written notice to each tenant household that an application for a public report has been submitted with the California Department of Real Estate within 10 days of the submission of such application.

4. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.

5. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.

6. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.

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. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Saturday before 7:00 a.m. and after 5:00 p.m., and all day on Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.
4. **Oak Tree Protection.** The following provisions shall apply to existing oak trees on site:
  - a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
  - b. Grading within the dripline of any oak tree shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- c. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
  - d. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
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. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to recordation of the Final Map:

1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the seven units to condominiums.
  2. **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. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
  4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants required pursuant to Section A.10 above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
  5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
  6. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- H. **Prior to Certificate of Occupancy for the Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Conversion Permit, the Owner of the Real Property shall complete the following:
1. Recordation of Final Map.
  2. Recordation of the Agreement Relating to Subdivision Map Conditions Imposed on Real Property.
  3. **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.

4. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
  5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
  6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
  7. **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.
  8. **Recordation of Final Map and Agreements.** After City Council approval of the Map and Agreements, the Owner shall provide evidence of recordation to the Public Works Department.
- 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.

PLANNING COMMISSION CONDITIONS OF APPROVAL

814 & 816 W. FIGUEROA STREET

MAY 17, 2007

PAGE 11

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.







11 April 2007

City of Santa Barbara  
Development Application Review Team  
630 Garden Street  
Santa Barbara, CA 93101

**RE: Proposed Condominium Conversion – 814 and 816 Figueroa Street**

**Dear Honorable Planning Commissioners:**

On behalf of the property owner, Mr. Don Elconin, we are requesting review of a proposed condominium conversion of the seven existing residential units to seven condominium units at 814 and 816 Figueroa Street (039-191-023 and-026). This project requires approval of a Voluntary Lot Merger, a Tentative Map, a Condominium Conversion permit, a Lot Area Modification and Setback Modifications.

**Site Description:**

The two subject properties, 814 and 816 W. Figueroa are adjacent to one another and are 10,050 square feet and 9,786 square feet respectively. The combined lots would equal 19,836 square feet as a result of the lot merger. Both of the parcels are zoned R-2 (Two-Family Residence Zone) and are located in the lower west of the Westside general plan neighborhood and have a general plan designation of 12 units per acre. The properties are legally non-conforming as to density because they do not meet the minimum lot size of 3,500 square feet per unit per the R-2 zone district. There is also an existing legally non conforming two car carport and storage building that is located in the six foot rear yard setback.

Shared driveway access for both properties is located on 814 W. Figueroa which has four-covered parking spaces for the three existing units whereas 816 W. Figueroa currently has two covered parking spaces and six uncovered for the four existing units.

**Project Request**

On behalf of the owner we are requesting approval to convert the seven existing apartment units to six condominiums. The existing seven unit sizes are as follows:

	<u>Existing (gross)</u>		<u>Proposed (gross)</u>
• 814 Figueroa Unit A –	900 s.f.	2-bedrooms	900 s.f
• 814 Figueroa Unit B-	1,057 s.f.	2-bedrooms	1,057 s.f
• 814 Figueroa Unit C-	1,092 s.f.	2-bedrooms	1,092 s.f
• 816 Figueroa Unit A –	925 s.f.	2-bedrooms	925 s.f
• 816 Figueroa Unit B –	925 s.f	2-bedrooms	925 s.f
• 816 Figueroa Unit C-	956 s.f.	2-bedrooms	956 s.f
• 816 Figueroa Unit D-	354 s.f	1-bedroom	560 s.f

The existing 354 square foot unit (816 Figueroa Unit D) has been rented at affordable rates per the City's Condominium Conversion Ordinance and City Council Resolution. We are proposing to add

approximately 150 square feet (net) to this unit and to designate it as an affordable moderate income one-bedroom condominium in accordance with the City's Affordable Housing Policies and Procedures.

Thirteen parking spaces are available for the residential units. Each unit will be assigned one covered and one uncovered parking space with the exception of 816 Figueroa Unit D, which will be provided one uncovered parking space. Private Outdoor Living Space and Open Yard Area requirements have been met in accordance with Municipal Code Section 28.18.060.C and 28.21.081.a.

The project includes a new 336 square-foot two car garage and the conversion of the existing carport into storage. The conversion of the existing carport to storage will allow for a reduction in impermeable surface and will also improve the entries to 816 Figueroa Units A and B by adding walkways and landscaping. The entrance to 814 Figueroa Unit A will also be modified as shown on the plans to offer more privacy between the two front units. The project includes significant enhancements of the exterior facades, some of which include new wood siding, replacement of windows, a deck addition, and new roofing material. Each unit will be metered individually for electric and water, gas charges will be paid by the Homeowners' Association on behalf of the individual units. Each unit will be provided with a minimum of 200 cubic feet of storage space and each unit will have their own laundry facilities. The improvements to the exterior facades in addition to the interior remodels of the individual units will enable the project to comply with the physical requirements for condominium conversions. The owner is also committed to registering the project with the Santa Barbara Built Green program. The project is designed to meet the two star rating.

The proposed drainage system has been designed by MAC Design. We are proposing to reduce the impervious surface on-site; therefore, pre- and post- development will be the same or reduced as a result of the project. The hydrology calculations were calculated using the existing site layout; therefore the storm drain system has been designed using the worst case scenario. According to MAC Design Associates written report in the drainage plan submitted for the project:

*The project proposes to drain the 25 year storm water runoff to a buried tank. A sump pump capable of pumping 250 gpm (0.5 cfs) at 15' of TDH will pump the water to West Figueroa Street where it will drain overland to the existing storm drain curb inlets at the northeast corner of the intersection of West Figueroa and Chino Street.*

### **Modification Request**

The conversion of the existing units to condominiums will require a modification for the following:

- Conversion of the existing carport at the rear of the site to storage space (change of use) because it does not comply with the required interior yard setback (SBMC28.18.060B).

*The conversion of the existing non conforming carport to storage will allow the entries to Units A and B to be improved with landscaping and walkways. The change of use from a carport to storage will be a less intense use of the non conforming building.*

- Lot Area Modification to add square footage to a development that exceeds the maximum density permitted (SBMC28.18.075.D).

*We are adding 150 square feet to the existing 354 square foot unit that is proposed to be an affordable unit. We believe the additional square footage will be a benefit to the project by providing an affordable unit that is more spacious and livable.*

- Front Yard Modification to locate a trash enclosure within the required setback area (SBMC28.18.060.A).

*This front yard setback modification request is a direct result of the additional seven feet of right-of-way that we are offering to dedicate to the City. We understand that additional right of way will enable the City to make future improvements to the Terminus of Figueroa Street, which is currently substandard. We believe that the prospect of this future improvement provides appropriate justification to approve this modification with the required findings.*

### **Exception Requests**

The proposed project provides either equal to or in excess of the 200 cubic feet of storage required per SBMC 28.88.040 E. However, the proposed storage spaces are not provided in a location that is directly accessible from the garage or parking area from the units they serve as required per code. Therefore, we are requesting an exception to this physical standard.

The existing parking area is detached from the existing units therefore, storage areas that are accessible from the garage would not function better than storage areas in the areas where we have proposed them. The proposed storage areas are closer than they would be if they were incorporated into the proposed garages and/or parking areas. We believe that the finding 28.88.040.N.2 can be met because the proposed locations of the storage spaces will not only function better but also it also allows us to convert the existing two-car carport into storage areas for four of the units. The conversion of the carport to storage allows us to remove a significant amount of pavement at the rear of the site while providing over sized storage spaces for these units. We believe the proposed design would offer the future residents with generous and conveniently located storage areas. However, if the Commission feels that storage spaces within the proposed garages would be more appropriate, then we would be willing to alter the design accordingly.

We are also requesting an exception to the parking standards of the Condominium Conversion ordinance to provide one space instead of the required 1.5 spaces (rounds to 2) for 816 Unit D as required per SBMC 28.88.40.J. We believe that one space would meet the demand for this modestly sized 504 square foot one-bedroom unit. There is adequate space at the rear of the lot to provide one additional parking space. However, one of the key benefits of our proposed design is the removal of the existing asphalt paving in the interest of providing a more accommodating and aesthetically pleasing pedestrian design. This could not be accomplished with the addition of a parking space in this area.

The Condo Conversion ordinance provides the option of requesting an exception to the parking standards. We feel the Commission can make the required findings for the exception based on the interest of good design and because we are offering an affordable unit in the project.

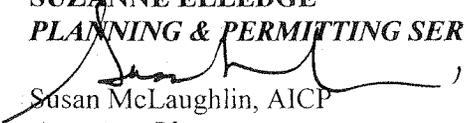
### **Findings**

In addition to the physical standards required by the Condominium Conversion Ordinance, specific findings must be made by the Planning Commission when approving 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 project will be in full compliance with the provisions of the R-2 Zone with the exception of the existing non conforming two car garage and the General Plan with the exception of the non-conforming density. In accordance with the Municipal Code section 28.88.030C, the project can proceed with non-conforming density provided that all other provisions of the R-2 Zone are met.***
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.  
***As stated above the property is non-conforming to the residential density allowed. No policy conflicts with the remainder of the General Plan Elements could be found.***
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 new aspects of the project would conform to all Code requirements at the time the project is deemed complete, while the existing development will maintain its legal non conformity.***
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 project was reviewed by the Architectural Board of Review (ABR) on February 5, 2007 and was indefinitely continued to Planning Commission with positive comments on the upgrades to the units and the site. They were also appreciative of the sustainable elements of the design. The Board also provided design suggestions to improve the project. We plan on going back to ABR to address the Board's design comments prior to going to Planning Commission.***
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.  
***Based on Section 28.88.110 A, Figueroa 816 D has been rented as an affordable unit. We are proposing to add 150 square feet to the unit and offer it as a moderate, one-bedroom affordable unit per the City's Affordable Housing Policies.***
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 applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review and will not through the date of approval.***
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.  
***The owner has every intention to assist the existing tenants in accordance with the newly adopted Tenant Displacement Assistance Ordinance (TDAO) and the provisions contained within the existing condominium conversion ordinance.***
8. The requirements of Section 28.88.130 have been met.  
***The requirements of section 28.88.130 have been met as to the best of the applicants' ability. We are making every effort to be deemed complete within the January 2-March 30<sup>th</sup> window.***

We are confident that the project is consistent with the language and intent of the condominium conversion provisions and we look forward to your review and consideration. If you have any questions regarding the project or materials submitted, please contact me at 966.2758 x24.

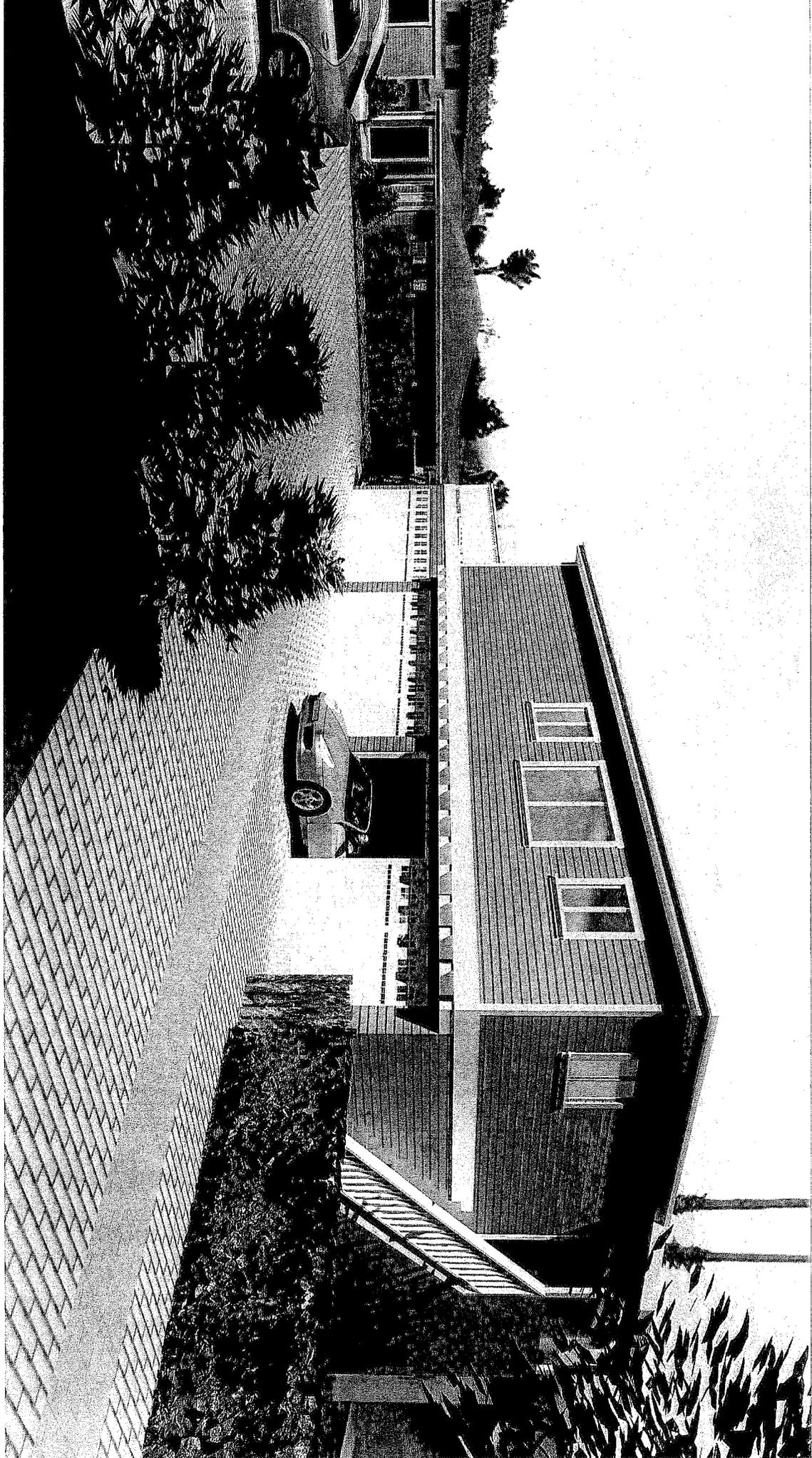
Sincerely,  
**SUZANNE ELLEDGE**  
***PLANNING & PERMITTING SERVICES***

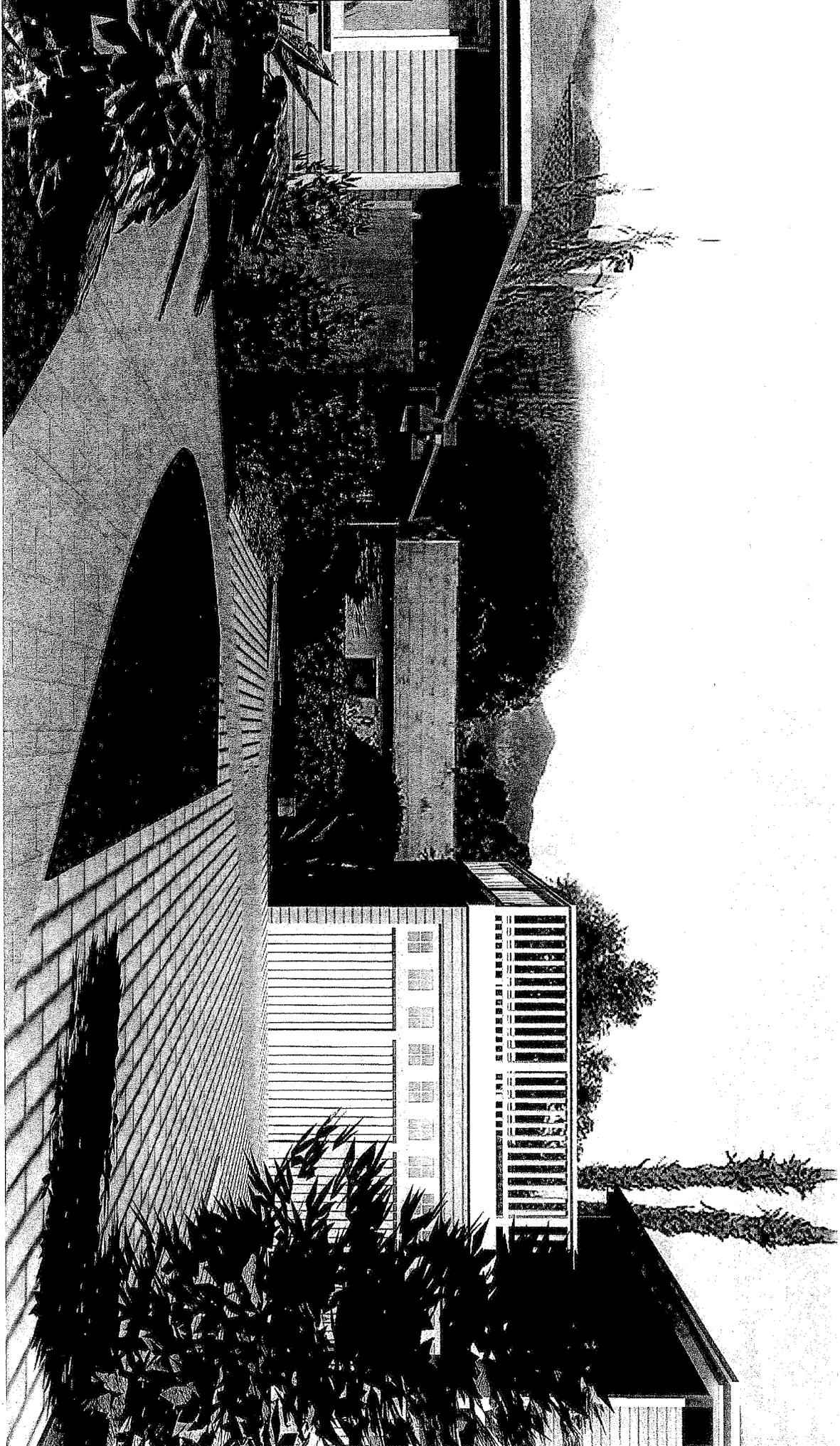


Susan McLaughlin, AICP  
*Associate Planner*

Attachment:    Rendering of Front Court  
                  Rendering of interior Eastern view of project site







**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****814 & 816 W. FIGUEROA STREET**

R-2 Zone

Assessor's Parcel Number: 039-191-023  
Application Number: MST2006-00271  
Owner: Elconin Family Trust 4/15/03  
Agent: Susan McLaughlin  
Architect: Dale Pekarek

(Proposal for conversion of seven existing residential apartment units to six condominium units. The two parcels totaling 19,836 square feet contain five one- and two-story buildings consisting of three duplex apartment buildings, one single-family apartment above a four-car carport, and a detached two-car carport. This would be reconfigured by combining two apartments in the westernmost building into one unit, constructing a new two-car carport attached to the existing four-car carport, conversion of the existing detached two-car carport to storage for three units and constructing attached storage spaces for the other three units. Proposed are five two-bedroom units ranging from 839 to 989 square feet and one 1,132 square foot three-bedroom unit. New landscaping is proposed and parking would be provided in the six carport spaces and six existing uncovered parking spaces plus one new uncovered guest space. Planning Commission approvals are requested for a Tentative Subdivision Map, a Condominium Conversion Permit, and modifications for front and interior-yard encroachments.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL FOR MODIFICATIONS AND A TENTATIVE SUBDIVISION MAP FOR CONDOMINIUMS.)**

(6:32)

Present: Susan McLaughlin, Agent; Dale Pekarek, Architect; Chuck McClure, Landscape Architect; Don Elconin, Owner.

Public comment opened at 6:59 p.m., and as no one wished to speak, public comment closed at 6:59 p.m.

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

1. The Board is pleased with the upgrades and materials, including the interlocking pavers for the driveway and parking areas, and at the walkway to the units. Other positive aspects are: all buildings having upgrades, appropriate lap siding and trim, and the use of sustainable design materials throughout.
2. Provide charm giving elements wherever possible, such as, bracketing, columns, garage doors, stone veneers. Hide the electrical meters with landscaping and/or attached closets.
3. For Units 816A & B, provide an interior laundry facility.
4. Enhance the exterior entryways to all units with columns, brackets, or light fixtures.
5. At Unit 816C, at the area below the lower deck railing, study enclosing with plaster or stone veneer or other elements to help blend into landscape.
6. At the south side of the uncovered parking area, explore using a landscape planter finger to add a tree.
7. Study using garage doors under Unit 814A and at the new carport.

8. The Board finds the requested modifications acceptable as they are not aesthetically detrimental to the neighborhood, to include: a. conversion of the old garage to private storage area, as located in the interior setback; b. the existing stairway within the front-yard setback; c. front yard setback existing condition within the setback 20 foot setback.

Action: Sherry/Mosel, 5/0/0. (Manson-Hing absent.)

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

**4. 1335 MISSION RIDGE RD**

E-1 Zone

Assessor's Parcel Number: 019-210-005  
 Application Number: MST2006-00285  
 Owner: Dario Pini  
 Architect: Bryan Murphy

(Proposal to reinstate approvals and legalize "as-built" additions and sitework for an existing three-story residence. Additions previously approved under expired building permits include 171 square feet on the first floor and 517 square feet on the second floor. Proposed as abatement of other building and zoning violations for "as-built" additions are 94 square feet on the first floor and 314 square feet of basement additions. The proposed project would result in a 5,490 square foot residence. The existing house is situated almost entirely within the required front-yard and a modification is required for the improvements to the structure. Two additions to the front of the house encroach into the public right-of-way, requiring an encroachment permit. The project is located on a 17,043 net square foot lot in the Hillside Design District.)

**(COMMENTS ONLY PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND STAFF HEARING OFFICER APPROVAL FOR MODIFICATIONS.)**

(7:25)

Present: Brian Murphy, Architect; Dario Pini, Owner. Heather Baker, Project Planner, was available to respond to questions.

Board Comment: There is concern that the as-built elevations do not match the drawings and current photographs of the site, making it difficult to provide constructive comments.

Public comment opened at 7:52 p.m.

Chair Wienke read into the record comments and letters from residents Beverly Johnson Trial, Stuart and Nancy Carroll, and Jack and Ann Hufford, all opposed. Concerns with rental units and hotel-like activity in a single family zone, including street paving impacts and fire evacuation concerns.

Public comment closed at 7:56 p.m.



814 + 816 W. Figueroa Street  
 City of Santa Barbara

**ATTACHMENT A**  
**CONDOMINIUM CONVERSION EVALUATION SYSTEM**

	POINTS POSSIBLE	POINTS RECEIVED
<b>A. PHYSICAL STANDARDS</b>		
1. <u>Unit Size</u> Meets ordinance requirements Substantially exceeds ordinance requirements	5 (1) (4)	0
2. <u>Utility Metering</u> Meets ordinance requirements for separate metering of all utilities Exception to requirements requested	2 (2) (0)	2
3. <u>Private Storage Space</u> Meets ordinance requirements Substantially more than 200 cubic feet provided	4 (2) 1 (2)	3
4. <u>Laundry Facilities</u> Meets ordinance requirements Provisions beyond minimum	3 (2) (1)	2
5. <u>Open Space</u> Meets ordinance requirements Provisions beyond minimum including additional private open space, additional common open space that is useable and accessible to occupants, common recreation facilities and/or permanent open space to preserve unique and/or natural features with extra emphasis on additional useable and accessible open space for families when units include greater numbers of bedrooms.	5 (1) 2 (4)	3
6. <u>Parking Standards</u> Meets ordinance requirements Provisions beyond minimum including additional assigned parking, covered parking for each unit, guest parking, bicycle parking facilities or other provisions.	5 1 (2) 1 (3)	2

	POINTS POSSIBLE	POINTS RECEIVED
7. <u>Additional Provisions</u> Provisions beyond minimum for energy or water conservation, improvements to existing structures and/or landscaping or other provisions.	6 2★ Built Green	4
<b>SUB-TOTAL SECTION A</b>	30	16

<b>B. TENANT PROVISIONS</b>		
1. <u>Tenant's Right to Purchase</u> Provisions beyond minimum including sales prices affordable to existing tenants, special financing arrangements and other provisions.	10	0
2. <u>Vacation of Units</u> Provisions beyond minimum including supplying professional relocation assistance and other provisions.	5	0
3. <u>Increase in Rents</u> Provisions beyond minimum including smaller than allowed rent increases, no rent increases or other provisions.	5	0
4. <u>Moving Expenses</u> (Monetary Assistance) Provisions beyond minimum including payment of actual expenses up to a stated maximum or other provisions.	5	5
5. <u>Additional Provisions</u>	5	0
<b>SUB-TOTAL SECTION B</b>	30	5

<b>C. AFFORDABILITY</b>		
1. A portion of the units are held as rental units with long-term leases at affordable rates.	10	0
2. A portion of the units, beyond those required by ordinance, are targeted for sale to households with incomes at 120% of median income in perpetuity.	10	0
3. A portion of the units are targeted for sale to households with incomes of less than 120% of the median income in perpetuity.	10	0
4. Other affordable housing provisions.	10	0

	POINTS POSSIBLE	POINTS RECEIVED
SUB-TOTAL SECTION C	40	0

SUB-TOTAL SECTION A	30	16
SUB-TOTAL SECTION B	30	5
SUB-TOTAL SECTION C	40	0
GRAND TOTAL	100	21

