



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** January 31, 2008  
**AGENDA DATE:** February 7, 2008  
**PROJECT ADDRESS:** 222 West Alamar Avenue (MST2006-00318)

**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Suzanne Johnston, Assistant Planner

### I. BACKGROUND

On December 5, 2007, the Staff Hearing Officer (SHO) considered a proposal for a one-lot subdivision to create three condominium units for the property located at 222 West Alamar Avenue. Please refer to SHO Staff Report December 5, 2007 for details (Exhibit A).

The SHO granted approval of the Tentative Subdivision Map and related Modification requests subject to the conditions of approval outlined in SHO Resolution No. 102-07 (Exhibit B). On December 17, 2007, an appeal of the SHO approval of the modifications was filed. The appeal letter (Exhibit C) outlines concerns with the findings that were made for the approval of the front yard setback modification, the parking modification, and the tentative subdivision map approval causing the demolition of a historic structure.

### II. PROJECT DESCRIPTION

The approved project consists of a proposal to demolish an existing single-family residence and one-car garage, and construct a new two-story building containing three condominium units, including two (2) one-bedroom units and one (1) two-bedroom unit, on a 6,000 square foot lot in the R-3/SD-2 Zones. The one-bedroom units would be 651 square feet and 714 square feet, and the two-bedroom unit would be 1,044 square feet. Four parking spaces would be provided within a two-car garage and two one-car garages. An estimate of 100 cubic yards of grading would be required.

### III. REQUIRED APPLICATIONS

The discretionary applications approved for this project were:

1. A Modification is required to allow a two-story structure to encroach into the required 20-foot front yard setback. (SBMC §28.45.008 and §28.92.110.B);
2. A Modification is required to reduce the required parking by one (1) parking space (SBMC28.90.100.G.3); and

3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC §27.07 and §27.13)

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: On Design Architecture Justin Van Mullem, Agent	Property Owner: Alamar Condos, LLC
Parcel Number: 051-213-008	Lot Area: 6,000
General Plan: Residential 12 units/acre	Zoning: R-3/S-D-2
Existing Use: Residential	Topography: 2%
Adjacent Land Uses: North – Residential East – Residential South – Residential West - Residential	

**B. PROJECT STATISTICS**

	Existing	Proposed Unit A	Proposed Unit B	Proposed Unit C
Living Area	663	714	1,044	651
Garage	220	243	420	215

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed Unit A	Proposed Unit B	Proposed Unit C
Setbacks -Front	R-3 10' 1-2 stories S-D-2 20' if 2 stories	15'	10' 1 <sup>st</sup> floor 20' 2 <sup>nd</sup> floor	N/A	N/A
-Interior	6' 1-2 stories	0'	6'	> 6'	> 6'
-Rear	6' 1 <sup>st</sup> Story 10' 2 <sup>nd</sup> story	7'	> 6' > 6'	> 6' > 10'	> 6'
Building Height	3 stories & 45'	One story on raised foundation	29'	29' 11"	29'
Parking	2 covered spaces (SFR) 1.5 spaces (1 bd) 2 spaces (2 bd)	2 covered	1	2	1
Lot Area Required for Each Unit (Variable Density)	1,840 sq. ft. (1 bd) 2,320 sq. ft. (2 bd)	N/A	6,000 sq. ft.		

10% Open Space	600 sq. ft.	> 600 sq. ft.	601 sq. ft.		
Private Outdoor Living Space	120 sq. ft (1 bed) 140 sq. ft (2 bed)		259 sq. ft.	272 sq. ft.	130 sq. ft.
Lot Coverage					
-Building	N/A	1,169 sf	19%	2,028 sf	34%
-Paving/ Drive	N/A	95 sf.	2%	2,093 sf	35%
-Landscaping	N/A	4,736 sf	79%	1,879 sf	31%

The proposed project would meet the requirements of the R-3/S-D-2 Zone, with the exception of the encroachment of Unit A into the required 20' front yard setback under the requirements for the S-D-2 zone and the need for a modification to reduce the parking by one space. Please see the discussion below.

**VI. APPEAL ISSUES**

The appellant, Derek Westen, rose several issues each of which are discussed below.

**A. FRONT YARD MODIFICATION**

The appellant stated that the front yard modification should not be allowed because it would have a significant adverse impact on the neighborhood.

The project is located in both the R-3 and S-D-2 Zones. The required front yard setback is ten feet (10') for one and two story buildings in the R-3 Zone; however, the front yard setback is 20' for two story buildings in the S-D-2 Zone. A front yard modification is being requested to allow the first floor of Unit A to encroach ten feet (10') into the required front yard setback with a covered front porch and six and one-half feet (6-1/2') with the new habitable floor area. The second floor of Unit A will be setback 20' feet.

Staff can support this modification based on the existing pattern of development within the neighborhood. The neighborhood is a transition point from residential to commercial zoning two parcels to the east. The SD-2 zone, adopted in 1979 follows the northerly side of Alamar Avenue from De La Vina to Oak Park and out to the US 101 Freeway. The southerly side of the street is not in the SD-2 zone and, therefore not subject to the stricter setback requirements. The modification, although providing additional habitable space, is offset by providing a useable front porch, with the first floor habitable space setback approximately 15' 7" from the front property line, and the entire second floor meets the setbacks. Review of City Records indicates that the majority of the neighborhood was developed with setbacks of approximately 10 feet.

**B. PARKING MODIFICATION**

The appellant stated that the parking modification should not be allowed because it would have a significant adverse impact on the neighborhood which already experiences a significant parking problem.

Staff recognizes that there are numerous existing apartment structures that were built at a time when the parking requirements were much lower, which in turn contributes to on street parking impacts.

The project is developed with two one-bedroom units and one two-bedroom unit, requiring a total of 5 parking spaces. The project, however, is providing a total of four parking spaces, all in garages. Two of the units are smaller one bedroom units of less than 750 square feet. Staff has determined that the parking demand for units of this size is only one space; therefore, Staff can support the reduction in parking provided by as proposed. In addition, the parking is provided within garages which do not face the street and the project site is located within walking distance to major employers around Cottage Hospital and public transportation on both De la Vina and State Streets.

### **C. POTENTIAL HISTORIC STRUCTURE**

The appellant states that the existing building should not be demolished because it is a historic resource. The existing residential structure and garage were evaluated for their historical potential in a Historic Structures Report prepared by Post/Hazeltine Associates dated November 2004. At that time the house was determined to be eligible for designation as a Structure of Merit and met Criterion 2 for listing on the State Register of Historical Resources because it is on the City's List of Potential Historic Resources.

The structure was built of single wall construction some time between 1891 and 1899. Various alterations have been made to the residence including the following: Changed to the wood windows to metal, panel door changed to wood fanlight door, porch railing removed and replaced with spindles, wood sashes with metal sashes replaced, windows added, and fenestration details removed. These changes which have diminished but not completely eliminated the historical integrity of the structure. However, the single wall construction, previous alterations, and lack of maintenance to the existing residence have resulted in a lack of structural integrity. The building is not structurally sound and would require significant upgrades to meet current codes, which would further affect the historic integrity.

Although the Historic Structures Report identified the existing structures as eligible for designation as Structures of Merit under the City's policies, the Historic Landmarks Commission did not initiate formal designation and forwarded the project (including the demolition of the existing structures) to the Staff Hearing Officer with positive comments. The applicant has incorporated the requested measures outlined on page 22 of the Historic Structures report into the project and has further agreed to make the building available for relocation or salvage of historic building details. The applicant has complied with the measure to reference the architectural style of the existing residence using traditional materials, has pursued courtesy review of the project with the Historic Landmarks Commission, and large format photography has already been filed with the City and the Historical Society's Gledhill Library. The applicant did consider the retention of the existing structure on site but has determined that it would not be feasible due to the issues outlined above. If the appeal is denied and the Staff Hearing Officer's decision is upheld, the project would be referred to the Architectural Board of Review for preliminary approval with consideration of the comments

from the Historic Landmarks Commission regarding the architectural reference to the existing structures.

## **VII. FINDINGS / RECOMMENDATION**

With the approval of the requested modifications, the project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Commission deny the appeal and uphold the Staff Hearing Officer's decision to approve the project making the findings outlined in Section I, and subject to the conditions of approval specified in Section II of Staff Hearing Officer Resolution No. 102-07.

### Exhibits:

- A. Staff Hearing Officer Staff Report, dated December 5, 2007
- B. Revised Staff Hearing Officer Resolution No. 102-07
- C. Appellant (Derek A. Westen, Attorney) letter, dated December 17, 2007
- D. SHO Minutes, dated December 5, 2007





# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** November 29, 2007  
**AGENDA DATE:** December 5, 2007  
**PROJECT ADDRESS:** 222 W Alamar Avenue (MST2006-00318)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Suzanne Johnston, Assistant Planner

### I. PROJECT DESCRIPTION

The project consists of a proposal to demolish an existing single-family residence and one-car garage, and construct a new two-story building containing three condominium units, including two (2) one-bedroom units and one (1) two-bedroom unit, on a 6,000 square foot lot in the R-3/SD-2 Zones. The one-bedroom units would be 651 square feet and 714 square feet, and the two-bedroom unit would be 1,044 square feet. Four parking spaces would be provided within a two-car garage and two one-car garages. An estimate of 100 cubic yards of grading would be required.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification is required to allow a two-story structure to encroach into the required 20-foot front yard setback. (SBMC §28.45.008 and §28.92.110.B);
2. A Modification is required to reduce the required parking by one (1) parking space (SBMC 28.90.100.G.3); and
3. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC §27.07 and §27.13)

### III. RECOMMENDATION

With the approval of the requested modifications, the proposed project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed Unit A	Proposed Unit B	Proposed Unit C
Setbacks					
-Front	R-3 10' 1-2 stories S-D-2 20' 2 stories	15'	10' 1 <sup>st</sup> floor 20' 2 <sup>nd</sup> floor	N/A	N/A
-Interior	6' 1-2 stories	0'	6'	> 6'	> 6'
-Rear	6' 1 <sup>st</sup> Story 10' 2 <sup>nd</sup> story	7'	> 6' > 6'	> 6' > 10'	> 6'
Building Height	3 stories & 45'	One story on raised foundation	29'	29' 11"	29'
Parking	2 covered spaces (SFR) 1.5 spaces (1 bd) 2 spaces (2 bd)	2 covered	1	2	1
Lot Area Required for Each Unit (Variable Density)	1,840 sq. ft. (1 bd) 2,320 sq. ft. (2 bd)	N/A	6,000 sq. ft.		
10% Open Space	600 sq. ft.	> 600 sq. ft.	601 sq. ft.		
Private Outdoor Living Space	120 sq. ft (1 bed) 140 sq. ft (2 bed)		259 sq. ft.	272 sq. ft.	130 sq. ft.
Lot Coverage					
-Building	N/A	1,169 sf 19%	2,028 sf 34%		
-Paving/ Drive	N/A	95 sf. 2%	2,093 sf 35%		
-Landscaping	N/A	4,736 sf 79%	1,879 sf 31%		

The proposed project would meet the requirements of the R-3/S-D-2 Zone, with the exception of the encroachment of Unit A into the required 20' front yard setback under the requirements for the S-D-2 zone and the need for a modification to reduce the parking by one space. Please see the discussion below.

**VI. ISSUES**

**A. HISTORIC LANDMARK COMMISSION (HLC) REVIEW**

This project is subject to HLC review because this structure is on the City's List of Potential Historic Resources: "McKain Residence." On November 20, 2004, the HLC reviewed a Historic Structures Report prepared by Post/Hazeltine Associates. During the reports review, the Commission gave the direction to the applicant to consider retaining the structure but did not require its retention. If the structure was to be demolished then a new structure should recapture the character of the existing structures by re-using architectural defining building materials (e.g. incorporating horizontal siding and matching the existing window detailing). The applicant chose to remove the existing structure. A structure/site that is listed as a

Structure of Merit, a Landmark, or if it is on the potential list; even if it is located outside of El Pueblo Viejo District, requires review by the HLC. This project was reviewed by the HLC on four separate occasions (meeting minutes are attached as Exhibit E). At the HLC's last review on July 25, 2007, the HLC forwarded the project to the Staff Hearing Officer with the comment that the parking modification does not cause an adverse aesthetic impact, the modification to allow the encroachment of the porch provides a useable space which contributes to the character of the neighborhood and that the project is ready for preliminary approval with minor changes to the project details.

#### **B. COMPLIANCE WITH THE GENERAL PLAN**

The project site is located in the Oak Park neighborhood and has a General Plan designation of Residential 12 units per acre. The Oak Park neighborhood is bounded on the north by Mission Creek; on the south by Sola Street; on the east by State Street; and on the west by Highway 101. This neighborhood is developed with older homes that are gradually being replaced by multi-family developments. The development of the northern part of the neighborhood, above Mission Street, has been influenced by Cottage Hospital and the surrounding medical complexes. This area has seen continual transition from residential to office and multi-family uses. The project site is located within walking distance to restaurants and stores along De La Vina Street. The residential development would be subject to the requirements of the R-3 Multi-Family Residential Zone and Special District 2 Overlay Zone which allows for 12 units per acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 22 units per acre, which, based on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

#### **Housing Element**

Santa Barbara has very little vacant or available land for new residential development. Therefore, City housing policies support build out of infill housing units in the City's urban areas. The City's Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The project would be consistent with the Housing Element as it will contribute two additional residential units to the City's existing housing stock. The Planning Commission has recently expressed concern about the large size of proposed condominium units. The Commission has established an informal "guideline limited condominium sizes to 85% of the lot area required under variable density. The mix of units in this project includes two one-bedroom units, and one two-bedroom unit. The proposed living areas for all three units are under this "rule of thumb" guideline which would be approximately 1,564 square feet for one-bedroom units and 1,972 square feet for two-bedroom units. On average, the three units and the attached garages are about 54% of the lot area required for the units under variable density.

#### **Neighborhood Compatibility**

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be

compatible in scale, size and design with the surrounding neighborhood. The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. Along Alamar Streets, the uses are a mixture of single family and multi-family residential uses to the west of the project site and a mixture of commercial/office uses to the east. The proposed two-story buildings have been broken up to reduce the verticality of the structure. The units share a common driveway. A porch facing the street provides relief to the streetscape and provides additional opportunities for landscaping. Although, a setback modification is required as discussed below, the proposed setback is consistent with the surrounding development.

One of the goals of the Urban Design Guidelines is compatibility of new development with the character of the City, the surrounding neighborhood, and adjacent properties. The ABR considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the ABR is supportive of the site plan, and the size, bulk and scale of the project.

### **Modifications**

***Front Yard Modification:*** The project is located in both the R-3 and S-D-2 Zones. The required front yard setback is ten feet (10') for one and two story buildings in the R-3 Zone; however, the front yard setback is 20' for two story buildings in the S-D-2 Zone. A front yard modification is being requested to allow the first floor of Unit A to encroach ten feet (10') into the required front yard setback with a covered front porch and six and one-half feet (6-1/2') with the new habitable floor area. The second floor of Unit A will be setback 20' feet.

Staff can support this modification based on the existing pattern of development within the neighborhood. The neighborhood is a transition point from residential to commercial zoning two parcels to the east. The modification, although providing additional habitable space, is offset by providing a useable front porch, a majority of the first floor habitable space is at least 15' 7" from the front property line, and the entire second floor meets the setbacks.

### ***Parking Modification:***

The project is developed with two one-bedroom units and one two-bedroom unit requiring a total of 5 parking spaces. The project, however, is only providing a total of four parking spaces, all in garages. Two of the units are smaller one bedroom units of less than 750 square feet. Staff has determined that the parking demand for units of this size is only one space; therefore, Staff can support the reduction in parking provided by one space. In addition, the parking is provided within garages which do not face the street and the project site is located within walking distance to public transportation on both De la Vina and State Streets.

## **C. ENVIRONMENTAL REVIEW**

The project will demolish a structure which is eligible for designation at a local level. However, with the mitigation outlined in the Historic Structures report dated May 5, 2004. The impact can be reduced to less than a significant level. The project has incorporated into the design of the proposed condominium project details which reflect the architectural style of the existing residence. The applicant will provide copies of large format photography of the

interior an exterior of the building prior to demolition to the City of Santa Barbara, The Gledhill Library, and the Central Coast Information Center at UCSB.

Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303, New Construction of Small Structures and 15315, Minor Land Divisions.

## **VII. FINDINGS**

The Staff Hearing Officer finds the following:

### **A. FRONT YARD MODIFICATION (SBMC §28.45.008 AND §28.92.110.B) AND PARKING MODIFICATION (SBMC28.90.100.G.3)**

1. The parking modifications would allow the applicant to secure an appropriate improvement on a lot, which will provide two additional modest size residential units to the housing stock. The one-bedroom units are modest in size and Staff has determined that one parking space will meet the parking demand for a unit size of less than 750 square feet.
2. The front yard modification allows for uniformity of improvement because the proposed setback is consistent with the setbacks of other buildings in the neighborhood.

### **B. THE TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map, with the approval of the Modifications, 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 variable 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.

### **C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element.

The project will provide infill residential development that is compatible with the surrounding neighborhood.

5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's Historic Landmarks Commission, which found the architecture and site design appropriate.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated July 12, 2007
- D. HLC Minutes



**STAFF HEARING OFFICER**  
**CONDITIONS OF APPROVAL**

222 W. ALAMAR STREET  
*TENTATIVE SUBDIVISION MAP AND MODIFICATIONS*  
DECEMBER 5, 2007

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

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **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. **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:
  5. **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) (parcels).
    - a. **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.

- b. **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.
  - c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- B. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
- 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  - 2. **Dedication.** Easement as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:  

A 3 foot x15-foot wide easement for private sanitary sewer purposes as shown on the approved Tentative Subdivision Map.
  - 3. **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.
  - 4. **Drainage Calculations.** The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
  - 5. **West Alamar Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on West Alamar 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, crack seal to the

centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, underground service utilities (*SBMC* §22.38.125 and §27.08.025), connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install new designated street tree per direction of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

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. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private driveway, subject to the review and approval of the Public Works Director and City Attorney.
- C. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Architectural Style.** The design of the proposed condominiums shall reference the architectural style of the existing house and shall use traditional materials. (*Mitigation measure of the Historic Structures Report prepared by Post/Hazeltine Associates.*)
  2. **Architectural Board of Review (ABR).** Review of the project up to the point of certificate of occupancy for the construction of condominium units is subject to the review and approval of HLC as mitigation of the Historic Structures Report. All subsequent reviews of proposed changes to the condominiums will be subject to the review and approval of the ABR.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
  2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- E. **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. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
2. **222 West Alamar Residence Documentation.** Prior to the issuance of a demolition permit, existing residence shall be fully documented using the City of Santa Barbara Community Development Department's "Required Documentation Prior to Demolition" recordation standards. The recordation effort shall include large-format, black-and-white archival photography, measured drawings of the residence as built (interior and exterior), and a detailed historic text researched and written by a professional historian knowledgeable about local resources. The recordation documentation shall become a part of the permanent archival collection of the City of Santa Barbara, and photocopies of the documentation shall be placed in the following local public archival repositories:
  - a. Gledhill Library of the Santa Barbara Historical Society;
  - b. Special Collections, Davidson Library, University of California at Santa Barbara.
  - c. Central Santa Barbara Public Library.

F. **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 A above.
2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full-size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner Date

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Contractor Date License No.

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Architect Date License No.

Engineer	Date	License No.
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G. **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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

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

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. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited

from parking within the public right-of-way, except as outlined in subparagraph b. below.

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
4. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), 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.
  5. **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.

H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) caused by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees, if any.
3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

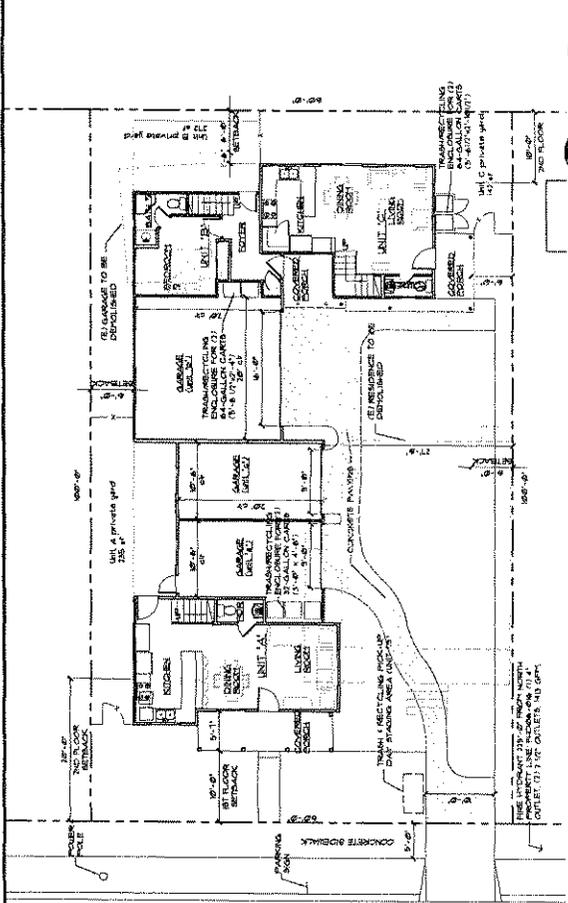
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification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

**NOTICE OF TENTATIVE SUBDIVISION MAP AND MODIFICATIONS TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map and Modifications 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.

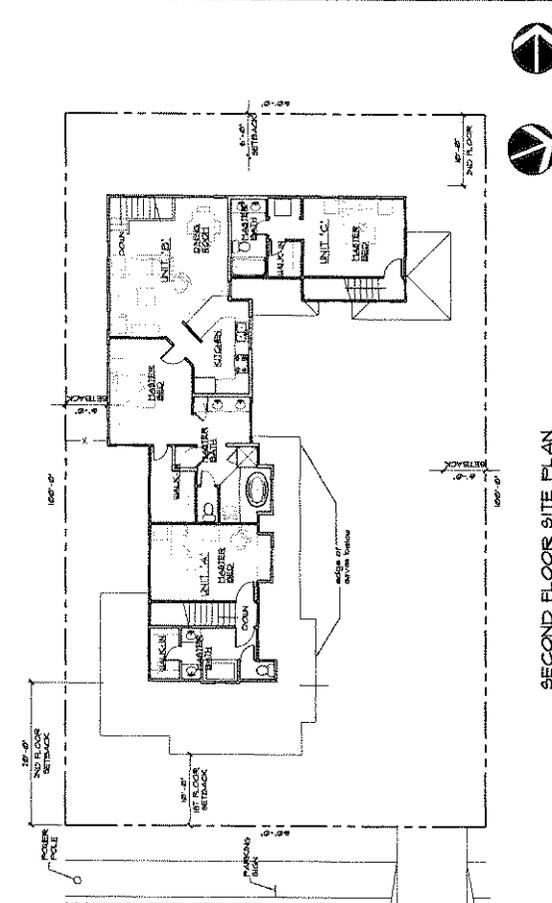






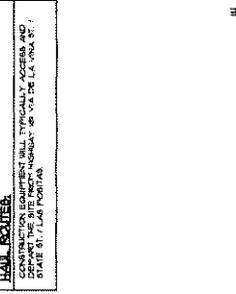
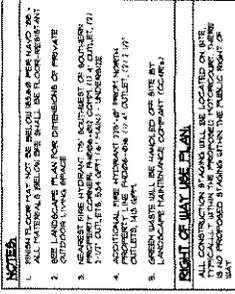
SCALE: 1/8" = 1'-0"

FIRST FLOOR SITE PLAN



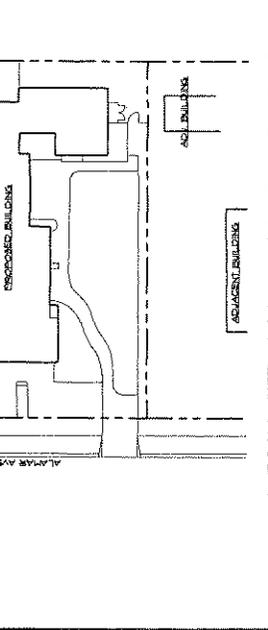
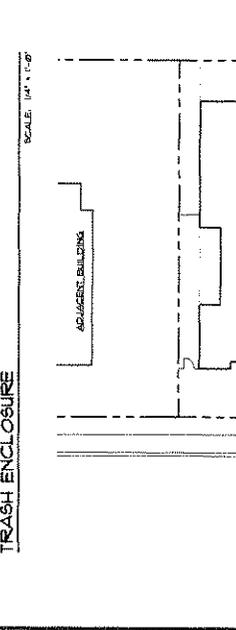
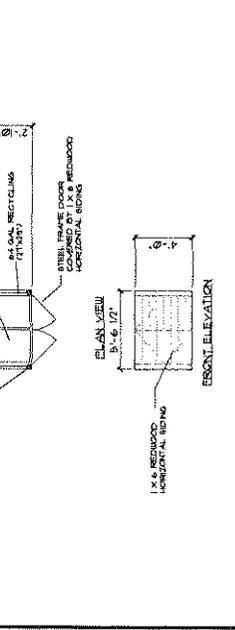
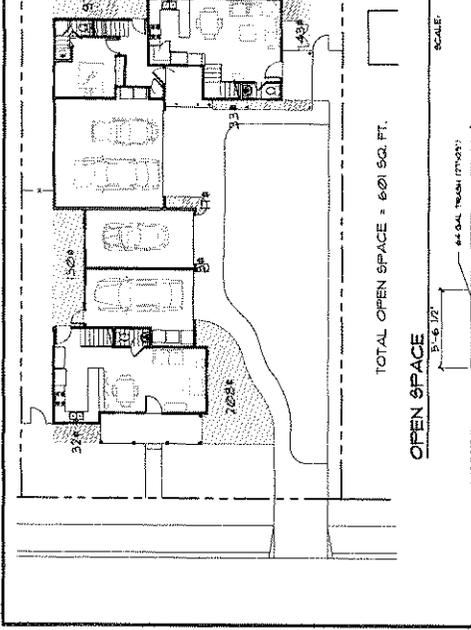
SCALE: 1/8" = 1'-0"

SECOND FLOOR SITE PLAN



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

OVERALL SITE PLAN WITH ADJACENT BUILDINGS



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



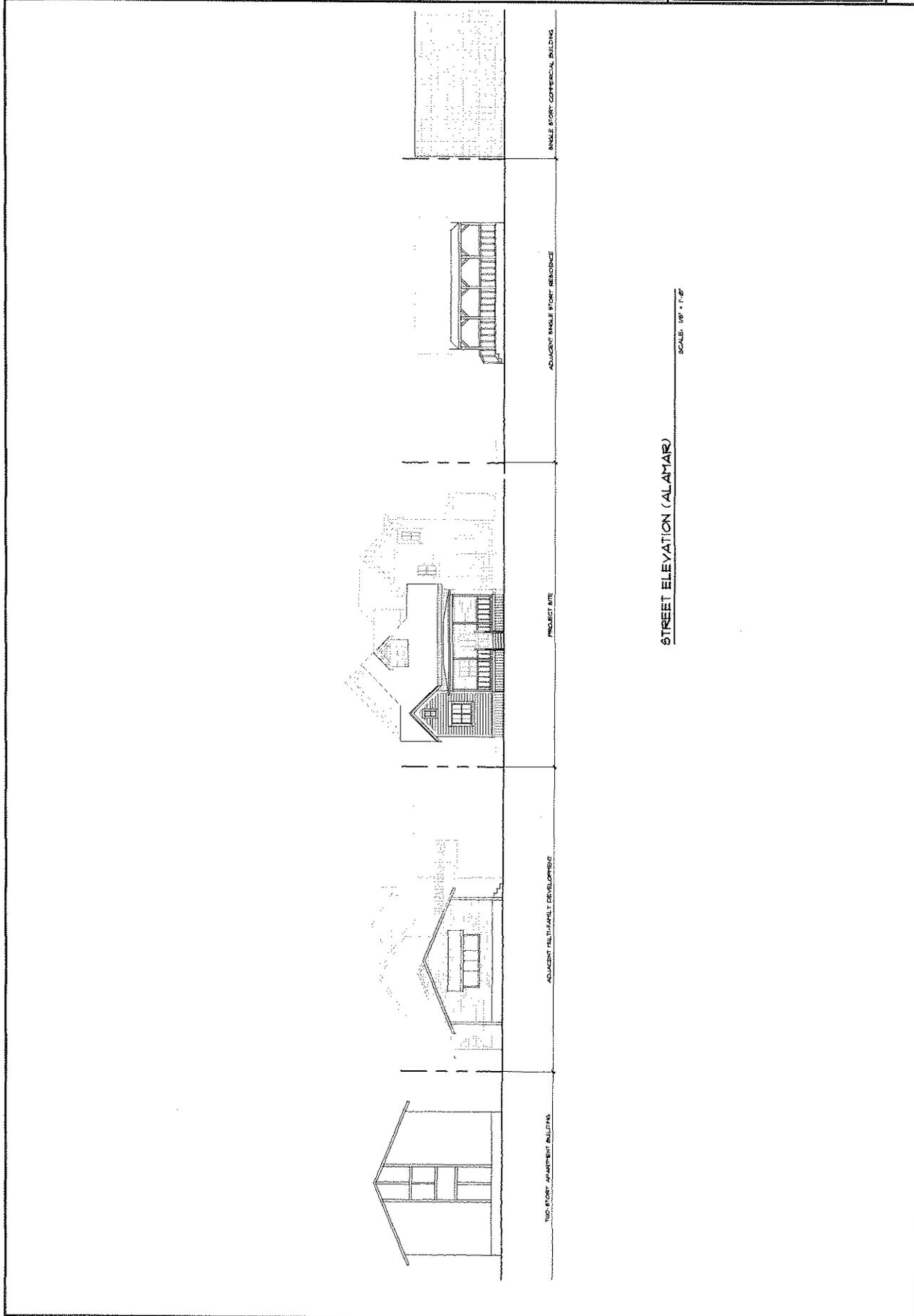


ON Design LLC  
 229 De La Vina - Suite 200 - Santa Barbara - California - 93101  
 Phone (805) 964-3354 Fax (805) 952-3904

ALMAR CONDOS  
 222 WEST ALAMAR  
 SANTA BARBARA, CALIFORNIA  
 STREET ELEVATION

PROJECT NO. \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_  
 DATE \_\_\_\_\_  
 DRAWN BY \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_  
 APPROVED BY \_\_\_\_\_

A-62



STREET ELEVATION (ALAMAR)

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



## **ON DESIGN, ARCHITECTURE & PLANNING**

829 De La Vina Street, Suite 200, Santa Barbara, CA 93101

Mailing Address: P.O. Box 489, Santa Barbara, CA 93102

PH: (805) 564-3354

FAX: (805) 962-3904

June 21, 2007

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

**RECEIVED**  
JUL 12 2007  
CITY OF SANTA BARBARA  
PLANNING DIVISION

**Subject: Revised Applicant Letter**  
**222 W. Alamar Ave., APN 051-213-008**  
**MST#2006-00318**

On behalf of the owner of 222 W. Alamar Ave, On Design is pleased to submit this application for a Land Use Permit, Tentative Map, Lot Merger, Setback Modification and Parking Modification for Staff Hearing Officer review.

The proposed one-lot subdivision would create three (3) new residential condominium units on a parcel currently developed with single-family residence.

### **Existing Use**

The subject property measures 60 feet wide by 100 feet deep and comprises a total of 6,000 square feet. The lot is zoned R-3 (with an SD-2 Overlay). Currently, the property is developed with a single-story residence of approximately 711 square feet with a detached two-car garage of approximately 245 square feet.

The existing residence was built with single-wall construction and does not meet current building code requirements. Based on discussions with Structural Engineer Mitch Perkins, the building would require significant structural changes to meet code requirements. Such changes would necessitate alteration to the appearance of the structure and would involve substantial costs in terms of design, labor and materials. The Historic Structures Report prepared by Post Hazeltine Associates states, "The house is of single wall construction and would prove difficult to renovate without removing a significant amount of the original fabric. Therefore, on-site preservation may not be a practical alternative." For these reasons, it is not feasible to retain this structure onsite.

The property is located in the Oak Park Neighborhood of Santa Barbara. While all immediately adjacent properties are zoned R-3 (and designated for residential development at a density of 12

units per acre), nearby uses include commercial, single-family residential and multi-family residential.

Nearby commercial uses, including a supermarket and various shops, are primarily located along De La Vina Street and State Street

### **Proposed Use**

The proposed project includes the demolition of the existing structure and garage in order to construct a new three-unit condominium building with attached garages. Four covered parking spaces would be provided within the proposed garages.

Unit A: One bedroom unit of 714 net sq.ft. with an attached one-car garage of 243 net sq.ft.

Unit B: Two-bedroom unit of 1,044 net sq.ft. with an attached two-car garage of 420 net sq.ft.

Unit C: One-bedroom unit of 651 net sq.ft. with an attached one-car garage of 215 net sq.ft.

The project would result in a total of 2,579 gross sq.ft. (2,409 net sq.ft.) of habitable living space.

### **Supplemental Questions:**

**Lighting:** Proposed exterior lighting would be hooded and would not direct any unobstructed light offsite. Proposed lighting is located at the unit entries, above the garage doors, and within the patio areas.

**Smoke or Odor:** The proposed project would not involve the creation of any smoke or odor. Short-term construction-related dust may be generated. However, standard dust control measures and best practices required as conditions of project approval are expected to minimize such fugitive dust.

**Noise:** The proposed project would not create any new long-term noise sources. Short-term construction-related noise is possible; however, it is expected that standard construction hours and the City's standard conditions of approval will minimize any potential construction-related noise.

**Geotechnical:** No geotechnical reports have been prepared for this site at this time.

**Resource Studies:** A Base Flood Elevation Determination dated August 7, 2006 is attached to this letter.

A Historic Resources Report was prepared for the existing structure by Post/Hazeltine Associates. This report included a number of impact mitigations that have been further explored with this submittal package.

A Phase I Archaeological Report has been prepared and is included with this submittal. The report indicates that no resources were found and concludes, "The potential for the proposed

project to encounter unknown but potentially significant prehistoric remains... is considered very unlikely. Therefore, project impacts on prehistoric resources are considered to be less than significant.”

**Trails:** There are no known existing or proposed trails or easements affecting the subject property.

**Creeks and Water Resources:** Mission Creek is located to the west of the subject parcel. Based on a review of aerial photography, the edge of riparian vegetation is located more than 100 feet west of the property boundaries.

**Hazardous Materials:** The project would not involve the use or disposal of hazardous materials. There is no known contamination of the site and there are no known oil wells in the area.

**Duration of Demolition, Grading, Construction:** At this time, we estimate one to two weeks would be needed for three workers to demolish the existing buildings and one week would be needed to complete the minor grading of the site using small standard grading equipment. Approximately one year would be needed to complete construction of the project. The number of workers is estimated to vary between five and ten, depending on the phase of construction and the tasks to be completed. The heaviest equipment would be associated with grading and concrete delivery. Construction would require traditional wood-framing tools and activities. Staging areas will be located onsite within the proposed motor court and yard areas.

### Vegetation and Trees

The 36” Aleppo Pine Tree at the southern corner of the property was previously removed pursuant to a tree removal permit (attached) due to concerns about the structural integrity of this tree and the safety threat it posed.

The proposed project would not require the removal of any significant native trees or vegetation. We propose to remove and replace the existing pittosporum plantings along the southerly property boundary. In addition, the 12” pepper tree identified in this general location would also be removed. The existing 24” pine tree and the existing 8” oak tree that straddle the southerly property boundary would be protected in place, as identified on Sheet L-1.1.

The current proposal includes substantial new landscaping and the planting of nine new trees. A new 24” box Coast Live Oak tree is proposed in close proximity to the prior location of the large pine tree. Please see Sheet L-1.1 for more information.

### Drainage

The site is very lightly sloped (average 2% slope). Grading and drainage plans have been included with this submittal as Sheet TM-2 and TM-3. A Storm Drainage Report, dated May 2007, has been included with this submittal. The proposed drainage plan incorporates a stormwater storage system, including infiltrators. The final design of this system will be determined in cooperation with Engineering and Building & Safety staff.

### **Grading**

Based on the proposed grading plan, proposed grading within the building footprint would be limited to less than 50 cubic yards (cu.yd.) cut, less than 50 cu.yd. fill and would require recompaction of approximately 150 cu.yd. Outside the building footprint, less than 50 cu.yd. cut and less than 50 cu.yd. fill would be required. Approximately 100 cu.yd. of recompaction would be needed outside the building footprint. There would be no resulting import or export of material.

### **Landscaping Statistics**

Our current proposed site coverage is as follows:

Total lot size – 6,000 sq. ft.  
Building Coverage – 34% (2,028 sq. ft.)  
Landscape Coverage – 31% (1,879 sq. ft.)  
Paved Area Coverage – 35% (2,093 sq. ft.)

(Of the 1,879 sq.ft. of paved area, approximately 50% would be constructed using permeable concrete pavers.)

### **Project Justification**

It is our goal to enhance the eclectic character of the existing neighborhood with an attractive multi-family residential project that promotes pedestrian travel and takes advantage of nearby amenities. At their meeting of December 13, 2006, the Historic Landmarks Commission re-affirmed their appreciation for the “ingenious” site plan and stated their support for the requested parking and setback modifications.

222 W. Alamar is located in Santa Barbara’s Oak Park Neighborhood, an area which includes high levels of residential density. The style of the structure is derived from the quirky, folksy feel of the existing structure and reflects the diverse architectural history of the neighborhood, while also providing a density of development consistent with the area’s land use designation. The proposed project is located in a Limited Multiple-Family Residence Zone district in which “the principle use of land is for multiple-family dwellings, together with recreational, religious and educational facilities required to serve the community.” (§28.21.005.1 – R-3 Zone) Moreover, the proposed project will provide additional infill housing in the Oak Park area where existing recreational and commercial amenities exist and contribute dwelling units to the City’s limited housing stock. Furthermore, the proposed project is located within a ten-minute walking distance to Cottage Hospital and could, therefore, provide economical housing for hospital staff.

The proposed building is designed to soften the visual effect of the two-story structure by incorporating unique detailing and concentrating the denser two-story portions of the structure at the rear. The covered porch at the front of the building provides a simple pedestrian orientation that is meant to define the street presence of the project.

**Justification for Requested Modifications:**

Given the site's proximity to markets, shops and major transportation corridors, we feel this is a perfect site on which to approve the requested modifications to allow the construction of an attractive three-unit, pedestrian-oriented project. The project includes two one-bedroom units of less than 750 square feet each.

The requested setback modification would permit the construction of the one-story portion of the project no closer than ten feet to the property line. All two-story portions of the structure would be consistent with the standard 20' setback. The reduced setback for the single-story portion of the building affords additional design flexibility which enables a more varied building mass and an ample, pedestrian-scale front porch. The proposed setback is consistent with the setbacks of numerous other structures along this section of Alamar Avenue (please see the "Neighborhood Setback Exhibit and Photo Key" included with the original DART application package).

The requested parking modification would require one parking space per one-bedroom unit, thereby facilitating a density of development consistent with the site's land use designation. We feel the proposed density is appropriate due to the lot's location and the limited need for an automobile in this location. The proposed modification would not cause an increase in the demand for parking spaces, as the one-bedroom units are each less than 750 square feet and it is reasonable to assume the households will be limited to a single car each. Two spaces would be provided for the proposed two-bedroom unit.

The requested modifications are necessary to secure appropriate development of this urban lot with three units. This site is ideal for denser development that takes advantage of the numerous public amenities within walking distance. As public transportation is readily available, it is appropriate to develop smaller units with reduced parking requirements. Additionally, the proposed units would provide much-needed opportunities for home ownership within this neighborhood. It would be extremely difficult to site three units on this property without both requested modifications, as two of the units are already restricted to less than 750 square feet each and the City's open space requirements have provided a significant design challenge when combined with the requests of the HLC. Approval of the requested modifications would enable relative density, without the appearance of dense residential development.

**Compliance with Physical Standards for Condominiums**

The proposed condominiums meet the physical standards set forth by Title 27 (SBMC §27.13.060):

1. Parking: We are requesting a waiver to allow only one parking space for the two one-bedroom units. Two spaces will be provided for the two-bedroom unit. With approval of the requested waiver, all required parking would be provided within enclosed garages. Justification for this request can be found above.
2. Private Storage Space: As the project includes enclosed garages for each of the three proposed units, we are requesting a waiver of the requirement to provide 300 cubic feet of separate storage space. Section 27.13.060.2 specifically allows such a waiver. With approval of the requested waiver, the project would be consistent with this requirement.

3. Utility Metering: Each unit will have its own utility meters. Sheets TM-2 and TM-3, prepared by the Civil Engineer, depict the locations of the meters.
4. Laundry Facilities: Separate laundry facilities will be provided within each unit. Please see the floor plans indicating the location of each unit's washer and dryer areas.
5. Public Improvement Districts: All utility connections and improvements within the public right-of-way will be consistent with City standards and requirements.
6. Density: In the R-3 zone district, each one-bedroom unit requires 1,840 square feet of lot area and each two-bedroom unit requires 2,320 square feet of lot area. The lot is 6,000 square feet in area. Therefore, we are in compliance with the density allowances of the zone district.
7. Unit Size: Each unit size is well above the 400 square foot minimum enclosed living area requirement.
8. Outdoor Living Space: As indicated on sheet T-1.1 and depicted on Sheet L-1.1, the required outdoor living space is provided as follows:
  - Unit A: 259 square feet on the ground floor
  - Unit B: 272 square feet on the ground floor
  - Unit C: 130 square feet on the ground floor
9. Storage of Recreational Vehicles: No storage of recreational vehicles is proposed.

### **Pre-Application Review**

The project has been previously reviewed by the PRT and the ABR. The July 2, 2006 PRT letter is attached and includes item-by-item responses. The HLC most recently reviewed the project on April 18, 2007.

With this revised submittal, we have strived to address items mentioned by the HLC:

- We have redesigned the entries to the rear units in order to add definition and a sense of entry
- The front porches of both Units A and C have been enlarged
- Fenestration has been simplified
- The design of the driveway and paving has been refined
- Overall, the details have been simplified and the stickwork has been removed
- Exterior materials have been changed from stucco and metal roofing to horizontal siding and composition shingle roof
- A preliminary landscape plan has been included with this submittal

### **Tenant Displacement Assistance Ordinance:**

The current tenant was made aware – in writing - of the pending development plans and accepted the terms of the month-to-month lease (documentation attached). The prior tenant was also made aware – in writing – of the development plans and was also on a month-to-month lease whereby either party could end the lease with 30-days prior notice (document attached). After living at the property from April 1, 2006 to January 6, 2007, this tenant ended her month-to-month lease for personal reasons that were unrelated to the subject application (notice of intent to vacate attached). Based on this information, the Tenant Displacement Assistance Ordinance does not apply and we are not required to provide tenant noticing 60 days in advance of this submittal. (An attached email from former planner Chelsey Swanson confirms this.)

**Discretionary Approval Being Sought**

We are seeking Staff Hearing Officer approval for a new three-unit condominium project. Based on direction provided by City staff, we are requesting a Land Use Permit, Tentative Map, Lot Merger, Setback Modification and Parking Modification.

Following our PRT and DART meetings with City staff, we have worked rigorously to provide all the requested information and ensure compliance with all applicable City regulations. We believe the proposed project will provide needed pedestrian-oriented urban infill housing within an appropriate area of the City. Within the 6,000 square foot parcel, our greatest design challenges relate to managing mass and a proper scale for a historically-derived design that still provides adequate parking and open space. We have strived to incorporate aesthetically pleasing site improvements with an architectural style that compliments the area's character and emulates the style of the prior residence. We are not aware of any other significant issues facing the project and hope it will be received favorably by City staff.

Please do not hesitate to contact me at (805) 564-3354, ext. 18 with any questions or concerns.

Sincerely,



Noah Greer  
Project Manager  
ON Design Architecture and Planning

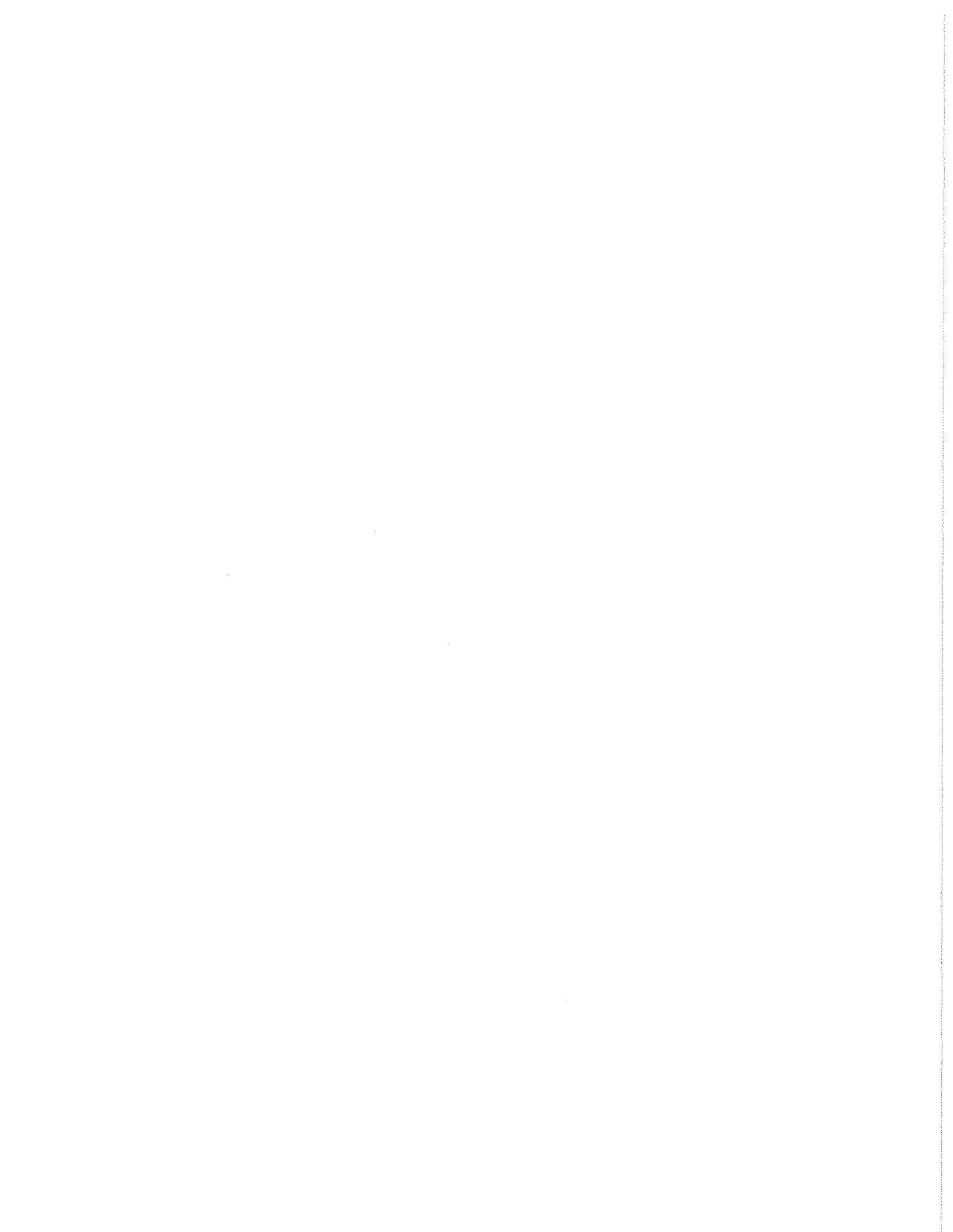
Attachments [provided with original DART submittal, unless otherwise noted]:

- Check in the amount of \$2,085.00 (included with this submittal)
- 10 sets of plans (update plans attached)
- One reduced set of plans
- Copy of 7/5/06 PRT Letter
- April 10, 2007 PRT Response Letter
- Site Photos and Legend
- Neighborhood Setback Exhibit, Aerial and Photo Key
- Storm Drainage Report prepared by Mike Gones, Civil Engineer, 5/06
- Phase I Archaeological Report, Stone Archaeological Consulting, 12/06 (3 copies)
- Memo from Mitch Perkins re: retention/relocation of existing structure, 4/9/07
- City of Santa Barbara Tree Removal Permit, 11/2/2006
- Base Flood Elevation Determination, 8/7/06
- Preliminary Title Report, 1/11/07 (2 copies)

DART Submittal  
222W. Alamar Ave. (MST2006-00318)  
June 21, 2007

City of Santa Barbara Tree Removal Permit, 11/2/06  
HLC Review Minutes, 11/10/04, 9/20/06, 12/13/06  
Early Site Plan w/ hand-drawn revisions from Transportation Planner Stacey Wilson  
Email from Senior Engineering Technician Mike Cloonan re: utility letters, 3/6/07  
Email from former City Planner Chelsey Swanson re: TDAO  
Current lease terms, 1/9/07  
Notice of intent to vacate property, 12/6/06  
Previous lease terms, 3/7/06  
Email from former City Planner Chelsey Swanson re: submittal of DART application

Cc: Alamar Partners LLC, P.O. Box 819, Santa Barbara, CA 93102





HISTORIC LANDMARK COMMISSION  
CASE SUMMARY

**MST2004-00741**

HIST STUCT RPT      222 W ALAMAR AVE

Page: 1

**Project Description:**

Proposal to demolish the existing house and replace it with two two-story condominiums units. This submittal is for the Historic Structures Report only.

**Activities:**

**11/10/2004                      HLC-Historic Structures Report**

*(Review of Historic Structures Report by Post/Hazeltine Associates.)*

*(1:47)*

*Patrick Carroll, Owner; Pamela Post, Author; and Tim Hazeltine, Applicant, present.*

*Staff Comment: Jake Jacobus, Urban Historian, stated that Staff has read the report and agrees with the conclusions and recommendations found in the report.*

*Staff Comment: Jaime Limon, Design Review Supervisor, stated that a request can be made to the Architectural Board of Review for the Historic Landmarks Commission (HLC) to have courtesy review on the project. Mr. Limon also explained that if the project is a Structure of Merit, a Landmark, or if it is on the potential list, it will automatically come before the HLC.*

*Motion: The Commission accepts the report with the following comment and conditions: 1) While the Commission considers the retention of the structure to be important, and the importance of the mitigation measure to reconstruct the house in a style deferential to the existing structure, we hereby request that the Architectural Board of Review defer a courtesy review of the new project to the Historic Landmarks Commission. 2) The applicant is to further consider retention of the existing building on the site or consider re-use of architectural defining building materials. 3) Substitute the word "Shall" for "Should" on page 22. 4) Remove the word "Landmark" from the summary on page 17. 5) Add the word "meet" on the first paragraph of page 19.*

*Action: Suding/Spann, 9/0/0.*

**11/10/2004                      HLC-Hist. Struc. Rpt Accepted**

**EXHIBIT D**



## DESIGN REVIEW ACTIVITIES SUMMARY

**222 W ALAMAR AVE (MST2006-00318)**

**R-NEW**

*This structure is on the City's List of Potential Historic Resources: "McKain Residence." Proposal to demolish an existing 1,486 square foot single family residence and detached 220 square foot garage and construct three new condominium units totaling 2,627 square feet. Five parking spaces will be provided in three attached garages totaling 1,070 square feet. This approximately 6,000 square foot parcel is located outside of El Pueblo Viejo Landmark District. Staff Hearing Officer approval will be required for a front yard setback modification and a parking modification.*

**Status:** *Pending*

**DISP**

**Date 3**

**HLC-Concept Review (New)**

**CONT**

**09/20/06**

(Note: Historic Structures/Sites Report accepted by Historic Landmarks Commission on November 11, 2004, under MST2004-00741.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A FRONT YARD SETBACK MODIFICATION.)

(4:25)

Present: Justin Van Mullem, Architect; and Jim Donohoe, Applicant

Public comment opened at 4:39 p.m.

Kellam De Forest, interested party, expressed concern regarding the trailer park and how the applicant would screen the trailer park from public view.

Ms. Gantz made note that a letter was submitted and distributed to all Board members from Ms. Marlene Gillilou, an adjacent neighbor, expressing her concern regarding privacy and parking issues of the proposed project.

Public comment ended at 4:40 p.m.

Motion: Continued indefinitely to Full Board with the following comments: 1) The proposal needs to reflect the architecture of the existing residence conforming to the Historic Structures Report. 2) The building mass needs resolution, particularly with respect to the first and second floors. 3) Lower the first and second floor plate heights. 4) The architecture shall draw inspiration from two-story American Gothic architecture. 5) Site plan is ingenious, particularly with respect to the location of front and rear doors; however, some issues such as the connection to open space need to be resolved. 6) The setback modification is supportable. 7) Restudy the positive and negative space on the elevations. 8) The third-floor roof deck should be restudied for a better solution; at least one Commissioner supported it. 9) Simplify the massing of roof lines more in the direction of the existing structure. 10) Resolve massing relationships, particularly with respect to the front and the rear. 11) Consider the double use of the driveway being utilized for open space and drive, and using alternative materials. 12) If included, the third story element should look more like a cupola.

Action: Hsu/Hausz, 8/0/0. (Naylor absent.)

**HLC-Concept Review (Continued)**

**CONT**

**12/13/06**

(Second Concept Review. Note: Historic Structures/Sites Report accepted by Historic Landmarks Commission on November 11, 2004, under MST2004-00741.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER

APPROVAL OF A FRONT YARD SETBACK MODIFICATION AND A PARKING MODIFICATION.)

(6:48)

Present: Justin Van Mullem, Architect.

Motion: Continued indefinitely to Staff Hearing Officer with the following comments: 1) The site plan is still ingenious. 2) The Commission appreciates the open space that is now on the first floor level. 3) The Commission still supports the modification for the reduction in parking spaces, and setback. 4) Continue to study the surface materials of the driveway. 5) Study moving the Unit A and Unit C trash enclosures so the porches can be larger and perhaps turn the corner. 6) Resolve the entrance delineation to Unit B. 7) Carve out as much of the driveway for landscape as possible. 8) The majority of the Commission felt that the American Gothic style should be simplified, with less ornamentation and decoration, in a more folk style to capture the charm of the existing building. 9) Use a horizontal siding and composition roof. At least one Commissioner supports the metal standing seam roofing. 10) Study the fenestration on all elevations.

Action: Hsu/Pujo, 9/0/0. Motion carried. (Boucher/Hausz absent.)

**HLC-Concept Review (Continued)**

**CONT**

**04/18/07**

(Third Concept Review. Note: Historic Structures/Sites Report accepted by Historic Landmarks Commission on November 11, 2004, under MST2004-00741.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A FRONT YARD SETBACK MODIFICATION AND A PARKING MODIFICATION.)

(3:51)

Present: Noah Greer, Project Manager; and Justin Van Mullen, On Design Architects

Motion: Continued indefinitely to the Staff Hearing Officer with the following comments: 1) The project is acceptable. 2) The architectural encroachment is supportable because the roof height is determined by the style of the existing structure. 3) While it is not in the Commission's preview to speak to the reduction of parking spaces, there is an aesthetic benefit to the building to have fewer garage doors. The Commission leaves the issue to the Staff Hearing Officer. 4) Make the porches larger and more in proportion to the building. 5) Simplify the flagstone pathway on the north side.

Action: Adams/Boucher, 6/0/1. (Sharpe abstained. La Voie absent.) Motion carried.

(Review of Phase I Archaeological Resources Report prepared by David Stone, Stone Archaeological Consulting.)

(3:50)

Staff comment: Susan Gantz, Planning Technician II, stated that Dr. Glassow reviewed the report and concluded that the archaeological investigation supports the report's conclusions and recommendations that, because the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources, no mitigation measures are required.

Motion: To accept the report as presented.

Action: Hausz/Boucher, 6/0/1. (Sharpe abstained. La Voie absent.) Motion carried.

Phase I Archaeological Resources Report dated December 2006, prepared by David Stone, M.A., was accepted by the HLC on 4/18/07.

**HLC-Concept Review (Continued)**

**CONT**

**07/25/07**

(Fourth Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A FRONT YARD SETBACK MODIFICATION AND A PARKING MODIFICATION.)

(5:36)

Present: Noah Greer and Justin Van Mullem, On Design Architects

Straw votes: How many Commissioners would agree that the roof pitch of the front porch should be shallower, but remain hipped? 6/0. (All agreed.)

How many Commissioners could support the dormer on the front elevation in the location where it is being proposed? 4/2.

How many Commissioners would agree with connecting the porches between Units C and D? 1/5. (Boucher/Curtis/La Voie/Murray/Naylor opposed.)

How many Commissioners would agree to relocate Unit B's entry door? 6/0. (All agreed.)

Public comment opened at 5:59 p.m.

Ms. Gantz acknowledged receipt of a letter from Paula Westbury, local resident, expressing opposition to the project.

Public comment closed at 5:59 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and then return to Consent for preliminary and final approval with the following comments: 1) The project is worthy of preliminary approval and is to return to the Consent Calendar for final review. 2) The parking modification is supportable. 3) The modification to the front yard setback is supportable, mitigated by usable depth of the front porch contributing to the character of the neighborhood and usable open space for the inhabitants. 4) The roof pitch of the front porch needs to be shallower, but remain a hip. 5) Relocating the entry door on Unit B was recommended. 6) All other elements of the design are acceptable.

Action: Boucher/Naylor, 6/0/0. (Sharpe stepped down. Adams/Hausz absent.) Motion carried.



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 102-07

*Showing proposed revisions. Project is on appeal to Planning Commission*

222 W. ALAMAR AVENUE

MODIFICATIONS AND TENTATIVE SUBDIVISION MAP

DECEMBER 5, 2007

**APPLICATION OF JUSTIN VAN MULLEM, FOR ALAMAR PARTNERS, LLC, 222 WEST ALAMAR AVENUE, 051-213-008, R-3 MULTI-FAMILY RESIDENTIAL/ S-D-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2006-00318)**

The project consists of a proposal to demolish an existing single-family residence and one-car garage, and construct a new two-story building containing three condominium units, including two (2) one-bedroom units and one (1) two-bedroom unit, on a 6,000 square foot lot in the R-3/SD-2 Zones. The one-bedroom units would be 651 square feet and 714 square feet, and the two-bedroom unit would be 1,044 square feet. Four parking spaces would be provided within a two-car garage and two one-car garages. An estimate of 100 cubic yards of grading would be required.

The discretionary applications required for this project are:

1. A Modification is required to allow a two-story structure to encroach into the required 20-foot front yard setback. The project is located in both the R-3 and S-D-2 Zones. The required front yard setback is ten feet (10') for one and two story buildings in the R-3 Zone; however, the front yard setback is 20' for two story buildings in the S-D-2 Zone. (SBMC §28.45.008 and §28.92.110.B);
2. A Modification is required to reduce the required parking by one (1) parking space (SBMC28.90.100.G.3); and
3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC §27.07 and §27.13)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New construction).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and five (5) people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 29, 2007.
2. Site Plans
3. Correspondence received in opposition to the project:

REVISED

STAFF HEARING OFFICER RESOLUTION NO. 102-07

222 W. ALAMAR AVENUE

DECEMBER 5, 2007

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- a. Ms. Marlene Gillilan, 218 W. Alamar Avenue, Santa Barbara, CA 93105.
- b. Ms. Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109.
- c. Ms. Nora Gallagher, 2510 Orella Street, Santa Barbara, CA 93105.

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
  - A. **Front Yard Modification (SBMC §28.45.008 and §28.92.110.B) and Parking Modification (SBMC28.90.100.G.3)**
    1. The parking modifications would allow the applicant to secure an appropriate improvement on a lot, which will provide two additional modest size residential units to the housing stock. The one-bedroom units are modest in size and Staff has determined that one parking space will meet the parking demand for a unit size of less than 750 square feet.
    2. The front yard modification allows for uniformity of improvement because the proposed setback is consistent with the setbacks of other buildings in the neighborhood.
  - B. **The Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map, with the approval of the Modifications, 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 variable 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.
  - C. **The New Condominium Development (SBMC §27.13.080)**
    1. There is compliance with all provisions of the City's Condominium Ordinance.
    2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
    3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
    4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
    5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's

REVISED

STAFF HEARING OFFICER RESOLUTION NO. 102-07

222 W. ALAMAR AVENUE

DECEMBER 5, 2007

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aesthetics, parks, streets, traffic, parking and other community facilities and resources.

6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's Historic Landmarks Commission, which found the architecture and site design appropriate.

II. Said approval is subject to the following conditions:

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

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
  1. **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. **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:
  5. **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) (parcels).

- a. **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.
- b. **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.
- c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants; reciprocal easement agreement, or similar agreement required by this condition.

**B. Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Dedication.** Easement as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:  

A 3 foot x15-foot wide easement for private sanitary sewer purposes as shown on the approved Tentative Subdivision Map.
3. **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.
4. **Drainage Calculations.** The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that

the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

5. **West Alamar Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on West Alamar 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, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, underground service utilities (*SBMC* §22.38.125 and §27.08.025), connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install new designated street tree per direction of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
  6. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR) considering the recommendations of the Historic Landmarks Commission (HLC). ABR HLC shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Architectural Style.** The design of the proposed condominiums shall reference the architectural style of the existing house and shall use traditional materials. *(Recommendation (Mitigation measure of the Historic Structures Report prepared by Post/Hazeltine Associates as implemented by the HLC committee review.)*
  - ~~2. **Architectural Board of Review (ABR).** Review of the project up to the point of certificate of occupancy for the construction of condominium units is subject to the review and approval of HLC as mitigation of the Historic Structures Report. All subsequent reviews of proposed changes to the condominiums will be subject to the review and approval of the ABR.~~
  2. **Reduce Building Height.** ~~The Architectural Board of Review is asked~~ Historic Landmarks Commission is requested to consider a reduction ~~of~~ in the overall building height to improve compatibility with adjacent structures. The roof pitch and architectural style proposed seems to be adding to the building's overall height.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Recordation of Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
  2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- E. 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. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
  2. **222 West Alamar Residence Documentation.** Prior to the issuance of a demolition permit, existing residence shall be fully documented using the City of Santa Barbara Community Development Department's "Required Documentation Prior to Demolition" recordation standards. The recordation effort shall include large-format, black-and-white archival photography, measured drawings of the residence as built (interior and exterior), and a detailed historic text researched and written by a professional historian knowledgeable about local resources. The recordation documentation shall become a part of the permanent archival collection of the City of Santa Barbara, and photocopies of the documentation shall be placed in the following local public archival repositories:
    - a. Gledhill Library of the Santa Barbara Historical Society;
    - b. City of Santa Barbara/Urban Historian
- F. 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~~ Historic Landmarks Commission, outlined in Section C above.
  2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full-size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

**G. 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. (Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.)

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

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. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
  - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
4. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), 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.
5. **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.

**H. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) caused by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees, if any.
3. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

**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

REVISED

STAFF HEARING OFFICER RESOLUTION NO. 102-07  
222 W. ALAMAR AVENUE  
DECEMBER 5, 2007  
PAGE 10

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.

This motion was passed and adopted on the 5th day of December, 2007, by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

\_\_\_\_\_  
Kathleen Goo, Staff Hearing Officer Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Historic Landmarks Commission (HLC) approval and then a building permit. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

5. **NOTICE OF TENTATIVE SUBDIVISION MAP AND MODIFICATIONS TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map and Modifications 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.

cc: Jaime Limon

DEREK A. WESTEN  
ATTORNEY AT LAW  
1800 JELINDA DRIVE  
SANTA BARBARA, CALIFORNIA 93108

EMAIL: DEREK@WESTENLAW.COM  
FACSIMILE: (805) 963-7131  
TELEPHONE: (805) 963-7130

RECEIVED

DEC 17 2007

CITY OF SANTA BARBARA  
PLANNING DIVISION

December 17, 2007

Staff Hearing Officer  
City of Santa Barbara Planning & Zoning  
630 Garden Street  
Santa Barbara CA 93101

Re: Appeal of Modification Approval 222 West Alamar; Resolution No. 102-07  
MST 2006-00318

Dear Staff Hearing Officer:

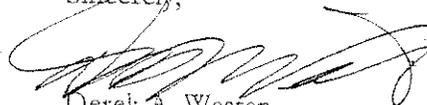
On behalf of Joel Peterson, whom I represent, we are hereby appealing to the Planning Commission the action of the Staff Hearing Officer on December 5, 2007, approving two (2) modifications and a subdivision for the property at 222 West Alamar, Santa Barbara, California.

The principal reasons for the appeal are:

1. There is no justification for a modification encroaching into the front yard setback, and the modification would have a significant adverse impact on the neighborhood; and
2. There is no justification for a modification reducing the parking requirement, and the modification would have a significant adverse impact on the neighborhood because the neighborhood already experiences a significant parking problem; and
3. Approval of the tentative map for the proposed three-unit condominium will result in an inappropriate destruction of the historic building on the property and will adversely affect the character of the neighborhood.

Please call with any questions regarding this appeal.

Sincerely,



Derek A. Westen  
Attorney at Law

cc. Joel Peterson

EXHIBIT C



**ACTUAL TIME: 1:45 P.M.**

**A. APPLICATION OF JUSTIN VAN MULLEM, FOR ALAMAR PARTNERS, LLC, 222 WEST ALAMAR AVENUE, 051-213-008, R-3 MULTI-FAMILY RESIDENTIAL/ S-D-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2006-00318)**

The project consists of a proposal to demolish an existing single-family residence and one-car garage, and construct a new two-story building containing three condominium units, including two (2) one-bedroom units and one (1) two-bedroom unit, on a 6,000 square foot lot in the R-3/SD-2 Zones. The one-bedroom units would be 651 square feet and 714 square feet, and the two-bedroom unit would be 1,044 square feet. Four parking spaces would be provided within a two-car garage and two one-car garages. An estimate of 100 cubic yards of grading would be required.

The discretionary applications required for this project are:

1. A Modification is required to allow a two-story structure to encroach into the required 20-foot front yard setback. The project is located in both the R-3 and S-D-2 Zones. The required front yard setback is ten feet (10') for one and two story buildings in the R-3 Zone; however, the front yard setback is 20' for two story buildings in the S-D-2 Zone. (SBMC §28.45.008 and §28.92.110.B);
2. A Modification is required to reduce the required parking by one (1) parking space (SBMC28.90.100.G.3); and
3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC §27.07 and §27.13)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New construction).

Case Planner: Suzanne Johnston, Assistant Planner  
Email: [sjohnston@santabarbaraca.gov](mailto:sjohnston@santabarbaraca.gov)

Justin Van Mullem, Applicant; and Stacey Wilson, Assistant Transportation Planner, present.

Mr. Limón announced that he read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Suzanne Johnston, Assistant Planner, gave the Staff presentation and recommendation.

Mr. Limón requested the applicant clarify some questions regarding the project's 20-foot setback and encroachments (pop-outs) within zoning, elevations, and the parking plan, square footage and subsequent massing of the second story.

Mr. Van Mullem stated that the Historic Landmarks Commission was in support of the proposed project.

The Public Hearing was opened at 1:57 p.m.

Ms. Karen Royal Coberly expressed concern regarding negative impact of the proposed project to her rear mobile home trailer park's natural light, private view, and tree line.

Mr. Joel Pederson expressed concern regarding the large aggressive design and height of the structure (roof pitch), and negative impact on street parking density.

Mr. Wayne Pederson expressed concern regarding the large size of the structure, setback modification, and negative impact on street parking density.

Ms. Ellen Frazier expressed concern regarding noise level, natural sunlight, and parking density on the surrounding neighborhood of the proposed project.

Ms. Vivian La France expressed concern regarding parking density on the surrounding neighborhood of the proposed project.

Mr. Limón acknowledged receiving recent letter correspondence from Ms. Paula Westbury in opposition to the proposed project.

Mr. Limón acknowledged receiving recent letter and email correspondence from Ms. Marlene Gillilan in opposition to the proposed project.

Mr. Limón acknowledged receiving recent letter correspondence from Ms. Nora Gallagher in opposition to the proposed project.

The Public Hearing was closed at 2:16 p.m.

Ms. Wilson commented that the Transportation Division supports the parking modification request. In this particular case, there are one bedroom units with less than 750 square feet which are adjacent to transit lines and commercial areas with high employment shopping centers and hospitals which encourage use of alternative transportation.

Ms. Wilson also confirmed that the Planning Commission is supportive of one-car housing with parking reductions and had previously approved single-car housing on other projects, and that the Commission's main concern was whether the parking demand would be met on-site or not.

**ACTION:**

**Assigned Resolution No. 102-07**

Approves the project, making the findings that the front yard modification is acceptable and necessary to secure an appropriate improvement and meets the purpose and intent of the Ordinance, as outlined in Section VII of the Staff Report, and subject to the Conditions of Approval in Exhibit A., with the additional condition (Condition C.3) that the Historic Landmarks Commission consider a reduction in the overall height of the structure by evaluating the steep roof pitch which is being driven by the required architectural style.

Mr. Limón announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.