



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 2, 2007
AGENDA DATE: May 9, 2007
PROJECT ADDRESS: 2017 Garden Street & 225 E. Mission Street (MST2006-00463)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Irma Unzueta, Project Planner *[Signature]*

I. PROJECT DESCRIPTION

The proposed project involves a Lot Line Adjustment between Parcel 1 (2017 Garden Street, APN 025-323-007) and Parcel 2 (225 E. Mission Street, APN 025-323-008). The lot line adjustment would increase the lot area of 2017 Garden Street from 13,019 square feet (0.30 acre) to 15,684 square feet (0.36 acre) and decrease the lot area of 225 E. Mission Street from 37,385 square feet (0.86 acre) to 34,720 square feet (0.80 acre). The intent of the lot line adjustment is to bring the lot size of 2017 Garden Street into conformance with the minimum required lot area size in the E-1 zone, as well as to increase the viability of the rear yard for 2017 Garden Street. Remodeling and additions are proposed to an existing 1,809 square foot single-story residence and attached 447 square foot attached two-car garage located at 2017 Garden Street. The project will result in a 3,025 square foot two-story residence with attached 551 square foot two-car garage, a 458 square foot detached accessory structure, and a swimming pool and spa on the 15,684 square foot lot in the Mission Area Special Design District. The project also proposes to legalize an as-built patio and fountain at the south corner of the house. Modifications are requested for additions to encroach into the front and interior yard setbacks (Exhibits B & C).

II. REQUIRED APPLICATIONS

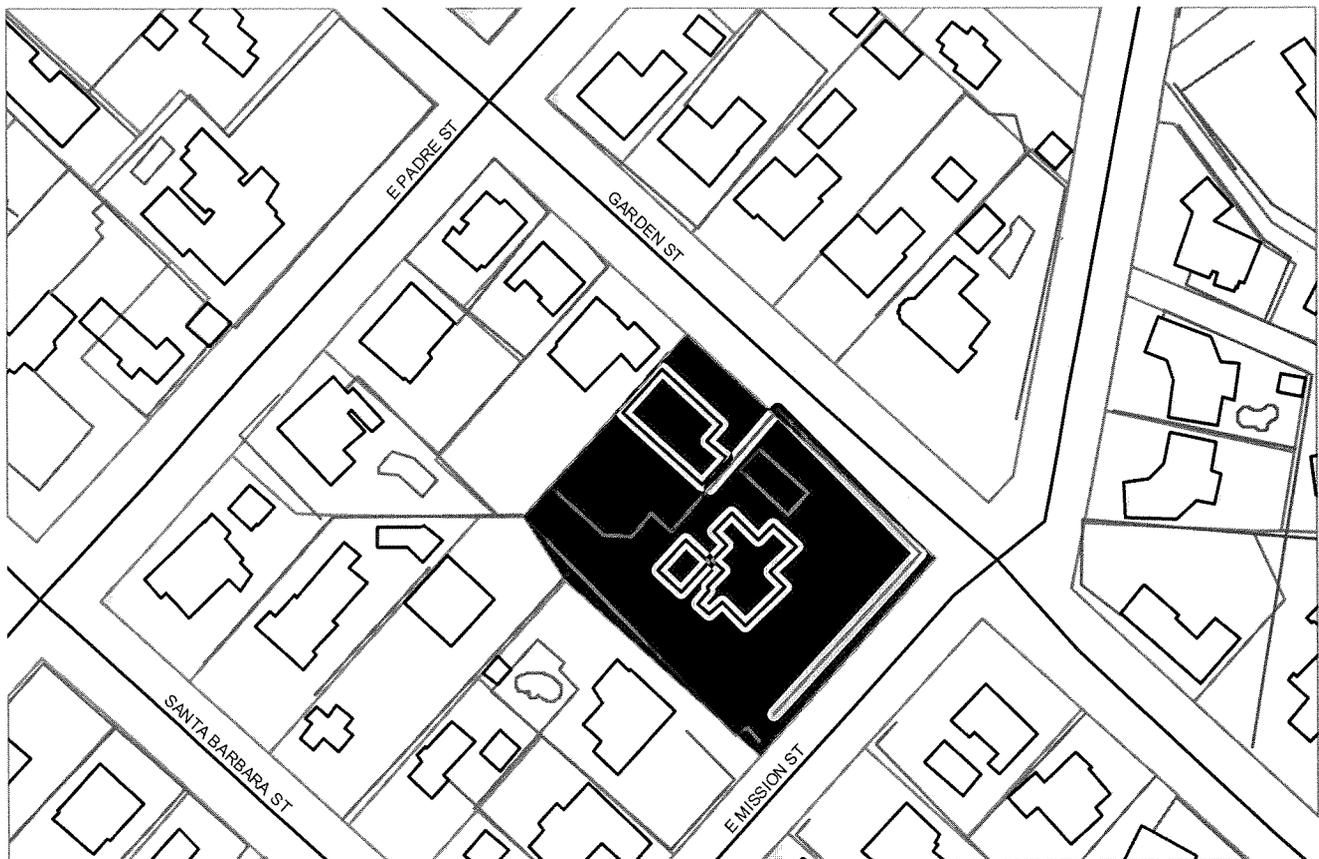
The discretionary applications required for this project are:

1. A Modification to allow the entry awning and front entry steps to encroach into the required front yard setback (SBMC §28.15.060);
2. A Modification to allow structural encroachments and alterations in the required southerly interior yard setback (SBMC §28.15.060);
3. A Modification to allow structural encroachments and alterations in the required northerly interior yard setback (SBMC §28.15.060); and

4. A Lot Line Adjustment to change the property line between Parcel 1 (2017 Garden Street, APN 025-323-007) and Parcel 2 (225 E. Mission Street, APN 025-323-008) (SBMC§27.40).

III. RECOMMENDATION

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



Vicinity Map for 2017 Garden Street & 225 E. Mission Street

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

March 15, 2007
June 3, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brett Ettinger, Architect	Property Owners:	Richard and Rosemary Sanders
Parcel Numbers:	025-323-007 (Parcel 1) 025-323-008 (Parcel 2)	Lot Area:	2017 Garden = 15,684 sq. ft. 225 E. Mission = 34,720 sq. ft.
General Plan:	Residential, 3 units/acre	Zoning:	E-1, Single Family Residence
Existing Use:	Residential	Topography:	5%
Adjacent Land Uses:			
	North - Residential		East - Residential
	South - Residential		West - Residential

B. PROJECT STATISTICS FOR 2017 GARDEN STREET

	Existing	Proposed
Living Area	1,809 sq. ft.	3,025 sq. ft.
Garage	447 sq. ft.	551 sq. ft.
Accessory Space	N/A	458 sq. ft.

V. ZONING ORDINANCE CONSISTENCY FOR 2017 GARDEN STREET

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	30 feet	32 feet	26.6 feet
-Interior	10 feet	5 to 5.6 feet	5 to 5.6 feet
-Rear	10 feet	38 feet	11 feet (accessory building)
Building Height	30 feet	17 feet	25 feet (residence) 16.5 feet (accessory building)
Parking	2 parking spaces	447 sq. ft. substandard two-car garage	551 sq. ft. substandard two-car garage
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	>1,250 sq. ft.
Lot Coverage			
-Building	N/A	2,401 sq. ft. 15.3%	3,172 sq. ft. 20.2%
-Paving/Driveway	N/A	2,785 sq. ft. 17.7%	4,372 sq. ft. 27.8%
-Landscaping	N/A	10,498 sq. ft. 67.0%	8,140 sq. ft. 52.0%

The proposed project would meet the requirements of the E-1 Zone, with the exception of the front and interior yard setback modifications that are being requested to allow proposed additions and alterations to the existing residence and garage. Requested modifications for the project are discussed below.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the ABR on September 11, 2006 (meeting minutes are attached as Exhibit D). The ABR continued the project indefinitely to the Consent Calendar with positive comments. The Board felt that the simple forms and materials of the additions to 2017 Garden Street are positive attributes. Also, the ABR found the second floor addition and roof line to be appropriate, as it is internal to the footprint and distanced enough from neighbors to avoid impacts. The Board also had favorable comments regarding the proposed alterations to the windows. The ABR expressed support for the modifications requested, indicating that they are technical in nature and that Neighborhood Preservation Ordinance (NPO) findings could be made. One ABR member felt that the proposed architectural style was inconsistent with the neighborhood.

B. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The Land Use Element of the General Plan describes the project site as being located in the Upper East neighborhood of the City. The Upper East neighborhood is bordered on the north by Mission Creek and Las Encinas Road; on the south by Sola Street; on the east by Laguna Street, Olive Avenue and Olive Street; and on the west by State Street. The General Plan characterizes this area as a district of prestigious homes and recommends that it be preserved with an overall density of three dwelling units per acre. The proposed project is consistent with the single-family residential designation of the neighborhood.

C. COMPLIANCE WITH ZONING ORDINANCE

Front Yard Setback Modification for 2017 Garden Street: A cantilevered awning above the entry door is proposed to encroach approximately 3'6" into the required 30-foot front yard setback. Canopies, or similar architectural features may not extended more than two feet into the required yard, therefore a modification is required. The project would also require a modification to allow the front entry steps to be 12" above grade within the required front yard setback. Staff can support this modification because the awning would be an architectural element which is intended to provide front door protection and provide articulation and human scale to the Garden Street elevation. Additionally, the 12" high steps are necessary to make a transition from existing grade to the finished floor level.

Northerly Interior Yard Setback Modification for 2017 Garden Street: Currently the northwest wall of the existing residence is legal non-conforming as it encroaches five feet into the required 10-foot interior yard setback. The project proposes to enlarge the existing first floor bedrooms using the existing wall and foundation. A total of approximately 79 square feet would be added to the two bedrooms, with 20 square feet encroaching into the required interior yard setback. Bedroom 1 would extend four feet toward the rear yard and Bedroom 2 would extend two feet toward the front yard. According to the Applicant, the additional square footage for the bedrooms would provide for more properly proportioned and functional sized bedrooms and would also result in a better articulation of the front and rear building facades.

Staff supports this interior yard modification because it is minor in nature and would allow for a small uniform improvement to the first floor.

Additionally, existing bedroom and bathroom windows along the northwest wall of the residence would be replaced. The replacement bedroom windows would be larger and the bathroom window would be smaller for a total net increase in size of approximately nine feet, six inches. The proposed windows are intended to replace leaking and unattractive windows, with windows that would provide additional natural light and ventilation and would be more properly integrated with the proposed architecture of the residence. The ABR has expressed support for the replacement windows and liked the materials and finishes. Staff can support this modification as it is minor in nature and provides a uniform improvement to the northwest wall of the residence. Further, the windows face a two car garage located on the neighboring property to the north. Therefore privacy issues would be avoided.

Southerly Interior Yard Setback Modification: Currently the southeast garage wall encroaches 4'6" into the interior yard setback and is, therefore considered legal non-conforming. The project proposes to remove approximately 34 square feet of garage space and convert 114 square feet to a laundry room. A 104 square foot addition to the garage is also proposed, with 24 square feet encroaching into the required interior yard setback. The garage addition would use the existing wall and foundation construction to extend six feet toward the front property line. Staff can support this modification as the encroachment into the required interior yard setback is minor in nature and would improve access into the garage by removing the existing mechanical room from within the garage as well as the exterior stair obstruction in front of the garage. Also, an entry into the residence and a man door to access the garage from the rear yard is proposed in order to improve overall access on the site.

D. LOT LINE ADJUSTMENT

The lot line adjustment would increase the lot area of 2017 Garden Street from 13,019 square feet (0.30 acre) to 15,684 square feet (0.36 acre) and decrease the lot area of 225 E. Mission Street from 37,385 square feet (0.86 acre) to 34,720 square feet (0.80 acre). The intent of the lot line adjustment is to bring the lot size of 2017 Garden Street into conformance with the minimum required lot area size in the E-1 zone, as well as to increase the viability of the rear yard for 2017 Garden Street.

The lot line adjustment would change the property line between 2017 Garden Street and 225 E. Mission Street in order to include an arc-shaped hedge and increase the rear yard of 225 E. Mission Street. The arc-shaped hedge located on 2017 Garden Street is part of an established courtyard area which is located on the 225 E. Mission Street property. The Applicant has indicated that the arc-shaped hedge and courtyard have been in place for a very long time. However, documented evidence of when the hedge and courtyard were installed has not been presented. A field investigation of the subject courtyard appears to indicate that it has been present for some time, but City records have been checked and it has not been possible to verify when permits were issued for the hedge, courtyard and fountain existing on the property. The existing courtyard and fountain would be legalized as part of this project.

Presently, the property line bisects the arc-shaped hedge. The lot line adjustment is proposed to follow the configuration of the hedge so that it will be part of the 225 E. Mission Street property. Although, the lot line configuration is non-linear, Staff believes that the hedge was intended to be a landscape feature integral to the courtyard and therefore would be appropriate to include it within the 2017 Garden Street property. Additionally, if a linear lot line was required which was inclusive of the area delineated by the arc-shaped hedge, the proposed property line would bisect the existing pool equipment enclosure, and create non-conforming setbacks for the pool and the existing two-story residence located on the property at 225 E. Mission Street.

E. SUBSTANDARD GARAGE SIZE

The existing garage is non-conforming to size as it is less than the minimum interior dimensions of 20' x 20' for a two-car garage. Properties with non-conforming parking are allowed cumulative additions of up to 50% of the existing dwelling square footage without bringing the parking up to current standards. Because the proposed additions to the existing residence at 2017 Garden Street exceed 50% and the proposed garage will continue to be less than the minimum dimensions for a two-car garage, a waiver for a substandard garage is required. The Transportation Planning Staff has reviewed and approved the Applicant's request for a substandard garage waiver.

F. ACCESSORY BUILDING

The project proposes to include a 458 square foot art studio at the rear of the property. This accessory structure has been designed to contain a half bath (toilet and sink) and a second sink associated with silk screening. The Owner has indicated that a pre-fabricated utility, sink to be used for clean up of water based paints only, will be installed. Because the screens are very large and require a large basin such a sink is necessary. It is anticipated that the sink will be a stainless steel utility sink with stainless steel splash on three sides for cleaning up water-based ink or paints. The sink will be no larger than 3' x 4' with approximately 3'6" splash and sides. No toxic chemicals will be used. The project will be conditioned to record a Zoning Compliance Declaration in order to limit the use of the structure to accessory only and allow both sinks to remain as proposed.

G. ENVIRONMENTAL REVIEW

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the City California Environmental Quality Act Guidelines Section 15305 (3) (minor lot line adjustments).

Arborist Report: Currently existing on the project site is a mature Norfolk Island Pine measuring approximately 36" in diameter. An arborist report was prepared to address potential impacts that could result from construction activities, including the installation of the swimming pool and the proposed terrace/deck that would extend from the house over a section of the root system (Exhibit E). The report concluded that excavation associated with the pool, which is proposed approximately 28 feet from the tree, would not impact the tree's health. Additionally, the report found that the installation of the deck, which would run parallel to the

house with the nearest point of its edge approximately five feet from the tree's trunk, would not pose an adverse impact to the tree as long as wooden beams on piers are used as support structures for the deck. A condition of approval requiring that all tree protection measures outlined in the arborist report be implemented.

Archaeological Report: The project site is located within the American Period 1870-1900 and Early 20th Century 1900-1920 Cultural Resources Sensitivity zones. A Phase 1 Archaeological Resources Report was prepared for the project by David Stone, Stone Archaeological Consulting. The report found that the project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources and mitigation was not required. To address the remote and unlikely potential for encountering unknown prehistoric archaeological resources the report recommends that a City qualified archaeologist and a City qualified Native American representative be retained. The City's Archaeological Advisor, Dr. Glassow reviewed the archaeological investigation and supported the conclusions and recommendations outlined in the report.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. FRONT YARD MODIFICATION FOR 2017 GARDEN STREET

The Staff Hearing Officer finds that the requested modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The modification to allow the entry awning to encroach into the required front yard setback is minor in nature. The awning is intended to provide front door protection and provide articulation and human scale to the Garden Street elevation. Additionally, the 12" high steps are necessary to transition from existing grade to the finished floor level. The ABR has reviewed these elements and found them to be appropriate and acceptable.

B. NORTHERLY INTERIOR YARD MODIFICATION FOR 2017 GARDEN STREET

The Staff Hearing Officer finds that the requested modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The modification allows a modest addition to two existing bedrooms on the first floor and alterations to the three windows on the northwest wall of the residence. The increased expansion into the required northerly interior yard setback is considered minor in nature and allows for a uniform improvement to the ground floor bedrooms and architectural enhancement to the northwest façade of the residence. Additionally, the ABR has conceptually reviewed the window size, design and materials and found them to be appropriate and acceptable.

C. SOUTHERLY INTERIOR YARD MODIFICATION FOR 2017 GARDEN STREET

The Staff Hearing Officer finds that the requested modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The modification to encroach into the interior yard setback is considered minor in nature and would allow improved access into the garage by removing the mechanical room

inside and the stairway currently obstructing the entrance in front of the garage. Additionally, the proposed garage addition would allow for an entry into the house from the garage as well as provide a man door at the rear of the garage for access from the rear yard.

D. LOT LINE ADJUSTMENT (GOV. CODE §66412 AND SBMC §27.04.030)

The proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances. The lot line adjustment would increase the lot area of 2017 Garden Street from 13,019 square feet (0.30 acre) to 15,684 square feet (0.36 acre) and decrease the lot area of 225 E. Mission Street from 37,385 square feet (0.86 acre) to 34,720 square feet (0.80 acre). The E-1 zone requires a minimum lot area of 15,000 square feet. The intent of the lot line adjustment is to bring the lot size of 2017 Garden Street into conformance with the minimum required lot area size in the E-1 zone, as well as to increase the viability of the rear yard for 2017 Garden Street. The property line between the two parcels will be reconfigured to follow the existing arc-shaped hedge so that it is included as part of the courtyard and fountain currently existing on the 2017 Garden Street property.

Exhibits:

- A. Conditions of Approval
- B. Site Plans
- C. Applicant's letter, dated November 20, 2006
- D. ABR Minutes dated September 11, 2006
- E. Arborist Report prepared by Duke McPherson dated December 8, 2006

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

2017 GARDEN STREET & 225 EAST MISSION STREET
FRONT YARD SETBACK MODIFICATION, INTERIOR YARD SETBACK MODIFICATIONS,
LOT LINE ADJUSTMENT
MAY 9, 2007

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner(s) of the 2017 Garden Street parcel (APN 025-323-007) and 225 E. Mission Street (APN 025-323-007), shall execute 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 water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 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.
 4. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on May 9, 2007 is limited to a Lot Line Adjustment between 2017 Garden Street and 225 E. Mission Street, and a residential addition of approximately 1,333 square feet, a garage addition of approximately 104 square feet and an accessory structure of approximately 458 square feet and improvements for 2017 Garden Street as shown on the architectural plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 5. **Zoning Compliance Declaration.** A Zoning Compliance Declaration shall be completed and recorded that prohibits the conversion of the property into two units unless the secondary dwelling unit requirements are met.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

7. **Tree Protection.** The existing Norfolk Island Pine tree(s) shown on the Site Plan shall be preserved, protected and maintained in accordance with the recommendations contained in the arborist's report prepared by Duke McPherson dated December 8, 2006. A copy of this report shall be attached to the recorded conditions as an exhibit.
 8. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR), or successor board:
1. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - c. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Duke McPherson, dated December 8, 2006, shall be implemented.
 2. **Existing Tree Preservation.** The existing tree(s) shown on the approved Site Plan to be saved shall be preserved and protected and fenced at the dripline during construction.
 3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway to the residence at 2017 Garden Street from the sidewalk through the use of a different textured or colored paving material.
 4. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the driveway runoff to percolate into the ground.
 5. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 6. **Wooden Terrace.** The wooden terrace proposed to encroach into the northwest interior line setback shall not exceed 10 inches in height.
- C. **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. **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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.

2. **Drainage Calculations.** The Owner shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
 3. **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
 4. **Recordation of Lot Line Adjustment Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Arborist's Monitoring.** Submit to the Planning Division a contract with a qualified arborist for monitoring of all work within the dripline of the Norfolk Island Pine during excavation, grading and construction. The contract shall include a schedule for the arborist's presence during excavation, grading and construction activities, and is subject to the review and approval of the Planning Division.
 2. **Soils Report.** Submit to the Building and Safety Division a soils report.
 3. **Final Staff Hearing Officer Resolution Submittal.** The final Staff Hearing Officer Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review outlined in Section B above.
 2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and demonstrates how storm water from the new impervious surfaces will be discharge into the public storm drain system without crossing onto an adjoining property.

3. **Technical Reports.** All recommendations of the soils report and drainage plan, approved by the Building and Safety Division, shall be incorporated into the construction plans.
4. **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.
5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **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.

2. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
3. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
4. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained, in accordance with the Tree Protection Plan and any related Conditions of Approval.
5. **Tree Protection.** Notes on the grading plan that specify the following:
 - a. No grading shall occur under the driplines of the existing tree(s).
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the Norfolk Island Pine tree which is required to be protected.
 - c. All excavation within the dripline of the tree shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree.
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of

uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** 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, etc.) subject to the review and approval of the Public Works Department. 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 improvement/building plans, including utility undergrounding and installation of street trees.
 3. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
 4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
- H. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer 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

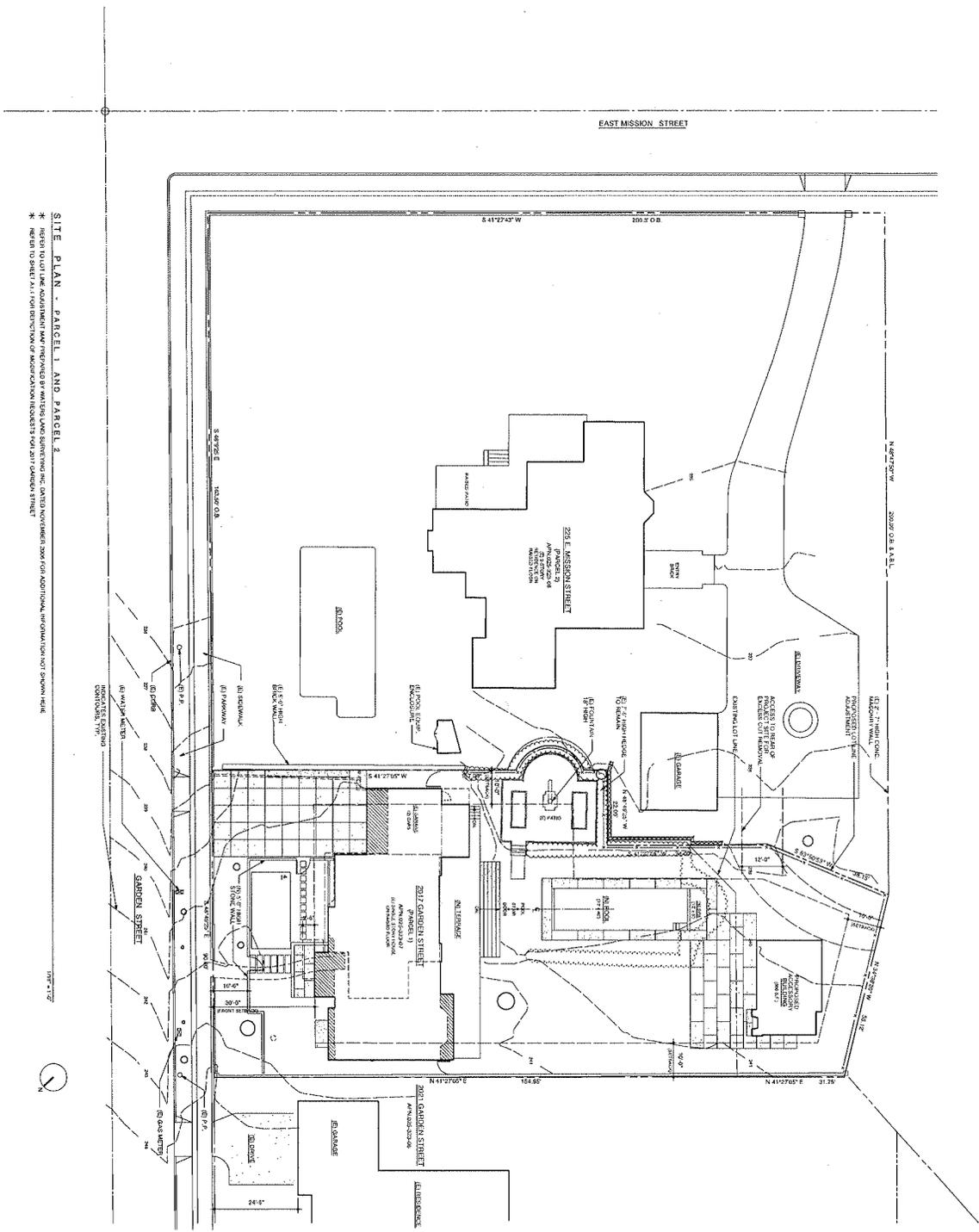
and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in 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 APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Modifications, shall terminate two (2) year from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. A Building permit for the use authorized by the approval is issued within twenty-four (24) months of granting the approval. An extension may be granted by the Community Development Director, if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.
3. The project also includes approval of a Development Plan, Tentative Subdivision Map or a Coastal Development Permit, in which case the longer approval period shall prevail.



SITE PLAN - PARCEL 1 AND PARCEL 2

* REFER TO SHEET A1.1 FOR DETAIL OF MODIFICATION INDICATED FOR 2017 GARDEN STREET

LOT AREA DATA:
 * NOTE THAT NET AND GROSS LOT AREA ARE EQUAL

PROPOSED ADJUSTED PARCEL 1 -	ORIGINAL AREA	ADJUSTED AREA
APN: 055-020-007	13,018 SQ. FT. (0.30 AC.)	15,868 SQ. FT. (0.36 AC.)
221 GARDEN STREET		
PROPOSED ADJUSTED PARCEL 2 -		
APN: 055-008	32,386 SQ. FT. (0.74 AC.)	24,126 SQ. FT. (0.55 AC.)
220 E. MISSION STREET		
(APN: 055-010)		

SCALE: AS NOTED

DATE: 02/20/22

DRAWN BY: E.K.

CHECKED BY:

REVISIONS:

DATE: 02/20/22

BY: E.K.

REASON: 2017 GARDEN STREET

DATE: 02/20/22

BY: E.K.

REASON: 2017 GARDEN STREET

DATE: 02/20/22

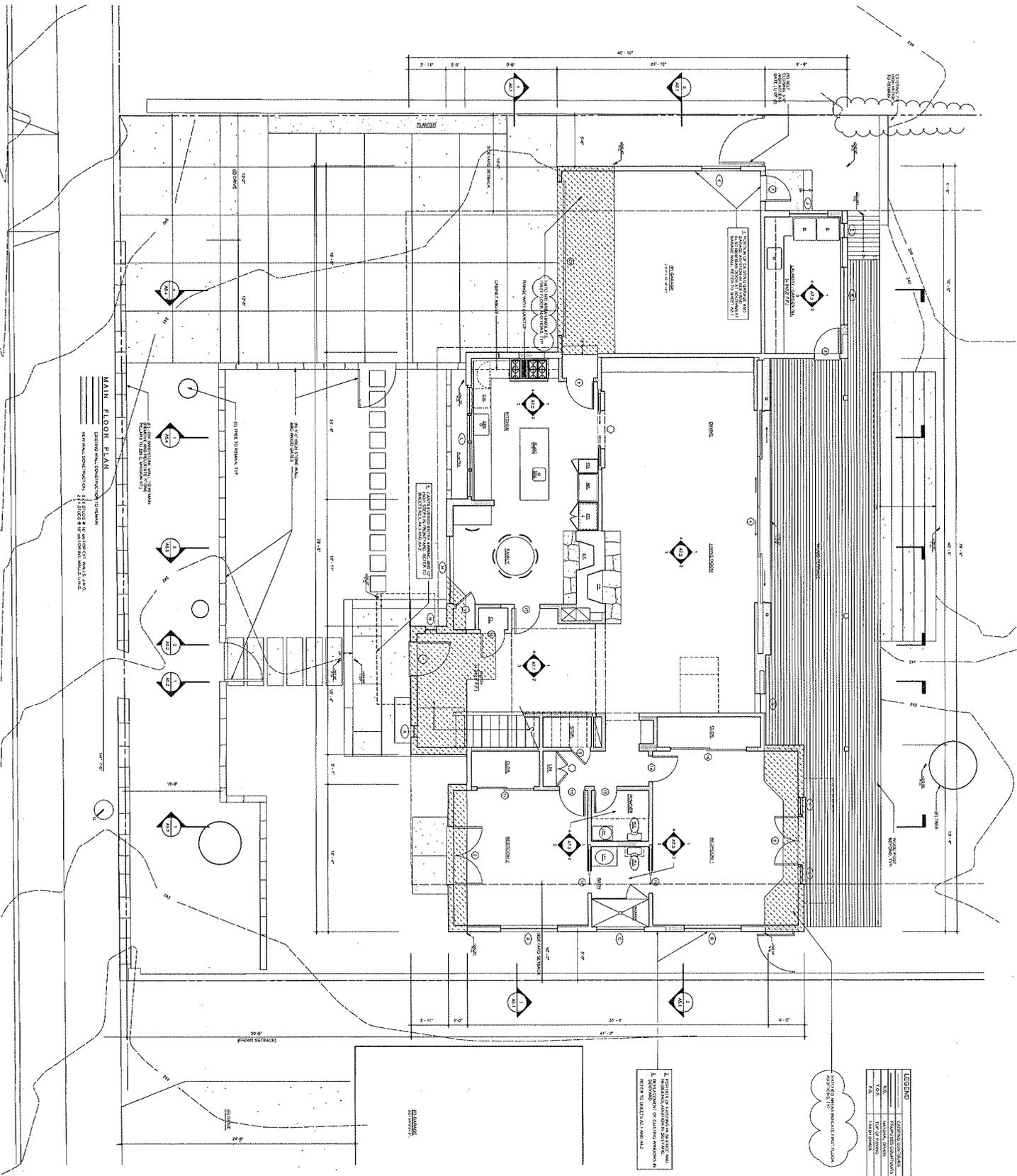
BY: E.K.

REASON: 2017 GARDEN STREET

EXHIBIT B

FERGUSON ETTINGER ARCHITECTS INC

8 ASHLEY AVENUE
 SANTA BARBARA, CA 93103
 TEL: 805.899.9121
 FAX: 805.837.4225



MAIN FLOOR PLAN
 ARCHITECTURAL CONSULTING GROUP
 1000 AVENUE 100, SUITE 100
 SANTA BARBARA, CA 93101
 TEL: 805.965.1111
 FAX: 805.965.1112
 WWW.ACGARCHITECTS.COM

LEGEND

NO.	DESCRIPTION
1	EXISTING CONCRETE
2	EXISTING MASONRY
3	EXISTING WOOD FLOOR
4	EXISTING CARPET
5	EXISTING TILE
6	EXISTING PLASTER
7	EXISTING STAIRS
8	EXISTING ROOFING
9	EXISTING STRUCTURE
10	EXISTING MECHANICAL
11	EXISTING ELECTRICAL
12	EXISTING PAVING
13	EXISTING LANDSCAPE
14	EXISTING FENCE
15	EXISTING DRIVEWAY
16	EXISTING GARAGE
17	EXISTING PORCH
18	EXISTING PATIO
19	EXISTING DECK
20	EXISTING BALCONY
21	EXISTING TERRACE
22	EXISTING DRIVE
23	EXISTING SIDEWALK
24	EXISTING CURB
25	EXISTING STREET
26	EXISTING LOT
27	EXISTING ZONING
28	EXISTING EASEMENT
29	EXISTING ENCROACHMENT
30	EXISTING UTILITY
31	EXISTING SIGNAGE
32	EXISTING LIGHTING
33	EXISTING SOUND
34	EXISTING VIBRATION
35	EXISTING AIR QUALITY
36	EXISTING WATER QUALITY
37	EXISTING SOIL QUALITY
38	EXISTING CLIMATE
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40	EXISTING HISTORIC
41	EXISTING CULTURAL
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45	EXISTING POLITICAL
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48	EXISTING TRANSPORTATION
49	EXISTING UTILITIES
50	EXISTING INFRASTRUCTURE

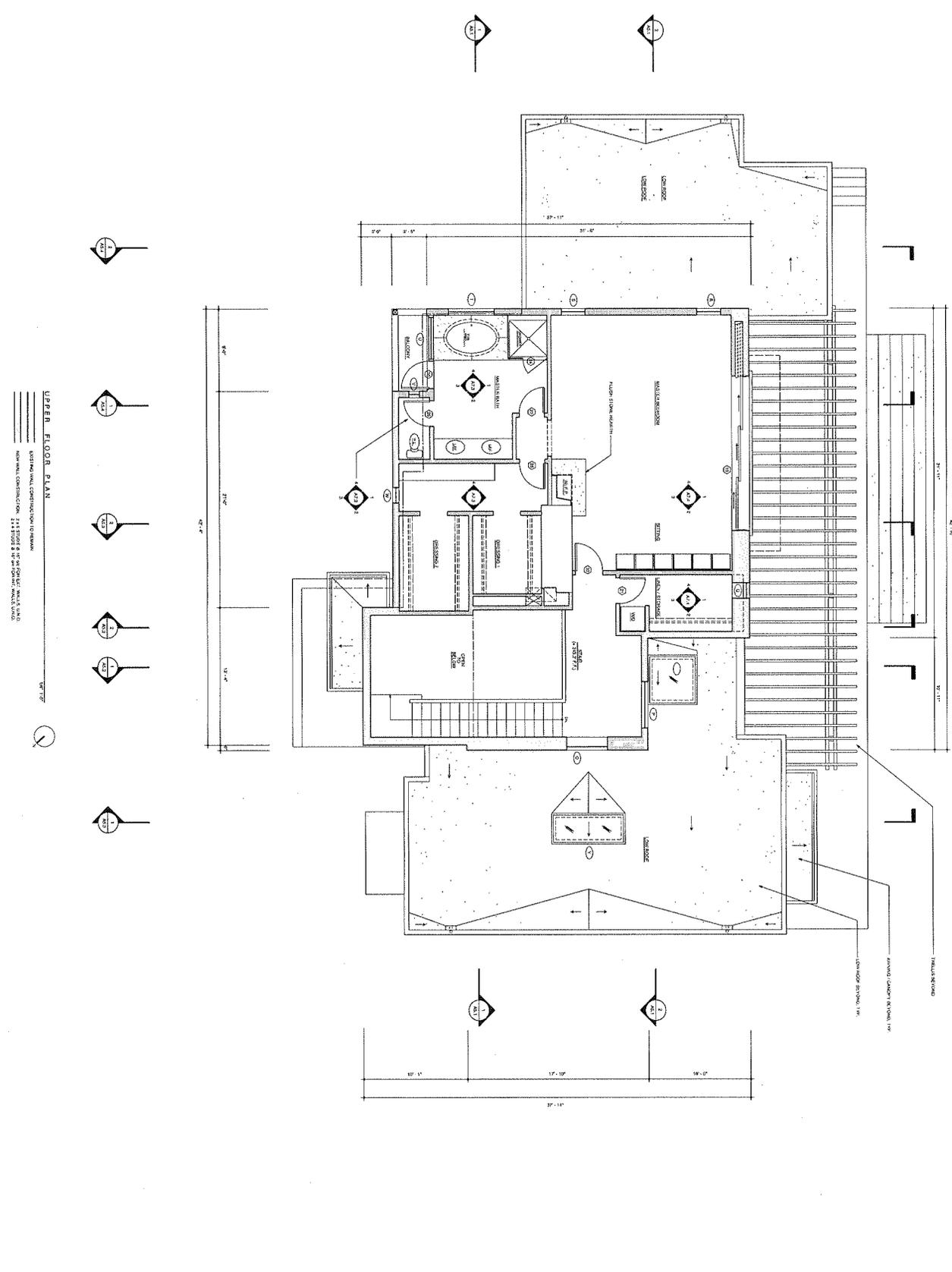
1. MATERIALS TO BE USED IN THE PROJECT SHALL BE AS SHOWN IN THE SCHEDULE OF MATERIALS AND SPECIFICATIONS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING SAMPLES AND APPROVING THEM FOR USE IN THE PROJECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

SCALE: 1/4" = 1'-0"
 DATE: 03.20.07
 DRAWN BY: K.S.
 CHECKED BY: J.V.
 DESIGNED BY: J.V.
 NO. DATE TITLE
 1 03.20.07 MAIN FLOOR PLAN

MADE IN CALIFORNIA

SANDERS RESIDENCE
 2017 GARDEN STREET
 SANTA BARBARA, CA 93103

FERGUSON ETTINGER ARCHITECTS INC
 1000 AVENUE 100, SUITE 100
 SANTA BARBARA, CA 93101
 TEL: 805.965.1111
 FAX: 805.965.1112
 WWW.FERGUSONETTINGERARCHITECTS.COM

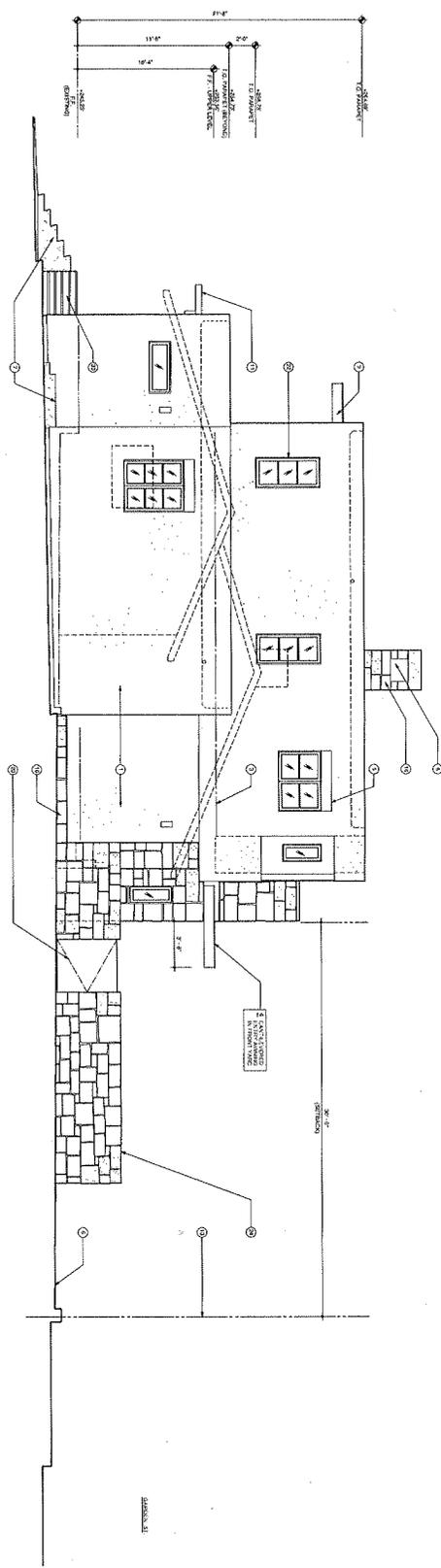


UPPER FLOOR PLAN
 EXISTING WALL CONSTRUCTION TO REMAIN
 NEW WALL CONSTRUCTION
 2 1/4" STUDS @ 16" ON CENTER WALLS, CEILING
 2 x 4 STUDS @ 16" ON CENTER WALLS, FLOOR
 1/8" TYP

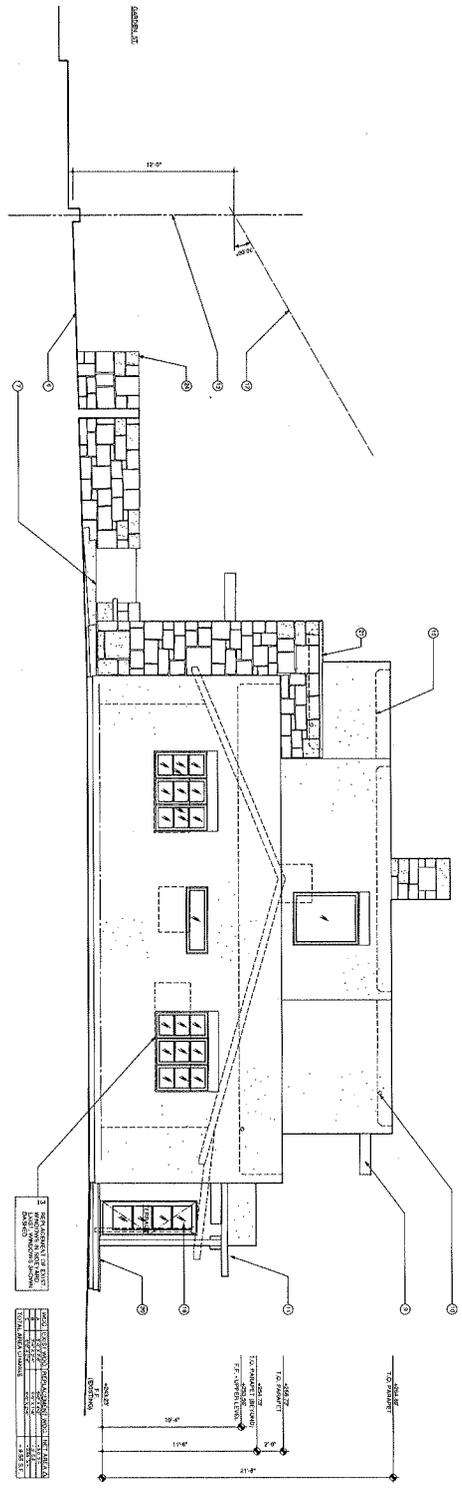
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 DRAWN BY: SK
 CHECKED BY:
 PERMITS:
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 Δ 03/26/22 03/26/22

SANDERS RESIDENCE
 2017 GARDEN STREET
 SANTA BARBARA, CA 93103

FERGUSON ETTINGER
 ARCHITECTS INC
 4 ALLEY AVENUE
 SANTA BARBARA, CA 93101
 TEL: 805-962-2121
 FAX: 805-962-4222

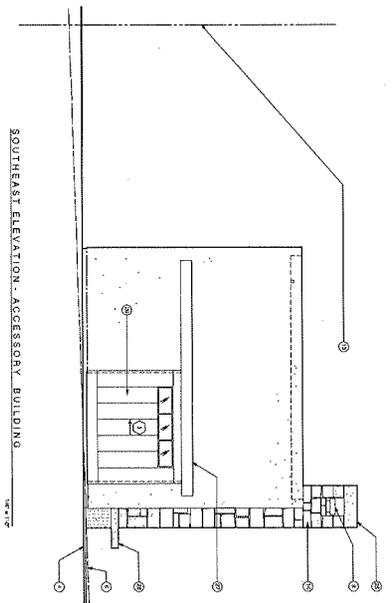


SOUTHEAST ELEVATION

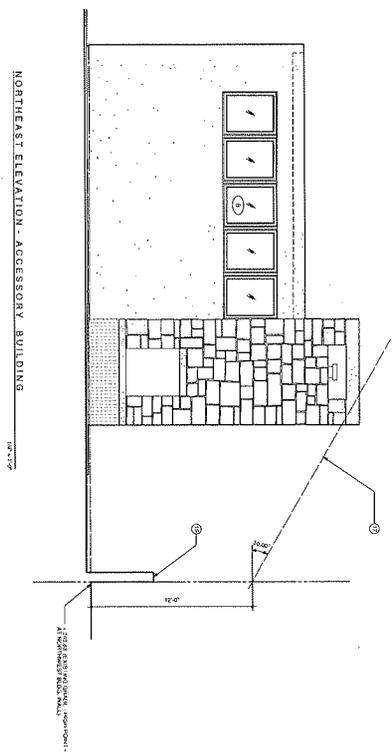


NORTHWEST ELEVATION

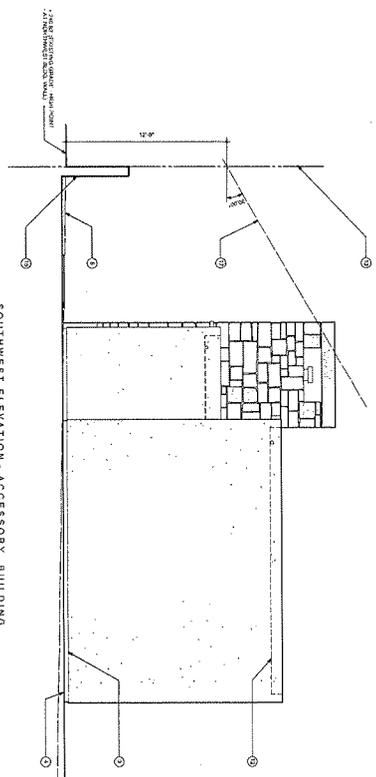
- NOTE LEGEND**
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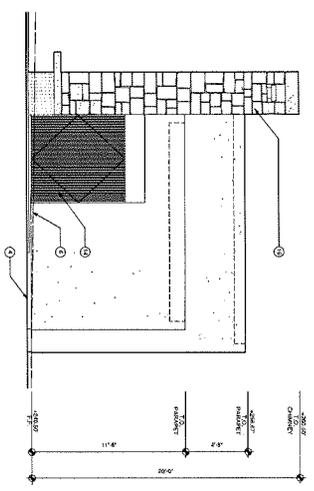
SOUTHEAST ELEVATION - ACCESSORY BUILDING
1/8" = 1'-0"



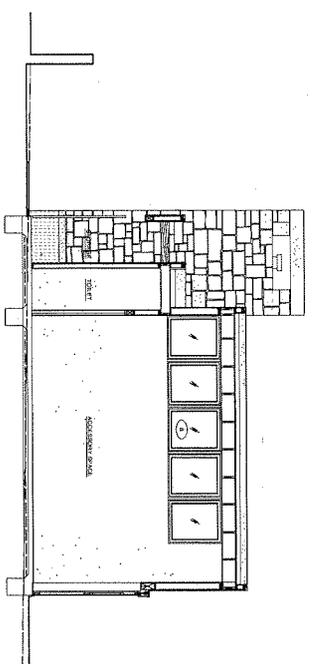
NORTHEAST ELEVATION - ACCESSORY BUILDING
1/8" = 1'-0"



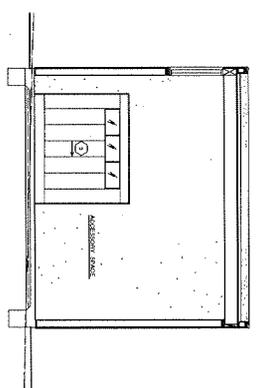
SOUTHWEST ELEVATION - ACCESSORY BUILDING
1/8" = 1'-0"



NORTHWEST ELEVATION - ACCESSORY BUILDING
1/8" = 1'-0"



SECTION - ACCESSORY BUILDING
1/8" = 1'-0"



SECTION - ACCESSORY BUILDING
1/8" = 1'-0"

- NOTE LEGEND**
1. FINISHES TO BE IDENTIFIED IN A SEPARATE SCHEDULE.
 2. INDICATED WOODS OR OTHERS TO BE IDENTIFIED IN A SEPARATE SCHEDULE.
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SCALE: 1/8" = 1'-0"
DATE: 03/20/22
DRAWN BY: M.A.
CHECKED BY:
REVISIONS:
NO. DATE: TITLE:
PROJECT: SANDERS RESIDENCE
SHEET: A4.3

SANDERS RESIDENCE
2017 GARDEN STREET
SANTA BARBARA, CA 93103

FERGUSON STTINGER
ARCHITECTS INC.
8 ASHLEY AVENUE
SANTA BARBARA, CA 93103
TEL: 805.963.1111
FAX: 805.963.1112

FERGUSON - ETTINGER
ARCHITECTS

3 E. DE LA GUERRA ST. #2
SANTA BARBARA CA 93101

TEL: 805 899 9171
FAX: 805 957 4222

November 20, 2006

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

RE: Lot Line Adjustment Proposal For:
APN 025-323-007, 2017 Garden St.
APN 025-323-008, 225 East Mission St.
Modification Request For:
APN 025-323-007, 2017 Garden St.

On behalf of our clients, Richard and Ro Sanders, I am seeking Lot Line Adjustment approval for the 2 properties referenced above and Modification approval for 2017 Garden Street.

LOT LINE ADJUSTMENT

The proposed LLA will effectively increase the lot area of 2017 Garden St. from 13,019 sf (.30 acre) to 15,684 sf (.36 acre) and decrease the lot area of 225 East Mission St. from 37,385 sf (.86 acre) to 34,720 sf (.80 acre).

The purpose of the LLA is to bring the lot size of 2017 Garden St. into conformance with the general size of the adjacent lots in this area and to increase the viability of the rear yard of this property. Another reason for the LLA is to omit the unusable 'spur' of land at the northwest corner of 225 East Mission. The effective LLA will create 2 lots of more regular configuration.

The smaller adjustment proposed along the shared property line entails the reconfiguring of the lot line to follow the existing arc of the historic planting hedge so that it ultimately presides on the 2017 Garden St. property.

The resulting lot area of 225 East Mission St. will still be above the minimum required for this E-1 zone, while the resulting lot area for 2017 Garden St. will become in conformance with the minimum lot area required for newly created lots. Currently the Garden St. property does not conform to this requirement.

Page 1 of 3

EXHIBIT C

RECEIVED

FEB 12 2007

CITY OF SANTA BARBARA
PLANNING DEPARTMENT

RE: Lot Line Adjustment Proposal For:
APN 025-323-007, 2017 Garden St.
APN 025-323-008, 225 East Mission St.
Modification Request For:
APN 025-323-007, 2017 Garden St.

MODIFICATION REQUESTS:

1. PORTION OF EXISTING GARAGE AND GARAGE ADDITION IN SIDEYARD. Existing southeast garage wall encroaches into sideyard 4'-6". Proposed garage addition utilizes existing wall and foundation construction to extend garage 6'-0" toward front of property. Benefits include a) removal of mechanical room from garage, b) replacement of garage door with wider, code compliant unit, c) entry to residence from within garage, and d) removal of exterior stair obstruction in front of garage. Also included is the request to include a man-door for access from the rear yard into the garage. This door is located in the sideyard. Please refer to Photographs and Site and Floor Plans, sheets A1.1 and A2.1. Also refer to the Southwest Elevation, sheet A4.1.
2. PORTION OF EXISTING RESIDENCE AND RESIDENCE ADDITION IN SIDEYARD. Existing northwest residence wall encroaches into sideyard 5'-0". Proposed bedroom additions utilize existing wall and foundation construction to extend Bedroom One 4'-0" toward rearyard and extend Bedroom Two 2'-0" toward front of property for Uniform Development. Benefits include more properly proportioned and functional sized bedrooms and better articulation of front and rear facades. Please refer to Photographs and Site and Floor Plans, sheets A1.1 and A2.1 and also Building Elevations, sheet A4.1.
3. REPLACEMENT OF EXISTING WINDOWS IN SIDEYARD. Existing bedroom and bath windows along existing northwest wall of residence encroach into sideyard 5'-0". See Item #2 above. Proposed replacement windows at each bedroom are slightly larger than existing while proposed replacement window at bath is slightly smaller resulting in a net glazing increase of just 9.55 total sq. ft. Benefits include replacement of leaking and unsightly windows and security bars with new windows which allow for more natural light and ventilation and are more properly integrated with the proposed architecture. Note that adjacent land use (neighbor to northwest) is a 2 car garage. The replacement windows will thus have no impact on the neighbor's privacy.
4. ENCROACHMENT OF ENTRY AWNING AND FRONT STEPS IN FRONTYARD. The proposed cantilevered awning above the entry door encroaches into frontyard 3'-6", exceeding the 2'-0" allowed. The awning is an attached architectural element necessary to provide front door protection and provide articulation and human scale at the Garden Street elevation. The front edge of the proposed awning is 26'-6" from the property line. The front steps total 12 inches in height and are necessary to transition from existing grade to the finish floor level. The neighbor's existing garage structure at 2021 Garden St. is only 24'-6" from the property line. Please refer to Site and Floor Plans, sheets A1.1 and A2.1, and Building Elevations, sheets A4.1 and A4.2.

FERGUSON - ETTINGER
ARCHITECTURE

RE: Lot Line Adjustment Proposal For:
APN 025-323-007, 2017 Garden St.
APN 025-323-008, 225 East Mission St.
Modification Request For:
APN 025-323-007, 2017 Garden St.

Please note that proposed project was reviewed by ABR on September 11 and received favorable comments.

Thank you for your consideration of this request for Lot Line Adjustment and Modification Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "BA Ettinger". The letters are stylized and cursive.

Brett Ettinger
Ferguson-Ettinger Architects, Inc.

Cc: Richard and Ro Sanders

Page 3 of 3

ARCHITECTURAL BOARD OF REVIEW
MINUTES

AGENDA SCHEDULE IS SUBJECT TO CHANGE AS CANCELLATIONS OCCUR.
STAFF WILL NOTIFY APPLICANTS OF TIME CHANGES.

Monday, September 11, 2006 David Gebhard Public Meeting Room: 630 Garden Street 3:05 P.M.

BOARD MEMBERS: BRUCE BARTLETT, Chair, Present
 JAMES LECRON, Vice-Chair, Present
 JIM BLAKELEY, PRESENT (Arrived at 3:20 P.M.)
 CHRISTOPHER MANSON-HING, Absent
 GARY MOSEL, Present
 RANDY MUDGE, Present
 DAWN SHERRY, Present
 MARK WIENKE, Absent

CITY COUNCIL LIAISON: GRANT HOUSE

PLANNING COMMISSION LIAISON: STELLA LARSON

STAFF: JAIME LIMÓN, Design Review Supervisor
 KELLY BRODISON, Planning Technician
 GLORIA SHAFER, Commission Secretary

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

5. 2017 GARDEN ST E-1 Zone

(6:00) Assessor's Parcel Number: 025-323-007
 Application Number: MST2006-00463
 Owner: Richard and Maxwell Sanders
 Applicant: Brett Ettinger
 Architect: Ferguson-Ettinger Architects

(Proposal for remodeling and additions to an existing 1,809 square foot single-story residence and attached 447 square foot attached two-car garage. The project will result in a 3,025 square foot two-story residence with attached 551 square foot two-car garage, a 458 square foot detached accessory structure, and a swimming pool and spa on the 15,684 square foot lot in The Mission Area Special Design District. Modifications are requested for additions to encroach into the interior yard setbacks.)

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

(7:33)

Present: Brett Ettinger, Architect.

Public comment opened at 7:50 p.m.

Bronwen Lindsay Jones, resident, opposed.

Public comment closed at 7:53 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer, and return to the Consent Calendar for preliminary approval with the following comments:

1) The Board finds the simple forms and rich materials to be positive attributes. 2) The second floor addition, internal to the footprint and situated far away from neighbors, is appropriate. 3) The flat roof design also minimizes impact to neighbors. 4) Restudy the entry form and awning shapes. 5) The Board likes the window materials and finishes. 6) The Board finds that the modification requests are technical in nature, and follow the line of existing structure. 7) Include a planter on the left side of the driveway and motor-court. Integrate planting strips or permeability to the paving surface. 8) One Board member finds that the chosen style is not compatible with the neighborhood. 9) Neighborhood Preservation Ordinance Compliance findings can be made when the project returns to Consent.

Action: LeCron/Sherry, 5/1/0. Mosel opposed. Manson-Hing and Wienke absent.

Arborist Report

Norfolk Island Pine tree, 2017 Garden Street

RECEIVED

DEC 11 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

Prepared by
Duke McPherson
Certified Arborist with the
International Society of Arboriculture
Certification number WE-0690A

Member of the
American Society of
Consulting Arborists
Membership # 1113

Duke McPherson, Arborist

P.O. Box 5667

Santa Barbara, CA 93150

Phone 805 969-4676

E-mail: treemanduke@cox.net

December 8, 2006

Mr. Brett Ettenger
Ferguson-Ettenger Architects, Inc.
8 Ashley Ave.
Santa Barbara, CA 93103

Arborist Report

For:
Kathy Frye
Associate Planner
City of Santa Barbara
Planning Division

This Report addresses the potential impact of proposed construction activities on the health of a Norfolk Island Pine, *Araucaria excelsa*, on the property at 2017 Garden St., Santa Barbara, CA. (Refer to a plan which accompanies this Report representing details of the site.)

Discussion

The tree is a mature specimen of approximately 36" in diameter at 4 ½' above ground level located in the rear yard of the property. Proposed construction activity includes the installation of a swimming pool and the positioning of a deck extending out from the house over a section of the root system. The nearest point of the pool, the north corner, is planned to be 28' from the tree. The deck is to run parallel to the rear edge of the house with the nearest point of its edge being 5' from the tree's trunk. The only change to the building configuration proposed is an extension of the window seat at the northwest corner of the building to 2'.

Recommendations

The excavation of the pool at the distance proposed will not, in the view of this writer, present an impact to the tree's health. The installation of a support wall for the deck edge is not an option. Wooden beams on piers would be the appropriate support structure which avoids root disturbance.

Three piers would be positioned along the edge of the decking 15', 5', and 11' from the tree. No other soil grading or trenching shall occur in this area. The extension of the window seat will require a support wall but soil excavation for it will not be significantly intrusive into the tree's root zone. **Trenching and pier excavation for the two installations shall be accomplished manually.**

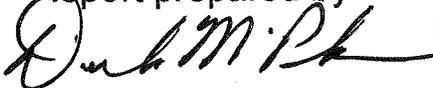
Measures for Tree Preservation

1. The tree is experiencing stress from end of the year drought and the recent withdrawal of regularly applied irrigation. **At this time, water should be applied deeply to the soil area to a radius of 30' out from the tree trunk.**
2. **It is imperative that protective fencing be installed 5' out from the tree and maintained in place throughout construction.**
3. **No grading or excavating machinery shall be allowed on the upper terrace southwest and northeast (the house side) of the tree.**
4. **Any soil movement that may occur on the northwest side (tree side) of the excavation for the pool shall be overseen by a Certified Arborist.**
5. **No cleaning of concrete and plaster equipment shall occur within a 30' radius of the tree.**

Conclusion

Even keeping all of the above considerations for tree protection and preservation in mind during the entire construction phase, the tree may be vulnerable to unintended root severing. Off plan trenching for utility and landscaping conduits is always a threat and should be anticipated before hand and dealt with appropriately.

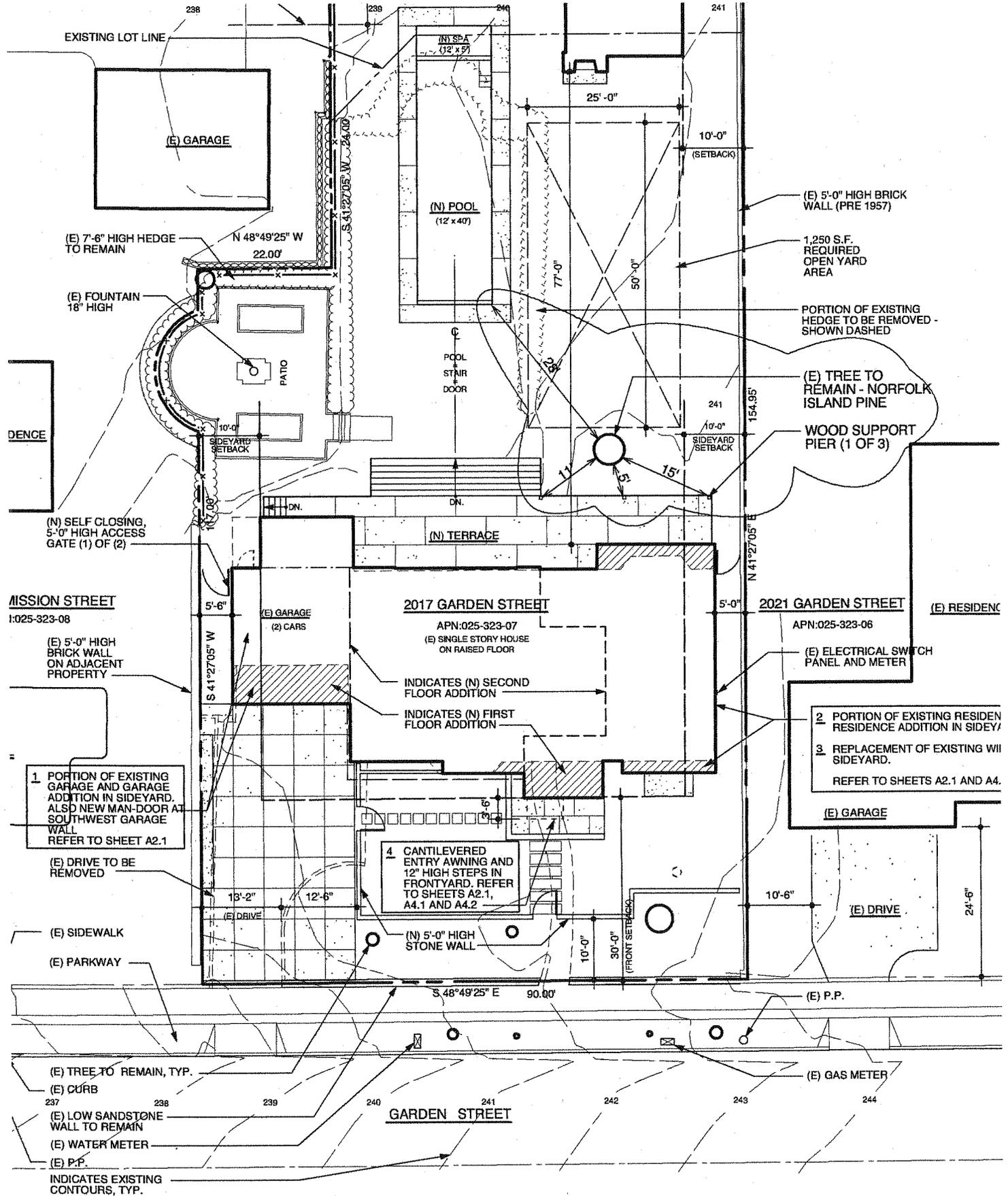
Report prepared by



Duke McPherson

Certified Arborist with the
International Society of Arboriculture
Certification # WE-0690A

Member of the
American Society of
Consulting Arborists
Membership # 1113



PARTIAL SITE PLAN - NORFOLK ISLAND PINE

12-08-08

1"= 20'-0"



SANDERS RESIDENCE
 2017 GARDEN STREET
 SANTA BARBARA, CA 93103