



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 1, 2007
AGENDA DATE: November 8, 2007
PROJECT ADDRESS: 1811 El Encanto Road (MST2006-00750)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Peter Lawson, Associate Planner

[Handwritten signature]

I. PROJECT DESCRIPTION

The project site consists of two residences on 1.77 acres. A remodel and addition is proposed for one single family residence (SFR), which would include a 774 s.f. addition, 2,019 s.f. interior remodel and adding a 62 s.f. pool bath within the existing basement. New structures would include a 705 s.f. detached garage, a 220 s.f. pergola with fireplace and a new 20x50 pool. The other SFR would have an internal remodel, which would include replacing the windows, but no added square footage. Any change to the two residences on one legal lot requires approval of a performance standard permit to be consistent with current regulations.

Two Modifications are being requested along the front yard on Lausen Road. An existing garage, located within the front yard setback, would be converted to a storage accessory use. Additionally, a hedge proposed along the eastern and southern property line would be taller than the required height in a front yard setback of 3 ½ feet, due to being located on top of an approximate two-foot tall retaining wall.

Grading for the proposed project would be confined to the proposed garage area and constructing the pool. Parking will be provided for the main residence in a new two-car garage and for the smaller residence in an existing, attached two-car garage. Access to the project site would continue to be from El Encanto Road.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

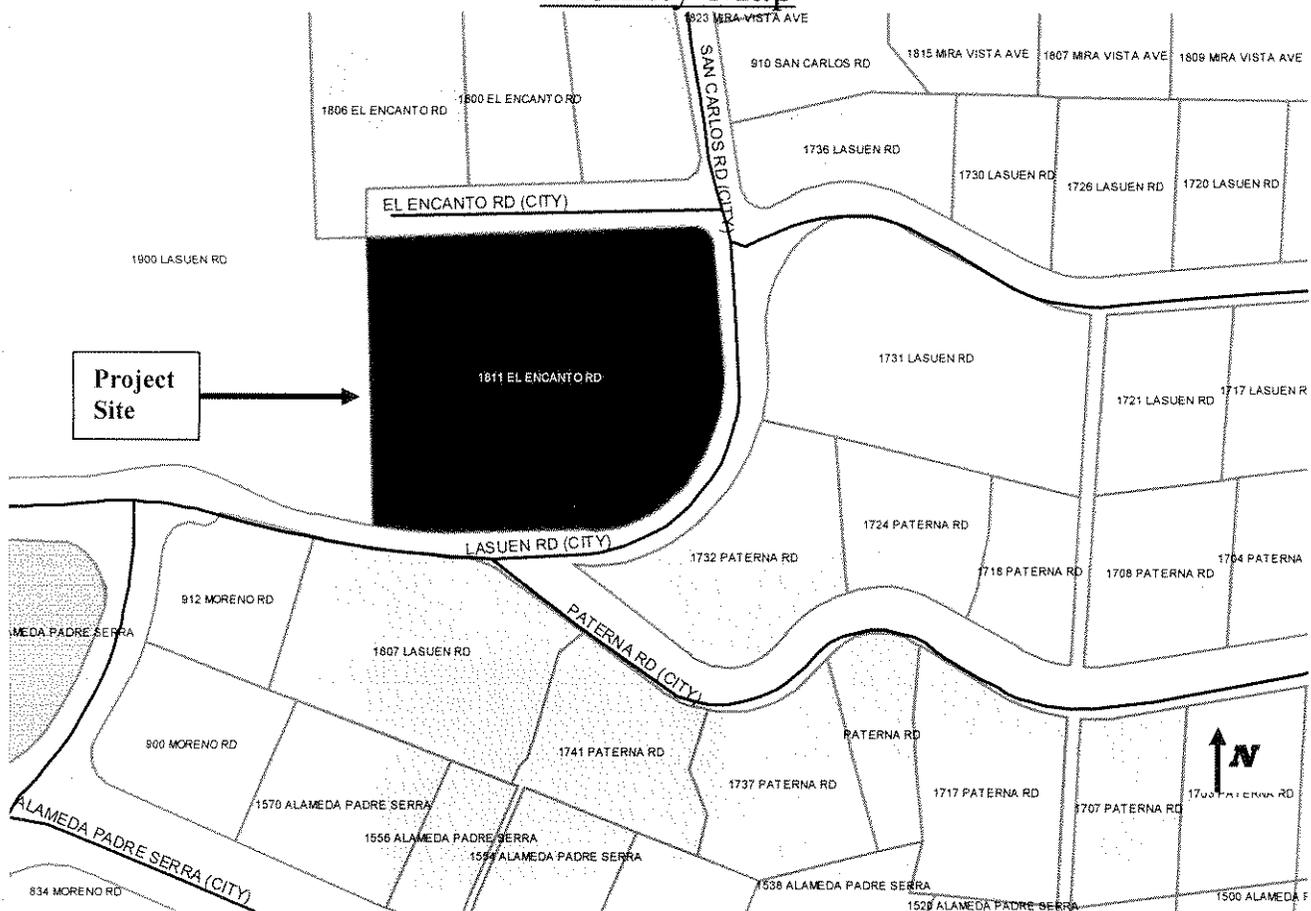
1. A Modification of the required front yard setback to allow the conversion of an existing non-conforming garage to storage space located within the required interior yard setback (SBMC §28.15.060); and
2. A Modification (eastern property line) to allow hedges greater than 3 ½ feet in the front yard setback (SBMC §28.87.170); and

3. Performance Standard Permit to allow two single family residences on one legal lot (SBMC§28.93); and
4. Neighborhood Preservation Ordinance Findings to allow development in excess of 6,500 square feet on for projects that involve a potential historic structure in the Hillside District (SBMC §22.22.133.A.2).

III. RECOMMENDATION

With the 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 Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

September 11, 2007
December 10, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Peter Becker, Architect	Property Owner: Blake and Emily Jones
Parcel Number: 019-170-018	Lot Area: 1.77 Acres
General Plan: Residential 3 Units/acre	Zoning: E-1
Existing Use: Residential	Topography: 15%
Adjacent Land Uses: North - Residential South - Residential East - Residential West - Hotel	

B. PROJECT STATISTICS

Residence #1	Existing	Proposed
Living Area	5,293 s.f.	5,962 s.f.
Basement	2,428 s.f.	2,428 s.f.
Detached Garage	0	705 s.f.
Accessory Space	0	220 s.f.
Residence #2		
Living Area	1,130 s.f.	1,130 s.f.
Basement	0	0
Attached Garage	425 s.f.	425 s.f.
Detached Garage	250 s.f.	0
Accessory Space	0	250 s.f.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing		Proposed	
		Res # 1	Res # 2	Res # 1	Res # 2
Setbacks					
-Front	30'	48'	12	48'	12
-Interior	10'	48'	Exceeds setback	48'	Exceeds setback
-Rear	10'	N/A	N/A	N/A	N/A
Building Height	30'	33' 9"	24'	33' 9"	24"
Parking	2 spaces/unit	0 covered	3 covered	2 covered	2 covered
Lot Area Required for Each Unit	1.5 X 15,000 s.f./SFR	34,430 s.f.	34,430 s.f.	34,430 s.f.	34,430 s.f.

Standard	Requirement/ Allowance	Existing		Proposed	
(Single Family)	22,500 s.f.				
Open Yard	1,250 s.f.	1,250 s.f. +		1,250 s.f. +	
Lot Coverage					
-Building	N/A	7,499 s.f.	11%	8,089 s.f.	12%
-Paving/Driveway	N/A	7,497 s.f.	11%	5,979 s.f.	9%
-Landscaping	N/A	53,868 s.f.	78%	54,793 s.f.	80%

The proposed project would meet the requirements of the E-1 Zone, with the exception of the Modifications for the garage conversion and the hedge exceeding the allowed height.

VI. ISSUES

A. DESIGN REVIEW

Based upon the project site location, the proposed development would be subject to the Architectural Board of Review. However, based upon a Historic Sites/Structures Report prepared by Post/Hazeltine Associates, dated June 25, 2007, the structure was found to be Landmark-worthy, which gave the Historic Landmarks Commission (HLC) review authority. The report was accepted, with conditions, by the HLC on July 11, 2007. On the same day the report was accepted by the HLC, the commission also voted to place the property on the City's List of Potential Historic Resources. The Commission also encouraged the property owner to pursue City Landmark status.

The proposed project, with a total of 8,572 square feet of existing and proposed development, is being referred to the Planning Commission by the Historic Landmarks Commission (HLC) based upon SBMC Section 22.22.133.A.2. Under this provision, if the cumulative development exceeds 6,500 square feet in the Hillside District, then the Planning Commission shall review and approve, disapprove or conditionally approve with any standards set forth by Council Resolution, prior to final HLC action on the project. This provision is a left-over from the prior Neighborhood Preservation Ordinance (NPO) and will be eliminated in the near future as part of the follow-up revisions to correct omissions and errors in the current NPO.

On July 25, 2007, the HLC reviewed the proposed additions to the structure (meeting minutes are attached as Exhibit D). The HLC stated that they support the proposed additions and offered comments on the design of the proposed pergola. The HLC also stated support of the Modification for the conversion of the garage to the accessory structure, as there are no changes to this structure other than replacing the garage door within a wall. The HLC also reviewed the landscape plan, as well as an arborist report and concurred with the findings of the report.

B. COMPLIANCE WITH THE GENERAL PLAN

The project site is identified as being located in the Riviera neighborhood and is within the Hillside Design District. The proposed development would occupy a lot that has been developed for many years with two dwellings. Since the site is developed, grading for the proposed additions and proposed garage would be minimal. The proposed development would be consistent with the residential density of the General Plan, as well as the neighborhood. The amount of lot area per dwelling unit, with the slope calculation factored per the Municipal Code requirement, is consistent with the General Plan. The surrounding lots are developed with single family and multifamily development. Parking for the project would be provided on site with two covered spaces per unit, consistent with the Land Use Element direction of bringing new or additional development into compliance with the parking requirements. Therefore, the project can be found consistent with the General Plan.

C. MODIFICATIONS

The proposed project includes two modification requests. The first Modification would allow for the conversion of the existing single-car garage, located in the front yard setback, to a storage building. Given its location, the garage does not provide safe vehicular ingress or egress and would better serve as a storage building with pedestrian access only. The garage is located adjacent to the sidewalk and at the bend in the road, all of which provides a very minimal visual field from a vehicle exiting a garage. The garage is also a part of the foundation of the existing house located above and removal of the garage would necessitate a great deal of foundation work.

The second Modification is for a combined hedge and retaining wall that exceeds the allowed height in the front yard setback. Staff found that, along this portion of Lausen Road, an increase of height would not cause an unsafe pedestrian or automobile situation. There are no driveway or road entrances along the north-west side of Lausen Road from the intersection of Lausen and El Encanto to Alvarado Place. This is due to the fact that the project site and the El Encanto Hotel are the only two properties along this segment of the road. Both pedestrian and vehicular access to El Encanto is from Alvarado Place. Also, along Lausen Road there is a sidewalk along the north-west side to provide safe pedestrian access.

D. ENVIRONMENTAL REVIEW

The project was found exempt from further environmental review under CEQA Section 15303, New Construction or Conversion of Small Structures. The proposed project is located in a developed neighborhood of single family and multi-family dwellings. Impacts would be minimal, as the project site has been developed with two single family dwellings, with accessory structures, for many years and the additions proposed would be minimal. The residences are considered historic and the proposed additions are within the historic context of the houses.

VII. FINDINGS

The Planning Commission finds the following:

A. MODIFICATION (SBMC §27.92.110.A.2)

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

The Modification to allow the garage to be converted to a storage area would allow for a more appropriate improvement and provide a safer use adjacent to a public right-of-way.

B. MODIFICATIONS (SBMC §27.92.110.A.3)

A modification of fence, screen, wall and hedge regulations is allowed where the modification is necessary to secure an appropriate improvement on a lot and is consistent with the purposes and intent of this Title.

A hedge and wall combination exceeding three and one-half feet has been on-site for many decades. The proposed hedge would replace the existing hedge. As stated above, there would not be impacts to public safety for either pedestrians or automobile users.

C. PERFORMANCE STANDARD PERMIT (SBMC §28.93)

That the proposed use complies with all standards for the proposed use set forth in Section 28.93.030 and all requirements of the Zoning Ordinance, and may revoke a performance standard permit if compliance with any such standards and requirements is discontinued.

D. NEIGHBORHOOD PRESERVATION ORDINANCE (SBMC §22.69.050)

Prior to approval of any project, the project shall be found consistent with the following findings:

1. Consistency and Appearance. The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood.
2. Compatibility. The proposed development is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood.
3. Quality Architecture and Materials. The proposed buildings and structures are designed with quality architectural details. The proposed materials and colors maintain the natural appearance of the ridgeline or hillside.
4. Trees. The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. The proposed project, to the maximum extent feasible, preserves and protects healthy, non-invasive trees with a trunk diameter of four inches (4") or more

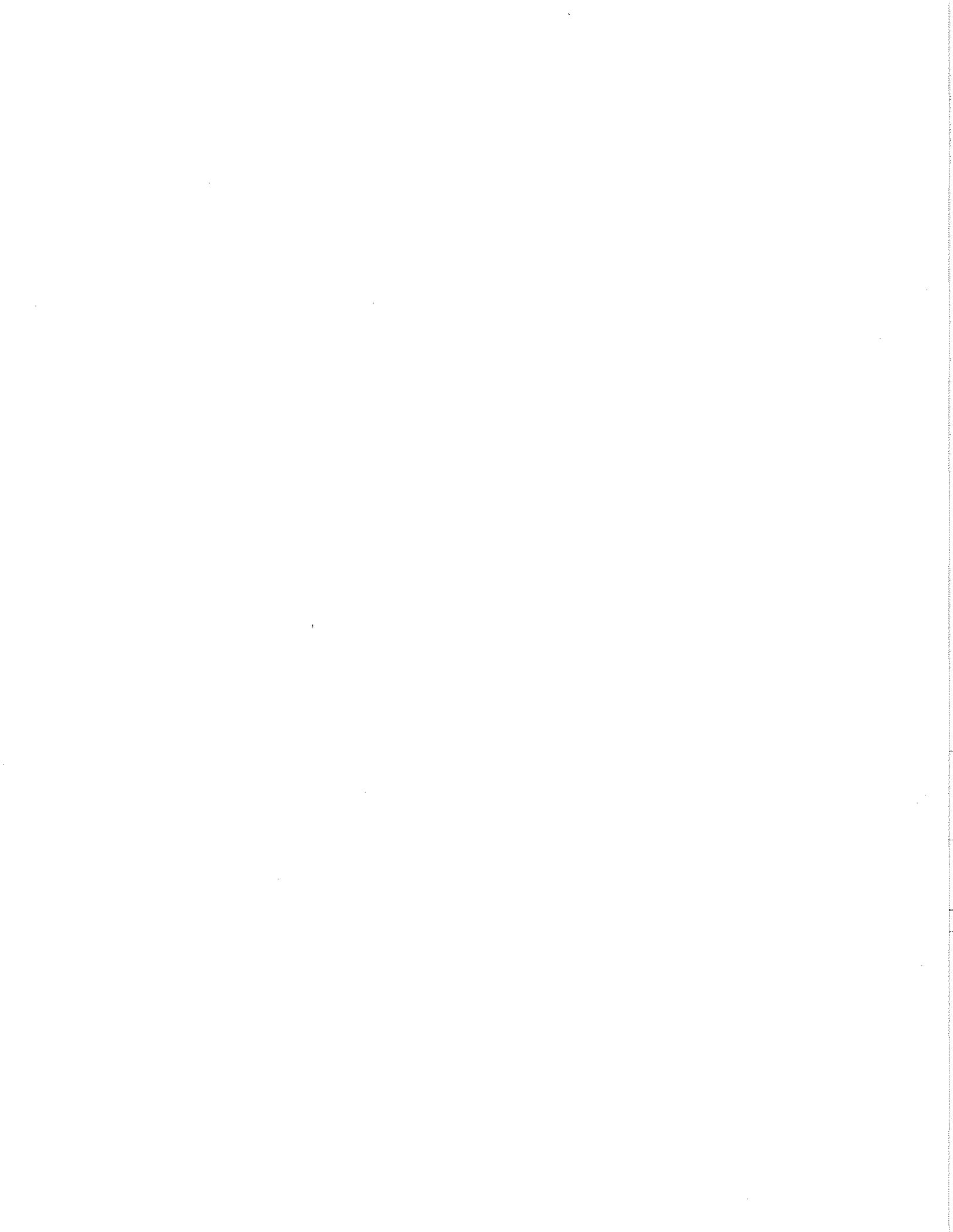
measured four feet (4') above natural grade. If the project includes the removal of any healthy, non-invasive tree with a diameter of four inches (4") or more measured four feet (4') above natural grade, the project includes a plan to mitigate the impact of such removal by planting replacement trees in accordance with applicable tree replacement ratios.

5. Health, Safety, and Welfare. The public health, safety, and welfare are appropriately protected and preserved.
6. Good Neighbor Guidelines. The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.
7. Public Views. The development, including proposed structures and grading, preserves significant public scenic views of and from the hillside.
8. Natural Topography Protection. The development, including the proposed structures and grading, is appropriate to the site, is designed to avoid visible scarring, and does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.
9. Building Scale. The development maintains a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of structures.

In summary, the proposed additions to the existing structures would be located on the ground level. The proposed garage would be on the same elevation and would not exceed the height as the existing dwelling. All new development would be subject to Historic Landmarks Committee review and due to its Structure of Merit designation; any additions would be incorporated within the style of the existing structures.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated October 1, 2007
- D. HLC Minutes dated July 11 & 25, 2007



PLANNING COMMISSION CONDITIONS OF APPROVAL

1811 EL ENCANTO
PERFORMANCE STANDARD PERMITS, MODIFICATIONS AND
NEIGHBORHOOD PRESERVATION ORDINANCE
NOVEMBER 8, 2007

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

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner 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 watercourses, conduits and any access road, as appropriate.
 2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). 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 (HLC), the owner is responsible for its immediate replacement.
 3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 4. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 8, 2007 is limited to a remodel and addition for a single family residence (SFR), which would include a 774 s.f. addition, 2,019

s.f. interior remodel and adding a 62 s.f. pool bath within the existing basement. New structures would include a 705 s.f. detached garage, a 220 s.f. pergola with fireplace and a new 20x50 pool. As part of the project a second SFR on the same legal lot would have an internal remodel, which would include replacing the windows, but no added square footage, and the improvements shown on the site plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **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.
- B. **Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC) shall not grant preliminary approval of the project until the following conditions have been satisfied.
 1. **Permeable Paving.** Incorporate a permeable paving system for the (project driveway(s) walkway(s) parking area(s)) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.
 2. **List of Potential Historic Resource.** Consistent with direction from the HLC at the meeting of July 11, 2007, staff shall add the structures to the City's List of Potential Historic Resource at the next update to the list.
- 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. **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.
 2. **El Encanto Road Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on El Encanto Road. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk,

include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, asphalt concrete, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, connection to City water and sewer mains, preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

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 Historic Landmarks Commission, outlined in Section B above.
2. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
3. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
4. **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 by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **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.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **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: (look at longer or shorter hours and Saturday construction, depending on project location)

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.

6. **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.
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water,

through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
9. **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.
10. **Existing Tree Preservation.** The existing tree(s) shown on the approved site plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
13. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a

Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

G. **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.) 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 improvement/building plans, including utility service undergrounding and installation of street trees.
3. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

H. **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 APPROVAL TIME LIMITS:

The Planning Commission's action approving the Performance Standard Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. 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.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

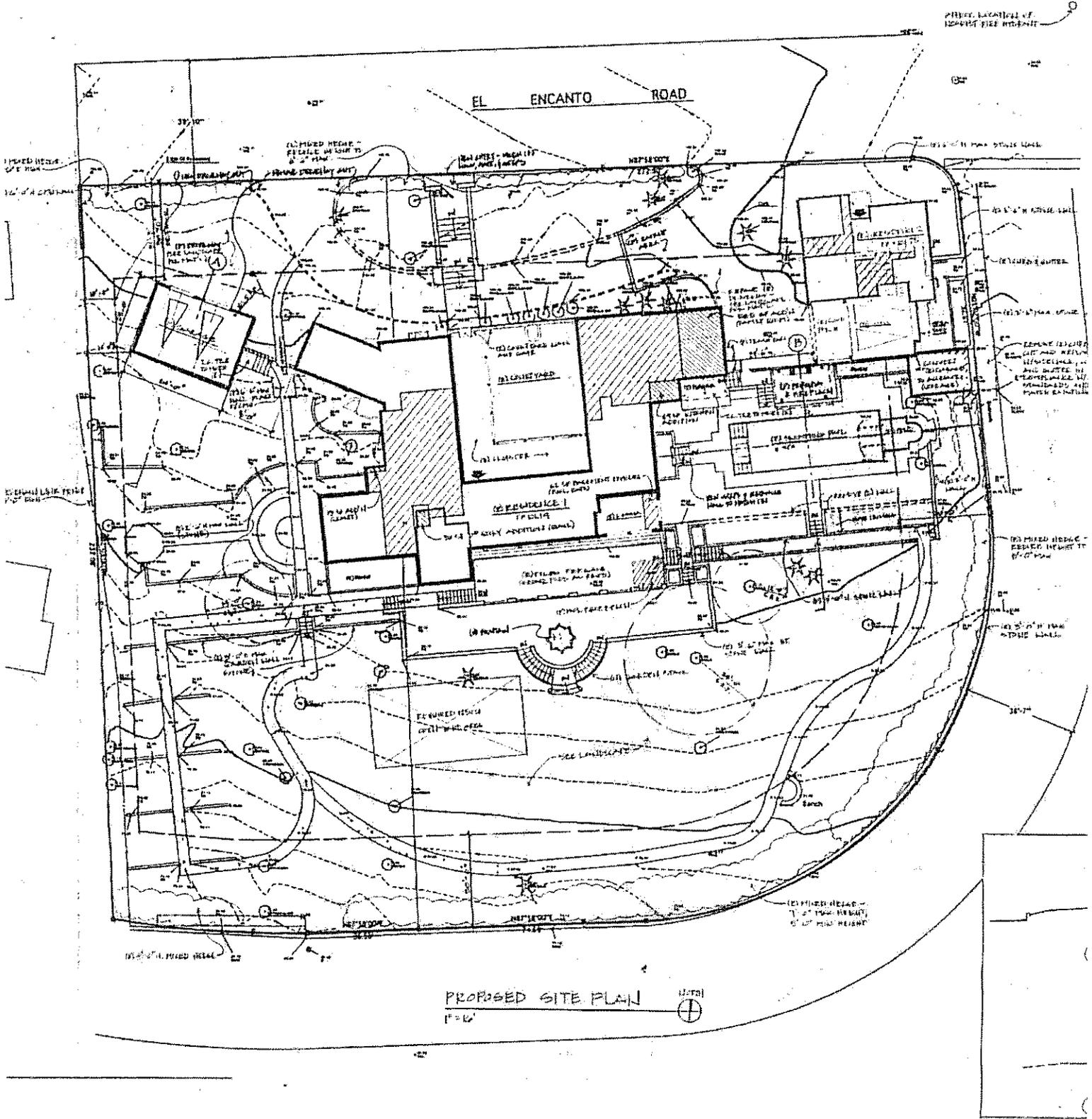


EXHIBIT B

Peter Becker
Architect

34 West Mission Street • Santa Barbara, CA 93101 • tel 805.682.3636 • fax
805.682.7636

October 1, 2007

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED

OCT 02 2007

CITY OF SANTA BARBARA/
PLANNING DIVISION

Re: Performance Standard Permit request for 1811 El Encanto Road, APN 019-170-018, E-1

Dear Staff Hearing Officer,

1. The subject parcel is a 1.77 acre lot (68,861 square feet) in the E-1 zone district. On the lot presently are two single-family residences. The larger residence, at 1811 El Encanto Road, has 5,293 sf of habitable space and 2,428 sf on non-habitable basement space (7,721 sf total floor area). The smaller residence, at 1801 El Encanto Road, has 1,130 sf of habitable space, no basement space, an attached 425 sf two-car garage, and a partially attached 250 sf one-car garage (1,805 sf total floor area). All of the existing structures were designed by noted local architect Winsor Soule. Plans date both residences to 1926, with the exception of a bedroom wing addition to the larger residence, also designed by Soule, which the plans date to 1934. All structures have permits according to City building files.

At 1811 El Encanto Road, the proposal is to add 744 sf to the main level to enlarge the family room, kitchen and master closet; to add 30 sf at the 2nd floor for a stair addition to the existing tower room; to remodel 2,019 sf; and to add a 62 sf pool bath within the existing basement space. A 705 sf detached two-car garage, a new 20' x 50' swimming pool, and a 220 sf pergola with outdoor fireplace are also proposed for this residence. Approximately 88 cy of cut and 206 cy of fill will be required at the proposed garage and pool.

At 1801 El Encanto Road, the proposal is to replace one non-original window with a replica of the original; to remodel 265 sf of the interior; and to convert the existing one-car garage to accessory/storage space.

2. We are requesting a Performance Standard Permit to legally recognize the existing second house (1801 El Encanto Road), which has existed as a separate residence with full kitchen since it was constructed in 1926. Since the property is in the E-1 zone district, which limits properties to a single residence per lot, the property is "non-conforming as to use." Since this status would prohibit the owners from adding any additional square footage or altering the exterior of either of the houses, a Performance Standard Permit will be needed to legally recognize the smaller house as a separate residence.

At the request of City staff, we are also requesting a Modification to convert the existing one-car garage to accessory/storage space. A modification is required because the garage sits within the front yard setback. The City's Transportation Division asked that this garage be

Peter Becker
Architect

34 West Mission Street • Santa Barbara, CA 93101 • tel 805.682.3636 • fax
805.682.7636

decommissioned because it opens directly onto San Carlos Road, onto a blind curve, which they deemed unsafe. The owners are willing to convert it to storage space. Because the garage is part of the original historic estate, we propose to restore the original garage doors to maintain and preserve the historic character of the garage, while removing the curb cut to eliminate access.

A second Modification is also requested to allow the existing over-height hedges to remain at the side and rear of the property along San Carlo and Lasuen Roads. The Transportation Division of Public Works has reviewed this request and indicated that they will support the Modification.

3. The major benefit of approving the Performance Standard Permit will be to support the addition of a kitchen and family room and garage space appropriate for an estate home of this size, without requiring the owners to remove the original kitchen from the historic smaller second residence. As is typical of homes of this period, the kitchen of the larger house is small and designed for servants' use, and needs to be expanded to be a functional living space compatible with contemporary use. There is no family room in the larger residence presently. The proposed two-car detached garage would provide covered parking space for the larger residence, while the smaller residence would continue to be served by the existing two-car garage. Given the legal restrictions on the parcel described in item #2 above, a Performance Standard Permit will be required before any of these alterations can be made.

The major benefit of supporting the garage Modification request would be to improve safety on San Carlos Road, and preserve the historic appearance of the garage by allowing the building to be converted to another use rather than be torn down.

The major benefit of supporting the hedge Modification request would be to preserve the mature landscaping and privacy that is part of the existing character of the neighborhood.

Sincerely,



Peter Becker

Public comment opened at 2:22 p.m.

Paula Westbury, resident, objected to building a pool where proposed because she believes the site was an Indian burial ground.

Public comment closed at 2:22 p.m.

Motion: To accept the report with the following condition and comments: 1) Mitigation measure 1, on page 46, shall be removed from the report where it states to "step the roof of the addition down to differentiate the addition from the existing wing." 2) The Commission would recommend that the house be placed on the City's List of Potential Historic Resources in view of the report's conclusion that the property is landmark-worthy. 3) Staff is to review the plan drawings and the required mitigation measures specified in the report to determine which have and which have not been met by the applicant.

Action: Naylor/Murray, 8/0/1. (Curtis abstained.) Motion carried.

MISCELLANEOUS ACTION ITEM

5. 1811 EL ENCANTO RD

E-1 Zone

(2:29) Assessor's Parcel Number: 019-170-018
 Application Number: MST2006-00750
 Owner: Emily and Blake Jones
 Applicant: Peter Becker

(Proposed changes to a site comprised of two existing single-family residences. A remodel and addition is proposed for one of the residences including a 611 square foot addition, 1,373 interior remodel, and conversion of 2,079 square feet of basement to habitable space. New structures would include a 750 square foot detached garage, a 350 square foot pool cabana, and a new 20' x 50' swimming pool. The other residence would remain unchanged. A modification is requested to allow a portion of a driveway retaining wall to encroach into the front yard setback.)

(Consideration of a structure to be added to the City's List of Potential Historic Resources.)

Present: Blake Jones, Owner?

Staff comment: Jake Jacobus, Associate Planner/Urban Historian, stated that the property owner has waived his right to the 60-day waiting period required prior to Staff sending the notice of the Commission's hearing to consider placing the property on the City's List of Potential Historic Resources.

Public comment opened at 2:30 p.m.

Kellam De Forest, resident, stated that the proposed front seems to be a drastic landscape change with the fencing and new stairs down to the garden.

Public comment closed at 2:31 p.m.

- Motion:** To place the property on the City's List of Potential Historic Resources and to place the property on the City's list of Structures of Merit. The Commission encourages the property owner to pursue City Landmark status.
- Action:** Pujo/Naylor, 8/0/1. (Curtis abstained.) Motion carried.

Staff note: Placing the property on the City's List of Potential Historic Resources will give the HLC purview of the project's design review.

CONCEPT REVIEW – NEW: PUBLIC HEARING

6. West Beach Pedestrian Improvement Project HC/P-R/SD-3 Zone
(2:32) Assessor's Parcel Number: 033-120-018
 Application Number: MST2006-00122
 Owner: City of Santa Barbara
 Applicant: Conceptual Motion Company
 Designer: Jeannette Candau

(Proposed enhancements to pedestrian linkage between Stearns Wharf and the Harbor including pedestrian crossings across Cabrillo Boulevard to the beachfront, new benches, lighting, trash/recycle cans, news racks, repairs to existing sidewalks, landscaping, improvements at Sea Landing, and viewing stations on West Beach. The project will require coastal review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT.)

- Present:** Jeannette Candau, City Redevelopment Agency
 Steve Yates and Neil Dipaola, Conceptual Motion

Staff comments: Susan Gantz, Planning Technician II, explained that this parcel is in both the ABR's and the HLC's jurisdiction, with the majority of the work in HLC's jurisdiction. In order to ensure consistency, Staff is requesting that the HLC be the primary design review body. The development process for this project will be:

- Comments from HLC with the project forwarded to the Planning Commission for approval of the Coastal Development Permit;
- The project will return to HLC for Preliminary Approval and continued to ABR Consent for concurrence with the HLC preliminary approval;
- The project will then be forwarded back to the HLC for Final Approval;
- Lastly, it will return to ABR Consent for Final Approval.

Mr. Gantz also stated that there was an error made on the mailing list for the mailed notice for this project and some of the neighborhood organizations that would have been included were inadvertently omitted. Ms. Gantz explained that the Commission could still proceed with the Concept Review today, but no action could be taken by the Commission anyway because the Archaeological Resources Report is still to be submitted and the environmental assessment is not complete. The project will be re-noticed for the next review and will include the neighborhood organizations.

How many Commissioners would support the direction of incorporating elements of the modern ironwork, with great restraint, into the ironwork design? 3/4.
(Boucher/Curtis/Pujo/Sharpe opposed.)

How many Commissioners would require that the ironwork be more traditional? 4/3.
(La Voie/Murray/Naylor opposed.)

Motion: Continued two weeks with the following comments: 1) The commission greatly appreciates the efforts to make the building more Hispanic in style, but more attention needs to be paid to the mass of the building and the authenticity of the architectural expression. 2) Further study the incorporation of the existing iron rail on the stairway as the Commission is ambivalent about the retention of this non-traditional element.

Action: Boucher/Sharpe, 7/0/0. (Adams/Hausz absent.) Motion carried.

Commission comment: The applicant is to provide a landscape plan.

CONCEPT REVIEW - NEW

13. 1811 EL ENCANTO RD

E-1 Zone

(3:45) Assessor's Parcel Number: 019-170-018
Application Number: MST2006-00750
Owner: Emily and Blake Jones
Architect: Peter Becker

(This structure was found to be eligible for City Landmark status and is to be placed on the City's List of Potential Historic Resources. The proposed changes are to a site comprised of two existing single-family residences. A remodel and addition is proposed for one of the residences including a 699 square foot addition, 2,019 interior remodel, 100 square foot crawl space conversion for pool equipment and remodel of basement space. New structures would include a 750 square foot detached garage, a new 220 square foot pergola with fireplace and a new 20' x 50' swimming pool. The other residence would include a remodel and window change. Staff Hearing Officer approval will be required for a modification for conversion of a non-conforming garage to an accessory space.)

(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, HISTORIC RESOURCE FINDINGS, AND STAFF HEARING OFFICER APPROVAL FOR ZONING MODIFICATIONS.)

Present: Peter Becker and Christine Cunningham, Architects
Grant Castleberg, Landscape Architect

Straw vote: How many Commissioners would support the expression of the pergola with plaster supports? 5/2.

Motion: Continued indefinitely to the Staff Hearing Officer with the following comments: 1) The Commission supports the modification for the reason that there are no physical changes to the proposed accessory space element on the property and the conversion is being made at the request of the Transportation Department. 2) The expression of the pergola should be with plaster supports. 3) The Commission expressed enthusiastic support for restoration of the building with the elements proposed and for the landscape plan, with the exception of the removal of any skyline trees. 4) The landscape plan is to be reviewed by the Commission's Landscape Architect. 5) The project is ready for preliminary approval.

Action: Pujo/Boucher, 7/0/0. (Adams/Hausz absent.) Motion carried.

Commission comment: Applicant is to submit the arborist's report to Staff for Commissioner Adams to review it.

CONCEPT REVIEW - CONTINUED

14. 1022 LAGUNA ST R-3 Zone
(4:14) Assessor's Parcel Number: 029-222-022
Application Number: MST2006-00269
Owner: David S. and Laura M. Correia
Architect: Murray Duncan Architects

(Proposal to demolish an existing 1,025 square foot residence and 300 square foot accessory structure and to construct a new 7,349 net square foot, three-story, two-unit residential condominium development with a rooftop deck on a 5,030 square foot lot. The project will include four covered parking spaces on the ground level. Staff Hearing Officer approval will be required for the Tentative Subdivision Map, the Condominium Development, and two Zoning Modifications for encroaching into the front and interior yard setbacks.)

(Third Concept Review.)

(PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A TENTATIVE SUBDIVISION MAP, THE CONDOMINIUM DEVELOPMENT, AND TWO ZONING MODIFICATIONS.)

Present: Murray Duncan, Architect
Bob Cunningham, Landscape Architect

Public comment opened at 4:27 p.m.

Anthony Miratti, neighbor, objected to the scope of the project because of its height and felt it would obstruct the public view. He stated he had letters from the neighbors who also oppose the project. He pointed out that the street is very narrow and there is no parking available on the street due to the proximity of the jury duty area and Santa Barbara High School.

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

Public comment closed at 4:30 p.m.