



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 9, 2012
AGENDA DATE: May 16, 2012
PROJECT ADDRESS: 901 Olive St. / 433 E. Canon Perdido St. (MST2012-00048)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The proposed project involves the addition of 19 apartment units, a two-story, 59-space parking structure, and 474 square feet of non-residential floor area to an existing 18,276 square foot, two-story office building on a 33,005 square foot lot. A total of 66 covered parking spaces will be provided for the development. The 19 apartments, including nine one-story, studio apartments and ten two-story, one-bedroom apartments, will be constructed above the two-story parking structure. The project also includes alterations to the existing office building, including façade improvements on all sides, new elevator, new roof with light wells, solar panels and a new basement-level mechanical room. Total development proposed is 61,801 square feet with a maximum height of 51 feet. The discretionary application required for this project is a Modification to allow a reduction of required parking spaces (SBMC §28.90.100 and §28.92.110).

Date Application Accepted: March 29, 2012

Date Action Required: June 23, 2012

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions listed in section VI.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	DesignArc	Property Owner:	433 ECP LP
Parcel Number:	029-302-018	Lot Area:	33,005 sf
General Plan:	Commercial/Medium High Residential 15-27 du/acre	Zoning:	C-2
Existing Use:	Office	Topography:	13% slope

	Parking Code Section	Parking Spaces Req. by Code	Parking Spaces Provided
10 Studio Residential Units (1.25 spaces per unit)	SBMC §28.90.100.G.3.a	13	16
9 One-bedroom Residential Units (1.5 spaces per unit)	SBMC §28.90.100.G.3.b	14	
Required Guest Parking (19 units x 1 space /4 units)	SBMC §28.90.100.G.3.d	5	
Mixed-Use Reduction of 50% Residential Req. (Residential is <50%)	SBMC §28.90.100. H	-16	
Total Required Parking		84	
Total Parking Provided			66

The number of parking spaces provided for the residential portion conforms with the Zoning Ordinance requirement. The 50 parking spaces provided for the offices is 18 less than the Zoning Ordinance requirement. The applicant has requested a modification to reduce the required parking by 18 spaces to a total of 66 parking spaces, and has submitted a parking demand study prepared by Associated Transportation Engineers (ATE), dated February 22, 2012 (Exhibit C) to support the request. ATE determined the parking demand for the office building based on the Institute of Transportation Engineers Parking Generation Report's average peak parking demand ratio of 2.47 spaces per 1,000 gross square feet of floor area or 47 non-residential parking spaces. Using a shared parking analysis parking model, average peak demand for the office and residential units would be a total of 63 spaces; therefore, the 66 spaces proposed for the project would accommodate parking onsite.

All or a portion of the existing on-street parking may be unavailable during construction due to the siting of the new parking structure and apartments. A condition has been added requiring the property owner to provide a sufficient number of off-street parking spaces to meet the parking demand for any businesses that will remain open during construction. The Construction Parking plan will be required to be submitted to the Public Works Department for review and approval.

B. DESIGN REVIEW

This project was reviewed by the ABR on March 19, 2012. Meeting minutes are attached as Exhibit D. The ABR stated that the proposed parking modification has no negative aesthetic impact, and that it is generally comfortable with the overall massing but is looking for a reduction in height.

C. ENVIRONMENTAL REVIEW

An existing Moreton Bay Fig (*Ficus macrophylla*) is located at north east corner of the lot that is proposed to remain. An arborist report, prepared by Peter Winn of Westree, was submitted for the project that includes several tree protection measures to reduce impacts to tree. A condition has been added requiring that the tree protection measures be incorporated and reproduced on the plan set prior to permit issuance.

The City's Environmental Analyst determined that this project qualifies for a categorical exemption pursuant California Environmental Quality Act Guidelines Section 15332, which provides for infill development projects in urbanized areas that meet the following conditions:

1. The project is consistent with the City's General Plan which allows for apartments to be constructed using the variable density requirements outlined in SBMC§28.21.080.F. and the residential density designation. The project is consistent with the C-2 Zone designation and, with the requested parking modification, the project, as conditioned, would be consistent with all applicable zoning regulations.
2. The project site is within the City boundary, less than five acres in size and surrounded on all sides by commercial uses.
3. The site has been previously disturbed. The entire site is paved with impervious material, is surrounded on all sides by urban uses, and holds no value as habitat for endangered, rare or threatened species.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - a) Traffic. The proposed project is not anticipated to distribute new peak hour traffic trips to an impacted intersection and therefore, will not adversely impact traffic.
 - b) Noise. The new residential units are not expected to result in any significant effects relating to noise. .
 - c) Air Quality. The City of Santa Barbara uses the Santa Barbara County Air Pollution Control District's (APCD) thresholds of significance for air quality impacts contained in the Scope and Content of Air Quality Sections, Land Use Screening Table, updated December 2011. A project of nineteen residential apartment units would not be expected to result in significant air quality impacts, because the APCD's threshold of significance for residential projects is 200 units.
 - d) The project would involve grading, paving and landscaping activities, which could result in short term dust-related impacts; however, the applicant would be required to incorporate standard dust control mitigation measures during grading and construction activities. These measures are included as conditions of approval and would further reduce less then significant air quality impacts.
 - e) Water Quality. The project is not expected to result in any significant adverse effects on water quality. The proposed project includes a stormwater management system to collect and store surface and roof runoff and detain the net difference in runoff for a 25-year storm consistent with the Tier 3 requirements of the City's adopted Storm Water Management Program. In the event of a storm with greater volume, stormwater would surface flow into the storm drain system consistent with current neighborhood drainage patterns.

5. Utilities. The site can be adequately served by all required utilities and public services. All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas, and water distribution and treatment, as the project location is in an already urbanized area where these services are provided.
6. Visual. The applicant has provided photographs to demonstrate that the project will not adversely affect public view sheds.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the requested parking modification to allow the required parking to be reduced by 18 spaces is consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking or loading space in the immediate area, because the project will provide the 16 required residential parking spaces for the residential addition to the existing office building and 50 non-residential parking spaces, thereby meeting the parking demand on site, as described in Section V.A. of this staff report. Additionally, sidewalks and bicycle lanes extend to the downtown area.

Said approval is subject to the following conditions:

- A. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on TBD is limited to approximately 18,750 square feet of office floor area and 19 dwelling units and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Use Limitations.** Due to potential parking impacts, uses other than general office are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.
 3. **Tree Protection.** The existing Moreton Bay Fig (*Ficus macrophylla*) tree shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Westree, dated March 13, 2012. A copy of this report shall be attached to the recorded conditions as an exhibit.
 4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

B. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Temporary Parking Plan for Business Operations.** During Construction, the Owner shall provide on-site or off-site parking to meet the generated parking demand of all businesses that remain open during construction, as determined by the Transportation Manager and Community Development Director. Any off-site parking agreements shall comply with the provisions outlined in Santa Barbara Municipal Code Subsection 28.90.001.18, and is subject to review and approval by the City Attorney.
- b. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
- c. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
- d. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated February 22, 2012
- C. Shared Parking Demand Study, dated February 22, 2012
- D. ABR Minutes
- E. Arborist Report, dated March 13, 2012

Contact/Case Planner: Suzanne Riegle, Assistant Planner
(SRiegle@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 2687

DUDEK

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CITY OF SANTA BARBARA
PLANNING DIVISION

February 22, 2012

City of Santa Barbara
Planning Division
630 Garden Street
Santa Barbara, CA 93101

Attention: Dan Gullet

SUBJECT: Request for Modification of Zoning Ordinance Parking Requirements
Mixed Use Project, 901 Olive Street, City of Santa Barbara

Dear Dan:

Please accept this letter on behalf of the project applicant as a formal request for a Modification of Zoning Ordinance Parking Requirements relative to the proposed development of a mixed use project representing the construction of new apartments with private parking garage, as an addition to the existing office structure at 901 Olive Street.

Background

According to the Santa Barbara County Assessor's Office, the existing commercial structure occupying the subject property was constructed by the State of California in 1961 as general administrative office space. The 18,698 square foot building (gross) was provided with a total of 46 on-site parking spaces, or a ratio of 1/400 square feet.

Neither the building floor area nor the number of existing on-site parking spaces has been altered for this property over the 50 year history of the current structure. Consequently, it would appear that off-street parking for the property has been adequate to support the various office tenants which have occupied the subject structure over time.

As various interior tenant improvements have been accomplished through the years, each one supporting continuation of the general office use of the structure, the City has approved building permits and has found no compelling reason or justification for parking associated with the building to be brought into conformance with current zoning ordinance requirements (refer to permits in the street address file for work performed in 1991, 1993, 2000, 2001, 2006, 2010). In the absence of a proposal to change the type of use for the structure, or expand the structure, the City would evidently continue to accept as legal non-forming the current on-site parking resources for office occupancy of the structure in perpetuity.

Project Description

With regard to the existing structure, the applicant proposes to update the exterior façade of the existing office building, enhance the entrances to the structure, and reconfigure the roof to incorporate additional light wells and solar photovoltaic cells. A new equipment room addition on the basement level (151 gross square feet) would afford space for equipment and controls associated with the new solar system and upgraded HVAC components. These measures would increase the energy efficiency and sustainability of the existing office building, while not increasing the leasable square footage or modifying the intended use of the structure.

The project also includes the construction of a new addition to the existing office structure, containing two levels of vehicle parking with two levels of rental apartments above. This addition to the structure would be located on a portion of the site currently occupied by surface parking for the office building. The multiple use structure addition would contain nine (9) studio apartments and ten (10) one-bedroom apartments, along with 59 vehicle parking spaces. Seven existing surface parking spaces would be preserved, for a combined total of 66 parking spaces to be provided for the existing office structure and new apartments.

Municipal Code – Parking Requirements

The table below summarizes the current municipal code parking regulations (Section 28.90.100 of the Santa Barbara Municipal Code) pertaining to the proposed project.

Parking Requirements Under Current Municipal Code		
Development Component / Land Use	Parking Spaces	Parking Spaces
OFFICE USE		
Office Use (1/250 sq. ft. x 18,750 net sq. ft.)	75	
10% allowable reduction (Over 10,000 sq. ft.)	-7	
Net Requirement – Office Building		68
APARTMENTS		
Studio Apartments (1.25/apt. x 9)	12	
One-Bedroom Apartment (1.5/apt. x 10)	15	
Guest Spaces (1 space/4 apts.)	5	
50% allowable reduction (Multiple use development)	-16	
Net Requirement – Apartments		16
TOTAL Requirement – Combined Development		84

Request for Modification of Municipal Code Requirements to Provide a Reduction in Parking

The applicant is formally requesting a modification to reduce the number of parking spaces from **84** required under Municipal Code Section 28.90.100 et. Seq. to a total of **66 spaces**.

Essentially, the applicant is requesting the City to recognize and legitimize the existing parking situation which has always existed for the present office structure over the 50 year history of the current structure (46 spaces for 18,698 gross square feet), while mandating the current municipal code parking requirements be applied only to the newly proposed apartment units and to the new 474 net square foot basement equipment room addition to the existing office structure (even though this equipment room would not represent leasable floor area). We recognize the City may wish to document a decision on the modification request without relying upon the existing legal non-conforming parking situation; therefore, further discussion for justification of the request is provided below.

The project location is within easy walking distance to grocery stores, retail services, dining, and employment opportunities, reducing potential dependence upon automobiles by the proposed apartment tenants. Similarly, existing residential neighborhoods in close proximity to the project site offer the potential opportunity for office workers to walk or bike from their residences to the office use on the site. The site is also within walking distance of MTD bus routes. We believe the mixed-use nature of the development and excellent proximity to urban retail opportunities, employers, and residential neighborhoods justify a reduction in the amount of parking to be provided at the site.

Please refer to the separate *Shared Parking Demand Study* by Associated Transportation Engineers (February 22, 2012) for technical evaluation of the parking demand represented by the proposed project. The modification request to provide a total of 66 parking spaces on-site represents three surplus spaces over and above the demonstrated combined demand of the land uses contained in the proposal.

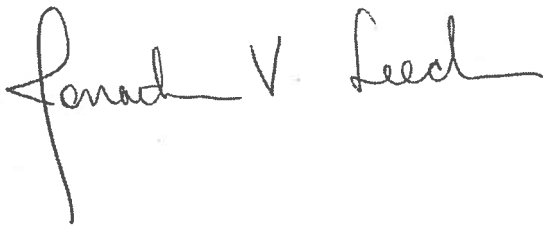
In closing, the proposed parking supply would meet the municipal code requirements for the new apartment component; the project would continue to provide the historic number of spaces associated with the office space/uses on the site; and, the proposed number of spaces would exceed the combined parking demand represented by the proposed project. The modification request therefore seeks relief only from the current parking standards applicable to the office building/uses which has had the same parking circumstance for the past 50 years. Under the

*Request for Modification of Municipal Code Parking Requirements
901 Olive Street Mixed Use Project
February 22, 2012
Page 4*

proposal, the office building operations would benefit from three new parking spaces that are identified to be in excess of the project parking demand.

Should you have any questions regarding this modification request, I hope that you will not hesitate to contact me at 805-963-0651 or via email at jleech@dudek.com.

Sincerely,

A handwritten signature in black ink that reads "Jonathan V. Leech". The signature is written in a cursive style with a large, sweeping initial 'J'.

Jonathan V. Leech, AICP
Senior Environmental Planner

Cc: Peter Lewis, Applicant



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

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CITY OF SANTA BARBARA
PLANNING DIVISION

February 22, 2012

12014L01.WP

Melisa Cinarli
DesignARC, Inc.
29 West Calle Laureles
Santa Barbara, CA 93105

SHARED PARKING DEMAND STUDY FOR THE 901 OLIVE STREET MIXED-USE PROJECT, CITY OF SANTA BARBARA

Associated Transportation Engineers (ATE) has prepared the following shared parking demand study for the 901 Olive Street Mixed-Use Project, proposed in the City of Santa Barbara. The study quantifies the parking demands associated with the project and evaluates the adequacy of the proposed parking supply.

Project Description

The 901 Olive Street Mixed-Use Project is proposing to redevelop the existing site to add 19 residential apartment units and a parking garage to the existing 18,698 SF (gross) office building located on the project site. The project also includes a 515 SF (gross) addition to the basement of the office building that would house mechanical/utility equipment. Thus the total square footage of the office component of the proposed project is 19,213 SF (gross). The project would provide 66 parking spaces that would be shared between the residential and office uses.

Shared Parking Analysis

A shared parking demand model was developed for the mixed-use project to determine if the proposed parking supply of 66 spaces would accommodate the anticipated uses of the project. The parking demand rates and time-of-day factors presented in the ITE Parking

EXHIBIT C

Generation Report ¹ for Office Building (ITE Land-Use #701) and Low/Mid-Rise Apartments (ITE Land-Use #221) were used for the analysis (urban rates used). The analysis assumes that 16 spaces would be reserved for the residential uses throughout the day pursuant to the City's minimum Code requirements for the project. Table 1 presents the results of the shared parking analysis (a calculation worksheet is attached for reference).

Table 1
Shared Parking Model

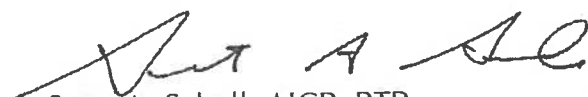
Land-Use	Time	Size	Parking Demand
Apartments	10:00 - 11:00 A.M. 2:00 - 3:00 P.M.	19 Units	16 Spaces (a)
Office	10:00 - 11:00 A.M. 2:00 - 3:00 P.M.	19,213 SF	47 Spaces
Total Demand			63 Spaces
Proposed Parking Supply			66 Spaces

(a) Parking demand during these time periods is less than 16 spaces, however the analysis assumes 16 reserved parking spaces for the residential uses throughout the day.

The data presented in Table 1 indicate that the peak parking demand forecast for the project site is 63 spaces. The actual demand for the project during the peak periods is 54 -55 spaces (see attached worksheet), however it is assumed that 16 spaces would be reserved throughout the day for the apartment units and would not be shared with the office uses. The proposed parking supply of 66 spaces would adequately accommodate the parking demands of the proposed mixed-use project.

This concludes our shared parking demand study completed for the 901 Olive Street Mixed-Use Project.

Associated Transportation Engineers



Scott A. Schell, AICP, PTP

SAS/MMF

Attachments: Shared Parking Calculation Worksheets

¹ Parking Generation, Institute of Transportation Engineers, 4th Edition, 2010.

**910 OLIVE STREET PROJECT
WEEKDAY SHARED PARKING DEMANDS**

<i>Land Use</i>	<i>Size</i>	<i>Rate</i>	<i>Source</i>	<i>Demand</i>
Office (kSF)	19.213	2.47	ITE #701 (Urban)	47
Apartment (units)	19	1.20	ITE #221 (Urban)	23

Time	Office		Residential		Assumed Demand	Assumed Total Demand
	Hourly Factor	Parking Demand	Hourly Factor (a)	Parking Demand		
6:00 a.m.	0.00	0	0.92	21	21	21
7:00 a.m.	0.19	9	0.74	17	17	26
8:00 a.m.	0.64	30	0.41	9	16	46
9:00 a.m.	0.91	43	0.34	8	16	59
10:00 a.m.	0.99	47	0.32	7	16	63
11:00 a.m.	0.99	47	0.31	7	16	63
12:00 noon	0.98	47	0.30	7	16	63
1:00 p.m.	0.96	46	0.31	7	16	62
2:00 p.m.	1.00	47	0.33	8	16	63
3:00 p.m.	0.99	47	0.37	8	16	63
4:00 p.m.	0.90	43	0.44	10	16	59
5:00 p.m.	0.58	28	0.59	13	16	44
6:00 p.m.	0.00	0	0.69	16	16	16
7:00 p.m.	0.00	0	0.66	15	16	16
8:00 p.m.	0.00	0	0.75	17	17	17
9:00 p.m.	0.00	0	0.77	18	18	18
10:00 p.m.	0.00	0	0.92	21	21	21
11:00 p.m.	0.00	0	0.94	21	21	21
12:00 midnight	0.00	0	1.00	23	23	23

Actual Demand
21
26
39
51
54
54
54
53
55
55
53
41
16
15
17
18
21
21
23

(a) No hourly data available for apartment complexes from 8:00 A.M. - 3:00 P.M.
Hourly factors from 8:00 A.M. - 3:00 P.M. taken from ITE Land-Use #224 (Rental Townhouse)



DESIGN REVIEW ACTIVITIES SUMMARY

901 OLIVE ST (MST2012-00048)

MIXED USE-NEW RES UNITS

Proposal to construct nine, one-story, studio apartment units and ten, two-story, one-bedroom apartment units above a new two-level, 59 space parking structure. The 19 new apartment units and new parking structure will be added to an existing two-story, 18,276 office building. Project also includes alterations to the existing office building including façade improvements on all sides, new elevator, new roof with light wells, solar panels and a new 474 square foot basement-level mechanical room. Total development proposed is 61,801 square feet with a maximum height of 51 feet on a 33,005 square foot lot. Seven existing parking spaces will remain for a total of 66 proposed parking spaces. Staff Hearing Officer review is requested for a zoning modification for a reduction of required parking spaces.

Status: Pending

DISP

Date 3

ABR-Concept Review (New) - PH

CONT

03/05/12

(Comments only; project requires environmental assessment and Staff Hearing Officer review of a zoning modification.)

Actual time: 3:08

Present: Mark Kirkhart, Architect and Melisa Cinarly, Project Manager, DesignARC; Peter Lewis, Owner/Developer; Phil Suding, Landscape Architect.

Public comment was opened at 3:34 p.m.

Ernie Watson, expressed concern about the narrowness of the street and the need for street lighting.

Debra Whitson, representing owners of 411 Canon Perdido, concerned that parking lot will be impacted by visitors of 901 Olive.

A letter from Larry DeBusk expressing concerns with proposed height and massing was acknowledged.

Public comment was closed at 3:38 p.m.

Dan Gullett, Associate Planner, provided comments regarding parking requirements and responded to questions from the Board.

Motion: Continued two weeks to Full Board with the following comments:

1. Provide a complete neighborhood photo study
2. Study reducing the floor-to-floor plate heights.
3. Study the proposed massing and materials to accommodate an appropriate transition to the neighborhood residential and commercial buildings.
4. Study reducing the amount of screening shown on the existing commercial building for further recess from the street.
5. Study other potential architectural enhancements for the existing commercial building.
6. Provide a landscape plan that includes a study of maximizing landscape areas wherever possible.
7. Study utility needs and locations and show where they would occur.
8. The Board finds the parking modification has no aesthetic impact.
9. Applicant is commended for preserving the fig tree.

Action: Gradin/Rivera, 5/0/0. Motion carried. (Gilliland/Sherry absent)

ABR-Concept Review (Continued)

CONT

03/19/12

(Second Review. Comments only; project requires environmental assessment, Compatibility Analysis, and Staff Hearing Officer review of a requested zoning modification. The project was last reviewed on March 5, 2012.)

EXHIBIT D

Actual time: 3:49

Present: Mark Kirkhart, Architect, and Melisa Cinarly, Project Manager, Design ARC; Phil Suding, Landscape Architect.

Dan Gullett, Associate Planner, was available to respond to questions.

Public comment was opened at 4:12 p.m.

A letter from Jon Orr expressing concern for heights was acknowledged.

Kellam De Forest: expressed concerned that the building was too modern when it was built and is now morphing into an addition that is not compatible with the neighborhood nor to Santa Barbara.

Public comment was closed at 4:15 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and return to the Full Board with the following comments:

1. The Board is generally comfortable with the overall massing but looks for reduction in height.
2. Restudy the proposed metal screening on the existing building.
3. Return to the Full Board with additional details after Staff Hearing Officer review.
4. The proposed parking modification has no negative aesthetic impact.

Action: Gradin/Zink, 4/0/1. Motion carried. (Gilliland abstained, Poole absent)



WESTREE

Peter Winn
P.O. Box 22702
Santa Barbara
CA 93121

805-966-3239
Cont. Lic. #772299

March 13, 2012

Mr. Peter Lewis
160 Santa Tomas Lane
Santa Barbara, CA 93108

RE: 901 Olive Street, Santa Barbara.

Dear Mr. Lewis,

Per your request I have reviewed the proposed plans and visited the site at 901 Olive Street with the idea of how to best protect the large Morton Bay Fig (*Ficus macrophylla*).

This very large Fig tree is in good health and is relatively young, despite its overall size. It is located on the street level in the northwest corner of the project but has a large root mass cascading down to the lower parking level. Initially, the plan proposed the new structure to encroach within 6ft of the trunk of the tree plus the necessary over-excavation. I was not comfortable with this due to the excessive amount of root area being destroyed. After discussing my concern with your Architect, Bruce Bartlett, he came up with changes that I feel will not have major impact to the bulk of the root area of this tree. The proposed new structure will be 21ft. from the trunk to the west and 17ft. from the trunk to the south. All other sides of the tree will be left intact.

Given these changes, along with the type of tree you are dealing with, that is to say a very healthy and vigorous tree species, I believe there will be minimal impact to the overall health of the tree. Provided all of the standard tree protection recommendations are adhered to, I feel the tree can be retained and will be an asset to the property and neighborhood.

In addition to the standard protection measures, I have these additional recommendations;

- You may need to do some judicious pruning on the upper canopy of the tree to allow for the building clearances and to counteract for the root loss.
- All root cutting shall be done with the correct machinery such as hand tools, a root pruner or stump grinder to allow a clean cut to help prevent root decay and allow for new root regeneration. **Not a backhoe excavator!**

EXHIBIT E

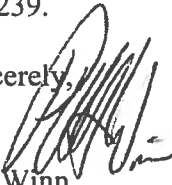
- Ensure no other root pruning is done on other portions of the tree until full recovery from the initial work has been observed and noted.
- The adjacent Palm trees can be relocated easily on-site or off-site as necessary.

RECOMMENDATIONS FOR TREE PROTECTION DURING CONSTRUCTION.

- Fence off all trees from construction at the critical root zone or where practical with 6' chain link or orange construction fence with metal stakes.
- No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
- Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
- All roots encountered shall be cut cleanly with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying.
- Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
- Compaction of the root zone shall be avoided by spreading 3-4" of mulch. If necessary plywood or equivalent shall be placed on top.
- During hot, dry periods the foliage may need to be washed with high pressure water to remove construction dust.
- Project arborist shall be notified prior to any activities within the critical root zone.
- All trenching of utilities, irrigation and lighting shall not encroach within the critical root zone unless approved by the project Biologist or Arborist.
- Native or Specimen trees removed or damaged shall be mitigated, utilizing the current City recommendations of either 10:1-1gallon, or 5:1- 15gallon or 3:1 24"boxed trees.

Should you have any further questions or comments please do not hesitate to call my office at 805 966 3239.

Yours sincerely,



Peter J.H. Winn
I.S.A. Certified Arborist #921