

**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Planning Commission

FROM: Joyce Gerber, 934-6265

DATE: March 10, 2009

RE: Staff Report Revisions  
Perez Appeal of Ramirez Land Use Permit, Item No. 1  
240 Stansbury Drive, APN 105-053-009  
08APL-00000-00027 of 08LUP-00000-00321

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The following information is intended to supersede and correct the staff report dated February 20, 2009 relative to (1) the need for a CEQA exemption and (2) the applicant having changed his mind about removing the exterior stairs.

As a result, staff's recommendation regarding the appeal has been modified as follows:

1. Adopt the required findings for approval of Case No. 08LUP-00000-00321, included as Attachment A of the Memorandum from staff dated March 10, 2009, including CEQA findings;
2. Accept the notice of exemption included as Attachment B of the Memorandum from staff dated March 10, 2009, pursuant to CEQA Section 15301(a); and
3. Deny the appeal, Case No. 08APL-00000-00027, thereby upholding the Planning and Development Department's approval and granting *de novo* approval of Land Use Permit Case No. 08LUP-00000-00321, subject to the conditions included in Attachment C of the Memorandum from staff dated March 10, 2009,.

In addition, revised Findings have been prepared (Attachment A) and a Notice of Exemption has been prepared (Attachment B). Finally, further revisions to the Land Use Permit delete references to removal of exterior stairs. The exterior stairs comply with zoning regulations and staff does not have a basis to require their removal.

Attachments: Attachment A, Findings  
Attachment B, Notice of Exemption  
Attachment C, Proposed Revised Land Use Permit 08LUP-00000-00321

## ATTACHMENT A, FINDINGS

### 1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15301(a) (Existing Facilities, Interior or Exterior Alterations) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Notice of Exemption.

### 2.0 LAND USE PERMIT FINDINGS

Pursuant to Section 35.82.100.E.1 of the Santa Barbara County Land Use and Development Code, a Land Use Permit shall be approved or conditionally approved only if the Director first makes all of the following findings:

**A. The proposed development:**

- (1) Will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code; or**
- (2) Falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

Land Use Permit 08LUP-00001-00321 (approved by staff on June 19, 2008 and revised in response to appeal 08APL-00000-00027) consists of the following: (1) Validation of a change of use from permitted second story storage to bedroom #5 with bathroom and living room with wet bar area (no cooking facilities are allowed), with access to the second story with interior staircase. The railing around the porch cover shall be removed prior to occupancy clearance. The second story shall not be converted to a separate living unit. (2) Interior remodel on first floor of 310 sq ft to create bedroom #4 from garage.

**B. The proposed development is located on a legally created lot.**

The subject parcel (APN 105-053-009) is recorded in Book 51, page 13 as lot 68 of the Stansbury/Carlson Tract Map dated April 21, 1959 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

**C. The subject property is in compliance with all laws, regulations and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of the Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses Structures and lots).**

Approval of the project would bring the subject property into compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Development Code. The project would resolve the zoning violations relating to the project site. As discussed in Section 6.3 of the Staff Report, the project is consistent with all requirements of the Santa Barbara County Land Use and Development Code.

**ATTACHMENT B, NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Joyce Gerber, Planner

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s): 105-053-009

Case No.: 08LUP-00000-00321

Location: located at 240 Stansbury Drive, Orcutt area, Fourth Supervisorial District.

Project Title: Ramirez Land Use Permit

Project Description: The applicant is proposing a to validate (1) a change of use from permitted second story storage to a bedroom with bathroom and living room with a wet bar area (no cooking facilities allowed) and (2) interior remodel on first floor of 310 sq ft to create a bedroom from the rear portion of the garage.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Joyce Gerber, Planner

**Exempt Status:** (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: Public Resources Code Section 21080(b)(1), CEQA Guidelines Section 15301(a), "Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances".

**Reasons to support exemption findings:**

CEQA Guidelines Section 15301(a) exempts the minor alteration of existing public or private structures, including minor alterations involving interior partitions, plumbing and electrical conveyances. The project consists of an interior remodel of an existing single family dwelling. Therefore, the project is consistent with this exemption from CEQA and no further environmental review is required.

***Exceptions pursuant to Section 15300.2 of CEQA***

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

There are no mapped environmentally sensitive habitats or sensitive plant or animal species on the subject parcel. The alterations are to an existing single-family residence surrounded by existing development, with no changes to the dwelling's footprint. Therefore this exception does not apply. Therefore this exemption does not apply.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The alterations are to an existing single-family residence in an existing developed residential neighborhood. The scope of the project is limited to the project description and this project is not a portion of a larger cumulative project. Therefore this exception does not apply.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The alterations are to an existing single-family residence in an existing subdivision. There are no known or identified potentially significant effects on the environment. Therefore this exception does not apply.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The project does not impact scenic resources. The subject parcel is not or visible from a scenic highway. Therefore this exception does not apply.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

There are no known hazardous or toxic sites on the subject parcel. Therefore this exception does not apply.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

There are no known historical resources on the subject parcel. The existing structure was built in 1959 but is not considered a historic resource because it is typical of the numerous other homes in this neighborhood and throughout the Orcutt community, and is not architecturally unique or historically significant in any way. Therefore this exception does not apply.

Lead Agency Contact Person: Joyce Gerber Phone No.: (805) 934-6265

Department/Division Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Acceptance Date: March 11, 2009

***Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.***

distribution: Hearing Support Staff  
Project file (when P&D permit is required)

**LAND USE PERMIT**

**Case No.:** 08LUP-00000 1-00321      **Planner:** K. Probert      **Initials** \_\_\_\_  
**Project Name:** Ramirez SFD Addition & Remodel  
**Project Address:** 240 Stansbury Drive  
**A.P.N.:** 105-053-009  
**Zone District:** 10-R-1



Planning & Development (P&D) *grants final approval and intends to issue* this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**FINAL APPROVAL DATE:** June 19, 2008

**APPEAL PERIOD BEGINS:** June 20, 2008

**APPEAL PERIOD ENDS:** June 30, 2008

**DATE OF PERMIT ISSUANCE:** *(if no appeal filed)* July 1, 2008

**NOTE:** This final approval may be appealed to the Commission/Montecito Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35.102 & 35.492) If you have questions regarding this project please contact the planner K. Probert at 934-6251.

**PROJECT DESCRIPTION SUMMARY:** Addition  
Validation of a change of use from permitted second story storage to bedroom #5 with bathroom and living room with wet bar area (no cooking facilities are allowed). Access to the second story is shown with interior staircase. The second story shall not be converted to a separate living unit. Interior remodel on first floor of 310 sf to create bedroom #4 from garage. Project meets the setbacks of the zone district.

**PROJECT SPECIFIC CONDITIONS:** ~~None.~~ A Recorded Notice to Property Owner document is required to ensure that the proposed upper floor living area shall be used only for its permitted uses. Said upper floor living area may have a "wet bar" with sink and countertop, as shown on approved plans, but shall not have cooking facilities and shall not be used or occupied independent of the main dwelling without approval by the County. The property owner shall sign and record the document prior to issuance of this Land Use Permit.

**ASSOCIATED CASE NUMBERS:**

**PERMIT COMPLIANCE CASE:**

No     Yes; Permit Compliance Case (PMC) #: \_\_\_\_\_

**BOARD OF ARCHITECTURAL REVIEW (BAR):**  No     Yes; BAR Case #: \_\_\_\_\_

**TERMS OF PERMIT ISSUANCE:**



