

MONTECITO PLANNING COMMISSION
Coastal Zone Staff Report: Van Vliet Addition

Alice McCurdy

Hearing Date: August 24, 2011
Staff Report Date: August 5, 2011
Case No.: 11CDH-00000-00008
Environmental Document: CEQA Section 15301(e)

Deputy Director: Alice McCurdy
Division: Development Review-South
Supervising Planner: Anne Almy
Supervising Planner Phone #: 568-2053
Planner Contact: Nicole Lieu
Planner's Phone #: 884-8068

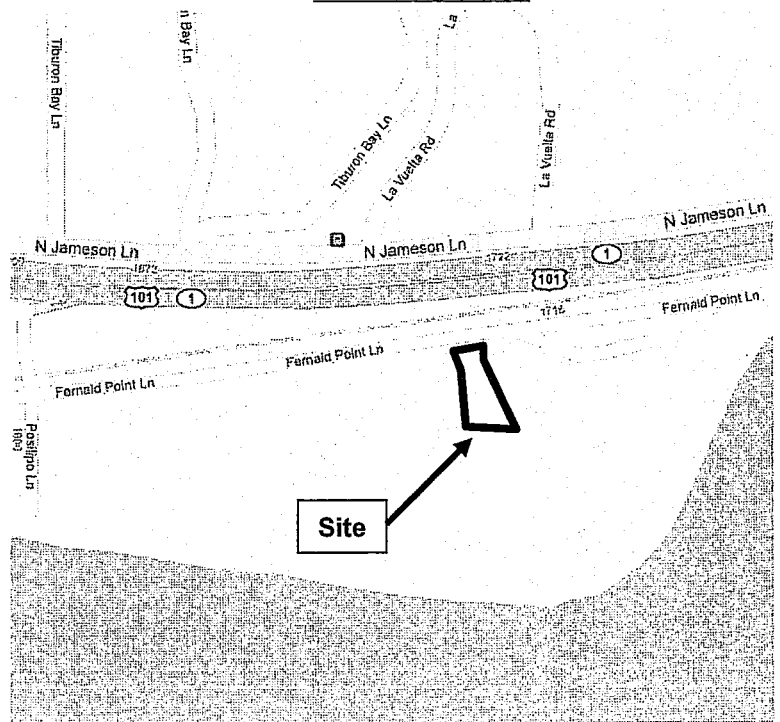
OWNER/APPLICANT:

Alan and Kathryn Van Vliet
1717 Fernald Point Lane
Santa Barbara CA 93108

AGENT/ENGINEER:

Jennifer Foster
P.O. Box 591
Summerland CA 93067
(805) 565-8522

VICINITY MAP



This site is identified as Assessor Parcel Number 007-380-021, 1717 Fernald Point Lane, Montecito Area, First Supervisorial District

Application Complete: May 19, 2011
Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Jennifer Foster, agent for the owners, Alan and Kathryn Van Vliet, to consider Case No. 11CDH-00000-00008, [application filed on 2/15/11] for a Coastal Development Permit in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance, on property zoned 1-E-1 to allow a 29 square foot first floor residential addition, 422 square foot second floor residential addition, 130 square foot garage addition, demolition of approximately 83 square feet of the existing residence, demolition and rebuild of a pool,

construction of a new wall and entry gates, and approximately 72 cubic yards of cut and 26 cubic yards of fill; and to determine that the project is exempt from CEQA pursuant to Section 15301(e). The application involves AP No. 007-380-021, located at 1717 Fernald Point Lane, in the Montecito area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 11CDH-00000-00008 marked "Officially Accepted, County of Santa Barbara August 24, 2011 Montecito Planning Commission Exhibit #1", based upon the project's consistency with the Comprehensive Plan, including the Montecito Community Plan and Coastal Land Use Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment-A of this staff report, including CEQA findings.
2. Determine that the project is exempt from CEQA pursuant to Section 15301(e) of the State Guidelines for Implementation of the California Environmental Quality Act (Attachment-C).
3. Approve the Coastal Development Permit subject to the conditions included as Attachment-B.

Refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

Pursuant to the Santa Barbara County Code, Chapter 2 Section 2-25.2(a), the Montecito Planning Commission shall assume the powers and duties given to the Zoning Administrator in Article II of Chapter 35 within the Montecito Planning Area. These provisions require that projects in the Montecito Planning Area be heard by the Montecito Planning Commission rather than the Zoning Administrator.

This project is being considered by the Montecito Planning Commission based upon Section 35-169.5.3 of Article II which states, "*The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request.*"

4.0 ISSUE SUMMARY

The proposed project is for first and second story additions and demolition to sections of an existing residence and garage, resulting in the addition of 498 total square feet. The project also includes demolition and reconstruction of a pool, new entry gates and new landscaping. The proposed development is located one lot inland from the beach and would not block views to or along the beach. Public access to the beach would continue to be available via Posilipo Lane, located approximately .2 miles west of the subject property. The project would include new “quiet design” pool equipment; resulting in noise levels well below those allowable under the County Noise Element.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, Coastal Zone, SRR-1.0, Single Family Semi-Rural Residential, one dwelling unit per acre
Zone	1-E-1, Single Family Residential, 1-acre minimum parcel size, Coastal Commission appeals jurisdiction
Site Size	.42-acres
Present Use & Development	Single Family Residential
Surrounding Uses/Zoning	<i>North:</i> Railroad tracks and HWY 101, TC <i>South:</i> Single Family Residential, 1-E-1 <i>East:</i> Single Family Residential, 1-E-1 <i>West:</i> Single Family Residential, 1-E-1
Access	Via Fernald Point Lane
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire District

5.4 Description

The proposed project is a Coastal Development Permit to allow three areas of first floor residential additions totaling 29 square feet, a 422 square foot second floor residential addition, two areas of garage additions totaling 130 square feet, demolition of approximately 83 square feet of the existing residence, demolition and reconstruction of a pool, construction of a new wall and entry gates, installation of new landscape and hardscape materials and approximately 72 cubic yards of cut and 26 cubic yards of fill.

5.5 Background Information

The subject property is shown as Lot B on Record of Survey Book 69, Page 57, dated May 1965.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project can be found categorically exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15301(e) of the State CEQA Guidelines. See Attachment-C for a more detailed discussion.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><i>Coastal Land Use Plan Policy 2-6. Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. ...</i></p>	<p>Consistent: The subject property is currently, and would continue to be, served by the Montecito Water District, Montecito Sanitary District and Montecito Fire District. Access is provided off of Fernald Point Lane. Additionally, the Montecito Water District issued a Certificate of Water Service Availability acknowledging existing service to the site and acceptance of the proposed site and water usage changes. Therefore, the project is consistent with this requirement.</p>
<p><i>Coastal Act Policy 30211. Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</i></p>	<p>Consistent: The proposed project would in no way interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization. Public access would continue to be available via Posilipo Lane, located approximately .2 miles west of the subject property.</p>
<p><i>Montecito Community Plan Policy N-M-1.1: Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.</i></p>	<p>Consistent: The proposed project includes relocation of a swimming pool and pool equipment. The proposed new "quiet design" pool equipment would emit noise levels of 58.3 decibels at 10 feet from the equipment. According to the Noise Element of the County</p>

REQUIREMENT	DISCUSSION
	<p>Comprehensive Plan, 65 decibels is regarded as the maximum exterior noise exposure compatible with noise-sensitive uses (residential use is considered noise-sensitive). The proposed pool equipment would be located more than 10 feet from all property lines and 56 feet from the southern property line. Therefore, noise at all property lines would be well below the 65 decibel threshold established by the Noise Element. The equipment would also be enclosed, further attenuating noise. Therefore, the proposed project is consistent with Montecito Community Plan Policy N-M-1.1.</p>
<p>Montecito Community Plan Development Standard N-M-1.1.1: <i>All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only.</i></p>	<p>Consistent: In compliance with Development Standard N-M-1.1.1, the project has been conditioned to require that all noise generating construction occur between 7:00 a.m. and 4:30 p.m., weekdays only.</p>
<p>Montecito Community Plan Policy LU-M-2.2: <i>Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.</i></p>	<p>Consistent: In compliance with Community Plan Policy LU-M-2.2, the project has been conditioned to require that lighting installed on the project site is of low intensity, low glare design, minimum height, and hooded to direct light downward onto the subject parcel.</p>
<p>Montecito Community Plan Policy LU-M-1.1: <i>Architectural and development guidelines shall be adopted, implemented, and enforced by the County in order to preserve, protect and enhance the semi-rural environment of Montecito and the natural mountainous setting.</i></p> <p>Montecito Architectural Guidelines Section III. G. 3:</p> <p><i>a. Building materials and colors should minimize the visual impact of the structure from public roads and lanes,</i></p>	<p>Consistent: In compliance with Community Plan Policy LU-M-1.1 and with the requirements of the Montecito Architectural Guidelines and Development Standards, the project has been conditioned to require that building materials be non-reflective and that they be compatible with the surrounding environment.</p>

REQUIREMENT	DISCUSSION
<p><i>blend with existing land forms and vegetative cover, be compatible with others in the neighborhood, and not attract attention to themselves.</i></p> <p><i>i. There should be consistency of materials, color, and composition on all sides of a structure.</i></p> <p><i>ii. Materials with a high reflectivity value (excluding windows) should be avoided.</i></p> <p><i>iii. Various elements of a project should be harmonious in architectural detail, color and material.</i></p>	
<p>Montecito Community Plan Policy CIRC-M-1.4: <i>The County shall strive to permit reasonable development of parcels within the community of Montecito based upon the policies and land use designations adopted in this Community Plan, while maintaining safe roadways and intersections that operate at acceptable levels.</i></p>	<p>Consistent: The proposed development would result in no long term change to traffic levels along Fernald Point Road. In order to avoid temporary impacts to the travel lanes along Fernald Point Road during construction, the project has been conditioned to require preparation of a Construction Parking Plan.</p>
<p>Montecito Community Plan Policy BIO-M-1.20: <i>Pollution of streams, sloughs, drainage channels, underground water basins, estuaries, the ocean and areas adjacent to such waters shall be minimized.</i></p>	<p>Consistent: The subject property is located approximately 220 feet from a drainage that outlets to the ocean and approximately 500 feet from the ocean. In order to prevent potential water pollution as a result of construction, the project has been conditioned to require designation of a washout area to prevent wash water from discharging into nearby water bodies.</p>

6.3 Zoning: Article II

The subject property is zoned 1-E-1. Pursuant to Article II, Section 35-71.1 the purpose of the E-1 zone district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of the district to protect the residential characteristics of an area and to promote a suitable environment for family life. The proposed project would be consistent with the purpose and intent of the E-1 zone district because it would allow expansion of an existing residential structure, demolition and reconstruction of a residential-use pool, and the construction of a wall that would provide privacy and screening for the existing residential use, consistent with sound standards of public health, welfare, and safety. The project would be in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, and setbacks of the Article II Coastal Zoning Ordinance.

6.4 Subdivision/Development Review Committee

The project was reviewed by the Subdivision and Development Review Committee (SDRC) on March 3, 2011. At the meeting, Building and Safety staff indicated that full plan submittal would be required time of Building Permit application. The Air Pollution Control District indicated that the project would be conditioned for standard dust control and diesel emission reductions and issued a condition letter dated March 4, 2011 with those requirements. Flood Control staff noted that the applicant would need to provide a Non-Substantial Improvement justification to Flood Control. The applicant provided this justification and Flood Control issued a letter, dated April 20, 2011, noting that the project would not be considered a "substantial improvement." Flood Control also noted that they would require no further conditions or review requirements. This letter is in the project case file and is available for review. The remaining SDRC members had no questions, comments or conditions.

6.5 Design Review

The project was reviewed on March 14, 2011 and April 25, 2011 by the Montecito Board of Architectural Review (MBAR). The April 25th MBAR meeting included a site visit to the property to view story poles for the proposed 422 square foot second story addition. Ultimately, the MBAR found that the, "*proposed increase in height is fairly modest, as proven by story poles*" and that they are "*comfortable with mass, scale and height.*" Please see Attachment-D for full MBAR minutes.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. Since this development is appealable to the Coastal Commission under Section 35-182.6, no appeal fee will be charged.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval with attached Departmental Letters
- C. CEQA Exemption
- D. MBAR Minutes
- E. APN Sheet
- F. Site Plan

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e). Please see Attachment-C, Notice of Exemption.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1 Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The subject property is currently, and would continue to be, served by the Montecito Water District, Montecito Sanitary District and Montecito Fire District. Access is provided off of Fernald Point Lane. Additionally, the Montecito Water District issued a Certificate of Water Service Availability acknowledging existing service to the site and acceptance of the proposed site and water usage changes. Therefore, this finding can be made.

2.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings:

2.2.1 The proposed development conforms:

- a. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.2 and 6.3 of this Staff Report dated August 5, 2011, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Montecito Community Plan and Coastal Land Use Plan, and with all requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2.2.2 The proposed development is located on a legally created lot.

The subject property is shown as Lot B on Record of Survey Book 69, Page 57, dated May 1965. Therefore this finding can be made.

2.2.3 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees 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 Division 10 (Nonconforming Structures and Uses).

As discussed in Sections 6.2 and 6.3 of the staff report, and incorporated herein by reference, the property would be in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of the Article II Coastal Zoning Ordinance. The existing property is legal-nonconforming as to size. There are no zoning violations on the subject property. Therefore this finding can be made.

2.2.4 The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The subject property does not abut the sandy beach because there is another parcel (1711 Fernald Point Lane) located between the subject parcel and the beach. Therefore, the project would not have the potential to block views along the beach. Currently, there are no significant public views to the beach from Fernald Point Lane through the subject property or adjacent properties as a result of dense vegetation and natural topography. This condition would remain unchanged and therefore the project would not result in the obstruction of public views from any public road or public recreation area to the coast. Therefore this finding can be made.

2.2.5 The development is compatible with the established physical scale of the area.

The surrounding neighborhood is comprised of both one and two story residences. Most residences are minimally visible from Fernald Point Lane due to existing dense vegetation, walls and entry gates. The proposed project would include a moderate expansion of the residence including a 422 square foot second floor residential addition and 130 square foot garage addition. These additions would be minimally visible from Fernald Point Lane, consistent with surrounding properties. The proposed entry gates, wall and dense screening vegetation would be typical of residences in the Fernald Point Lane area. The project was reviewed by the Montecito Board of Architectural Review (MBAR), who found that the proposed increase in height due to the second story addition was "fairly modest." The MBAR also indicated that they were "comfortable with mass, scale and height" of the

structure. Therefore, the proposed development will be compatible with the established physical scale of the area, and this finding can be made.

2.2.6 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The proposed project would in no way interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization. Public beach access would continue to be available via Posilipo Lane, located approximately .2 miles west of the subject property. Therefore this finding can be made.

2.3 In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the review authority shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.

The proposed project would in no way interfere with the public's right of access to the sea (as discussed in Finding 2.2.6 above) and would not interfere with any trails or other recreational areas. Nearby public beach access would continue to be available via Posilipo Lane, located approximately .2 miles west of the subject property. Therefore this finding can be made.

2.4 In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

As discussed in Section 6.2 of this Staff Report, dated August 5, 2011, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Montecito Community Plan and Coastal Land Use Plan. Therefore, this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This permit is based upon and limited to compliance with the project description, the hearing exhibits dated August 24, 2011, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project is a Coastal Development Permit to allow three areas of first floor residential additions totaling 29 square feet, a 422 square foot second floor residential addition, two areas of garage additions totaling 130 square feet, demolition of approximately 83 square feet of the existing residence, demolition and reconstruction of a pool, construction of a new wall and entry gates, installation of new landscape and hardscape materials and approximately 72 cubic yards of cut and 26 cubic yards of fill. No trees or native vegetation would be removed. The application involves AP No. 007-380-021, located at 1717 Fernald Point Lane, in the Montecito area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
3. **Special-Construction Parking Plan.** Prior to Coastal Development Permit issuance the applicant shall prepare a Construction Parking Plan.
PLAN REQUIREMENTS: The Construction Parking Plan shall include a construction timeline that indicates each phase of work to completed, the location or construction parking during each phase of construction, the number of vehicles required for each construction phase and the estimated timeframe for each phase of construction. The timeline shall be accompanied by a site plan that graphically illustrates the location of each parking area. Construction parking shall occur on-site to the maximum extent feasible. If construction parking cannot be accommodated during any phase of construction, the parking plan shall note the location of the proposed offsite parking. Offsite parking locations shall be reviewed and approved by P&D staff. Offsite parking shall not impede

or access to site

the flow of traffic along Fernald Point Lane. Traffic flaggers may be required if determined necessary by P&D staff upon review of the Parking Plan.

TIMING: The Construction Parking Plan shall be reviewed and approved prior to Coastal Development Permit issuance. Construction personnel shall comply with the requirements of the Parking Plan throughout all phases of construction.

MONITORING: P&D planner shall review and approve the Construction Parking Plan prior to permit issuance. Building inspectors shall spot check and respond to complaints.

4. **Noise-02 Construction Hours.** The Owner /Applicant, all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post 2 signs stating these restrictions at construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors shall spot check and respond to complaints.

5. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site on a regular basis. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all building plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: Building and Safety staff shall ensure compliance throughout construction.

6. **Aest-06 Building Materials.** Natural building materials and colors shall be compatible with surrounding environment and neighborhood (materials shall be non-reflective).

PLAN REQUIREMENT: Materials shall be denoted on building plans.

TIMING: Structures shall be painted prior to Final Building Inspection Clearance.

MONITORING: Building and Safety staff shall inspect prior to Final Building Inspection Clearance.

7. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent

lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.

PLAN REQUIREMENTS: The Owner/Applicant shall include these items on design and construction plans, including electrical details.

TIMING: Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.

MONITORING: P&D planner shall review lighting cut sheets for compliance with this measure prior to permit issuance.

8. **SolidW-03 Solid Waste-Construction Site.** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: All plans shall contain notes that the site is to remain trash-free throughout construction.

TIMING: Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

MONITORING: Building and safety staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

9. **Rules-10 CDP Expiration-No CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Montecito Planning Commission. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.

10. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:

1. Air Pollution Control District dated March 4, 2011
2. Montecito Water District with date of application February 15, 2011

11. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void,

or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

- 12. Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

**Santa Barbara County
Air Pollution Control District**

March 4, 2011

Nicole Lieu
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: APCD Comments on Van Vliet SFD Addition, 11CDH-00000-00008

Dear Ms. Lieu:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of a 450 square foot addition to an existing 3,302 square foot single-family dwelling, and a 130 square foot addition to an existing 450 square foot garage. Also proposed are changes to the siding and roof materials, and demolition of an existing pool and construction of a new pool. Grading for the project consists of 72 cubic yards of cut and 72 cubic yards of fill. The subject property, a 0.42-acre parcel zoned 1-E-1 and identified in the Assessor Parcel Map Book as APN 007-380-021, is located at 1717 Fernald Point Lane in the unincorporated community of Montecito.

Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*, became effective on July 21, 2010 and establishes new limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at www.sbcapcd.org/rules/download/rule345.pdf.
3. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
4. Advisory: The applicant should determine whether any structure(s) proposed for demolition or renovation contains asbestos that is friable or has the potential to become friable during demolition or disposal. If any structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal. For additional information regarding asbestos in construction, please refer to APCD's website at www.sbcapcd.org/biz/asbestos.htm.

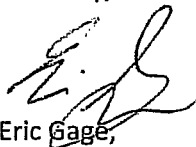
Terence E. Dressler • Air Pollution Control Officer

March 4, 2011

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If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at edg@sbcapcd.org.

Sincerely,



Eric Sage,

Air Quality Specialist

Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Jennifer Foster
Project File
TEA Chron File



ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Plan Requirements: All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

MONITORING: Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.



583 San Ysidro Road
Santa Barbara, CA 93108
(805) 969-2271

**MONTECITO WATER DISTRICT
CERTIFICATE OF WATER SERVICE AVAILABILITY**

RECEIVED

To the County Planning Department of Santa Barbara:

Montecito Water District has received the following application for water service availability:

Date of Application	02/15/11
Name of Applicant	Jennifer Foster
Property Owner (if different from applicant)	Alan & Kathryn Van Vliet
Water Service Address	1717 Fernald Point Lane
Assessor's Parcel Number	007-380-021
Parcel/property size	0.42
Brief Project description	SFR addition of 450 sq ft; garage addition of 130 sq ft; demo pool; new covered pool & spa
Permit(s) applied for	B/P

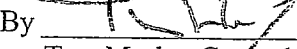
MAR 24 2011
S.B. COUNTY
PLANNING & DEVELOPMENT

Having reviewed application and architectural plans by **Cary W Gepner & Assoc, Architects**, dated **02/10/11** and having considered the District's available water supply the District hereby notifies your office that the District can and will serve the subject property in accordance with Montecito Water District Ordinance 89 and the following limitations:

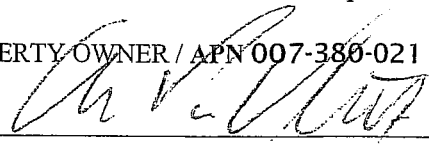
1. The available quantity of water shall be in accordance with the terms and conditions in paragraph 3 of Ordinance 89.
2. Service to be provided through **existing 1-inch water service**.
3. Property owner must enter into agreement with District to install the following facilities to connect with District's existing service: **None**
4. Applicant shall be responsible for the following fees, payable immediately upon issuance of this Certificate: **None**
5. Applicant must provide the following additional documents for District approval: **None**
6. Applicant agrees to install state-of-the-art water-saving technologies and to use no more water than is authorized under this Certificate. Applicant acknowledges that the District may increase the rate for all water delivered in excess of the property's Maximum Available Quantity and/or limit service to the property to no more than the Maximum Available Quantity, but the District shall provide at all times a supply of water sufficient to meet the health and safety needs of the property's occupants.
7. The Maximum Available Quantity of water has been determined pursuant to District Ordinance 89. Ordinance 89 provides that, under certain circumstances, a property owner may request a redetermination of the Maximum Availability Quantity. Should such a redetermination result in an increase in the Maximum Available Quantity, the District will issue an Amended Certificate.
8. This Certificate represents a determination of water availability as of the date of the Application. The District's provision of water shall be contingent upon the property owner's completion of all obligations to the District associated with the Project identified herein and shall remain subject, at all times, to the District's ordinances and requirements.

Dated March 2, 2010

MONTECITO WATER DISTRICT

By 
Tom Mosby, General Manager

PROPERTY OWNER / APN 007-380-021

By 
Alan & Kathryn Van Vliet

**ATTACHMENT-C
NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Nicole Lieu, Planning & Development

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: 007-380-021

Case No.: 11CDH-00000-00008

Location: 1717 Fernald Point Lane

Project Title: Van Vliet Addition

Project Description: The proposed project is a Coastal Development Permit to allow three areas of first floor residential additions totaling 29 square feet, a 422 square foot second floor residential addition, two areas of garage additions totaling 130 square feet, demolition of approximately 83 square feet of the existing residence, demolition and reconstruction of a pool, construction of a new wall and entry gates, installation of new landscape and hardscape materials and approximately 72 cubic yards of cut and 26 cubic yards of fill. No trees or native vegetation would be removed.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Jennifer Foster

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project

Cite specific CEQA and/or CEQA Guideline Section: 15301(e)

Reasons to support exemption findings: State CEQA Guidelines Section 15301(e) [existing facilities] exempts: "*Additions to existing structures that will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.*" The proposed 29 square foot first floor residential addition, 422 square foot second floor residential addition and 130 square foot garage addition (for a total of 580 additional square feet) would be less than 50 percent of the existing 3,302 square foot residence and less than 2,500 square feet. 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. 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 applicable exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (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 proposed 29 square foot first floor residential addition, 422 square foot second floor residential addition and 130 square foot garage addition. The cumulative impact of construction of similar additions within the project neighborhood would not be significant. Successive construction further additions to the subject residence would be limited by applicable ordinance provisions for setbacks, accessory structures, etc. Therefore the overall impact of successive projects of the same type in the same place, over time would not be significant.

- (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 proposed additions would not be located in a sensitive resource area and would not block significant public views. There is no reasonable possibility that the proposed additions will result in a significant effect on the environment due to unusual circumstances.

- (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 subject property is not visible from an officially designated state scenic highway. Therefore, there is no potential for the project to 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.

- (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.**

The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(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 property. Therefore, the project would not have the potential to cause a substantial adverse change in the significance of a historical resource.

Lead Agency Contact Person: Nicole Lieu Phone #: (805) 884-8068

Department/Division Representative: _____ Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Project file (when P&D permit is required)
Date Filed by County Clerk: _____.

ATTACHMENT-D

Montecito Board of Architectural Review Minutes

4-25-11

11BAR-00000-00024	Van Vliet Addition and Remodel	1717 Fernald Point Lane
11CDH-00000-00008	(Nicole Lieu, Planner 884-8068)	Ridgeline: N/A

Request of Jennifer Foster, agent for the owners, Alan & Kathryn Van Vliet, to consider Case No. 11BAR-00000-00024 for a further **conceptual review of an addition of 10 square feet to the existing one story single family dwelling, a second story addition of approximately 396 square feet, an addition to the attached garage of approximately 119 square feet. New fencing, walls and entry gates are proposed as well.** The following structures currently exist on the parcel: a one story single family dwelling of approximately 3,302, an attached garage of approximately 658 square feet, and an attached carport of approximately 119 square feet. The proposed project will require approximately 72 cubic yards of cut and approximately 26 cubic yards of fill. The property is a .42 acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 007-380-021, located at **1717 Fernald Point Lane** in the Montecito area, First Supervisorial District. (Continued from 3/14/11)

Public Comment:

Charles Bargiel - Letter
Mark and Lynda Schwartz -Letter

MBAR Comments:

- 1. Proposed increase in height is fairly modest, as proven by story poles. Comfortable with mass, scale and height.**
- 2. Project is fairly self contained and improves access across easement to neighbor.**
- 3. Some concern about functionality of the proposed motor court.**
- 4. Re., land use: architect and owner confirmed that parking during construction will not burden the easement to the neighbor.**

The project received comments only. The project may return for preliminary/final approval.
(Spann, Maphis & Zilles absent from the discussion)

3-14-11

11BAR-00000-00024	Van Vliet Addition and Remodel	1717 Fernald Point Lane
11CDH-00000-00008	(Nicole Lieu, Planner 884-8068)	Ridgeline: N/A

Request of Jennifer Foster, agent for the owners, Alan & Kathryn Van Vliet, to consider Case No. 11BAR-00000-00024 for a **conceptual review of an addition of 10 square feet to the existing one story single family dwelling, a second story addition of approximately 396 square feet, an addition to the attached garage of approximately 119 square feet. New fencing, walls and entry gates are proposed as well.** The following structures currently exist on the parcel: a one story single family dwelling of approximately 3,302, an attached garage of approximately 658 square feet, and an attached carport of approximately 119 square feet. The proposed project will require approximately 72 cubic yards of cut and approximately 26 cubic yards of fill. The property is a .42 acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 007-380-021, located at

1717 Fernald Point Lane in the Montecito area, First Supervisorial District. (Apprearing: Jennifer Foster, Alan Van Vliet, Cary Gepner)

Public Comment:

Kellem de Forest

Letters: Peggy Dent, Mullen & Henzell, LLP, Mark & Linda Schwartz

MBAR Comments:

- 1. Project changes to driveway and garage appear to be an improvement over the existing situation.**
- 2. Set back new wall/fence enough from driveway easement to provide room for plantings to screen/soften the wall/fence.**
- 3. Provide details for the concrete pilasters of the wall/fence.**
- 4. Might be nice if second story set back further from the south; story poles will help determine.**
- 5. Relation of the new addition height and deck to the south property important.**
- 6. Site visit and provide story poles for the second floor.**

Project received comments only. Nulty absent from discussion. The project may return for preliminary approval with of the approval of the planner.

NOTICE
 Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

LD/06 8 June 26 & 27

Assessor's Map Bk, 007-Pg, 38
 County of Santa Barbara, Calif.

R.M. Bk. 19, Pg. 171
 R.M. Bk. 8, Pg. 9
 R.M. Bk. 3, Pg. 30

Tract "Fernald"
 Tract "Fernald"
 Tract "Map of the Malanzo Property"

All Parcels Within Growth Management Ordinance (GMO) Overlay District
 All Coastal Zone Parcels Pending Coastal Commission Certification For GMO Overlay District

1-E-1

NOTE: RECORD THIS ALONG SHORE OF PACIFIC OCEAN MEAN HIGH WATER TO BEACH MEAN HIGH WATER BOARD OF SUPERVISORS MINUTES 9/23/00, PG. 300

1" = 100'
 SCALE

