#### SANTA BARBARA COUNTY PLANNING COMMISSION

Staff Report for Appeal of Coastal Development Permit Approval for Wang Single-Family Residence Addition & New Garage

Hearing Date: March 26, 2008 Staff Report Date: March 7, 2008 Case No.: 08APL-00000-00006 (Appeal of 08CDP-00000-00011)

**Environmental Document:** 

Exempt CEQA Section 15303(a) and 15303(e)

**Deputy Director: Dave Ward** 

**Division: Development Review, South** 

**Staff Contact: Jim Heaton** 

Supervising Planner: Peter Imhof Planner's Phone #: (805) 568-2516

#### VICINITY MAP

**APPELLANTS:** 

Wayne Ni 6344 Via Real Carpinteria, CA 93013 (805) 745-8600

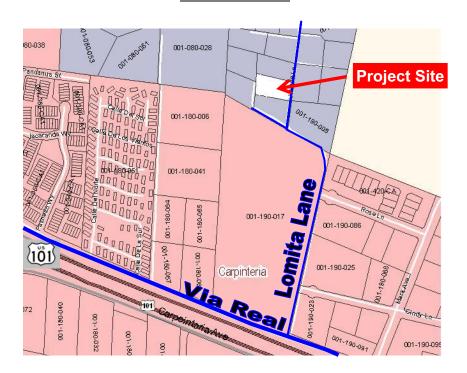
Peter McKee 6334 Via Real Carpinteria, CA 93013 (805) 201-2897

#### **OWNERS:**

Po and Yachen Wang 4177 Veniu Lane Carpinteria, CA 93013 (805) 452-4800

AGENT:

John Godkin 4302 Verano Drive Carpinteria, CA 93013 (805) 684-9909



This site is identified as Assessor's Parcel Number 001-190-035, located at 6346 Via Real in the Carpinteria area, First Supervisorial District.

Application Filed: January 28, 2008 Application Approved: February 4, 2008

Appeal Filed: February 12, 2008

# 1.0 REQUEST

Hearing on the request of appellants, Wayne Ni and Peter McKee, to consider Appeal No. 08APL-00000-00006, [appeal filed on February 12, 2008] of the Planning & Development Department's decision to approve Coastal Development Permit Case No. 08CDP-00000-0001 for construction of a first floor addition of 1,182 square feet and second floor addition of 744 square feet to an existing one-story single-family dwelling of 1,693 square feet, demolition of the existing detached garage of 528 square feet, and construction of a new attached garage of 550 square feet, in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance, on property located in the 1-E-1 zone. The application involves AP No. 001-190-035, located at 6346 Via Real in the Carpinteria area, First Supervisorial District.

#### 2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny the appeal of the project, Case No. 08APL-00000-00006, based on the project's consistency with the Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan, and the Article II Zoning Ordinance.

Your Commission's motion should include the following:

- 1. Adopt the required findings for approval of Case No. 08CDP-00000-00011, included as Attachment A of this staff report,
- 2. Accept the exemption, included as Attachment B pursuant to CEQA Sections 15303(a) and 15303(e); and
- 3. Deny the appeal, Case No. 08APL-00000-00006, thereby upholding Planning and Development's approval and granting *de novo* approval of Coastal Development Permit Case No. 08CDP-00000-00011, subject to the conditions included as Attachment C of this staff report.

Alternatively, refer back to staff if the Santa Barbara County Planning Commission takes other than the recommended action for appropriate findings.

#### 3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Section 35-182.2 of Article II, which states:

Santa Barbara County Planning Commission Hearing of March 26, 2008

Ni, McKee Appeal , 08APL-00000-00006, of Coastal Development Permit for Single-Family Dwelling Addition and New Garage

Page 3

Except for those actions on Coastal Development Permits which are appealable to the Coastal Commission as provided for under Sec. 25-182.4, the decisions of the Planning and Development Department on the approval, denial, or revocation, of Coastal Development permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission.

#### 4.0 ISSUE SUMMARY

The appellants are appealing the Planning and Development Department's February 4, 2008 decision to approve Coastal Development Permit, Case No. 08CDP-00000-00011. The project was approved due to its consistency with the Comprehensive Plan, including the Coastal Land Use Plan, and all provisions of the Coastal Zoning Ordinance (Article II). The appellants contend that:

- 1. The new addition is not in conformance with the scale and character of the existing community.
- 2. The proposed second floor addition is too massive in size and height and that it obstructs public views.
- 3. The notice posting requirement was not followed.

A complete discussion of the appellants' issues and staff's response is included in Section 6.0 of this staff report.

#### 5.0 PROJECT INFORMATION

#### 5.1 Site Information

Site Information		
Comprehensive Plan Designation	Rural, Residential, RES-1.0 (one dwelling unit per 1.0-	
	acre); Existing Developed Residential Neighborhood	
	(EDRN)	
Zone	Article II, Residential, 1-E-1, 1-acre minimum lot size	
Site Size	1.00 acres	
Present Use & Development	Single-family residential	
Surrounding Uses/Zoning	North: Residential, 1-E-1	
	South: Residential, 1-E-1	
	East: Residential, 1-E-1	
	West: Residential, 1-E-1	
Access	Private drive accessed via Lomita Lane off of Via Real	

Site Information	
Public Services	Water Supply: Carpinteria Valley Water District Sewage: Private septic system
	Fire: Carpinteria/Summerland Fire Protection District

### 5.2 Setting

The project site is located in the Carpinteria area, in the Monte Vista Lomita Lane Existing Developed Rural Neighborhood (EDRN). An EDRN is a neighborhood located in a designated rural area that historically developed at a greater density than the surrounding area. The project site is located on a gently sloped private road, Lomita Lane, leading up from Via Real. The residences on the Lomita Lane generally have views of the Santa Ynez Mountains to the north and of the Pacific Ocean to the south.

The project EDRN is composed of single-family dwellings on lots of approximately one acre in the 1-E-1 zoned area along Lomita Lane and greater than one acre west of Lomita Lane in the 3-E-1 zoned portion of the EDRN. Agricultural lots surround the EDRN to the North, East and West and the Carpinteria City limits are to the south. The Wang property is developed with a one-story, multi-level single-family residence in a sloped area. The two appellants' properties are located to the north and northeast of the Wang's property. The Ni property (6344 Via Real) is adjacent to the north side property line, and is upslope from the Wang's property. The McKee property (6334 Via Real) is further upslope to the northeast of the Ni's property.

#### 5.3 Statistics

Statistics			
Item	Proposed	Ordinance Standard	
Structures (floor area)	Residence (existing) 1,693 SF Residence (additions) 1,926 SF Garage (new, attached) 550 SF	No ordinance standard	
	Total Building 4,169 SF		
Max. Height of Structure(s)	Maximum height 23 feet	25 feet	
Building Coverage (footprint)	2,973 SF	No ordinance standard	
Parking	Two covered spaces	Two spaces	
Number of Dwelling Units	One	One single-family dwelling unit per legal lot	
Project Density	One single-family dwelling	One single-family dwelling per parcel	
Grading	Less than 50 cubic yards of grading	Minimize cut and fill, Preserve natural landforms	

# 5.4 Description

The proposed project consists of a first floor addition of 1,182 square feet and a second floor addition of 744 square feet to an existing one-story single-family dwelling of 1,693 square feet. Also proposed is the demolition of the existing detached garage of 528 square feet and construction of a new attached garage of 550 square feet. The maximum height of the proposed additions is approximately 23 feet from the existing grade. A new gravel driveway with a turnaround constructed with permeable pavers is also proposed to access the new garage. No grading over 50 cubic yards is proposed. No native and/or specimen tree removal is proposed. Parking will be provided in the new garage. Water and sanitary service will continue to be provided by the Carpinteria Valley Water District and an onsite septic system. Access will continue to be taken from a private drive accessed via Lomita Lane off of Via Real. The parcel is a 1.0-acre parcel zoned 1-E-1 and shown as Assessors Parcel Number 001-190-035, located at 6346 Via Real in the Carpinteria area, First Supervisorial District.

# 5.5 Background Information

On January 28, 2008, the agent for the owners, John Godkin, filed an application for a Coastal Development Permit (Case No. 08CDP-00000-00011) to authorize the construction of a residential 1<sup>st</sup> floor addition of approximately 1,182 square feet, 2<sup>nd</sup> floor addition of approximately 744 square feet, demolition of an existing detached garage of approximately 528 square feet and new attached garage of approximately 550 square feet to an existing 1,693 square foot one-story residence.

The public comment period began on January 28, 2008 and the Coastal Development Permit, 08CDP-00000-00011, was approved by Planning and Development on February 4, 2008.

On February 12, 2008, aggrieved parties Wayne Ni and Peter McKee filed an appeal of P&D's approval of Case No. 08CDP-00000-00011. The CDP appeal was received within the ten-day appeal period, and was assigned Case No. 08APL-00000-00006.

#### 6.0 PROJECT ANALYSIS

# **6.1 Appeal Issues and Discussion**

Under Section 35-182.1.d, Article II of the Santa Barbara County Code, appellants of Coastal Development Permits:

shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Coastal Development Permit, or the decision of the Director or the BAR, is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR.

**Grounds for Appeal:** In the materials stamped received on February 12, 2008 (Case No. 08APL-00000-00006, see Attachment D), the appellants assert that the Coastal Development

Permit approval granted by the Planning and Development Department for Case No. 08CDP-00000-00011 was not in accord with the provisions and purposes of Article II. Specifically, the appellants express concern regarding the size, bulk, and scale of the residence, the findings of neighborhood compatibility, the protection of public view corridors, and the noticing procedure.

The following discussion addresses the specific issues raised by the appellants and staff's response.

1. The new addition in this designated rural neighborhood is not in conformance with the scale and character of the existing community.

**Staff Response:** The proposed project is in conformance with Coastal Plan Policy 4-4, which states:

In areas designated as urban on the land use maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

The proposed addition would be in character with the existing single-family residence structure and will not be substantially different than other residences in the EDRN. The size of the structure would be in scale with the neighborhood according to Assessor's Office data (see Attachment F). Therefore, it meets the intent of Coastal Plan Policy 4-4.

2. The proposed second floor addition of 744 square feet is awkward and when coupled with the remaining addition of 1,732 square feet (for a total of 2,476 square feet) to the existing split-level single-family dwelling, it more than doubles the existing square footage of 1,693 square feet. The addition is too massive in size, height and awkward that it hinders the community's public view.

**Staff Response in Regard to Size:** The approved project would make this structure the fourth largest residence in the Monte Vista Lomita Lane neighborhood according to Assessor's Office data (see Attachment F). The Assessor's Office data calculates the square footage of the main residence for tax assessment purposes, and does not include additional structures on the lot, such as garages or workshops. The range of residence sizes (excluding garages and other accessory structures) varies from 1,410 square feet to 3,942 square feet. The largest existing residence, (Ni residence at 6344 Via Real), is to the north and adjacent to the subject property. The Wang proposed residence remodel, at 2,973 square feet, would be less than the largest existing residence by 969 square feet.

The Comprehensive Plan does not have required or recommended maximum house net floor areas. As a point of reference, the maximum recommended net floor area in Montecito for a lot size of 1.0 acres would be 4,300 square feet. Shown as the ratio of house size to lot size,

the Wang residence would have a ratio 0.022 points smaller than the largest existing residence (6344 Via Real at 3,942 square feet has a residence-to-lot ratio of 0.090 and the Wang's residence would have a residence-to-lot ratio of 0.068).

The median house size (half of the residences are larger and half are smaller) is 2,448 square feet (6348 Via Real). This residence-to-lot ratio is 0.056.

The Wang residence would be larger than the average residential house (2,586 square feet) by 387 square feet but smaller than the largest house by 969 square feet. The residence is not appreciably larger than the average residences in the neighborhood, and it is not incompatible with residences that were recently constructed or had recent additions.

**Staff Response in Regard to Height:** The maximum height of the proposed project is approximately 23 feet tall as measured from the existing grade to the highest peek. The maximum allowable height for the 1-E-1 zone district is 25 feet. The proposed residential addition is to be located adjacent and attached to the existing residence, which is at the uphill portion of the sloping lot.

Based on Carpinteria Flood Control topographic maps, there is an approximately 15 to 20 foot gain in elevation from the location of the proposed second-story element to the Ni's property to the north. The proposed second story element is approximately 20 feet from the common property line with the Ni's property, and approximately 98 feet away from the Ni's residence.

Based on Carpinteria Flood Control topographic maps, there is an approximately 35 to 40 foot gain in elevation from the location of the proposed second-story element to the McKee residence and is approximately 270 feet to the northeast of the propose second-story addition to the Wang residence.

**Staff Response in Regard to Public Views:** The proposed project is in conformance with Coastal Plan Policy 4-3, which states:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not intrude into the skyline as seen from public viewing places.

This policy is intended to protect public views in the rural areas of the Coastal Zone. There are not any Coastal Zone policies designed to protect private views. The Wang lot is not within a View Corridor Overlay (defined by the Coastal Plan as "areas where there are views from a principal public road to the ocean and along the coast"). In addition, Lomita Lane

and Via Real are not designated a Scenic Highway in the Scenic Highway Element of the General Plan. While the subject parcel address is on Via Real, the parcel is actually located off of Lomita Lane, a private road. Therefore, there is no established public viewing corridor on Lomita Lane.

As stated above, this policy is designed to protect public rather than private views in the rural area of the Coastal Zone. The second-story element is set back approximately 79 feet from the front property line and approximately 104 feet from the centerline of Lomita Lane. The fact that the second-story element may be seen by the neighboring properties to the north of the parcel along Lomita Lane does not make the project inconsistent with policy. The second-story element may be visible from Via Real, or Highway 101, but it would appear as part of the EDRN, and not intrude into the skyline as seen from public viewing areas.

3. Violation of the notice posting requirement. Only one notice was posted through February 9<sup>th</sup> on the private road. A second and a third copy of the notice was posted on February 10<sup>th</sup>, after the first copy was missing. The requirement of posting three copies in three conspicuous places along the perimeter of the subject property throughout the Public Comment Period and the County Appeal Period was never met. No copy of the notice and attachment was ever posted in a place visible from the nearest public street (Via Real).

**Staff Response:** Prior to the CDP approval, as required by ordinance, an affidavit of posting was submitted to P&D signed by the applicant indicating that noice was posted at three conspicuous locations on the subject property and at P&D.

Similarly, notice was mailed to all property owners and residents within 100 feet of the subject parcel as required by ordinance. The adopted CDP noticing procedure was thus followed.

The public comment period began on January 28, 2008 and the assigned planner was contacted by Mr. Wayne Ni on January 29, 2008 with questions about project details. The property owners held a neighborhood meeting on February 7, 2008 at which time they shared the plans and project details. The neighbors did receive actual notice of the project and were able to submit their appeal prior to the end of the appeal period. Since the required noticing procedure was followed, the claim of inadequate notice is not grounds to uphold the appeal.

#### **6.2** Environmental Review

The proposed project may be found to be categorically exempt from the California Environmentally Quality Act (CEQA) pursuant to Sections 15303(a) of the Guidelines for the Implementation of CEQA which exempts "One single-family residence"; and, 15303(e) of the Guidelines for the Implementation of CEQA which exempts "Accessory (appurtenant) structures

including garages, carports, patios, swimming pools, and fences." Please see Attachment B, CEQA Notice of Exemption for further detail.

# **6.3 Comprehensive Plan Consistency**

REQUIREMENT	DISCUSSION
Coastal Plan Policy 2-6:	<b>Consistent.</b> The proposed project is adequately
Prior to issuance of a development permit, the	served by public roads and water service. The
County shall make the finding, based on	parcel is served by a private septic system. No
information provided by environmental	additional services are required for the
documents, staff analysis, and the applicant, that	proposed addition.
adequate public or private services and resources	
(i.e., water, sewer, roads, etc.) are available to	
serve the proposed development. The applicant	
shall assume full responsibility for costs incurred	
in service extensions or improvements that are	
required as a result of the proposed project.	
Lack of available public or private services or	
resources shall be grounds for denial of the	
project or reduction in the density otherwise	
indicated in the land use plan.	
Coastal Plan Policy 3-13:	Consistent. The project as proposed would
Plans for development shall minimize cut and fill	require less than 50 cubic yards of grading.
operations. Plans requiring excessive cutting	
and filling may be denied if it is determined that	
the development could be carried out with less	
alteration of the natural terrain.	
Coastal Plan Policy 3-14:	<b>Consistent.</b> The project as proposed preserves
All development shall be designed to fit the site	the natural features and vegetation of the site.
topography, soils, geology, hydrology, and any	The majority of the building footprint increase
other existing conditions and be oriented so that	from the new addition steps down along the
grading and other site preparation is kept to an	slope in a previously disturbed area. No native
absolute minimum. Natural features, landforms,	and/or specimen tree removal is proposed.
and native vegetation, such as trees, shall be	
preserved to the maximum extent feasible.	
Areas of the site which are not suited for	
development because of known soils, geologic,	
flood, erosion, or other hazards shall remain in	
open space.	
Coastal Act Policy 30251: The scenic and	Consistent. This policy is designed to protect
visual qualities of coastal areas shall be	public views in the rural areas of the Coastal
considered and protected as a resource of public	Zone. The proposed project does not intrude
importance. Permitted development shall be	into the skyline as seen from public viewing

#### REQUIREMENT

# sited and designed to protect views to and along the ocean and scenic coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

#### Coastal Plan Policy 4-3:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

#### **Coastal Plan Policy 4-4:**

In areas designated as urban on the land use maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

Coastal Plan Policy 10-1: All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant, historic, prehistoric, archaeological, and other class of cultural sites.

#### **DISCUSSION**

areas.

Consistent: The proposed dwelling would not exceed the 25-foot maximum height limit as stipulated in Article II Sec. 35-71 (R-1/ E-1) guidelines for density, open space, and dimensions. The proposed dwelling would not be the largest structure in the 1-E-1 zone of the Existing Development Rural Neighborhood. Therefore the proposed development would be compatible with the scale and character of the surrounding neighborhood.

Consistent: Because of proximity to other known archaeological sites, a site visit was conducted with County P&D staff. No known archaeological resources were identified on the project site. Review of the project indicates that it would involve minor grading on a previously disturbed site. However, in the unlikely event archaeological resources were

REQUIREMENT	DISCUSSION
	encountered during any phase of grading,
	demolition, or construction, conditions of
	approval would require work to be stopped
	immediately or redirected until a Planning &
	Development qualified archaeologist and
	Native American representative were retained
	by the applicant to evaluate the significance of
	the find pursuant to Phase 2 investigations of
	the County Archaeological Guidelines. If
	remains were found to be significant, they
	would be subject to a Phase 3 mitigation
	program consistent with County
	Archaeological Guidelines and funded by the
	applicant (see Attachment C, condition of
	approval #11).

# 6.4 Zoning: Article II

#### 6.4.1 Compliance with Article II, Coastal Zoning Ordinance

The proposed project is in compliance with Article II, Section 35 (Zoning) of the Santa Barbara County Code. Refer to Section 5.3 for relevant parameters of the proposed project and the corresponding Zoning Ordinance standards.

# 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. The appeal fee is \$443.

The action of the Board of Supervisors is <u>not</u> appealable to the California Coastal Commission.

# **ATTACHMENTS**

- A. Coastal Development Permit Findings of Approval
- B. CEQA Exemption

Santa Barbara County Planning Commission Hearing of March 26, 2008

Ni, McKee Appeal , 08APL-00000-00006, of Coastal Development Permit for Single-Family Dwelling Addition and New Garage

Page 12

- C. Conditions of Approval
- D. Appeal Case No. 08APL-00000-00006, dated February 12, 2008
- E. Site Plan and Elevations
- F. Neighborhood Floor Area Study
- G. APN Map

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#### **ATTACHMENT A**

#### **FINDINGS**

#### 1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Sections 15303(a) and 15303(e), New Construction or Conversion of Small Structures, of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Notice of Exemption.

Pursuant to Section 35-169.5 of the Article II Zoning Ordinance, a Coastal Development Permit shall only be issued if all of the following findings are made:

#### 2.0 Those findings specified in Section 35-169.6.1.

Pursuant to Section 35-169.6 of the Coastal Zoning Ordinance, a Coastal Development Permit shall be issued only if all of the following findings are made:

2.0.1. That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article or the project falls within the limited exception allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).

The proposed development conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, as discussed in more detail in Section 6.3 of the staff report. The proposed development is also consistent with all provisions of the Coastal Zoning Ordinance, Chapter 35, and Article II of the County Code, as detailed in Section 6.4 of the staff report. The project site is not related to an industrial use and does not fall within regulations pursuant to Section 35-161 Therefore, this finding can be made.

#### 2.0.2. That the proposed development is on a legally created lot.

The lot was created by a lot split, TPM 11,452, recorded on May 18, 1972, Santa Barbara County Recorder's Office, Map Book 9, page 100. Therefore, this finding can be made.

2.0.3. That 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).

The property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of Article II. There are

Ni, McKee Appeal , 08APL-00000-00006, of Coastal Development Permit for Single-Family Dwelling Addition and New Garage Attachment A-Findings Page A-2

no zoning violations on the property. The proposed project would also meet all setback requirements and height limitations. Therefore, this finding can be made.

#### ATTACHMENT B

#### NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Jim Heaton, 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): 001-190-035 Case No.:08CDP-00000-00011

Location: Located at 6346 Via Real, Carpinteria

Project Title: Wang Addition and Demolition/ New Garage

#### **Project Description:**

The Coastal Development Permit application is for a first floor addition of 1,182 square feet and a second floor addition of 744 square feet to an existing one-story single family dwelling of 1,693 square feet. Also proposed is the demolition of the existing detached garage of 528 square feet and construction of a new attached garage of 550 square feet. The maximum height of the proposed additions is approximately 23 feet from the existing grade. A new gravel driveway with a turnaround constructed with permeable pavers is also proposed to access the new garage. No grading over 50 cubic yards is proposed. No native and/or specimen tree removal is proposed. Parking will be provided in the new garage. Water and sanitary service will continue to be provided by the Carpinteria Valley Water District and an onsite septic system. Access will continue to be taken from a private drive accessed via Lomita Lane off of Via Real. The parcel is a 1.0-acre parcel zoned 1-E-1 and shown as Assessors Parcel Number 001-190-035, located at 6346 Via Real in the Carpinteria area, First Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara Name of Person or Agency Carrying Out Project: Jim Heaton

Exempt Status: (Check one)

\_\_\_ Ministerial
\_\_\_ Statutory Exemption
\_\_\_ Emergency Project
Declared Emergency

Cite specific CEQA and/or CEQA Guideline Sections: CEQA Guidelines Section 15303(a), One single-family residence, or a second dwelling unit in a residential zone. And CEQA Guidelines Section 15303(e), [New Construction or Conversion of Small Structures].

Reasons to support exemption findings:

Ni, McKee Appeal , 08APL-00000-00006, of Coastal Development Permit for Single-Family Dwelling Addition and New Garage Attachment B – Notice of Exemption Page B-2

CEQA Guidelines Section 15303(a) exempts One single-family residence and CEQA Guideline Section 15301(e) exempts Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The project may be found exempt from environmental review pursuant to Section 15303(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15303(a) exempts construction and location of limited numbers of new, small facilities or structures including one single-family residence. The proposed project includes a proposal for an addition to an existing single-family residence and a new attached garage accessory structure. 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 addition is to an existing single-family residence in a previously disturbed area. Therefore this exception 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 addition is to an existing single-family residence in an existing developed rural 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 addition is to an existing single-family residence in a previously disturbed area of the Existing Developed Rural Neighborhood. 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.

Ni, McKee Appeal , 08APL-00000-00006, of Coastal Development Permit for Single-Family Dwelling Addition and New Garage Attachment B – Notice of Exemption Page B-3

The project does not impact scenic resources. The subject parcel is not on a scenic highway. While the second-story element may be visible from Via Real, or Highway 101, it would appear as part of the existing developed neighborhood, and not intrude into the skyline as seen from public viewing areas. 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 1976 and is not considered a historic resource since the structure is not more than 50 years old. Therefore this exception does not apply.

Lead Agency	Contact Person: Jim Heaton	Phone #: (805) 568-2516	
Department/D	vivision Representative:	Date:	
Acceptance D	ate:		
project appro	val, this form must be filed with	at P&D 6 days prior to a decision on the project to the County Clerk of the Board and posted by the 35 day statute of limitations on legal challenges.	_
distribution:	Hearing Support Staff Project file (when P&D perm	it is required)	
	Date Filed by County Clerk:		

#### **ATTACHMENT C**

#### CONDITIONS OF APPROVAL

Case #: 08CDP-00000-00011
Project Name: Wang Additions & Garage Demolition/Construction
Project Address: 6346 Via Real
APN: 001-190-035

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the Planning Commission Hearing Exhibit #1, dated March 26, 2008, and conditions of approval set forth below. 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.

The project description is as follows:

The proposed project consists of a first floor addition of 1,182 square feet and a second floor addition of 744 square feet to an existing one-story single-family dwelling of 1,693 square feet. Also proposed is the demolition of the existing detached garage of 528 square feet and construction of a new attached garage of 550 square feet. The maximum height of the proposed additions is approximately 23 feet from the existing grade. A new gravel driveway with a turnaround constructed with permeable pavers is also proposed to access the new garage. No grading over 50 cubic yards is proposed. No native and/or specimen tree removal is proposed. Parking will be provided in the new garage. Water and sanitary service will continue to be provided by the Carpinteria Valley Water District and an onsite septic system. Access will continue to be taken from a private drive accessed via Lomita Lane off of Via Real. The parcel is a 1.0-acre parcel zoned 1-E-1 and shown as Assessors Parcel Number 001-190-035, located at 6346 Via Real in the Carpinteria area, First Supervisorial District.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above, the referenced 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 exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

2. Proposed project shall strictly conform to plans marked Planning Commission Hearing Exhibit #1, dated March 26, 2008, approved *de novo* by the Planning Commission on March 26, 2008 under 08CDP-00000-00011.

Ni, McKee Appeal , 08APL-00000-00006, of Wang Coastal Development Permit for Single-Family Dwelling Addition and New Garage Attachment C – Conditions of Approval Page C-2

- 3. All site preparation and associated grading and exterior construction activities shall be limited to the hours between 7:00 A.M. and 4:00 P.M., weekdays only. No construction shall occur on Planning & Development-observed holidays (e.g. Labor Day, Thanksgiving). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions.
- 4. No grading is proposed for this project. Grading/earth movement in excess of 50 cubic yards cut and fill (total) will require additional permit review. Grading/earth movement is subject to final approval by the Building and Safety Division grading inspector.
- 5. All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.
- 6. All changes to the project will require Coastal Development Permit review by P&D for determination of consistency with zoning ordinances.
- 7. No trees or native vegetation shall be removed as part of the project.
- 8. **Construction Staging and Storage:** Construction related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The applicant shall provide all construction personnel with a written notice of this requirement and a description of approved onsite parking, staging and storage areas. The notice shall also include the name and phone number of the applicant's designee responsible for enforcement of this restriction. **Plan Requirements:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for coastal development (CDP) clearance. A copy of the written notice shall be submitted to P&D prior to CDP issuance. **Timing:** This restriction shall be maintained throughout construction.
- 9. **Construction Washout Area:** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site, and shall not be conducted within the critical root zones of oak trees on the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. Timing: The washout area shall be designated on all plans prior to issuance of Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction.

Ni, McKee Appeal , 08APL-00000-00006, of Wang Coastal Development Permit for Single-Family Dwelling Addition and New Garage Attachment C – Conditions of Approval Page C-3

**MONITORING:** Grading and Building inspectors shall spot check to ensure compliance on-site.

- 10. **Archaeological and Historic Resources:** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. Plan Requirements/Timing: This condition shall be printed on all building and grading plans.
- 11. Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
- 12. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any conditions of this permit pursuant to the provisions of section 35-169.9 of Article II of the Santa Barbara County Code, the Planning Commission may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.
- 13. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
- 14. The Planning Commission's approval of this CDP shall expire two years from the date of approval or, if appealed, the date of action by the Board of Supervisors on the appeal, if the permit for use, building or structure permit has not been issued.
- 15. The use and/or construction of the structure, authorized by this approval cannot commence until the Coastal Development Permit has been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied prior to issuance of the Coastal Development Permit must be satisfied. Plans accompanying this Coastal Development Permit shall contain all project conditions.
- 16. Developer shall defend, indemnify and hold harmless the County or its agents, 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 the Coastal Development Permit. In the event that the County fails promptly to notify the 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.

Ni, McKee Appeal , 08APL-00000-00006, of Wang Coastal Development Permit for Single-Family Dwelling Addition and New Garage
Attachment C – Conditions of Approval
Page C-4

- 17. In the event that any condition imposing a fee, exaction, dedication or other mitigation 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 within 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 County shall review the entire project and substitute conditions may be imposed.
- 18. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

# ATTACHMENT D

APPEAL CASE NO. 08APL-00000-00006, DATED FEBRUARY 12, 2008



# PLANNING & DEVELOPMENT APPEAL FORM

SITE ADDRESS: 6346 VIA REAL  ASSESSOR PARCEL NUMBER: 00 - 190 - 035  PARCEL SIZE (acres/sq.ft.): Gross   ACRE   Net    COMPREHENSIVE/COASTAL PLAN DESIGNATION: ZONING: 1-E-1  Are there previous permits/applications? \$\int no \square \text{yno } \square \text{yes numbers:} (include permit# & lot # if tract)	
Are there previous environmental (CEQA) documents?   □no □yes numbers:	
1. Appellant: WAYNE NI Phone: P05-745-8600 FAX:  Mailing Address: 6344 //A REAL CARPINTER IA CA 930/3 E-mail: T9/HERD(Q)/AOL.  Street City State Zip  2. Owner: INAYNE NI Phone: 805-745-8600 FAX:  Mailing Address: 6344 V/A REAL CARRIERIA CA 930/3 E-mail: T9/HERD(Q)/AOL.  Street City State Zip  3. Agent: Phone: FAX:	Сот
Street City State Zip	
4. Attorney:Phone:FAX:	
Mailing Address:E-mail	
Street City State Zip	

08APL-00000-	0000	COUNTY USE ONLY	
THIS ADDITION & DEMO/NE	UUUUO EW GARAGE	Companion Case Number: Submittal Date:	2/17/08
6346 VIA REAI		Receipt Number:	- 1 (0)00
CARPINTERIA 00	1-190-035	Accepted for Processing Comp. Plan Designation	

Case Sup App Proj

Zon

# **COUNTY OF SANTA BARBARA APPEAL TO THE:**

BOARD OF SUPERVISORS
PLANNING COMMISSION: COUNTY MONTECITO
RE: Project Title WANG ADDITION & DEMOLITION NEW GARAGE
Case No. 08CDP-00000-00011
Date of Action 2-4-08
I hereby appeal the X_approvalapproval w/conditionsdenial of the:
Board of Architectural Review – Which Board?
X Coastal Development Permit decision
Land Use Permit decision
Planning Commission decision – Which Commission?
Planning & Development Director decision
Zoning Administrator decision
Is the appellant the applicant or an aggrieved party?
Applicant
Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:
Called planne and not in planner time deing approx
pluod.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

# Explanation of the Appeal - 6346 Via Real, Carpinteria

We are an "Aggrieved party" because we live next door to the project Wang Addition & Demolition/New Garage, Case Number: 08CDP-00000-00011.

#### Grounds for Appeal:

- 1. The said new addition in this designated rural neighborhood is not in conformance with the scale and character of the existing community.
- 2. The proposed second floor addition of 744 square feet is awkward and when coupled with the remaining addition of 1732 square feet (for a total of 2,476 square feet) to the existing split-level single family dwelling, it more than doubles the existing square footage of 1,693 square feet. The addition is too massive in size, height and awkward that it hinders the community's public view.
- 3. Violation of the notice posting requirement. Only one notice was posted through February 9<sup>th</sup> on the private road. A second and a third copy of the notice was posted on February 10<sup>th</sup>, after the first copy was missing. The requirement of posting three copies in three conspicuous places along the perimeter of the subject property throughout the Public Comment Period and the County Appeal Period was never met. No copy of the notice and attachment was ever posted in a place visible from the nearest public street (Via Real).

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

2. Historical & archaeological Sites Policies paragraph 1,
paragraph 2, and paragraph 3.

3. Notice of Bending Docision, Derms of final approval,
Paragraph 1. Postup Notice.

also sel abathed "Explanation of the appeal - 6346

VIA REAL CARPINTERIA."

Specific conditions imposed which I wish to appeal are (if applicable):

HINDERS PUBLIC VIEW:

- b. Too LARGE OF ANADDITION: MORE THAN DOUBLING THE EXISTING SOF
- C. NEW ADDITION IS NOT IN CONFARMANCE W/ THE SCALE AND CHARACTER OF THE COM
- d. VEDLATION OF NOTICE POSTING REQUIRED BY LAW.

Please include any other information you feel is relevant to this application.

**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Print name and sign – Firm	Date
WATER NI VIVE	2-12-08
Print name and sign - Preparer of this form	Date
WATER AR WY	2-12-08
Print name and sign - Applicant	Date
Print name and sign - Agent	Date
MATTRE NE (M)	2-12-08
Print name and sign - Landowner	Date

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- 1. All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.
- 2. Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.

#### HISTORICAL AND ARCHAEOLOGICAL SITES POLICIES

- 1. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.
- When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.
  - 3. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
  - 4. Off-road vehicle use, unauthorized collection of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.

Land Use element of Comprehenive the SB County Comprehenive

# VISUAL RESOURCES POLICIES

- All commercial, industrial, and planned developments, shall be required to submit a landscaping plan to the County for approval.
- 2. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
- 3. In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
  - 4. Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.
  - 5. Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

$\mathcal{A}$	
Print name and sign – Firm	Date 2/12/68
Print name and sign - Preparer of this form	Date
PETEN mc/CET FIFTY	2/12/08
Print name and sign - Applicant	, Date
PETER MCCRE ///	2/12/08
Print name and sign - Agent	Date
Peren mcket fl	2/12/08
Print name and sign - Landowner	Date
1/	/

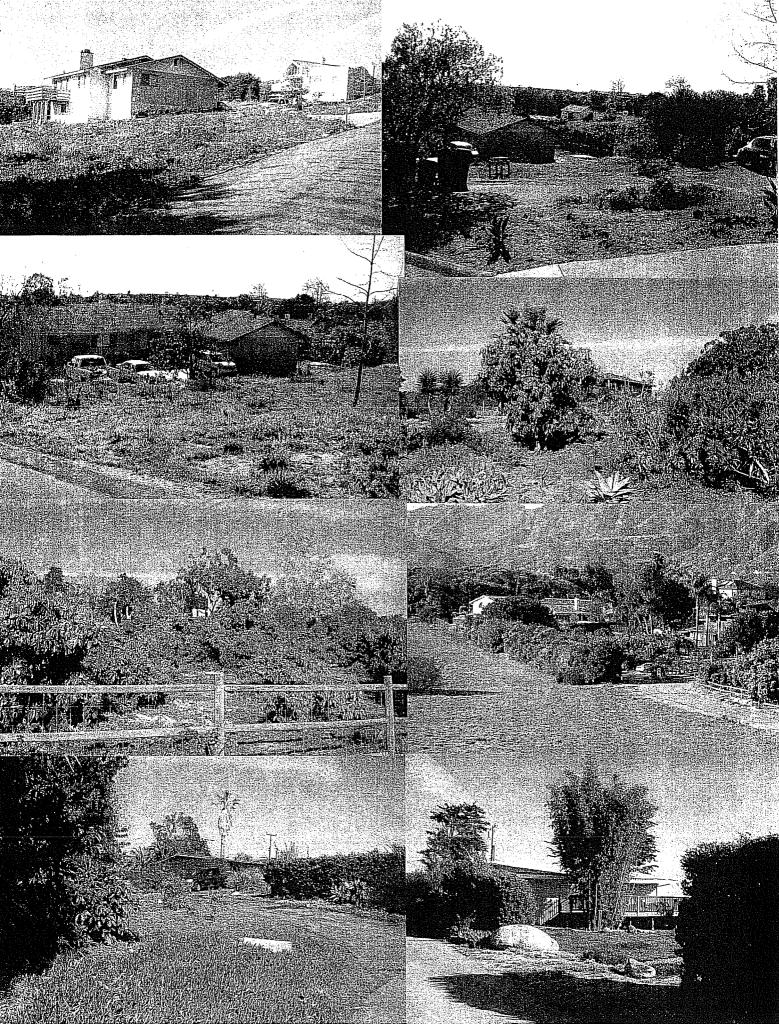
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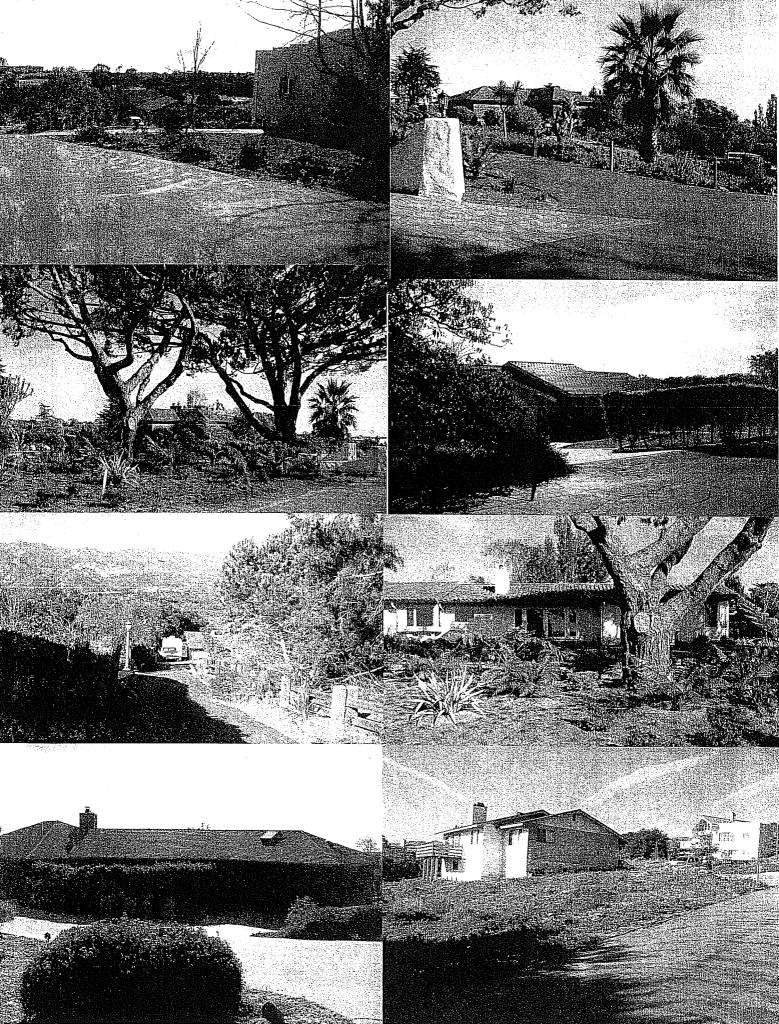
# PLANNING & DEVELOPMENT APPEAL FORM

		APPEAL FORM		
SITE ADDRESS: 6346 ASSESSOR PARCEL NUMBE PARCEL SIZE (acres/sq.ft.): 0 COMPREHENSIVE/COASTAL Are there previous permits/app Are there previous environmen	ER:	Net ZONING mbers:(include permit# &	6:	
1. Appellant: PETER  Mailing Address 6334 U Street  2. Owner: 6334  Mailing Address: 6334  Street	City CHEP, NIEMAN State	93013 Zip	E-mail: PETERMCICEE à  E-mail: PETERMCICEE à  E-mail: PETERMCICEE à 1	mAe.c
3. Agent:		Phone:	FAX: E-mail:	
Street 4. Attorney:	City State	Zip _Phone:	FAX:	
Mailing Address: Street	City St	ate Zip	E-mail	
<del></del>				

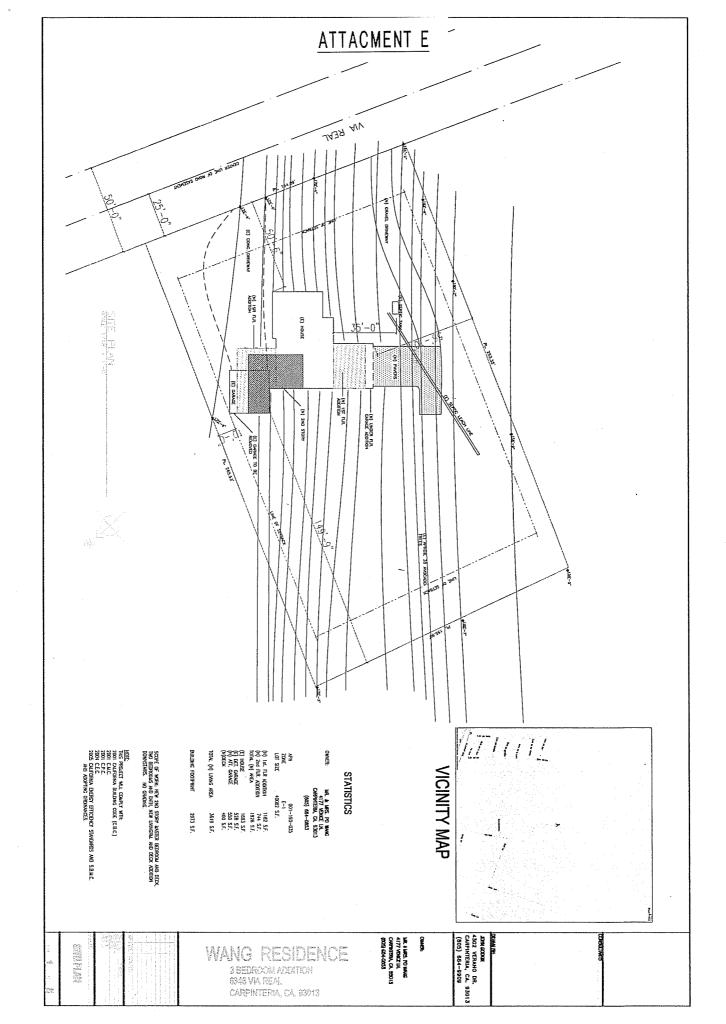
# COUNTY USE ONLY

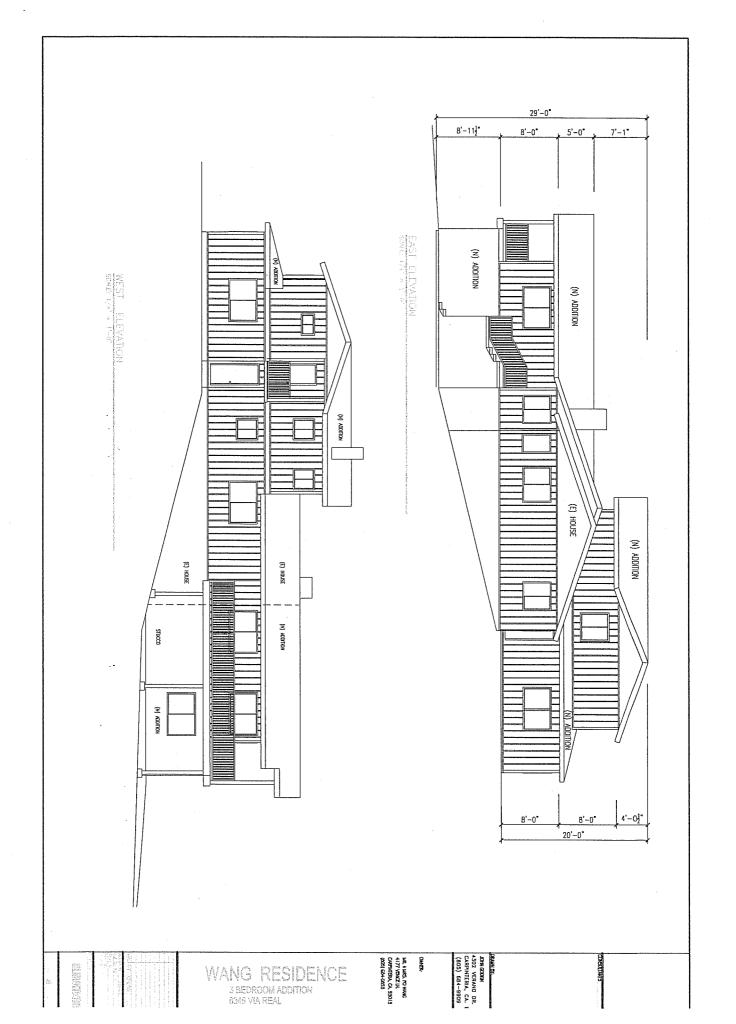
Case Number:.	Сотрапіол Case Number:	
Supervisorial District:	Submittal Date:	
Applicable Zoning Ordinance:	Receipt Number:	
Project Planner:	Accepted for Processing	
Zoning Designation:	Comp. Plan Designation	

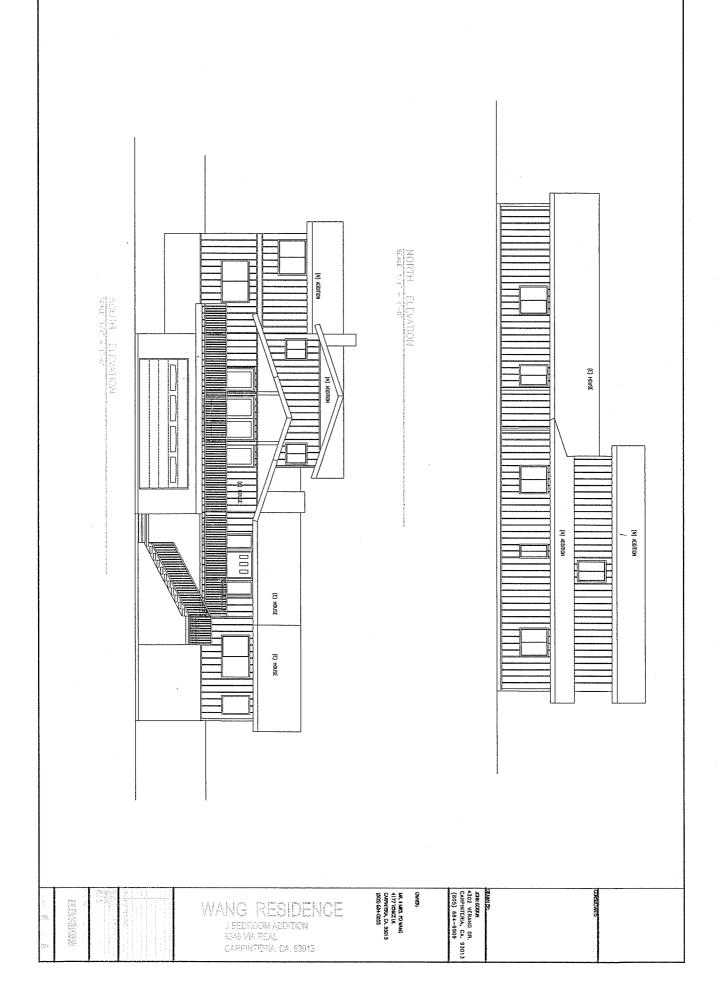




# ATTACHMENT E SITE PLAN AND ELEVATIONS







# ATTACHMENT F

# NEIGHBORHOOD FLOOR AREA STUDY

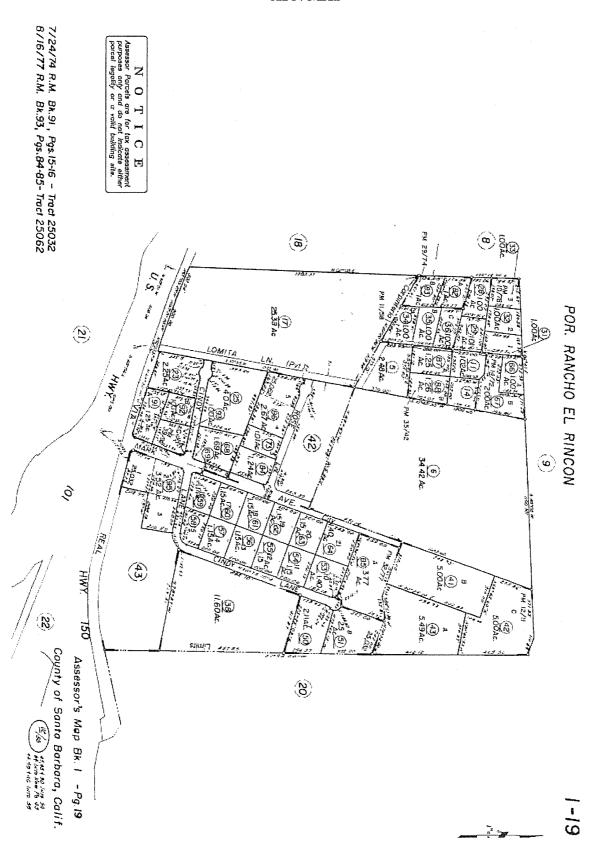
Monte Vista Lomita Lane Neighborhood Floor Area Study

		Size of Lot	Size of Lot	Size of Residence, per Assessor's Office (sq. ft.) SQUARE FEET	Ratio of House Size to
APN	Address	(Acre)	(Sq. Ft.)	(NET)	Lot Size
001-190-088	6340 Via Real	1.26	54,885.6	1,410	0.026
001-190-029	6336 Via Real	1.06	46,173.6	2,040	0.044
001-190-087	6354 Via Real	1.25	54,450	2,072	0.038
001-190-028	6338 Via Real	1	43,560	2,075	0.048
001-190-014	6330 Via Real	1	43,560	2,369	0.054
001-190-082	6350 Via Real	1	43,560	2,371	0.054
001-190-034	6348 Via Real	1	43,560	2,448	0.056
001-190-005	6342 Via Real	2.48	108,028.8	2,476	0.023
001-190-066	6328 Via Real	1	43,560	2,779	0.064
001-190-031	6326 Via Real	1	43,560	2,963	0.068
001-190-011	6334 Via Real	1.02	44,431.2	3,269	0.074
001-190-083	6352 Via Real	1	43,560	3,399	0.078
001-190-036	6344 Via Real	1	43,560	3,942	0.090
001-190-035	6346 Via Real (Proposed)	1	43,560	2,973	0.068

Range	1,410 sq. ft. to 3942 sq. ft.
Average	2,586 sq. ft.
Median	2,448 sq. ft.
75% Percentile	e 2,963 sq. ft.

# ATTACHMENT G

# APN MAP



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