



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: October 1, 2019
Placement: Set Hearing of September 10, 2019
Estimated Time: 1 hour
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director (805) 568-2086
Contact Info: Jeff Wilson, Assistant Director, Planning and Development
(805) 568-2085
SUBJECT: Ni Tennis Court Appeal, Case No. 19APL-00000-00025, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On October 1, 2019, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 19APL-00000-00025;
- b) Make the required findings for approval of the project, Case No. 18CDP-00000-00062, included as Attachment 1, including CEQA findings;
- c) Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15303 and 15304, included as Attachment 3; and
- d) Grant *de novo* approval of the project, Case No. 18CDP-00000-00062, subject to the conditions included as Attachment 2.

Summary Text:

A. Proposed Project

The project is for a Coastal Development Permit to allow as-built modifications to a tennis court that has been elevated 2.5 feet higher than previously permitted under Case No. 18CDP-00000-00009, and to

allow for the addition of a 115-foot long retaining 'planter wall' (ranging in height from 1-4 feet) between the tennis court retaining wall and property line, a 50-foot extension of a 6-foot high retaining wall to the east of the tennis court, a change in location of shallow retention basins, and additional grading along the existing driveway. The total grading for the current project includes 1,050 cubic yards of cut and 1,550 cubic yards of fill (import of 500 cubic yards). Grading quantities approved by the previous permit included 1,050 cubic yards of cut, 600 cubic yards of fill, and 450 cubic yards of export. As constructed and now proposed, the difference in grading is an increase of 950 cubic yards of fill. The project site will continue to be served by the Carpinteria/Summerland Fire Protection District, the Carpinteria Valley Water District and a private septic system. Access to the site will continue to be provided off of Lomita Lane. The one-acre project site is zoned 1-E-1, shown as Assessor's Parcel Number 001-190-036 and is located at 1221 Lomita Lane, in the Carpinteria Area, First Supervisorial District.

B. Background

The original Ni Tennis Court project, Case No. 18CDP-00000-00009, was approved by the Director on March 30, 2018. This permit authorized construction of a new tennis court with a surrounding 10-foot tall chain link fence, retaining walls, three retention basins, three accessory structures, a shade structure, and widening of the driveway. Grading for the project included 1,050 cubic yards of cut, 600 cubic yards of fill and 450 cubic yards of export. In October of 2018, the Santa Barbara County Grading Inspector was contacted by a neighbor, who was concerned that the applicant had imported soil without the benefit of a permit. On October 30, 2018, the County Grading Inspector visited the site and confirmed that the rough-graded tennis court pad did not conform to the approved grading plan and that roughly 500 cubic yards of soil had been imported. A stop work order was subsequently issued. In order to abate the violation, the applicant chose to submit an application for a new Coastal Development Permit (Case No. 18CDP-00000-00062) to allow the as-built changes to the original permit. This Coastal Development Permit (CDP) was approved by the Director on April 22, 2019 and subsequently appealed to the Planning Commission. At the Planning Commission hearing of June 26, 2019, the Commission denied the appeal and granted *de novo* approval of the project, Case No. 18CDP-00000-00062. As part of its approval of the project, the Planning Commission directed staff to coordinate with Building and Safety regarding the appropriateness of applying a Grading Bond to the associated Grading Permit. On July 8, 2019, the Appellant filed a timely appeal to the Board of Supervisors.

C. Appellant Appeal Issues and Staff Responses

The appeal application (Attachment 4) contains a letter detailing the issues raised in the appeal to your Board. These issues and staff's responses are summarized below.

Appellant Appeal Issue 1: Inconsistent and Unauthorized Construction: The appellant asserts that the property owner has shown a continued pattern of unauthorized construction, most recently the

import of excess fill not consistent with the approved permit. The change in topography raises concerns regarding soil erosion, soil retention, water run-off and drainage.

Staff Response: As stated above, upon inspection of the site by the County Grading Inspector, inconsistencies between the approved project and the as-built project were identified and a stop work order was issued. In order to achieve compliance, the applicant was required to either conform to the approved plan or apply for a new CDP to allow the as-built changes to the original permit. The applicant applied for a permit to allow for the as-built work completed at the site. Approval of the CDP, Case No. 18CDP-00000-00062, would bring the as-built project into compliance. The plans approved as part of this CDP were designed and stamped by a licensed engineer with specific regard to erosion control, soil quality and drainage (see Attachment 7). Compliance with approved plans would be ensured through the review and approval of an associated Grading Permit and field inspections by the County Grading Inspector.

Appellant Appeal Issue 2: Excessive Run-Off and Flooding: The appellant states that water and dirt washed off Mr. Ni's property onto his and other adjacent properties as a result of the unapproved changes and lack of a proper soil retention and drainage plan. The appellant also claims that the change in location of the basins will increase the likelihood of excessive runoff.

Staff Response: As part of the review of the CDP, Case No. 18CDP-00000-00062, for the unpermitted as-built changes, a stormwater management plan designed by a licensed engineer was provided, see sheet C1.2 of Attachment 7 (Project Plans). The project is designed to adequately retain runoff that would increase as a result of the new impervious surfaces and grading. Drainage would be directed to the southwest corner of the property, which follows the natural and existing topography. An erosion control plan was also submitted and approved, see sheet C4.0 of Attachment 7 (Project Plans). Vegetation is also required to be planted once grading is complete, per CDP Condition 8 (see Attachment 2).

As described in appeal issue number one above, a stop work order was issued on the project in October of 2018, preventing the applicant from doing further work on the project. The applicant, in coordination with the County Grading Inspector, installed erosion control measures in preparation for the rainy season. The project is conditioned to require an erosion control plan, stormwater management plan and establishment of vegetation. Upon successful implementation of these project components, the project is designed to retain the additional runoff it creates. These plans are required as Conditions of Approval Nos. 4 and 8 of 18CDP-00000-00062 (see Attachment 2).

Appellant Appeal Issue 3: Structures Inconsistent with the Local Landscape: The appellant claims that the increase in height of the tennis court and surrounding fencing will affect the character of the neighborhood and that 'all the neighbors will see is the cement wall and a chain link fence like a prison compound'. The appellant also states that the proposed grading adjacent to the driveway was not included with the original CDP.

Staff Response: The 2-2.5 foot height increase from the previously approved project is within the allowable height for this zone district, is outside of required setbacks, and the court surface is approximately 7 feet lower than the existing single family dwelling on the property. Although the tennis court and surrounding chain link fence would be visible from adjacent properties, landscaping, including planting on the planter wall, has been proposed to soften the view from the southern elevation. The grading adjacent to the driveway was included as part of the changes requested with 18CDP-00000-00062.

Due to grading changes, the overall height of the proposed 6-foot tall southern retaining wall would be elevated approximately 2.5 feet higher than what was approved under 18CDP-00000-00009. The proposed northern retaining wall has a maximum height of 4 feet, an overall decrease in height of approximately 2 feet from what was approved under 18CDP-00000-00009. Both retaining walls are outside of required site setbacks and within the allowable height range for this zone district. Per Article II Coastal Zoning Ordinance, retaining walls over 4 feet require a Coastal Development Permit. Pursuant to Article II Section 35-123, there is no maximum height for a wall if the wall is outside of site setbacks.

Considering the minimal change from the previous project, the proposed project is consistent with this policy.

Fiscal and Facilities Impacts:

Budgeted: Yes. Total costs for processing the appeal are approximately \$15,200.00 (65 hours of staff time). The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development's adopted budget. The fixed appeal fee was paid by the appellant in the amount of \$659.00 and is required for appeals of projects located within the County's coastal jurisdiction that are not appealable to the Coastal Commission. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget Program, as shown on page D-269 of the adopted 2019-20 Fiscal Year budget.

Special Instructions:

The Clerk of the Board shall fulfill all noticing requirements. The notice shall appear in the Santa Barbara News Press and mailed to neighboring property owners (labels attached). A minute order of the hearing and copy of the notice and proof of publication shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

1. Board of Supervisor Findings

2. Conditions of Approval for Case 18CDP-00000-00062
3. CEQA Exemption
4. Appeal Application to the Board of Supervisors
5. Planning Commission Staff Report, dated June 18, 2019
6. Planning Commission Action Letter dated June 28, 2019
7. Project Plans

Authored by:

Ciara Ristig, Planner, (805)568-2077
Development Review Division, Planning and Development Department

cc:

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, and 15304. Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1.1 *Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, 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.*

As discussed in the Planning Commission staff report, dated June 18, 2019 and incorporated herein by reference, adequate services are available to serve the proposed development. The site will continue to be served by the Carpinteria Valley Water District, Carpinteria-Summerland Fire Protection District, Santa Barbara County Sheriff's Department, and a private septic system. Therefore, this finding can be made.

2.1.2 *Findings required for Coastal Development Permit applications subject to Section 35-169.4.1. In compliance with Section 35-169.5.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.1 the decision-maker shall first make all of the following findings:*

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 under with Section 35-161 (Nonconforming Use of Land, Buildings, and Structures).*

As discussed in the Planning Commission staff report, dated June 18, 2019 and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan. In addition, the proposed development is consistent with the Article II requirements for the 1-E-1 zone district, as they relate to permitted uses, building heights, setbacks, and parking. Therefore, this finding can be made.

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

The subject lot is a 1 acre parcel that is shown as Lot C (Parcel "A") of Parcel Map 11,719 and is shown on Recorded Map Book 9, Page 100 of the County of Santa Barbara Maps and Surveys. Therefore, this finding can be made.

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 conditioned, the subject property is, and the proposed project will be, in full compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of the Article II Zoning Ordinance, for the 1-E-1 zone district. Additionally, all processing fees have been paid to date. Therefore, this finding can be made.

ATTACHMENT 2: CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This Coastal Development Permit is based upon and limited to compliance with the project description, 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: Change in previously approved grading to elevate tennis court, accessory structures by approximately 2 feet. Associated 6' retaining wall at southern end of tennis court & 10 ft' fencing surrounding tennis court to remain. Addition of smaller 115' long retaining 'planter wall' (ranging in height from 1-4') between tennis court retaining wall and property line. 50 foot extension of 6' retaining wall to the east of the tennis court, change in location of shallow retention basins from east to west side (near rear property line) of tennis court. Grading to increase flat area at driveway/entrance to property. Total grading calculations for project (including work done on the previous CDP) include 1050 cy of cut/fill and import of approximately 500 cubic yards of material. Project will include the 3 accessory structures and canopy proposed with the previous CDP. The project site will continue to be served by the Carpinteria/Summerland Fire Protection District, the Carpinteria Valley Water District and a private septic system. Access to the site will continue to be provided off of Lomita Lane. The project site totals 1 acre, is zoned 1-E-1, is shown as Assessors Parcel Number 001-190-036 and is located at 1221 Lomita Lane, in the Carpinteria Area, First Supervisorial District.

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.

CONDITIONS BY ISSUE AREA

3. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.

- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to 1st Grading or Building Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading, Building, and Permit Compliance staff shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

4. **Geo-02 Erosion and Sediment Control Plan:** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the ESCP using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County website: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements.

PLAN REQUIREMENTS: The grading and ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

TIMING: The ESCP requirements shall be implemented between November 1st and April

15th of each year, except pollution control measures shall be implemented year round.

MONITORING: P&D staff shall perform site inspections throughout the construction phase.

5. **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 8:00 a.m. and 5:00 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 and staff shall spot check and respond to complaints.

6. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/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 Zoning Clearance and Building.

MONITORING: P&D and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

7. **WatCons-03 Water Conservation in Landscaping.** The project is subject to the California Water Conservation in Landscaping requirements. Prior to issuance of the Zoning Clearance, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Efficient Landscape Ordinance Supplemental application.

TIMING: The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to issuance of the CDP. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance.

MONITORING: P&D staff shall check in the field prior to Final Building Inspection Clearance.

8. **WatConv-03 Erosion and Sediment Control Revegetation:** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities with deep rooted, native, drought tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within

30 days of grading.

PLAN REQUIREMENTS: Include this measure as a note on all grading and building plans.

TIMING: The Owner/Applicant shall re-vegetate graded areas within 30 days.

MONITORING: The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

COUNTY RULES AND REGULATIONS

9. **Rules-01 Effective Date-Not Appealable to CCC:** This Coastal Development Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit.
10. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
11. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
12. **Rules-10 CDP Expiration:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Director. 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.
13. **Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to approved permit plans. Substantial conformity shall be determined by the Director of P&D.
14. **Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
15. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division.

These shall be graphically illustrated where feasible.

16. **Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
17. **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.
18. **Rules-35 Limits:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
19. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / 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 3: CEQA EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Ciara Ristig, 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: 001-190-036

Case No.: 18CDP-00000-00062

Location: 1221 Lomita Lane

Project Title: Ni Tennis Court

Project Applicant: Wayne Ni

Project Description:

The project is for a Coastal Development Permit to allow a change in previously approved permit 18CDP-00000-00009 to elevate tennis court, accessory structures by approximately 2.5 feet and to maintain the associated 6 foot tall retaining wall at southern end of tennis court and 10 foot chain link fencing surrounding tennis. The project will allow the addition of a smaller 115 foot long retaining 'planter wall' (ranging in height from 1-4 feet) between tennis court retaining wall and property line. 50 foot extension of 6 foot tall retaining wall to the east of the tennis court, a change in location of shallow retention basins from east to west side (near rear property line) of tennis court and grading to increase flat area at driveway/entrance to property. Total grading calculations for project (including work done on the previous CDP) include 1050 cy of cut/fill and import of approximately 500 cubic yards of material. Project will include the 3 accessory structures and canopy proposed with the previous CDP. The project site will continue to be served by the Carpinteria/Summerland Fire Protection District, the Carpinteria Valley Water District and a private septic system. Access to the site will continue to be provided off of Lomita Lane. The project site totals 1 acre, is zoned I-E-1, is shown as Assessors Parcel Number 001-190-036 and is located at 1221 Lomita Lane, 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: Wayne Ni

Exempt Status: (Check one)

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

Cite specific CEQA and/or CEQA Guideline: Sections 15303 and 15304

Reasons to support exemption findings:

Section 15303 exempts new construction or conversion of small structures, including accessory structures, such as a tennis court and retaining walls. Section 15304 relates to this project in that it exempts alterations in the condition of land which do not involve the removal of healthy, mature, scenic trees.

The proposed project does not involve 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 designated or mapped environmentally sensitive habitats (ESH), biological or cultural resources, or other resources of hazardous or critical concern located in, or within close proximity to, the proposed project site. The nearest mapped ESH area is located approximately 3000 feet northwest of the proposed project site and is separated from the project site by existing dwellings and roads. Impacts associated with the project would be insignificant as all proposed development would be located on already disturbed portions of the site. Therefore, this exception to the categorical exemptions would 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 proposed project includes elevation of the previously approved tennis court by 2 feet, addition retaining walls ranging from 1-6' retaining wall, shallow retention basins, grading to increase flat area at driveway/entrance to property and landscaping on a legal lot. The proposed development meets all applicable criteria of the Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal Land Use Plan. The proposed project would create no significant impacts to protected resources. Additional minor structural development of the same type in the same place, over time, that is developed in conformance with applicable ordinance and policy regulations on residentially-zoned parcels in the vicinity would not result in a cumulatively significant impact. Therefore, this exception to the categorical exemptions 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.**

There is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment. Accordingly, this exception to the Categorical Exemption is not applicable to the proposed project.

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

The project site is not located near a designated state scenic highway. Accordingly this exception to the Categorical Exemption is not applicable to the proposed project.

- (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 site is not a hazardous waste site included on any list compiled pursuant to Section 65962.5 of the Government Code, and therefore this exception to the Categorical Exemption is not applicable to the proposed project.

- (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.**

No known pre-historic cultural sites exist within the project site. There is no substantial evidence that the proposed project would cause an adverse change in any historical resources, and therefore this exception to the Categorical Exemption is not applicable to the proposed project.

Lead Agency Contact Person: Ciara Ristig

Phone #: 805-568-2077 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.

ATTACHMENT 4: Appeal Application to the Board of Supervisors

ATTACHMENT 5: Planning Commission Action Letter

ATTACHMENT 6: Planning Commission Staff Report

ATTACHMENT 7: Project Plans