

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

June 28, 2019

Po Wang
1217 Lomita Lane
Carpinteria, CA 93013

PLANNING COMMISSION
HEARING OF JUNE 26, 2019

RE: Ni Tennis Court Appeal; 19APL-00000-00006

Hearing on the request of Po Wang, to consider Case No. 19APL-00000-00006 [appeal filed on May 2, 2019], to appeal the Director's approval of Case No. 18CDP-00000-00062, in compliance with Section 35-182 of Article II, the Coastal Zoning Ordinance. The application involves Assessor Parcel No. 001-190-036, located at 1221 Lomita Lane in the Carpinteria Area, First Supervisorial District.

Dear Mr. Wang:

At the Planning Commission hearing of June 26, 2019, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 3 to 2 (Brown and Parke no) to:

1. Deny the appeal, Case No. 19APL-00000-00006;
2. Make the required findings for approval of the project specified in Attachment A of the staff report dated June 18, 2019, including California Environmental Quality Act (CEQA) findings;
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15303, and 15304 included as Attachment C of the staff report dated June 18, 2019; and
4. Grant *de novo* approval of the project, Case No. 18CDP-00000-00062, subject to the conditions included as Attachment B of the staff report dated June 18, 2019.

The Planning Commission also directs Staff to coordinate with Building and Safety regarding the appropriateness of applying a Grading Bond to the associated Grading Permit.

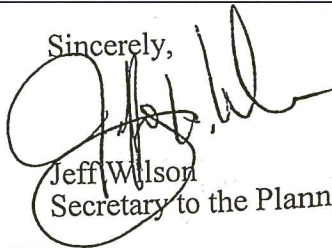
The attached findings and conditions reflect the Planning Commission's actions of June 26, 2019.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on July 8, 2019 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$668.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 19APL-00000-00006
Planning Commission File
Owner: Wayne Ni, 1221 Lomita Lane, Carpinteria, CA 93013
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Michael Cooney, First District Commissioner
Brian Pettit, Deputy County Counsel
Ciara Ristig, Planner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

JW/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Planning Commission 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 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 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.



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

COASTAL DEVELOPMENT PERMIT NO.: 18CDP-00000-00062

Project Name: NI TENNIS COURT
Project Address: 1221 LOMITA LN, CARPINTERIA, CA 93013
A.P.N.: 001-190-036
Zone: 1-E-1

The Planning and Development Department hereby approves this Coastal Development Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

APPROVAL DATE: 5/29/2019
LOCAL APPEAL PERIOD BEGINS: 5/30/2019
LOCAL APPEAL PERIOD ENDS: 6/10/2019
DATE OF PERMIT ISSUANCE (if no appeal is filed): 6/11/2019

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the County Planning Commission by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may not be appealed to the California Coastal Commission; therefore payment of a fee is required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: 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 foot 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. To receive additional information regarding this project and/or to view the application and/or plans, please contact Ciara Ristig at 123 East Anapamu Street, Santa Barbara, by email (crstig@co.santa-barbara.ca.us), or by phone ((805) 568-2077).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 18CDP-00000-00009; 19APL-00000-00006

PERMIT ISSUANCE: This Coastal Development Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. Notice. Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

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.

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

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

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 approval of first Grading 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: B&S grading and building inspectors shall spot check; Grading and Building 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 web site re: 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 the Coastal Development Permit.
- TIMING:** A copy of the written notice shall be submitted to P&D permit processing staff prior to Issuance of the Coastal Development Permit. This restriction shall be maintained throughout construction.
- 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 CDP, 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, as appropriate to the size of the landscape area.
- 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:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance.
- PLAN REQUIREMENTS:** The Owner/Applicant shall depict the California Water Conservation in Landscaping supplemental application landscape plans on building plans.
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 plans. Substantial conformity shall be determined by the Director of P&D.
14. **Rules-23 Processing Fees Required:** Prior to issuance of the Coastal Development Permit, 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.

