



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: May 15, 2007  
Placement: Set Hearing  
Estimated Tme: 75 minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors

FROM: Department John Baker, Director, Planning & Development Department  
Director  
Contact Info: (805) 568-2085

SUBJECT: **Calderon Appeal of Calderon New Single-Family Residence**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: No

**Other Concurrence:** N/A

As to form: No

**Recommended Actions:**

Set hearing for June 5, 2007 (Departmental Agenda) to consider an appeal filed by the applicant (Case No. 07APL-00000-00005) of the Planning Commission's February 7, 2007 denial of the proposed Calderon New Single-Family Residence, Case No. 06CDP-00000-00031. The project involves Assessor's Parcel No. 005-320-010, located at 1765 Ocean Oaks Road in the Toro Canyon Community Plan area, First Supervisorial District.

That the Board of Supervisors:

1. Adopt the required findings for approval of Case No. 06CDP-00000-00031, including CEQA findings, included as Attachment A to this agenda letter; and
2. Accept the exemption specified in Attachment B of this agenda letter; and
3. Approve the appeal, Case No. 07APL-00000-00005, thereby upholding Planning and Development's approval and grant *de novo* approval of Coastal Development Permit Case No. 06CDP-00000-00031, included as Attachment C to this agenda letter.

**Summary Text:**

Coastal Development Permit Case No. 06CDP-00000-00031 was approved by Planning & Development (P&D) staff on November 29, 2006 to allow for demolition of an existing 1,569 square foot residence

and subsequent construction of a two-story residence of 3,530 square feet and an attached garage of 571 square feet. The P&D approval was appealed to the County Planning Commission, where it was deemed denied as a result of a tie vote (2-2). The applicants have since re-designed the project and are bringing forward a revised project for a new 3,319 square foot single-story residence and 523 square foot attached garage as part of the present appeal.

On staff's review, the proposed demo/rebuild of this single-family residence meets all applicable zoning and policy requirements and staff recommends approval. The revised project was given revised preliminary and final approvals by the South County Board of Architectural Review (SBAR), which were not separately appealed.

### **Background:**

On March 29, 2006, the agent for the owners, Tom Jacobs, filed an application for a Coastal Development Permit (Case No. 06CDP-00000-00031) to authorize the construction of a residential first floor addition of 1,188 square feet, a second story addition of 1,418 square feet, and new attached garage of 575 square feet to an existing 1,569 square foot residence.

On July 21, 2006, the project received preliminary approval from the South County Board of Architectural Review (SBAR) by a vote of 6-0.

On October 27, 2006, the project returned for final approval by the SBAR on October 27, 2006 but was continued by a 5-0 vote for a site visit and final further review due to neighbor concern expressed at the meeting and a change in the project description. Through meetings with concerned neighbors and consultation with the contractor, the second-story addition was reduced by 196 square feet and demolition of the existing house was proposed, with construction of a new residence at the same location.

On November 17, 2006, the revised project received revised preliminary and final approval by the SBAR by a vote of 5 to 1. P&D approved Coastal Development Permit Case No. 06CDP-00000-00031 on November 29, 2006.

On December 7, 2006, aggrieved parties Donald Risdon and Andrea Raun-Risdon, Gary Delanoeye and Jill Stassinis-Delanoeye, and Kenyon and Barbara McIntyre filed an appeal of P&D's approval of Case No. 06CDP-00000-00031 and of Case No. 06BAR-00000-00078. The BAR appeal was not timely filed, but the CPD appeal was received within the ten-day appeal period, and was assigned Case No. 06APL-00000-00046.

On February 7, 2007, the Planning Commission heard the appeal. Approximately 15 neighbors spoke or submitted letters in opposition to the proposed two-story project. In addition to the appeal application and letters submitted to the staff and the Commissioners, the opponents' concerns were that the proposed project:

- 1) Would intrude into the privacy of neighboring residences,
- 2) Was too large because of the second-story element and did not conform with the existing neighborhood,
- 3) Would loom over neighboring residences because of the sloping terrain, and
- 4) Would set a precedent that would encourage other homeowners to construct second story additions.

The Planning Commission voted 2-2 to deny the appeal and approve the project. Since the motion did not pass, the project was deemed denied. An appeal of the Planning Commission denial was filed on February 9, 2007, by the applicants, Ricardo and Dinah Calderon.

On April 13, 2007, a revised project was brought to the SBAR, for a single-story residence of 3,319 square feet and a 523 square foot attached garage. The revised project was given Revised Preliminary and Revised Final approvals by the SBAR. This revised project is now being brought forward to the Board of Supervisors.

### **Project Description**

The proposed project is for a Coastal Development Permit to allow for the demolition of an existing 1,569 square foot residence and subsequent construction of a single-story, single-family residence of approximately 3,319 square feet with a new attached garage of approximately 523 square feet. The average height of the residence after construction of the addition would be approximately 13 feet, 11 inches and the maximum height would be approximately 16 feet, 8 inches. Less than 50 cubic yards of grading would be required to prepare the site for development and no trees are proposed for removal. The site would continue to be served by the Carpinteria Water District, a private septic system and the Carpinteria/Summerland Fire Department. The property is a 0.59-acre parcel zoned 20-R-1 and shown as Assessor's Parcel number 005-320-010, located at 1765 Ocean Oaks Road in the Carpinteria Area, First Supervisorial District.

### **Staff Discussion**

After the Planning Commission hearing, the owners met with the original appellants and proposed a revised project. The revision changed the design of the proposed residence from two stories to one story. Approval for the revised project was received by the SBAR on April 13, 2007 by a vote of 5-0-1 (one member absent, one abstained).

At the SBAR hearing, the original appellants stated that their private views of the mountains and ocean would still be impacted. A letter was also submitted from Derek Westen, representing Ocean Oaks Road neighbors, stating the same concerns regarding private views. The SBAR minutes and letter are included as Attachments G and H. Since there are no private view protection policies contained within the Coastal Land Use Plan or the Toro Community Plan, the SBAR approved the revised project.

On staff's review, the revised project meets all zoning and policy requirements, including neighborhood compatibility, visual resources, height, setbacks, and tree protection. All additional project and appeal information is contained in the attached Planning Commission Staff Report, Action Letter, and revised plans.

### **Performance Measure:**

N/A

### **Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

The fee for processing an appeal is \$443 per the current Planning and Development fee schedule adopted by the Board of Supervisors, effective January 15, 2007. Fees were collected when the appeal was filed. The remaining cost of processing these appeals is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-290 of the Fiscal Year 2006/07 adopted budget. P&D staff estimated 40 hours of planner time to process this appeal request.

**Staffing Impacts:**

**Legal Positions:**

N/A

**FTEs:**

N/A

**Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on June 5, 2007. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed notice are attached. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention Cintia Mendoza.

**Attachments:**

- A. Findings
- B. CEQA Exemption
- C. Conditions
- D. Planning Commission Action Letter, dated February 14, 2007
- E. Staff Report to the Planning Commission, dated February 7, 2007
- F. Ricardo and Dinah Calderon Appeal, dated February 9, 2007
- G. SBAR Minutes, April 13, 2007
- H. Letter from Derek Westen, dated April 13, 2007
- I. Revised Plans
- J. Public Comment Letters

**Authored by:**

Selena Buoni, Planner, (805) 568-2910  
Development Review Division – South, Planning & Development Department

**cc:** Case File 07APL-00000-00005

**ATTACHMENT A: COASTAL DEVELOPMENT PERMIT FINDINGS**

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:

- 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 and/or the project falls within the limited exception allowed under Section 35-161.7.***

The proposed development conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan. The proposed development is also consistent with all provisions of the Coastal Zoning Ordinance, Chapter 35, Article II of the County Code. The project site is not related to an industrial use and does not fall within Section 35-161.7. Therefore, this finding can be made.

- 2. That the proposed development is on a legally created lot.***

The lot was created by the Ocean Oaks Subdivision Map, recorded on April 16, 1947, Santa Barbara County Recorder's Office, Map Book 15, page 264. Therefore, this finding can be made.

- 3. That the subject 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 such zoning violation enforcement fees as established from time to time by the Board of Supervisors has been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Section 35-160 et seq.***

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. There are 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: ENVIRONMENTAL DOCUMENT**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Selena Buoni, 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:** 005-320-010

**Case No.:** 06CDP-00000-00031

**Location:** 1765 Ocean Oaks Road, Carpinteria

**Project Title:** Calderon Demolition and New Single-Family Residence and Garage

**Project Description:** The proposed project is for a Coastal Development Permit to allow for the demolition of an existing 1,569 square foot residence and subsequent construction of a single-story, single-family residence of approximately 3,319 square feet with a new attached garage of approximately 523 square feet. The average height of the residence after construction of the addition would be approximately 13 feet, 11 inches and the maximum height would be approximately 16 feet, 8 inches. Less than 50 cubic yards of grading would be required to prepare the site for development and no trees are proposed for removal. The site would continue to be served by the Carpinteria Water District, a private septic system and the Carpinteria/Summerland Fire Department. The property is a 0.59-acre parcel zoned 20-R-1 and shown as Assessor's Parcel number 005-320-010, located at 1765 Ocean Oaks Road 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: Ricardo & Dinah Calderon

**Exempt Status:** (Check one)

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

**Cite specific CEQA and/or CEQA Guideline Section:** 15268 and 15303(e)

**Reasons to support exemption findings:** The project can be found to be exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Sections 15268 and 15303(a). Section 15268 exempts ministerial projects from the requirements of CEQA. Section 15303(a) exempts construction and location of one single-family residence, or a second dwelling unit in a residential zone. The proposed project includes the demolition of an existing 1,569 square foot

residence and subsequent construction of a new single-family residence of approximately 3,319 square feet with a new attached garage of approximately 523 square feet.

Lead Agency Contact Person: Selena Buoni

Phone #: (805) 568-2910

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

Acceptance Date: \_\_\_\_\_

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

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

Date Filed by County Clerk: \_\_\_\_\_.

**ATTACHMENT C: PROJECT SPECIFIC CONDITIONS**

Case #: 06CDP-00000-00031  
Project Name: Calderon Addition  
Project Address: 1765 Ocean Oaks Road  
APN: 005-320-010

- 1. Project Description.** This Coastal Development Permit (CDP) is based upon and limited to compliance with the project description, the exhibits, 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 is for a Coastal Development Permit to allow for the demolition of an existing 1,569 square foot residence and subsequent construction of a single-story, single-family residence of approximately 3,319 square feet with a new attached garage of approximately 523 square feet. The average height of the residence after construction of the addition would be approximately 13 feet, 11 inches and the maximum height would be approximately 16 feet, 8 inches. Less than 50 cubic yards of grading would be required to prepare the site for development and no trees are proposed for removal. The site would continue to be served by the Carpinteria Water District, a private septic system and the Carpinteria/Summerland Fire Department. The property is a 0.59-acre parcel zoned 20-R-1 and shown as Assessor's Parcel number 005-320-010, located at 1765 Ocean Oaks Road 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. Issuance Requirement.** The use and/or construction of the building or 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.
- 3. Acceptance of Conditions.** 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.
- 4. Septic System Approval.** Prior to approval of the Coastal Development Permit, the applicant shall undergo a septic system evaluation with Environmental Health Services (EHS) and obtain evidence that the existing system or upgrades thereto are adequate to serve the proposed development.



5. **Board of Architectural Review (BAR).** Project shall be in strict conformance with 06BAR-00000-00087. The BAR-approved color and material board shall be kept on site throughout construction and be available for Planning and Development staff.
6. **Construction Hours.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). 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. **Plan Requirements:** *Three (3)* signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

**MONITORING:** Building Inspectors shall spot check and respond to complaints.

7. **Grading.** Any increase in the amount of approved grading will require additional permit review and Building and Safety Division approval subject to applicable fees.
8. **Concrete Wash Water.** 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. 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 wash off area shall be designated on all plans prior to approval of Land Use Permits\Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction.

**MONITORING:** P&D staff shall check plans prior to approval of Coastal Development Permits and shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

9. **Construction Parking.** All parking related to construction activities shall be located on-site and outside of the road and highway right of way. Alternative parking may be located at an off-site parking area acceptable to and approved by P&D.
10. **Demolition Materials.** Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

**MONITORING:** P&D shall review receipts prior to occupancy clearance.

11. **Lighting.** All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.
12. **Oak Protection.** All grading, trenching, ground disturbance, construction activities and structural development shall occur five feet beyond the dripline of all onsite oak trees. Prior to the approval of a coastal development permit for grading or construction, all onsite oaks shall be fenced at or outside of the critical root zone as shown on the approved plans for 06CDP-00000-00031. Fencing shall be at least

three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The applicant shall place signs stating “tree protection area” at 15-foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities. **Plan Requirements and Timing:** This condition shall be printed on all project plans. Fencing shall be graphically depicted on all project plans prior to issuance of this Coastal Development Permit.

13. **Building Permit Requirement.** Prior to the initiation of any construction activities, a Building Permit shall be obtained from the P&D Building and Safety Division.
14. **Changes to Permit.** All changes to the project will require Coastal Development Permit review by P&D for determination of consistency with zoning ordinances.
15. **Time Extension.** 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.
16. **Indemnity and Separation Clauses.** 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.
17. **Legal Challenge.** 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 entire project shall be reviewed by the County and substitute conditions may be imposed.