

# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
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April 2, 2008

Wayne Ni  
6344 Via Real  
Carpinteria, CA 93013

PLANNING COMMISSION  
HEARING OF MARCH 26, 2008

**RE: *Appeal of Coastal Development Permit Approval of Wang Single Family Dwelling Addition/Garage; 08APL-00000-00006***

Hearing on the request of appellants, Wayne Ni and Peter McKee, to consider the Appeal Case 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-00000-00011, 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.

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Dear Mr. Ni:

At the Planning Commission hearing of March 26, 2008, Commissioner Jackson moved, seconded by Commissioner Cooney and carried by a vote of 4-1 (Blough no) to accept the two page letter from Eric Lassen into the record.

Commissioner Cooney moved, seconded by Commissioner Valencia and carried by a vote of 5-0 to:

1. Adopt the required findings for approval of Case No. 08CDP-00000-00011, included as Attachment A of the staff report, dated March 7, 2008;
2. Accept the exemption, included as Attachment B of the staff report, dated March 7, 2008, 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 the staff report, dated March 7, 2008.

REVISIONS TO THE STAFF REPORT

**Staff Response in Regard to Size:** The approved project would make this structure the ~~fourth~~ second largest residence in the Monte Vista Lomita Lane neighborhood according to Assessor's Office data (see Attachment F) ... The Wang proposed residence remodel, at 2,973 3,619 square feet, would be less than the largest existing residence by 323 square feet.

*Page 7, First Paragraph*

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~~ 0.007 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~~ 0.083).

*Page 7, Third Paragraph*

The Wang residence would be larger than the average residential house (2,586 square feet) by ~~387~~ 1,171 square feet but smaller than the largest house by ~~969~~ 323 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.

*Attachment F, Last line*

001-190-035	6346 Via Real (Proposed)	1	43,560	<del>2,973</del> <u>3,619</u>	<del>0.068</del> <u>0.083</u>
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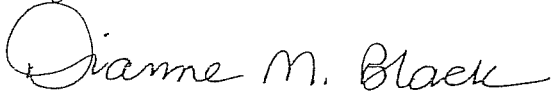
***The attached findings and conditions reflect the Planning Commission's actions of March 26, 2008.***

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 April 7, 2008, 2008 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 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,



Dianne M. Black  
Secretary to the Planning Commission

cc: Case File: 08APL-00000-00006  
Planning Commission File  
Records Management  
Address File: 6346 Via Real, Carpinteria, CA 93013  
Owner: Po and Yachen Wang, 4177 Veniu Lane, Carpinteria, CA 93013  
Agent: John Godkin, 4302 Verano Drive, Carpinteria, CA 93013  
Appellant: Peter McKee, 6334 Via Real, Carpinteria, CA 93013  
County Chief Appraiser  
County Surveyor  
Fire-Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
Salud Carbajal, First District Supervisor  
Michael Cooney, First District Commissioner  
David Allen, Deputy County Counsel  
Jim Heaton, Planner

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

DMB/jao

## 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 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 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.
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.  
  
**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.
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.