



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 & Development  
Department No.: 053  
For Agenda Of: May 5, 2009  
Placement: Departmental  
Estimated Tme: 30 minutes: May 19, 2009  
(5 minute staff presentation)  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department John Baker, 568-2085  
Director(s)  
Contact Info: Dave Ward, Deputy Director, 568-2520  
**SUBJECT: Set Hearing for the Klink Appeal of the Grassini SFD Additions**

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**County Counsel Concurrence**

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

Set a hearing for May 19, 2009 to consider the Klink appeal of the Montecito Planning Commission's December 17, 2008 approval of the Grassini SFD Additions, Case No. 07CDH-00000-00015, located at 1775 Fernald Point Lane (APN 007-380-007), Montecito Area in the First Supervisorial District:

1. Deny the appeal, Case No. 09APL-00000-00002, thereby upholding the Montecito Planning Commission's approval, as shown in the December 19, 2008 Action Letter, included as Attachment A to this Board Letter;
2. Adopt the findings for approval of Case No. 07CDH-00000-00015, as shown in Attachment A of the Montecito Planning Commission Action Letter dated December 19, 2008; included as Attachment B to this Board Letter;
3. Accept the Notice of Exemption, pursuant to CEQA Guidelines Section 15301(e), as shown in Attachment B of the Montecito Planning Commission Staff Report dated May 30, 2008; included as Attachment C to this Board Letter; and,
4. Grant *de novo* approval of Case No. 07CDH-00000-00015, subject to the conditions of approval, as shown in Attachment C of the Montecito Planning Commission Action Letter dated December 19, 2008, included as Attachment D to this Board Letter.

**Summary Text:**

The project consists of a Coastal Development Permit w/Hearing (CDH) for the construction of two additions to the existing 6,272 sq. ft. single-family dwelling (SFD). First, a first floor addition of approximately 238 sq. ft., and secondly, a second story addition of approximately 1,295 sq. ft. Other proposed development includes the conversion of an 86 sq. ft. crawlspace to a wine cellar that is attached to an existing accessory storage structure of 377 sq. ft. Other existing structures on the site include a 765 sq. ft. detached garage located below an existing 765 sq.ft guesthouse, a 374 sq. ft. covered porch, a 312 sq. ft. beach cabaña, a 71 sq .ft. beach storage structure, and a 795 sq. ft gardener's cottage with an attached garage. Grading for the proposed project would require approximately 24 cubic yards of cut and approximately 24 cubic yards of fill. The subject property is a 1.32-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 007-380-007, located at 1775 Fernald Point Lane in the Montecito area, First Supervisorial District.

**Appellant Issue and Staff Response:**

The appellant, Mr. Klink, submitted a letter (included as Attachment E) along with his application appealing the December 18, 2008 Montecito Planning Commission's approval, including the following points as reason for his appeal:

**Issue:** On June 18, 2008, the Commission unanimously concluded that the proposed project was incompatible with the existing developed neighborhood, yet at the December 17, 2008 hearing, the Commission changed its opinion and approved the project, despite the appellant's opinion that "no material facts had changed."

**Response:** At the December 17, 2008 hearing, the Commission approved the project after the following changes were made to the design and the following information was presented:

1. Reduction of the second floor addition by 106 sq. ft.
2. Move second floor addition an additional 2 feet northward away from the "string line".<sup>1</sup>
3. Relocation of one of two new bedroom addition windows along Klink property line to address privacy concerns raised by Mr. Klink.
4. Raise remaining bedroom window along Klink property line to be 6'-5" above the finish floor height, also to address privacy concerns raised by Mr. Klink.
5. Circulation and discussion of the Neighborhood Comparison FAR study of the residential lots surrounding the subject parcel in Fernald Point.

These changes and the discussion of relevant information supporting the project conformance with neighborhood compatibility provided to the Commission for their consideration were the significant "material facts" that the Commission used when it made its findings for approval of the project on December 17, 2008.

**Issue:** The appellant believes the project is incompatible with the neighborhood because it is significantly over the applicable Floor Area Ratio (FAR).

**Response:** As stated in Section III.B.3. of the Montecito Architectural Guidelines and Development Standards: "[i]n certain neighborhoods, the recommended maximum [FAR] may not reflect the appropriate level of development. In those cases, neighborhood compatibility shall be the

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<sup>1</sup> All coastal bluff-top lots are subject to a "string line" setback. The string line setback is depicted as a line across a parcel that connects the oceanward ends of the nearest adjacent walls of the main buildings on adjacent lots in order to protect private views along the coast.

determining factor.” Accordingly, both the MBAR and MPC reviewed the FAR study of the surrounding parcels in Fernald Point to determine if the proposed project would be compatible with the existing neighborhood. The MBAR and MPC both determined that while the additions to the existing SFD would increase the structure from 6,272 sq. ft. (129% FAR) to 7,805 sq. ft. (162% FAR), the parcel would still be *below* the average FAR coverage of the surrounding parcels in the neighborhood (167% FAR), including the appellant’s adjacent parcel, which is 172% FAR. Therefore, the determination was made that the project would be compatible with the existing neighborhood, and was subsequently approved by both hearing bodies.

**Issue:** The proposed additions would make the SFD 48.5% over the maximum recommended floor area, thus exceeding the Montecito Architectures Guidelines and Development Standards.

**Response:** As stated above, the MBAR and MPC both have the discretion to determine which, if any, of the Montecito Architectures Guidelines and Development Standards apply to any individual project based upon a comprehensive review of factors, including, but not limited to, visual resources and impacts, and neighborhood compatibility. Although the approved additions would make the SFD 62% over the maximum recommended floor area, this factor alone does not make the project incompatible with an existing surrounding neighborhood that itself averages 67% over the maximum recommended floor area.

**Issue:** The appellant believes that the addition will be precedent setting and is within the Highway 101 View Corridor.

**Response:** After the May 5, 2008 MBAR site visit and hearing for conceptual review, the proposed addition was found to be in compliance with all applicable design standards for new structures within the Highway 101 View Corridor (VC), including:

1. Sited and designed to preserve unobstructed broad views of the ocean from Highway 101;
2. Where structure height exceeds 15 feet, it would not impact public views to the ocean; and
3. Structures shall not be of an unsightly or undesirable appearance.

The precedent set by the approval of this addition is one affirming good design that is both appropriate to the site and in conformance with the requirements of the VC Overlay.

**Issue:** The appellant believes that the addition is inappropriate because the existing SFD already intrudes into the string line of adjacent residential development on Fernald Point.

**Response:** The existing SFD and accessory structures were legally constructed prior to the adoption of current zoning requirements. The new second story addition design was approved “stepped back” with an additional 2 feet consistent with the “string line” development standard used for new development on oceanfront properties.

**Conclusion:**

Upon separate review by the Montecito Board of Architectural Review and the Montecito Planning Commission, the project currently before the Board on appeal has received County support and approval. The project can be found compliant with all applicable development requirements of the Montecito LUDC and policies within the County Comprehensive Plan, including the Montecito Community Plan.

**Background:**

On May 8, 2007, the property owner, Mr. Larry Grassini, filed a CDH application to permit the construction of a 238 sq.ft. first floor addition and a 1,388 sq.ft. second floor addition to the existing 6,260 sq.ft. SFD. After Completeness Determination on April 24, 2008, and several MBAR reviews, the MPC first considered the project on June 18, 2008. After direction for redesign and requests from the applicant and appellant for more time to resolve design issues the project returned to the Commission on December 17, 2008.

At the December 17, 2008 public hearing, the Montecito Planning Commission approved the proposed project, Case No. 07CDH-00000-00015 by a 3 to 1 vote.

On January 5, 2009, the appellant, Mr. John Klink, filed an appeal of the December 17, 2008 Montecito Planning Commission approval of Case No. 07CDH-00000-00015.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$443. P&D will absorb the costs beyond that fee, estimated at \$6,727.00. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-301 of the adopted 2008/2009 fiscal year budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on April 14, 2009. The notice shall appear in a paper of general circulation such as 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 P&D, Attention: David Villalobos, Hearing Support.

Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

**Attachments:**

- A. Montecito Planning Commission Action Letter, dated December 19, 2008.
- B. Findings for Approval from Montecito Planning Commission Staff Report, dated May 30, 2008.
- C. Notice of Exemption, shown as Attachment B in the Montecito Planning Commission Staff Report, dated May 30, 2008
- D. Conditions of Approval from Planning Commission Staff Report, dated May 30, 2008.
- E. Appellant Letter, titled "Grounds for Appeal", included in Appeal application dated January 9, 2009.

**Authored by:**

J. Ritterbeck, Planner (805) 568-3509