



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

REVISED APRIL 7, 2009

Art Perez
218 Stansbury Drive
Santa Maria, CA 93455

PLANNING COMMISSION
HEARING OF MARCH 11, 2009

RE: *Perez Appeal of Ramirez Land Use Permit; 08APL-00000-00027*

Hearing on the request of Art Perez to consider Case No. 08APL-00000-00027 [application filed on June 30, 2008], to consider the Appeal of the Director's decision to approve a Land Use Permit, Case No. 08LUP-00000-0321, to validate (1) a change of use from permitted second story storage to a bedroom with bathroom and living room with a wet bar area (no cooking facilities allowed) and (2) interior remodel on first floor of 310 square feet to create a bedroom from the rear portion of the garage, in compliance with Chapter 35.102 of the County Land Use and Development Code, on property located in the 10-R-1 Zone. The application involves AP No. 105-053-009, located at 240 Stansbury Drive, in the Orcutt area, Fourth Supervisorial District.

Dear Mr. Perez:

At the Planning Commission hearing of March 11, 2009, Commissioner Valencia moved, seconded by Commissioner Blough and carried by a vote of 3-2 (Brown/Brooks no) to:

- a) Adopt the required findings for approval of Case No. 08LUP-00000-00321, included as Attachment A of the staff memorandum dated March 10, 2009, including CEQA findings;
- b) Accept the notice of exemption included as Attachment B of the staff memorandum dated March 10, 2009, pursuant to CEQA Section 15301(a); and
- c) Deny the appeal; Case No. 08APL-00000-00027, thereby upholding the Planning and Development Department's approval and granting *de novo* approval of Land Use Permit Case No. 08LUP-00000-00321, subject to the conditions included in Attachment C of the staff memorandum dated March 10, 2009.

Commissioner Blough moved, seconded by Commissioner Brooks, and carried by a vote of 5-0 to accept the late submittal letter from Barbee Blackburn, dated March 11, 2009, into the record.

REVISIONS TO THE STAFF REPORT, FINDINGS AND CEQA EXEMPTION

The staff report, CEQA findings (Attachment A) and CEQA Exemption (Attachment B) are revised to (1) include as additional grounds for exemption CEQA Guidelines Section 15301(a), pertaining to

alterations to existing structures and (2) delete references to removal of the exterior stairs. The Land Use Permit and conditions (Attachment C) are revised to validate the exterior stairs.

The CEQA findings are revised as follows:

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15301(a) (Existing Facilities, Interior or Exterior Alterations) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Notice of Exemption.

~~2.0 ADMINISTRATIVE FINDINGS~~

2.40 LAND USE PERMIT FINDINGS

Pursuant to Section 35.82.100.E.1 of the Santa Barbara County Land Use and Development Code, a Land Use Permit ~~shall only be issued if all of the following findings can be made:~~ shall be approved or conditionally approved only if the Director first makes all of the following findings:

~~2.1.1 That the proposed development conforms to 1) the applicable provisions of the Comprehensive Plan, including any applicable community or area plan, and the Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses Structures and lots)~~

2.1 The proposed development:

2.1.1 Will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code; or

2.1.2 Falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

Land Use Permit 08LUP-00001-00321 (approved by staff on June 19, 2008 and revised in response to appeal 08APL-00000-00027) consists of the following: (1) Validation of a change of use from permitted second story storage to bedroom #5 with bathroom and living room with wet bar area (no cooking facilities are allowed), with access to the second story with interior staircase ~~and exterior staircase~~ (spiral staircase to be removed and replaced with Fire Department approved stairs). ~~The Exterior stairs and landing, and railing around the porch cover shall be removed prior to occupancy clearance. The second story shall not be converted to a separate living unit.~~ (2) Interior remodel on first floor of 310 sq ft to create bedroom #4 from garage.

~~2.1.2 That~~ The proposed development is located on a legally created lot.

The subject parcel (APN 105-053-009) is recorded in Book 51, page 13 as lot 68 of the Stansbury/Carlson Tract Map dated April 21, 1959 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

~~2.1.3 That~~ The subject property is in compliance with all laws, rules and regulations and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of the Development Code, and any applicable zoning violation enforcement 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 Chapter 35.101 (Nonconforming Uses Structures and lots).

Approval of the project would bring the subject property into compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Development Code. The project would resolve the zoning violations relating to the project site. As discussed in Section 6.3 of the Staff Report, the project is consistent with all requirements of the Santa Barbara County Land Use and Development Code.

The attached findings and conditions reflect the Planning Commission's actions of March 11, 2009.

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 Monday, March 23, 2009 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-00000-00027

✓ Planning Commission File

Owner: Paul and Jovita Ramirez, 240 Stansbury Drive, Santa Maria, CA 93455

Appellant: Amanda Pigman, 260 Stansbury Drive, Santa Maria, CA 93455

Appellant: William Zeledon, 215 Cain Drive, Santa Maria, CA 93455

Appellant: Mike Almaguer, 217 Stansbury Drive, Santa Maria, CA 93455

Appellant: Annegret Smith, 195 Cain Drive, Santa Maria, CA 93455

County Chief Appraiser

County Surveyor

Fire Department

Flood Control

Park Department

Public Works

Environmental Health Services

APCD

Joni Gray, Fourth District Supervisor

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Joe Valencia, Fourth District Commissioner
Rachel Van Mullem, Deputy County Counsel
Joyce Gerber, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Notice of Exemption
 Attachment C – Proposed Revised Land Use Permit 08LUP-00000-00321

DMB/jao

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15301(a) (Existing Facilities, Interior or Exterior Alterations) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Notice of Exemption.

2.0 LAND USE PERMIT FINDINGS

Pursuant to Section 35.82.100.E.1 of the Santa Barbara County Land Use and Development Code, a Land Use Permit shall be approved or conditionally approved only if the Director first makes all of the following findings:

2.1 The proposed development:

2.1.1 Will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code; or

2.1.2 Falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

Land Use Permit 08LUP-00001-00321 (approved by staff on June 19, 2008 and revised in response to appeal 08APL-00000-00027) consists of the following: (1) Validation of a change of use from permitted second story storage to bedroom #5 with bathroom and living room with wet bar area (no cooking facilities are allowed), with access to the second story with interior staircase and exterior staircase. The railing around the porch cover shall be removed prior to occupancy clearance. The second story shall not be converted to a separate living unit. (2) Interior remodel on first floor of 310 sq ft to create bedroom #4 from garage.

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

The subject parcel (APN 105-053-009) is recorded in Book 51, page 13 as lot 68 of the Stansbury/Carlson Tract Map dated April 21, 1959 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

2.3 The subject property is in compliance with all laws, regulations and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of the Development Code, and any applicable zoning violation enforcement 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 Chapter 35.101 (Nonconforming Uses Structures and lots).

Approval of the project would bring the subject property into compliance with all laws, rules and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Development Code. The project would resolve the zoning violations relating to the project site. As discussed in Section 6.3 of the Staff Report, the project is consistent with all requirements of the Santa Barbara County Land Use and Development Code.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Joyce Gerber, Planner

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(s): 105-053-009

Case No.: 08LUP-00000-00321

Location: located at 240 Stansbury Drive, Orcutt area, Fourth Supervisorial District.

Project Title: Ramirez Land Use Permit

Project Description: The applicant is proposing a to validate (1) a change of use from permitted second story storage to a bedroom with bathroom and living room with a wet bar area (no cooking facilities allowed) and (2) interior remodel on first floor of 310 sq ft to create a bedroom from the rear portion of the garage.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Joyce Gerber, Planner

Exempt Status: (Check one)

Ministerial

Statutory Exemption

Categorical Exemption

Emergency Project

Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: Public Resources Code Section 21080(b)(1), CEQA Guidelines Section 15301(a), "Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances".

Reasons to support exemption findings:

CEQA Guidelines Section 15301(a) exempts the minor alteration of existing public or private structures, including minor alterations involving interior partitions, plumbing and electrical conveyances. The project consists of an interior remodel of an existing single family dwelling. Therefore, the project is consistent with this exemption from CEQA and no further environmental review is required.

Exceptions pursuant to Section 15300.2 of CEQA

There is no substantial evidence that there are 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 mapped environmentally sensitive habitats or sensitive plant or animal species on the subject parcel. The alterations are to an existing single-family residence surrounded by existing development, with no changes to the dwelling's footprint. Therefore this exception does not apply. Therefore this exemption does 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 alterations are to an existing single-family residence in an existing developed residential neighborhood. The scope of the project is limited to the project description and this project is not a portion of a larger cumulative project. Therefore this exception 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.

The alterations are to an existing single-family residence in an existing subdivision. There are no known or identified potentially significant effects on the environment. Therefore this exception does not apply.

- (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 does not impact scenic resources. The subject parcel is not or visible from a scenic highway. Therefore this exception does not apply.

- (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.

There are no known hazardous or toxic sites on the subject parcel. Therefore this exception does not apply.

- (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.

There are no known historical resources on the subject parcel. The existing structure was built in 1959 but is not considered a historic resource because it is typical of the numerous other homes in this neighborhood and throughout the Orcutt community, and is not architecturally unique or historically significant in any way. Therefore this exception does not apply.

Lead Agency Contact Person: Joyce Gerber Phone No.: (805) 934-6265

Department/Division Representative: _____ Date: _____

Acceptance Date: March 11, 2009

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)

LAND USE PERMIT

Case No.: 08LUP-00000 1-00321 Planner: K. Probert Initials _____
Project Name: Ramirez SFD Addition & Remodel
Project Address: 240 Stansbury Drive
A.P.N.: 105-053-009
Zone District: 10-R-1



Planning & Development (P&D) *grants final approval and intends to issue* this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: June 19, 2008

APPEAL PERIOD BEGINS: June 20, 2008

APPEAL PERIOD ENDS: June 30, 2008

DATE OF PERMIT ISSUANCE: *(if no appeal filed)* July 1, 2008

NOTE: This final approval may be appealed to the Commission/Montecito Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35.102 & 35.492) If you have questions regarding this project please contact the planner K. Probert at 934-6251.

PROJECT DESCRIPTION SUMMARY: Addition

Validation of a change of use from permitted second story storage to bedroom #5 with bathroom and living room with wet bar area (no cooking facilities are allowed). Access to the second story is shown with interior and exterior staircases. The second story shall not be converted to a separate living unit. Interior remodel on first floor of 310 square feet to create bedroom #4 from garage. Project meets the setbacks of the zone district.

PROJECT SPECIFIC CONDITIONS: ~~None.~~ A Recorded Notice to Property Owner document is required to ensure that the proposed upper floor living area shall be used only for its permitted uses. Said upper floor living area may have a "wet bar" with sink and countertop, as shown on approved plans, but shall not have cooking facilities and shall not be used or occupied independent of the main dwelling without approval by the County. The property owner shall sign and record the document prior to issuance of this Land Use Permit.

ASSOCIATED CASE NUMBERS: n/a

PERMIT COMPLIANCE CASE:

No Yes; Permit Compliance Case (PMC) #: _____

BOARD OF ARCHITECTURAL REVIEW (BAR): No Yes; BAR Case #: _____

TERMS OF PERMIT ISSUANCE:

1. Mailing and Posting Notice. Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

2. Work Prohibited Prior to Permit Issuance. No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

3. Date of Permit Issuance. This Permit shall be deemed effective and issued on the **Date of Permit Issuance** as identified above, provided:

- a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
- b. The **Affidavit of Posting Notice** was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and
- c. No appeal has been filed.

4. Time Limit. Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

NOTE: This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

Print Name

Signature

Date

Planning & Development Issuance by:

Planner

Date