COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Board of Supervisors

FROM: Glenn Russell, Ph.D. (805) 568-2085
Director, Planning & Development

STAFF CONTACT: Alex Tuttle, (805) 884-6844
Supervising Planner

DATE: November 30, 2017

RE: Case Nos. 17APL-00000-00002 and 17APL-00000-00003
Olsten Trust Design Review [14BAR-00000-00082], First Supervisorial District

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The Olsten Trust Appeal (Case No. 17APL-00000-00002) and Hair/Sturgess Appeal (17APL-00000-00003) of the Montecito Planning Commission's April 18, 2017 *de novo* Preliminary Design Review approval of the Olsten Trust Single Family Dwelling Demo-Rebuild project is currently scheduled to be considered by your Board on December 5, 2017. After review of the Board Agenda Letter, the appellants identified minor changes that are needed to correct the record. Planning & Development staff has reviewed these items and concur with the corrections, as does the applicant. The corrections are summarized as follows:

- Correct the square footage of the proposed garage from 680 square feet to 550 square feet where described in the Findings for Approval and the Notice of Exemption;
- Identify the proposed basement for mechanical/storage space under the proposed cabana in the Findings for Approval and Notice of Exemption;
- Clarify a reference to a Landscape Height Exhibit in the agreed-upon design review conditions included in Attachment 4 to the Board Agenda Letter.

Planning and Development has updated the Findings, Notice of Exemption, and Attachment 4 conditions accordingly and they are included as attachments to this staff memorandum. With these revisions, staff recommends that your Board take the following actions:

a) Approve in part and deny in part, the Olsten Trust appeal, Case No. 17APL-00000-00002;

b) Approve in part and deny in part, the Hair/Sturgess appeal, Case No. 17APL-00000-00003;

c) Make the required findings for Preliminary Design Review approval of the revised project, including CEQA findings, included as Attachment 1 of the staff memorandum dated November 30, 2017;

d) Determine that approval of the revised project is exempt from CEQA, pursuant to Section 15303, included as Attachment 2 of the staff memorandum dated November 30, 2017; and

e) Grant *de novo* Preliminary Design Review Approval of the revised project, Case No. 14BAR-00000-00082, as shown in plans dated October 5, 2017, included as Attachment 3 to the Board Agenda Letter dated December 5, 2017 and pursuant to the conditions of the settlement agreement, included as Attachment 3 to the staff memorandum dated November 30, 2017, which have been incorporated into the plans dated October 5, 2017.

Attachments:

Attachment 1: Revised Findings for Approval
Attachment 2: Revised Notice of Exemption
Attachment 3: Revised Settlement Conditions

ATTACHMENT 1

DESIGN REVIEW FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

The Santa Barbara County Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 [New Construction or Conversion of Small Structures]. Please see Attachment 3, Notice of Exemption for detailed discussion of this exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 Findings required for Board of Architectural Review applications within the Montecito Community Plan area, pursuant to Article II, Section 35-213 (BAR Findings Required for Approval):

2.1.1. **Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers, or signs) shall be in proportion to and compatible with the bulk and scale of other existing or permitted structures on the same site and in the neighborhood surrounding the property.**

The proposed single-family dwelling, detached garage and cabaña are located on a lot within an urban area of the County with a semi-rural setting and consisting primarily of large one and two-story dwellings located on small lots. The existing two-story dwelling on the subject parcel is 3,802 square feet in total size (first floor: 3,136 sq. ft; second floor: 666 sq. ft.) and is approximately 31% over the maximum recommended floor area for the 0.44-acre lot. The new two-story dwelling will be 3,187 square feet in total size (first floor: 1,935 sq. ft; second floor: 1,252 sq. ft.) and will be approximately 9.9% over the maximum recommended floor area for the lot. Existing floor areas of homes on surrounding parcels located on the same block also exceed the maximum recommended floor area, ranging from 1% over to as much as 48% over. As such, the 9.9% overage of the new dwelling will still fall within this range and will be lower than the existing dwelling on the lot.

The proposed new dwelling is designed to present a home that is set back from the public road to further minimize impacts to views of the mountains taken from Channel Drive. Walls and fences are of modest heights that are permissible without special permitting pursuant to Article II, Section 35-123.1. Further, no screens, towers, or signs are a part of the overall design of the project. Side elevations of the new dwelling are well articulated and side views of the home are screened and softened by proposed landscape plantings. Lastly, the surrounding neighborhood is comprised of Spanish Revival, Modern and Ranch style homes. As such, the new Modern style home will be in conformance with the character of the existing community and will be compatible with other existing houses in the neighborhood. Therefore, this finding can be made.

2.1.2. **Mechanical and electrical equipment shall be well integrated in the total design concept.**
All mechanical and electrical equipment for the proposed project, including pool equipment, will be located underground beneath the new cabaña. Therefore, this finding can be made.

2.1.3. **There shall be harmony of material, color, and composition of all sides of a structure or building.**
As shown in Attachment 3 to the Board letter, dated December 5, 2017 and incorporated herein by reference, all sides of the home will be finished with colors, composition and materials consistent with its Modern style, including cast-in-place concrete, teak wood siding, corten steel, as well as other exposed steel framing found throughout the exterior of the home. Therefore, this finding can be made.

2.1.4. **A limited number of materials will be on the exterior face of the building or structure.**
As shown in Attachment 3 to the Board letter, dated December 5, 2017 and incorporated herein by reference, the materials to be used on the exterior face of the structure include three common materials used with the Modern style; cast-in-place concrete, teak wood siding, and corten steel. Therefore, this finding can be made.

2.1.5. **There shall be a harmonious relationship with existing developments in the surrounding neighborhood, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.**
The surrounding neighborhood is comprised of Spanish Revival, Modern, and Ranch style homes. The proposed project for a Modern style home will be in harmony with the other similarly styled homes found throughout the existing developed neighborhood without creating excessive variety or monotonous repetition. Therefore, this finding can be made.

2.1.6. **Site layout, orientation, location and sizes of all structures on a property, buildings, and signs on a property, shall be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).**
As shown in Attachment 3 to the Board letter, dated December 5, 2017 and incorporated herein by reference, the subject property is a generally flat lot with approximately three to four feet in elevation gain over the 220-foot depth of the lot. The new structures include a 3,187 square foot dwelling, a ~~680~~ 550 square foot detached garage, and a 570 square foot cabaña with fully underground basement for mechanical/storage space. Each of these structures have been located near the rear of the lot and oriented to amass the second story element along the eastern portion of the lot. This allows the structures to have a well-designed relationship with one another while also respecting the surrounding environmental qualities, open spaces, topography, and public views of the Santa Ynez Mountains taken from Channel Drive. As designed, the new 3,187 square foot home will replace the existing 3,802 square foot home and the semi-rural character of the surrounding community will remain largely unchanged. Therefore, this finding can be made.

2.1.7. **Adequate landscaping shall be provided in proportion to the project and the site with regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision for maintenance of all planting.**

As shown in Attachment 3 to the Board letter, dated December 5, 2017 and incorporated herein by reference, the project will utilize a variety of plants as part of the planting palette in order to adequately screen the project from neighboring properties as well as from the public street of Channel Drive. No specimen or landmark trees exist on the subject property and the existing non-native ornamental and vegetative landscaping will be removed from the site and replaced with drought-tolerant and native species that are more appropriate to the project and more suitable for the saline environment of the oceanfront lot. Further, as conditioned as part of the Board of Supervisors' July 19, 2016 approval, the final landscape plan will be reviewed and approved by the Montecito Board of Architectural Review with direction to ensure that the new landscape tree species selections and/or maintenance of those selected tree species will not impair existing private views of neighbors of the ocean (see Condition #3 of the approved Coastal Development Permit 14CDH-00000-00014, incorporated herein by reference). Therefore, this finding can be made.

2.1.8. **Signs, including their lighting, shall be well designed and shall be appropriate in size and location.**

No signage is included as part of the project. Therefore, this finding is not applicable.

2.1.9. **Grading and development shall be designed to avoid visible scarring and shall be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of ridgelines and hillsides.**

Grading for the project will be limited to excavation and over-excavation for the new swimming pool as well as excavation for the basement under the cabana. ~~The new accessory structures will not require any extensive earth disturbance and grading for these structures is limited to that required for new foundational footings.~~ The project site is relatively level and no visible scarring of the site will occur. Although not located on a ridgeline or hillside, there is no grading included in the project that will artificially raise the building pad or unnecessarily alter the natural topography of the site. Therefore, this finding can be made.

2.1.10. **The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Sec. 35-144A (General Regulations) of this Article.**

As discussed above in each of the previous findings of approval of Attachment 3 to the Board letter, dated December 5, 2017 and incorporated herein by reference, as designed, the two-story, 3,187 square foot single-family dwelling, ~~680~~ 550 square foot detached two-car garage, and 570 square foot cabaña with fully underground basement, all of the Modern-style, meet all of the applicable design standards within the Board-adopted Montecito Community Plan, the Montecito Land Use and Development Code, and the Montecito Architectural Guidelines and Development Standards. Therefore, this finding can be made.

ATTACHMENT 2

ENVIRONMENTAL DOCUMENT
NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Alex Tuttle, 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: 009-352-019 **Case No.:** 14BAR-00000-00082

Location: 1154 Channel Drive, Montecito, CA 93108

Project Title: Olsten Trust Design Review: SFD Demo-Rebuild, Detached Garage, Cabaña & Pool

Project Description: The associated Coastal Development Permit for the project (Case No. 14CDH-00000-00014) received Board approval on July 19, 2016. The overall size and scope of the project has not changed substantively and still includes demolition of the existing 3,802 square foot two-story residence (with the first floor being 3,136 square feet and the second floor being 666 square feet) and demolition of the existing 520 square foot attached garage. The project also includes the construction of a new 3,187 square foot, two-story single-family dwelling (with the first floor being 1,935 square feet and the second floor being 1,252 square feet), a new detached garage of ~~680~~ 550 square feet, a new detached pool cabaña of 570 square feet with a fully underground basement for mechanical/storage space, a new pool, and associated grading of less than 400 cubic yards. The parcel will continue to be served by the Montecito Water District, the Montecito Fire Protection District, the Santa Barbara County Sheriff's Department, and Montecito Sanitary District. Access to the site will continue to be provided off of Channel Drive. The project is a 0.44-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 009-352-019, located at 1154 Channel Drive in the Coastal Zone of the Montecito Community Plan area, First Supervisorial District, Santa Barbara County, California.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Olsten Montecito Trust, Property Owner

Exempt Status:
____ Ministerial
____ Statutory Exemption
√ Categorical Exemption(s)
____ Emergency Project
____ Declared Emergency

Cite specific CEQA and/or CEQA Guideline Sections: The project can be found exempt from environmental review based upon Section 15303 [New Construction or Conversion of Small Structures] of the California Environmental Quality Act (CEQA) Guidelines.

Reasons to support exemption findings: The project can be found exempt from environmental review based upon Section 15303 [New Construction or Conversion of Small Structures] of the California Environmental Quality Act (CEQA) Guidelines.

Section 15303(*a*&*e*) exempts the construction and location of limited numbers of new, small facilities or structures. Specifically, subsection (*a*) exempts the construction of one single-family residence, and subsection (*e*) exempts the construction of accessory (appurtenant) structures including but not limited to: garages, carports, patios, swimming pools and fences. The current project proposes the construction of a new 3,187 square foot, two-story single-family dwelling with a 881 square foot basement, a new ~~680~~ 550 square foot detached two-car garage, a new 570 square foot cabaña with basement, and a new swimming pool. Therefore, the project would fall within the limited scope of this exemption.

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 designated or mapped environmental sensitive habitats (ESH), biological or cultural resources or other resources of hazardous or critical concern located in or within close proximity to the area of the proposed project. The nearest mapped ESH area (Monarch Butterfly roosting site) is approximately 750 feet west of the location of the proposed project and is separated from the project site by existing dwellings and roads. Additionally, located approximately 75 feet south of the extent of the proposed new development is Butterfly Beach, a public Pacific Ocean beach. Impacts associated with the project would be insignificant as all proposed development would be located on already disturbed portions of the site and all exterior lighting would be conditioned to be low-wattage, hooded and directed downward in order to minimize impacts off-site. Therefore, this exception to the exemption would 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 proposed project is for the construction of a new 3,187 square foot, two-story single-family dwelling, a new ~~680~~ 550 square foot detached two-car garage, a new 570 square foot cabaña with basement and a new swimming pool on a legal lot of record. The proposed development meets all applicable criteria of the Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan. The proposed project would create no significant impacts to protected resources. Additional minor structural development of the same type in the same place, over time, that is developed in conformance with applicable ordinance and policy regulations on residentially-zoned parcels in the vicinity would not result in a cumulatively significant impact. Therefore, this exception to the exemption 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.

There are no designated or mapped sensitive biological, cultural, or other environmental resources or any other resources of hazardous or critical concern located in or within close proximity to the area of the

proposed development. Additionally, all proposed development would be located on portions of the subject parcel that are already developed. Furthermore, the circumstances under which the proposed project is requested and under which construction is proposed are not unusual. The proposed project consists of typical residential development and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The nearest mapped ESH area (Monarch Butterfly roosting site) is approximately 750 feet west of the location of the proposed project and is separated from the project site by existing dwellings and Butterfly Lane, a public road. Additionally, located approximately 75 feet south of the extent of the proposed new development is Butterfly Beach, a public Pacific Ocean beach, which is also separated from the site by Channel Drive, a frequently traveled public road and bike route. Therefore, this exception to the exemption would 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 proposed project would not cause damage to any designated scenic resources and there is no development proposed within a highway officially designated as a state scenic highway. Therefore, this exception to the exemption is not applicable to the proposed project.

(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.

The proposed project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception to the exemption 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.

The proposed development would have no impact on any historical resource. Therefore, this exception to the exemption does not apply.

Lead Agency Contact Person: Alex Tuttle, Planner Phone #: (805) 884-6844

_____ 12 / 1 / 2017
Signature: 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 (to Planner)
Date Filed by County Clerk: _____.

ATTACHMENT 3

SETTLEMENT AGREEMENT CONDITIONS

EXHIBIT B

The following conditions shall be added to the project in lieu of and replacing in their entirety the conditions attached to the MPC Project approval as Attachment B:

1. Intentionally omitted.

2. Exterior gate and driveway lighting shall comply with the CDP conditions of approval.

3. All zinc roofing shall be replaced with a gravel/rock roof material.

4. Skylights shall retain louvers, as previously approved by the MBAR.

5. No landscape lighting shall be used on trees between the new home and Channel Drive.

6. All landscape lighting shall comply with the CDP conditions of approval.

7. Use of the green roof shall be restricted to repair and maintenance.

8. Intentionally omitted.

9. A standard sill height shall be used for the windows open to the green roof areas, to be determined by the MBAR.

10. Intentionally omitted.

11. The planting on the green roof above the living room shall not exceed 39.60 MSL, the height of the existing ridge of the one-story portion of the existing house. The planter boxes shall be fixed in position at the location shown on the Project plans.

12. The north-facing balcony on the second story shall not exceed 9' in width or project more than 2'-6" from the north wall of the second floor. There shall be no other balcony on the north elevation.

13. The maximum allowable height for all landscaping elements shall be the height shown on and further described in the notes on Landscape Height Exhibit A, Sheet L 1.1.

14. Intentionally omitted.