

MONTECITO PLANNING COMMISSION

Staff Report for Judson Appeal of the Design Review of Tait Residential Additions and Garage

Hearing Date: May 15, 2024

Staff Report Date: May 7, 2024

Case No.: 24APL-00003

Environmental Document: CEQA Exemption pursuant to Sections 15301 and 15303

Deputy Director: Travis Seawards

Division: Development Review

Supervising Planner: Joe Dargel

Supervising Planner Phone #: 805-568-3573

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OWNER / APPLICANT:

Martin Tait
665 Juan Crespi Lane
Montecito, CA 93108

AGENT:

Christopher E Hahn
317 East Carrillo Street
Santa Barbara, CA 93101

APPELLANT:

Leonard and Melanie Judson
655 Juan Crespi Lane
Montecito, CA 93108



1.0 REQUEST

Hearing on the request of Leonard and Melanie Judson to consider the following:

- Case No. 24APL-00003, an appeal of the Montecito Board of Architectural Review's (MBAR) preliminary and final design review approval of Case No. 23BAR-00084, in compliance with Section 35.492 (Appeals) of the Montecito Land use and Development Code (MLUDC).
- Determine the project is exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 and 15303, as outlined in the Notice of Exemption included as Attachment B.

The application involves Assessor Parcel No. (APN) 011-150-019, zoned Single Family Residential (2-E-1), located at 665 Juan Crespi Lane, in the Montecito Community Plan area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Your Commission's motion should include the following:

1. Deny the appeal, Case No. 24APL-00003;
2. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings;
3. Determine the project is exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 and 15303, as set forth in the Notice of Exemption included as Attachment B; and
4. Grant *de novo* Preliminary and Final approval of the design review application, Case No. 23BAR-00084.

Refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings.

3.0 JURISDICTION

The project is subject to review by MBAR pursuant to Section 35.472.070 of the Montecito Land Use and Development Code (MLUDC), which states that any new structure or addition to a structure requires Design Review.

This appeal is being considered by the Montecito Planning Commission pursuant to MLUDC Section 35.492.040.A.1, which states that any decision by the MBAR to grant or deny preliminary/final approval may be appealed to the Montecito Planning Commission.

4.0 ISSUE SUMMARY

The Design Review application was submitted in conjunction with a Land Use Permit (LUP) application (Case No. 23LUP-00305), which consists of a request for a new detached garage and minor additions to an existing single-family dwelling. On January 25, 2024, MBAR reviewed the project and granted preliminary and final Design Review approval of the Tait Family Trust Addition and Garage application (Case No. 23BAR-00084), making the required findings for approval as required by MLUDC Section 35.472.070.F. Following action of the MBAR to approve the Design Review application, the Director of P&D acted to approve the associated LUP.

The Appellant filed a timely appeal following preliminary and final approval of the BAR application, citing one appeal issue. No appeals were received of the Director’s action to approve the associated LUP. The Appellant cites the following appeal issue for the BAR application:

- (1) The three-pane window on the west side of the proposed 800-square-foot garage is not consistent with the Montecito Architectural Guidelines and Development Standards (MAGDS) as related to the MAGDS Goals and MAGDS View and Privacy Protection Guidelines.

Staff reviewed the appeal issue and finds it is without merit. The appeal is of a design review application and therefore the Montecito Planning Commission, acting as the decision-maker for the design review application, must make the required design review findings to approve the BAR application. The information included in this staff report and attached findings supports approval of Case No. 23BAR-00084.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, SRR-0.5
Ordinance, Zone	Montecito Land use and Development Code 2-E-1 Zone (single family/minimum Lot Size - 2 acres minimum parcel size)
Site Size	1.0 acre
Present Use & Development	Existing single-family dwelling
Surrounding Uses/Zone(s)	North: 2-E-1, Residential South: 2-E-1, Residential East: 2-E-1, Residential West: 2-E-1, Residential
Access	Juan Crespi Lane
Public Services	Water Supply: Montecito Water Department Sewage: Montecito Sanitary Department Fire: Montecito Fire Department Police Services: County Sheriff

5.2 Background Information

The subject lot is a 1.00-acre parcel shown as Parcel 4 of larger Parcel B on recorded map El Dorado Book 37 Page 84, a resubdivision of Oak Creek Park Book 35 page 63. A single-family dwelling was built in 1961 under Land Use Rider 15148. A pool was added later in 1961 under Permit No. 15600.

Separate from the County permits for the development on the parcel, a Grant of Landscape Easement was recorded on March 22, 2016, granting 655 Juan Crespi Lane (Appellant's property) a perpetual exclusive private landscape easement across and through a portion of 665 Juan Crespi (Applicant's property) for the continued maintenance and repair of all improvements benefiting 655 Juan Crespi.

5.3 Project Description

Case No. 23BAR-00084 is a request for Design Review of the Tait Family Trust Addition and Garage. The project consists of a new 800 square foot detached garage, a 702-square-foot addition to the existing single-family dwelling, a 46-square-foot addition to the existing attached garage, and two new covered porches totaling 457 square feet. No grading or tree removal is proposed with this project. The parcel is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire District. Access is provided off of Juan Crespi Lane. The property is a 1.00-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 011-150-019, located at 665 Juan Crespi Lane in the Montecito Community Plan area, First Supervisorial District.

6.0 PROJECT ANALYSIS

6.1 Appeal Issues

On February 6, 2024, the Appellant submitted a timely appeal application (Attachment C). The appellant cited one reason for the appeal.

Appeal Issue No. 1:

The Appellant contends that the three-paned window spanning over 6 feet in width and located on the west side of the proposed 800-square-foot garage will infringe on the privacy of the neighboring property and does not follow the Montecito Architectural Guidelines and Development Standards (MAGDS). The Appellants cite several portions of the MAGDS, as listed below:

“The goal of the [MAGDS] Guidelines is to ensure that every residential development will ... have a compatible relationship to neighboring properties” MAGDS, I.C., p. 2.

“The following goals shall guide the planning, design and approval of all new ... structures...: 5. to ensure that architecture and landscaping respect the privacy of immediate neighbors.” MAGDS, I.C., p. 2.

“Residential privacy is a key ingredient in the quality of life in Montecito....” MAGDS, III.C.2, p. 14.

“Structures should be ...designed to avoid placement of windows ... which look directly onto private areas of adjacent properties.” MAGDS, III.C.3.g.

Staff Response:

The proposed project is consistent with the MAGDS and the required findings for preliminary and final approval of Case No. 23BAR-00084 can be made. The MBAR reviewed the project at three separate hearings and found the project consistent with MAGDS. In addition, the Appellant’s assertion of privacy infringement is based upon an incorrect assumption that an easement on the Applicant’s legal lot grants the Appellant privacy of that land under the MLUDC, and that setbacks are measured from easement lines as opposed to property lines.

Easement

A private landscape easement recorded on March 22, 2016, exists in the area between the proposed garage and property line between 665 and 655 Juan Crespi Lane. The landscape easement grants the Appellant at 655 Juan Crespi Lane (Dominant Tenement) a perpetual exclusive landscape easement across and through a portion of the Applicant’s property at 665 Juan Crespi (Servient Tenement) for the continued maintenance and repair of all improvements benefiting the Dominant Tenement.

The appellant’s appeal incorrectly relies on the easement line as the setback/demarcation between properties, however, side and rear setbacks are measured from the property line. Pursuant to MLUDC Section 35.423.050, the required side setback is 10 feet from the property line. As shown in Exhibit A below, the proposed garage is sited a minimum of 32-feet, 7-inches from the closest adjacent property line with the Appellant’s property, which exceeds the 10-foot setback requirement.

Exhibit A



Montecito Architectural Guidelines and Development Standards (MAGDS)

The required BAR findings are based upon the boundaries of the legal lot and not from private easements. The proposed first-floor window in a non-habitable structure (garage) is over three times the required distance from the property line. All proposed new habitable space is attached to the existing single-family dwelling, which is sited at least 72-feet from the Appellant's property. As such, the MBAR reviewed the proposed project and found it compliant with the MAGDS, made the required findings for Design Review approval pursuant to MLUDC Section 35.472.070.F.

6.2 Environmental Review

The Design Review application was evaluated alongside the Land Use Permit for compliance with the California Environmental Quality Act (CEQA) and determined to be exempt from environmental review pursuant to CEQA Guidelines Sections 15301 [Existing Facilities] and 15303 [New Construction or Conversion of Small Structures]. Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Section 15303 exempts the construction and location of limited numbers of new small facilities or structures, including single-family residences and garages. Please see Attachment B, Notice of Exemption, for further details.

6.3 Comprehensive Plan Consistency

The project consists of a Design Review application associated with an approved Land Use Permit. The associated LUP, Case No. 23LUP-00305, was found to be consistent with the Comprehensive Plan as part of the Director’s approval. No appeals of the LUP were received and the Director’s approval is final.

6.4 Zoning: Land Use and Development Code Compliance

The associated LUP, Case No. 23LUP-00305, was found to be in compliance with the MLUDC as part of the Director’s approval for setbacks and height. In addition, the project was reviewed by the BAR and is consistent with the MLUDC as discussed in Section 6.4.1. No appeals of the LUP were received and the Director’s approval is final.

6.4.1 Design Review

Pursuant to Section 35.472.070 of the MLUDC, a BAR application shall be approved or conditionally approved only if the BAR first makes all of the required Design Review findings for approval. MBAR found the Design Review application consistent with the Aesthetic/Visual goals of the MAGDS and made the required Design Review findings for approval. MBAR was able to make the required findings because the Project’s design, height, and scale of structures is compatible with the surrounding neighborhood. The overall building shapes are in proportion to and in scale with other existing structures in the area surrounding the property because the proposed detached garage is one-story, stucco with stone veneer, and DaVinci slate roof that matches the existing single-family dwelling. The minor additions to the existing single-family dwelling will match the existing structure, and the proposed project does not include any mechanical or electrical equipment, and no existing equipment on the site is visible from public viewing areas. Additionally, the proposed project does not include any grading and is not located within the ridgeline hillside district.

The project was reviewed by MBAR on July 13, 2023, and November 30, 2023, for conceptual review, and January 25, 2024 for preliminary and final review and approval. The Montecito Planning Commission is considering the design review application de novo. A detailed discussion on the Design Review findings are included as Attachment A and compiled BAR minutes are included as Attachment D.

7.0 APPEALS PROCEDURE

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$709.06.

ATTACHMENTS

- A. Findings
- B. CEQA Exemption
- C. Appeal Letter
- D. BAR Minutes
- E. Project Plans