



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 and Development
Department No.: 053
For Agenda Of: May 17, 2022
Placement: Departmental
Estimated Time: 1.25 hours on May 17, 2022
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director: (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: Vandebos Appeal of the Planning Commission Approval of the Adamson Single-Family Dwelling Project, Case Nos. 22APL-00000-00005 and 21LUP-00000-00146, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Staff recommends that your Board take the following actions to deny the appeal and uphold the County Planning Commission's approval of the Project:

- a) Deny the appeal, Case No. 22APL-00000-00005;
- b) Make the required findings for approval of the Project, Case No. 21LUP-00000-00146, as specified in Attachment 1 of this Board Agenda Letter dated May 17, 2022, including California Environmental Quality Act (CEQA) findings;
- c) Determine that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15303 and 15304 (Attachment 3 of this Board Agenda Letter dated May 17, 2022); and
- d) Grant *de novo* approval of the Project, Case No. 21LUP-00000-00146, subject to the conditions of approval included as Attachment 2 of this Board Agenda Letter dated May 17, 2022.

Summary Text:

On March 17, 2021, the applicant submitted an application for Land Use Permit for a new single-family dwelling and swimming pool located at 2017 Alamo Pintado Road (now addressed as 2000 Random Oaks Road per County Fire Department addressing requirements). On August 11, 2021, the Director of the Planning & Development (P&D) Department approved the Adamson Single-Family Dwelling Land Use Permit application (Case No. 21LUP-00000-00146), finding the project consistent with the provisions of

the County Land Use and Development Code (LUDC). On August 20, 2021, Jan Vandebos filed an appeal of the Director's approval to the County Planning Commission ("Commission"). On February 9, 2022, the Commission denied the appeal and granted *de novo* approval of the project. Jan Vandebos then filed a timely appeal of the decision of the Commission to the Board of Supervisors.

A. Background:

The subject property is a 9.63-acre parcel that is currently developed with a 420-square-foot feed structure. A 2,420-square-foot barn was demolished in August 2021 under permit No. 21BDP-00000-00692. The proposed single-family dwelling will be located in approximately the same footprint as the demolished barn. The subject parcel was validated with a Conditional Certificate of Compliance, dated May 27, 2014 (Instrument No. 2014-0024326), and a Land Use Permit (Case No. 14LUP-00000-00211) was issued on June 13, 2014, for the feed structure and barn.

Access to the lot is currently provided from an existing 12-foot wide private driveway off of Random Oaks Road. Random Oaks Road is located on the applicant's property, and is also subject to a non-exclusive easement held by other parties for ingress and egress, public utilities, and water pipelines that cross over the subject parcel. The non-exclusive access easement over Random Oaks Road provides access to several parcels west of Alamo Pintado Road, including the appellant's parcel.

The applicant submitted a Land Use Permit Application to P&D on March 17, 2021, and the Director subsequently approved the application (Case No. 21LUP-00000-00146) on August 11, 2021. A timely appeal to the County Planning Commission ("Commission") of the Director's approval was filed by Jan Vandebos on August 20, 2021 (Case No. 21APL-00000-00042). Prior to a Commission hearing, the applicant revised the project to include a new detached garage. The Commission heard the appeal on February 9, 2022, at which time the Commission moved to deny the appeal and approve the revised project. The Commission made the required findings for approval of the project based on the project's compliance with the applicable Comprehensive Plan policies, including policies contained in the Santa Ynez Valley Community Plan, and standards contained in the LUDC. The Commission staff report, dated February 1, 2022, and the Commission action letter, dated February 11, 2022, are listed respectively as Attachments 5 and 6 to this Board Agenda Letter. The appellant filed a timely appeal of the Commission's approval of the project to the Board of Supervisors on February 22, 2022. The appeal application is included as Attachment 4. The appeal issues and staff's responses are addressed in Section C below.

B. Project Description:

The proposed project is a request for a Land Use Permit to allow construction of a new 2,645 square foot two-story, single-family dwelling. The first floor will be 1,908 square feet and the second floor will be 737 square feet. There will be 870 square feet of ground floor patios, and 230 square feet of second floor patios. The new single-family dwelling will have a maximum height of 24'-2". A new 960 square foot detached garage with a restroom and outdoor shower is also proposed. The new garage will have a maximum height of 16'-3". A new 16' x 40' swimming pool and spa and associated pool equipment is also proposed. A new built-in BBQ will be located under a 6' x 6' wood trellis. Proposed exterior lighting fixtures will be Dark Sky Compliant as required per the Santa Ynez Valley Community Plan. The proposed single-family dwelling will be built in the approximate footprint area of a 2,420-square-foot barn that was demolished under Case No. 21BDP-00000-00692. Water will be provided by an onsite private well and a single parcel water system. Sewer services will be provided by a new private septic system. No grading or tree removal is proposed. Approximately 6,650 square feet of new landscaping is proposed.

The existing 12-foot wide private driveway will provide access to the proposed pool equipment area, and a new 16-foot wide gravel driveway with a Fire Department turnaround will be added east of the proposed dwelling. The property is a 9.63 acre parcel, zoned Agricultural I (AG-I-10), located at 2000 Random Oaks Road (Assessor's Parcel Number 137-020-054) in the Santa Ynez Valley Community Plan area, Third Supervisorial District.

C. Appeal Issues and Staff Response:

The appeal application (Attachment 4) states that there is significant new evidence relevant to the decision which could not have been presented at the time of the Commission's approval of the project, citing the following three issues as the basis of the appeal:

1. Widening and lengthening of Random Oaks Road;
2. Age of the demolished barn and risk of asbestos during barn demolition; and
3. CEQA exemption for building on the same plot as an existing structure.

Staff reviewed the appeal issues and found that they are without merit. Further, the appellant failed to provide any evidence or support for the appeal issues listed above that was not already presented at the time of the Commission's approval. Staff's response to each appeal issue is provided below.

Appeal Issue 1: Widening and lengthening of Random Oaks Road.

The appellant alleges that there is significant new evidence regarding the widening and lengthening of Random Oaks Road, but provided no further evidence or explanation regarding this appeal issue. P&D staff previously addressed the appellant's concerns regarding the project's use of Random Oaks Road as an access point in the Planning Commission staff report, dated February 1, 2022 (Attachment 5). In the appeal to the Commission, the Appellant claimed that the project's use of Random Oaks Road as an access point during construction and for long-term residential use would create unsafe conditions for her neighboring farm and horse-riding arena, as well as for other users of Random Oaks Road. The staff response below provides a general overview of why Random Oaks Road is an acceptable access point.

Staff Response

The proposed project's use and improvements to Random Oaks Road for access meets all County requirements. As stated above in Section A, Random Oaks Road is on the applicant's property and therefore the applicant has a right to use the road and make improvements to the road, including expanding it. As discussed in more detail below, the applicant must widen a portion of Random Oaks Road to 20-feet to comply with requirements of the County Fire Department. The applicant is not being required to lengthen Random Oaks Road.

Other parties hold a non-exclusive access easement to use Random Oaks Road for ingress and egress. The proposed project will not interfere with the easement. An existing 12-foot wide driveway from Random Oaks Road provides access to the barn (now demolished) on the subject parcel. The existing 12-foot wide driveway will remain in order to provide access to the proposed pool equipment area, and a new 16-foot wide driveway will be located approximately 60 feet east of the existing driveway to provide access to the proposed single-family dwelling.

The proposed project and all proposed access was thoroughly reviewed by County Department of Public Works staff, and the project meets all County requirements. There is no evidence that the new 16-foot

wide driveway will pose new or different impacts on neighbors that also utilize Random Oaks Road. The proposed project will not interfere with access or use of the Random Oaks Road. Potential impacts from temporary construction activities are addressed by conditions of approval imposed on the proposed project. Condition of Approval No. 5, Attachment 2, requires that parking for all construction-related vehicles, equipment staging, and storage areas be located onsite and outside of any road right of way, including Random Oaks Road. This condition will ensure that project construction does not impede use of Random Oaks Road by neighbors.

Random Oaks Road is required to meet the County Fire Department established standards for safety and vertical clearance requirements. Upon application for a Building Permit and associated Fire Protection Certificate (FPC), the Santa Barbara County Fire Department reviews proposed projects for compliance with established standards, such as access requirements, defensible space, water storage, and addressing. The proposed project and associated access was appropriately reviewed by the Santa Barbara County Fire Department and a FPC condition letter, dated December 15, 2021, was issued by the Fire Department. The Fire Department is requiring that Random Oaks Road be widened to 20-feet starting from Alamo Pintado Road up to the oak tree prior to the proposed driveway. Additionally, the Fire Department requires that 13 feet, 6 inches of vertical clearance be provided and maintained for the life of the project for emergency apparatus access. There is no requirement to lengthen Random Oaks Road, as the appellant mentioned in the appeal. The applicant is responsible for required road widening and maintenance related to the proposed project.

Finally, staff reviewed the title report for the subject property and confirmed that the applicant has the full legal authority to use Random Oaks Road as it is located on the applicant's property. Any conflicts regarding the non-exclusive easement are a private civil matter that is outside the jurisdiction of the Board of Supervisors.

Appeal Issue 2: Age of the demolished barn and risk of asbestos during barn demolition.

The appellant alleges that there is significant new evidence regarding the age of the demolished barn and the risk of asbestos during the demolition of the barn, but provided no further evidence or explanation regarding this appeal issue. P&D staff previously addressed the appellant's concerns regarding the barn's age and historical status as well as the risk of asbestos in the Planning Commission staff report, dated February 1, 2022 (Attachment 5). In the appeal to the Commission, the Appellant claimed that the demolished barn was historic, and that the "Hazardous Waste Bureau of the State" was not notified of the barn demolition and this presented health risks related to asbestos. The staff response below provides a general overview of why the barn was not considered historic or a risk for asbestos.

Staff Response

The demolished barn was not old enough to be considered potentially historic, and the applicant received all necessary approvals from Planning and Development for demolition of the barn. The applicant obtained a demolition permit (21BDP-00000-00692) from the Building and Safety Division for the demolition of the subject barn. The demolished barn is not listed as a potential historical resource, a place of historical merit, or a landmark in any State or local registers of historical resources. The Planning and Development Environmental Thresholds and Guidelines Manual states that, in general, a site must be at least 50 years of age to be considered for an assessment of historical significance. Planning and Development records indicate that the subject barn was built in 1987, therefore staff did not require a historic resources report for the barn demolition. Further, staff reviewed aerial imagery of the site that was taken in 1978 and

confirmed that the subject barn was not constructed at that time. This supports the fact that the barn was less than 50 years in age, and therefore was not historically significant.

The Santa Barbara County Air Pollution Control District (APCD) oversees and regulates asbestos-containing materials. During the processing of 21BDP-00000-00692, Building and Safety staff determined that the barn met the criteria of an exempt agricultural structure and therefore the barn was not considered an APCD regulated facility¹. According to the applicant's authorized agent, the contractor that performed the demolition has confirmed that there was not asbestos-containing materials such as drywall or vinyl.

Appeal Issue 3: CEQA exemption for building on the same plot as an existing structure.

The appellant alleges that there is significant new evidence regarding the CEQA exemption for building on the same plot as an existing structure, but provided no further evidence or explanation regarding this appeal issue. P&D staff interprets this allegation to mean that the appellant is claiming that a CEQA exemption cannot be used for building residential structures on the same parcel that the demolished barn was located on.

Staff Response

The proposed project is exempt from environmental review under CEQA pursuant to Section 15303 [New Construction or Conversion of Small Structures] and Section 15304 [Minor Alterations to Land] of the State CEQA Guidelines. Section 15303 exempts the construction of one single-family residence and accessory structures including garages. Section 15304 exempts private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes, including the installation of new landscaping. There are no exceptions or limitations to these CEQA exemptions for projects that propose a new structure on the same parcel as an existing or demolished agricultural accessory structure.

As set forth in more detail in the Notice of Exemption (Attachment 3), none of the exceptions to the categorical exemptions, which are listed in Section 15300.2 of the CEQA Guidelines, apply to the proposed project. The proposed project is not located in an environmentally sensitive area, will not result in a cumulatively significant impact, does not involve unusual circumstances that will cause the project to have a significant effect on the environment, and will have no impact on any historical resource. In addition, the proposed project site is not visible from any highway officially designated as a state scenic highway, is not included on any list compiled pursuant to Section 65962.5 of the Government Code (hazardous and toxic waste sites), and there is no evidence of historic or current use or disposal of hazardous or toxic materials on the project site.

See the Notice of Exemption (Attachment 3) for a more detailed discussion of the CEQA exemption.

Conclusion

¹ A regulated facility is defined by the Santa Barbara Air Pollution Control District as any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units). Single-family residences and associated outbuildings are exempt from APCD Notification for Renovation and Demolition.

For the reasons discussed above, staff recommends that the Board deny the appeal because the raised appeal issues are without merit. In addition, as outlined in the Planning Commission staff report, dated February 1, 2022 and included as Attachment 5, the proposed project is consistent with the policies and development standards contained in the Santa Barbara County Comprehensive Plan, the Santa Ynez Valley Community Plan, and the Land Use and Development Code. The proposed structures are in compliance with the AG-I Zone requirements for residential density, setbacks, height limits, and parking. Additionally, staff confirmed that adequate public and private resources are available to serve the proposed development. The residential use of the subject parcel does not impact the rural and agricultural nature of the Santa Ynez Valley area, and the proposed structures are designed to match the surrounding rural and agricultural character. As such, Planning and Development staff recommends that the Board approve the Project *de novo* based on the findings provided as Attachment 1.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$8,000 (30 hours of staff time). The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development's adopted budget. The fixed appeal fee was paid by the applicant in the amount of \$709.06. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget Program, as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on May 17, 2022. The notice shall appear in the *Santa Ynez Valley News*. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward the minute order of the hearing and proof of publication to the attention of Planning and Development Department: Tina Mitchell.

Attachments:

1. Findings
2. Conditions of Approval
3. CEQA Notice of Exemption
4. Board of Supervisors Appeal Application dated February 22, 2022
5. Planning Commission Staff Report with attachments dated February 1, 2022
6. Planning Commission Action Letter dated February 11, 2022
7. Project Site Plan

Authored by:

Tina Mitchell, Planner, (805) 934-6289
Development Review Division, Planning and Development Department