



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: November 10, 2009
Placement: Set Hearing
Estimated Tme: 1 hour on December 1,
2009
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, PhD, Director 568-2085
Director
Contact Info: Dave Ward, Deputy Director, 568-2520
SUBJECT: Set Hearing for the Malott Appeal of the Tracy Addition

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Set a hearing for December 1, 2009 to consider the Malott appeal of the Planning Commission's July 8, 2009 approval of the Tracy Modification and Addition, Case Nos. 08MOD-00000-00006 and 08CDP-00000-00032, located at 2200 Banner Avenue (APN 005-133-058) in Summerland, First Supervisorial District.

1. Deny the appeal, Case Nos. 09APL-00000-00022 and 09APL-00000-00023, thereby upholding the Planning Commission's approval, as shown in the July 10, 2009 Action Letter, included as Attachment A to this Board Letter;
2. Adopt the findings for approval of Case Nos. 08MOD-00000-00006 and 08CDP-00000-00032, as shown in Attachment A of the Planning Commission Staff Report dated April 16, 2009, (included as Attachment B to this Board Letter);
3. Accept the Notice of Exemption, pursuant to CEQA Guidelines Sections 15305(a) and 15301(e), as shown in Attachment B of the Planning Commission Staff Report dated April 16, 2009, included as Attachment C to this Board Letter; and,

4. Grant *de novo* approval of Case Nos. 08MOD-00000-00006 and 08CDP-00000-00032, subject to the conditions of approval, as shown in Attachments C and D of the Planning Commission Action Letter dated July 10, 2009 (included as Attachments D and E to this Board Letter).

Summary Text:

The appellants, James and Lucinda Malott, are appealing the Planning Commission's decision to deny their prior appeal and approve the Tracys' request for a Modification, 08MOD-00000-00006 and Coastal Development Permit, 08CDP-00000-00032.

The applicant requests a Modification to allow a 364 square foot second story addition to encroach 4.5 feet into the required 25-foot rear yard setback and 1.5 feet into the required 10-foot secondary front yard setback. Under the associated CDP, the applicant also proposes a 77-square foot first floor addition to be located outside of required setbacks, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted configuration as a carport. Removal of four banana trees is proposed and no grading will be required. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The subject property is a 0.07-acre parcel zoned 10-R-2 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, First Supervisorial District.

Appellant Issues and Staff Response

The appellant, James and Lucinda Malott, filed an appeal of the Planning Commission approval on July 20, 2009, raising the following five issues with the project approval.

Issue One: The appellants claim that they did not receive notice of seven meetings before the South County Board of Architectural Review (SBAR), Santa Barbara County Department of Public Works, and the Summerland Board of Architectural Review. These meetings were held between October 7, 2007 and December 19, 2008. The appellants contend that because of this lack of notice, they were unable to comment on the project in the earlier stages of permit processing.

Response: County records indicate that notice for design review of the initial SBAR review was mailed to Mrs. Nantker on October 9, 2007, 10 days prior to the first SBAR meeting. Article II does not require notice to be given for subsequent SBAR hearings. Rather, it is the responsibility of any interested party to follow SBAR agendas, use the Department website, or contact P&D to determine when a project will be heard next.

The Summerland Board of Architectural Review is a committee of the Summerland Citizens Association and is not affiliated with the County. The County is not responsible for noticing Summerland BAR meetings.

The Department of Public Works – Transportation issued a Road Encroachment Permit on August 7, 2008. Road Encroachment Permits do not require any kind of noticing or public hearing and are not appealable.

County records indicate that notice for permit action was mailed to Mrs. Nantker on November 5, 2008 and published in the Santa Barbara Daily Sound on November 7, 2008, fifteen and thirteen days prior, respectively, to the scheduled Zoning Administrator hearing of November 20, 2008, in accordance with the requirements of Article II Section 35-181.2. Due to an error in the address printed on the notices, the project was dropped from this agenda. Corrected notices were mailed on November 20, 2008 and published in the Santa Barbara Daily Sound on November 21, 2008, and the project returned to the Zoning Administrator on December 1, 2008. This hearing was continued to December 15, 2008. Because notice of the next hearing is given during the first hearing, no additional mailed notice for continued hearings is required.

The County satisfied all public noticing requirements for this project. The appellants have had the opportunity to comment on the project at an SBAR hearing, two Zoning Administrator hearings, and two Planning Commission hearings.

Issue Two: The appellants claim that the proposed project will damage the appellants' property by blocking ocean views from their home and yard. The appellants claim the Planning Commission did not address the issue of damage to the appellants' property, nor did any Planning Commissioner visit the appellants' property to assess impacts of the project.

Response: Article II, the Coastal Land Use Plan, and the Summerland Community Plan do not protect private views. At the hearings on May 6 and July 20, 2009, the Planning Commissioners stated that they did drive by the project site and examine the surrounding neighborhood.

Issue Three: The appellants contend that the proposed second story addition will block public views of the ocean from Evans Avenue, and that this view was created when the P&D required the applicant to remove a garage located on the appellants' property due to viewshed issues.

Response: The proposed addition would block public views from Evans Avenue to the ocean from one point along Evans Avenue. This public view is already largely obstructed by existing vegetation, and the view blockage would last for a very short period of time (approximately one second) for vehicles travelling south on Evans Avenue and therefore is insubstantial. As such, the project is consistent with policies protecting public views to the ocean. Staff researched the issue of the removal of the Nantker garage. County records indicate that the garage was constructed without permits and removal was required because it was built too close to the property line. Permit history did not contain any references to inconsistency with visual resource policies or public views.

Issue Four: Existing development on the site encroaches into the Evans Avenue and Banner Avenue rights-of-way. The appellants claim that the road encroachments provide more useable yard area and the applicants should therefore pursue a single-story addition. The appellants also claim that the road encroachments create a public safety hazard by restricting on-street parking and by allowing the applicants to back their cars from their driveway into the intersection of Banner Avenue and Evans Avenue.

Response: Building records indicate that the existing carport and residence were constructed in 1948, and therefore pre-date zoning ordinances in Summerland, which were first adopted in 1954. The carport was constructed across the property line, encroaching into the right-of-way of Evans Avenue. This structure is legal nonconforming and, as such, the applicant has a right to maintain the carport and

access to the carport via the existing driveway. At some point, fencing and landscaping were also installed in the rights of way of both Banner Avenue and Evans Avenue. These structures do not require Coastal Development Permits. The Department of Public Works – Transportation issued Road Encroachment Permit #040127 for the existing road encroachments on August 7, 2008. Public Works generally allows encroachment of non-habitable structures that meet the review criteria for sight distance and vehicle driveway storage without encroaching into a travel lane, sidewalk, or pedestrian path (personal communication with Will Robertson, April 21, 2009). The existing encroachments on site do not encroach into a travel lane, sidewalk, or pedestrian path. The encroachments are in line with development on all parcels along Evans and Banner Avenues. The road area adjacent to the Tracy property is used for on-street parking.

The land within the County right of way that the applicants currently use as lawn and parking space does not count towards the lot area for Floor to Area Ratio (FAR) purposes and does not impact measurement of setbacks. No new structures may be constructed within the right of way. This area is not useable beyond the existing, permitted encroachments. This area is not used in determining the location of setbacks. New development is constrained by the property boundaries.

Issue Five: The appellant contends that several of the required findings cannot be made. Reasons cited include public and private view blockage, lack of neighborhood compatibility, lack of legal parking, reduction in solar exposure for surrounding properties, existing illegal road encroachments, and potential for cumulative impacts as defined by CEQA.

Response: As discussed above, Article II, the Coastal Land Use Plan, and the Summerland Community Plan do not protect private views. The proposed addition would block public views from Evans Avenue to the ocean from one point along Evans Avenue. This public view is already largely obstructed by existing vegetation, and the view blockage would last for a very short period of time (approximately one second) for vehicles travelling south on Evans Avenue and therefore is insubstantial. As such, the project is consistent with policies protecting public views to the ocean.

The surrounding neighborhood contains a mix of one- and two-story homes. On June 5, 2009, the project received preliminary approval from the South County Board of Architectural Review (SBAR). In granting preliminary approval, the SBAR made the required finding that “new structures shall be in conformance with the scale and character of the existing community.” During its June 5, 2009 review of the project, SBAR commented that, “The project is quirky and fits into Summerland.” The Summerland Board of Architectural Review has also reviewed the project and approved on December 16, 2008.

The subject parcel has several legal non-conforming encroachments into the rights-of-way of Banner Avenue and Evans Avenue. As discussed above, the building record for the parcel indicates that the carport was constructed as early as 1948. The structure pre-dates the 1954 adoption of zoning ordinances in Summerland and is considered legal-nonconforming. Although no building permits were issued specifically for this structure, this is not uncommon for older structures. The building record indicates that the parcel was inspected several times and no zoning violations were found. The carport was constructed across the property line, encroaching into the right-of-way of Evans Avenue. This structure is legal nonconforming and, as such, the applicant has a right to maintain the carport and access to the carport via the existing driveway. At some point, fencing and landscaping was also installed in the rights of way of both Banner Avenue and Evans Avenue. These structures do not require

Coastal Development Permits. The only two illegal structures on the subject parcel are the unpermitted shed and the spa in the rear setback. Both will be removed as part of this project.

Article II requires two on-site parking spaces per single-family residence. The permitted carport and driveway space provide two parking spaces, located partially within the Evans Avenue right-of-way. Although Article II does not allow tandem parking, the existing parking configuration is legal non-conforming. Because the proposed development would not increase the required number of parking spaces, no changes to the parking configuration are required.

For all properties in the urban R-2 zone district in Summerland that are not subject to Hillside Ridgeline policies, the maximum allowable building height is 22 feet, pursuant to Article II Section 35-191.4. The subject parcel is located downhill from the appellants' property. Only the top portion of the second story addition would protrude above the "ground level" of the appellant parcel. No significant reduction in solar exposure would result.

The appellant contends that allowing a second story addition in this area would trigger the construction of additional two-story structures in the area. However, the area surrounding the subject parcel contains a mix of one-story, two-story, and split-level structures. The proposed project does not include any changes to the ordinance that would allow two-story structures where they are not otherwise already allowed. The project is restricted to the subject parcel and is not part of any larger planned development. The project is categorically exempt from CEQA and would not have any cumulatively significant environmental impact (refer to Notice of Exemption in Attachment C of this Board Letter).

Background:

On April 21, 2008, Planning and Development (P&D) received the Modification and Coastal Development Permit (CDP) applications. The Modification application was deemed complete on August 29, 2008. The project received conceptual SBAR review on October 19, 2007. The project was also reviewed by the Summerland Board of Architectural Review on December 12, 2007, July 8, 2008, September 30, 2008, and December 16, 2008.

The applications received preliminary approval from the Board of Architectural Review (SBAR) on October 24, 2008. The Modification was approved by the Zoning Administrator on December 15, 2008 based on the ability to make the required findings. The accompanying CDP was approved by P&D on February 12, 2009, also based on the ability to make the required findings for approval. The Malotts appealed the Zoning Administrator's approval of the Modification on January 5, 2009 and P&D's approval of the CDP on February 23, 2009.

The appeal was first heard by the Planning Commission on May 6, 2009. At this hearing, the Planning Commission requested that the applicant re-design the project to remove the new building footprint area from the rear setback, so that all new encroachments in the rear setback occur on top of the existing one-story structure. The revised project returned to SBAR on June 5, 2009 and received revised preliminary approval for the Planning Commission's requested change. At the July 8, 2009 hearing, the Planning Commission approved the project. James and Lucinda Malott appealed the Planning Commission approval on July 20, 2009. The applicants and appellants had a facilitation meeting on August 24, 2009, which failed to resolve the dispute.

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 \$7,947.25. 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 2009/2010 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on December 1, 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. Planning Commission Action Letter dated July 10, 2009
- B. Planning Commission Staff Report dated April 16, 2009 and Memorandum dated June 16, 2009
- C. Notice of Exemption
- D. Modification Conditions of Approval
- E. Coastal Development Permit Conditions of Approval
- F. Project Plans

Authored by:

Sarah Clark, Planner
(805) 568-2853

ATTACHMENT A: ACTION LETTER DATED JULY 10, 2009



**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

July 10, 2009

James Malott & Lucinda Malott
987 Tiburon Blvd.
Tiburon, CA 94920

PLANNING COMMISSION
HEARING OF JULY 8, 2009

RE: Nantker Appeal of Tracy Addition; 09APL-00000-00001, 09APL-00000-00005

Hearing on the request of James Malott, Lucinda Malott, and Carol Nantker, appellants, to consider the following:

- a) **09APL-000000-00001** [filed on January 5, 2009] to appeal the decision of the Zoning Administrator to approve the application for a Modification, Case No. 08MOD-00000-00006;
- b) **09APL-00000-00005** [filed on February 23, 2009], to appeal the decision of the Planning Department to approve the application for a Coastal Development Permit, Case No. 08CDP-00000-00032, in compliance with Section 35-182 of Article II, on property zoned 10-R-2; and

to allow a Modification of the 25-foot rear yard setback, as required by Section 35-72.7 of Article II, to 20.5 feet from rear property line, and a Modification of the 10-foot secondary front setback, as required by Section 35-126.2.a of Article II, to 8.5 feet from right-of-way, in compliance with Article II Section 35-179, to accommodate construction of a 364 square foot second story addition, and a Coastal Development Permit, in compliance with section 35-169 of Article II, for construction of the second story addition, a 77 square foot first story addition, and conversion of the garage to a carport; and to accept the Exemption pursuant to Sections 15301(e) and 15305(a) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 005-133-058, located at 2200 Banner Avenue in the Summerland area, First Supervisorial District.
(Continued from 05/06/09)

Dear Mr. and Ms. Malott:

At the Planning Commission hearing of July 8, 2009, Commissioner Cooney moved, seconded by Commissioner Blough and carried by a vote of to:

1. Adopt the required findings for approval of the project, Case Nos. 08MOD-00000-00006 and 08CDP-00000-00032, specified in Attachment A of the staff memorandum, dated June 16, 2009, including CEQA findings;

Planning Commission Hearing of July 8, 2009

Nantker Appeal of Tracy Addition; 09APL-00000-00001, 09APL-00000-00005

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2. Accept the exemption, included as Attachment B of the staff memorandum, dated June 16, 2009 and as revised at the hearing of July 8, 2009, pursuant to CEQA Guidelines Sections 15305(a) and 15301(e);
3. Deny the appeals, Case Nos. 09APL-00000-00001 and 09APL-00000-00005; and
4. Approve the project, Case Nos. 08MOD-00000-00006 and 08CDP-00000-00032, subject to the Conditions of Approval in Attachments C and D of the staff memorandum, dated June 16, 2009 and as revised at the hearing of July 8, 2009.

REVISIONS TO THE CONDITIONS OF APPROVAL

The deadline for appeal of the Coastal Development Permit included as Attachment D was changed to read "July 19, 2009".

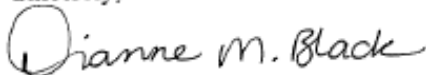
The attached findings and conditions reflect the Planning Commission's actions of July 8, 2009.

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, July 20, 2009 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$643 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: 09APL-00000-00001, 09APL-00000-00005
Planning Commission File
Owner: Kristina & Reid Tracy, 3535 Fortuna Ranch Road, Encinitas, CA 92024
Agent: Tom V. Smith, 1115 Coast Village Road, Santa Barbara, CA 93108
County Surveyor
Fire Department
Flood Control
Park Department
Public Works

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Environmental Health Services
APCD
Accounting, Planning and Development
Salud Carbajal, First District Supervisor
C. Michael Cooney, First District Commissioner
Rachel Van Mullem, Deputy County Counsel
✓Sarah Clark, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Notice of Exemption
 Attachment C - Conditions of Approval of 08MOD-00000-00006
 Attachment D - Conditions of Approval of 08CDP-00000-00032

DMB/jao

ACTION LETTER ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305(a) and 15301(e). Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 Modification Findings specified in Section 35-179.6.

1.1.1. The project is consistent with the Coastal Act, Comprehensive Plan including the Local Coastal Plan and any applicable Community Plan.

The project conforms to all applicable provisions of the Coastal Act, Comprehensive Plan including the Local Coastal Plan, and the Summerland Community Plan. The proposed addition and associated setback modification will not affect any biological resources and no grading is involved. The project will not impact public views to or along the coast. The project is consistent with the character of the surrounding neighborhood and has received preliminary approval for the South County Board of Architectural Review. The proposed addition and associated setback modification does not have the potential to create any additional traffic and will not be detrimental to public safety. With the approval of this Modification and removal/conversion of unpermitted structures under the associated CDP, all proposed structures will be consistent with the requirements of the 10-R-2 zone district. Therefore, this finding can be made.

2.1.2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and this Article.

The purpose of the R-2 zone district is to provide areas for multiple residential development in the form of duplexes and to maintain a residential character similar to that found in single-family neighborhoods. The intent is to ensure compatibility of duplex development with surrounding multiple and single-family residences and the local neighborhoods. The proposed project involves a setback modification to accommodate an addition to an existing single-family residence. The project would therefore be in keeping with the character of a single-family residential neighborhood. On June 5, 2009, the South County Board of Architectural Review granted the project preliminary approval. In doing so, the SBAR made the finding that the structure was “in conformance with the scale and character of the existing community.” Therefore, this finding can be made.

2.1.3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review, and/or will result in greater resource protection than the project without such Modification.

The proposed Modification would allow the second story addition to encroach four and a half feet into the required 25-foot rear yard setback and one and a half feet into the required secondary front setback. On June 5, 2009, the South County Board of Architectural Review granted the project preliminary approval and in doing so made the finding that, “site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well-designed relationship to one another, respecting the environmental qualities, open spaces, and topography of the property.” Therefore, this finding can be made.

2.1.4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.

On June 5, 2009, the South County Board of Architectural Review granted the project preliminary approval and in doing so made the finding that, “new structures shall be in conformance with the scale and character of the existing community.” The proposed second story addition and setback Modification would not be visible from the coast or any public trails. Therefore, this finding can be made.

2.1.5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

The applicant is not requesting any Modification of parking or loading zone requirements. The proposed project is a Modification to accommodate a residential addition. No changes to the number of on-site parking spaces are proposed. The project will not impact demand for on-street parking in the immediate area. Therefore, this finding can be made.

2.1.6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.

The applicant requests Modification of the rear yard setback requirement. A reduction of the rear yard setback requirement will not generate any additional noise and the proposed addition will not be detrimental to existing ambient noise levels. The proposed setback reduction would not restrict physical access to the subject property or any surrounding area. The proposed addition would not result in any new building coverage within the required rear or secondary front setbacks. The proposed entry hall and porch would require review by the Building and Safety Division, which would ensure adequate light and ventilation, prior to approval of any associated building permits. Therefore, this finding can be made.

2.1.7. Any adverse environmental impacts are mitigated to a level of insignificance.

The project is exempt from review pursuant to Section 15305(a) of the State Guidelines for Implementation of CEQA. The proposed project will not have any significant environmental impacts. Therefore, this finding can be made.

2.2. Coastal Development Permit Findings specified in Section 35-169.5.1.

2.2.1. The proposed development conforms: 1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan; 2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Uses of Land, Buildings and Structures).

As discussed in Sections 6.3 and 6.4 and incorporated herein by reference, the project conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and all applicable provisions of Article II. Therefore, this finding can be made.

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

The subject parcel is considered a legally created lot as it has been the subject of approved building permits. Therefore, this finding can be made.

2.2.3. The subject property and development on the property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and any other applicable

provisions of this Article, and any applicable zoning violation enforcement fees 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 Division 10 (Nonconforming Structures and Uses).

As discussed in Sections 6.3 and 6.4 and incorporated herein by reference, the project conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and all applicable provisions of Article II. There is currently an unpermitted storage shed and spa in the rear setback and the carport has been converted to habitable space without permits. Under this permit, the spa and shed will be removed and the habitable space will be converted back to a carport. There are no outstanding zoning violation enforcement fees associated with this parcel. Therefore, this finding can be made.

ACTION LETTER ATTACHMENT B: ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Sarah Clark, 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: 005-133-058

Case No.: 08MOD-00000-00006, 08CDP-00000-00032

Location: 2200 Banner Avenue

Project Title: Tracy Addition

Project Description: Modification to allow a 364 square foot second story addition to encroach 4.5 feet into the required 25-foot rear yard setback and 1.5 feet into the required 10-foot secondary front yard setback. Under the associated CDP, 08CDP-00000-00032, applicant also requests a 77 square foot first floor addition to be located outside of required setbacks, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor’s Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1st Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Tom V. Smith

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA Guideline Section: 15305(a), 15301(e)

Reasons to support exemption findings: Section 15305(a) of the Guidelines for Implementation of CEQA exempts minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. No environmental impacts would be associated with reduction of the rear yard setback requirement. The setback modification would not result in the creation of any new parcel. There will be no obstruction of any scenic views open to the public and the project would not change the visual character of the area. The project would not result in the loss of any existing native vegetation or the removal of any oak trees, would not require any grading or land alteration, and would not impact any biological resources.

Section 15301(e) exempts additions to existing structures provided the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible under the General Plan and the project is not located in an environmentally sensitive area. The existing residence receives adequate services from the Montecito Water District, the Summerland Sanitary District, and the Carpinteria-Summerland Fire Protection District. The proposed addition would not exceed 10,000 square feet, and the project is not located in an environmentally sensitive habitat area.

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 or hazardous of critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

There is no mapped environmentally sensitive habitat on the subject parcel. Therefore, this exception 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 proposed setback modification will be located in an urban neighborhood on a parcel currently developed with a single-family dwelling and garage. The scope of the project is limited to the project description and the proposed project is not part of any larger planned development 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 proposed project is a four-foot reduction in the required rear yard setback to accommodate construction of a second story addition. The proposed development would be located on a previously developed parcel in an urban neighborhood. There are no 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 proposed development would not impact any scenic resources. The subject parcel is not located adjacent to a scenic highway and would not be visible from Highway 101. No trees, historic buildings, rock outcroppings, or similar resources would be impacted by this project. 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.

The applicant requests a four-foot reduction of the rear yard setback. Modification of the setback does not have the potential to cause a substantial adverse change in the significance of a historical resource. Therefore, this exception does not apply.

Lead Agency Contact Person: Sarah Clark Phone #: (805) 568-2059

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 (when P&D permit is required)

Date Filed by County Clerk: _____.

ACTION LETTER ATTACHMENT C: CONDITIONS OF APPROVAL OF 08MOD-00000-00006

ATTACHMENT A
PROJECT SPECIFIC CONDITIONS
Case No.: 08MOD-00000-00006
Project Name: Tracy Addition
Project Address: 2200 Banner Avenue
APN: 005-133-058

This permit is subject to compliance with the following conditions:

1. This Modification is based upon and limited to compliance with the project description, the hearing attachments marked A-D dated July 8, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Modification to allow a 364 square foot second story addition to encroach 4.5 feet into the required 25-foot rear yard setback and 1.5 feet into the required 10-foot secondary front yard setback. Under the associated CDP, 08CDP-00000-00032, applicant also requests a 77 square foot first floor addition to be located outside of required setbacks, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1st Supervisorial District.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MODIFICATION CONDITIONS

2. This Modification is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Modification null and void. Prior to the approval of the Coastal Development Permit, all of the conditions listed in this Modification that are required to be satisfied prior to approval of the Coastal Development Permit must be satisfied. Upon issuance of the Coastal Development Permit, the Modification shall be valid. The effective date of this approval shall be the date of expiration of the appeal period, or if appealed, the date of action by the Planning Commission.

3. This Modification shall expire one year from the date of approval if a Coastal Development Permit has not been issued for the modified building or structure. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.
4. Any use authorized by this Modification shall immediately cease upon expiration of this Modification. Modification extensions under Section 35-179.7 of Article II must be applied for prior to expiration of the Modification.

STANDARD CONDITIONS

5. This Modification is not valid until the project receives final approval from the Board of Architectural Review (BAR). The project shall be in strict conformance with the plans reviewed and approved by the BAR under 07BAR-00000-00249. Any structural or color revisions to final BAR-approved plans shall be submitted for review and approval by the Development Review Division and/or BAR.
6. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
7. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
8. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
9. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ACTION LETTER ATTACHEMNT D: CONDITIONS OF APPROVAL OF 08CDP-00000-00032



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 08CDP-00000-00032

Project Name: Tracy Addition

Project Address: 2200 Banner Avenue

Assessor's Parcel No.: 005-133-058

Applicant Name: Reid and Kristina Tracy

The Planning and Development Department hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Date of Approval: July 8, 2009

Associated Case Number(s): 08MOD-00000-00006, 07BAR-00000-00249

Project Description Summary: See attached.

Project Specific Conditions: See attached.

Permit Compliance Case: ___ Yes X No.

Permit Compliance Case No: _____

Appeals: The approval of this Coastal Development Permit may be appealed to the by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before July 19, 2009.

The final action by the County on this Coastal Development Permit, including any appeals to the Board of Supervisors, may not be appealed to the California Coastal Commission. Therefore a fee is required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. 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 Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on , provided an appeal of this approval has not been filed.

3. Time Limit. The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, 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 Acknowledgement: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

Print Name	Signature	Date
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Planning and Development Department Approval by:

Print Name	Signature	Date
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Planning and Development Department Issuance by:

Print Name	Signature	Date
------------	-----------	------

ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the exhibits, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Coastal Development Permit for a 364 square foot second floor addition that encroaches 4.5 feet into the required rear yard setback and 1.5 feet into the required secondary front setback (permitted under 08MOD-00000-00006), a 77 square foot first floor addition, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1st Supervisorial District.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above, the referenced exhibits, and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

2. **Board of Architectural Review.** Exterior elevations, colors, and materials shall conform to BAR approval as part of 07BAR-00000-00249. Final BAR review and approval shall be obtained *prior to issuance* of the Coastal Development Permit. The project shall conform to final BAR approval in all respects. The BAR-approved color and material board shall be kept on-site throughout construction and be available for Planning and Development staff. **Plan Requirement:** Materials shall be denoted on building plans.
3. **Night Lighting.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Board of Architectural Review *prior to issuance* of the Coastal Development Permit. **Monitoring:** Building and Safety inspectors shall confirm installation of lighting per approved plans.
4. **Washout Area.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site, and shall not be conducted within the critical root zones of oak trees on the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. The washout area(s) shall be in place and maintained throughout construction. **Plan Requirements:** *Prior to issuance* of the Coastal Development Permit, the applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Monitoring:** Building & Safety shall confirm the availability and maintenance of a designated washout area during construction.

5. **Construction Hours.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Three (3) signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Building & Safety shall respond to complaints.
6. **Off-street Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the applicant's designee responsible for enforcement of this restriction. **Plan Requirements:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Coastal Development Permit clearance. A copy of the written notice shall be submitted to P&D prior to permit clearance and at any time during construction, at P&D's request. **Timing:** This restriction shall be maintained throughout construction. **Monitoring:** Building & Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.
7. **Permit Acceptance.** The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
8. **Additional Permit Requirements.** The use and/or construction of the building or structure, authorized by this approval cannot commence until the Coastal Development Permit has been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied *prior to issuance* of the Coastal Development Permit must be satisfied.
9. **Permit Expiration.** This Coastal Development Permit shall expire two years from the date of issuance or, if appealed, the date of action by the Board of Supervisors on the appeal, if the permit for use, building or structure permit has not been issued.
10. **Time Extension.** If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
11. **Fees Required.** *Prior to issuance* of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
12. **Print & Illustrate Conditions on Plans.** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
13. **Indemnity and Separation Clauses.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
14. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or

threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

ATTACHMENT B: FINDINGS

2.0 CEQA FINDINGS

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305(a) and 15301(e). Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 Modification Findings specified in Section 35-179.6.

1.1.2. The project is consistent with the Coastal Act, Comprehensive Plan including the Local Coastal Plan and any applicable Community Plan.

The project conforms to all applicable provisions of the Coastal Act, Comprehensive Plan including the Local Coastal Plan, and the Summerland Community Plan. The proposed addition and associated setback modification will not affect any biological resources and no grading is involved. The project will not impact public views to or along the coast. The project is consistent with the character of the surrounding neighborhood and has received preliminary approval for the South County Board of Architectural Review. The proposed addition and associated setback modification does not have the potential to create any additional traffic and will not be detrimental to public safety. With the approval of this Modification and removal/conversion of unpermitted structures under the associated CDP, all proposed structures will be consistent with the requirements of the 10-R-2 zone district. Therefore, this finding can be made.

2.1.2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and this Article.

The purpose of the R-2 zone district is to provide areas for multiple residential development in the form of duplexes and to maintain a residential character similar to that found in single-family neighborhoods. The intent is to ensure compatibility of duplex development with surrounding multiple and single-family residences and the local neighborhoods. The proposed project involves a setback modification to accommodate an addition to an existing single-family residence. The project would therefore be in keeping with the character of a single-family residential neighborhood. On June 5, 2009, the South County Board of Architectural Review granted the project preliminary approval. In doing so, the SBAR made the finding that the structure was “in conformance with the scale and character of the existing community.” Therefore, this finding can be made.

2.1.3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review, and/or will result in greater resource protection than the project without such Modification.

The proposed Modification would allow the second story addition to encroach four and a half feet into the required 25-foot rear yard setback and one and a half feet into the required secondary front setback. On June 5, 2009, the South County Board of Architectural Review granted the project preliminary approval and in doing so made the finding that, “site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well-designed relationship to one another, respecting the environmental qualities, open spaces, and topography of the property.” Therefore, this finding can be made.

2.2.4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.

On June 5, 2009, the South County Board of Architectural Review granted the project preliminary approval and in doing so made the finding that, “new structures shall be in conformance with the scale and character of the existing community.” The proposed second story addition and setback Modification would not be visible from the coast or any public trails. Therefore, this finding can be made.

2.2.5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

The applicant is not requesting any Modification of parking or loading zone requirements. The proposed project is a Modification to accommodate a residential addition. No changes to the number of on-site parking spaces are proposed. The project will not impact demand for on-street parking in the immediate area. Therefore, this finding can be made.

2.2.6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.

The applicant requests Modification of the rear yard setback requirement. A reduction of the rear yard setback requirement will not generate any additional noise and the proposed addition will not be detrimental to existing ambient noise levels. The proposed setback reduction would not restrict physical access to the subject property or any surrounding area. The proposed addition would not result in any new building coverage within the required rear or secondary front setbacks. The proposed entry hall and porch would require review by the Building and Safety Division, which would ensure adequate light and ventilation, prior to approval of any associated building permits. Therefore, this finding can be made.

2.2.7. Any adverse environmental impacts are mitigated to a level of insignificance.

The project is exempt from review pursuant to Section 15305(a) of the State Guidelines for Implementation of CEQA. The proposed project will not have any significant environmental impacts. Therefore, this finding can be made.

2.3. Coastal Development Permit Findings specified in Section 35-169.5.1.

2.2.4. The proposed development conforms: 1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan; 2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Uses of Land, Buildings and Structures).

As discussed in Sections 6.3 and 6.4 and incorporated herein by reference, the project conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and all applicable provisions of Article II. Therefore, this finding can be made.

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

The subject parcel is considered a legally created lot as it has been the subject of approved building permits. Therefore, this finding can be made.

2.2.6. The subject property and development on the property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees

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 Division 10 (Nonconforming Structures and Uses).

As discussed in Sections 6.3 and 6.4 and incorporated herein by reference, the project conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and all applicable provisions of Article II. There is currently an unpermitted storage shed and spa in the rear setback and the carport has been converted to habitable space without permits. Under this permit, the spa and shed will be removed and the habitable space will be converted back to a carport. There are no outstanding zoning violation enforcement fees associated with this parcel. Therefore, this finding can be made.

ATTACHMENT C: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Sarah Clark, 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: 005-133-058

Case No.: 08MOD-00000-00006, 08CDP-00000-00032

Location: 2200 Banner Avenue

Project Title: Tracy Addition

Project Description: Modification to allow a 364 square foot second story addition to encroach 4.5 feet into the required 25-foot rear yard setback and 1.5 feet into the required 10-foot secondary front yard setback. Under the associated CDP, 08CDP-00000-00032, applicant also requests a 77 square foot first floor addition to be located outside of required setbacks, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1st Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Tom V. Smith

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project
 Declared Emergency

Cite specific CEQA Guideline Section: 15305(a), 15301(e)

Reasons to support exemption findings: Section 15305(a) of the Guidelines for Implementation of CEQA exempts minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. No environmental impacts would be associated with reduction of the rear yard setback requirement. The setback modification would not result in the creation of any new parcel. There will be no obstruction of any scenic views open to the public and the project would not change the visual character of the area. The project would not result in the loss of any existing native vegetation or the removal of any oak trees, would not require any grading or land alteration, and would not impact any biological resources.

Section 15301(e) exempts additions to existing structures provided the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible under the General Plan and the project is not located in an environmentally sensitive area. The existing residence receives adequate services from the Montecito Water District, the Summerland Sanitary District, and the Carpinteria-Summerland Fire Protection District. The proposed addition would not exceed 10,000 square feet, and the project is not located in an environmentally sensitive habitat area.

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:

- (g) 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 or hazardous of critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

There is no mapped environmentally sensitive habitat on the subject parcel. Therefore, this exception does not apply.

- (h) 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 setback modification will be located in an urban neighborhood on a parcel currently developed with a single-family dwelling and garage. The scope of the project is limited to the project description and the proposed project is not part of any larger planned development project. Therefore, this exception does not apply.

- (i) 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 proposed project is a four-foot reduction in the required rear yard setback to accommodate construction of a second story addition. The proposed development would be located on a previously developed parcel in an urban neighborhood. There are no identified potentially significant effects on the environment. Therefore this exception does not apply.

- (j) 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 development would not impact any scenic resources. The subject parcel is not located adjacent to a scenic highway and would not be visible from Highway 101. No trees, historic buildings, rock outcroppings, or similar resources would be impacted by this project. Therefore, this exception does not apply.

(k) 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.

(l) 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 applicant requests a four-foot reduction of the rear yard setback. Modification of the setback does not have the potential to cause a substantial adverse change in the significance of a historical resource. Therefore, this exception does not apply.

Lead Agency Contact Person: Sarah Clark Phone #: (805) 568-2059

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 (when P&D permit is required)
Date Filed by County Clerk: _____.

ATTACHMENT D: MODIFICATION CONDITIONS OF APPROVAL

ATTACHMENT A
PROJECT SPECIFIC CONDITIONS
Case No.: 08MOD-00000-00006
Project Name: Tracy Addition
Project Address: 2200 Banner Avenue
APN: 005-133-058

This permit is subject to compliance with the following conditions:

1. This Modification is based upon and limited to compliance with the project description, the hearing attachments marked A-D dated July 8, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Modification to allow a 364 square foot second story addition to encroach 4.5 feet into the required 25-foot rear yard setback and 1.5 feet into the required 10-foot secondary front yard setback. Under the associated CDP, 08CDP-00000-00032, applicant also requests a 77 square foot first floor addition to be located outside of required setbacks, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1st Supervisorial District.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MODIFICATION CONDITIONS

10. This Modification is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Modification null and void. Prior to the approval of the Coastal Development Permit, all of the conditions listed in this Modification that are required to be satisfied prior to approval of the Coastal Development Permit must be satisfied. Upon issuance of the Coastal Development Permit, the Modification shall be valid. The effective date of this approval shall be the date of expiration of the appeal period, or if appealed, the date of action by the Planning Commission.

11. This Modification shall expire one year from the date of approval if a Coastal Development Permit has not been issued for the modified building or structure. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.
12. Any use authorized by this Modification shall immediately cease upon expiration of this Modification. Modification extensions under Section 35-179.7 of Article II must be applied for prior to expiration of the Modification.

STANDARD CONDITIONS

13. This Modification is not valid until the project receives final approval from the Board of Architectural Review (BAR). The project shall be in strict conformance with the plans reviewed and approved by the BAR under 07BAR-00000-00249. Any structural or color revisions to final BAR-approved plans shall be submitted for review and approval by the Development Review Division and/or BAR.
14. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
15. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
16. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
17. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT E: COASTAL DEVELOPMENT PERMIT CONDITIONS OF APPROVAL



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 08CDP-00000-00032

Project Name: Tracy Addition

Project Address: 2200 Banner Avenue

Assessor's Parcel No.: 005-133-058

Applicant Name: Reid and Kristina Tracy

The Planning and Development Department hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Date of Approval: July 8, 2009

Associated Case Number(s): 08MOD-00000-00006, 07BAR-00000-00249

Project Description Summary: See attached.

Project Specific Conditions: See attached.

Permit Compliance Case: ___ Yes ___ No.

Permit Compliance Case No.: _____

Appeals: The approval of this Coastal Development Permit may be appealed to the by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before July 19, 2009.

The final action by the County on this Coastal Development Permit, including any appeals to the Board of Supervisors, may not be appealed to the California Coastal Commission. Therefore a fee is required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. 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 Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on , provided an appeal of this approval has not been filed.

3. Time Limit. The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, 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 Acknowledgement: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

Print Name	Signature	Date
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Planning and Development Department Approval by:

Print Name	Signature	Date
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Planning and Development Department Issuance by:

Print Name	Signature	Date
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ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the exhibits, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Coastal Development Permit for a 364 square foot second floor addition that encroaches 4.5 feet into the required rear yard setback and 1.5 feet into the required secondary front setback (permitted under 08MOD-00000-00006), a 77 square foot first floor addition, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1st Supervisorial District.

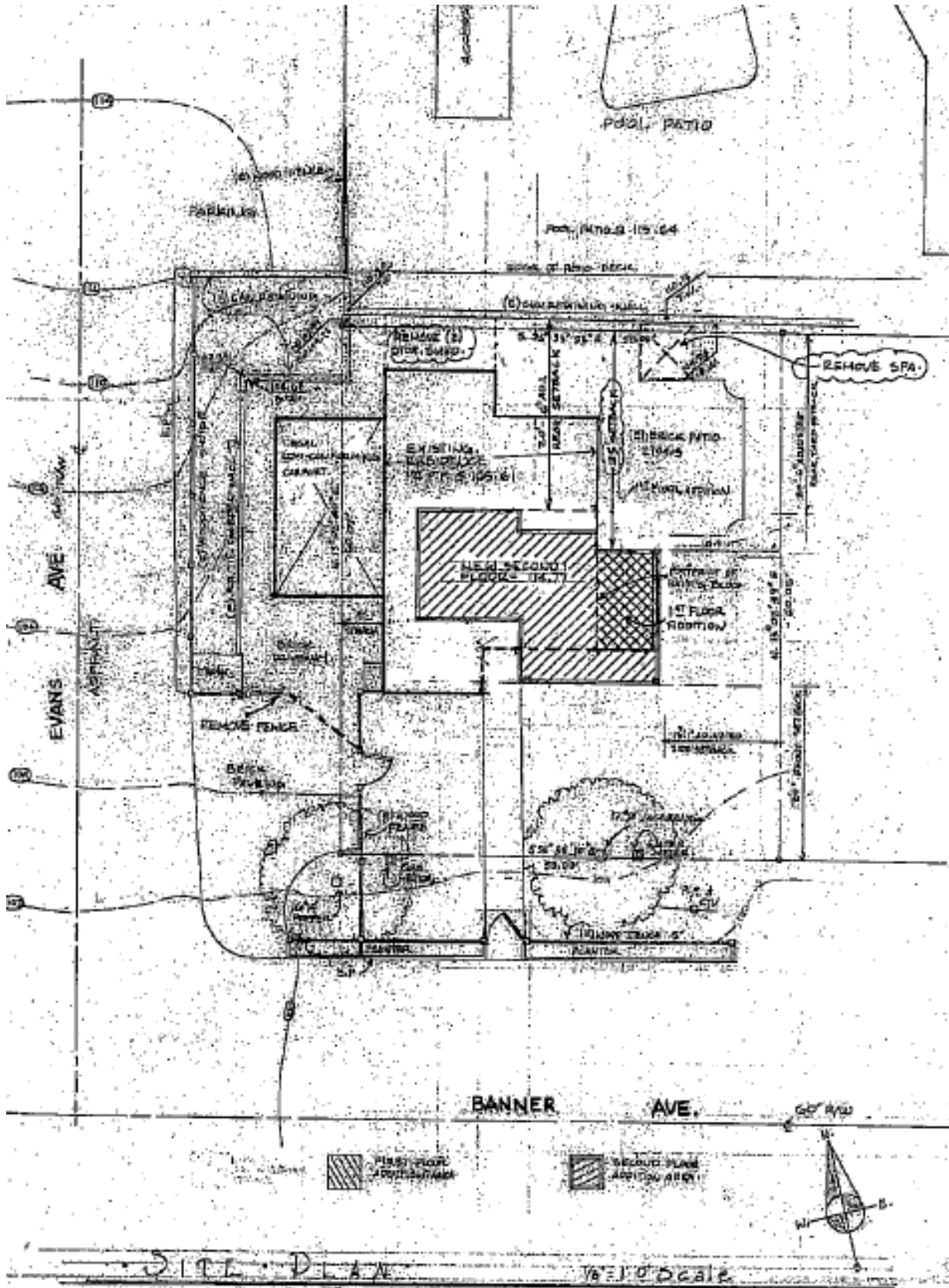
The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above, the referenced exhibits, and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

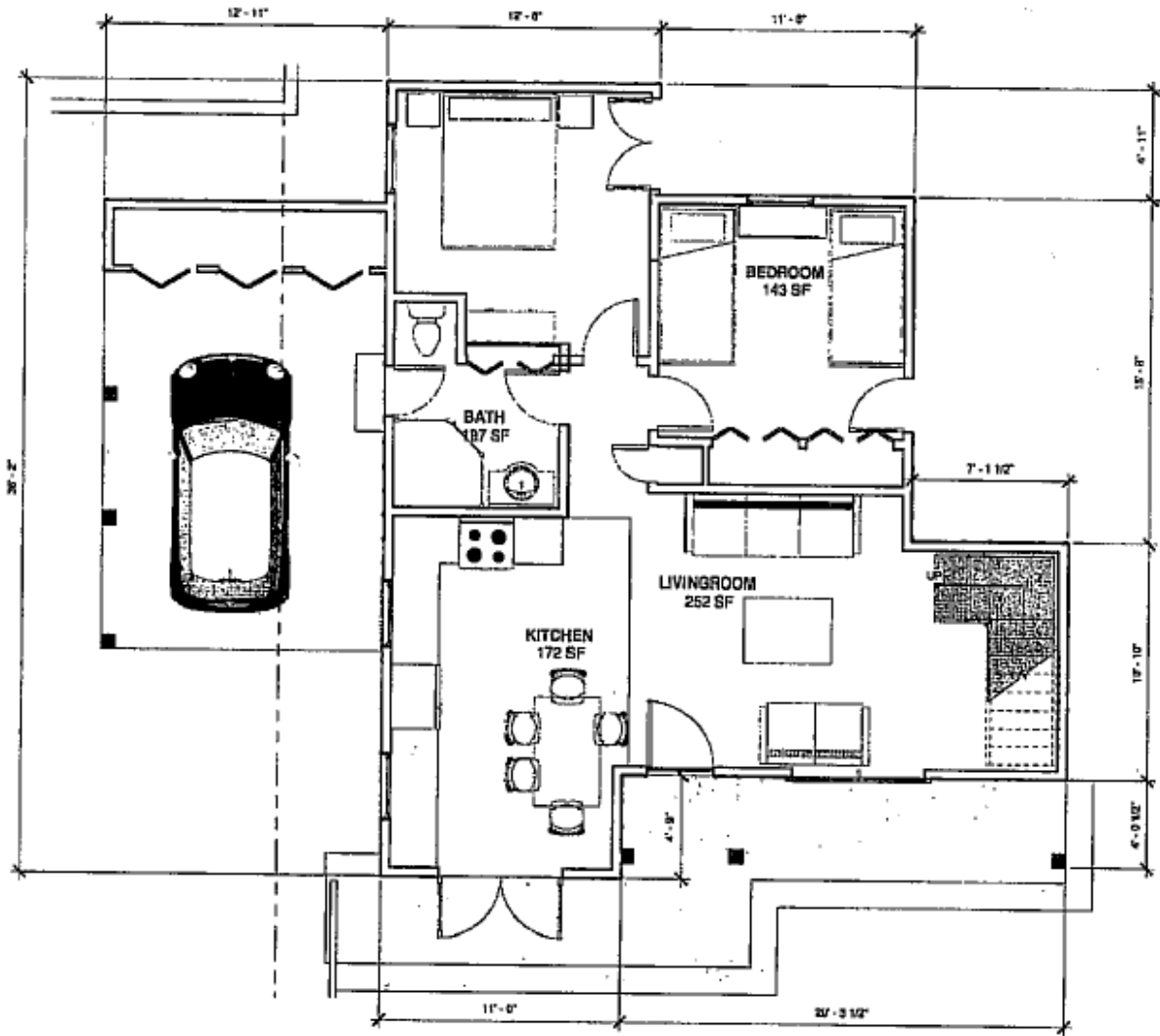
15. **Board of Architectural Review.** Exterior elevations, colors, and materials shall conform to BAR approval as part of 07BAR-00000-00249. Final BAR review and approval shall be obtained *prior to issuance* of the Coastal Development Permit. The project shall conform to final BAR approval in all respects. The BAR-approved color and material board shall be kept on-site throughout construction and be available for Planning and Development staff. **Plan Requirement:** Materials shall be denoted on building plans.
16. **Night Lighting.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Board of Architectural Review *prior to issuance* of the Coastal Development Permit. **Monitoring:** Building and Safety inspectors shall confirm installation of lighting per approved plans.
17. **Washout Area.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site, and shall not be conducted within the critical root zones of oak trees on the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. The washout area(s) shall be in place and maintained throughout construction. **Plan Requirements:** *Prior to issuance* of the Coastal Development Permit, the applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Monitoring:** Building & Safety shall confirm the availability and maintenance of a designated washout area during construction.

- 18. Construction Hours.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Three (3) signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Building & Safety shall respond to complaints.
- 19. Off-street Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the applicant's designee responsible for enforcement of this restriction. **Plan Requirements:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Coastal Development Permit clearance. A copy of the written notice shall be submitted to P&D prior to permit clearance and at any time during construction, at P&D's request. **Timing:** This restriction shall be maintained throughout construction. **Monitoring:** Building & Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.
- 20. Permit Acceptance.** The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
- 21. Additional Permit Requirements.** The use and/or construction of the building or structure, authorized by this approval cannot commence until the Coastal Development Permit has been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied *prior to issuance* of the Coastal Development Permit must be satisfied.
- 22. Permit Expiration.** This Coastal Development Permit shall expire two years from the date of issuance or, if appealed, the date of action by the Board of Supervisors on the appeal, if the permit for use, building or structure permit has not been issued.
- 23. Time Extension.** If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
- 24. Fees Required.** *Prior to issuance* of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
- 25. Print & Illustrate Conditions on Plans.** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 26. Indemnity and Separation Clauses.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

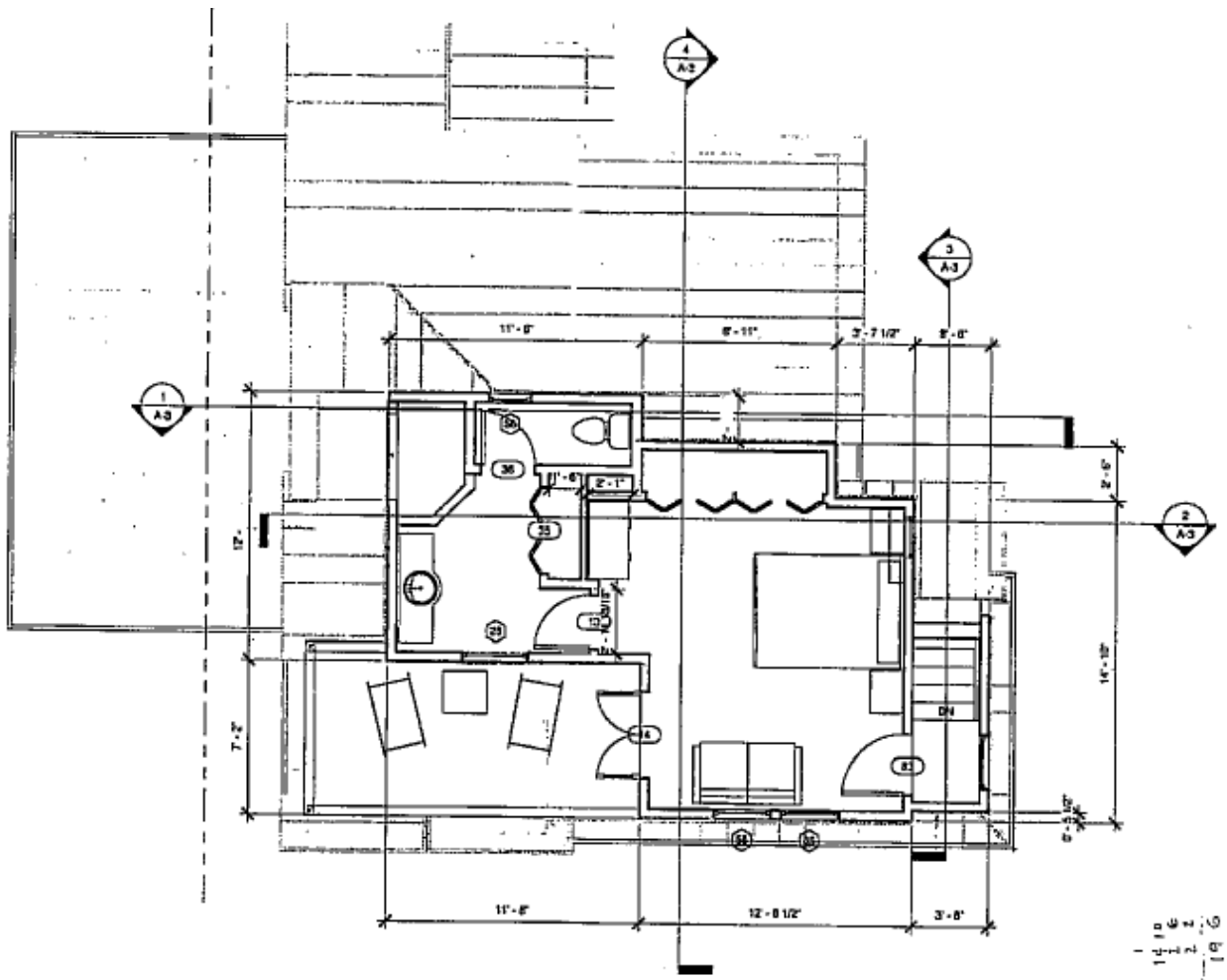
27. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

ATTACHMENT F: PROJECT PLANS





① Main Flr
1/4" = 1'-0"



2 Second Floor Proposed
1/4" = 1'-0"

