

MONTECITO PLANNING COMMISSION
Coastal Zone Staff Report for Oxnard Properties Trust Alterations

Hearing Date: January 16, 2019
Staff Report Date: December 24, 2018
Case No.: 18CDH-00000-00026
Environmental Document: CEQA
Exemption pursuant to Section 15301 and 15303 of the State CEQA Guidelines

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OWNER:

Oxnard Properties Trust
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Santa Fe, NM 87594

AGENT/ARCHITECT:

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This site is identified as Assessor Parcel Number 009-352-019, located at 1154 Channel Drive, Montecito Community Plan Area, 1st Supervisorial District.

1.0 REQUEST

Hearing on the request of Paul Rubison of Appleton Architects, agent for the owner, to consider Case No. 18CDH-00000-00026 [application filed on September 20, 2018] for a Coastal Development Permit in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance, on property zoned 1-E-1 to allow renovations to the existing single-family dwelling and associated accessory development; and to determine that the project is exempt from environmental review pursuant to Section 15301 and 15303 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves Assessor Parcel No. 009-352-019, located at 1154 Channel Drive, in the Montecito area, 1st Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 18CDH-00000-00026 marked "Officially Accepted, County of Santa Barbara (January 16, 2018) Montecito Planning Commission Attachment A-H," based upon the project's consistency with the Comprehensive Plan, including the Montecito Community Plan and the Coastal Land Use Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for approval of the project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
2. Determine the project is exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 and 15303, included as Attachment C.
3. Approve the project (18CDH-00000-00026) subject to the conditions included as Attachment B.

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

3.0 JURISDICTION

The Montecito Planning Commission is considering this application for a Coastal Development Permit based on Section 35-169.4.2 of Article II, the County Coastal Zoning Ordinance, and Chapter 2, Section 2-29 of the Santa Barbara County Code.

Article II, Section 35-169.4.2 states that the Zoning Administrator shall be the decision maker for applications for Coastal Development Permits located within the geographic Appeals Jurisdiction of the Coastal Zone.

Santa Barbara County Code, Chapter 2, Section 2-29 states that the Montecito Planning Commission shall assume the powers and duties of the Zoning Administrator within the Montecito Planning Area.

The proposed project is located within the geographic Appeals Jurisdiction and the Montecito Planning Area. Therefore, the Montecito Planning Commission is the decision maker.

4.0 ISSUE SUMMARY

This project includes a request for a Coastal Development Permit with Hearing to allow interior and exterior alterations to an existing 3,802 net square feet (sf) single-family dwelling and 531 net sf attached garage, and demolition of an existing swimming pool. No additions to the existing residence are proposed. A new 780 sf covered porch will be constructed along the south elevation of the residence. A new 50’x10’ swimming pool, hardscaping, pedestrian gates, generator, and landscaping are also proposed. No grading is proposed, besides 40 cubic yards of excavation that will be required for the pool. An existing water well on the parcel will be abandoned, in compliance with a condition of approval applied to a CDP for the water well which was granted by the California Coastal Commission in 1978. That CDP required that use of the well cease once the parcel was served by the Montecito Water District.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Coastal, Urban, SRR-1.0, Single-family residential, California Coastal Commission Appeals Jurisdiction, Montecito Community Plan area
Ordinance, Zoning District	Article II, 1-E-1 Residential (1-acre min. parcel size)
Site Size	0.44 acres
Present Use & Development	Single-family Dwelling, attached garage and swimming pool
Surrounding Uses/Zone(s)	North: Single-Family Residential/1-E-1 South: Butterfly Beach/REC (Recreation District) & Pacific Ocean East: Single-Family Residential/1-E-1 West: Single-Family Residential/1-E-1
Access	Channel Drive
Other Site Information	Coastal Commission Appeals Jurisdiction
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire Protection District Police Services: County Sheriff

5.2 Project Description

The project includes a request for a Coastal Development Permit with Hearing to allow interior and exterior alterations to an existing 3,802 net sf single-family dwelling and 531 net sf attached garage and demolition of an existing pool. A new 780 sf attached unenclosed porch would be constructed at the south elevation of the residence. A new 50'x10' pool, hardscaping, pedestrian gates, generator and landscaping are also proposed. No grading is proposed with the exception of 40 cubic yards of excavation for the new pool. The parcel will continue to be served by the Montecito Sanitary District, the Montecito Water District and the Montecito Fire Protection District. Access will continue to be provided off of Channel Drive.

5.3 Background Information

The existing single-family dwelling and garage were constructed circa 1978. There are no unique features of, and no exceptional events that have occurred on, the property which would make it a significant historic resource. As such, the structures are not considered potentially historic and do not require an historic analysis as part of the proposed renovations.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project can be found exempt from environmental review based upon Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

Section 15301(a) exempts interior and exterior alterations involving such things as interior partitions, plumbing and electrical conveyances. Specifically, subsection e.1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. Subsection 1.4 exempts the demolition of accessory structures, including garages, carport, patios, swimming pools and fences. The current project includes the construction of a 780 sf attached unenclosed porch to an existing single-family dwelling and the demolition of an existing in-ground swimming pool and, therefore, would qualify for this exemption.

Section 15303(e) exempts the construction and location of limited numbers of new, small facilities or structures. Specifically, subsection e exempts the construction of accessory (appurtenant) structures including but not limited to: garages, carports, patios, swimming

pools and fences. The current project proposes the construction of a new porch and a new swimming pool and, therefore, would qualify for this exemption.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p>Coastal Land Use Plan Policy 2-6: <i>Prior to the issuance of a development permit, the county shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density indicated in the land use plan.</i></p> <p>Coastal Land Use Plan Policy 2-4: <i>Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.</i></p>	<p>Consistent: The project site would continue to have adequate services and resources to serve the proposed residential use. The proposed project will not change the existing residential use of the property or otherwise increase the density of development and, therefore, will not create an increase in demand for services. The Montecito Water District, the Montecito Sanitary District and the Montecito Fire Department currently provide, and would continue to provide, adequate services. The adjacent road network is adequate to serve the residential use, and traffic generated by the residence would not increase as a result of the proposed renovations. As conditioned, construction vehicles would be required to park on the project site off Channel Drive and, therefore, would not impact roadway services (Condition of Approval No. 8).</p> <p>Consistent with CLUP Policy 2-4, since the parcel is adequately served by the Montecito Water District, the existing water well will be abandoned as part of the project, in compliance with a condition of approval applied to the 1978 CDP for the well. Proof of proper abandonment, in coordination with Environmental Health Services, shall be required prior to Final Building Inspection Clearance. (Condition of Approval No. 11)</p>
<p>Coastal Land Use Plan Policy 4-4: <i>In areas designated as urban on the land use plan and</i></p>	<p>Consistent: The proposed renovations do not impact public or private views to and along the</p>

<p><i>in designated rural neighborhoods, new structures shall be compatible with the scale and character of the surrounding neighborhood.</i></p> <p>Montecito Community Plan Policy LU-M-1.1: <i>Architectural and development guidelines shall be adopted, implemented, and enforced by the County in order to preserve, protect and enhance the semi-rural environment of Montecito and the natural mountainous setting.</i></p>	<p>ocean. The surrounding area consists of single-family residences and accessory structures (e.g., garages). The size and scale of the proposed project, which would remain the same as currently exists with the exception of a new covered porch along the southern elevation of the residence, would be consistent with the scale and character of the existing neighborhood. Lighting would be shielded and directed downward so as to prevent spillover to adjacent parcels (Condition of Approval No. 4).</p> <p>The Montecito Board of Architectural Review conceptually reviewed the proposed project on October 11, 2018, with favorable comments and direction to return for preliminary/final review approval after the hearing at the Montecito Planning Commission. To further ensure neighborhood compatibility, the project has been conditioned to receive final MBAR approval prior to the issuance of the Coastal Development Permit (Condition of Approval No. 3). As conditioned, the project is consistent with visual resource policies.</p>
<p>Coastal Plan Policy 3-13: <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p>Local Coastal Plan Policy 3-14: <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as</i></p>	<p>Consistent: No grading is proposed as part of the project and approximately 40 cubic yards of excavation and export will be required to construct the pool. The project involves the addition of a covered porch, interior and exterior remodel of an existing single-family dwelling, and renovated landscaping which would require minimal site preparation. No native vegetation or trees are proposed for removal. The County Flood Control District reviewed the proposed project and did not recommend any conditions of approval for the proposed project (Hansel Corsa, personal communication, October 19, 2018). There are</p>

<p><i>trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.</i></p>	<p>no known, unusual hazards that threaten the parcel which would preclude development of the project. The Coastal Development Permit would be subject to a condition of approval to require the applicant to comply with the terms of all reviewing agency condition letters (Condition of Approval No. 17). As conditioned, the project is consistent with these policies.</p>
<p>Coastal Plan Policy 3-19: <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p> <p>Montecito Community Plan Policy BIO-M-1.20: <i>Pollution of streams, sloughs, drainage channels, underground water basins, estuaries, the ocean and areas adjacent to such waters shall be minimized.</i></p>	<p>Consistent: Condition of Approval No. 10 would require the applicant to identify a designated washout area during construction where polluted water and materials can be contained for subsequent removal from the site. With no grading and minimal site preparation, no other water quality degradation is expected to occur as a result of the project. As conditioned, the project is consistent with these policies.</p>
<p>Montecito Community Plan Policy F-M-2.1: <i>The County shall cooperate with the Montecito Fire Protection District while reviewing Fire District requirements applied to ministerial and discretionary development projects regarding access, vegetation clearance, and improvements with the intent of protecting development from fire hazards while maintaining community character and quality of life and preventing adverse environmental impacts.</i></p>	<p>Consistent: The proposed project has been designed to meet all Montecito Fire Protection District requirements and will require final inspection before occupancy clearance for the dwelling. No change in access is proposed, as the project consists primarily of renovations to the existing residence.</p>
<p>Montecito Community Plan Policy AQ-M-1.3: <i>Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be</i></p>	<p>Consistent: Standard Air Pollution Control District dust control conditions of approval would be applied to the Coastal Development Permit, per the recommendations set forth in the Santa Barbara County Air Pollution</p>

<p><i>consistent with the Air Quality Attainment Plan and APCD guidelines.</i></p>	<p>Control District’s (APCD’s) condition letter (dated October 15, 2018) included with Attachment B to this staff report.</p>
<p>Montecito Community Plan Policy N-M-1.1: <i>Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.</i></p>	<p>Consistent: The proposed project would have the potential to create short-term construction related noise impacts. Therefore, the project has been conditioned to limit the hours of operation between 7:00 a.m. and 4:30 p.m., weekdays only (Condition of Approval No. 6).</p>
<p>Montecito Community Plan Policy N-M1.1.2: <i>Hours of construction. All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only.</i></p>	<p>The proposed generator is rated at 64 decibels at 7 meters (23 feet). It is proposed to be placed 10 meters (32 feet) from the property line, which will ensure that sound levels would be limited to less than 65 decibels at the property line.</p>

6.3 Ordinance Compliance

6.3.1 Section 35-71.1 – Purpose and Intent [E-1 Single-Family Residential zone district] states:

The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.

Compliant: The proposed project is located on a legally created 0.44-acre lot that is currently nonconforming as to size for the 1-E-1 zone district. The project would be consistent with the purpose and intent of the E-1 zone district, and would comply with all applicable requirements of the Coastal Zoning Ordinance, including building height and parking requirements.

6.3.2 Section 35-71.3.1 [Permitted Uses]

One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141.

Compliant: The proposed project is for renovations to an existing single-family dwelling on an existing legal lot of record that is shown as lot 19 of the 1887 Recorded Map (Rack 1, Map 3), known as the Tract Map of the Montecito Land Company, as depicted on Assessor's Map Book 009, page 35, County of Santa Barbara.

6.3.3 Section 35-71.6.1 [Minimum Lot Area]

Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum lot width and a minimum lot area, as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

<u>Zoning Symbol</u>	<u>Minimum Lot Size</u>	<u>Minimum Net Lot Width</u>
<i>1-E-1</i>	<i>1 acre (gross)</i>	<i>120 feet</i>

Section 35-71.6.2

A dwelling may be located upon a lot with less area than required in Section 35-71.6.1 unless such lot is a fraction lot.

Section 35-71.6.3

A dwelling may be located upon a lot with less width than required in Section 35-71.6.1.

Compliant: The proposed project is located on a 0.44-acre lot that was legally created. The parcel is shown as lot 19 of the 1887 Recorded Map (Rack 1, Map 3), known as the Tract Map of the Montecito Land Company, as depicted on Assessor's Map Book 009, page 35, County of Santa Barbara. As noted in Sections 35-71.6.2 and 35-71.6.3 of Article II, although the lot is less than 1 acre (gross) and is only 87.5 feet in width, the parcel's legal nonconforming status does not preclude the proposed project and would remain the case following project approval. The proposed project would not exacerbate the nonconforming aspects of the existing lot and development.

6.4 Design Review

The proposed project received conceptual review by the Montecito Board of Architectural Review on October 11, 2018, with favorable comments and direction to return for preliminary/final design review approval after approval at the Montecito Planning Commission. The applicant would be required to obtain MBAR preliminary and final approval prior to issuance of the Coastal Development Permit.

7.0 APPEALS PROCEDURE

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days following the date of the Montecito Planning Commission's decision by the applicant or an aggrieved person.

The decision of the Board of Supervisors may be appealed to the Coastal Commission within 10 working days from the date of receipt by the Commission of the County's notice of final action by the applicant, an aggrieved person, or any two members of the Coastal Commission.

Section 35-182.6 of Article II states that no appeal fee will be charged for any development within the Coastal Zone that is appealable to the Coastal Commission.

ATTACHMENTS

- A. Findings
- B. Draft CDP, with Conditions of Approval and Departmental Letters
- C. Environmental Document: Notice of Exemption
- D. MBAR Minutes
- E. Montecito Water District Letter
- F. Montecito Sanitary District
- G. Montecito Water District Pool Fill/Refill Application
- H. Reduced Plan Sheet