

MONTECITO PLANNING COMMISSION

Staff Report for Elliot Entry Gates

Hearing Date: June 21, 2006
Staff Report Date: June 9, 2006
Case No.: 06CUP-00000-00015

Deputy Director: Steve Chase
Division: Development Review, South
Staff Contact: Errin Briggs
Supervising Planner: Anne Almy
Phone #: 568-2047

Environmental Document:
Exempt CEQA Section 15303(e) [Appurtenant Structures]

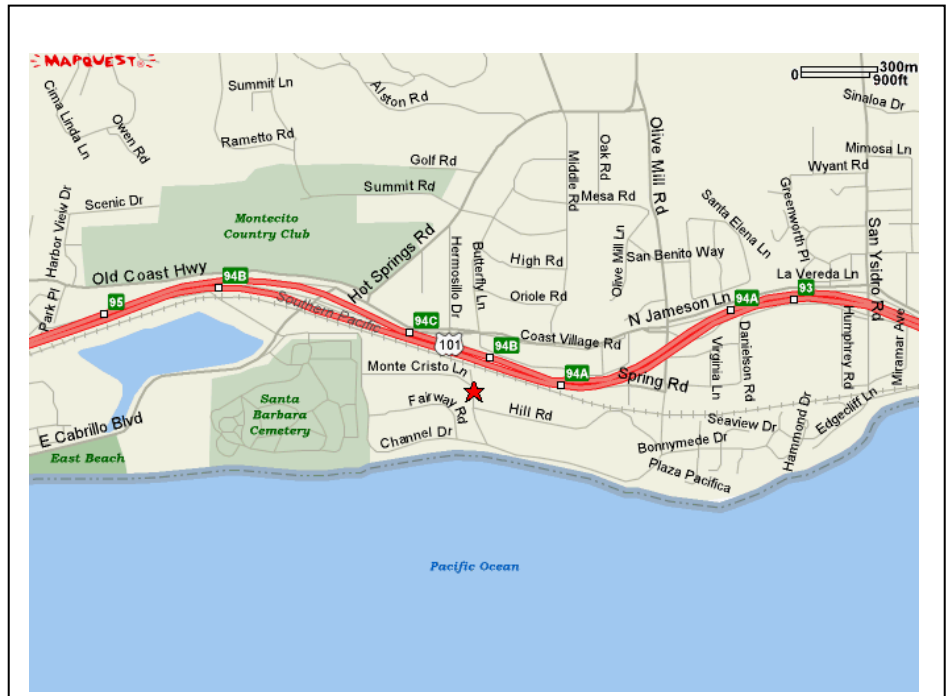
OWNER/APPLICANT:

Mr. & Mrs. Elliot
85 Butterfly Lane
Montecito, CA 93108

AGENT/ARCHITECT:

David Hobert
13043 Portola Way
Sylmar, CA 91342
(818) 523-6805

VICINITY MAP



This site is identified as Assessor Parcel Number 009-560-001, located approximately 100 yards south of the intersection of Highway 101 and Butterfly Lane, addressed as 85 Butterfly Lane, Montecito area, First Supervisorial District.

1.0 REQUEST

Hearing at the request of David Hobert, agent for the owner, to consider Case No. 06CUP-00000-00015 for a Minor Conditional Use Permit under Article II, §35-172.4.1, to authorize an unpermitted entry gate of greater than six feet in height located in the front yard setback, located in the 20-R-1 Zone District and to accept the California Environmental Quality Act (CEQA) Exemption pursuant to §15303(e) of the State CEQA Guidelines.

Application Filed: March 24, 2006
Application Complete: April 3, 2006
Processing Deadline: 60 days from Notice of Exemption

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 06CUP-00000-00015 marked "Officially Accepted, County of Santa Barbara June 21, 2006, Montecito Planning Commission Attachments A-E", based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community 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 the project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings, and;
2. Accept the Notice of Exemption pursuant to Section 15303(e) of the State CEQA Guidelines, included as Attachment B, and;
3. Approve the project, Case No. 06CUP-00000-00015 subject to the conditions of approval included as Attachment C.

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

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based on Section 35-172.3 of Article II, which states:

The Zoning Administrator (Montecito Planning Commission) shall have jurisdiction for all Minor Conditional Use Permits and the Planning Commission shall have jurisdiction for all Major Conditional Use Permits.

Pursuant to the Santa Barbara County Code, Chapter 2 Section 2-25.2(a), the Montecito Planning Commission shall assume the powers and duties given to the Zoning Administrator in Article II of Chapter 35 within the Montecito Planning Area. These provisions require that projects in the Montecito Planning Area be heard by the Montecito Planning Commission rather than the Zoning Administrator.

4.0 ISSUE SUMMARY

This CUP application was submitted in order to resolve an open building violation (Case No. 06BDV-00000-00014) filed on February 7, 2006. The issuance of this Minor CUP will formally

close the building violation and bring the existing gates into conformity with the County's Coastal Zoning Ordinance, Article II.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, Coastal, SRR-1.8 (Semi-rural, residential, 1.8 units per acre)
Ordinance, Zone District	Article II (Coastal Zoning Ordinance), 20-R-1, 20,000 square foot minimum parcel size
Site Size	Approximately 1 acre
Present Use & Development	Residential, Single-family dwelling
Surrounding Uses/Zoning	<i>North: Railroad and US 101</i> <i>South: Schools, Music Academy of the West</i> <i>East: Residential, 20-R-1</i> <i>West: Schools, Music Academy of the West</i>
Access	Private Drive via Butterfly Lane
Other Site Information	Entry gates would serve Condominium Complex
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire Department

5.2 Setting

The proposed project is located at 85 Butterfly Lane, a street south of the Union Pacific Railroad and east of The Music Academy of the West in the coastal area of Montecito. The surrounding neighborhood consists of lots ranging from 0.20 to several acres in size, typically single family homes and two condominium complexes. The Music Academy of the West is located directly south and west of the subject parcel. The subject lot fronts Butterfly Lane with several neighboring condominiums taking access from the subject entry gates via a private driveway.

5.3 Description

The request is for a Minor Conditional Use Permit to allow previously constructed 6-foot, 8-inch tall entry gates to a condominium complex. Access to two other condominiums would also be provided through the subject gates. The gates have a steel-tube frame and a rough cedar face. Three single-family dwellings (condominiums) of approximately 1,200 square feet currently exist on the property. Minimal grading was necessary to prepare the site for the construction of the gates. The

project site would continue to be served by the Montecito Water District, the Montecito Sanitary District and the Montecito Fire Department. Access would continue to be taken from Butterfly Lane.

5.4 Background Information

The project site is currently developed with a 1,200 square foot residence with attached garage. The structure was permitted in 1955 under Land Use Rider no. 272. This CUP application was submitted in order to resolve an open building violation (Case No. 06BDV-00000-00014) filed on February 7, 2006. The issuance of this Minor CUP will formally close the building violation and bring the existing gates into conformity with the County's Coastal Zoning Ordinance, Article II.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project can be found exempt from environmental review based upon Section 15303(e) of the California Environmental Quality Act (CEQA) guidelines. Section 15303(3) exempts the construction of small appurtenant structures such as fences, walls, and gates.

6.2 Ordinance Compliance

Per Article II, Section 35-172.4, all entry gates of greater than 6 feet in height, located in the front yard setback require a minor conditional use permit. With the approval of this CUP, the project would comply with all Article II zoning requirements.

6.3 Board of Architectural Review

The project was reviewed by the Montecito Board of Architectural Review (MBAR) on May 22, 2006 where it received positive comments. The MBAR directed the applicant to return for preliminary/final review upon project approval by the Montecito Planning Commission. See Attachment D for detailed minutes.

7.0 APPEALS PROCEDURE

- The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.
- The action of the Board of Supervisors may be appealed to the California Coastal Commission within ten (10) working days of receipt by the California Coastal Commission of the County's notice of final action.

ATTACHMENTS

- A. Findings
- B. Exemption
- C. Conditions of Approval
- D. BAR minutes dated May 22, 2006
- E. Site Plan

ATTACHMENT A: FINDINGS

Sec. 35-172.8. Findings Required for Approval.

A Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

- 1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.***

The proposal is for an entry gate of six feet, eight inches in height. The project site is comprised of several condominiums and is adequate for the proposed project.

- 2. That adverse environmental impacts are mitigated to the maximum extent feasible.***

There are no potential environmental impacts associated with the project.

- 3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.***

The proposal is for an entry gate of six feet, eight inches in height. The gate width and the surrounding street network are sufficient to serve traffic generated by the subject parcel. There is sufficient room for a car to safely drive through the gates from Butterfly Lane and park inside.

- 4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.***

Adequate services are in place to serve the proposed project. The site is currently served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Department. Access is taken from Butterfly Lane.

- 5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.***

The proposal is for an entry gate of six feet, eight inches in height. The proposed gate is compatible with the surrounding neighborhood and would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood.

- 6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.***

As discussed in sections 6.2, the proposed project would be consistent with the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, and the Article II zoning requirements. This CUP application was submitted in order to resolve an open building violation (Case No. 06BDV-00000-00014) filed on February 7, 2006. The issuance of this Minor CUP will formally close the building violation and bring the existing gates into conformity with the County's Coastal Zoning Ordinance, Article II.

7. ***That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.***

The project site is located within an urban area.

8. ***That the project will not conflict with any easements required for public access through, or public use of the property.***

The project would not conflict with any easements required for public access through the property as none exist. The condominium complex is private property and completely fenced and gated.

9. ***That the proposed use is not inconsistent with the intent of the zone district.***

The project site is located within the 20-R-1 zone district. Entry gates of six feet, eight inches in height are consistent with a residential use and therefore consistent with the intent of the 20-R-1 zone district.

**ATTACHMENT B
NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Errin Briggs, Development Review Division (South)

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.

Case Name/Title: Elliot Entry Gates APN: 009-560-001

Case No.: 06CUP-00000-00015

Location: Urban area, 85 Butterfly Lane, south of Highway 101 and north of Channel Drive

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: David Hobert

Status: (Check one)

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

Cite specific CEQA Guideline Section: 15303(e), New Construction or Conversion of Small Structures, including (e) accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences.

Reasons to support exemption finding: Section 15303(e) of the Guidelines for the implementation of CEQA exempts appurtenant structures, such as entry gates. No environmental impacts would be associated with the construction and placement of entry gates. 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 over 50 cubic yards or land alteration, and would not impact any biological or archaeological resources

Lead Agency Contact Person: Errin Briggs
Phone Number: 805-568-2047

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.

Date Filed by County Clerk: _____

ATTACHMENT C: CONDITIONS OF APPROVAL

Case No.: 06CUP-00000-00015
Project Name: Elliot Entry Gates
Project Address: 85 Butterfly Lane, Montecito
APN: 009-560-001

This permit is subject to compliance with the following conditions:

1. This Minor Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-E, dated June 21, 2006, 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:

The request is for a Minor Conditional Use Permit to allow previously constructed 6-foot, 8-inch tall entry gates to a condominium complex. Access to two other condominiums would also be provided through the subject gates. The gates have a steel-tube frame and a rough cedar face. Three single-family dwellings (condominiums) of approximately 1,200 square feet currently exist on the property. Minimal grading was necessary to prepare the site for the construction of the gates. The project site would continue to be served by the Montecito Water District, the Montecito Sanitary District and the Montecito Fire Department. Access would continue to be taken from Butterfly Lane.

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.

2. **Montecito Board of Architectural Review (MBAR):** Exterior elevations, colors, and materials to conform to that approved by the MBAR as part of 06BAR-00000-00092. Final MBAR review and approval shall be obtained prior to issuance of the Coastal Development Permit.

CONDITIONAL USE PERMIT CONDITIONS

3. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any CDP issued pursuant to this CUP shall expire upon expiration or revocation of the CUP.

4. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
5. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.

STANDARD CONDITIONS

6. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Building Permit from Planning and Development. This Permit is required by ordinance and is necessary to ensure implementation of the conditions required under the Conditional Use Permit.
7. **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 Land Use 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. **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.