

**SANTA BARBARA COUNTY ZONING ADMINISTRATOR**  
**Staff Report for Enea Properties New Single-family Dwelling, Lot 31**

**Hearing Date:** November 27, 2006

**Supervisorial District:** Third

**Staff Report Date:** November 17, 2006

**Staff:** D. Gullett

**Case Nos.:** 06MOD-00000-00009 / 06CDH-00000-00024

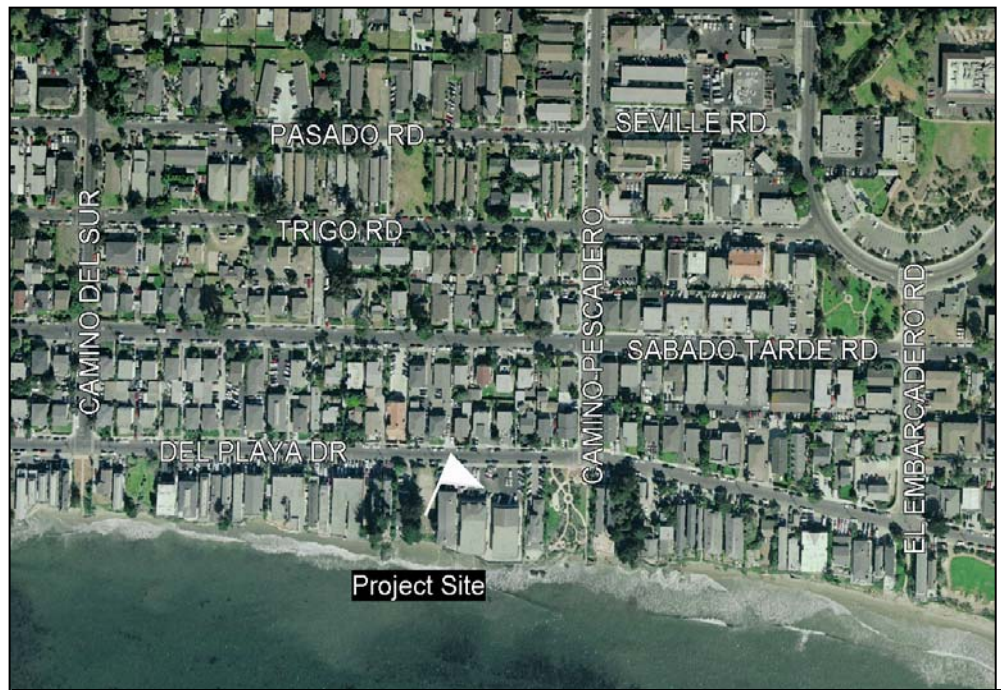
**Phone #:** (805) 568-2002

**Environmental Document:** CEQA Exempt per CEQA Guidelines Sections 15303 (a) & 15305 (a)

**OWNER/APPLICANT**  
Enea Properties Co. LLC  
190 Hartz Ave. Ste 260  
Danville, CA 94526

**ARCHITECT**  
Robert A. Wolf  
1650A Solano Ave  
Albany, CA 94706

**ENGINEER**  
Richard P. Cousineau  
505 Alegria Rd.  
Santa Barbara, CA 93105



Assessor Parcel Number 075-202-037 (portion), located on the Coastal Bluff, 6631 Del Playa Drive, Isla Vista, Third Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Enea Properties Co. LLC, owner, to consider the following [application filed on May 15, 2006]:

a) **06MOD-00000-00009** for a Modification from the setback regulations under the provisions of the SR-M-8 Zone District under Article II to allow a reduction of the side yard setbacks to 3 feet 9.5 inches for the garage instead of the required 5 feet;

b) **06CDH-00000-00024** for approval for a Coastal Development Permit under Section 35-169.5 in the SR-M-8 Zone District of Article II to allow construction of a new 2,718 square foot single family dwelling and 340 square foot attached garage;

And to accept the Exemption pursuant to Sections 15303(a) and 15305(a) of the State Guidelines for Implementation of the California Environmental Quality Act. The property is identified as AP No. 075-202-037, located at 6631 Del Playa Drive in the Isla Vista area, Third Supervisorial District.

Application Filed: May 15, 2006  
Application Complete: June 14, 2006  
Processing Deadline: 60 days from Notice of Exemption

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case Nos. 06MOD-00000-00009 & 06CDH-00000-00024 marked "Officially Accepted, County of Santa Barbara November 27, 2006 Zoning Administrator Exhibit 1," based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, and based on the ability to make the required findings.

The Zoning Administrator's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Accept the exemption, included as Attachment B pursuant to CEQA Sections 15303(a) & 15305(a) of the State CEQA Guidelines.
3. Approve the setback Modification (06MOD-00000-00009) subject to the conditions of approval included as Attachment C.
4. Approve the Coastal Development Permit (06CDH-00000-00024) subject to the conditions of approval included as Attachment D.

Refer to staff if the Zoning Administrator takes other than the recommended action for appropriate findings and conditions.

## **3.0 JURISDICTION**

The proposed setback Modification is being considered by the Zoning Administrator based upon Section 35-173.3 of Article II (Coastal Zoning Ordinance), which states: "*Upon making the findings required under this section, the Zoning Administrator may approve or conditionally approve Modifications to the regulations applicable to physical standards for land, buildings, and structures contained in this Article.*"

The proposed Coastal Development Permit is being considered by the Zoning Administrator based upon Section 35-169.5(3) (Special Processing for Coastal Development Permits within a Geographic Appeals Area) of Article II, which states, "*The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request.*"

## 4.0 ISSUE SUMMARY

The application for a Coastal Development Permit consists of a proposal to construct an approximately 2,718 square foot single-family dwelling with a 340 square foot attached garage. The applicant is also requesting a Modification from the side yard setback requirements to allow the garage to encroach 1 foot 2.5 inches into each side yard setback.

### *Constrained Lot & Modification Request*

The subject lot is approximately 25 feet wide, as are many parcels along Del Playa Drive. The narrow width of the lot limits the designs for new residences on this parcel, and also presents constraints on locating parking.

The total minimum width of an area allotted for two parking spaces meeting standards outlined in Section 35-114 of Article II (Coastal Zoning Ordinance) would be 16.5 feet (8.5 ft for the standard space+ 8 ft for allowed compact car space). The minimum side yard setback for the SR-M district is five feet from the property line. Therefore, a garage providing ordinance-standard parking spaces would be located within the required side yard setbacks on a 25 foot wide lot. The requested Modification would allow for a 9 inch encroachment for each covered parking space, as well as an additional 5.5 inches to accommodate the depth of each wall of the garage.

### *Coastal Bluff Location*

The project site is on a coastal bluff, and the proposed new residence is sited approximately 37.5 feet from the top of the bluff to protect against future bluff erosion, in compliance with Coastal Land Use Plan Policy 3-4.

The proposed development would be visible from beaches in the vicinity but would not significantly obstruct public views of the mountains due to the elevation of the site and the surrounding development.

There is no current beach access from the subject property and no public access easements on this property. Public access to the beach is available via the Camino Pescadero Park public access stairway located approximately 350 feet east of the project site.

### *Tree Protection*

Because the driplines from three monterey cypress trees extend onto Lot 31 from the adjacent parcel (6637 Del Playa), a Tree Protection Plan was required to minimize adverse effects of grading and construction activities. CDP Conditions 13 and 14 require compliance monitoring to ensure proper implementation of the Tree Protection Plan.

### *Isla Vista Tract Lot 32*

A nearly-identical project is concurrently being processed on the adjacent parcel to the east (Lot 32) under Case Numbers 06MOD-00000-00010 and 06CDH-00000-00025.

Staff has worked with the applicants to ensure this project is consistent with Comprehensive Plan policies, including the Coastal Land Use Plan and the Goleta Community Plan, as well as the provisions of Article II (Coastal Zoning Ordinance).

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<u>Site Information</u>	
Coastal Land Use Plan Designation	Coastal Zone, California Coastal Commission Appeal Jurisdiction, Urban Area, Residential, Maximum density: eight dwelling units per acre
Ordinance, Zoning District	Article II Coastal Zoning Ordinance, SR-M-8 Zoning District (Medium Density Student Residential; Maximum Density: eight dwelling units per acre)
Site Size	5916 square feet (Lot 31)
Present Use & Development	Vacant
Surrounding Uses/Zoning	<i>North:</i> Student Residential, SR-M-18 <i>South:</i> Pacific Ocean <i>East:</i> Vacant, SR-M-8 <i>West:</i> Student Residential, SR-M-8
Access	Del Playa Drive
Other Site Information	Design Control Overlay
Public Services	Water Supply: Goleta Water District Sewage: Goleta West Sanitary District Fire: County Fire Protection District

### 5.2 Background Information

The subject lot was legally created as Lot 31 in Block B of the Isla Vista Tract map recorded on November 10, 1926 in County Survey Map Book 15, pages 81-83.

The County purchased the fee title to the subject property in 1991 for open space and recreation. This lot was declared as surplus real property on March 22, 2005. It is currently vacant and, along with Lot 32, used as a sand volleyball court.

### 5.3 Project Description

The proposed project is for a Coastal Development Permit with a Hearing to allow construction of an approximately 2,718 square foot single-family dwelling and a 340 square foot attached garage. The average height of the structure would be 22 feet 9 inches. A Modification to the required side yard setbacks is also proposed. This Modification would reduce each side yard setback to 3 feet 9.5 inches from the required 5 feet to allow construction of an attached garage to provide two covered parking spaces. Proposed grading includes approximately 224 cubic yards of cut and 224 cubic yards of fill to prepare the proposed project site for development. No trees are proposed for removal. The project would be served by the Goleta Water District and the Goleta Sanitary District and the Santa Barbara County Fire Department. Access would be provided by a private driveway from Del Playa Drive. Two covered parking spaces and two uncovered parking spaces would provide the required automobile parking and the spaces would be set back five feet or more from right-of-way line of Del Playa. Three enclosed bicycle parking spaces are proposed inside the garage and three unenclosed bicycle parking spaces are proposed at the rear of the dwelling.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The project may be found exempt from environmental review pursuant to Sections 15303(a) and 15305(a) of the State CEQA Guidelines. Section 15303(a) grants a categorical exemption for new construction of one to three single-family residences in an urban residential zone. Section 15305(a) exempts minor alterations in land use limitations, such as modifications in areas with an average slope of less than 20%, which do not result in any changes in land use density. The project site has an average slope of less than 20% and the granting of the Modification would not result in a change in the allowable land use density of the site as set forth in the SR-M Zone District of Article II (Coastal Zoning Ordinance).

### 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>Coastal Plan Policy 2-4: 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>	<b>Consistent.</b> The site has adequate access directly from Del Playa Drive, a public road. Area roadways are adequate to accommodate increased traffic resulting from the project (i.e. one peak hour trip and 10 average daily trips). The Goleta Water District and Goleta West Sanitary District have stated intent to serve the project site.
<b>Coastal Plan Policy 2-6:</b> <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the</i>	<b>Consistent.</b> Adequate public or private services and resources are available to serve the proposed development. The Goleta Water District, Goleta West Sanitary District, and the Santa Barbara

<p><i>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 otherwise indicated in the land use plan. Where an affordable housing project is proposed pursuant to the Affordable Housing Overlay regulations, special needs housing or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this policy if the project has, or is conditioned to obtain all necessary can-and-will-serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits.</i></p>	<p>County Fire District would serve the proposed project. Vehicular access would be provided by Del Playa Drive. No affordable housing is required and the parcel does not lie within the Affordable Housing Overlay District.</p>
<p><b>Coastal Plan Policy 3-4:</b> <i>In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback.</i></p>	<p><b>Consistent.</b> Licensed Engineering Geologist Richard Cousineau reviewed the site in 2006, estimated an average bluff retreat rate of 0.5 feet per year and determined that a 37.5 foot setback from the bluff top would be appropriate to be safe from the threat of bluff erosion for a minimum of 75 years. The county's contracting geologist, Fugro West, concurred with Mr. Cousineau's determination and a 37.5 foot setback from the top of bluff is incorporated in the proposed project.</p>
<p><b>Coastal Plan Policy 3-5:</b> <i>Within the required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.</i></p>	<p><b>Consistent.</b> The proposed landscape plan includes drought-tolerant plants within the blufftop setback area (e.g. ceanothus, California mugwort, sea lavender). Sheet L-1 prepared by Landscape Architect Charles McClure graphically depicts site drainage away from the bluff. No development or activities for the project are proposed beyond the required blufftop setback.</p>

<p><b>Coastal Plan Policy 3-6:</b> <i>Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.</i></p>	
<p><b>Coastal Plan Policy 3-13:</b> <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><b>Coastal Plan Policy 3-14:</b> <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 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><b>Consistent.</b> The proposed project includes a 75 year bluff retreat setback to minimize geologic hazards. The proposed grading represents minimization of cut and fill for the development. The project site contains one to two percent slopes and the total proposed grading quantities are 224 cubic yards of cut and fill balanced on site. No native vegetation is proposed to be removed.</p>
<p><b>Coastal Plan Policy 4-4:</b> <i>In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</i></p>	<p><b>Consistent.</b> At approximately 2,718 square feet with a 340 square foot attached garage in the beachside vernacular style, the proposed structure would conform with the scale and character of existing structures along this portion of Del Playa, which vary from 1,000 square foot single family dwellings to larger apartment complexes.</p>
<p><b>Goleta Community Plan Policy VIS-GV-1:</b> <i>The County shall, through its discretionary and design review process, ensure the maintenance and where necessary the improvement of the quality in the design and landscaping of industrial, commercial, institutional, and residential facilities.</i></p> <p><b>Goleta Community Plan Architectural Design Standards II:</b> <i>Site layout shall be designed to respect and enhance adjacent neighborhood areas.</i></p>	<p><b>Consistent.</b> The proposed project is subject to design review as it is located on a lot adjacent to the sea. The project was reviewed on two separate occasions by the South County Board of Architectural Review and received preliminary approval, as required with the zoning modification request on October 27, 2006.</p>
<p><b>Coastal Plan Policy 4-5:</b> <i>In addition to that required for safety (see Policy 3-4), further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structure shall be set back</i></p>	<p><b>Consistent.</b> The proposed development would be visible from beaches in the vicinity but would not significantly obstruct public views from the beach due to the elevation of the bluff and the location of surrounding development. The proposed structure</p>

<p><i>from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.</i></p>	<p>is located no closer to the bluff edge than adjacent structures at 6637 and 6625 Del Playa Drive.</p>
<p><b>Goleta Community Plan Policy FIRE-GV-4:</b>  <i>Emergency access shall be a consideration in the siting and design of all development.</i></p>	<p><b>Consistent.</b> In some cases, modified side yard setbacks make it difficult for firefighters and equipment to access residential structures. However, the County of Santa Barbara's Fire Department has reviewed the proposed plans and determined that a 3 foot 9.5 inch setback in this case is acceptable as sufficient access to structures is available from Del Playa Drive.</p>
<p><b>DevStd BIO-GV-16.3:</b> <i>Where trees may be impacted by new development, a Tree Protection Plan may be required where either the project site contains native or other biologically valuable trees (e.g., oaks, willows, sycamores, cottonwoods, cypress, eucalyptus,) or where such trees on adjacent properties have drip lines which reach onto the project site. The requirement for a Tree Protection Plan may be modified or deleted where it can be found that no trees (proposed to be retained) would be potentially damaged by the project activities. This decision shall be based on the location of trees and the project's potential to directly or indirectly damage trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property. The Tree Protection Plan shall be developed at the applicant's expense and should be prepared by a County approved arborist/biologist as determined to be necessary by the County. The plan must be approved by P&amp;D prior to issuance of a CDP or LUP. The plan shall be included on all grading and building plans. The County's standard Tree Protection Plan is included in the Standard Mitigation Measures/Standard Conditions Manual.</i></p>	<p><b>Consistent:</b> Three mature, biologically valuable trees (48", 13", and 36" monterey cypress) located on the parcel immediately west of Lot 31, (known as 6637 Del Playa Drive) have driplines which reach onto the project site. A Tree Protection Plan submitted by the applicant has been reviewed and approved by P&amp;D. The Tree Protection Plan shall be included with all grading and building plans (CDP Condition 13).</p>
<p><b>Goleta Community Plan Policy HA-GV-1:</b>  <i>Significant cultural, archaeological resources in the Goleta area shall be protected and preserved</i></p>	<p><b>Consistent.</b> Although coastal bluff areas in the Goleta area are known to contain archaeological resources. No such resources are known to be</p>



<p><i>to the maximum extent feasible.</i></p>	<p>present on the subject parcel. In the event that archaeological resources are discovered on the site during construction, the project is conditioned to protect and preserve those resources (CDP Condition 9).</p>
<p><b>Goleta Community Plan Policy RRC-GV-3:</b>  <i>Recycling bins shall be provided at all construction sites to minimize construction-generated waste that goes into the landfill.</i></p>	<p><b>Consistent:</b> Recycling bins are required on site during construction (CDP Condition 5).</p>
<p><b>Goleta Community Plan Policy AQ-GV-1:</b>  <i>The County shall impose appropriate restrictions and control measures upon construction activities associated with each future development project, in order to avoid significant deterioration of air quality.</i></p>	<p><b>Consistent:</b> The project is conditioned to minimize air quality affects from fugitive dust and emissions during construction (CDP Condition 7).</p>
<p><b>Noise Element &amp; Goleta Community Plan Policy N-GV-1:</b> <i>Noise sensitive uses shall be protected from significant noise impacts.</i></p>	<p><b>Consistent.</b> The construction of the proposed project has the potential to create short-term noise impacts on the surrounding neighborhood. To minimize the potential affects the project has been conditioned such that the hours and days of construction are limited (CDP Condition 10).</p>

## 6.3 Ordinance Compliance

### 6.3.1 Compliance with Ordinance Requirements

#### *SR-M Intent & Purpose*

As stated in Sec. 35-76 of the Article II Zoning Ordinance, the intent and purpose of the SR-M zoning district is to “*provide for residential development which is unique to a student-oriented community. The intent is to provide for multiple residential development at moderate densities to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety and to encourage combining substandard lots to allow for a more efficient utilization of space.*” As a single-family style house that provides off-street parking, the proposed new SFD is consistent with the intent and purpose of the SR-M Zone District.

#### *Bedroom Density*

Section 35-76.7 of Article II (Coastal Zoning Ordinance) states: “*There shall be not more than one bedroom for each 2,500 square feet of net lot area, provided however, that each lot is permitted at least three bedrooms.*” The net lot area for this parcel is less than 7,500 square feet and the proposed new residence, consistent with Section 35-76.7, provides three bedrooms.

### *Parking*

Section 35-76.11 of Article II states: “*a unit or units with a total of three bedrooms on any lot smaller than 7,500 net square feet shall require a total of four parking spaces...*” Four parking spaces are provided: two in the garage, and two located tandem behind the garage spaces. The proposed bedroom area of the three bedrooms exceeds the allowable total area by less 80 square feet, thus no additional parking is required. Tandem parking is allowed on lots of 25 feet or less in width, per Section 35-76.11.3 of Article II (Coastal Zoning Ordinance). All parking spaces are consistent with the size requirements of Article II, Section 35-114.

Section 35-76.12 of Article II (Coastal Zoning Ordinance) states: “*All development within this district shall provide one unenclosed and one enclosed, permanently maintained, and secure bicycle storage space for each bedroom...within the development.*” Three enclosed bicycle parking spaces are proposed inside the garage and three unenclosed bicycle parking spaces are proposed in the rear of the structure.

### *Other Requirements*

Section 35-76.13 of Article II requires “*not less than 15 percent of the net lot area shall be devoted to landscaping.*” The submitted landscape plan includes proposed landscaping over an area greater than 15 percent of the net lot area. CDP Condition 12 requires that the landscaping be installed and permanently maintained in accordance to the approved landscape plan.

Section 35-67(1) of Article II requires that “*above-ground structures be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years...*” An engineering geology study on the site was performed by licensed geologist Richard Cousineau in 2006 that estimated the annual seacliff retreat as 0.5 feet per year and thus recommended a setback of 37.5 feet from the existing top of bluff for a 75-year design period. The proposed single-family dwelling is sited 37.5 feet from the geologic top-of-bank.

Section 35-67(2) of Article II requires that “*all surface water be directed away from the top of bluff...*” All surface drainage is proposed to be directed toward Del Playa Drive, away from the coastal bluff.

The proposed mean height of the new residence is 22 feet 9 inches, less than 25 foot height maximum. The proposed structure is in conformance with all required setbacks with the exception of the encroachment of the garage into the side yard setbacks, which would be permissible with approval of the requested Modification.

### **6.3.2 Requested Modification of the Zoning Ordinance**

Section 35-179.1 provides the purpose and intent of a modification of the Article II Zoning Ordinance:

*The purpose and intent of this Section is to allow minor modifications of District setback regulations, parking, height requirements or zoning development standards where, because of practical difficulties, integrity of design, topography, tree or habitat protection or other similar site conditions, minor adjustments to such regulations, requirements, or standards would result in better design, resource protection and land use planning.*

The project, including the proposed modification of side yard setbacks, was granted preliminary approval at the October 27, 2006 South County Board of Architectural Review (SBAR) meeting after SBAR made the finding that the modification was minor in nature and would result in better architectural design. The project is consistent with Section 35-179.2 of Article II, which permits modifications of the zoning ordinance to allow side yard setback area to be reduced by up to 20% of the minimum setback area required by ordinance. In this case, an encroachment of 1 foot 2.5 inches into each of the side yard setbacks (approximately 52 square feet total of garage space), which is less than 6% of the approximately 880 square feet (5 feet x 176 feet) of the side yard setback area adjacent to the proposed structure on the lot.

The requested modified side yard setback would not conflict with the intent and purpose or any other provision of the Article II Zoning Ordinance. As discussed above, Modifications are allowed under prescribed circumstances in all districts.

## **6.5 Board of Architectural Review**

After making the finding that the proposed setback modification was minor in nature and would result in better architectural design, the South County Board of Architectural Review granted preliminary approval to the project including the proposed setback modification on October 27, 2006 and requested that the applicant return for Final Approval on consent.

## **6.9 Development Impact Mitigation Fees**

A series of ordinances and resolutions adopted by the County Board of Supervisors require the payment various development impact mitigation fees. This project is subject to the fees as shown in the following table. The amounts shown are estimates only. The actual amounts will be calculated in accordance with the fee resolutions in effect when the fees are paid.

The developer of a project that is required to pay development impact mitigation fees may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees based on the absence of a reasonable relationship between the impacts of the proposed project and the fee

category for which fees have been assessed. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For a discretionary project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project.

<b>Estimated Goleta Development Plan Impact Mitigation Fees</b>			
<b>Fee Program</b>	<b>Base Fee (per unit or per sf)</b>	<b>Estimated Fee</b>	<b>Fee due at</b>
Recreation (Parks) Develop. Mitigation	\$9,070 per unit	\$9,070	Final Inspection
Transportation	\$11,735.00 per unit	\$11,735.00	CDP Issuance
Fire			
Countywide (\$0.20/sf)	\$0.20 per sf	\$611.60	Final Inspection
Goleta Area	\$664.00 per unit	\$664.00	Final Inspection
Library	\$374.00 per unit	\$374.00	Final Inspection
Public Administration	\$1,596.00 per unit	\$1,596.00	Final Inspection
Sheriff	\$427.00per unit	\$427.00	Final Inspection

## **7.0 APPEALS PROCEDURE**

The action of the Zoning Administrator may be appealed to the Planning Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission. The appeal must be filed within ten (10) calendar days following the date of the Zoning Administrator's decision.

The action of the Planning Commission may be appealed to the Board of Supervisors by the applicant, an aggrieved person, or any two members of the Coastal Commission. The appeal must be filed with the Clerk of the Board of Supervisors within ten (10) working days following the date of the Planning Commission's decision.

Action by the Board of Supervisors may be appealed to the California Coastal Commission within ten (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.

## **ATTACHMENTS**

- A. Findings
- B. CEQA Exemption
- C. 06MOD-00000-00009 Conditions of Approval

Enea Properties New Single-family Dwelling, Lot 31  
Case #: 06MOD-00000-00009 / 06CDH-00000-00024  
Hearing Date: November 27, 2006  
Page 13

D. 06CDH-00000-00024 Conditions of Approval with attached Departmental letters

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

The project is exempt from environmental review pursuant to Sections 15303(a) [New Construction] and 15305(a) [Minor Alterations in Land Use Limitations] of the State CEQA Guidelines. See Attachment B for further discussion of the applicability of these exemptions.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 Pursuant to Section 35-179.6 of Article II (Coastal Zoning Ordinance), a Modification shall only be approved if all the following findings are made:**

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

The proposed Modification is for a reduction of each side yard setback for the attached garage portion of a new single-family dwelling. The proposed development of the site is consistent with the Goleta Community Plan and the Coastal Land Use Plan, as discussed in Section 6.2 of this staff report.

##### ***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 proposed Modification to the side yard setbacks would not create a use or development that is in conflict with the purpose, intent or provisions of the SR-M district, as discussed in Section 6.3 of this staff report. The proposed single-family dwelling is a permitted and allowable use on the subject parcel, zoned SR-M (Medium Density Student Residential) per Article II (Coastal Zoning Ordinance).

##### ***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 proposed garage to encroach into each side yard setback 1 foot 2.5 inches for a total encroachment of 2 feet 5 inches into the side yard setbacks. The South County Board of Architectural Review granted the project preliminary approval at the October 27, 2006 hearing.

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

The proposed project, including the reduced side yard setbacks is compatible with the neighborhood and would not create an adverse impact to the community character, aesthetics, or public views. It is similar in size, scale, general appearance and function to

the residential uses. Setback modifications have been granted to multiple other developments in the vicinity to allow construction of two-car garages on 25-foot-wide lots.

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

The proposed modification would not reduce the required amount of parking. As proposed, the project meets the standards for the minimum amount of parking required by ordinance (four spaces).

***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 project would not adversely affect physical access, light or solar exposure on or off-site. Except for the short-term construction noise, the residential use would not significantly contribute to ambient noise levels in the area. Adequate ventilation on and off-site would also be maintained.

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

The proposed project would not result in any adverse environmental impacts and is exempt from environmental review per State CEQA Guidelines Sections 15303(a) & 15305(a). No designated environmentally sensitive habitat exists on or near the site, and required bluff setbacks are observed.

**2.2 Pursuant to Section 35-169.6 of Article II (Coastal Zoning Ordinance), a Coastal Development Permit shall only be approved if all of the following Findings are made:**

***2.2.1 The proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.***

The proposed development conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, and the proposed development is consistent with all provisions of Article II (Coastal Zoning Ordinance), as discussed in Sections 6.2 and 6.3 of this staff report.

***2.2.2 That the proposed development is located on a legally created lot.***

The existing lot was legally created as Lot 31 of the Isla Vista Tract, recorded in 1925 in Recorder's Map Book 15, pages 81-83.

***2.2.3 That the subject 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 such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under § 35-160 et seq.***

The proposed single family dwelling meets front yard, side yard, and bluff set back requirements (not including the modified side yard setbacks concurrently requested for the garage), height limitations, and all other applicable provisions of Article II (Coastal Zoning Ordinance), as discussed in Section 6.3 of this staff report. No open zoning violations exist on the property.

***2.2.4 That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.***

Although public views to the Channel Islands from Del Playa Drive would be partially obstructed by the proposed project, this obstruction is not considered significant due to the urban setting, the physical attributes of the site, and the projects compatibility with surrounding uses. The proposed development would also be visible from beaches in the vicinity but would not significantly obstruct public views of the mountains due to the elevation of the site and the surrounding development. Therefore, this finding may be made.

***2.2.5 That the development is compatible with the established physical scale of the area.***

As discussed in Section 6.2 of this report, the proposed residence is compatible with the established physical scale of the area. At approximately 2,718 square feet with a 340 square foot attached garage, the proposed structure is within the range of sizes for structures along this portion of Del Playa, which vary from 1,000 square foot single family dwellings to larger apartment complexes. Therefore, this finding can be made.

***2.2.6 That the development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan.***

The subject property is located on a coastal bluff property. However, the proposed project will not impact public access or cause conflict with any recreation policies of the Coastal Land Use Plan. This lot was County-owned land and served as public open space and has been used as a sand volleyball court. It was deemed as surplus property by the County and sold to the current owner. It is now private property. There is no current



beach access from the subject property and no public access easements on this property. Public access to the beach is available via the Camino Pescadero Park public access stairway located approximately 350 feet east of the project site.

**2.3 Pursuant to Section 35-192.2 of Article II (Coastal Zoning Ordinance), a Coastal Development Permit shall only be approved if the following Finding is made:**

*2.3.1 In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 (Permit Procedures) of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Goleta Community Plan of the Land Use Element of the Comprehensive Plan.*

The proposed Modification is for a new-single family dwelling with a reduction of side yard setbacks for the attached garage portion of the structure. The proposed use and development of the site is consistent with the Coastal Land Use Plan and the goals, policies and development standards of the Goleta Community Plan, as discussed in Section 6.2 of this staff report.

## **ATTACHMENT B: ENVIRONMENTAL DOCUMENT**

TO: Zoning Administrator

FROM: Planning and Development Department

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(s) 075-202-037

Case Nos.:06CDH-00000-00024/06MOD-00000-00009

Location: The project site is located on the ocean side of Del Playa Drive on Lot 31 of the Isla Vista Tract, known as 6631 Del Playa Drive, in the Goleta Community Plan area.

Project Title: Enea Properties New Single-family Dwelling Lot 31

Project Description:

**The proposed project is for a Coastal Development Permit with a Hearing to allow construction of an approximately 2,718 square foot single-family dwelling and a 340 square foot attached garage. The average height of the structure would be 22 feet 9 inches. A Modification to the required side yard setbacks is also proposed. This Modification would reduce each side yard setback to 3 feet 9.5 inches from the required 5 feet to allow construction of an attached garage to provide two covered parking spaces. Proposed grading includes approximately 224 cubic yards of cut and 224 cubic yards of fill to prepare the proposed project site for development. No trees are proposed for removal. The project would be served by the Goleta Water District and the Goleta Sanitary District and the Santa Barbara County Fire Department. Access would be provided by a private driveway from Del Playa Drive. Two covered parking spaces and two uncovered parking spaces would provide the required automobile parking and the spaces would be set back five feet or more from right-of-way line of Del Playa. Three enclosed bicycle parking spaces are proposed inside the garage and three unenclosed bicycle parking spaces are proposed at the rear of the dwelling.**

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Enea Properties Co. LLC.

Exempt Status: (Check one)

Ministerial

Statutory Exemption

Categorical Exemptions [15303(a), 15305(a)]

Emergency Project

Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section:

§15303(a): This section of CEQA exempts the construction of new, small facilities or structures including accessory structures such as fences.

Reasons to support exemption findings:

Section 15303(a) provides a categorical exemption for new construction of up to three single-family residences in an urbanized residential zone. Section 15305(a) exempts minor alterations in land use limitations such as side yard setback variances and modifications in areas with an average slope of less than 20% and which do not result in any changes in land use density. The project site has an average slope of less than 20% and the granting of the Modification would not result in a change in land use density beyond what is allowed within the Article II SR-M-8 Zone District. Neither the granting of the modification to side yard setbacks nor construction of the new residence has the potential to substantially affect sensitive species or important habitat, or generate additional unanticipated traffic to the surrounding area.

There are no known geological hazards, flood hazards or archeological resources on the project site. There are no Environmentally Sensitive Habitat areas on or adjacent to the site, and the proposed new residence is visually compatible with surrounding development. The existing structures are not of historical significance to warrant preservation. The project site would be served by the Goleta Water District, the Goleta West Sanitary District, and the Santa Barbara County Fire Department.

Lead Agency Contact Person: Dan Gullett

Phone #: (805)568-2002

Department/Division Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Acceptance Date: November 15, 2006

**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

Date Filed by County Clerk

## **ATTACHMENT C: 06MOD-00000-00009 Conditions of Approval**

1. This Modification is based upon and limited to compliance with the project description, the hearing exhibits marked County of Santa Barbara Zoning Administrator Exhibit #1, dated November 27, 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 shall constitute a violation of permit approval.

The project description is as follows:

**The proposed Modification would allow a garage associated with a new 2,718 square foot single family dwelling (permitted by 06CDH-00000-00024) to encroach into the side yard setback by 1 foot 2.5 inches on both sides, reducing the setback to 3 feet 9.5 inches. The project site would be served by the Goleta Water District, the Goleta Sanitary District, and the Santa Barbara County Fire Department. Access is provided from Del Playa Drive.**

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. 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 Board of Supervisors.
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 renewals under §35-179.7 of the Article II Zoning Ordinance must be applied for prior to expiration of the Modification.

## **ATTACHMENT D: 06CDH-00000-00024 Conditions of Approval**

### PROJECT SPECIFIC CONDITIONS

Case #: 06CDH-00000-00024

Project Name: Enea Properties Single-family Dwelling Lot 31

Project Address: 6631 Del Playa Drive

APN: 075-202-037

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the project plans dated November 27, 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 proposed project is for a Coastal Development Permit with a Hearing to allow construction of an approximately 2,718 square foot single-family dwelling and a 340 square foot attached garage. The average height of the structure would be 22 feet 9 inches. A Modification to the required side yard setbacks is also proposed. This Modification would reduce each side yard setback to 3 feet 9.5 inches from the required 5 feet to allow construction of an attached garage to provide two covered parking spaces. Proposed grading includes approximately 224 cubic yards of cut and 224 cubic yards of fill to prepare the proposed project site for development. No trees are proposed for removal. The project would be served by the Goleta Water District and the Goleta Sanitary District and the Santa Barbara County Fire Department. Access would be provided by a private driveway from Del Playa Drive. Two covered parking spaces and two uncovered parking spaces would provide the required automobile parking and the spaces would be set back five feet or more from right-of-way line of Del Playa. Three enclosed bicycle parking spaces are proposed inside the garage and three unenclosed bicycle parking spaces are proposed at the rear of the dwelling.**

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. Compliance with the following departmental condition letters:
  - a. Santa Barbara County Fire Department: June 16, 2006
  - b. Santa Barbara County Air Pollution Control District: May 25, 2006
  - c. Santa Barbara County Parks Department, November 15, 2006
3. Prior to issuance of this Coastal Development Permit, the applicant shall obtain final approval from the Board of Architectural Review (BAR). The project shall be in conformance with plans as approved in 06CDH-00000-00025 and 06BAR-00000-00180.
4. Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinances and resolutions in effect when paid.
5. Excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan.
6. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as necessary. **Plan Requirements and Timing:** Prior to Coastal Development Permit issuance, applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.
7. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below:
  - a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. **Plan Requirements:** All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Planning & Development staff shall monitor the site throughout grading and construction.

9. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements:** This condition shall be printed on all building and grading plans.
10. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 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:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to the beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** P&D staff shall spot check and respond to complaints.
11. The attached garage shall be maintained for parking only; no storage or other use of the garage shall preclude the usage of these spaces for parking. A Notice to Property Owner (NTPO) shall be recorded stating this condition. **Plan Requirements:** The NTPO shall be recorded prior to issuance of the Coastal Development Permit.
12. The landscape plan approved under 06BAR-00000-00180 shall be established and maintained for the life of the project.
13. In order to protect trees on the adjacent property (6637 Del Playa Drive) by minimizing adverse effects of grading and construction activity, the applicant shall implement the approved Tree Protection Plan. **MONITORING:** P&D Permit Compliance shall conduct site inspections to ensure compliance during grading and construction.
14. Prior to issuance of this Coastal Development Permit, the applicant shall submit an additional plan set, including a landscape plan and Tree Protection Plan and a deposit fee for a non-complex permit compliance application for monitoring of Condition 13.

## STANDARD APPEALABLE COASTAL DEVELOPMENT PERMIT CONDITIONS



15. **Noncompliance** If the Zoning Administrator determines at a noticed public hearing that the permittee is not in compliance with any conditions of this permit pursuant to the provisions of Section 35-169.9 of Article II of the Santa Barbara County Code, the Zoning Administrator may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.
16. **Acceptance of Conditions** 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.
17. **Expiration** The Zoning Administrator's approval of this Appealable CDP shall expire one year from the date of approval or, if appealed, the date of action by the Board of Supervisors or the California Coastal Commission on the appeal, if the permit for use, building or structure permit has not been issued..
18. **Permit Issuance.** 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. Plans accompanying this Coastal Development Permit shall contain all project conditions.
19. **Fees Required.** Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
20. **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 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.
21. **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.
22. **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.

23. **Development Impact Mitigation Fees.** Pursuant to the provisions of ordinances and resolutions adopted by the county, the applicant will be required to pay development impact mitigation fees to finance the development of facilities for parks, fire, libraries, public administration, and the County Sheriff. Based on the fee schedules in effect at the time of project approval, the parks, fire, library, public administration, and Sheriff fees are estimated as follows:

<b>Estimated Goleta Development Plan Impact Mitigation Fees</b>		
<b>Fee Program</b>	<b>Base Fee (per unit or per sf)</b>	<b>Estimated Fee</b>
Recreation (Parks) Develop. Mitigation	\$9,070.00 per unit	\$9,070.00
Fire County (\$.20/sf)	\$0.20 per sf	\$611.60
Goleta Area	\$664 per unit	\$664.00
Library	\$374.00 per unit	\$374.00
Public Administration	\$1,596.00 per unit	\$1,596.00
Sheriff	\$427.00 per unit	\$427.00

Fees shall be paid prior to final building permit inspection, and shall be based on the fee schedules in effect when paid. The fees are subject to yearly adjustments. Fees are payable to the County of Santa Barbara.

24. **Transportation Impact Mitigation Fee.** Prior to issuance of the Coastal Development Permit, the applicant shall pay the applicable Transportation Impact Mitigation Fee with the Public Works Department.

**MODIFICATION CONDITION**

25. This Coastal Development Permit shall comply with the Modification conditions of Case Number 06MOD-00000-00009 contained in Attachment C.