

SANTA BARBARA COUNTY ZONING ADMINISTRATOR
Staff Report for Kamps SFD Addition

Hearing Date: November 27, 2006
Staff Report Date: November 16, 2006
Case No.: 06CDH-00000-00041
Environmental Document: CEQA Exemption Section §15303(e)

Supervisorial District: Second
Staff: Peter Imhof
Phone #: 568-2518

OWNER/APPLICANT:

John and Louise Kamps
934 Medio Rd.
Santa Barbara, CA 93103

AGENT:

David Niles
P.O. 24010
Santa Barbara, CA 93121

VICINITY MAP



Assessor Parcel Number 063-110-012, located on 2 acres in the Hope Ranch Area, addressed as 4633 Via Huerto, 2nd Supervisorial District.

1.0 REQUEST

Public hearing on the request of David Niles, agent for John and Louise Kamps, to consider Case No. 06CDH-00000-00041 for a Coastal Development Permit under section 35-73.2 in the 2.5-EX-1 Zone District under Article II to allow for approximately 620 cubic yards of grading and for the installation of a 16 ft. by 51 ft. swimming pool, 22 ft. by 18.5 ft. arbor with a stone fireplace, new u-shaped driveway with entry gates and garden walls along with drainage lines configuration. In 2002, a Coastal Development Permit (02CDH-00000-00004) was approved for a home addition and a new pool. The pool was not built. This application calls for relocation and building the pool and supersedes 02CDH-00000-00004 with respect to the pool.

Application Filed: August 25, 2006

Application Complete: September 25, 2006

Processing Deadline: 60 days from NOE

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 06CDH-00000-00041 marked "Officially Accepted, County of Santa Barbara, November 27, 2006 Zoning Administrator Exhibit 1," based upon the project's consistency with the Comprehensive 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 Section §15301(e).
3. Approve the project subject to the conditions included as Attachment C.

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

3.0 JURISDICTION

The project is being considered by the Zoning Administrator based upon Article II Section 35-169.5, of the Article II, Coastal Zoning Ordinance, 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 proposed project is located in the Hope Ranch area on a relatively flat lot with no native trees or vegetation in the vicinity of the proposed addition. The project involves re-orienting a previously approved swimming pool on the site by rotating the pool 90 degrees. Because the re-orientation of the pool would result in additional grading in excess of 50 cubic yards, the project cannot be processed as a revision to the previously approved permit and a new Coastal Development Permit is required.

5.0 PROJECT INFORMATION

5.1 Site Information

<u>Site Information</u>	
Comprehensive Plan Designation	Goleta Community Plan; Residential Single Family, 1.0-acre minimum lot size.
Ordinance, Zoning District	Article II, 2.5-EX-1, One Family Exclusive Residential
Site Size	2 acres net
Present Use & Development	The site is currently developed with a 4,588 square foot single-family residence with an approximately 665 square foot three-car attached garage.
Surrounding Uses/Zoning	<i>North: Residential, 2.5-EX-1</i> <i>South: Residential, 2.5-EX-1</i> <i>East: Residential, 2.5-EX-1</i> <i>West: Residential, 2.5-EX-1</i>
Access	Private Driveway directly off of Via Huerto Drive
Public Services	Water Supply: La Cumbre Mutual Water Company Sewage: Private Septic System Fire: Santa Barbara County Fire Department

5.2 Background Information

The subject lot is recorded in its current configuration in Record of Surveys, Book 42, Page 95. In 2002, Case No. 02CDH-00000-00004 was approved for a home addition and a new pool. The pool was not built. This application calls for relocation and building the pool and supersedes Case No. 02CDH-00000-00004 with respect to the pool.

5.3 Project Description

The proposed project is for a Coastal Development Permit to allow for the construction of a 16 ft. by 51 ft. swimming pool, 22 ft. by 18.5 ft. arbor with a stone fireplace, new u-shaped driveway with entry gates and garden walls along with drainage lines configuration. In 2002, a Coastal Development Permit (02CDH-00000-0004) was approved for a home addition and a new pool. The pool was not built. This application calls for relocation and building the pool and supersedes 02CDH-00000-00004 with respect to the pool. The proposed project requires 620 cubic yards of grading consisting of 235 cubic yards of cut material and 385 cubic yards of fill material (of which includes 150 cubic yards of cut material from the pool excavation) all cut material to be used on site. Approximately 13,000 square feet of area will be disturbed for the placement of the proposed improvements. No native vegetation or specimen trees are proposed to be removed. The proposed new driveway will provide three required, existing, uncovered

parking spaces presently located off of the existing driveway outside of all required setbacks. Access would be provided by an existing private driveway directly off of Via Huerto. Sanitary service would continue to be provided by an existing onsite septic system, and water service would continue to be provided by the La Cumbre Mutual Water Co.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The proposed project may be found to be exempt from the California Environmental Quality Act (CEQA) pursuant to §15303(e) of the Guidelines for the Implementation of CEQA. Section 15303(e) exempts accessory structures including garages, carports, patios, swimming pools, and fences. Please see Attachment B, CEQA Exemption Notice, for further detail.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p>Local Coastal 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>Local Coastal Plan Policy 2-6: <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 applicant, that adequate public or private services and resources are available to serve the proposed development.</i></p>	<p>Consistent. The project site would have adequate services and resources to serve the proposed residential uses. The La Cumbre Mutual Water District serves the property. An existing on-site septic system would provide service for the existing residence and would provide service for the single-family dwelling. The proposed project would not generate new traffic and the surrounding roads are adequate to serve the proposed project. Therefore, the proposed project would be consistent with this policy.</p>
<p>Land Use Element Visual Resources Policy #3 & Local Coastal Plan Policy 4-4: <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>Consistent. The proposed project is located in the Hope Ranch area and is in conformance with the scale and character of the community. The proposed pool, arbor and driveway would not be substantially larger than other similar improvements in the surrounding neighborhood. The proposed project would be adequately screened from Via Huerto Drive. Therefore the proposed project would be consistent with this policy.</p>
<p>Noise Element: <i>Protection of Noise Sensitive</i></p>	<p>Consistent. The proposed project would</p>

<p><i>Uses.</i></p>	<p>likely create short-term construction-related noise. The project would be conditioned in order to minimize short-term construction related noise to a level below significance (Attachment C, Condition #3) by limiting the hours of construction to 7:00 a.m. to 4:00 p.m. Therefore the proposed project would be consistent with this policy.</p>
<p>Goleta Community Plan Policy BIO-GV-16: <i>To the maximum extent feasible, “protected trees” shall be preserved. Protected trees are defined for the purposes of this policy as mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species.</i></p>	<p>Consistent. No native or specimen tree removal is associated with the proposed project. Therefore the proposed project would be consistent with this policy.</p>

6.3 Ordinance Compliance

Proposed structural development on the subject lot meets the height requirement of the Article II Zoning Ordinance, 2.5-EX-1 zone district. The maximum height of structures in the 2.5-EX-1 zone district is 25 feet. The average height of the proposed project would not increase the height of the existing single-family dwelling which has a maximum height of approximately 25 feet. The proposed pool and arbor would be located outside all required setbacks of the 2.5-EX-1 zone district. The required parking for the 2.5-EX-1 zone district is six spaces, which the project would provide by the existing three garage and three motor court spaces located outside of all setbacks.

6.4 Board of Architectural Review

The proposed project does not require BAR approval.

7.0 APPEALS PROCEDURE

The action of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant, an aggrieved person, or two members of the Coastal Commission within ten (10) calendar days of the date of the Zoning Administrator’s decision.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County’s Notice of Final Action by the applicant, an aggrieved person, or any two members of the Coastal Commission.

ATTACHMENTS

Case Name/#: Kamps Pool Relocation/Driveway/Arbor, Case No. 06CDH-00000-00041

Hearing Date: November 27, 2006

Page 6

- A. Findings
- B. Exemption, CEQA Section §15303(e)
- C. Coastal Development Permit and conditions of approval.
- D. Site Plan

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The project can be found to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e). Section 15303(e) exempts accessory structures including swimming pools.

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

Pursuant to Section 35-169.6, a Coastal Development Permit shall only be issued if all of the following findings are made:

2.1.1 *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.*

As discussed in Sections 6.2 and 6.3 of the staff report dated November 16, 2006 and incorporated herein by reference, the project conforms to the applicable policies of the Comprehensive Plan, including the Local Coastal Plan and with the applicable provisions of Article II. Therefore, this finding can be made.

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

The subject lot, in its current configuration, is recorded in Record of Surveys, Book 42, Page 95. The lot is a legal lot. Therefore, this finding can be made.

2.1.3 *That the subject property is in compliance with all laws, rules, and regulations pertaining to zoning used, subdivisions, setbacks, and any other applicable provisions of this article, and such zoning violation 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 section 35-160 et seq.*

As discussed in section 5.3 of the staff report, dated November 16, 2006, and incorporated herein by reference, the project is in compliance with all applicable provisions of Article II. There are no zoning violations on the subject property. Therefore, this finding can be made.

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

The project is not located along, or adjacent to the ocean. The proposed development will not obstruct public views from any public road or from a public recreation area to and along the coast. Therefore, the proposed project may be found consistent with this finding.

2.1.5 *The development is compatible with the established physical scale of the area.*

The residence is of the same physical scale as the existing neighborhood. The project will be compatible with the estimated physical scale of the area. Therefore, this finding can be made.

2.1.6 *The development is in conformance with the public access and recreation policies of Article II and the coastal land use plan.*

The project is not located near public recreation areas. The project would not affect coastal public access or recreation. Therefore, this finding can be made.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Planning & Development, Development Review Division

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): 063-110-012 Case No.: 06CDH-00000-00041

Location: 4633 Via Huerto, Santa Barbara, CA 93110

Project Title: Kamps Pool Relocation/Arbor/Driveway

Project Description:

The proposed project is for a Coastal Development Permit to allow for the construction of a 16 ft. by 51 ft. swimming pool, 22 ft. by 18.5 ft. arbor with a stone fireplace, new u-shaped driveway with entry gates and garden walls along with drainage lines configuration. In 2002 a Coastal Development Permit (02CDH-00000-0004) was approved for a home addition and a new pool. The pool was not built. This application calls for relocation and building the pool and supersedes 02CDH-00000-00004 with respect to the pool. The proposed project requires 620 cubic yards of grading consisting of 235 cubic yards of cut material and 385 cubic yards of fill material (of which 150 cubic yards of cut material is for the pool excavation) all cut material to be used on site. Approximately 13,000 square feet of area will be disturbed for the placement of the proposed improvements. No native vegetation or specimen trees are proposed to be removed. The proposed new driveway will provide three required existing uncovered parking spaces presently located off of the existing driveway outside of all required setbacks. Access would be provided by an existing private driveway directly off of Via Huerto. Sanitary service would continue to be provided by an existing onsite septic system, and water service would continue to be provided by the La Cumbre Mutual Water Co.

Exempt Status:

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect [§15061(b,3)]

Cite specific CEQA Guideline Section: 15303(e)

Reasons to support exemption findings:

The proposed project can be found categorically exempt from environmental review pursuant to Section 15303(e) accessory structures.

The Coastal Development Permit would allow for a new pool, arbor and new driveway.

No adverse environmental impacts would result from the proposed project, as no biological, archaeological, geological, or other resources are located onsite.

As discussed above, the proposed project can be found to be compatible with the specific criteria of CEQA categorical exemptions and does not have the potential to create any significant environmental resources. Therefore, no additional environmental review is required.

Department/Division Representative

Date

Distribution: Hearing Support Staff
Project file (when P&D permit is required)

Date Filed by County Clerk

Attachment C

**APPROVAL/INTENT TO ISSUE
A DISCRETIONARY APPEALABLE
COASTAL DEVELOPMENT PERMIT (CDP)**

Case No.: 06CDH-00000-000041
Imhof__

Planner: Peter

Project Name: Kamps Pool/Arbor/Driveway

Project Address: 4633 Via Huerto

A.P.N.: 063-110-012



The Zoning Administrator *grants approval* of this discretionary Coastal Development Permit for the development described below, subject to the attached conditions and final issuance of the Coastal Development Permit.

APPROVAL DATE: November 27, 2006

COUNTY APPEAL PERIOD STARTS: November 28, 2006

COUNTY APPEAL PERIOD ENDS: December 7, 2006

APPEALS: The decision on this project may be appealed to the Board of Supervisors by the applicant, an aggrieved person, or any two members of the Coastal Commission. The written appeal must be filed with the Clerk of the Board at 105 East Anapamu Street, Santa Barbara, CA 93101 by 5:00 p.m. on or before the date the **County Appeal Period Ends** (Art. II Sec. 35-182.). If a local appeal is filed, the Board of Supervisors' final decision on the appeal may be appealed to the California Coastal Commission. If no local appeal is filed, the project may not be appealed to the California Coastal Commission.

DATE OF PERMIT ISSUANCE:

PROJECT DESCRIPTION AND CONDITIONS: See Exhibit A, hereby incorporated by reference.

EXPIRATION: Upon permit issuance, the permit shall be valid for two years. Failure to obtain a required construction or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Coastal Development Permit null and void.

Zoning Administrator Approval:

Zoning Administrator Signature

Date

ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Print Name

Signature

Date

Planning & Development Issuance by:

Name

Date

EXHIBIT A
PROJECT DESCRIPTION AND CONDITIONS

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked “Zoning Administrator Hearing 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 will constitute a violation of permit approval.

The project description is as follows:

The project is for a Coastal Development Permit to allow for the construction of a 16 ft. by 51 ft. swimming pool, 22 ft. by 18.5 ft. arbor with a stone fireplace, new u-shaped driveway with entry gates and garden walls along with drainage lines configuration. In 2002, a Coastal Development Permit (02CDH-00000-0004) was approved for a home addition and a new pool. The pool was not built. This permit calls for relocation and building the pool and supersedes 02CDH-00000-00004 with respect to the pool. The proposed project requires 620 cubic yards of grading consisting of 235 cubic yards of cut material and 385 cubic yards of fill material (of which 150 cubic yards of cut material is for the pool excavation) all cut material to be used on site. Approximately 13,000 square feet of area will be disturbed for the placement of the proposed improvements. No native vegetation or specimen trees are proposed to be removed. The proposed new driveway will provide three required existing uncovered parking spaces presently located off of the existing driveway outside of all required setbacks. Access would be provided by an existing private driveway directly off of Via Huerto. Sanitary service would continue to be provided by an existing onsite septic system, and water service would continue to be provided by the La Cumbre Mutual Water Co.

2. 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.
3. All exterior night lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.

4. During construction and demolition, washing of concrete, paint, or equipment shall occur in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. All washing functions shall take place in the area identified on the plans.
5. All trees located near the proposed structures shall be protected from stucco, paint and other potentially harmful materials during construction activities.
6. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a Planning & Development 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
12. 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.

13. 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 County shall review the entire project and substitute conditions may be imposed.
14. 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.
15. 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.
16. The County Fire Department requires that applicant install a Knox System on the proposed new gates prior to final building permit inspection.

Case Name: Kamps SFD Addition
Case No. 06CDH-00000-00041
Page D-1

ATTACHMENT D: SITE PLAN