PROJECT: Bagby Modification for As-Built Addition
HEARING DATE: July 16, 2007
STAFF/PHONE: Jim Heaton, 568-2516

GENERAL INFORMATION

Case No(s)
06MOD-00000-00020

Applicant/Owner/Agent:

Patricia Bagby
2910 Foothill Road
Santa Barbara, 93105
(805) 682-2356

1.0 EXECUTIVE SUMMARY

The application is for a modification of setback requirements under the provisions of the 7-R-1 zone of the County Land Use and Development Code to allow encroachment of 3 feet into the side yard setback for an approximately 15 square feet portion of an unpermitted 538 square foot second-story addition. The proposed project has received final Board of Architectural Review approval, is consistent with all policy and ordinance requirements, and presents no issues.

2.0 REQUEST

Hearing on the request of Patricia Bagby, owner, to consider Case No. 06MOD-00000-00020, [application filed on December 11, 2006], for a modification of setback requirements under the provisions of the 7-R-1 zone and Section 35.82.130 of the County Land Use and Development Code to allow encroachment of 3 feet into the side yard setback for an approximately 15 square feet portion of an unpermitted 538 square foot second-story addition; and to accept the Exemption pursuant to Section 15305(a) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 023-162-006, located at 2910 Foothill Road, in the Mission Canyon area, First Supervisorial District.

Application filed on December 11, 2006.
3.0 RECOMMENDATION

- **Adopt** the required findings for the project as specified in Attachment A of this staff report, including CEQA findings,

- **Accept** the exemption, included as Attachment B, pursuant to CEQA Section 15305(a), and

- **Approve** the project, 06MOD-00000-00020, subject to the Conditions of Approval in Attachment C.

4.0 PROJECT SPECIFICATIONS

<table>
<thead>
<tr>
<th>Site Size:</th>
<th>0.22 acres (9,583 Square Feet)</th>
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</thead>
<tbody>
<tr>
<td>Comprehensive Plan Designation:</td>
<td>Residential, RES-4.6, Mission Canyon Specific Plan Area</td>
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<tr>
<td>Ordinance/Zoning:</td>
<td>County Land Use and Development Code, 7-R-1; 7,000 square foot minimum lot size, Urban Area, Single-Family Residential</td>
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<tr>
<td>Surrounding Use, Zoning:</td>
<td>North: Residential; 7-R-1, Single-Family Residential</td>
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<tr>
<td></td>
<td>South: Residential; 7-R-1, Single-Family Residential</td>
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<td></td>
<td>East: Residential; 7-R-1, Single-Family Residential</td>
</tr>
<tr>
<td></td>
<td>West: Residential; 7-R-1, Single-Family Residential</td>
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<tr>
<td>Services/Systems:</td>
<td>Water: Santa Barbara County Water Agency</td>
</tr>
<tr>
<td></td>
<td>Sewer: CSA 12 Mission Canyon Sanitation</td>
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<tr>
<td></td>
<td>Fire: Santa Barbara County Fire District</td>
</tr>
<tr>
<td></td>
<td>Access: Foothill Road</td>
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<tr>
<td>History:</td>
<td>Existing single-family residence was originally permitted in 1930. Existing unpermitted development will require a Land Use Permit to be approved following approval of the setback modification.</td>
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<tr>
<td>Present Use and Development:</td>
<td>Residential Development: Single-Family Residence</td>
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</tbody>
</table>

5.0 PLANNER COMMENTS

If the Modification is approved as conditioned, the project would conform to all policy and zoning requirements including use, parking, height, and setbacks. As conditioned, the applicant would be required to obtain a Land Use Permit following approval of a Modification for all unpermitted development.

On May 11, 2007, the South County Board of Architectural Review granted the project preliminary and final approval with findings that the proposed Modification is minor in nature and would result in a better architectural or site design.
6.0 APPEALS PROCEDURE

The action of the Zoning Administrator may be appealed to the Planning Commission within ten (10) calendar days of said action. The appeal fee is $403.

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. The appeal fee is $443.

7.0 ATTACHMENTS

A. Findings
B. CEQA Exemption
C. Conditions of Approval
D. Site Plan
ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15305(a), of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The project would modify the side yard setback and can be found exempt from environmental review based upon Section 15305(a), which exempts minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

A Modification shall only be approved if all of the following findings are made:

a. The project is consistent with the Comprehensive Plan, including any applicable community or area plan.
   The proposed project is for a minor variation of the side setback for an existing unpermitted addition to an existing single-family dwelling. The second-story addition would not extend beyond the footprint of the existing dwelling. The Modification and addition to the existing single-family dwelling has been approved by the Mission Canyon Association, which determined it to be consistent with the Mission Canyon Specific Plan and the character of the area. Therefore, this finding can be made.

b. The project complies with the intent and purpose of the applicable zone, including overlays, and the Land Use Development Code.
   The project complies with the intent, purpose, and district regulations of the Land Use and Development Code. The purpose and intent of the (R-1) Residential Zone District is to protect the residential character of the area. The proposed Modification and addition has been reviewed by the Mission Canyon Association and the South County Board of Architectural Review, both of which found to be compatible with the character of the Mission Canyon Area. Therefore, this finding can be made.

c. The Modification is minor in nature and will result in a better architectural or site design, as approved by the Board of Architectural Review, and/or will result in greater resource protection than the project without the Modification.
   On May 11, 2007, the South County Board of Architectural Review granted the project preliminary and final approval with findings that the proposed Modification is minor in nature and would result in a better architectural or site design. Therefore, this finding can be made.

d. The project will be compatible with the neighborhood, and will not create an adverse impact to the aesthetics, community character, or public views.
   The proposed Modification for an existing unpermitted addition has been reviewed for neighborhood compatibility by South County Board of Architectural Review and received final approval on May 11, 2007. The Modification and addition was reviewed for compatibility with the Mission Canyon Specific Plan by the Mission Canyon Association and was approved on May 18, 2007. Therefore, this finding can be made.

e. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
   The Modification would not impact parking or loading zone requirements. Therefore, this finding can be made.
f. **The project will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.**

   The proposed addition would not be detrimental to existing ambient noise levels, and would include adequate access, light, solar exposure and ventilation based upon Planning and Development staff review of the project. The proposed addition would also require review by the Building and Safety Division to ensure adequate light and ventilation prior to approval of any associated Building permits. Therefore, this finding can be made.

g. **Any adverse environmental impacts will be mitigated to a level of insignificance.**

   No removal of native or protected trees is included as a part of the proposed project. The Modification is for an existing unpermitted second floor addition, which would not affect existing vegetation. No new construction is proposed and therefore there would not be any construction-related impacts. Therefore, this finding can be made.
TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Jim Heaton, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: 023-162-006 Case No.: 06MOD-00000-00020

Location: 2910 Foothill Road, Santa Barbara, CA

Project Title: Bagby Modification for As-Built Addition

Project Description: The project is for a Modification to the side yard setback from 8 feet to 5 feet in order to allow a portion of an unpermitted 538 square foot second-story addition. Approximately 15 square feet of the unpermitted addition would intrude approximately 3 feet into the side yard setback. No other portion of the setbacks would be modified. The addition is subject to approval of Land Use Permit (07LUP-00000-00241). No new grading or tree removal would be necessary. Access to the site will continue to be taken from a private driveway off of Foothill Road. The lot would be served by the Santa Barbara County Water Agency, CSA 12 Mission Canyon Sanitation, and fire protection is maintained by the Santa Barbara County Fire District. The property is a 0.22-acre lot zoned 7-R-1 and shown as Assessors Parcel No. 023-162-006, located at 2910 Foothill Road in the Mission Canyon Area, First Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Patricia Bagby

Exempt Status: (Check one)

_____ Ministerial

_____ Statutory Exemption

X____ Categorical Exemption

_____ Emergency Project

_____ Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: §15305. Minor Alterations in Land Use Limitations.

Reasons to support exemption findings: The project can be found exempt from environmental review based upon Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines. Section 15305(a) exempts minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel.

Lead Agency Contact Person: Peter Imhof, Supervising Planner Phone #: (805) 568-2518

Department/Division Representative: Jim Heaton, Planner Date: July 16, 2006

Acceptance Date: ___________________

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.
distribution: Hearing Support Staff

  Project file (when P&D permit is required)
  Date Filed by County Clerk: ____________.
This permit is subject to compliance with the following conditions:

1. **Project Description.** This Modification is based upon and limited to compliance with the project description, the exhibits, and the 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 Modification to the side yard setback from 8 feet to 5 feet in order to allow a portion of an unpermitted 538 square foot second-story addition. Approximately 15 square feet of the unpermitted addition would intrude approximately 3 feet into the side yard setback. No other portion of the setbacks would be modified. The addition is subject to approval of Land Use Permit (07LUP-00000-00241). No new grading or tree removal would be necessary. Access to the site will continue to be taken from a private driveway off of Foothill Road. The lot will be served by the Santa Barbara County Water Agency, CSA 12 Mission Canyon Sanitation, and fire protection is maintained by the Santa Barbara County Fire District. The property is a 0.22-acre lot zoned 7-R-1 and shown as Assessors Parcel No. 023-162-006, located at 2910 Foothill Road in the Mission Canyon Area, First Supervisorial District.

2. **Project Conformity.** 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 strictly conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased, or financed only in compliance with this project description and the conditions of approval hereto.

3. **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.

4. **Permit Validity.** This Modification is not valid until the Land Use Permit (07LUP-00000-00241) for the development and/or use has been obtained. Failure to obtain said Land Use Permit shall render this Modification null and void. Prior to the approval of the Land Use Permit, all of the conditions listed in this Modification that are required to be satisfied prior to approval of the Land Use Permit must be satisfied. Upon issuance of the Land Use Permit, the Modification shall be valid. The effective date of this approval shall be the date of expiration of the appeal period, or if appealed, the date of action by the Planning Commission.

5. **Expiration.** This Modification shall expire one year from the date of approval if a Land Use Permit has not been issued for the modified building or structure. Once the building or structure has been
granted a Land Use Permit, the Modification shall have the same expiration date as the issued Land Use Permit.

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 Land Use and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Zoning Administrator. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions.

7. **Night Lighting.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels.

8. **Permit Processing Fees.** Prior to issuance of the Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.

9. **Permit Acceptance.** The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

10. **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.

11. **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.