

MONTECITO PLANNING COMMISSION
Staff Report for Davidson Variance

Hearing Date: November 29, 2007
Staff Report Date: November 1, 2007
Case No.: 07VAR-00000-00005

Deputy Director: Dave Ward
Division: Development Review South
Staff Contact: Sarah Clark
Supervising Planner: Peter Imhof
Planner's Phone #: (805) 568-2059

Environmental Document: CEQA Exemption Section 15305(a)

OWNER/APPLICANT:

George and Kathy
Davidson
784 Chelham Way
Santa Barbara, CA
93108
(805) 565-0768

ARCHITECT/AGENT:

Jeff Shelton
519 Fig Avenue
Santa Barbara, CA
93101
(805) 965-8812



This site is identified as Assessor Parcel Number 013-111-040, 784 Chelham Way, Montecito, First Supervisorial District.

Application Complete: October 2, 2007
Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Jeff Shelton, agent for the owners George and Kathy Davidson, to consider Case No. 07VAR-00000-00005, [application filed on July 6, 2007] for a Variance from rear setback regulations in compliance with Section 35.472.170 of the Montecito Land Use and Development Code, on a property zoned 7-R-1, to allow (1) a 2-foot rear setback where 25 feet is required in an R-1 zone district per Montecito LUDC Section 35.423.050 and no less than 15 feet is required with respect to the dwelling per Montecito LUDC Section 35.430.120.C.3.d.1 and (2)

to allow 59 percent rear setback area coverage where no more than 30 percent coverage is allowed per Montecito LUDC 35.442.020.B.3.a. The Variance is requested to accommodate construction of a 557 sq. ft. attached garage and a 108 sq. ft. residential 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. 013-111-040, located at 784 Chelham Way, in the Montecito area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case No. 07VAR-00000-00005 marked "Officially Accepted, County of Santa Barbara November 29, 2007, Montecito Planning Commission Attachments A-C," based upon the project's inconsistency with the Montecito Community Plan and the Montecito Land Use and Development Code and the inability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for denial of the project specified in Attachment A of this staff report, including CEQA findings.
2. Accept the exemption, pursuant to Sections 15270 of the CEQA Guidelines.
3. Deny the project 07VAR-00000-00005.

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

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based on Section 35.470.020 of the Montecito Land Use and Development Code which designates the Montecito Planning Commission as the review authority responsible for deciding Variance applications.

4.0 ISSUE SUMMARY

The applicant requests variance of both rear setback depth and rear yard setback area coverage requirements to accommodate construction of a new attached garage and small residential addition. The proposed garage and addition would be located two feet from the rear property line where no less than 25 feet for all structures and no less than 15 feet for dwelling structures are allowed. Existing and proposed development would cover 59 percent of the required rear setback area where no more than 30 percent is allowed.

The purpose of a Variance is to allow exceptions from the strict application of the provisions of the LUDC where, because of exceptional conditions, the literal enforcement of the LUDC would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of the Development Code. The subject parcel is similar in size, shape, and topography to surrounding parcels in the same zone district. No exceptional conditions or constraints on development are present. The parcel previously had a nonconforming detached garage in the rear setback. In 1985, the present owners were granted a Variance to allow conversion of this garage into habitable space. A carport is presently located in the rear yard setback to provide for covered parking (meeting the requirements of LUDC Section 35.436.050). A garage could be constructed elsewhere on the property without necessitating a Variance. Enforcement of the rear setback depth requirement and rear yard setback area coverage limitation would not prevent the owner from constructing a garage on the property, nor would it prevent the owner from having covered parking on the property. The strict application of this Development Code does not deprive the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.

The findings required for granting a Variance require proposed development to comply with the purpose and intent of the LUDC. By limiting access to and around structures and by limiting the space available in the rear yard for landscaping, this project does not comply with the purpose and intent of LUDC setback requirements. Granting a Variance based on the argument that similar nonconforming development is present in the surrounding area and on the subject parcel is in conflict with the intent of the LUDC regulations on nonconforming structures, which is to prevent nonconforming structures from being used as grounds for adding other structures prohibited by the zone in which the nonconformity is located (LUDC Section 35.491.010.B.1.b).

Because granting this Variance is in conflict with the purpose, intent, and development standards of the Montecito LUDC and Montecito Community Plan, and because it would constitute a grant of special privileges inconsistent with the limitations on surrounding properties, the required findings cannot be made.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban Area, Montecito Community Plan Area SRR-4.6 – Single Family - Rural Residential/4.6 units/acre
Ordinance, Zone	Montecito Land Use and Development Code 7-R-1; Single Family Residential Minimum Parcel Size 7,000 sq. ft.
Site Size	0.22 acres
Present Use & Development	1,545 sq. ft. single-family dwelling; 234 sq. ft. carport

Site Information	
Surrounding Uses/Zone(s)	<i>North:</i> Westmont College; Educational Facility; 1-E-1 <i>South:</i> SRR 0.5 – Single Family – Semi-Rural Residential; 2-E-1 <i>East:</i> SRR 4.6 - Single Family – Rural Residential; 7-R-1 <i>West:</i> SRR 4.6 - Single Family – Rural Residential; 7-R-1
Access	Chelham Way
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire District

5.2 Setting

The subject parcel is located on Chelham Way and is designated Single-Family Rural Residential in the Comprehensive Plan. It adjoins similarly sized Single-Family Rural Residential parcels to the east and west, Westmont College to the north, and Chelham Way to the south. The parcel slopes slightly downward toward Chelham Way with an approximately five-foot drop in elevation. A five-foot wide pedestrian easement to Westmont College runs along the western boundary of the parcel. The subject parcel is rectangular and contains an existing 1,545 sq. ft. single-family dwelling and 234 sq. ft. carport with a 120-foot long driveway running the entire length of the eastern side of the property, adjacent to the pedestrian easement.

5.3 Statistics

Statistics		
Item	Proposed	Ordinance Standard
Structures (floor area)	Residence: 1,653 sq. ft. Garage: 557 sq. ft.	No ordinance standard. Montecito Architectural Guidelines recommend residence net floor area no greater than 2,350 for a 0.22-acre parcel.
Max. Height of Structure(s)	Residence: ~21' Garage: 16'-6"	Residence: 35 feet Garage: 35 feet
Building Coverage (footprint)	2,210 sq. ft.	No ordinance standard.
Roads Parking (covered/uncovered, ratio) Walkways	Chelham Way 2 covered/1 uncovered 5-ft wide pedestrian easement to Westmont College	2 covered/1 uncovered No ordinance standard.
Open Space Public Private/landscaping	None 7,737 sq. ft.	No ordinance standard.

Statistics		
Item	Proposed	Ordinance Standard
Number of Dwelling Units	One single-family dwelling	One single-family dwelling unit per legal lot
Project Density	One single-family dwelling	One single family dwelling per parcel
Employees/Residents	No employees/One family	No ordinance standard.
Grading	50 cy cut	Minimize cut and fill

5.4 Description

The applicant requests a Variance to (1) reduce the required rear yard setback to two feet where 25 feet is required in an R-1 zone district per Montecito LUDC Section 35.423.050 and no less than 15 feet is required per Montecito LUDC Section 35.430.120.C.3.d.1.2; and (2) to allow 59 percent rear setback area coverage where no more than 30 percent coverage is allowed per Montecito LUDC Section 35.422.020.B.3.a. The Variance is requested to accommodate construction of a 557 sq. ft. attached garage with 296 sq. ft. loft and a 108 sq. ft. residential addition. Interior remodel of 370 sq. ft. of the existing residence is also proposed.

5.5 Background Information

The existing residence and original garage were moved to the subject parcel in 1957. The garage was placed entirely within the required rear yard setback, located two feet from the rear lot line. In 1985, the present owners were cited for a zoning violation for conversion of the legal nonconforming garage to a dwelling unit and unpermitted construction of a carport in the rear setback. Following the violation, the owners converted the garage to a storage space and applied for a Variance to the setback depth and rear yard setback area coverage in order to legalize the existing, unpermitted carport and convert the garage to habitable space by attaching it to the existing residence. At the time, staff recommended denial of the Variance, arguing that the applicant could maintain covered parking by returning the converted garage to its original use as a parking structure or by constructing a carport elsewhere on the property. Staff also argued that the applicant could maintain parking in the rear yard setback without the need for either the carport or garage. The Planning Commission voted to approve the Variance (85-V-36) based upon the following findings:

1. Westmont College campus (open space) is contiguous on north boundary of the rear yard.
2. The building coverage of the rear yard setback area does not create a condition which is detrimental to the community because of the excess open area of the lot.
3. A carport is a privilege that other property owners in the area enjoy, but given the topographic features of the property and location of existing structures, no matter where a carport is located, it would probably require a variance.

In May of 2006, the original 0.14-acre parcel, 013-111-014, was merged with the adjacent 0.08-acre parcel, 013-111-014, to form the 0.22-acre subject parcel, 013-111-040.

On July 6, 2007, the architect, Jeff Shelton, on behalf of owners George and Kathy Davidson, submitted the present Variance application, 07VAR-00000-00005. The original submittal proposed a new garage in the rear yard setback to be connected to the existing residence via a breezeway. On July 24, 2007, staff issued a letter deeming the application incomplete and requesting submittal of a new plan because the proposed garage height exceeded the height limit set forth in the LUDC. Staff advised the applicant on the findings required for a Variance and suggested design alternatives that would allow construction of a garage without necessitating a Variance. On September 27, the applicant submitted a revised plan set showing the proposed garage attached directly to the existing residence, thereby exempting it from the detached accessory structure height limit and from the 10-foot minimum building separation (as required by LUDC Section 35.442.020.B.3.a). On October 1, 2007, staff issued a letter deeming the application complete. On October 26, 2007, the applicant submitted a final plan set showing a revised window configuration per Building and Safety comments.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project is exempt from environmental review under CEQA, pursuant to Section 15305(a) of the State Guidelines for the Implementation of CEQA, which categorically exempts minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. The project is also exempt from environmental review under CEQA, pursuant to Section 15270(a) of the State Guidelines for the Implementation of CEQA, which statutorily exempts projects which a public agency rejects or disapproves. Please refer to Attachment B, "Notice of Exemption."

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><i>Montecito Community Plan (MCP) Goal LUR-M-2.1: Achieve land uses in Montecito that are consistent with County regulations and ordinances.</i></p>	<p>Inconsistent. The granting of this Variance would be inconsistent with County regulations and ordinances. The proposed development is not consistent with Montecito LUDC setback regulations. The purpose and intent of a Variance is to allow exceptions from the strict application of the provisions of the LUDC where, because of exceptional conditions, the literal enforcement of the LUDC would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of the Development Code. As described in Attachment A, Finding 3, because no practical difficulties or undue hardship would be imposed by the literal enforcement of this Development Code and because</p>

REQUIREMENT	DISCUSSION
	construction of the garage as proposed is in conflict with the purpose and intent of setback requirements, the granting of a Variance would be in conflict with the purpose and intent of this Development Code.
<i>Policy LU-M-2.1: New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads.</i>	Consistent. The proposed garage would be located at the rear of the property. Although still visible from the street, the proposed location is the least visible area on the parcel that could practically be used for a garage.
<i>Visual Resources Policy #3: 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>	Consistent. The proposed garage and residential addition are similar in style and scale to the existing residence on the parcel and development on surrounding parcels. If constructed, the proposed development would represent a modest increase (291 sq. ft.) in the 2,403 square feet (total all structures) of existing development on the parcel.

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

Section 35.423.050 of the Montecito LUDC requires a 25-foot rear setback for all structures in R-1 zone districts and Section 35.430.120.C.3.d.1 of the Montecito LUDC prohibits any portion of a structure used for dwelling purposes from being located less than 15 feet from the rear lot line. The proposed garage and residential addition would be located two feet from the rear lot line. Therefore, the project does not comply with Montecito LUDC setback requirements.

Section 35.442.020.B.3.a of the Montecito LUDC prohibits accessory structures from covering more than 30 percent of the required rear setback area. Because primary structures are prohibited entirely in rear setbacks, there is no maximum setback area coverage for primary structures specified in the LUDC. The proposed garage and residential addition and the existing primary structure would cover 59 percent of the required rear yard setback area. Therefore, the project does not comply with Montecito LUDC setback area coverage requirements.

Per Montecito LUDC Section 35.472.170.A, the purpose and intent of a Variance is to allow exceptions from the strict application of the provisions of the LUDC where, because of exceptional conditions, the literal enforcement of the LUDC would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of the Development Code. In order for the applicant to be granted a Variance, thereby alleviating the

need for the proposed development to conform to LUDC setback requirements, the project must not be in conflict with the purpose and intent of the LUDC.

Per Montecito LUDC Section 35.430.120, the purpose and intent of setback requirements is to provide open areas around structures for visibility and traffic safety, access to and around structures, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, and space for landscaping and recreation. If constructed as proposed, one side of the garage would adjoin the 6'-8" high wall that separates the pedestrian easement (located along the eastern property line) from the rest of the subject parcel and the other side would be connected to the existing residence. This would prevent access around the garage to the rear of the property and would limit the space available in the rear yard for landscaping. The proposed project would restrict access to and around structures and limit space available for landscaping and therefore is in conflict with the purpose and intent of LUDC setback requirements.

The applicant contends a Variance to allow construction of a new garage in the rear setback is appropriate because garages on other parcels in the surrounding neighborhood have historically been located in the rear yard setback. Photo research indicates that three neighboring parcels (790, 792, and 768 Chelham Way), all zoned 7-R-1, have garages located in the required rear setback. These garages were permitted and constructed without being issued a Variance. These existing garages pre-date the Montecito Community Plan and are legal nonconforming structures that would not be permitted in their present locations under current ordinance standards. Montecito LUDC Section 35.491.010.B.1.b states that the intent of the Development Code is to "prevent nonconforming uses and structures from being enlarged, expanded, or extended, or *being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located*" (emphasis added). Granting of a Variance to construct a new garage within the required rear setback based on the argument that similar nonconforming development is present in the surrounding area and on the subject parcel is in conflict with the intent of the Montecito LUDC and the specific provision cited.

The subject parcel is similar in size, shape, and topography to surrounding parcels in the same zone district. Though the applicant contends the five-foot wide pedestrian easement along the eastern property boundary represents an unusual constraint on development, this easement is located entirely within the required side setback, in which development would be prohibited regardless. Therefore, no exceptional conditions or constraints on development are present. The parcel previously had a nonconforming garage in the rear setback that was voluntarily converted to habitable space by the present owners. A carport is presently located in the rear yard setback to provide for covered parking, and opportunities exist to provide covered parking along the existing driveway. A garage could be constructed elsewhere on the property without necessitating a Variance. Enforcement of the rear setback requirement and setback area coverage limitation would not prevent the owner from constructing a garage on the property, nor would it prevent the owner from having covered parking on the property. Because no practical difficulties or undue hardship would be imposed by the literal enforcement of this Development Code and because construction of the garage as proposed is in conflict with the purpose and intent of setback requirements and the regulation of nonconforming structures, the granting of a Variance

would be in conflict with the purpose and intent of this Development Code. Therefore, the project does not comply with LUDC requirements.

As described in Section 5.5, in 1985 the owners were issued a Variance for a carport in the rear setback. This Variance request would further increase the rear setback area coverage, from the previously permitted 57% to 59%. Since the approval of the 1985 Variance, the homeowners have merged their lot with the adjacent parcel. In 1985, the subject parcel measured 0.14 acres. It now measures 0.22 acres. Because the lot size has increased, it is now possible to construct a garage on the parcel without a Variance. Enforcement of the rear setback requirement and setback area coverage limitation would not prevent the owner from constructing a garage on the property, nor would it prevent the owner from having covered parking on the property. It would not deprive the owners of any privilege enjoyed by their neighbors. Because of the increase in parcel size and increase in setback area coverage, these findings no longer apply to the subject parcel.

6.5 Design Review

Section 35.472.170 does not require Variance applications to receive design review.

7.0 APPEALS PROCEDURE

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

ATTACHMENTS

- A. Findings
- B. Notice of Exemption
- C. Site Plan

ATTACHMENT A: DENIAL FINDINGS

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15305(a), Minor Alterations in Land Use Limitations, of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The proposed variance of rear setback requirements qualifies as a minor setback variance that does not result in the creation of a new parcel or in any changes in land use or density, in an area with an average slope of less than twenty percent as described in section 15305(a) of the CEQA Guidelines. The proposed project is also found to be exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines, which statutorily exempts projects with a public agency rejects or disapproves. Please refer to Attachment B, "Notice of Exemption."

2.0 VARIANCE FINDINGS

Per Montecito LUDC Section 35.472.170.E, a Variance application shall be approved or conditionally approved only if all of the Montecito Commission first makes all of the following findings:

- 1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.**

The subject parcel is similar in size, shape, and topography to surrounding parcels. The positioning of residences on these surrounding properties is similar to the positioning of the residence on the subject property. Although the subject parcel has a five-foot wide pedestrian easement to Westmont College along the eastern lot line, this easement is located entirely within the required side setback. Because the Montecito LUDC prohibits development in the required side setbacks, the property does not have any other constraints that do not also apply to other properties in the vicinity.

While three neighboring parcels (790, 792, and 768 Chelham Way), all zoned 7-R-1, have garages in the rear yard setback area, none of these parcels has been issued a Variance for construction of the garage in the rear setback. These are legal nonconforming structures that would not be permitted under present ordinance standards. The subject parcel also originally had a legal nonconforming garage located in the rear yard setback, but the present owners elected to attach it to the existing residence and convert this area to habitable space in 1985. The absence of a legal nonconforming garage in the rear setback is not the result of strict application of the LUDC, but rather the current owners' choice to convert the nonconforming garage to other uses.

The strict application of this Development Code does not deprive the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification. The parcel currently has covered off-street parking in the form of a carport. It previously had a nonconforming garage in the rear setback, the use of which was voluntarily discontinued by the present owners. A garage could be constructed elsewhere on the property without requiring a Variance. Therefore, this finding cannot be made.

2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.

The properties located in the 7-R-1 zone district in the vicinity of the subject parcel are similar in size, shape, and topography to the subject parcel and are subject to the same rear yard setback depth and area coverage restrictions. Though three neighboring parcels contain garages in the rear yard setback, these are legal nonconforming structures that would not be permitted under the present LUDC. Granting of this Variance would grant the subject parcel the privilege of constructing a garage in the rear yard setback where other properties in the vicinity are not afforded the same privilege. The granting of this Variance would therefore constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and 7-R-1 zone district and this finding cannot be made.

3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan, including the Montecito Community Plan.

Per Montecito LUDC Section 35.430.120, the purpose and intent of setback requirements is to provide open areas around structures for visibility and traffic safety, access to and around structures, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, and space for landscaping and recreation. If constructed as proposed, one side of the garage would adjoin the 6'-8" high wall that separates the pedestrian easement from the rest of the subject parcel and the other side would be connected to the existing residence. This would prevent access around the garage to the rear of the property and would limit the space available in the rear yard for landscaping and recreation and therefore is in conflict with the purpose and intent of LUDC setback requirements.

The applicant contends a Variance to allow construction of a new garage in the rear setback is appropriate because garages on other parcels in the surrounding neighborhood have historically been located in the rear yard setback. Photo research indicates that three neighboring parcels (790, 792, and 768 Chelham Way), all zoned 7-R-1, have garages located in the required rear setback. These garages were permitted and constructed without being issued a Variance. As such, these existing garages are legal nonconforming structures that would not be permitted in their present locations under

current ordinance standards. Montecito LUDC Section 35.491.010.B.1.b states that the intent of the Development Code is to, “prevent nonconforming uses and structures from being enlarged, expanded, or extended, or *being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located,*” (emphasis added). Granting of a Variance to construct a new garage within the required rear setback based on the argument that similar nonconforming development is present in the surrounding area is in conflict with the intent of the Montecito LUDC.

Per Montecito LUDC Section 35.472.170.A, the purpose and intent of a Variance is to allow exceptions from the strict application of the provisions of the LUDC where, because of exceptional conditions, the literal enforcement of the LUDC would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of the Development Code. The subject parcel is similar in size, shape, and topography to surrounding parcels in the same zone district. Though the applicant argues that the five-foot wide pedestrian easement along the eastern property boundary represents an unusual constraint on development, this easement is located entirely within the required side setback, in which development would be prohibited regardless. Therefore, no exceptional conditions or constraints on development are present. The parcel previously had a nonconforming garage in the rear setback that was voluntarily converted to habitable space by the present owners. A carport is presently located in the rear yard setback to provide for covered parking. A garage could be constructed elsewhere on the property without necessitating a Variance. Enforcement of the rear setback requirement and setback area coverage limitation would not prevent the owner from constructing a garage on the property, nor would it prevent the owner from having covered parking on the property. Because no practical difficulties or undue hardship would be imposed by the literal enforcement of this Development Code and because construction of the garage as proposed is in conflict with the purpose and intent of setback requirements and the regulation of nonconforming structures, the granting of a Variance would be in conflict with the purpose and intent of this Development Code.

Montecito Community Plan Goal LUR-M-2 is to, “Achieve land uses in Montecito that are consistent with County regulations and ordinances.” As described above, granting of this Variance would be inconsistent with County ordinances.

Granting of this Variance would be in conflict with the purpose and intent of the Montecito LUDC and Montecito Community Plan Goal LUR-M-2, therefore this finding cannot be made.

4. The project meets all of the applicable development standards included within the Montecito Community Plan.

The Montecito Community Plan requires compliance with the Montecito LUDC (Goal LUR-M-2). As described for Finding 3, the granting of this Variance would be in conflict with the purpose and intent of the LUDC, which is to allow exceptions from the strict application of the provisions of the LUDC where, because of exceptional conditions, the

literal enforcement of the LUDC would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of the Development Code.

Because the project would not comply with the Montecito LUDC, it would not meet all of the applicable development standards in the Montecito Community Plan. Therefore, this finding cannot be made.

5. The project will not adversely impact recreational facilities.

This project involves the variance of rear setback depth and area requirements on a private residential property that neither contains nor is in the vicinity of any recreational facilities. The project will have no impact on recreational facilities. Therefore, this finding can be made.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Sarah Clark, 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: 013-111-040

Case No.: 07VAR-00000-00005

Location: 784 Chelham Way, Santa Barbara, CA 93108

Project Title: Davidson Variance

Project Description: Request for a Variance to reduce required rear yard setback to 2 feet where 25 feet is required in an R-1 zone district per Montecito LUDC 35.423.050 and no less than 15 feet is required per Montecito LUDC 35.430.120.C.3.d.1; and variance to allow 59 percent rear setback area coverage where no more than 30 percent coverage is allowed per Montecito LUDC 35.422.020.B.3.a to accommodate construction of a 557 sq. ft. attached garage with 296 sq. ft. loft and a 108 sq. ft. residential addition. Interior remodel is also proposed. A 1,545 sq. ft. residence with attached carport currently exists on the property. The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District and the Montecito Fire Department. The property is a 0.22-acre parcel zoned 7-R-1 and shown as Assessors Parcel Number 013-111-040, located a 784 Chelham Way in the Montecito area, 1st Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Jeff Shelton

Exempt Status: (Check one)

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

Cite specific CEQA and/or CEQA Guideline Section: 15270 & 15305(a)

Reasons to support exemption findings: Section 15305(a) of the Guidelines for Implementation of CEQA exempts minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. The proposed project involves a setback variance that would not result in the creation of any new parcel. No environmental impacts would be associated with the setback modification. There will be no obstruction of any scenic views open

to the public and the project would not change the visual character of the area. The project would not result in the loss of any existing native vegetation or the removal of any oak trees, would require minimal grading, and would not impact any biological resources. Section 15270 of the CEQA Guidelines statutorily exempts projects with a public agency rejects or disapproves

Lead Agency Contact Person: Sarah Clark Phone #: (805) 568-2059

Department/Division Representative: _____ Date: _____

Acceptance Date: _____

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

distribution: Hearing Support Staff
Project file (when P&D permit is required)
Date Filed by County Clerk: _____.

ATTACHMENT C: SITE PLAN

