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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECORD PACKET COPY



Filed: 1/26/98
49th Day: 3/16/99
180th Day: 7/25/99
Staff: MHC-V
Staff Report: 3/25/99
Hearing Date: 3/13-16/99

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Santa Barbara

DECISION: Approval with Conditions

APPEAL NO.: A-4-ST-99-014

APPLICANT: George Longo

PROJECT LOCATION: 2350 Finney Street, Santa Barbara County

PROJECT DESCRIPTION: Demolish parts of a 1,090 sq. ft house, and rebuild and enlarge house to 2,031 sq. ft. on a 6,774 sq. ft. lot

APPELLANT: John R. Gordon

SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Local Coastal Program;
Coastal Development Permit 98-CDP-002H

Summary of Staff Recommendation: No Substantial Issue Exists

The Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reason: the re-construction of the proposed single family residence is consistent with the applicable policies and related zoning standards of the County's certified Local Coastal Program as well as with the access policies of the California Coastal Act.

The Appellant alleges the project is inconsistent with the Santa Barbara County Local Coastal Program because the development: (1) fails to protect public views from public roads or from recreational areas to and along the coast; (2) is not compatible with the established physical scale of the area; and (3) may significantly alter the existing natural landforms. (See Exhibit 3.)

Appealability to the Commission

The proposed project is located seaward of the U.S. Highway 101 which is the first road paralleling the ocean in this area and is therefore within the appeals jurisdiction of the Commission. (Coastal Act Section 30603[a][1])

I. Project Description

The proposed project consists of the demolition of a 260 square foot portion of an existing 1,090, leaving 830 square feet of the original residence, and the construction of a 1,201 square foot addition to the remaining portion of the existing single family residence. The proposed additions include a new first floor living area totaling 548 square feet, and second story study, den, bedroom, and a basement totaling 653 square feet. With the proposed additions, the remodeled residence would be approximately 2,031 square feet. A four-foot retaining wall would be constructed along the eastern property line.

The applicant proposes to demolish a portion of the existing deck and residence that currently straddles the eastern property line. The remodeled residence would be 3 feet from the property. The residence, including the proposed additions, would be located 11 feet from Finney Street. The average height of the structure, including the proposed additions, is approximately 22 feet, with a maximum height of approximately 24 feet. Approximately 86 cubic yards of cut and 121 cubic yards of fill will be required for site preparation. One Eucalyptus tree is proposed to be removed to accommodate the addition. (See Exhibits 1 and 2.)

II. Appeal Procedures

The Coastal Act provides for appeals to the Coastal Commission after certification of Local Coastal Programs (LCPs) of a local government's actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses. (Coastal Act Section 30603[a]) Any development approved by the County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]) Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5])

As explained above, the proposed project is located seaward of the first public road paralleling the sea (U.S. Highway 101) and are therefore appealable to the Commission. (Coastal Act Section 30603[a][1])

The grounds for appeal for development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[a][4])

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission should find that a substantial issue is not raised by the portions of the project in the County's original Coastal Development Permit jurisdiction, the Commission would still have to determine whether a Coastal Development Permit should be issued for the majority of the project that is located within the Commission's original retained permit jurisdiction.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three (3) minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that substantial issue is raised by the appeal. If a substantial issue is found to exist, the Commission will proceed to a full public *de novo* hearing on the merits of the project which may occur at a subsequent hearing. If the Commission conducts a *de novo* hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If a *de novo* hearing is held, testimony may be taken from all interested persons at the *de novo* hearing.

III. Local Government Action and Filing of Appeal

The Santa Barbara County Board of Supervisors approved a Coastal Development Permit (98-CDP-022H) for the project on December 15, 1998 after considering an appeal by Rusty and Nancy Jordan, and issued a Notice of Final Action for the Coastal Development Permit on January 7, 1998. (See Exhibit 4.)

The Commission received the Notice of Final Action on the project on January 11, 1998, and received this appeal of the County's action on January 26, 1999. The appeal was filed on January 26, 1999, and was therefore filed within the 10 working day appeal period of the Commission's receipt of the Notice of Final Action as provided by the Commission's administrative regulations.

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued Coastal Development Permit is filed. In accordance with the California Code of Regulations, on January 28, 1999 staff requested all relevant documents and materials regarding the subject permit from the County to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The administrative record for the project was received from the County on February 16, 1999.

Since the Commission did not timely receive all requested documents and materials to allow consideration at the March 1999 Commission hearing, the Commission opened and continued the hearing at the March 9, 1999 Commission meeting pursuant to Section 13112 of the California Code of Regulations. All of the remaining file materials have now been transmitted to the Commission and reviewed by staff.

IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to grounds on which the appeal was filed following Section 30603 of the Coastal Act and that the Commission takes the following action:

Motion

I move that the Commission determine that appeal A-4-STB-98-014 raises NO substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff Recommendation

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

V. Findings and Declarations for Substantial Issue

A. Project description

The proposed project consists of the demolition of a 260 square foot portion of an existing 1,090, leaving 830 square feet of the original residence, and the construction of a 1,201 square foot addition to the remaining portion of the existing single family residence. The proposed additions include a new first floor living area totaling 548 square feet, and second story study, den, bedroom, and a basement totaling 653 square feet. With the proposed additions, the remodeled residence would be approximately 2,031 square feet. A four-foot retaining wall would be constructed along the eastern property line.

The applicant proposes to demolish a portion of the existing deck and residence that currently straddles the eastern property line. The remodeled residence would be 3 feet from the property. The residence, including the proposed additions, would be located 11 feet from Finney Street. The average height of the structure, including the proposed additions, is approximately 22 feet, with a maximum height of approximately 24 feet. Approximately 86 cubic yards of cut and 121 cubic yards of fill will be required for site preparation. One Eucalyptus tree is proposed to be removed to accommodate the addition. (See Exhibits 1 and 2.)

B. Issues Raised by the Appellant

The Appellant alleges the project is inconsistent with the Santa Barbara County Local Coastal Program because the development: (1) fails to public views from any public road or from recreational areas to and along the coast; (2) is not compatible with the established physical scale of the area; and (3) may significantly alter the existing natural landforms. (See Exhibit 4.)

C. Local Government Action and Filing of Appeal

The Santa Barbara County Board of Supervisors approved a Coastal Development Permit for the project on December 15, 1998 after hearing an appeal by Rusty and Nancy Jordan, and issued the

Notice of Final Action for a Conditional Use Permit on January 11, 1998. The project was approved by the County Board of Supervisors with a set of standard conditions, including approval from the County Board of Architectural Review. (See Exhibit 2.)

The Commission received the Notice of Final Action for the project on January 11, 1999, and received an appeal of the County's action on January 26, 1999. The appeal was filed on January 26, 1998, and was therefore filed within the 10 working day appeal period for an appeal following the Commission's receipt of the Notice of Final Action as provided by the Commission's Administrative Regulations. The Commission opened and continued the public hearing on this matter at March 9, 1999 Commission meeting due to the delayed receipt of the administrative record on the matter from the County of Santa Barbara. (See Exhibit 3.)

D. Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act stipulates that:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

As noted above, the Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reason: the re-construction of the proposed single family residence is consistent with the applicable policies and related zoning standards of the County's certified Local Coastal Program as well as with the access policies of the California Coastal Act.

The Appellant's contentions do not raise valid grounds for an appeal for the reasons set forth below.

1. Public Views

The appellant alleges that the County approved the project in a manner inconsistent with the public view protection standards of the County's certified Local Coastal Program. Specifically, that the proposed structure because of its size and height would obstruct public views of the mountains from the beach and obstruct public views from the public road above Finney Street to the Beach.

LCP Policy 4-4 provides, in relevant part, that:

Bluff top structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structure on both side of the proposed structure already impact public view from the beach.

LCP Policy 4-9 provides that:

Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.

Policy VIS-S-3 of the Summerland Community Plan provides that:

Public view from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced. Where practical, private views shall also be protected.

The proposed remodeled residence would be located in a small single-family residential subdivision seaward of U.S. Highway 101. The proposed remodel itself is located inland of the first ocean fronting lot, with an average height of 22 feet. The project is bounded on both sides by existing single family residences and in front (seaward side) by a single-family residence. Because of the elevation of the lot below the adjacent U.S. Highway 101 and the height of the residence, the proposed remodel does not obstruct views or impinge on ocean views from U.S. Highway 101. Further, because there is a residence fronting the proposed project, the project itself does not obstruct public views of the mountains from the beach. Because the proposed remodel is located on the seaward side of U.S. 101 it does not effect views from the Highway to the foothills. Finally, the re-modeled residence is situated to minimize views from neighbors; a reduction in height of 1.5 feet as suggested by the (see below) would not substantially affect either private or public views of the ocean or the inland coastal Santa Ynez Mountains. (See Exhibit 2.)

The Commission therefore finds that the approval of the project is in conformance with natural land form alteration standards of the County's certified Local Coastal Program, and the Appellant's contention does not raise a substantial issue with respect to the protection of public or private view standards of the County's certified Local Coastal Program.

2. Physical Size and Community Character

The Appellant alleges that the County approved the project in a manner inconsistent with the scenic and visual resource protection standards of LCP Policy 4-4 and Summerland Community Plan VIS-S-5. Specifically, that the proposed height of the structures (22 feet) exceeds the allowable height for the R-1 Zone District in the Summerland Specific Plan area and that the proposed height intruded into public view of both the Santa Ynez Mountains from the beach and intrudes into the Beach from Finney Street. Further, the appellant contends that the Floor Area Ratio (to lot size) exceeds that which is allowed in the Summerland Community Plan.

LCP Policy 4-4 provides, in relevant part, that:

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.

Action VIS-S-3.1 of the Summerland Community Plan provides, in relevant part, that:

The maximum height for structures within the urban area shall be 22 feet . . .

Board of Architectural Review Guidelines for Summerland provides that for lot sizes between 5,801 and 6,900 square feet, the Floor Area Ratio is 0.32, and the maximum allowable square footage of floor area is therefore 2,070 square feet.

The proposed remodeled residence would be a two-story structure with an average height of 22 feet from the finished grade. The proposed residence is located on the seaward side of the U.S. Highway 101 on a steeply sloping lot, which is situated below U.S. Highway 101.

The appellant has argued that the applicant's proposed residence should have a calculated height of 23.5 feet, based on the use of the existing grade of the property. . The difference in the two calculated elevations is therefore 1.5 feet. The proposed remodel includes a three foot fill on the downslope side of the building pad to bring the interior first floor elevation of the addition to the same level as the existing first floor elevation of the existing structure. The County Zoning Ordinance specifies that in calculating the height of structures, the height of a structure is measured from finished grade elevation. However, the County staff has indicated that it their practice to calculate heights from finished grade, a practice that is widely used by local agencies. In this case, the amount of fill is only that necessary to raise the finished floor elevation of the proposed addition to the level of the existing floor elevation. The height of the addition is not taller than the existing structure as measured by the finished grade. Further, the height of the remodeled residence is comparable to or less than the existing structures (See Exhibit 2.).

Regarding the overall size and scale of the proposed remodel, the appellant contends that the proposed 2,031 square foot residence exceeds the allowable square footage on the lot because the County has not correctly calculated the size of the lot and the proposed floor area for purposes of meeting the Floor Area Ratio requirements in the Summerland Community Plan. Specifically, the appellants content that County has improperly included in the lot area a portion of a private easement controlled by the appellants, and further, have improperly excluded the floor area of a basement. According to the appellants, only with a variance could the proposed remodeled residence be allowed at the current size. The difference in the square footage of the proposed remodeled residence (2,031 square feet) and the allowed square footage of the floor area alleged by the appellants (1,643 square feet to 1953 square feet) ranges from 78 to 388 square feet. (See Exhibit 3.)

The County has indicated that its calculation of the net lot area accurately reflects the countywide practice of calculating lot area, which only requires the subtraction of public rights of way, not private easements. Further, the County did not impose a 10% reduction on the allowed Floor Area Ratio based upon presence of an understory for the basement because the project's understory is under four feet (3.7 feet) and therefore does not require a reduction in the Floor Area Ratio pursuant to the Architectural Guidelines for Summerland. Further, the 246 square foot basement is setback into the hillside to nearly eliminate its downslope exposure, and thus allowing for a 250 square foot basement credit against the Floor Area Ratio.

The Floor Area Ratio and the size (height and floor area) of the proposed remodeled residence are therefore consistent with the requirements of the Architectural Review Guidelines for Summerland. Further, the size of the proposed remodeled residence is consistent with the scale of the surrounding residential development. By way of comparison, the size of the surrounding development ranges from +1,975 square feet to 3,321 square feet, with the average size of the surrounding residences being 2,574 square feet. The proposed development would therefore be smaller than the average sized residence in this residential subdivision. (See Exhibit 2.)

The Commission therefore finds that the approval of the project is in conformance the standards of the County's certified Local Coastal Program, and the Appellant's contention does not raise a

substantial issue with respect to the building height and square footage standards of the County's certified Local Coastal Program.

3. Alteration of Natural Landforms

The Coastal Development Permit alleges that the County approved the project in a manner inconsistent with the landform protection standards of LCP Policy 3-1 and 3-14. Specifically, the appellant alleges that the proposal to raise the finished grade three feet to bring the finished first floor elevation of the addition to the same elevation as the existing structure, and to fill a portion of the existing under story approximately five feet to mask the basement entails a substantial alteration of natural landforms. (See Exhibit 3.)

LCP Policy 3-14 provides, in relevant part, that:

Natural features, landforms . . . shall be preserved to the maximum extent feasible.

The proposed remodeled residence is on an already developed a graded site. The project site is located on a sloped lot between Finney Way and a row of private residences. The proposed addition will entail approximately 86 cubic yards of cut and 121 cubic yards of fill. As part of the remodel the existing deck which extends 6 feet over the adjacent Carry Place barranca will be removed, and that portion of the residence will be set back from the barranca thus restoring some portion of the natural landform. The project does not involve extensive grading, and or alteration of any natural landforms such as coastal bluffs, slopes, drainages, or notable physical features such as rock outcrops or hillocks.

The Commission therefore finds that the approval of the project is in conformance with natural land form alteration standards of the County's certified Local Coastal Program, and the Appellant's contention does not raise a substantial issue with respect to the landform alteration standards of the County's certified Local Coastal Program.

4. Public Access

Section 30603(b)(1) of the Coastal Act stipulates that:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

LCP Policy 7-3 provides, in relevant part, that:

For all development between the first public road and the ocean, granting of lateral access easements to allow for public access along the shoreline shall be mandatory. In coastal areas where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated At a minimum, the dedicated easement shall be adequate to allow for lateral access *during periods of* high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure.

Coastal Act Section 30210 provides that:

In carrying out the standards of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 provides that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The proposed remodeled residence is located on a lot seaward of the first public road paralleling the coast (U.S. Highway 101) and the adjacent frontage road (Finney Way), but is not situated on an ocean fronting parcel. The nearest public access to the adjacent sandy beach is through the County owned Lookout Park which is situated approximately one half mile to the west of the project site. The proposed modifications and additions to the existing residence will not interfere with access to Lookout Park or significantly add, either individually or cumulatively to the intensification of the adjacent public beach.

The Commission therefore finds that the approval of the project is in conformance with the public access standards of the County's certified Local Coastal Program. The Appellant's contention does not therefore raise a substantial issue with respect to the public access standards of the County's certified Local Coastal Program and the Coastal Act.



County of Santa Barbara Planning and Development

John Patton, Director

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

BOARD OF SUPERVISORS
Hearing of December 15, 1998

January 4, 1999

George Longo
PO Box 1107
Camarillo, California 93011-1107

EXHIBIT NO. 2
APPLICATION NO.
A-4-STB-99-014
Longo

RE: 98-CDP-022H; Longo Single Family Dwelling Addition, as follows:

Page 1 of 36

Hearing to consider the appeal of David Smith, attorney for the appellants, Rusty and Nancy Jordan, of Case No. 98-CDP-022H [application filed on 02/13/98 and approved by the Zoning Administrator on 09/14/98] for a Coastal Development Permit under Section 35-169.5 in the 7-R-1 Zone District of Article II to allow 1,062 square feet of additions to an existing single family dwelling; and accept the Exemption pursuant to Section 15301(e) of the State Guidelines for Implementation of the California Environmental Quality Act. The property is identified as AP No. 005-240-038, located at 2350 Finney Street in the Summerland area, First Supervisorial District.

Dear Mr. Longo:

At the Board of Supervisors' hearing of December 15, 1998, Supervisor Schwartz moved, seconded by Supervisor Graffy, and carried by a vote of 5 to 0 to:

1. Adopt the required findings for the project as specified in Attachment A of the Board of Supervisors' Action Letter dated January 4, 1999, including CEQA findings;
2. Accept the project to be exempt from CEQA as specified in the Zoning Administrator Action Letter for September 14, 1998;
3. Approve the project, 98-CDP-022H, subject to the conditions of approval specified in Attachment B of the Board of Supervisors' Action Letter dated January 4, 1999.

The attached Findings and Coastal Development Permit (CDP) reflect the Board of Supervisors' action of December 15, 1998.

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

The time within which judicial review of this decision must be sought is governed by Section 65009(c) of the California Government Code and Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

Sincerely,



Noel Langle
Deputy Director, Zoning Administration
FOR JOHN PATTON, DIRECTOR

xc: Case File: 98-CDP-022H
Hearing Support/Board of Supervisors File
Third Floor: Richard Conal, Planning Technician (ALL CDP PROJECTS)
Second Floor Zoning Information Counter: Petra Leyva
Address File: 2350 Finney Street
✓ Coastal Commission; 89 South California St., Suite 200; Ventura, CA 93001
Agent for the owner: Jan Hochhauser; 122 E Arrellaga St; Santa Barbara, CA 93101
Attorney for the owner: Susan Petrovich; 21 East Carrillo Street; Santa Barbara, CA 93101
Summerland Citizens Association; PO Box 508; Summerland, CA 93067
Appellant: David Smith; PO Box 3881; Santa Barbara, CA 93130
Carpinteria-Summerland Fire Protection District
Clerk of the Board File No. 98-21,067
Planner: Lisa Plowman

Attachments: BOARD OF SUPERVISORS AGENDA LETTER DATED NOVEMBER 30, 1998
BOARD OF SUPERVISORS MINUTE ORDER DATED DECEMBER 15, 1998
ATTACHMENT A - FINDINGS
ATTACHMENT B - CDP with CONDITIONS OF APPROVAL
Departmental letter: Fire dated 02/24/98
ZONING ADMINISTRATORS ACTION LETTER

NL:LP:its:#10

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**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: 11/30/98
Department Name: Planning & Development
Department No.: 053
Agenda Date: 12/15/98
Placement: Departmental
Estimate Time: 1 hr.
Continued Item: NO
If Yes, date from:
Document File Name:

TO: Board of Supervisors

FROM: John Patton, Director
Planning & Development

A handwritten signature in black ink, appearing to read "JPATTON", written over the printed name of John Patton.

**STAFF
CONTACT:** Lisa Plowman, Planner III
Zoning Administration

SUBJECT: Consider the appeal of Case Number 98-CDP-022H (Longo Single Family Residence). The property is identified as Assessor Parcel Number 005-240-038 located south of U.S. Highway 101 and the Union Pacific Railroad tracks approximately 1,000 feet east of the Evans Street and Wallace Avenue intersection and is addressed as 2350 Finney Street in the Summerland area, First Supervisorial District.

RECOMMENDATION(S):

That the Board of Supervisors consider the appeal of Rusty and Nancy Jordan of 98-CDP-022H and uphold the Zoning Administrator's action by:

1. Adopting the required findings for 98-CDP-022H as specified in Attachment A of staff's report dated August 31, 1998 report, including CEQA findings.
2. Accepting the Categorical exemption (Attachment C of staff's report dated August 31, 1998)
3. Approving the project subject to the conditions included as Attachment B of staff's report dated August 31, 1998.

ALIGNMENT WITH BOARD STRATEGIC PLAN:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

EXECUTIVE SUMMARY AND DISCUSSION:

Background:

On May 6, 1996 the Zoning Administrator approved a coastal development permit (95-SUP-045 a.k.a 97 CDP-003) and variance to allow a 1,350 square foot addition to an existing 1,063 square foot single family residence located at 2350 Finney Street in Summerland. With the addition, the residence would total 2,413 square feet. The variance allowed the reduction of the front and rear yard setbacks and an increase in the allowable floor area ratio (FAR) from 0.32 to 0.36. The approval was appealed to the Board of Supervisors. On March 4, 1997 the Board upheld the Zoning Administrator's decision to allow a variance of the front and rear yard setbacks but denied the variance to increase the FARs and consequently the coastal development permit. The Board expressed concern regarding the size and scale of the proposed addition and specifically the existing understory.

Currently Proposed Project:

In February 1998 the applicant submitted a new project of reduced scale which conformed to the maximum allowable FAR of 0.32. The Zoning Administrator staff report dated August 31, 1998 states that the proposed project involved the demolition of an existing ± 400 square foot garage, ± 165 square feet of decking, and 260 square feet of the residence in preparation for a $\pm 1,062$ square foot addition. The addition includes: a basement; a living room and attached garage on the first floor; and a study, den, and bedroom on the second floor. Since the approval of the project, the size of the proposed addition has been refined by project architect and is outlined in the following table:

Project Component	Refined Project Statistics
Existing Residence	1090 s.f.
Proposed demolition of existing residence*	345 s.f. 260 s.f. corrected of 1000
Remaining Residence	830 s.f.
Proposed Addition -- 1st Floor	548 s.f.
Proposed Addition -- 2nd Floor	653 s.f.
Total Additions	1201 s.f.
Proposed Residence	2031 s.f. (830 + 1,201)
Proposed demolition of existing decking *	<160 s.f.>
Proposed demolition of existing garage	<400 s.f.>
Proposed attached Garage	523 s.f. - credit
Proposed Basement	246 s.f. credit

- * Demolition of the selected portions of the residence and the deck reduced understory from approximately eight feet to four feet. The reduction of the understory allowed the applicant to avoid the 10% understory penalty (i.e., if the understory exceeds four feet a 10 percent penalty is applied to the FAR).

As noted above, upon completion of the proposed project the residence would total $\pm 2,031$ square feet (previous project totaled $\pm 2,413$ s.f.), the attached garage would total ± 523 square feet, and the total

would total ±246 square feet.¹ The total project size for purposes of determining the FAR is 2,054 square feet (2,031 s.f. residence + 23 s.f. of garage area in excess of 500 s.f.). The lot area net, as determined by the Department, is 6,774 square feet. The project FAR equals 0.30 ($2,054/6,774 = 0.30$) which conforms to the maximum allowable FAR of 0.32

Appeal Issues:

Rusty and Nancy Jordan filed an appeal of the Zoning Administrator's September 14, 1998 conditional approval of 98-CDP-022H (Longo Residential Addition). The appellant is contending that 1) the net lot area was calculated incorrectly and the project's actual FAR exceeds the allowable FAR (0.32), 2) the project should be subject to the 10% understory penalty for the purpose of calculating the allowable FAR, and 3) the proposed basement area should be included in the floor area net for the purpose of calculating the allowable FAR.

1. *The net lot area was calculated incorrectly because staff did not subtract the area in the private road which crosses the site and therefore, the project's actual FAR exceeds the allowable FAR (0.32).*

According to the Summerland Overlay in the Coastal Zoning Ordinance (Article II), the floor area ratio of a project in Summerland is determined by dividing the size of the proposed project or floor area net by the lot area net. Definitions of floor area net and lot area net are provided in the Definitions and Summerland Community Plan Overlay Sections of the Zoning Ordinance as follows:

SUMMERLAND COMMUNITY PLAN OVERLAY OF ARTICLE II – DIVISION 13

FLOOR AREA NET - Floor Area Net is the total floor area of all floors of a building as measured to the surfaces of exterior walls, excluding unenclosed porches, balconies and decks. Interior stairs shall be counted on only one floor. Easements or encroachments which diminish the usable area of the lot will be taken into consideration when establishing the lot area net, and this area shall be adjusted accordingly. Easements and encroachments include, but are not limited to, roads, well-sites, utility installations, portions of the property that in effect are used by other properties, etc.

GENERAL DEFINITIONS OF ARTICLE II – DIVISION 2

FLOOR AREA-NET: The gross floor area (total area of all floors of a building as measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garage porches, balconies, basements, and offices) excluding vents, shafts, stairs, corridors, attics, or unenclosed porches and balconies.

LOT AREA, NET: The gross lot area minus any area lying within a public street, such public street being defined as a permanently reserved right-of-way which has been dedicated to the County Santa Barbara.

As shown above, the Summerland Community Plan Overlay includes a customized definition of floor area net that is used to determine floor area ratios in Summerland Community Plan area only. This definition includes the statement regarding the consideration of easements or encroachments which diminish the useable area of the lot. In addition, the Overlay stipulates that if a site inclu

¹ Up to 250 s.f. of basement area and 500 s.f. of garage area are excluded from the floor area net pursuant to the Summerland Community Plan Overlay.

abandoned rights of way, only 50 percent of the abandoned area may be included in the net lot area when calculating FARs.

The gross lot area of the project site equals 7,672 square feet. The project site includes a portion of the abandoned public right-of-way (old Finney Street) along its southern boundary which totals $\pm 1,796$ square feet. As required by the Summerland Community Plan Overlay, staff subtracted half of this area (898 s.f.) from the gross lot area. Therefore, the total net lot area was determined to be 6,774 square feet (7,672 s.f. - 898 s.f.).

The appellant contends that staff should have subtracted the area dedicated to the existing private access (Finney Street) from the net lot area when determining the project's FAR pursuant to the definition of floor area net in the Summerland Community Plan Overlay. The area within the existing private access was not subtracted from the lot area net for the first project (95-SUP-045 a.k.a. 97-CDP-00) and for the current project (98-CDP-022H). The Department has interpreted the Summerland Community Plan Overlay's definition of "floor area net" to be a guide requiring only the consideration of easements/encroachments. If staff, and ultimately the decision-maker, deem appropriate the lot area may be adjusted to exclude any easements or encroachments. The reference to easements/encroachments in the definition of floor area net has been used as a guide primarily because the Summerland Overlay does not include a customized definition of "lot area net" as it does for other definitions where development analysis and regulations were intended to be different from Summerland (e.g., floor area net). This lack of customized definition requires staff to utilize the countywide definition of "lot area net" provided in the Definitions section of Article II which only requires the subtraction of public rights of way. Historically, staff has considered the subtraction of easements/encroachments from the lot area net in the context of the project's compatibility with the surrounding neighborhood. If the size, bulk, and scale of the residence is consistent and compatible with existing residential development in the neighborhood, the easement area is not subtracted. The size of the surrounding development ranges from $\pm 1,975$ square feet to $\pm 3,321$ square feet with an average size being $\pm 2,574$ square feet². The proposed development would be smaller than the average house size in the neighborhood. It should also be noted that the adjacent properties are encumbered by the same private access easement.

2. *The project should be subject to the 10% understory penalty for the purpose of calculating allowable FAR*

The Board of Architectural Guidelines for Summerland encourages the limitation of understoreys by adjusting allowable FARs downward if an understory is proposed. For example, if an understory exceeds four feet, the allowable FAR must be reduced by 10%. The appellant contends that the project includes an understory in excess of four feet. The revised project specifically included the removal of an existing deck and a portion of the existing residence to reduce the understory. The revised project's understory is slightly under four feet (3.7 feet). Therefore, the allowable FAR is not reduced by 10%.

² Residence size was only available for 5 out of the 7 lots in the small neighborhood. Thus, the average residence size may be slightly more or less.

3. *The proposed basement area should be included in the floor area net for the purpose of calculating the allowable FAR.*

In an effort to help reduce the visual mass of structures built on slopes and the exposure of basements, an FAR credit for basement area was included Summerland Community Plan Overlay and the BAR Guidelines. Oftentimes the inclusion of a basement can create the appearance of a three story structure as viewed from downslope. If a structure is designed to minimize the downslope basement exposure and the visual mass of the structure, up to 250 square feet of basement area is excluded from the floor area net when determining the FAR. The Overlay and Guidelines limit the use of this credit to single story residences or where the second story is stepped back 10 feet from the downslope face of the first story (see Attachment A -- figures from BAR Guidelines).

The proposed project includes a second story that is not stepped back from the first story and a 246 square foot basement. The proposed basement is setback into the hillside which nearly eliminates the downslope exposure of the basement (see attached elevations). Because the design of the project accomplishes the goal of the basement credit (i.e., minimize basement exposure and visual mass of the structure as viewed from the downslope), staff, and ultimately the Zoning Administrator, granted the 250 square foot basement credit despite the fact that the second story is not stepped back (see Attachment B -- Site Plan/Elevations).

MANDATES AND SERVICE LEVELS:

Section 35-182.3 of the Zoning Ordinance mandates that appeals of the Zoning Administrator be heard by the Board of Supervisors.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. Notice shall also be mailed to property owners within 300 feet of the project, including the real property owners, residents within 100 feet of the project, the project applicant and local agencies expected to provide essential services, at least 10 days prior to the hearing (Government Code Section 65091).

FISCAL AND FACILITIES IMPACTS:

Appeals on projects located within the Appeals or Permit Jurisdictions within the Coastal Zone are not charged processing fees pursuant to the adopted Planning & Development Fee Schedule. The processing of this appeal represents a net county cost.

SPECIAL INSTRUCTIONS:

- The Clerk of the Board shall complete all required noticing for this appeal including mailing and shall complete the mailed noticing for the project.
- Planning & Development will prepare all final action letters and notify all concerned parties of the Board of Supervisors' final action.
- Clerk of the Board shall forward a copy of the Minute Order to Planning and Development Hearing Support Section, Attn.: Lesli Taylor-Schupferling

CONCURRENCE:

County Counsel facilitated a meeting between the applicant and the appellant on October 30, 1998. The Facilitation notes prepared by County Counsel are attached.

ATTACHMENTS:

- A. Excerpts from the BAP Guidelines for Summerland
- B. Site Plan and Elevations
- C. County Counsel Memo to Board of Supervisors, dated November 30, 1998

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ATTACHMENT A

B/R GUIDELINES FOR SUMMERLAND

3. Basements

The following provisions adjust for slopes but allow for larger houses if they are well designed with minimal basement exposure.

Basements shall be defined as any usable or unused under floor space where the finished floor directly above is not more than 4 ft. above grade (as defined by the latest addition of the Uniform Building Code).

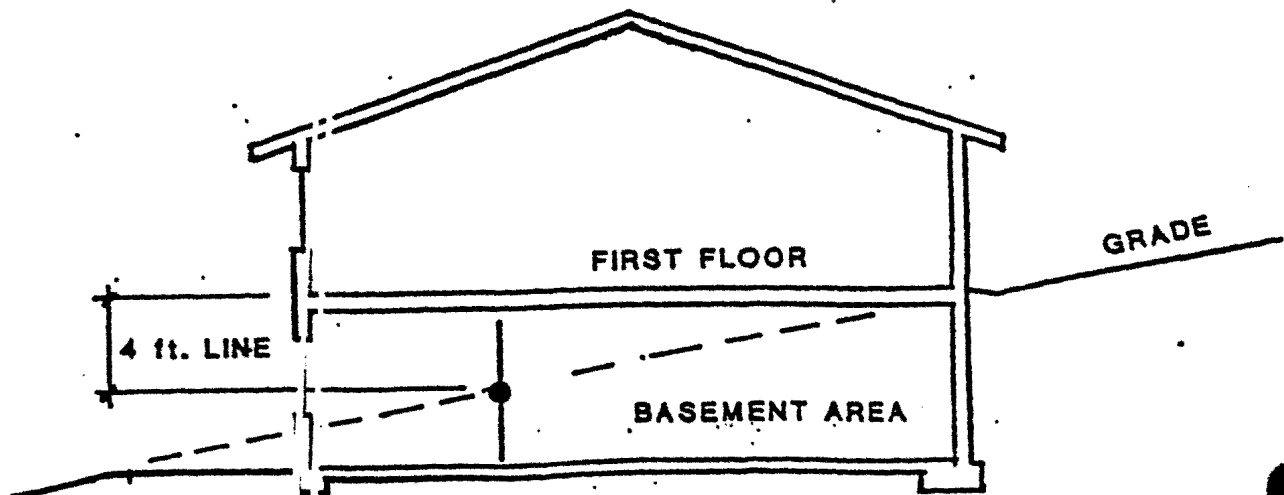


Figure 5 - Basement Area Defined

For residential structures, basements shall be counted toward the FAR as follows (see Figure 6):

First 250 sq. ft.	=	0%	=	0 sq. ft. counted and 250 sq. ft. "free"
Next 250 sq. ft.	=	50%	=	125 sq. ft. counted and 125 sq. ft. "free"
Next 300 sq. ft.	=	75%	=	225 sq. ft. counted and 75 sq. ft. "free"
Over 800 sq. ft.	=	100%	=	all sq. ft. counted and none "free"

If the living areas of a residential structures do not qualify as a basement or only partially qualify, any area of the given garage/storage allocation which qualifies under the basement definition may be calculated as per the above formula and the "free" square footage added to the allowable floor area of the structure. However, the basement "credit" may be used only once per lot, including lots with multiple unit structures.

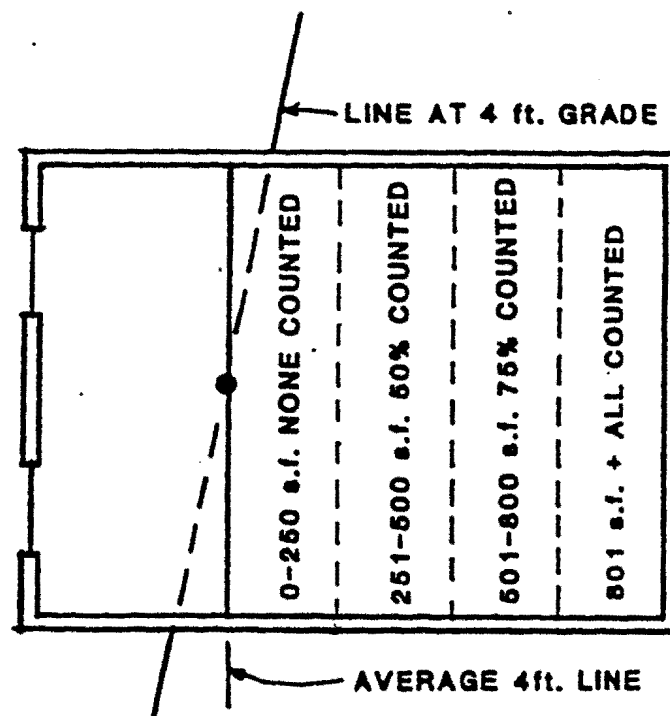


Figure 6 - Percentage of Basement
Applied to Floor Area

Basements shall be counted at 100% of floor area unless there is no second floor on the structure or unless the second floor mass is set back from the downslope face of the first floor by a minimum of 10 feet at all locations. Figure 7 shows a structure where the basement does not count 100% towards the floor area (as per Figure 6). Figure 8 shows a structure where the basement does count 100% towards the floor area.

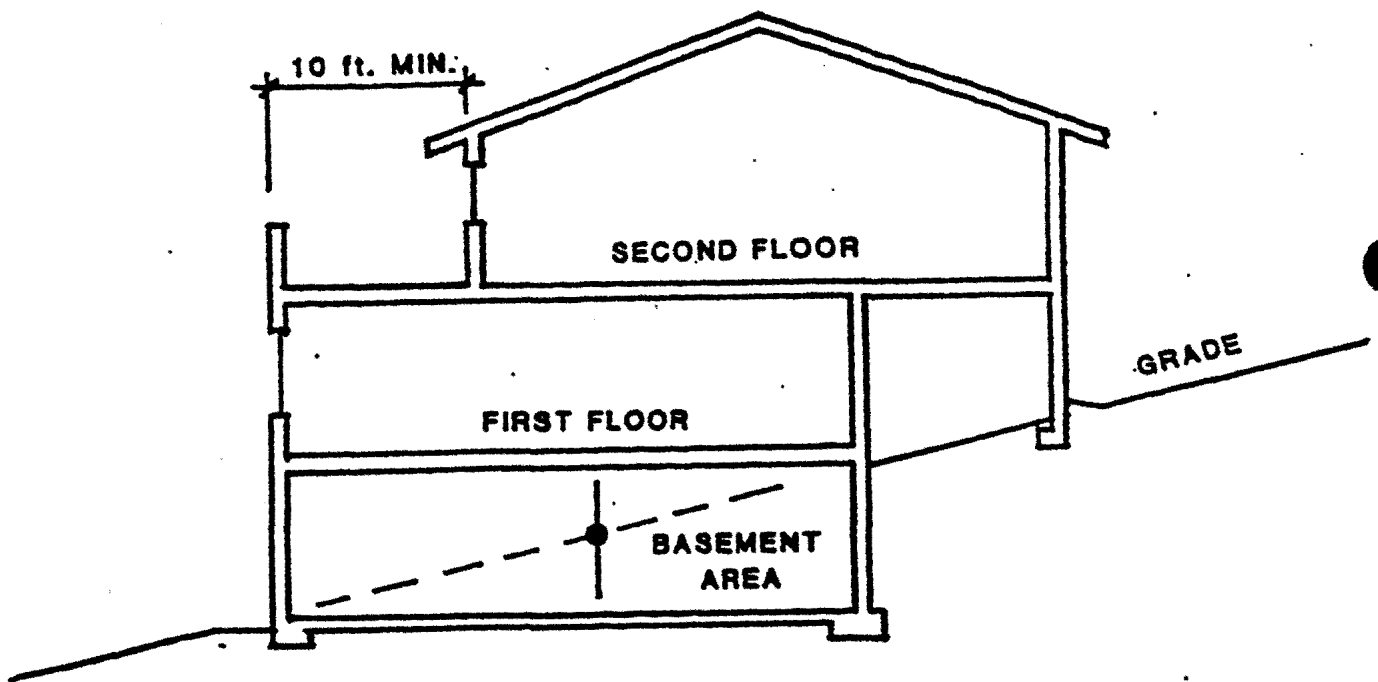
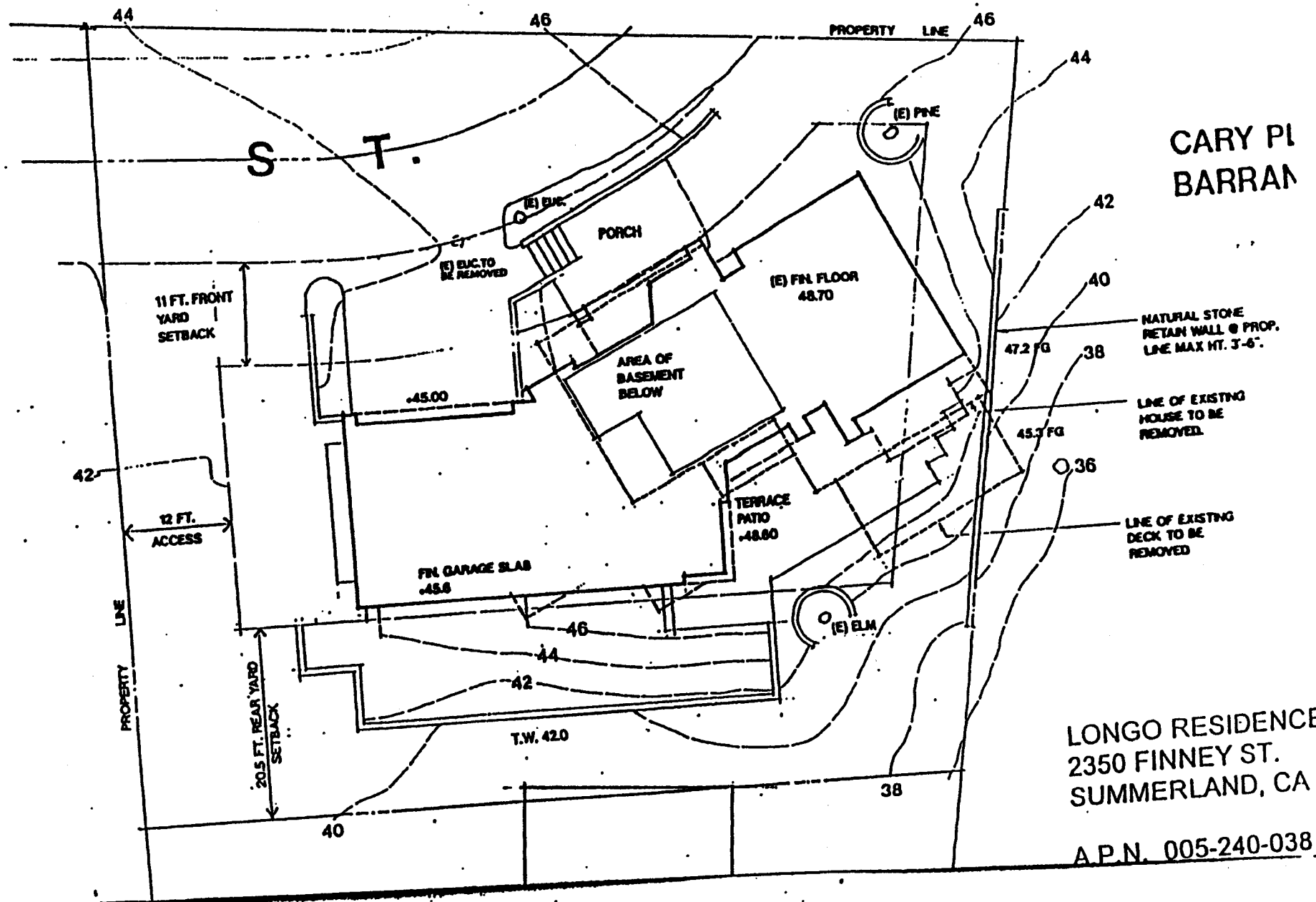


Figure 7 - Basement Does Not Count 100% Towards Floor Area

ATTACHMENT B

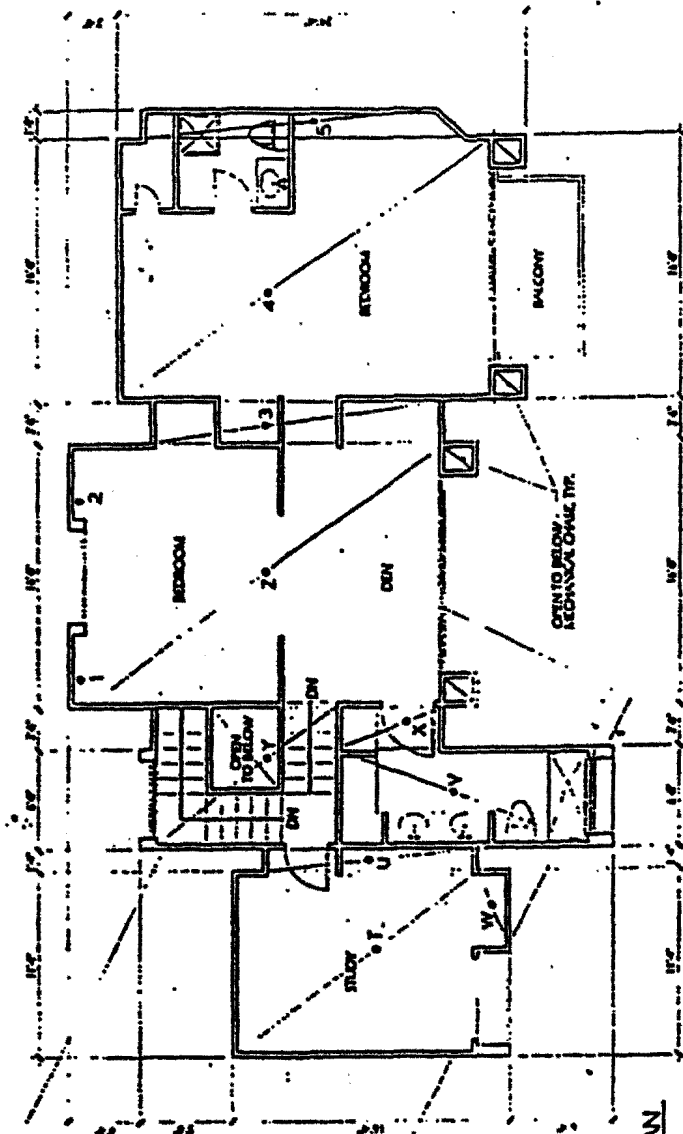


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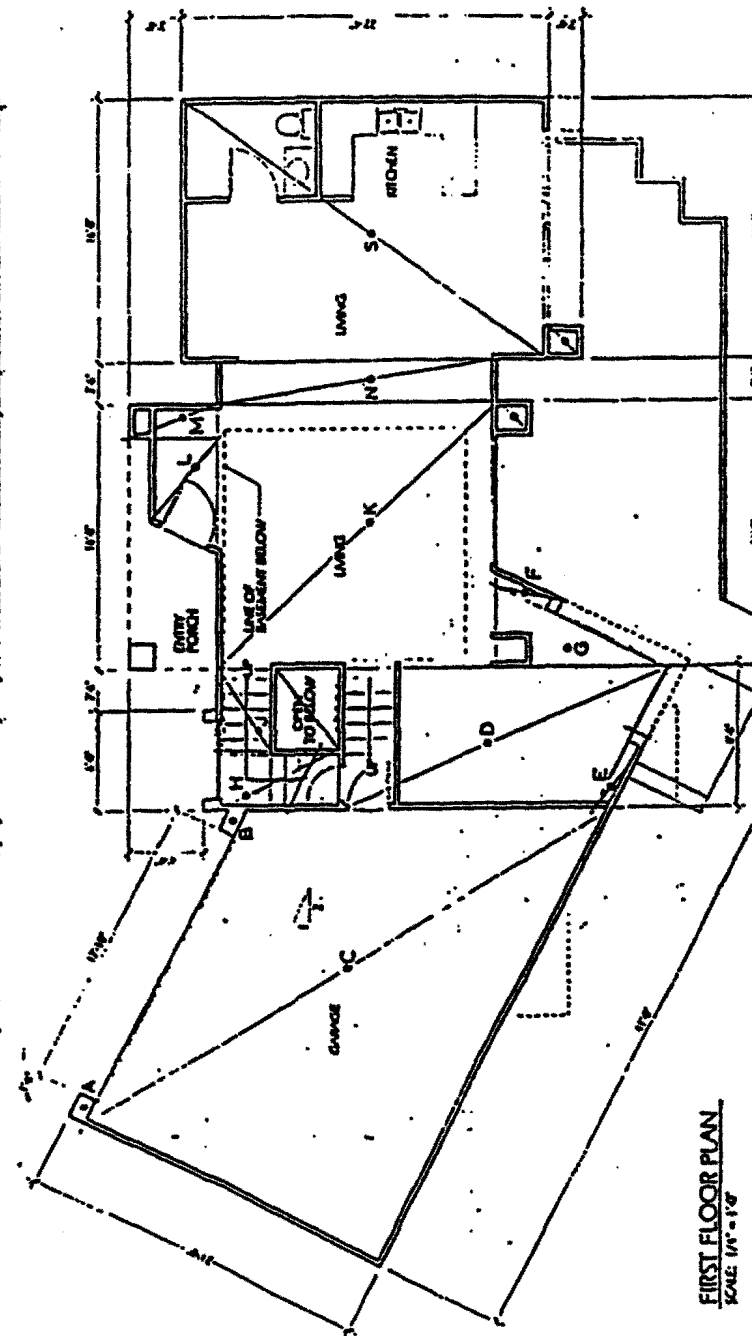
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LONGO RESIDENCE ADDITION



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



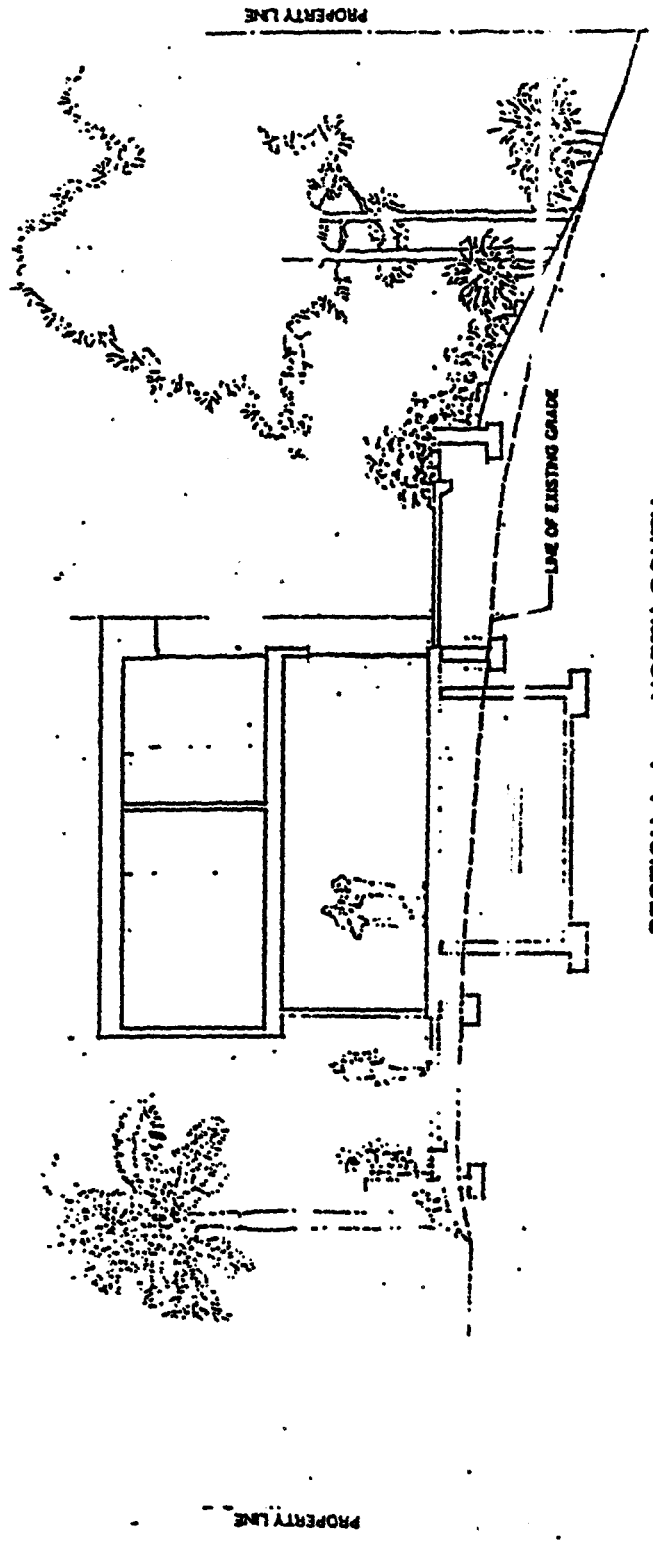
FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

LONGO - SQUARE FOOTAGE ANALYSIS

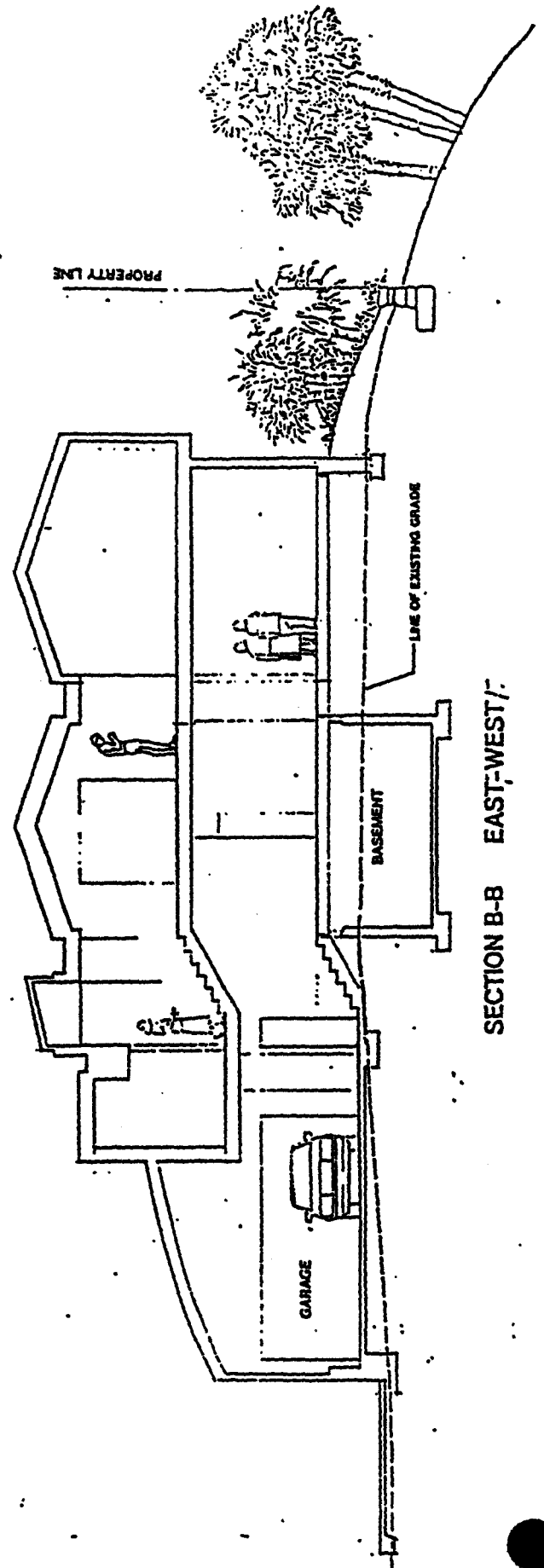
AREA	1ST FLOOR	2ND FLOOR	TOTAL
LIVING	1,200		1,200
DINING	800		800
KITCHEN	600		600
BEDROOM		1,000	1,000
BEDROOM		1,000	1,000
BATH		400	400
BATH		400	400
STUDY		400	400
HALL		200	200
BALCONY		200	200
TOTAL	2,600	2,600	5,200

LONGO - SQUARE FOOTAGE ANALYSIS (CONT.)

AREA	1ST FLOOR	2ND FLOOR	TOTAL
LIVING	1,200		1,200
DINING	800		800
KITCHEN	600		600
BEDROOM		1,000	1,000
BEDROOM		1,000	1,000
BATH		400	400
BATH		400	400
STUDY		400	400
HALL		200	200
BALCONY		200	200
TOTAL	2,600	2,600	5,200



SECTION A-A NORTH-SOUTH



SECTION B-B EAST-WEST

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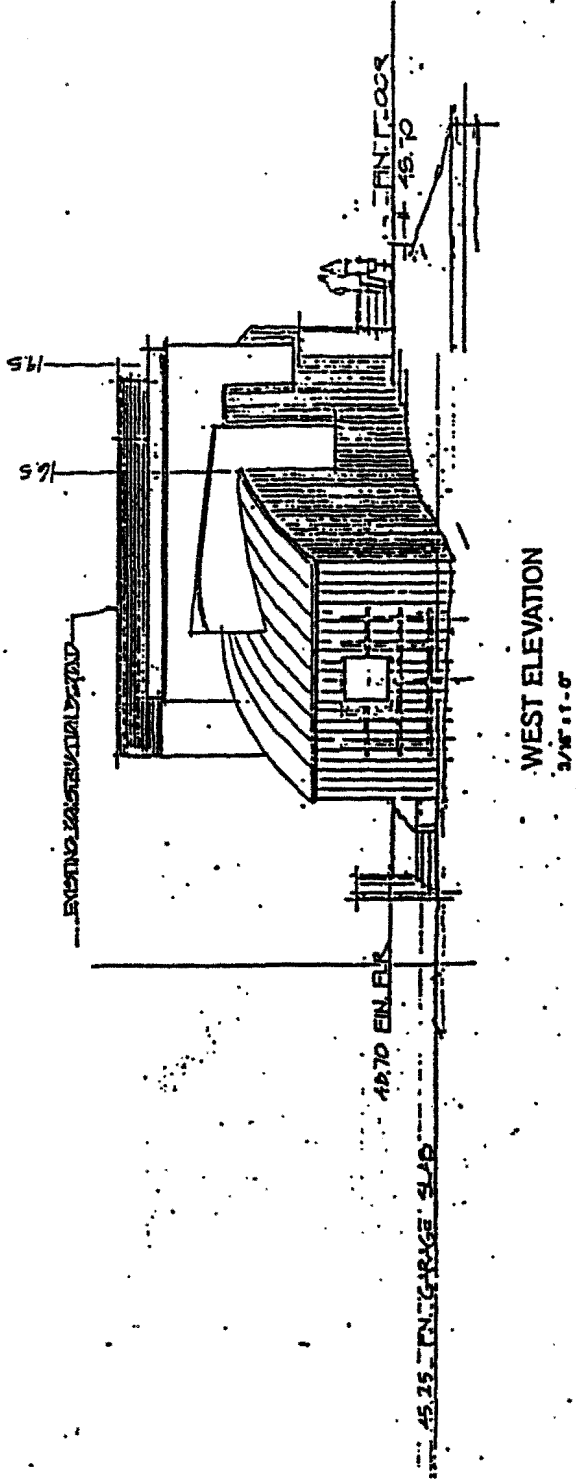
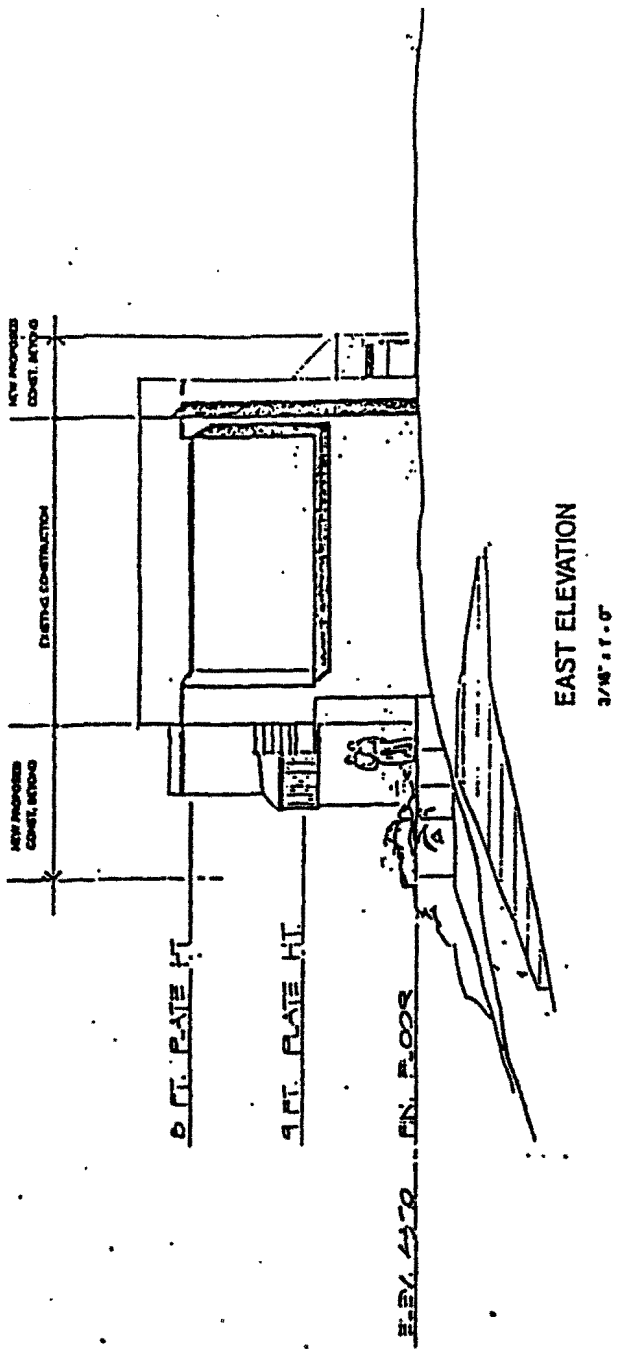
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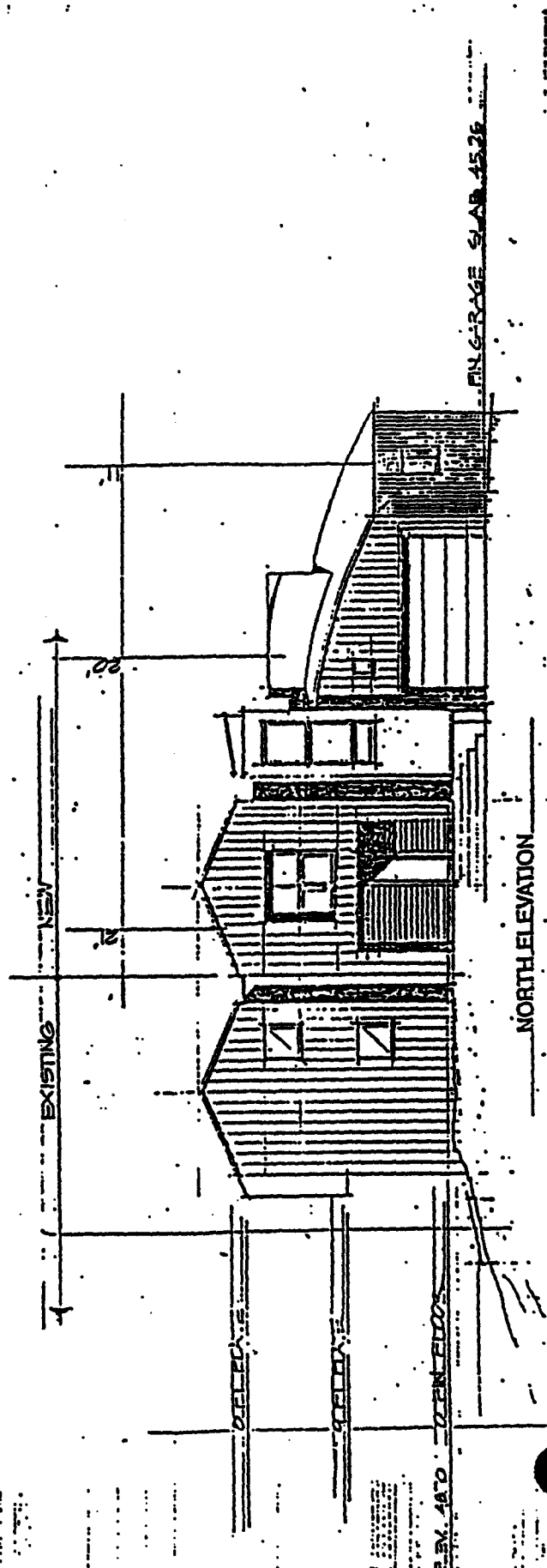
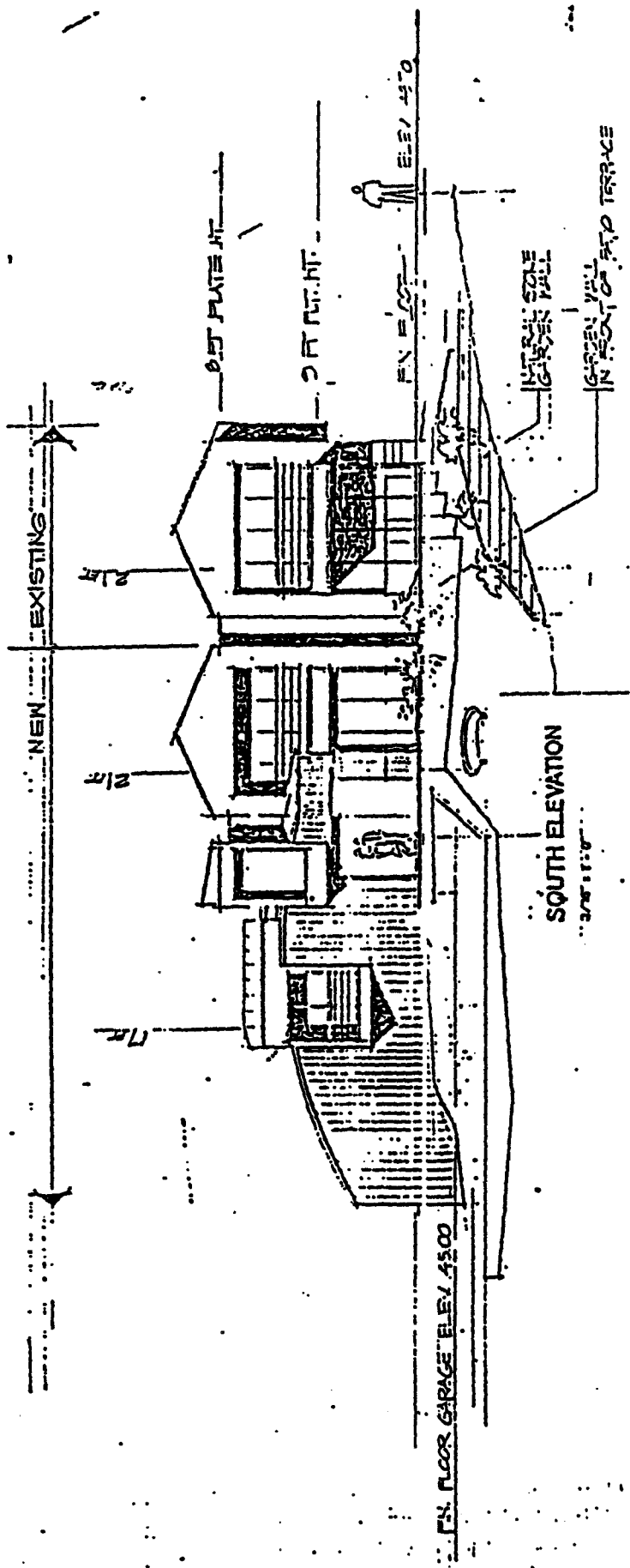
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CALIFORNIA
92701

LONGO RESIDENCE ADDITION
2350 FINNEY STREET

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ATTACHMENT C

Memorandum

Date: November 30, 1998

To: Board of Supervisors

From: Alan Seltzer, Chief Deputy County Counsel *AS*

Subject: Longo Single Family Residence Appeal; 98-CDP-022H

On October 30, 1998, a facilitation meeting was held in the above referenced appeal. Applicant George Longo appeared with his attorney, Susan Petrovich, and architect, Jan Hochhauser. Also in attendance was John Longo, the applicant's son. Appellant Rusty Jordan appeared with his architect, Jerry White, and attorney, David Smith. In addition, June Pujo and Lisa Plowman, from Planning & Development, attended the meeting.

Mr. Jordan began the meeting by summarizing the grounds for his appeal. He contended that the proposed single family residence addition was incompatible with surrounding residences and was inconsistent with the Comprehensive Plan, the Coastal Plan, and the Summerland BAR guidelines. Mr. Smith described the appellant as the neighbor most impacted by the proposed project. He stated that the appellant wanted to help design a good project, but had many concerns. He suggested that the Board previously found the project too large for the lot and that this revised project was not substantially different than the previously denied project. Mr. Smith further contended that an understory would remain a component of the revised project, requiring imposition of a penalty in calculating the FAR.

Mr. Hochhauser responded for the applicant. He contended that the Zoning Administrator properly found no understory penalty should be assessed since the proposed project would demolish the existing deck and a portion of the existing residence to reduce the exposed understory, thereby eliminating any basis for an understory penalty.

The parties then identified and discussed a number of issues relating to the appeal, including the average height of the structure, the Summerland Community Plan, a dispute over the location of a fence separating the properties and Mr. Jordan's prescriptive easement claim to property on his side of the

fence. Ultimately, the parties focused on design issues and total square footage of the proposed project as the central issues on appeal.

Mr. White, on behalf of the appellant, disagreed that the applicant had properly calculated the square footage of the addition, and contended that the addition was larger than presented on the drawings. (A discussion as to the proper methodology for measurement of the floor area ensued.) The parties agreed that Mr. Hochhauser would recalculate the dimensions of the proposed project and submit them to staff by the following Friday. Mr. White also stated that Mr. Jordan had no problem with the proposed garage. However, Mr. White suggested that the applicant reduce the height of the addition and make the second story smaller at its west side. The parties tentatively agreed to consider further discussions regarding design issues and indicated that they would contact staff if another facilitation meeting would be helpful. There has been no request for further meetings between the parties through the facilitation process.

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BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA
CLERK OF THE BOARD OF SUPERVISORS

MINUTE ORDER

December 15, 1998, in the p. m.

Present: Supervisors Naomi Schwartz, Jeanne Graffy, Gail Marshall,
Joel Gray, and Thomas Urbanske
Michael F. Brown, Clerk (Fiorillo)

Supervisor Marshall in the Chair

RE: Planning And Development - Consider recommendations regarding the appeal of Case No. 98-CDP-022H, Longo Single Family Residence, AP No. 005-240-038, located south of U.S. Highway 101 and the Union Pacific Railroad tracks approximately 1,000 feet east of the Evans Street and Wallace Avenue intersection and is addressed as 2350 Finney Street, Summerland area, First District, as follows: (98-21,067) (FROM NOVEMBER 17, 24, 1998) (EST. TIME: 1 HR.)

- a) Adopt required findings for 98-CDP-022H as specified in Attachment A of staff's report dated August 31, 1998 including CEQA findings;
- b) Accept Categorical Exemption as specified in Attachment C of staff's report dated August 31, 1998;
- c) Approve project subject to the conditions specified in Attachment B of staff's report dated August 31, 1998.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

Schwartz/Graffy

Approved recommendations a) through c).

ATTACHMENT A
FINDINGS FOR APPROVAL

Longo Single Family Dwelling Addition
(98-CDP-022H)
December 15, 1998

1.0 CEQA Findings

The proposed residential additions are exempt from environmental review pursuant to CEQA Guidelines Section 15301(e).

2.0 Administrative Findings

Pursuant to Section 35-169.6 of Article II of the Santa Barbara County Zoning Ordinance, a Coastal Development Permit shall be approved only if all of the following findings are made:

- 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*

As discussed in Section 4.2 of staff's Santa Barbara County Zoning Administrator Staff Report dated August 31, 1998, and incorporated herein by reference, the proposed project, as conditioned, is consistent with the Comprehensive Plan, including the Local Coastal Plan. The parcel is served by adequate water and sanitary facilities. The design of the additions is compatible with the surrounding residences and is consistent with the Summerland BAR Guidelines. Therefore the project is consistent with this finding.

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

As discussed in Section 3.3 of staff's report dated August 31, 1998, and incorporated herein by reference, the project site was four legal lots that were conveyed by the Surveyor around the 1930's, thus creating one legal lot. Therefore the project is consistent with this finding.

- 2.3** *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 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 Section 35-160 et seq.*

The proposed project meets all the requirements of the 7-R-1 zoning district and all applicable regulations. There is the issue of the unpermitted residential structure straddling the southern property line. However, the unpermitted residential structure is not under the control of the property owner as it belongs to the neighboring property to the south, therefore, this does not constitute a zoning violation on the subject property and therefore this finding can be made.

- 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.*

The proposed development does not significantly obstruct public views from any public road. The parcel is well hidden with vegetation and will not obstruct any public views from the beach. There are no public recreation areas within the general vicinity. Therefore, the project is consistent with this finding.

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

The proposed development is compatible with the physical scale of the area as evidenced by Preliminary Approval granted by the Board of Architectural Review on July 2, 1997. The proposed residence is consistent with the scale and bulk of the surrounding residences. Therefore, the project is consistent with this finding.

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

The project will not conflict with any public access and/or recreation policies. Lookout Park is approximately .5 miles west of the project site. The additions will not interfere with access to Lookout Park. Therefore, the project is consistent with this finding.

ATTACHMENT B

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

Case No.: 98-CDP-022h Planner: Tim Wong
Project Name: Longo SFD Addition
Project Address: 2350 Finney Street
A.P.N.: 005-240-038



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: December 15, 1998

ESTIMATED START OF CCC APPEAL PERIOD: January 12, 1999

ESTIMATED END OF CCC APPEAL PERIOD: January 26, 1999

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 a California Coastal Commission. If no local appeal period 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.

Approval: Board of Supervisors, Chair

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

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PROJECT CONDITIONS

Case Number: 98-CDP-022H
Project Name: Longo SFI Addition
Project Address: 2350 Finney St.
APN: 005-240-028 (formerly 005-390-062 and 005-390-074)

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit (CDP) is based upon and limited to compliance with the project description, the Zoning Administrator Exhibit #1 dated September 14, 1998, 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 consists of the demolition of an existing 400 square foot attached garage, 165 square feet of decking and 260 square feet of the existing 1,090 square foot residence in preparation for a 1,062 square foot addition. The proposed additions includes a new first floor living room, second story study, den, bedroom and a basement. With the proposed additions, the residence would be approximately 2,032 square feet. The demolished garage will be replaced by a new, 520 square foot attached two car garage. A four foot retaining wall would be constructed along the eastern property line. The proposed 170 square foot study would be constructed above the proposed, attached garage. The proposed 155 square foot den and 190 square foot bedroom would be located on the second story above the new first floor living room.

The applicant is also proposing to demolish a portion of the existing deck and residence which currently straddles the eastern property line. The remodeled residence would be 3 ft. from the property, as allowed by a previous variance (67-V-2). The residence, including the proposed additions would be located 11 ft. from Finney St. A variance, 95-V-012, was approved to locate the residence 11 feet from Finney St. The average height of the structure, including the proposed additions, is approximately 21 feet. Approximately 86 cubic yards of cut and 121 cubic yards of fill will be required for site preparation. (A basement of approximately 286 square feet is proposed.) One eucalyptus tree (14" dbh) is proposed to be removed for the additions. There is also an unpermitted structure that straddles the southern property line. Access is provided by Finney Street, a private road.

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.

2. Compliance with attached Departmental Letters:
 - a) Carpinteria-Summerland Fire Protection District, dated February 24, 1998
3. Prior to issuance of the Coastal Development Permit, the project shall obtain final approval from the County Board of Architectural Review.
4. 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 (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours.

5. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. During clearing, grading, earth moving, excavation, or transpiration 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.
6. 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 35-170.6 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.
7. 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.
8. 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.
9. 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.
10. Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
11. 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 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.
12. 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.
13. If the applicant request 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.



County of Santa Barbara Planning and Development

John Patton, Director

ZONING ADMINISTRATOR Hearing of September 14, 1998

Jan R. Hochhauser
122 East Arrellaga Street
Santa Barbara, California 93101

RE: 98-CDP-022H; Longo Single Family Dwelling Addition, as follows:

Request of Jan Hochhauser, agent for the owner, to consider Case No. 98-CDP-022H [application filed on 02/13/98] for a Coastal Development Permit under Section 35-169.5 in the 7-R-1 Zone District of Article II to allow 1,062 square feet of additions to an existing single family dwelling and removal of an unpermitted structure; and accept the Exemption pursuant to Section 15301(e) of the State Guidelines for Implementation of the California Environmental Quality Act. The property is identified as AP No. 005-240-038, located at 2350 Finney Street in the Summerland area, First Supervisorial District.

Dear Mr. Hochhauser:

At the regular hearing of the Santa Barbara County Zoning Administrator on September 14, 1998, Case No. 98-CDP-022H was conditionally approved, marked "Officially Accepted, County of Santa Barbara September 14, 1998 Zoning Administrator's Exhibit #1", based upon the project's consistency with the Comprehensive Plan including the Santa Barbara County Coastal Plan and based on the ability to make the required findings. The Zoning Administrator also took the following actions:

- A. Adopted the required findings for the project specified in Attachment A of staff's Santa Barbara County Zoning Administrator Staff Report dated August 31, 1998, including California Environmental Quality Act (CEQA) findings with the following changes made at the hearing:
 - ◇ Delete the last two sentences of Finding No. 2.3 as follows: ~~However, as a condition of approval, the structure will be required to be removed or permitted. Therefore the project is consistent with this findings.~~
 - ◇ Replace with the following: However, the unpermitted residential structure is not under the control of the property owner as it belongs to the neighboring property to the south, therefore, this does not constitute a zoning violation on the subject property and therefore this finding can be made.

- B. Accepted the project to be exempt from CEQA as shown in Attachment C of staff's report dated August 31, 1998 with the following change made at the hearing:
- ◇ Delete the following sentence from the end of the second paragraph: ~~The portion of that structure will be removed from the project site.~~
- C. Approved the project, 98-CDP-022H, subject to the conditions included as Attachment B of staff's report dated August 31, 1998 with the dates corrected on the Coastal Development Permit (CDP) by planner at the hearing on September 14 and with the following changes made to conditions:
- ◇ Delete the following sentence from the end of the third paragraph of Condition No. 1: ~~The portion of that structure will be removed from the project site.~~
 - ◇ Delete Condition No. 3 as follows: ~~Prior to issuance of the Coastal Development Permit, the residential structure straddling the southern property line must be removed or relocated.~~

Note: The deletion of Condition No. 3 causes the remaining Conditions to be numbered one less then originally shown in staff's report dated August 31, 1998. Condition No. 4 becomes Condition No. 3, Condition No. 5 becomes Condition No. 4 and so on.

The attached Findings and Coastal Development Permit (CDP) reflect the action of the Zoning Administrator and are included in this letter as Attachment A and Attachment B.

Procedure:

- ☐ The Zoning Administrator's decision may be appealed locally by the applicant, an aggrieved person, as defined under Section 35-58, or any two members of the Coastal Commission within 10 calendar days of the date of the Administrator's decision.
- ☐ If a local appeal is filed, it shall be processed in accordance with all provisions of Section 35-182.3 of the Coastal Zoning Ordinance, and shall be taken to the Santa Barbara County Clerk of the Board, 105 East Anapamu Street - Room 407, Santa Barbara, California before the appeal period expires.
- ☐ No filing fee is required for an appeal since this project may ultimately be appealed to the Coastal Commission under Section 35-182.4.2.
- ☐ Please be advised that if a local appeal is filed, the final action on the appeal by the Board of Supervisors may be appealed to the California Coastal Commission.

☐ Local appeal period expires on Thursday, September 24, 1998 at 5:00 P.M.

Sincerely,



NOEL LANGLE
Zoning Administrator

xc: ✓Case File: 98-CDP-022H
Hearing Support Zoning Administrator File
Third Floor: Richard Corral, Planning Technician (ALL CDP PROJECTS)
Second Floor Zoning Information Counter: Petra Leyva
Address File: 2350 Finney Street
Coastal Commission; 89 South California St., Suite 200; Ventura, CA 93001
Summerland Citizens Association; PO Box 508; Summerland, CA 93067
Attorney: Susan Petrovich; 21 East Carrillo Street; Santa Barbara, CA 93101
David Smith:
Carpinteria-Summerland Fire Protection District
Supervisor Schwartz; First Supervisorial District
Planner: Tim Wong

Attachments: ATTACHMENT A - FINDINGS
ATTACHMENT B - CDP with CONDITIONS OF APPROVAL
Departmental letter: Fire dated 02/24/98

NL:LTS:lts:#2

G:\GROUP\DEV_REVIEW\PCDP98_CASES\CDP022H\ZAACTLTR.914

ATTACHMENT A

LONGO SINGLE FAMILY DWELLING ADDITION
CASE NO. 98-CDP-022H

FINDINGS

1.0 CEQA Findings

The proposed residential additions are exempt from environmental review pursuant to CEQA Guidelines Section 15301(e).

2.0 Administrative Findings

Pursuant to Section 35-169.6 of Article II of the Santa Barbara County Zoning Ordinance, a Coastal Development Permit shall be approved only if all of the following findings are made:

- 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*

As discussed in Section 4.2 of staff's Santa Barbara County Zoning Administrator Staff Report report dated August 31, 1998, and incorporated herein by reference, the proposed project, as conditioned, is consistent with the Comprehensive Plan, including the Local Coastal Plan. The parcel is served by adequate water and sanitary facilities. The design of the additions is compatible with the surrounding residences and is consistent with the Summerland BAR Guidelines. Therefore the project is consistent with this finding.

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

As discussed in Section 3.3 of staff's report dated August 31, 1998, and incorporated herein by reference, the project site was four legal lots that were conveyed by the Surveyor around the 1930's, thus creating one legal lot. Therefore the project is consistent with this finding.

- 2.3 *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 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 Section 35-160 et seq.*

The proposed project meets all the requirements of the 7-R-1 zoning district and all applicable regulations. There is the issue of the unpermitted residential structure straddling the southern property line. However, the unpermitted residential structure is not under the control of the property owner as it belongs to the neighboring property to the south, therefore, this does not constitute a zoning violation on the subject property and therefore this finding can be made.

- 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.*

The proposed development does not significantly obstruct public views from any public road. The parcel is well hidden with vegetation and will not obstruct any public views from the beach. There are no public recreation areas within the general vicinity. Therefore, the project is consistent with this finding.

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

The proposed development is compatible with the physical scale of the area as evidenced by Preliminary Approval granted by the Board of Architectural Review on July 2, 1997. The proposed residence is consistent with the scale and bulk of the surrounding residences. Therefore, the project is consistent with this finding.

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

The project will not conflict with any public access and/or recreation policies. Lookout Park is approximately .5 miles west of the project site. The additions will not interfere with access to Lookout Park. Therefore, the project is consistent with this finding.

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

Case No.: 98-CDP-022H Planner: Tim Wong
Project Name: Longo SFD Addition
Project Address: 2350 Finney St.
A.P.N.: 005-240-038



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

APPROVAL DATE: September 14, 1998

COUNTY APPEAL PERIOD STARTS: September 15, 1998

COUNTY APPEAL PERIOD ENDS: September 24, 1998

If no local appeal is filed, the California Coastal Commission's 10 working day appeal period shall commence following the County appeal period and upon receipt of the County's Final Action Notice.

DATE OF PERMIT ISSUANCE: _____ (Must be issued one year after approval date)

PROJECT DESCRIPTION AND CONDITIONS: See Attached.

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.

APPROVAL: NOEL LANGLE, 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

PROJECT CONDITIONS

Case Number: 98-CDP-0227
Project Name: Longo SFD Addition
Project Address: 2350 Finney St.
APN: 005-240-038 (formerly 005-390-062 and 005-390-074)

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit (CDP) is based upon and limited to compliance with the project description, the Zoning Administrator Exhibit #1 dated September 14, 1998, 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 consists of the demolition of an existing 400 square foot attached garage, 165 square feet of decking and 260 square feet of the existing 1,090 square foot residence in preparation for a 1,062 square foot addition. The proposed additions includes a new first floor living room, second story study, den, bedroom and a basement. With the proposed additions, the residence would be approximately 2,032 square feet. The demolished garage will be replaced by a new, 520 square foot attached two car garage. A four foot retaining wall would be constructed along the eastern property line. The proposed 170 square foot study would be constructed above the proposed, attached garage. The proposed 155 square foot den and 190 square foot bedroom would be located on the second story above the new first floor living room.

The applicant is also proposing to demolish a portion of the existing deck and residence which currently straddles the eastern property line. The remodeled residence would be 3 ft. from the property, as allowed by a previous variance (67-V-2). The residence, including the proposed additions would be located 11 ft. from Finney St. A variance, 95-V-012, was approved to locate the residence 11 feet from Finney St. The average height of the structure, including the proposed additions, is approximately 21 feet. Approximately 86 cubic yards of cut and 121 cubic yards of fill will be required for site preparation. (A basement of approximately 286 square feet is proposed.) One eucalyptus tree (14" dbh) is proposed to be removed for the additions. There is also an unpermitted structure that straddles the southern property line. Access is provided by Finney Street, a private road.

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.

2. Compliance with attached Departmental Letters:
 - a) Carpinteria-Summerland Fire Protection District, dated February 24, 1998
3. Prior to issuance of the Coastal Development Permit, the project shall obtain final approval from the County Board of Architectural Review.
4. 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 (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours.

5. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. During clearing, grading, earth moving, excavation, or transpiration 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.
6. 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 35-170.6 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.
7. 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.
8. 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.
9. 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.
10. Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
11. 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 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.
12. 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.
13. If the applicant request 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.

CARPINTERIA - SUMMERLAND

FIRE PROTECTION DISTRICT

RANDY L. GRAMM
Fire Chief 566-2450

911 WALNUT AVENUE, CARPINTERIA, CALIFORNIA 93013
(805) 684-4591 • FAX (805) 566-2456

February 24, 1998

MS. PETRA LEYVA
PLANNING and DEVELOPMENT
COUNTY OF SANTA BARBARA
123 EAST ANAPAMU STREET
SANTA BARBARA, CA. 93131

RE: 88-CDP-022H
LONGO SFD ADDITION 2350 FINNEY STREET
005-240-038 / SUMMERLAND

DEAR MS. LEYVA:

THE FOLLOWING ITEMS ARE NECESSARY FOR FIRE PROTECTION:

1. ACCESS TO ALL STRUCTURES SHALL CONFORM TO THE REQUIREMENTS FOR PRIVATE ROADS AND DRIVEWAYS SET FORTH IN THE SANTA BARBARA COUNTY PRIVATE ROADS & DRIVEWAY STANDARDS, SECTION 8.
2. ALL BUILDINGS & STRUCTURES SHALL BE PROTECTED BY AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM. PRIOR TO INSTALLATION, PLANS FOR THE PROPOSED FIRE SPRINKLER SYSTEM SHALL BE DESIGNED BY A QUALIFIED PERSON AND SUBMITTED TO THE PREVENTION BUREAU FOR APPROVAL.
3. WHEN ACCESS WAYS ARE GATED, A FIRE DISTRICT APPROVED KEY BOX SHALL BE INSTALLED IN AN ACCESSIBLE LOCATION. PRIOR TO INSTALLATION, THE LOCATION AND TYPE SHALL BE APPROVED BY THE FIRE DISTRICT.
4. PURSUANT TO C.S.F.D. ORDINANCE NO. 92-02, PRIOR TO ISSUANCE OF A "CERTIFICATE OF OCCUPANCY", THE CARPINTERIA-SUMMERLAND FIRE PROTECTION DISTRICT MITIGATION FEE MUST BE PAID.
5. VISIBLE STREET ADDRESS MUST BE POSTED AT DRIVEWAY AND ON BUILDING. NUMBERS SHALL BE A MINIMUM 3 INCHES HIGH ON A CONTRASTING BACKGROUND.
6. PRIOR TO OCCUPANCY, STATE FIRE MARSHAL APPROVED SMOKE DETECTORS MUST BE INSTALLED IN ACCORDANCE WITH THE COUNTY CODE.

IF YOU NEED ADDITIONAL INFORMATION ON FIRE DISTRICT CONDITIONS, PLEASE CONTACT ME AT 566-2451

SINCERELY,



WILLIAM GREEN
DEVELOPMENT INSPECTOR
FIRE PREVENTION BUREAU

FRED BLACK
Battalion Chief 566-2453

RICHARD A. BURN
Battalion Chief 566-2453

TRUDY CLIFT
Admin. Officer 566-2455

NORMAN C. KNEELAND
Battalion Chief 566-2452

A-4-STB-99-014

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

RECEIVED



JAN 26 1999

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

John R. Jordan c/o David W. Smith, Esq.

P.O. Box 3881

Santa Barbara CA 93130

(805) 566-8024

Zip

Area Code

Phone No.

FAX

SECTION II. Decision Being Appealed

1. Name of local/port
government: Santa Barbara County Board of Supervisors

2. Brief description of development being
appealed: Addition to an existing single family
dwelling

3. Development's location (street address, assessor's parcel
no., cross street, etc.): AP No. 005-240-038, located
at 2350 Finney Street in Summerland

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: Coastal Development Permit

c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT NO. 3

APPLICATION NO.

A-4-STB-99-014

Longo

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: December 15, 1998

7. Local government's file number (if any): 98-CDP-022H

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

George Longo
P.O. Box 1107
Camarillo, CA 93011

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) David W. Smith
P.O. Box 3881
Santa Barbara CA 93130
- (2) Terry White
~~P.O. Box~~ 2420 Lillie Ave.
Summerland, CA 93067
- (3) Susan Petrovich
21 E. Carrillo Street
Santa Barbara CA 93101
- (4) Jan Hochhauser
122 E. Arrellaga Street
Santa Barbara CA 93101

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(See Attachment)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

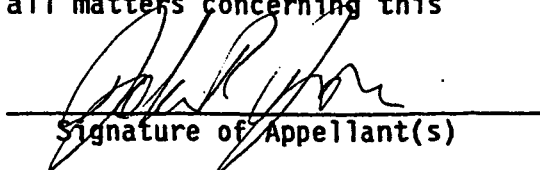
Date

1-21-99

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize David W. Smith to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s)

Date

1-21-99

JORDAN COASTAL COMMISSION APPEAL

Attachment

Briefly stated, the grounds for the instant appeal are as follows:

1. the development fails to protect public views from any public road or from a recreational area to, and along the coast;
2. the development is not compatible with the established physical scale of the area; and
3. the development may significantly alter the existing natural landforms.

Additionally, the project is inconsistent with Santa Barbara County Coastal Plan Policy 3-14. Specifically, the proposed development is not designed to fit the site topography. On one side of the property, soil is being imported in order to raise the finished floor elevation by over three feet. This is being done so that the proposed addition is level with the existing development. On the other end of the property, soil is being imported in order to fill in the existing understory of nine feet in an attempt to reduce the understory to below four feet. Accordingly, the proposed development is not designed to fit the site topography.

The project is also inconsistent with Santa Barbara County Coastal Plan Policy 4-4. Specifically, the proposed project is not consistent with the scale and character of the existing character. Attached hereto is a correspondence dated December 11, 1998, from David W. Smith, Esq. to the Santa Barbara County Supervisors which articulates the issues as to neighborhood compatibility and the application of the Summerland Community Plan and Board of Architectural Review Guidelines for Summerland.

Additionally, the project because of it's size and height obstructs public views of the mountains from the beach and obstructs public views from the public road above Finney Street to the beach.

Thus, the Santa Barbara County Board of Supervisor's decision of December 15, 1998, is not consistent with the County Comprehensive Plan, the Santa Barbara County Coastal Plan, the Summerland Community Plan, and the Board of Architectural Review Guidelines for Summerland. As a result, the County's decision is neither supported by the evidence nor the law. Accordingly, it is respectfully requested that all of the above warrants the California Coastal Commission hearing this appeal.

DAVID WILLIAM SMITH

ATTORNEY AT LAW

Post Office Box 3881

Santa Barbara, California 93130

Telephone

(805) 566-8024

Facsimile

(805) 965-3395

RECEIVED

JAN 26 1999

**COASTAL COMMUNITY
SOUTH CENTRAL COAST DISTRICT**

Hand Delivered

December 11, 1998

**Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101**

**Re: Longo Single Family Dwelling Addition Appeal
98-CDP-022H**

Dear Honorable Supervisors:

Please be advised that I represent John and Nancy Jordan, the Appellants, in their appeal from the Zoning Administrator's September 14, 1998, approval of 98-CDP-022H for the demolition of a 400 square foot garage, 165 square feet of decking, and 260 square feet of the existing residence in preparation for a 1,062 square foot addition.

For your ready reference, because the addition portion of this project is virtually identical to the previous project which you denied, I am enclosing, herewith as Exhibit A, a copy of the Board Action Letter dated June 3, 1997, with findings for project denial. At that time, the Board found that the scale of proposed development in relation to the size of the subject lot was inconsistent with the established scale of existing development in relation to the sizes of correlating lots.

At the facilitation meeting of October 30, 1998, the Jordan's maintained, among other issues, that the project did not accurately reflect the Floor Area Net because it did not conform to the Summerland Community Guidelines. The Guidelines at page 15 define Floor Area Net as the total floor area of all floors of a building as measured to the surfaces of exterior walls. As a result, the project was revised to call for the demolition of a 400 square foot garage, 160 square feet of deck and 345 square feet of the existing residence in preparation for a 1,201 square foot addition.

