



Date: January 12, 2023
To: Glen Jia, Design Review Officer and
Camille Leung, Senior Planner
From: Lennie Roberts, Legislative Advocate, Green Foothills

Re: Item 2 on the January 12, 2023 Agenda: Consideration of a Design Review (DR) permit recommendation for the construction of a new 1,808 sq. ft. (formerly 2,226 sq. ft.) three-story, single-family residence with an attached 381 sq. ft. garage and 795 sq. ft. Accessory Dwelling Unit (ADU) on a legal 7,070 sq. ft. parcel (Recorded Certificate of Compliance, PLN 2020-00448), associated with a hearing-level Coastal Development Permit (CDP) and Variance. A Variance is required to allow a reduced front yard setback of 13 feet where 20 feet is the minimum front yard setback in the S-17 Zoning District, due to the site location within a portion of the Montecito Riparian Corridor and the associated 30 feet riparian setback. Wetland setbacks are not met and the applicant seeks a reduction in the minimum 100 feet setback. The project includes minor grading and no tree removal. The CDRC will not render a decision but will make a recommendation regarding the project's compliance with design review standards. The ADU is a ministerial project that does not require review by the CDRC. An Initial Study/Negative Declaration (IS/ND) will be prepared by staff and made available for public review. Subsequently, the Planning Commission will make a decision on the IS/ND, DR, CDP, and Variance at a public hearing. This project was scheduled for continued consideration from the August 11, 2022 meeting. The project is appealable to the California Coastal Commission. Application Deemed Complete: December 12, 2022. Project Planner: Glen Jia (bjia@smcgov.org)

Dear Glen and Camille,

Thank you for the changes to the Project Description in response to our previous letter of August 7, 2022, regarding this project (attached).

We appreciate the Project Description's acknowledgment that the Planning Commission (rather than staff) is the appropriate hearing body to consider the Coastal Development Permit (CDP) and the CDP is appealable to the California Coastal Commission.

We also appreciate Staff's acknowledgment that "wetland setbacks are not met, and the applicant seeks a reduction in the minimum 100-foot setback". However, as we have previously pointed out, LCP Sensitive Habitats Wetlands Policy 7.18 Establishment of Buffer Zones requires that "Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation", and "This setback may only be reduced to no less than 50 feet only where no alternative development site or design is possible..." Also, LCP Wetlands Policy 7.19 Permitted Uses in Buffer Zones does not allow residential uses within buffer zones. The revised project being considered today does not meet the stricter wetlands setback requirements of no less than 50 feet (rather than 30 feet for riparian setback). Additionally, and importantly, residential uses are not allowed within the 50-foot wetlands buffer. This project, as currently proposed, is highly unlikely to be approved.



Neighbors have pointed out that the proposed project, which totals 2,984 sq. ft. (including the single-family residence, garage, and ADU) is significantly larger than other homes in the neighborhood. In order to comply with the LCP and Coastal Act policies requiring maximum protection of Environmentally Sensitive Habitat Areas (ESHA), we believe that the project must be scaled back significantly.

The Project Description notes that “the CDRC will not render a decision but will make a recommendation regarding the project’s compliance with design review standards.” Given this limitation on the CDRC’s purview, we recommend that the CDRC decline to recommend approval of the proposed project.

Thank you for consideration of our comments.

Sincerely,

Lennie Roberts, Legislative Advocate, Green Foothills

