

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: February 6, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: March 14, 2006
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\APL\2000s\05 cases\05APL-00000-00036 Bloom Appeal\Bloom Final BOS ltr 3-14-06.DOC

TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Zoraida Abresch, Deputy Director (x6585)
Development Review Division North

SUBJECT: Bloom Appeal of Kaslow Lot Split
Case Nos. 05APL-00000-00026, (04TPM-00000-00002, TPM 14,648)
Located in the Santa Ynez Valley at 2600 Baseline Ave, adjacent to Oak Hill Cemetery, near the township of Ballard, Third Supervisorial District.

Recommendations:

That the Board of Supervisors adopt the Planning Commission recommendations and approve the above referenced project:

1. Adopt the required findings for the project specified in the Planning Commission's action letter dated December 27, 2005, including CEQA findings, (Attachment A);
2. Approve the Negative Declaration (05NGD-00000-00024) and adopt the mitigation monitoring program contained in the conditions of approval of the action letter;
3. Deny the appeal and uphold the Planning Commission's December 14, 2005 approval of 04TPM-00000-00002; and,
4. Grant *de novo* approval of Case No. 04TPM-00000-00002 subject to the conditions included in the Planning Commission's action letter dated December 27, 2005.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Issue Discussion:

Planning Commission Action:

At the December 14, 2005 hearing, the Planning Commission voted 3-2 to approve the Kaslow Lot Split of an 11.16 acre parcel into two parcels of 5.6 acres and 5.56 acres. The parcel is located south of Baseline Avenue, adjacent to the east side of Oak Hill Cemetery, in the AG-I-5 Zone District near the township of Ballard. (A full discussion of the project is contained in the Planning Commission Staff Report, Attachment B). A neighbor of the project, David Bloom, attended the hearing and voiced his concerns about the project. Staff also submitted a letter from Mr. Bloom dated December 10, 2005 on the day of the hearing (Attachment C).

The Planning Commission discussed several issues related to the project during their deliberations. Issues included the visibility of the site from Baseline Avenue and the potential negative visual impacts. Other issues discussed included the protection of agriculture and the appropriateness of lot split approvals during the Santa Ynez Community Plan (SYCP) development.

Neighbor Appeal:

Mr. Bloom filed a formal appeal to the Board on December 22, 2005 and included a letter of the same date (Attachment D). This letter outlines six key reasons for Mr. Bloom's appeal of the Planning Commission approval. They are summarized and italicized below (item numbers correspond to those in Mr. Bloom's letter, Attachment D). Staff's responses follow each item.

- 1. The proposed project would disrupt the serenity and peaceful atmosphere of the adjacent Oak Hill Cemetery.*

Response: The lot split would result in the ability to develop one more residential lot than would currently be allowed via issuance of ministerial land use permits. One additional residential home is not anticipated to disrupt the serenity of the cemetery.

- 2. This parcel is a gateway parcel as discussed in the Valley Blueprint and has special status.*

Response: The Valley Blueprint was a collaboration of residents of the valley to formulate a vision of the future of the Santa Ynez Valley. The Valley Blueprint, which was developed from 1998 to 2000, was a citizen's visioning process as a precursor to the future development of the SYCP. The Blueprint did not make references to how specific parcels should be treated but rather developed goals in issue areas, such as Growth and Development,

Agricultural Protection, Infrastructure and Transportation, etc. The Valley Blueprint also did not discuss “gateway” parcels nor did it give such status to any parcels in the valley.

The SYCP is currently being developed through a joint effort of the County’s Comprehensive Planning Division, community/citizens groups, and the Third District. Portions of the most recent work effort, as initiated by the current Board on February 15, 2005, are available to the public and through the County’s website. The draft Santa Ynez Community Plan Inner-Rural/Rural Area Proposed Zoning Districts and Proposed Land Use Designations maps (Attachments F-H) show the parcels which are being considered for changes in zoning and land use designations. The Kaslow / Clay parcel is not among them. (See Santa Ynez Community Plan section below for more discussion)

3. *The parcel is part of a larger 100 acre property previously subdivided by the Planning Commission and approval of the Kaslow / Clay map would revise a previous Planning Commission decision in a piecemeal fashion.*

Response: The project parcel was historically used as part of a larger 100+ acre cattle grazing operation and was not previously subdivided by the Planning Commission. The parcel was first described as Lot 131 on the “Map of the Property of the Los Olivos Land Association, Santa Barbara County, California” filed February 8, 1888 in Book 1, Page 40 of Maps and Surveys. Inclusion on this map does not legally validate the parcel, however, a Certificate of Compliance (78-CC-10) issued by the County Surveyor’s Office on February 22, 1978 does verify the validity of the parcel in its current configuration.

4. *Third District Commissioner wished to continue the item to allow the VPAC to comment and the Commission rushed their decision.*

Response: The Valley Plan Advisory Committee (VPAC) received the draft ND and did not comment on it. This type/size of a project would not be among those projects that staff would typically take to the VPAC. The project was originally submitted in January of 2004, which pre-dates the formation of the VPAC. The VPAC receives a list of recently submitted projects within the valley and contacts P&D if there are projects their committee wishes to review. The VPAC was also given a list of projects that were in the application process already when the VPAC was formed. Staff received no request to review this project from the VPAC.

5. *Staff made fatal mistakes including:*
 - a. *Not alerting the Commission and the VPAC to the discretionary nature of the lot split and withheld the enclosed map from them (see map included in Attachment D).*

Response: By definition, a map that must receive approval by a decisionmaker is a discretionary project. The map included in Mr. Bloom’s appeal letter titled “Santa Ynez Inner-Rural Area Parcels with Theoretical Subdivision Potential” is a draft

figure from the draft SYCP. The map shows the number “2” on the Kaslow parcel indicating that there is a two parcel “theoretical subdivision potential”. This map is not relevant to the Planning Commission’s review of the Kaslow Lot Split as it does not impart entitlement to the applicants to split their parcel. If the parcel was not subdividable, staff would have recommended denial of the map to the Planning Commission.

b. Not identifying building envelopes. The lot is not suitable to be split, requiring a separate driveway, and, without the split, a building envelope in the rear of the parcel could be accessed from the existing access road.

Response: Rather than identifying “Building Envelopes” on the two proposed parcels, staff recommended designated “Building Exclusion” areas. These areas were identified during the environmental review process and were recommended to exclude development on steep slopes, drainage areas, and in close proximity to oak trees (in addition to the required setbacks of the ordinance zone district). There are large unconstrained areas on both parcels available for development. Designation of building exclusion areas rather than building envelopes allows more flexibility of design. Both parcels would utilize the same new access point along Baseline Avenue, therefore, the number of access points would remain the same with or without the lot split. The access point would be aligned opposite of the existing driveway access point of the parcel to the north (See Attachment E). The parcel does not front on the existing interior access road (Still Meadow Road).

c. Allowing a misconception about the surrounding parcel sizes to stand uncorrected.

Response: Staff indicated to the Planning Commission using aerial photographs the location and sizes of other parcels in the vicinity of the project. Staff stated that the subject parcel was formerly used collectively with other adjacent parcels as a 100+ acre cattle grazing operation. Staff also indicated that there are much smaller parcels than the subject parcel in the nearby township of Ballard, equally sized parcels to the north and east, and larger parcels to the west along Alamo Pintado Road. The relative size of adjacent parcels could be seen on aerial photographs included in staff’s visual presentation and on the front cover of the staff report.

d. Being an advocate of the split and should have remained neutral.

Response: The proposed lot split was reviewed for consistency with the California Environmental Quality Act (CEQA), the Subdivision Map Act, Article III, the Inland Zoning Ordinance, and the Comprehensive Plan. A recommendation for approval of the map was made based on the ability to make the required findings. Staff’s analysis and recommendation were outlined in the Planning Commission staff report. (Attachment B).

e. Implying that the Commission should “rubber stamp” this project.

Response: Staff recommended approval of the project based on the ability to make the required findings.

f. Not correcting two Commissioners that the project is not a property rights issue.

Response: The Commission made comments concerning the need to protect property rights when considering allowing a split of the existing lot. They also made comments concerning compatibility with the existing neighborhood. Staff believes these terms were used appropriately.

g. Not addressing the open space issues and the fact that there are few trees on the parcel that could hide the homes.

Response: As mentioned in subsection d. above, staff made recommendations for approval of the project based on the ability to make the required findings. The project site does not contain an Open Space Overlay, nor are there any open space policies that apply to the parcel.

6. The Planning Commission did not consider community concerns, applied a bias, and does not understand the needs of separate communities under their jurisdiction.

Response: The Planning Commission held a public hearing, considered public testimony received at the hearing, reviewed the Negative Declaration and public comments received on it, and made their decision based upon ordinance findings.

Facilitation Meeting:

A facilitation meeting between the applicants and their agents, the appellant, County Staff, and County Counsel was held on January 19, 2006 at the County Counsel’s offices. In attendance were Art Kaslow and Jeff Clay (applicants), Evans and Brett Jones (agents for the applicants), Dave Bloom (appellant), Adam Baughman (County planner), and Alan Seltzer (Chief Assistant County Counsel and facilitator). County Counsel is filing a separate memo concerning this meeting.

Santa Ynez Community Plan (SYCP) development

The County is currently developing a Community Plan for the Santa Ynez Valley area. The attached maps (Attachments F-H) indicate the areas under consideration for rezones as part of that effort. The maps show that a majority of the parcels being considered are located near the periphery of the rural boundary line. The parcels to the southwest of the project site, currently

zoned AG-I-5 (5 acre minimum parcel size), are proposed to be rezoned to AG-I-20 (20 acre minimum). The parcels on the opposite side of Ballard from the project parcel that are currently zoned AG-I-5 are also proposed to be rezoned to AG-I-20. The project parcel and adjacent parcels are not proposed for rezoning at this time. The SYCP is in a draft form and these maps represent the current proposed changes.

Mandates and Service Levels:

No change in programs or service levels are anticipated.

Section 35-327.3.1 of Article III (the Inland Zoning Ordinance) of Chapter 35 of the County Code provides that the decisions of the Planning Commission may be appealed to 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.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$435. P&D will absorb the costs beyond that fee. These funds are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-296 of the adopted 2005/2006 fiscal year budget.

Special Instructions:

The Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attention: Cintia Mendoza, Hearing Support.

Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

Concurrence: County Counsel

Board Letter Prepared by: Adam Baughman, Planner III, Dev. Rev. North

ATTACHMENTS:

- A. Planning Commission Action Letter including Findings and Conditions of Approval, dated December 27, 2005.
- B. Staff Report to the Planning Commission dated November 30, 2005 including the Negative Declaration 05NGD-00000-000024.
- C. Dave Bloom letter to the Planning Commission dated December 10, 2005.
- D. Dave Bloom appeal letter dated December 22, 2005
- E. Aerial photograph of existing and proposed parcels and vicinity
- F. Draft Santa Ynez Community Plan Inner-Rural / Rural Area Proposed Zoning Districts map.
- G. Draft Santa Ynez Community Plan Inner-Rural / Rural Area Proposed Land Use Designations map.
- H. Draft Santa Ynez Community Plan Proposed Changes to Urban, Rural, and EDRN map with associated Table D and Table E.