

# 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:** January 10, 2006  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** January 24, 2006  
**Placement:** Administrative  
**Estimate Time:** 1 hour on February 21, 2006  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case Files\CUP\05 cases\05CUP-00000-00046\05APL\Board set hearing letter.DOC

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**TO:** Board of Supervisors

**FROM:** **Dianne Meester, Assistant Director**  
Planning & Development

**STAFF CONTACT:** **Lisa Hosale, Planner II (x2007)**  
Anne Almy, Supervising Planner (x2053)

**SUBJECT:** Set Hearing for Mr. Sperling's Appeal of the Montecito Planning Commission's Denial of the Sperling 10 Foot High Fence, located in the First Supervisorial District [BOS Appeal Case No. 05APL-00000-00035]

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## Recommendation:

That the Board of Supervisors set a hearing for February 21, 2006 to consider Mr. Sperling's appeal of the Montecito Planning Commission's denial of his project, the Sperling 10 Foot High Fence (05CUP-00000-00035).

## Alignment with Board Strategic Plan:

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

## Executive Summary and Discussion:

On November 16, 2005 the Montecito Planning Commission denied Mr. Sperling's Conditional Use Permit request, 05CUP-00000-00046, for a fence exceeding the allowable height of six feet to be located around the entire perimeter of his 10.66 acre property. The proposed Conditional Use Permit consisted of a 10 foot high fence to be located within the 10 foot interior lot setbacks of APN 011-130-019, and within the front, side, and rear yard setbacks of APN 011-130-019. The Montecito Planning Commission denied the project due to the fact that they could not make all of the required findings for approval of the Conditional Use Permit, as set forth in Section 35-483.8 of Article IV of Chapter 35 of the Santa Barbara County Code. The Montecito Planning Commission determined that the project, as proposed, was inconsistent with the following finding: *"That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area."* The project was denied due to the fact that all of the required findings could not be made.

**Mandates and Service Levels:**

Section 35-489.3.1 of Article IV of Chapter 35 of the County Code provides that the decisions of the Montecito Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision.

Pursuant to Sections 65090 - 65096 of the California Government Code, a notice shall be published in at least one newspaper of general circulation within the County, at least 10 calendar days prior to the hearing.

Pursuant to Sections 65090 - 65096 of the California Government Code, notice shall be mailed to the owners of the property within 300 feet of the exterior boundaries of the affected property at least 10 calendar days prior to the hearing.

**Fiscal and Facilities Impacts:**

As this is an applicant appeal to the Board, an appeal application flat fee of \$2,000 is required per the Planning & Development fee schedule (Resolution No. 04-060, adopted by the Board of Supervisors on March 15, 2004). Costs beyond the fixed fee are borne by Planning and Development. These funds are budgeted in the Permitting and Compliance program in the Development Review South Division on page D-294 of the adopted 05/06 fiscal year budget.

**Special Instructions:**

Clerk of the Board shall complete noticing in the Santa Barbara News-Press and shall complete the mailed noticing for the project at least 10 calendar days prior to the February 21, 2006 hearing (mailing labels attached).

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

**Concurrence:** None

**Attachments:**

- A. Appeal Letter
- B. Action Letter, Montecito Planning Commission 11/16/05
- C. Denial Findings
- D. Staff Report

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ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

ATTACHMENT D