



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and  
Development  
Department No.: 053  
For Agenda Of: September 4, 2007  
Placement: Administrative  
Estimated Tme: 0 hours on 09/04/07  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department John Baker, P&D Director 568-2085  
Director  
Contact Info: Dave Ward, P&D Deputy Director 568-2520  
**SUBJECT: Bailey Appeal of Planning Commission Approval of the Desilva Addition**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

Modify the decision of the Planning Commission as agreed to by the applicant and appellant through facilitation with County Counsel on August 22, 2007. To effectuate the agreement of the parties, the Department recommends that at the September 4, 2007 hearing, the Board of Supervisors:

1. Adopt the required findings for approval of Case No. 06LUP-00000-00575, included as Attachment A to the County Planning Commission Staff Report, dated April 13, 2007.
2. Accept the exemption pursuant to CEQA section 15301(l), included as Attachment C to the County Planning Commission Staff Report, dated April 13, 2007.
3. Approve Land Use Permit Case No. 06LUP-00000-00575, included as Attachment to this Supplemental Board letter, which specifically includes the revised proposed project plans, dated August 10, 2007.

**Summary Text:**

County Counsel held facilitation between the parties on August 8, 2007. Senior Deputy County Counsel Bill Dillon and Planner Nicole Mashore attended for the County. Appellant Ann Bailey and applicant Asiri Desilva were present. Architect Joaquin Ornelas represented Mr. Desilva. Also present were neighbors Tracey Anderson, Gene Mayne, Jeanette Arnoldi-Schall, and Gordon Azevedo. An agreement was reached to modify the proposed project and these modifications have been reflected in the project plans prepared by Joaquin Ornelas, dated August 10, 2007. The parties, neighbors, and County met on August 22, 2007 to review the revised plans to confirm these represent the agreement of the parties. All concurred that with the modified project, a revised Land Use Permit can be issued.

**Background:**

The original project plans were submitted June 20, 2006. The LUP was approved by Planning and Development February 9, 2007 and a third-party appeal was filed February 20, 2007. The appeal was heard at the Planning Commission hearings of May 2, 2007 and June 6, 2007. On June 6, following revisions by the applicant, the project was approved 4-1 by the Planning Commission. Planning Commission approval was appealed June 29, 2007. As discussed above, the appeal was resolved through facilitation meetings held August 8, 2007 and August 22, 2007.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

The fee for processing an appeal is \$443 per the current Planning and Development fee schedule adopted by the Board of Supervisors, effective January 15, 2007. Fees were collected when the appeal was filed. The remaining cost of processing these appeals is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-286 of the Fiscal Year 2007/08 adopted budget.

**Staffing Impacts:**

**Legal Positions:**  
N/A

**FTEs:**  
N/A

**Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on September 4, 2007. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels are attached to Board Letter file 07-00823. A minute order of the hearing and copy of the notice and proof of publication shall be returned to P&D, attention Cintia Mendoza.

**Attachments:**

- A. County Counsel Memo
- B. Land Use Permit with Conditions per Facilitation Agreement
- C. Project Plans, dated August 10, 2007

**Authored by:**

Nicole Mashore, Planner, (805) 884-8068  
Development Review Division – South, P&D