



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 & Development  
Department No.: 053  
For Agenda Of: June 19, 2007  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: Yes  
If Yes, date from: April 24, 2007  
Vote Required: Consent

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**TO:** Board of Supervisors  
**FROM:** Department John Baker (805)568-2085  
Director  
Deputy Director Zoraida Abresch (805)934-6585  
**SUBJECT:** Findings for Approval -- Halsell Single Family Residence Addition  
Case No. 06LUP-00001-00585 at 4620 Song Lane, Orcutt  
APN: 105-010-079

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**County Counsel Concurrence**

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors take action as follows:

1. Adopt the Findings in Attachment A; and
2. Approve case no. 06LUP-00001-00585.

**Executive Summary**

The Board of Supervisors upheld the Brady appeal of the Halsell Single Family Residence Addition (06APL-00000-00052 of 06LUP-00000-00585) on April 24, 2007 on the grounds of inconsistency with Visual Resources Policy No. 3 (size, bulk and scale), but gave the applicant the option of returning to the Board on consent for approval of an addition not exceeding 1,000 square feet subject to BAR approval. The applicant has since revised the project by reducing the size of the addition to 1,000 square feet and has received final approval and a determination of neighborhood compatibility from the Board of Architectural Review.

**Background:**

On June 22, 2006, Planning and Development received the subject Land Use Permit application to allow a 2,668 square foot addition to the existing 4,463 square foot single family dwelling at 4620 Song Lane, Orcutt. The Director of Planning & Development approved the Land Use Permit on August 29, 2006.

However, that approval was appealed by Shirley Brady and the Westrails Homeowner's Association on September 11, 2006.

The Planning Commission heard the Brady and Westrails HOA appeals (06APL-00000-00035 and -00036) on November 8, 2006 and December 13, 2006. On December 13, 2006, the Planning Commission voted 5-0 to deny the appeal and approve the Land Use Permit for the addition.

The Planning Commission's decision was appealed by Jack Brady on December 22, 2006. On February 27, 2007 the Board of Supervisors opened a hearing to consider the appeal (case number 06APL-00000-00052) and voted 3-2 to conceptually uphold the appeal, thereby overturning the Planning Commission's approval of 06LUP-00000-00585 based on neighborhood compatibility issues. The Board directed staff to return on March 13, 2007 with appropriate findings. The March 13, 2007 hearing was continued to April 10, 2007, and the April 10, 2007 hearing was continued to April 24, 2007.

On April 24, 2007 the Board voted 3-2 as follows:

- Conceptually uphold the Brady appeal (06APL-00000-00052), and thereby overturn the Director of Planning and Development and the Planning Commission decisions to approve the subject structure;
- Conceptually approve the application for Case No. 06LUP-00000-00585, allowing only up to an additional 1,000 square feet addition to the existing structure subject to BAR review and recommendation as to compatibility with the neighborhood; and
- Final proposed project to return to the Board on consent agenda for final approval.

The applicants returned with new plans and applied for a revision to the originally submitted land use permit application. The revised application (06LUP-00001-00585) is for a 1,000 square foot addition to the existing single family residence. The revised project received final approval and a determination of neighborhood compatibility from the North County Board of Architectural Review (NBAR) on May 18, 2007, with minutes as follows:

- Suggestion was provided to consider alternative design of basin so that it does not need to be fenced.
- Size and scale of addition is appropriate.
- Trellis size needs re-study to make it more useable.
- Addition is compatible with existing structures.
- Build-out of parcel is a significant enhancement to the area.
- Addition colors and materials should match existing structure.

## **Conclusion**

The previous project was denied by the Board based on inconsistency with Visual Resources Policy No. 3 because the proposed addition was out of character with other development in terms of size, bulk and scale. However, the Board determined that an addition of up to 1,000 square feet and BAR approval would allow a finding of consistency with Visual Resources Policy No. 3. The applicant has reduced the size of the addition and has secured final BAR approval. Findings for approval may now be made.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

Narrative: The costs associated with processing the Land Use Permit are reimbursed by the applicant pursuant to the adopted fee schedule for the Planning and Development Department. The remaining cost is budgeted in the Permitting and Compliance program of the Development Review North Division on Page D-294 of the Fiscal Year 2006-2007 adopted budget.

**Staffing Impacts:**

**Legal Positions:**

N/A

**FTEs:**

N/A

**Special Instructions:**

**Attachments:**

Attachment A: Findings

**Authored by:**

Joyce Gerber, Planner II 934-6265

**cc:**

## **ATTACHMENT A: FINDINGS**

### **1.0 ADMINISTRATIVE FINDINGS**

- 1.1 The proposed development will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code.**

Land Use Permit 05LUP-00001-00585 (approved by the Board of Supervisors on June 19, 2007) is for construction of an approximately 1,000 square foot addition to an existing 4,463 square foot single family dwelling. The project is consistent with all applicable Comprehensive Plan policies, as well as the Land Use & Development Code. The project is consistent with this finding.

- 1.2 The proposed development is located on a legally created lot.**

The parcel was created by TPM 14,566 in 2003. It is recorded in Book 57, pages 96-97 as One of Tract Map 14,566 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

- 1.3 The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Land Use & Development Code. There are no zoning violations relating to the project site. As discussed in Finding 1.1 above, the project is consistent with all requirements of the Land Use & Development Code