



Notice of Appeal to the Board of Supervisors
REQUEST FOR FACILITATION

DATE: SEPTEMBER 14, 2015

TO: Rachel Van Mullem, County Counsel

FROM: David Villalobos, PC Hearing Support DMY

Case Name: Urbany Appeal of Bonillo-Latorre New SFD/Garage

Case Number: 15APL-00000-00004

PC Hearing: September 2, 2015

Appeal Date: September 14, 2015

Appellant: Audrey Pinkam, Bill and Lara Urbany

An appeal to the Board of Supervisors of the Planning Commission's decision on the above case has been filed and will be scheduled for hearing before the Board of Supervisors. A copy of the appeal is attached and a list of the names and addresses of the affected parties are shown below.

Please consult with the case planner in setting facilitation meeting date. Please send a copy of the meeting notification letter to Hearing Support staff of Planning & Development, Attn: David Villalobos at ext. 2058.

- ┆ **Attachments:**
- Appeal to the Board of Supervisors dated September 14, 2015**
 - Planning Commission Action Letter dated September 8, 2015**
 - Planning Commission Staff Report dated July 2, 2015**
 - Planning Commission Staff Memorandum dated August 25, 2015**

Names/Addresses of affected parties:

Appellant: Audrey Pinkam, Bill and Lara Urbany; P.O. Box 31006, Santa Barbara, CA 93130; (805) 331-0248
Owner: Christian Bonillo and Ana Latorre; 121 W. Pueblo Street, Santa Barbara, CA 93105; (805) 722-8120
Agent: Cearnal Andrulaitis, 521 ½ State Street, Santa Barbara, CA 93101; (805) 963-8077

NOTE TO PLANNERS: County of Santa Barbara procedures provide for an informal consultation meeting among parties involved in land use permit appeals. The consultation meeting occurs after an appeal is filed, and prior to the Board appeal hearing. County Counsel's office will arrange for the meeting.

The purpose of the meeting is to clarify issues pertaining to the appeal, to identify possible solutions, and to notify parties in dispute of available mediation services which may assist in resolving disagreements. An experienced County meeting facilitator will conduct the meeting, and will prepare a report for meeting participants and the County decision-maker on issues and options identified which may assist resolution of the appeal.

cc: Case File: 15APL-00000-00004
Glenn Russell, Director, Planning and Development
Dianne M. Black, Director, Development Services
Alex Tuttle, Supervising Planner
J. Ritterbeck, Planner
David Villalobos, Hearing Support

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**PLANNING COMMISSION DECISION
 APPEALED TO THE BOARD OF SUPERVISORS
 September 14, 2015**

Case Numbers: 15APL-00000-00004 APN: 023-172-001 Area: Mission Canyon District: First	Title: Urbany Appeal of Bonillo-Latorre New SFD/Garage Applicant: Christian Bonillo and Ana Latorre Appealed by: Audrey Pinkam, Bill and Lara Urbany Date appealed: September 14, 2015; 10:48 a.m. Planner: J. Ritterbeck, ext. 3509 Supervising Planner: Alex Tuttle, ext. 6844		
	Planning Commission	Board of Supervisors	
Hearing Dates:	September 2, 2015	Denied the Appeal and Approved the project With revisions to Conditions of Approval	
Fee Paid:			\$648.26
APPELLANTS REASON FOR APPEAL: See attached appeal letter FACILITATION: To be determined by County Counsel. OUTCOME OF BOS HEARING:			

cc: Glenn Russell, Director
 Dianne M. Black, Assistant Director
 Alice McCurdy, Deputy Director
 Alex Tuttle, Supervising Planner
 J. Ritterbeck, Planner
 Records Management
 Elisa Moser, Accounting
 Petra Leyva, Building & Safety
 David Villalobos, Hearing Support



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS
015 SEP 14 AM 10:48

Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of :

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

- ✓ APPLICATION FORM
- ✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	Energy Division 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
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Website: www.sbcountyplanning.org

SUBMITTAL REQUIREMENTS

- X 8 Copies of the attached application.
- X 8 Copies of a written explanation of the appeal including:
- If you are not the applicant, an explanation of how you are an “**aggrieved party**” (“Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.”);
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- _____ 1 Check payable to County of Santa Barbara.

✓
✓
✓ Note: There are additional requirements for certain appeals including:

- a. Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 849 Cheltenham Rd. SB. CA. 93105

ASSESSOR PARCEL NUMBER: 023-172-001

Are there previous permits/applications? no yes numbers: 14LUP-00000-00144
(include permit# & lot # if tract)
14BAR-00000-00063

Are there previous environmental (CEQA) documents? no yes numbers: _____

Audrey Pinkam

1. Appellant: Bill & Lara Urbany Phone: 805-331-0248 FAX: _____

Mailing Address: PO. Box 31006 SB CA 93130 E-mail: billurbany@gmail.com
Street City State Zip

2. Owner: Christian Borillo & La Torre Phone: 805-722-8120 FAX: _____

Mailing Address: 121 W. Pueblo st #5 SB. CA. 93105 E-mail: _____
Street City State Zip

3. Agent: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

4. Attorney: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title Bonillo - La Torre New Single-Family Dwelling & Garage

Case No. 14LUP-00000-00144 and 14BAR-00000-00063

Date of Action September 2, 2015

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? Santa Barbara County

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attached

Specific conditions imposed which I wish to appeal are (if applicable):

a. *See attached*

b.

c.



d.

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

	9/10/15
Print name and sign - Firm	Date
	
	9/10/15
Print name and sign - Preparer of this form	Date

Print name and sign - Applicant	Date
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Print name and sign - Agent	Date
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Print name and sign - Landowner	Date
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Proposed Project: Case Nos. 14LUP-00000-00144 and 14BAR-00000-00063

Grounds for Appeal:

1. The proposed project is not exempt from environmental review under the California Environmental Quality Act (CEQA) based on Section 15303 [New Construction or Conversion of Small Structures] of the CEQA Guidelines.

The CEQA exemption relied upon by County staff to avoid environmental review [CEQA Guideline Section 15303] does not apply to projects which have a reasonable possibility of causing significant effects on the environment due to unusual circumstances. The proposed project involves unusual circumstances related to site hydrology and drainage. The project as proposed, if approved, will increase the risk of flooding and damage to neighboring properties. Both of these are significant effects that CEQA requires be studied. Environmental review is necessary to understand the nature and severity of these risks prior to project approval and commencement of construction.

The previous owners of the subject lot raised the grade elevations and altered the historic drainage pattern by an accumulation of imported fill dirt and rock throughout the property. They changed the drainage pattern which historically discharged stormwater from a County stormdrain on Cheltenham Road, under 851 Cheltenham Road, discharging onto the subject property. From there it traveled from the North-North-West, to the South-South-East of the vacant lot and exited the vacant lot just to the north of the south east property corner traveling briefly across the corner of the lot directly east of the vacant lot, draining in a South-South-East direction onto a shared driveway between 2840 and 2848 Foothill Road and draining to the drainage swale that runs along the Northern side of Foothill Road.

The proposed drainage pattern will run the length of the west portion of the vacant lot and the width of the south portion of the vacant lot. The proposed drainage scheme of a "Bio Swale" down the length of the west property line and into a "Detention Basin and Sub-Drain Collector Planter Box" at the width of the south property line will result in an increased risk of flooding and property damage due to the volume of water exiting onto the vacant lot.

2. The proposed project is not in compliance with Section 35.82.070.F.1 of the County Land Use and Development Code (LUDC).

Section 35.82.070.F.1 of the LUDC requires, among other things, the following: (1) that the overall structure shapes, as well as parts of structures, be in proportion to and in scale with other existing structures in the area surrounding the proposed project; and (2) there will be a harmonious relationship with existing adjoining development in the area surrounding the proposed project. Neither of these findings can be made.

Mission Canyon's present character reflects its natural setting and history of being built over many years. The variety in housing styles and design make a one-size-fits-all design inappropriate. There are single level and two story homes in the neighborhood. The two story homes are stepped into the hillside with the second story smaller in footprint than that of the underlying structure or recessed from the first floor exterior walls which minimizes the impact to neighboring properties.

The proposed project is too large in size bulk and scale and appears massive in comparison to the neighboring homes. The building is out of context with the existing homes, does not use neighborhood elements and is disruptive to the neighborhood. The proposed building is too large for this constrained, substandard sized lot.

3. The proposed project is not in compliance with Section 35.82.070.F.7 of the LUDC.

Section 35.82.070.F.7 of the LUDC requires that plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control Overlay) be in compliance with the Mission Canyon Residential Design Guidelines as applicable. The proposed project is not in compliance with the Mission Canyon Residential Design Guidelines pertaining to neighborhood context, character and compatibility, grading, and watershed management.

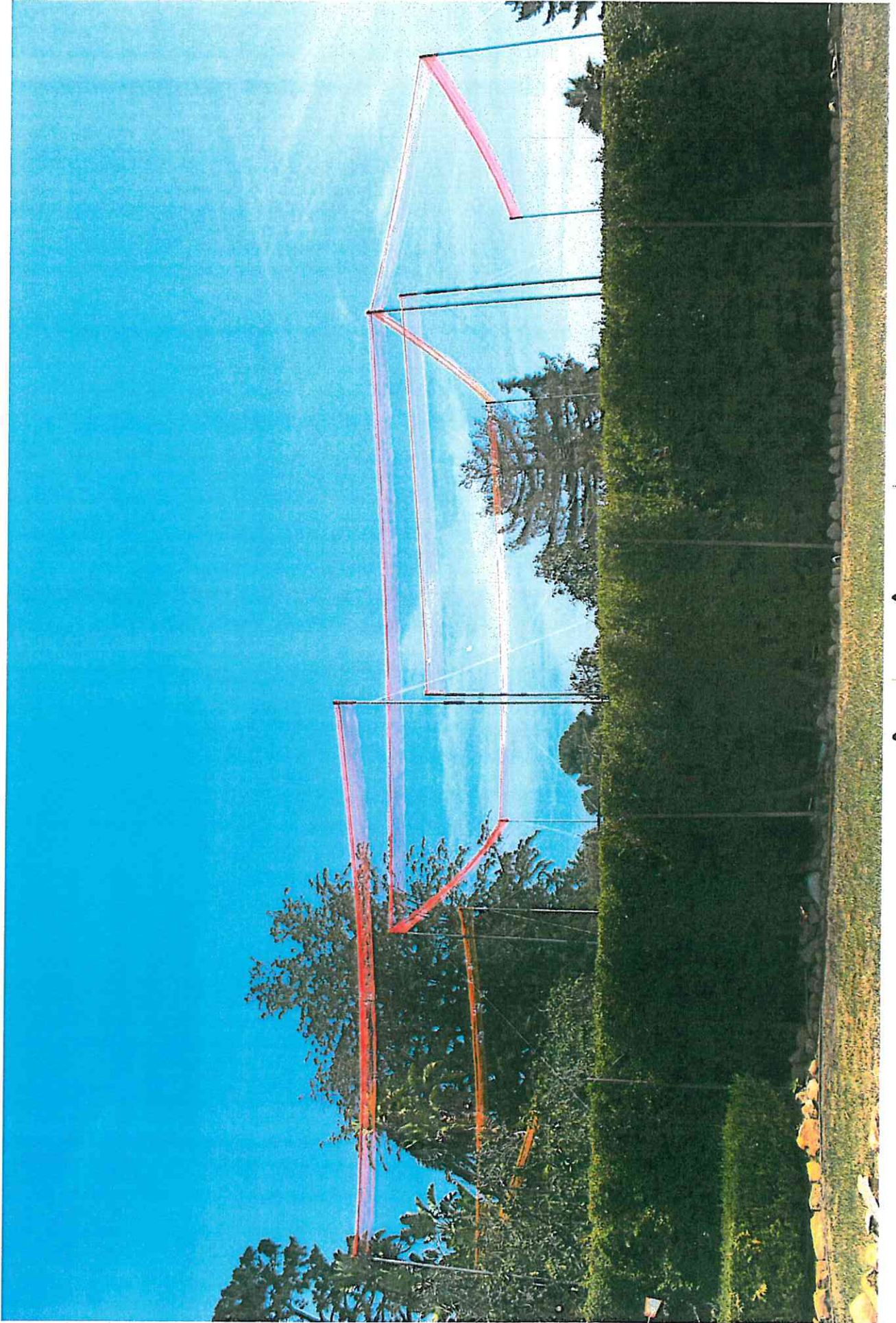
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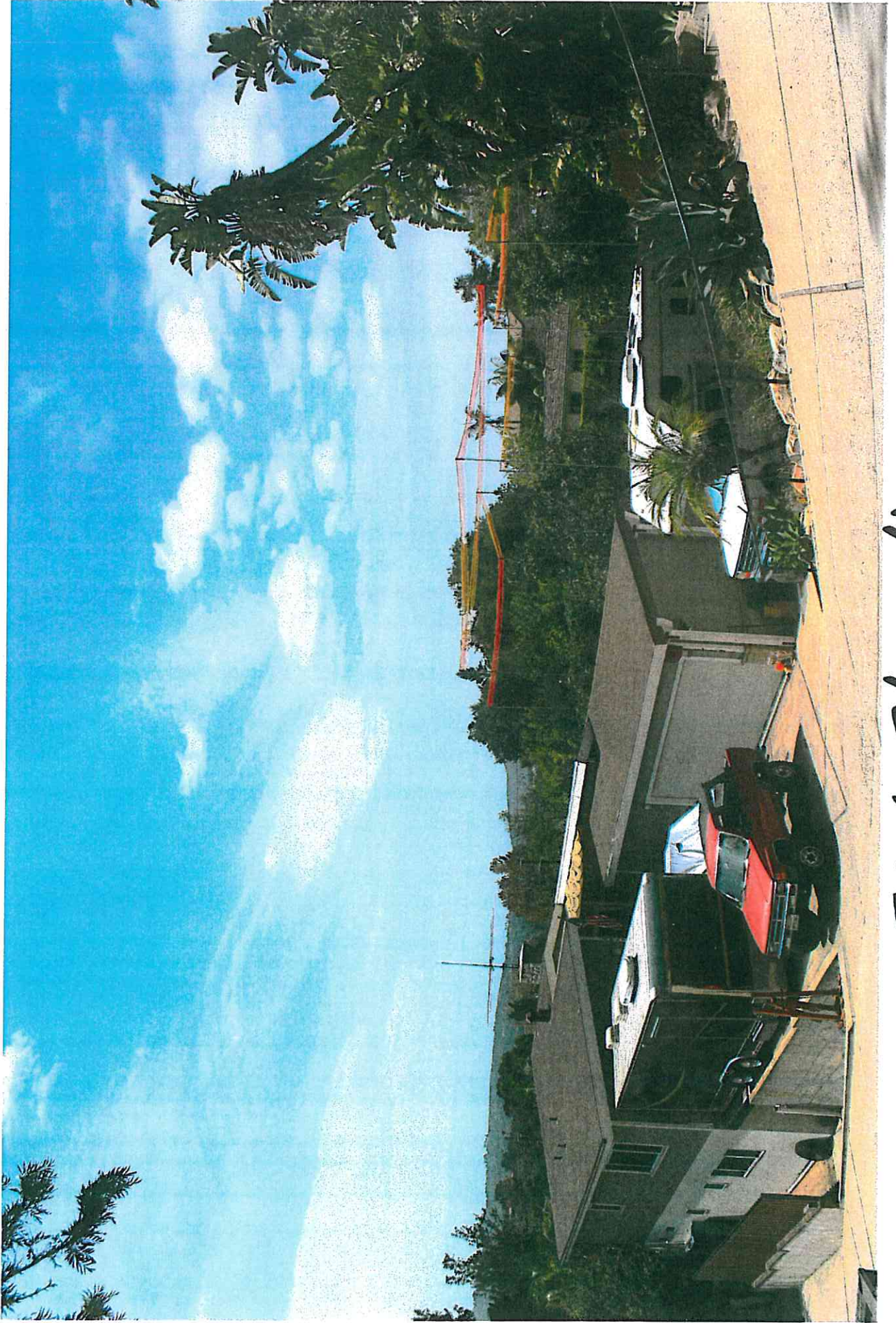
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4. For the foregoing reasons, the findings of approval made by the Planning Commission on September 2, 2015 are not supported by the evidence. Furthermore, approval of the project in its current configuration without significant modification will constitute an abuse of discretion.



WEST Elevation



East Elevation



South Elevation



Drainage Swale