

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
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## Agenda Number:

**Prepared on:** July 28, 2004  
**Department Name:** Planning and Development  
**Department No.:** 053  
**Agenda Date:** August 17, 2004  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** NO  
**If Yes, date from:**  
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**TO:** Board of Supervisors

**FROM:** Val Alexeeff, Director

## STAFF

**CONTACT:** Nicole Losch, Planner (934-6265)  
Zoraida Abresch, Supervising Planner (934-6585)  
North County Development Review Division

**SUBJECT:** Becket/Davidson Appeal (Case No. 04APL-00000-00011) of the Zoning Administrator's approval of the Horvath Detached Residential Second Unit, 3184 Baseline Avenue, APN 141-100-005, Santa Ynez area, Third Supervisorial District

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## Recommendations:

That the Board of Supervisors deny the appeal of Bruce Becket, Sharon Becket, Ron Davidson, & Don Davidson, of the Zoning Administrator's May 24, 2004 approval of a proposed detached residential second unit, and approve Conditional Use Permit 04CUP-00000-00007.

Your Board's action should include the following:

1. Adopt the required findings for the project, specified in the Zoning Administrator's Action Letter dated May 27, 2004.
2. Deny the appeal, upholding the Zoning Administrator's approval of 04CUP-00000-00007.
3. Grant de novo approval of 04CUP-00000-00007 and its conditions of approval included in the Zoning Administrator's Action Letter dated May 27, 2004.

### **Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community, and are primarily aligned with actions required by law or by routine business necessity.

### **Executive Summary and Discussion:**

On May 24, 2004, the Zoning Administrator conditionally approved Case No. 04CUP-00000-00007 for the construction of an approximately 770 square foot (sq. ft.) one-bedroom, one-bathroom detached residential second unit (DRSU) of straw bale construction with approximately 345 sq. ft. of covered porch and an approximately 256 sq. ft. detached one-car garage with an attached approximately 220 sq. ft. one-car carport. The approval was based on the project's consistency with the Comprehensive Plan and based on staff's ability to make the required findings. The 1.4-acre parcel is known as 3184 Baseline Avenue in the Santa Ynez area, is zoned AG-I-5 under Article III, and is in the Third Supervisorial District.

On June 1, 2004, Bruce Becket, Sharon Becket, Ron Davidson, & Don Davidson filed an appeal claiming the proposed second unit does not comply with the Conditional Use Permit findings 3, 5, & 6, referenced below, and Detached Residential Second Unit findings 1, 3, and 4, also referenced below. The appellants' issues are as follows: 1) the proposed project would not be compatible with the surrounding area and neighborhood; 2) the project site, nonconforming as to size (1.4 acre parcel zoned AG-I-5), cannot sufficiently accommodate the proposed development; 3) the proposed project would infringe on the privacy of surrounding residents and properties; and 4) that new access to Baseline Avenue is dangerous.

Planning and Development staff, County Counsel, and the property owners attempted to schedule a facilitation meeting with Mr. & Mrs. Becket and their lawyer (neither Ron or Don Davidson were interested in facilitation), but an amenable date was not available. However, the Horvaths did meet privately with each the Beckets and Don Davidson.

### Appellant Issues

- 1. The appellants assert that the proposed project is not consistent with Conditional Use Permit (CUP) Finding 5, which states, "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," and Detached Residential Second Unit (DRSU) Finding 1, which states, "The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and will not cause excessive noise, traffic, parking, or other disturbances to the existing neighborhood."**

Staff presented Findings for Approval to the Zoning Administrator on May 24, 2004, which are included as Attachment B of the staff report dated May 6, 2004. In addition to the consistency findings, staff would like to specifically address each issue:

- 1.1. Appellants: "This 1.4-acre parcel is substandard in area and therefore is not consistent with the surrounding neighborhood in the same AG-I-5 zone."

Staff: The proposed project would be located on a 1.4-acre parcel in an AG-I-5 zoned area. Although this parcel is nonconforming as to size, it is consistent with the surrounding neighborhood. There are 62 AG-I-5 zoned parcels within one-half mile of the project site; 31 of those 62 parcels are less than 5-acres in size. Of those 31 parcels, five contain permitted residential second units (four are within 800-feet of the project site).

- 1.2. Appellants: "The proposed structures will create a crowding on the site."

Staff: Although the project parcel is smaller than some neighboring parcels, the total development on site after the proposed project would be approximately 7.2% of the project parcel (4,421 sq. ft. total development). In addition, there is ample room between the proposed structures and the existing development (approximately 35-feet) and from neighboring residences (approximately 300-feet from the closest neighboring residence). The proposed structures have been located as far from the existing structures as possible while attempting to avoid impacts to the critical root zones of the mature oak trees on site. The alternative project locations would either be closer to the existing structures, giving a greater appearance of "crowding," or would be inconsistent with Conservation Element Oak Tree Protection Policy 1, which states, "Native oak trees...shall be protected to the maximum extent feasible in the County's rural and/or agricultural lands...Because of the limited range and increasing scarcity of valley oak trees, valley oak woodlands and valley oak savanna, special priority shall be given to their protection and regeneration."

- 1.3. Appellants: "This parcel cannot be viewed in the same context as a conforming site in the AG-I-5 zone."

Staff: There are no provisions in Planning & Development's (P&D) policies and ordinances that direct staff to review legal nonconforming parcels differently than conforming parcels. In addition, pursuant to Government Code §65852.2(b)(5) and incorporated into Sec. 35-291.6.1 (Residential Second Unit Development Standards) of Article III, second units shall be considered consistent with the allowable density and with the general plan and zoning designation for the project site.

- 1.4. Appellants: "No other property in the area has two primary driveways from the principal street."

Staff: Pursuant to Sec. 35-265.1 of Article III, the width, number, and location of driveways shall be prescribed by Resolution No. 76-428, which states, "Not more than one driveway per lot shall be permitted on each road frontage without prior approval of the Director of Transportation." The proposed driveway was reviewed and approved by Will Robertson, Transportation Planner in the Transportation Division of Public Works, who acts on the Director of Transportation's behalf during

plan review. Mr. Robertson reviewed the proposed driveway and determined that the proposed driveway would meet all applicable County policies.

Mr. Robertson initially reviewed the proposed driveway and noted that although it would be ideal to have only one driveway, the proposed driveway is in a safer location than the existing driveway and would grant additional privacy to the residents of both the existing and proposed dwellings on the site. Mr. Robertson also noted that second driveways are usually less of a hazard in rural, ranchette, and agricultural areas such as the project neighborhood, as the greater distance between driveways allows more flexibility than high-density areas in which multiple driveways on each lot could create design problems.

To further substantiate his determination, Mr. Robertson performed a sight distance study and radar study to determine the average number of travelers and their average speed along Baseline Avenue at the proposed driveway location. His findings confirmed that the proposed driveway meets the sight distance requirements for traffic traveling approximately 50 mph.

- 1.5. Appellants: "The [proposed location] is not compatible with the surrounding neighborhood and is objectionable from an aesthetic standpoint."

Staff: The proposed location along the western side yard setback creates a sense of privacy for the residents of the proposed second unit and the existing primary dwelling and also minimizes impacts to the mature oak trees on site. The aesthetic objection to the location is subjective, and staff supports the protection of oak trees and the proposed design. Alternative locations may not be consistent with Sec. 35-291.6 (Residential Second Unit Development Standards), which requires DRSUs in agricultural zone districts avoid or minimize significant environmental impacts...by preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible; These Development Standards require DRSUs be located no closer to the principal street than the principal dwelling in residential zone districts only. If the proposed structures were located behind the main residence the site would appear more crowded than with the proposed location and would impact three mature oak trees, which is not consistent with the oak tree protection policies of the Conservation Element or the development standards for residential second units. or would be inconsistent with Conservation Element Oak Tree Protection Policy 1, which states, "Native oak trees...shall be protected to the maximum extent feasible in the County's rural and/or agricultural lands...Because of the limited range and increasing scarcity of valley oak trees, valley oak woodlands and valley oak savanna, special priority shall be given to their protection and regeneration."

- 1.6. Appellants: "Since the parcel is only 1.4-acres the surrounding properties will be more affected by noise and traffic, including the disturbance of automobile lights."

Staff: The construction of a 770 sq. ft. one-bedroom second unit would not create excessive noise, traffic, or automobile lights. Disturbances associated with future

residents would not be great enough to cause a significant environmental effect and are therefore exempt from further environmental review.

- 1.7. Appellants: "In this particular case the underlying minimum area requirements are substandard and therefore the site cannot be compared in the same framework as a 5-acre site."

Staff: There are no underlying minimum area requirements (i.e. parcel size) for the proposed project. The project does not involve any use or development that would require increased parcel size, and as stated previously, second units shall be considered consistent with the allowable density and with the general plan and zoning designation for the project site. The utilities and services that are necessary to ensure the project site could accommodate the proposed development are all available, including water service, sanitary service, and public utilities.

2. **The appellants assert that the proposed project is not consistent with DRSU Finding No. 3, which states, "The detached residential second unit will not substantially change the character of the neighborhood in which it is located, or cause a concentration of second units sufficient to change the character of the neighborhood in which it is located."**

Staff presented Findings for Approval to the Zoning Administrator on May 24, 2004, which are included as Attachment B of the staff report dated May 6, 2004. In addition to the consistency findings, staff would like to specifically address each issue:

- 2.1. Appellants: "The proposed two separate structures on this small parcel will cause an undesirable crowding of buildings that is not typical of 5-acre agricultural zoning."

Staff: Please see responses 1.2 and 1.5 above.

- 2.2. Appellants: "[The second driveway] will give the visual effect of a separate parcel from the main residence and the visual appearance of a further subdivision of land and high-density residential that is not consistent with the 5-acre agricultural zoning."

Staff: As stated in response 1.4 above, the permit for the second driveway is under the jurisdiction of the Transportation Division pursuant to Sec. 35-265.1 of Article III and corresponding Resolution No. 76-428. Second driveways are not reviewed for appearances but for safety and accessibility. In this case, staff supported the Transportation Division's approval of the second driveway as it would minimize encroachment into the critical root zone of a mature oak tree. In addition, there is a generous amount of space between structures on the project site, which maintains a rural atmosphere.

3. **The appellants assert that the proposed project is not consistent with DRSU Finding No. 4, "The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents."**

Staff presented Findings for Approval to the Zoning Administrator on May 24, 2004, which are included as Attachment B of this report. In addition to the findings of consistency, staff has the following comments:

- 3.1. Appellants: "The site of the proposed second unit can clearly be seen from the residence to the north...in addition to the residence [to the west]. In a 5-acre zone, all buildings are normally placed in the interior of the site, not directly on the minimum side yard setback...The result is that the proposed buildings are more exposed to view and impose on the privacy of the surrounding residents."

Staff: Continuing the response in 1.2 above, there is ample room between the project site and nearby residences: approximately 300-feet to the closest residence to the north (3142 Baseline Avenue, Mr. Don Davidson) and approximately 400-feet from the closest residence to the west (3127 Baseline Avenue, Mr. & Mrs. Becket). The proposed location along the side yard setback minimizes disturbances to mature oak trees and meets all required setbacks. Although this results in the partial exposure of the proposed structures, the exposure is not significant; there are a number of trees that screen to the north, east, and south, and the distance between the proposed structures and surrounding residences is sufficient to ensure privacy is maintained. The westerly view is open to a vacant parcel on which additional trees or shrubs could be planted to maximize screening of the proposed development.

- 3.2. Appellants: "The proposed location of the proposed DRSU and detached garage structures would be highly visible from the adjacent unimproved parcel (no address) to the west and south."

Staff: DRSU Finding No. 4 specifies that the second unit shall not infringe upon the privacy of surrounding residents. The parcel referenced by the appellants is unimproved and therefore exempt from this Finding. However, this unimproved parcel is also owned by Mr. & Mrs. Becket and could accommodate the installation of landscaping to screen any development on adjacent parcels.

- 3.3. Appellants: "The northwest elevation...contains an uninteresting solid wall 25' from the property line. In addition, the west elevation of the garage has a solid wall and a door, lacking design character...The applicant is proposing to increase the grade at the property line with riprap, or a retaining wall."

Staff: Design character is subjective, and staff believes that the proposed westerly elevations are adequately designed. As previously stated, landscaping to screen the proposed project could be installed on the vacant parcel directly west of the project site. The increased grade at the property line would not be extensive, and the rip-rap would merely provide erosion control to prevent soil or water from flowing onto the adjacent property to the west or from eroding the soil along the property line. The grade increase at the property line would be approximately 12-inches, and the rip-rap would extend approximately 6-feet in width. However, the rip-rap is not a retaining wall but is merely a method of erosion control. One retaining wall is proposed to

protect the roots of the existing pepper tree, but this gravity wall would be a maximum of 2-feet in height.

- 3.4. Appellants: "The unsightly effect [of the proposed development], including the two separate driveways, will have a detrimental impact on the...value of our property."

Staff: Property value assessments are subjective and relative to specific situations. In addition, there are no policies or ordinance regulations that direct staff to evaluate the impact of proposed development on the value of adjacent properties.

**4. The appellants assert that the proposed project is not consistent with CUP Finding No. 3, "That streets and highways are adequate and properly designed."**

Staff presented Findings for Approval to the Zoning Administrator on May 24, 2004, which are included as Attachment B of this report. In addition to the findings of consistency, staff has the following comments:

- 4.1. Appellants: "We believe that the location of the proposed driveway does not meet the County of Santa Barbara sight distance requirements and the location is extremely dangerous...Mr. Robertson said that he used 50 miles per hour [to base his opinion]. In our opinion this is an incorrect criterion to base his opinion because the actual speed of most automobiles is 70 to 80 miles per hour."

Staff: Please see response 1.4 above. In addition, Mr. Robertson's determination is not opinion but is based on factual information that indicates the average speed along Baseline Avenue adjacent to the project site is 50 mph.

**5. The appellants assert that the proposed project is not consistent with CUP Finding No. 6, "That the project is in conformance with the applicable provisions and policies of Article III and the Comprehensive Plan."**

Staff presented Findings for Approval to the Zoning Administrator on May 24, 2004, which are included as Attachment B of this report. In addition to the findings of consistency, staff has the following comments:

- 5.1. Appellants: "A 1.4-acre parcel in this area is not in keeping with the guidelines of the Inner-Rural Area."

a. Staff: Pursuant to Government Code §65852.2(b)(5) and incorporated into Sec. 35-291.6.1 (Residential Second Unit Development Standards) of Article III, second units shall be considered consistent with the allowable density and with the general plan and zoning designation for the project site. They shall not be considered to limit residential growth.

- 5.2. Appellants: "The parcel is physically not able to accommodate two separate structures in the same manner as a 5-acre site."

a. Staff: Please see response 1.7 above.

**6. The appellants assert that the proposed project is not consistent with CUP Finding No. 7, “That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.”**

Staff presented Findings for Approval to the Zoning Administrator on May 24, 2004, which are included as Attachment B of this report. In addition to the findings of consistency, staff has the following comments:

- 6.1. Appellants: “[Santa Ynez Valley residents] have always maintained the highest standards of rural aesthetic beauty with ample separation. All of that would be ruined with the proposed project because the project is not consistent with the character of the surrounding area with farming and livestock. The proposed use would crowd the site..., giving [the] small site an impression of a subdivision.”

Staff: The area surrounding the project site consists of mostly ranchette development interspersed with agricultural uses. Most sites that have agricultural operations nearby utilize the site primarily as residential and supplement the site with secondary agricultural uses. The issue of site crowding and subdivision appearance was addressed in response 1.2 above.

- 6.2. Appellants: “The site for the DRSU, garage and driveway are highly visible from the public viewing locations in the street.”

Staff: The project site would be clearly visible from the public street only by pedestrian traffic, if vehicle passengers were specifically looking for the project site, or if vehicles were moving very slowly. The project site is substantially screened by numerous mature oak trees in the front of the parcel, and there are no policies or ordinance regulations that require new development be fully screened from abutting streets.

- 6.1. Appellants: “We believe there is an important issue of maintaining the visual and aesthetic standards that Santa Barbara County has historically maintained.”

Staff: Visual and aesthetically pleasing development is subjective. Staff believes that an approximately 14’ 8” high DRSU constructed of straw bales with a metal roof and stucco exterior in natural, earth tones would be compatible with the surrounding environment and would be both visually and aesthetically pleasing.

**Conclusion:**

Based on the information provided to the Zoning Administrator and discussed above, the proposed detached residential second unit can be found consistent with all applicable policies of the Comprehensive Plan and regulations within Article III.

**Mandates and Service Levels:**

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.

Pursuant to Sec. 35-327.3.1 of the Article III Zoning Ordinance, a decision of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision.

**Fiscal and Facilities Impacts:**

The appellants submitted a \$435.00 appeal fee at the time the appeal was filed. Appeal costs that exceed this \$435.00 fee are taken from the department's adopted budget.

**Special Instructions:**

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

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

**Concurrence:**

None

**Attachments:**

- A. Appeal to the Board of Supervisors dated June 1, 2004
- B. Zoning Administrator Action Letter dated May 27, 2004
- C. Zoning Administrator Staff Report dated May 6, 2004