



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: September 10, 2024
Placement: Administrative; Set Hearing on September 10, 2024, for October 15, 2024
Estimated Time: 60 min on October 15, 2024
Continued Item: No
If Yes, date from: NA
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development
Director(s) (805) 568-2086 Lisa Plowman
Contact Info: Travis Seawards, Deputy Director, Planning and Development (805) 568-2518

SUBJECT: Set Hearing to Consider the Noyes/Woodall Appeal of the County Planning Commission Approval of the Law New Single-Family Residence Project, Case No. 24APL-00007, Mission Canyon Community Plan Area, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Select_Other

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On September 10, 2024, set a hearing for October 15, 2024, to consider the recommendations of staff regarding Case Nos. 24APL-00007 and 21LUP-00000-0401, which consists of an appeal of a Land Use Permit to allow the construction of a new residence, located at 2632 Montrose Place (APN 023-112-030).

On October 15, 2024, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 24APL-00007;
- b) Make the required findings for approval of the project, Case No. 21LUP-00000-00401, including CEQA findings;

- c) Determine the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303; and,
- d) Grant *de novo* approval of the project, Case No. 21LUP-00000-00401 subject to the conditions of approval.

Summary Text:

This Board Letter sets a hearing for October 15, 2024, to review the Planning Commission’s approval of the Law New Residence Project, which allows for construction of a new 2,541 square foot single-family residence and 402-square-foot garage, and associated site improvements on a vacant parcel in the Mission Canyon area. The analysis related to this agenda item will be docketed with a separate Board Agenda Letter for the hearing on October 15, 2024.

Background:

On August 4, 2021, the applicant filed an application for a Land Use Permit (LUP), Case No. 21LUP-00000-00401, for construction of a single-family residence and attached garage.

On December 20, 2023, the Director of Planning and Development (Director) approved the project, LUP application, Case No. 21LUP-00000-00401, finding the project consistent with applicable policy and ordinance requirements of the Land Use and Development Code and the Comprehensive Plan, including the Mission Canyon Community Plan in effect at the time of permit approval. The project received preliminary South Board of Architectural Review (SBAR) approval on August 11, 2023, and final SBAR approval on December 15, 2023. No appeals of the SBAR approvals were filed.

On January 2, 2024, two separate appeals of the Director’s approval of the LUP were filed. Walid and Tamara Afifi, appellants, filed a timely appeal, Case No. 24APL-00001. Mindy and Ian Noyes and Sena Woodall, appellants, filed a timely appeal, Case No. 24APL-00002. On March 6, 2024, the appeals, Case Nos. 24APL-00001 and 24APL-00002, were presented to the Santa Barbara County Planning Commission. The Planning Commission considered all evidence set forth in the record including the statements given by the appellants and the applicant, and acted to deny the appeals and approve the project.

On March 15, 2024, Mindy and Ian Noyes and Sena Woodall, appellants, filed a timely appeal to the Board of Supervisors, Case No. 24APL-00007, of the Planning Commission’s decision to approve the project. The Appellant asserts that the lot lines shown on project plans are based off of inaccurate survey records and methodology, that there was a lack of a fair and impartial hearing by the Planning Commission, that the decisions of the Planning Commission were based on false evidence, and that staff did not address claims that the County approved development on the applicant’s property for benefit of the appellant. Staff reviewed each of the appeal issues identified by the Appellant and finds they are without merit. The appeal issues and staff’s response will be discussed in detail in the separate Board Agenda Letter for the hearing on October 15, 2024.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Total costs for processing the appeal are approximately \$16,060 (55 hours of staff time). The costs for processing appeals are partially offset by a General Fund subsidy in Planning and Development's adopted budget. Funding for processing this appeal is budgeted in the Planning and Development Department's Permitting Budget Program, as shown on Page 313 of the County of Santa Barbara Fiscal Year (FY) 2024-2025 Adopted Budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice in the Santa Barbara News-Press or equivalent at least 10 days prior to the hearing on October 15, 2024. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward the minute order of the hearing as well as a copy of the notice and proof of publication to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Authored by:

Tatiana Cruz, Planner (805) 568-2082
Development Review Division, Planning and Development Department

cc: 24APL-00007