



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: Set Hearing on 8/9/2011 for  
9/6/2011  
Placement: Administrative on 8/9/2011  
Departmental on 9/6/2011  
Estimated Tme: 1.0 hour on 9/6/2011  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Glenn Russell, Ph.D. Director, Planning and Development  
Director (805) 568-2085  
Contact Info: Alice McCurdy, Deputy Director, Development Review South  
(805) 568-2518  
**SUBJECT: Set Hearing for Bagdasarian Appeal of Montecito Planning Commission Denial of  
10APL-00000-00016 and 09LUP-00000-00256 (Case No. 11APL-00000-00009)**

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**County Counsel Concurrence**

As to form: No

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

On August 9, 2011, set hearing for September 6, 2011 to consider the appeal filed by Ross Bagdasarian, Jr. and Janice F. Karman of the Montecito Planning Commission's denial of the Bagdasarian appeal, 10APL-00000-00016, and *de novo* denial of the Bagdasarian Land Use Permit, 09LUP-00000-00256, for existing unpermitted pedestrian bridges, grading and retaining walls within an Environmentally Sensitive Habitat, located at 1192 and 1194 East Mountain Drive, in the Montecito area, First Supervisorial District.

On September 6, 2011, your Board's action should include the following:

1. Deny the appeal, Case No. 11APL-00000-00009, thereby upholding the Montecito Planning Commission's denial of 10APL-00000-00016 and *de novo* denial of Case No. 09LUP-00000-00256;
2. Make the required findings for denial of the project, 09LUP-00000-00256, including CEQA findings;
3. Determine the denial of the project is exempt from CEQA pursuant to Section 15270 of CEQA; and
4. Deny, *de novo*, the project Case No. 09LUP-00000-00256.

**Background:**

On July 26, 2010, the Planning and Development Director denied Land Use Permit 09LUP-00000-00256. The Land Use Permit (LUP) application was filed to abate reported Zoning Violations 09ZEV-00000-00042 and 09ZEV-00000-00115. The LUP was denied because the proposed project was found to be inconsistent with policies and development standards of the Montecito Community Plan and the Montecito Land Use and Development Code.

On August 5, 2010, the applicant, Ross Bagdasarian and Janice Karman, filed an appeal of the Director's denial, Case No. 10APL-00000-00016. The Montecito Planning Commission first heard the appeal on October 27, 2010. After three continuances at the request of the appellant, on May 25, 2011, the Montecito Planning Commission denied the appeal and denied, *de novo*, the Land Use Permit 09LUP-00000-00256. On June 3, 2011, the applicant, Ross Bagdasarian and Janice Karman, filed an appeal of the Montecito Planning Commission's denial of the appeal and *de novo* denial of the Land Use Permit.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The costs for processing appeals are partially offset through payment of a fixed appeal fee of \$643 (\$500 of which covers P&D costs). The total estimated time to process this appeal will be provided in the full Board Agenda Letter for the September 6, 2011 hearing. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-314 of the adopted 2011/2012 fiscal year budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice in a paper of general circulation at least 10 days prior to the hearing on September 6, 2011. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed notice are attached. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

**Authored by:**

Julie Harris, Planner III, Planning and Development

**cc:**

Anne Almy, Supervising Planner – Planning and Development