

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 5/5/05  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 5/17/05  
**Placement:** Administrative  
**Estimate Time:** n/a (15 min. staff presentation on 6/7/05; 45 min. total)  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director

**STAFF CONTACT:** Anne Almy, Supervising Planner (568-2053)

**SUBJECT:** Set Hearing for the Van Der Kar Appeal of the Fishman Guesthouse CDP [04CDP-00000, 7025 Shepard Mesa Drive, Assessor Parcel Number 001-101-023, First Supervisorial District.

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## Recommendation(s):

That the Board of Supervisors set a hearing to consider the Van Der Kar Appeal of the Planning Commission's March 23, 2005 *de novo* approval, on appeal, of the Fishman Guesthouse CDP [04CDP-00000-00099], 7025 Shepard Mesa Drive, Assessor Parcel Number 001-101-023, First Supervisorial District, **SET HEARING FOR JUNE 7, 2005 (ESTIMATED TIME 45 MINUTES).**

1. Adopt the required findings for the project, as specified in the Planning Commission action letter dated March 8, 2005, including CEQA findings;
2. Deny the appeal, upholding the Planning Commission's *de novo* approval of Coastal Development Permit 04CDP-00000-00099;
3. Grant *de novo* approval of the project subject to the conditions included in the Planning Commission's action letter.

## Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

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

Case No. 04CDP-00000-00099 for a new 800 square foot guesthouse was approved by Planning and Development on November 16, 2004 at the request of owner David Fishman. On November 29, 2004, the CDP was timely appealed by a neighbor, Mr. Scott Van Der Kar. The appeal [04APL-00000-00033] was heard by the Planning Commission on March 23, 2005 which acted to deny the appeal and grant *de novo* approval of the CDP. On April 4, 2005, the Planning Commission's action was timely appealed to the Board of Supervisors.

### **Mandates and Service Levels:**

Pursuant to Section 35-182.3 of Article II of Chapter 35 of the County Zoning Ordinances, the decisions of the Planning Commission 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 costs for processing appeals of coastal development permits outside of the geographic appeals jurisdiction are typically provided through a fixed fee and funds in P&D's adopted budget. Fees collected for appeals vary based on the location of the project and who files the appeal. The appeal was filed by a "non-applicant" and a fee of \$435 was collected. Planning and Development will offset costs beyond the \$435 appeal fee. The estimated cost of processing this appeal is approximately \$2,500.00 and is budgeted in Development Review South Division, in the Permitting and Compliance Program on page D-290 of Planning and Development's 2004-2005 fiscal year budget.

### **Special Instructions:**

Clerk of the Board shall complete noticing in the Santa Barbara News Press and shall complete the mailed noticing for the project at least ten (10) days prior to hearing (mailing labels will be attached).

Clerk of the Board shall forward a copy of the Minute Order to P&D, Hearing Support Section, Attn: Cintia Mendoza.

**Concurrence:** n/a

Attachments: Appeal to the BOS  
Coastal Development Permit  
Staff Report for the Planning Commission Hearing  
Action Letter from the Planning Commission Hearing  
Mailing Labels