



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

Submitted on:

(COB Stamp)

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Department Name: Planning & Development
Department No.: 053
For Agenda Of: June 19, 2007
Placement: * Administrative *
Estimated Tme: * 40 minutes on 07/10/07
Continued Item: No *
If Yes, date from:
Vote Required: Majority *

TO: Board of Supervisors *

FROM: Director, P&D John Baker, 568-2085
Contact Info: Zoraida Abresch, Deputy Director, 934-6585
Development Review - North County

SUBJECT: * Set Hearing for the Bosshardt Appeal of the Planning Commission's Land Use Permit Denial, Third District

County Counsel Concurrence *

As to form: Yes *

Auditor-Controller Concurrence *

As to form: N/A *

Other Concurrence: * N/A *

As to form: N/A*

Recommended Actions: *

That the Board of Supervisors set a July 10, 2007 hearing to consider the Bosshardt appeal of the Planning Commission's March 14, 2007 denial of the Bosshardt Single Family Dwelling Land Use Permit No. 06LUP-00000-00245, APN 143-400-017, located at 3457 Willow Street, Santa Ynez Area in the Third Supervisorial District.

At the July 10, 2007 hearing, the Board of Supervisors action should include the following:

1. Adopt the required findings for the project specified in the Planning Commission action letter dated March 16, 2007;
2. Deny Appeal No. 07APL-00000-00009, thereby upholding the Planning Commission denial of Land Use Permit No. 06LUP-00000-00245; and
3. Deny Land Use Permit No. 06LUP-00000-00245

Summary Text: *

A. Project Progression

On March 15, 2006, Mr. Bosshardt submitted a Land Use Permit (LUP) application for: 1) a two-story single family dwelling (approximately 3,265 sq. ft.); and 2) a two-story combined detached garage and residential second unit (approximately 2,948 sq. ft.). At that time, the proposed single-family dwelling also included two second-story decks that looked out across neighboring properties. Planning & Development (P&D) expressed concerns about the consistency between the proposed structures and the surrounding neighborhood which is developed with single-story residences averaging approximately 1,700 sq. ft. Therefore, on July 14, 2006 P&D denied the LUP application due to inconsistency with Comprehensive Plan Land Use Element Visual Resources Policy 3. This policy requires that new structures conform to the scale and character of the existing community.

On September 8, 2006, the applicant appealed the P&D LUP denial to the Planning Commission. On November 1, 2006 the Planning Commission considered the appeal based on a nearly identical proposed project and continued the hearing to January 3, 2007 with direction for: 1) the Central County Board of Architectural Review (CBAR) to review and comment on the project and, 2) P&D to research projects mentioned in the appellant's presentation regarding previously approved large homes in Santa Ynez and to present comments from CBAR. On January 3, 2007, the Planning Commission received testimony including comments from the CBAR that the proposed scale of development seemed too large. The Planning Commission continued the hearing in order to: 1) allow the appellant to redesign the project and, 2) receive a report from P&D regarding CBAR comments on the redesigned project.

On March 14, 2007, the Planning Commission conducted a hearing to consider a redesigned project. The scope of the development was reduced from the original proposal in response to visual resource/neighborhood compatibility concerns as expressed by P&D, the CBAR, the Planning Commission, and surrounding residents. The following table compares the original and revised proposals and represents the applicant's attempt to address these concerns.

Comparison Chart Original and Revised Plans for Bosshardt Project

	Original	Revised
SFD sq. ft.	3,265	3,241
Overall height	25 feet	22 feet 7 inches
Decks	2 second story	none
DRSU/Garage	2,948 sq. ft.	1,553.5 sq. feet
Overall height	23 feet	15'

B. Planning Commission Action

On March 14, 2007, the Planning Commission considered the applicant’s revised project and voted 5-0 on a motion to deny the appeal and the Land Use Permit application (Attachment B). Consistent with the advise of CBAR and staff, the Planning Commission found that the proposed development would not be compatible with the existing neighborhood due to the proposed structural mass and height and, therefore, inconsistent with the Comprehensive Plan Land Use Element Visual Resources Policy 3. The appellant appealed this decision to the Board on March 21, 2007.

C. Staff Response to Appeal

The appeal application (Attachment A) states the following bases of appeal:

1. Decision is not supported by evidence.

The Planning Commission considered all evidence presented by P&D, the CBAR, the appellant, and the public during the hearings of November 1, 2006, January 3 and March 14, 2007. The Planning Commission found, based on the evidence presented, that the proposed project does not conform to the Comprehensive Plan Land Use Element Visual Resources Policy 3, and would not be compatible with the nature of the surrounding residences.

2. Abuse of discretion.

The Planning Commission, as in all appeal cases, exercised its *de novo* discretion to approve, conditionally approve, or deny the project pursuant to the Land Use & Development Code (LUDC) (Sections. 35.102.040.C&D).

3. Error based on improper evaluation of evidence.

The LUDC (Section. 35.82.100.E.1.a.1) requires that within the inland areas of the County, including the township of Santa Ynez, a finding be made that proposed development conforms to the applicable policies of the Comprehensive Plan. As a result, P&D decisions to approve Land Use Permits are essentially made on a case by case basis, taking into account all of the factors that relate to the development requirements of the Comprehensive Plan, as well as those of the LUDC.

The proposed project requires policy consistency consideration relative to neighborhood compatibility as identified in **Land Use Element Visual Resource Policy 3:**

In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns and diverse housing types shall be encouraged (LUE p. 91).

Relevant factors for P&D assessment of neighborhood compatibility issues include, but are not strictly limited to, parcel size and topography, building height and scale of proposed and existing surrounding development, native vegetation and landscaping. The extent to which P&D seeks to balance the potentially competing interests between strict neighborhood compatibility (as demonstrated through uniformity in scale and character) and appropriate diversity (recognizing landowner's specific needs and desire for variability in design).

The Planning Commission considered all evidence presented by P&D, the CBAR, the appellant, and the public during the hearings of November 1, 2006, January 3 and March 14, 2007. The Planning Commission found, based on the evidence presented, that the proposed project does not conform to the Comprehensive Plan Land Use Element Visual Resources Policy 3, and would not be compatible with the nature of the surrounding residences.

As supported by the comments of the CBAR, and the findings of the Planning Commission, P&Ds review has concluded that the project, as proposed, would be incompatible with the neighborhood and inconsistent with Land Use Element Visual Resources Policy 3. Therefore, P&D recommends the denial of the appeal and Land Use Permit application related to the proposed project due to the mass and height of the proposed structures.

Background: *

A. Tentative Parcel Map Approval

On October 13, 2003, the Zoning Administrator approved 02TPM-00000-00019, a two-way lot split which created the subject parcel. While a building envelope was designated, the conditions of approval contained no explicit restrictions on the size or design of future development.

B. LUP Chronology

March 15, 2006	Land Use Permit application No. 06LUP-00000-00245 submitted to P&D.
July 14, 2006	P&D denial of the LUP application based on neighborhood incompatibility.
September 8, 2006	Applicant appeal of the P&D denial to the Planning Commission.
November 1, 2006	Initial Planning Commission hearing on appeal
December 1, 2006	CBAR meeting to provide initial conceptual-level comments.

- January 3, 2007 Continuation of Planning Commission hearing on appeal
- January 26, 2007 CBAR meeting to provide further conceptual-level comments.
- March 14, 2007 Planning Commission denial of the appeal and the LUP application on a 5-0 vote.
- March 21, 2007 Applicant appeal of the Planning Commission denial to the Board.

Performance Measure: *

N/A

Fiscal and Facilities Impacts: *

Budgeted: Yes *

Fiscal Analysis: * ["Double Click to see Funding Source Instructions"](#)

The costs for processing appeals are provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$443. P&D will absorb the costs beyond that fee. The estimated cost to P&D to process the appeal through completion is \$3,000. These funds are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-290 of the proposed 2007/2008 fiscal year budget.

Staffing Impacts: *

Legal Positions:

N/A

FTEs:

N/A

Special Instructions: *

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on July 10, 2007. The notice shall appear in the Santa Barbara News Press. 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 P&D, Attention: Cintia Mendoza, Hearing Support.

P&D will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

Attachments: *

- A. Appeal Application dated March 21, 2007.
- B. Planning Commission Action Letter, including findings, dated March 16, 2007.
- C. Staff Report to the Planning Commission, dated October 13, 2006
- D. Staff Memoranda dated December 18, 2006
- E. Staff Memoranda and February 2, 2007.
- F. Public Comment Letters

Authored by:

Brian A. Tetley, Planner - 934-6589

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