



BOARD OF SUPERVISORS **Agenda Number:**
AGENDA LETTER

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

Department Name: Planning and Development
Department No.: 053
For Agenda Of: March 4, 2008
Placement: Set Hearing
Estimated Tme: 1.0 hours on 04/01/08
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department John Baker, P&D Director 568-2085
Director
Contact Info: Dave Ward, P&D Deputy Director 568-2520

SUBJECT: **Peterson Appeal of Montecito Planning Commission Approval of the Largura New Single-Family Dwelling, Case No's 08APL-00000-00005, 08APL-00000-00007**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors set hearing for April 1, 2008 (Departmental Agenda) at the request of the Dave and Kay Peterson, appellants, to consider the appeal of the Montecito Planning Commission's January 16, 2008 approval of the Largura new single-family dwelling, Case Numbers 07LUP-00000-00336 and 07BAR-00000-00129. The project involves APN 007-040-022, located at 2480 Bella Vista Drive, in the Montecito area, First Supervisorial District.

At the April 1, 2008 hearing, that the Board of Supervisors:

1. Adopt the required findings for approval of the project, Case Nos. 07LUP-00000-00336 and 07BAR-00000-00129, as specified in the January 18, 2008 Montecito Planning Commission Action Letter (Attachment B);
2. Accept the exemption, included as Attachment B of the Montecito Planning Commission staff report dated November 14, 2007 (Attachment C), pursuant to CEQA Section 15303(a); and

3. Deny the appeals, Case No's 08APL-00000-00005, and 08APL-00000-00007, granting *de novo* approval the project, subject to the conditions as specified in the January 18, 2008 Montecito Planning Commission Action Letter (Attachment B).

Summary Text:

The proposed project is for a Land Use Permit to allow construction of a new single-family dwelling of 3,985 square feet with attached 620 square foot garage, 1,854 square foot basement, 800 square foot detached guesthouse, pool, spa and retaining walls of no greater than 4 feet in height. The project would include removal of two water tanks to resolve a zoning violation (05ZEV-00000-00196) and construction of a new fire safety support system (water tanks and pump). Approximately 2,445 cubic yards of cut and 1,167 cubic yards of fill is proposed. Native vegetation treatment or removal of approximately 60,000 square feet will be required as a result of the proposed development and associated fire clearance requirements of the Montecito Fire Protection District. Vegetation fire clearance would be consistent with P&D-approved Fire Clearance and Landscape Plans, Biological Assessment, and P&D-approved Habitat Restoration Plans. The project includes habitat restoration as outlined in the Landscape Plan Biological Assessment, and Land Use Permit restoration conditions (see Attachment F, for reduced project plans).

The Montecito Planning Commission determined the proposed project to be consistent with all applicable Land Use and Development Code and Comprehensive Plan requirements, including requirements of the Montecito Community Plan. Montecito Planning Commission approval was granted January 16, 2008 and the project was appealed January 28, 2008. Facilitation with County Counsel is pending. Following the facilitation staff will provide your Board with an update memo regarding the outcome of facilitation discussions.

Appeal Issues:

In the January 28, 2008 appeal letter (see Attachment A), the appellant expressed concern regarding four issue areas as discussed below.

Alteration of Topography

Appellant Statement: *"The project as conditioned is inconsistent . . . with Hillside and Watershed Protection Policies #1 and #2, Community Plan policies LU-M-1.2 [and] GEO-M-1."*

P&D Response: Hillside and Watershed Protection Policies #1 and #2 require that development minimize cut and fill, fit site topography and any other existing conditions, and preserve natural features, landforms, and native vegetation to the maximum extent feasible. GEO-M-1 requires the protection of public health and safety by preserving hillsides in the most natural state feasible. The project would include retention of on-site boulders for use as a part of the proposed retaining wall system. Grading would include approximately 2,445 cubic yards of cut and 1,167 cubic yards of fill. Vegetation groupings, including coastal sage scrub, chaparral and native grassland, would be preserved to the extent feasible. Native vegetation removed as part of the proposed project would be replaced onsite at a 3:1 ratio through implementation of the Landscape Plan, Biological Assessment and Land Use Permit restoration conditions. Policy LU-M-1.2 states that excessive grading for the sole purpose of creating or enhancing views shall not be permitted. Proposed project grading would not be for the sole purpose of creating or enhancing

views. Grading proposed for the project would be for completion of the proposed building pads, basement, and landscaping.

Visual Impacts

Appellant Statement: *“The project as conditioned is inconsistent . . . with Visual Resource Protection Policy #2 [and] Community Plan Policy VIS-M1.1.”*

P&D Response: Visual Resources Policy # 2 requires height, scale, and design of structures be compatible with the character of the surrounding natural environment, that structures be subordinate in appearance to natural landforms, follow the natural contours of the landscape; and be sited so as not to intrude into the skyline as seen from public viewing places. Similarly, Community Plan Policy VIS-M1.1 requires development be subordinate to the natural open space characteristics of the mountains. The proposed single-story residence would meet the 16-foot height requirement from existing grade and would be designed with natural materials and earth-tone colors to blend with the surrounding terrain. Project revisions made during Montecito Board of Architectural Review (MBAR) and P&D review included requirements that retaining walls be no greater than 4 feet in height and faced with sandstone material to match the surrounding terrain. Proposed landscaping would mitigate view impacts from public viewing points. The MBAR granted preliminary approval of the initial project on September 24, 2007. The Montecito Planning Commission, acting as the *de novo* decision-maker for architectural design, approved the revised project on January 16, 2008.

Purpose and Intent

Appellant Statement: *“The project as conditioned is inconsistent with the Purpose and Intent of the Resource Management Zone District.”*

P&D Response: The Resource Management Zone (RMZ) is applied to protect lands that are unsuited for intensive development. The intent is to limit development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses. The proposed residence, at 3,985 square feet, is under the 6,632 square foot Montecito Architectural Guidelines recommended house net floor area for an 8.0-acre parcel. The proposed Landscape and Fire Clearance Plan, and site plan, have been reviewed and approved by the Montecito Fire District. Sanitary and Water service availability letters have been secured. Site access is readily available via a previously constructed driveway. Vegetation groupings, including coastal sage scrub, chaparral and native grassland, would be preserved to the extent feasible. Native vegetation removed as part of the proposed project would be replaced on-site at a 3:1 ratio through the Landscape and Fire Clearance Plan, Biological Assessment and Land Use Permit restoration conditions.

Required Findings for Approval

Appellant Statement: *“The project as conditioned is inconsistent with certain required findings of approval for swimming pools.”*

P&D Response: Required findings for approval of swimming pools in the Resource Management Zone include findings that the project will require only minimal alteration of topography, will not cause erosion, sedimentation, runoff, or an identified significant adverse impact on downstream water courses

or water bodies, will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources, and will be screened from public view. Grading for the project would include approximately 2,445 cubic yards of cut and 1,167 cubic yards of fill. Consistent with the hillside and watershed protection policies, the proposed grading and retaining walls will help to minimize cut and fill operations and preserve natural landforms. The project has been conditioned to require implementation of an erosion and sediment control plan. Drainage measures included as a part of the proposed project have been designed to reduce sedimentation, runoff, siltation, or other significant adverse impacts to downstream water courses or water bodies. With implementation of the biological restoration plan, landscape plan, including fuel management zones, and associated biological conditions, the project, as required by Section 35.472.100 E., *Findings Required For Approval*, of the Montecito Land Use and Development Code, will not cause any “*significant adverse effect*” on environmentally sensitive habitat areas, plant species, or biological resources. Vegetation and boulder placement proposed as a part of the landscape plan will screen much of the proposed infinity pool and residence from public view.

Background:

Current Case Background

The Land Use Permit application for the project, Case No. 07LUP-00000-00336, was filed on May 17, 2007. The Montecito Board of Architectural Review (MBAR) reviewed the project, under Case No.07BAR-00000-00129, on June 18, 2007, July 2, 2007, July 30, 2007 and September 24, 2007. On September 24, 2007, the MBAR granted preliminary approval to the project. MBAR approval was appealed on October 4, 2007. The Land Use Permit was approved October 8, 2007 and appealed October 18, 2007. The project went before the Montecito Planning Commission (MPC) on December 19, 2007, where the MPC made preliminary findings for denial and continued the project to the hearing of January 16, 2008. On January 11, 2008, the applicant submitted revised project plans. At the hearing of January 16, 2008, the MPC approved the revised project. The appeal to the Board of Supervisors was received January 28, 2008.

Related Case Background

Prior to application and approval of the current project, an application was submitted on April 6, 2006, under Case No. 06LUP-00000-00349, for a new residence and accessory uses on the subject property. That application was denied by Planning and Development (P&D) on July 19, 2006. P&D denial was appealed by the project applicant under Case No. 06APL-00000-00023, and heard at the November 15, 2007 and January 17, 2007 Montecito Planning Commission (MPC) hearings. At the January 17 hearing the Montecito Planning Commission denied the project on a vote of 3-0. MPC denial of the project was appealed to the Board of Supervisors on January 26, 2007. The appeal to the Board of Supervisors was withdrawn May 10, 2007, prior to the current application process.

Performance Measure: N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The appellant's cost for processing an appeal to the Board of Supervisors is a \$443 fixed fee (County of Santa Barbara Land Development Fees, effective January 15, 2007). The remaining cost of processing the appeal is budgeted in the Permitting and Compliance Program of the Development Review South Division on page D-286 of the Fiscal Year 2007/08 adopted 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 April 1, 2008. The notice shall appear in the Santa Barbara News Press or other paper of general circulation. 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 David Villalobos.

Attachments:

- A. Dave and Kay Peterson Appeal Letter, dated January 28, 2008
- B. Montecito Planning Commission Action Letters, dated December 21, 2007 and January 18, 2008
- C. Montecito Planning Commission Staff Report, dated November 14, 2007
- D. Staff Memo with Denial Findings, dated January 4, 2008
- E. Staff Memo for Revised Plans, dated January 11, 2008
- F. January 16, 2008 Approved Project Plans
- G. Public Comment Letters

Authored by:

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Development Review Division-South, P&D