

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: February 14, 2001
Department Name: P&D
Department No.: 053
Agenda Date: March 6, 2001
Placement: Departmental
Estimate Time: 10 Mins. staff/45 mins. total
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: John Patton
Planning and Development Director

STAFF CONTACT: Cliff Johnson, 568-2853

SUBJECT: Magid Appeal of the Zoning Administrator's Denial of a Minor Conditional Use Permit for a Detached Residential Second Unit

Recommendation(s):

That the Board of Supervisors:

- A) Uphold the Zoning Administrator's action and deny the originally submitted project, case number 00-CP-006, a Minor Conditional Use Permit for a Detached Residential Second Unit. The application involves AP No. 065-202-003, located at 4799 Baxter Street, Goleta area, Second Supervisorial District.
- B) Accept the revised project, including the revised findings for approval and Notice of Exemption and approve the appeal, case number 00-CP-006 AP01 subject to the Conditions of Approval included as Attachment F.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

At the regular hearing of the Santa Barbara County Zoning Administrator on September 11, 2000, the Zoning Administrator considered Case No. 00-CP-006, for the approval of a detached residential second unit located at 4799 Baxter Street (Please refer to Attachments A & B for a detailed description of the project and the Zoning Administrator Action Letter). At the hearing the Zoning Administrator denied the project based on the inability to make the required findings for approval. On September 21, 2000, an appeal of the Zoning

Administrator's decision was filed with the Clerk of the Board's office by Ilya Magid, the owner of the subject property.

A) Pursuant to Section 35-315.8 of the Article III Zoning Ordinance, a Conditional Use Permit shall only be approved if all the required findings are made. At the hearing of September 11, 2000 the Zoning Administrator was unable to make all of the required findings for approval. Please see the Zoning Administrator Action Letter, included as Attachment A of this Board Letter for a detailed discussion of the original project's inconsistency with the findings. Specific reasons cited for denial of the original project by the Zoning Administrator are based on the following three issues:

1. That the project would overburden an already constrained parking situation.

The Article III Zoning Ordinance requires one parking space for each bedroom of a Detached Second Unit. As the proposed Second Unit would have two bedrooms, two off-street parking spaces must be provided. This is in addition to the two required spaces for the main residence. The proposal submitted to the Zoning Administrator was to allow the two required spaces in the front yard, parallel with the driveway to the two-car garage. At the hearing of September 11, 2000, the Zoning Administrator found that existing development on the site has led to an overburdened and constrained parking situation and caused the need for parking in the driveway and the existing front yard area, where the additional two spaces were originally proposed. Therefore, the proposed parking spaces in the front yard would not address the increased need for parking that would be created by the development of a second unit.

In addition, after a careful review of the site plan, the Zoning Administrator found that the design of the proposed parking areas was such that it would be unlikely to be used. Specifically, the location of the two proposed spaces would be parallel to the driveway and would use the existing driveway apron; thus requiring any vehicles parked in the proposed parking area to turn at a minimum 45° angle to back out. More problematic, if any vehicles were parked in the existing driveway for the main residence, it would be nearly impossible to drive into, or out of the proposed spaces.

2. That the removal of existing vegetation in the front yard to provide the required spaces would be incompatible with the surrounding area.

One of the required findings for approval of a Minor Conditional Use permit is that the proposed project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and would be compatible with the surrounding area. The project as submitted to the Zoning Administrator on September 11, 2000 would have required the removal of almost all of the vegetation in the front yard to provide the required parking spaces. The proposed design was to pave approximately 625 square feet of the front yard to provide the required parking spaces and widen the existing driveway. With this proposal, almost the entire front yard would be paved with concrete. The Zoning Administrator found that a front yard covered almost entirely by concrete would be incompatible with the surrounding area, and would be detrimental to the comfort and general welfare of the neighborhood by creating a "visual blight".

3. *That the proposed second unit would significantly infringe upon the privacy of surrounding residents.*

In order to approve a Detached Residential Second Unit it must be shown that the second unit would not infringe upon the privacy of the surrounding residents. The location of the proposed second unit as submitted to the Zoning Administrator was in the southwest corner of the parcel, 10 feet from the property line. As proposed, the detached second unit was sited further away from the main residence than it was to the neighboring residence. By locating the second unit so close to the neighboring residence when there was clearly enough room to locate it further away from any neighboring residences, the Zoning Administrator found that the proposed project could potentially infringe upon the privacy of surrounding residents.

- B) The applicant has since revised the proposed project to address the basis for denial, as cited in the Zoning Administrator Action Letter dated January 8, 2001. As revised, the project meets all of the required findings for approval (see Attachment D for all of the required findings). The following is a discussion of how the revised project has addressed the reasons cited for denial of the original project on September 11, 2000.

1. *That the project would overburden an already constrained parking situation.*

The applicant has revised the proposed project to provide the required parking for the second unit in the rear of the lot. Access to parking would be from an approximately 8-1/2 to 10 foot wide driveway that would run around the side of the house to the rear of the lot. The revised parking area is large enough to provide additional parking as well. The revised design is more likely to be used since the driveway could still be accessed even if two cars were parked in the main driveway.

2. *That the removal of existing vegetation in the front yard required to provide the required spaces would be incompatible with the surrounding area.*

The project has been revised to minimize the impact to landscaping in the front yard. Vegetation removal required to provide the access to the parking spaces would be limited to an 8-1/2 to 10 foot driveway running along the side of the property into the back yard. The majority of the existing hedge in the front yard would remain. The proposed driveway would be constructed of turf-block. This would allow grass to be planted in the driveway area. Therefore the driveway, as revised, would maintain compatibility with the surrounding neighborhood.

3. *That the proposed second unit would significantly infringe upon the privacy of surrounding residents.*

The project has been revised so that the proposed second unit is 20 feet from the southern property line, an additional 10 feet further from the property line than the original proposal. The revised location is no longer located as far in the corner of the property as possible but is located more centrally on the property. The average height of the second unit would be 11 feet, thereby preserving the viewsheds from adjacent parcels. Therefore the proposed project would not significantly infringe upon the privacy of the surrounding residents.

As identified in the County's Comprehensive Plan, affordable housing is an important component of land use regulation and the advancement of the general welfare. The County identifies second residential units as one of the means to help alleviate the widespread shortage of affordable housing that exists in our community. Policy 2.1 of the Housing Element of the Santa Barbara County Comprehensive Plan states the following:

The County shall encourage the development of both attached and detached affordable second residential units.

Staff therefore recommends that the Board of Supervisors accept the revised project as presented to the Board and approve the appeal subject to the attached conditions of approval.

Mandates and Service Levels: Pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, the decisions of the Zoning Administrator may be appealed to the Board of Supervisors within ten days of the date of the Zoning Administrator's action.

Fiscal and Facilities Impacts: The costs associated with processing this appeal are offset by the \$2,000.00 applicant appeal filing fee submitted with this appeal.

Special Instructions:

Clerk of the Board shall complete noticing in the Santa-Barbara News-Press and shall complete the mailed noticing for the project (mailing labels are attached).

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

Concurrence:

County Counsel

Attachments:

- A. Zoning Administrator Action Letter dated January 8, 2001
- B. Zoning Administrator Staff Report dated September 1, 2000
- C. Appeal dated September 21, 2000
- D. Findings for Approval
- E. Notice of Exemption
- F. Conditions of Approval
- G. Revised Site Plan