

COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT



MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Gary Kaiser, Supervising Planner
Development Review Division
Planning and Development Department

DATE: April 12, 2007 (for April 24, 2007 hearing)

RE: Findings for Denial -- Halsell Single Family Residence Addition
Denial of 06LUP-00000-00585 based on the Brady Appeal (06APL-00000-00052)
APN: 105-010-079

Executive Summary

Pursuant to Visual Resources Policy No. 3 of the Comprehensive Plan, proposed development in designated urban areas must be *"in conformance with the scale and character of the existing community."* In this case, whether or not the project complies with this policy is largely dependent on how "the existing community" is defined. The staff and Planning Commission viewed the proposed residential addition in the context of all urban areas lying west of Blosser Road. Indeed, there are some larger homes in this region. However, there would be a solid basis for the Board's interpretation that "the existing community" should be more narrowly defined as the Orcutt Ranchettes neighborhood, as depicted in the Orcutt Community Plan. This officially recognized neighborhood and "Key Site" does have rural qualities and open space not characteristic of the other neighborhoods. This neighborhood also does not include the large homes prevalent in the other neighborhoods west of Blosser Road. This memorandum compares the size of the proposed addition to the size of existing development within the Orcutt Ranchettes neighborhood and concludes that the proposed addition would be out of character with other development in terms of size, bulk and scale and therefore inconsistent with Visual Resources Policy No. 3.

Recommendation

The Board of Supervisors may now take action as follows:

1. Hold a full evidentiary hearing on the Brady Appeal (06APL-00000-00052).
2. If the Board wishes to finalize its conceptual action of March 13, 2007, the Board should take the following actions:

- a. Adopt the Findings in Attachment A;
- b. Uphold the Brady appeal (06APL-00000-00052), and thereby overturn Director and Planning Commission decisions to approve 06LUP-00000-00585 and;
- c. Deny Case No. 06LUP-00000-00585.

Background

On June 22, 2006, Planning and Development received an application for a Land Use Permit (case number 06LUP-00000-00585) to allow an addition to the existing single family dwelling at 4620 Song Lane, Orcutt. The site is a 1.02-acre parcel in the 1-E-1 Zone District under the Santa Barbara County Land Use Development Code. The Director of Planning & Development approved the Land Use Permit on August 29, 2006. However, that approval was appealed by Shirley Brady and the Westrails Homeowner's Association on September 11, 2006.

The Planning Commission heard the Brady and Westrails HOA appeals (06APL-00000-00035 and -00036) on November 8, 2006 and December 13, 2006. On December 13, 2006, the Planning Commission voted 5-0 to deny the appeal and approve the Land Use Permit for the addition.

The Planning Commission's decision was appealed by Jack Brady on December 22, 2006. On February 27, 2007 the Board of Supervisors opened a hearing to consider the appeal (case number 06APL-00000-00052) and voted 3-2 to conceptually uphold the appeal, thereby overturning the Planning Commission's December 13, 2006 approval of 06LUP-00000-00585 based on neighborhood compatibility issues. The Board directed staff to return on March 13, 2007 with appropriate findings. The March 13, 2007 hearing was continued to April 10, 2007, and the April 10, 2007 hearing was continued to April 24, 2007.

Discussion

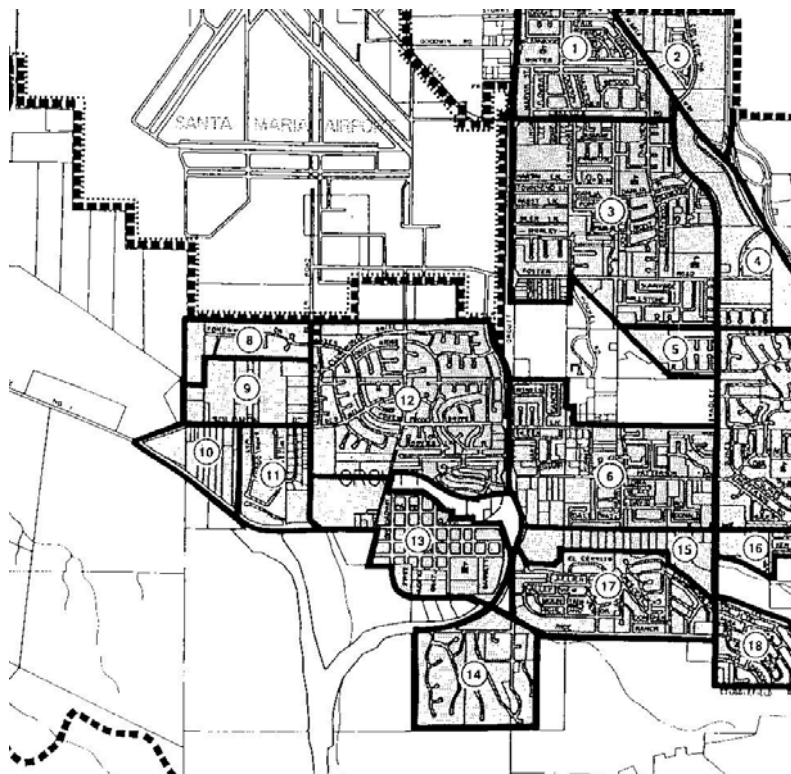
The memorandum and draft findings prepared for the Board's March 13, 2007 hearing summarized and supported information exchanged at the hearing with regard to the proposed living area, number of bedrooms and parking. Indeed the proposed addition would result in significantly more living area, bedrooms and parking than other properties in the area.

Since that memorandum was prepared, the March 12, 2007 letter from the Halsell's attorney, Terry Bartlett, was received. Ms. Bartlett's letter raises some good points. The letter states that comparing relative living space, bedrooms and parking are "artificial distinctions" not helpful in determining consistency with Visual Resources Policy No. 3, which reads:

"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."

While the amount of living space, bedrooms and parking are relevant, staff agrees that overall size, bulk and scale of proposed development in relation to the size, bulk and scale of surrounding development is more important in terms of visual impacts and a better measure of consistency with Visual Resources Policy No. 3. Information about building sizes was provided in earlier staff reports but it was not neighborhood-specific.

The Orcutt Community Plan defines four (4) separate and distinct neighborhoods within the larger area lying west of Blosser Road: the Deerfield Neighborhood (Area 8); the Solomon Neighborhood (Area 9); the Orcutt Ranchettes Neighborhood (Area 10); and the Westtrails Neighborhood (Area 11).



Orcutt Community Plan Figure 8 -- Orcutt Residential Neighborhoods

The proposed addition is located in the “Orcutt Ranchettes” neighborhood, which is characterized as follows:

Orcutt Ranchettes: Located between Solomon Road to the north, Highway 1 to the south, a point to the east where the two roads meet, and the Westtrails equestrian community to the west. This neighborhood is Key Site D and has a rural character due to a high percentage of equestrian properties and homes on 1 to 8 acre lots. Parcels in this area are mainly 3 acres in size and are elongated, oriented in a north/south direction. Flooding constraints associated with Orcutt Creek limit potential additional

development. Additional information can also be found about this area in the 1989 Residential Ranchette Study.

The “Orcutt Ranchettes” neighborhood is further recognized in the Orcutt Community Plan as Key Site D, where substantial areas are set aside as open space and/or floodplain. Key Site D also defines the urban boundary and abuts agricultural lands and scenic Highway 1. The Solomon and Westtrails neighborhoods lie north and east of the Orcutt Ranchettes neighborhood, respectively. These neighborhoods are not characterized as rural in the Orcutt Community Plan.

In the Orcutt Ranchettes neighborhood, buildings are subordinate to open space and mature landscaping. In the Solomon and Westtrails neighborhoods, the large homes and concrete hardscapes are the dominate features and there is little open space and mature vegetation. The following table and corresponding aerial photograph show the sizes of principal buildings in the Orcutt Ranchette neighborhood. The principal building, for the purposes of the table, is defined as the main residence on the lot and any attached buildings whether habitable or not (i.e., an attached garage).

Reference Number	Address	Principal Structure (Sq. Ft.)	Total Building Coverage (Sq. Ft.)	Lot Size (Acres)
1.	1370 Solomon Rd.	1,560	4,863	1.58
2.	1376 Solomon Rd.	3,673	5,800	7.75
3.	1386 Solomon Rd.	2,968	7,246	7.28
4.	1390 Solomon Rd.	4,166	4,178	3.0
5.	1412 Solomon Rd.	3,175	4,850	1.0
6.	1418 Solomon Rd.	1,876	3,698	4.39
7.	1424 Solomon Rd.	3,693	3,693	7.38
8.	1430 Solomon Rd.	2,794	5,593	2.0
9.	1450 Solomon Rd.	3,125	3,650	4.85
10.	1462 Solomon Rd.	3,073	5,121	1.0
11.	1476 Solomon Rd.	2,490	2,728	1.0
12.	1480 Solomon Rd.	2,895	3,954	6.09
13.	1488 Solomon Rd.	2,422	3,478	3.49
14.	1550 Solomon Rd.	2,596	3,864	3.56

15.	1590 Solomon Rd.	2,300	3,292	3.58
16.	4620 Song Lane (Halsell)	4,463 + 3,463 (proposed addition)= 7,926	8,726	1.0
17.	4630 Song Lane	3,800	9,000	1.0



Conclusion

The existing residence on the subject property is 4,463 square feet and the proposed addition would result in a building that is 7,926 square feet. Existing principal buildings in the Orcutt Ranchette neighborhood range in size from 1,560 square feet to 4,166 square feet, with an average building size of 2,912 square feet. The proposed addition would result in a structure that is almost twice the size of the next largest structure in the Orcutt Ranchettes neighborhood and almost three times the average structure size in the neighborhood. The evidence can support an findings that the size, bulk and scale of the proposed building is out of character with the neighborhood in which it is located and inconsistent with Visual Resources Policy No. 3.

ATTACHMENT A: FINDINGS

1.0 ADMINISTRATIVE FINDINGS

LAND USE PERMIT FINDINGS

1.1 Pursuant to Section 35.82.100E.1 of the Land Use Development Code, a Land Use Permit shall be approved or conditionally approved only if the Director first makes certain required Findings. In this case, Finding 35.82.100.E.1.a (1) cannot be made, as follows:

1.1.1 The proposed development will conform to the applicable provisions of the Comprehensive Plan, including any applicable community or area plan and this Development Code.

The subject Land Use Permit is inconsistent with Visual Resources Policy No. 3 of the Comprehensive Plan, which states that “*in areas designated as urban on the land use maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community.*” In this case, the proposed structure would be out of character with the rest of the Orcutt Ranchettes neighborhood in terms of size, bulk and scale. The proposed structure would have 7,940 square feet of living area, not counting the detached garage and attached covered porches.

The living area in surrounding homes is as follows:

Address	Principal Structure (Sq. Ft.)	Total Lot Coverage (Sq. Ft.)	Lot Size (Acres)
1370 Solomon Rd.	1,560	4,863	1.58
1376 Solomon Rd.	3,673	5,800	7.75
1386 Solomon Rd.	2,968	7,246	7.28
1390 Solomon Rd.	4,166	4,178	3.0
1412 Solomon Rd.	3,175	4,850	1.0
1418 Solomon Rd.	1,876	3,698	4.39
1424 Solomon Rd.	3,693	3,693	7.38
1430 Solomon Rd.	2,794	5,593	2.0
1450 Solomon Rd.	3,125	3,650	4.85
1462 Solomon Rd.	3,073	5,121	1.0

1476 Solomon Rd.	2,490	2,728	1.0
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4620 Song Lane (Halsell)	4,463 + 3,463 (proposed addition)= 7,926	8,726	1.0
4630 Song Lane	3,800	9,000	1.0

As such, the proposed structure is inconsistent and incompatible with surrounding single family homes and would not be in keeping with the semi-rural character of the surrounding Orcutt Ranchettes neighborhood. In terms of size, bulk and scale, the proposed addition would be inconsistent with Visual Resources Policy No. 3.

The Board further finds that while issues were raised in the hearing regarding the proposed use of the house as an elderly Alzheimer care facility, the Board finds that under the zoning code, “community care facilities” are a permitted use in residential zones. Therefore, the Board declines to impose any condition or restriction on such use provided it meets the requirements of § 35.40.100, and is also compliant with the size, bulk and scale restrictions of Visual Resource Policy No. 3, which restriction is imposed on all other residential structures in the applicable neighborhood.