

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: June 17, 2002
Department Name: Planning and Development
Department No.: 053
Agenda Date: July 2, 2002
Placement: Departmental
Estimate Time: 2 hours
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: Steven L. DeCamp, Deputy Director
Development Review North

STAFF CONTACT: Florence Trotter-Cadena
934-6253

SUBJECT: Los Olivos Improvement Association Appeal of Urquidez Commercial Building; 02APL-00000-00013 and 01LUP-00000-01043

Recommendations:

That the Board of Supervisors, consider the appeal of the Los Olivos Improvement Association of the Planning Commission's April 10, 2002 decision to uphold the Planning and Development Department's approval of a land use permit for a commercial building, and,

- a. Adopt the required findings for the project specified in Attachment A of staff report dated March 27, 2002;
- b. Deny the above referenced appeal, thereby upholding the Planning and Development Department's approval of Land Use Permit 01LUP-00000-01043; and,
- c. Grant de novo approval of the original Land Use Permit 01LUP-00000-01043, and its conditions of approval included as Attachment C of the staff report dated March 27, 2002, and as revised at the hearing of April 10, 2002.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On February 4, 2002 a Land Use Permit (01LUP-00000-01043) was approved for a 4,940 square foot commercial building, septic system and related grading. On February 14, 2002 an appeal was filed by Mr. Derek Westen, Attorney for the Steele et al contesting the approval of the land use permit claiming the commercial building is: (a) out of scale and character with the existing developed neighborhood. Moreover, project design strongly suggests that future use will be incompatible with applicable zoning; (b) the project will not have adequate sanitary disposal capacity; and, (c) due to County repeated failure to provide notice to neighbors who specifically requested notice, the review process was inadequate and significant public concerns were not provided to the decision-makers.

On April 10, 2002 the Planning Commission upheld the approval of the Land Use Permit (01LUP-00000-01043) for the commercial building, septic system and related grading. On April 22, 2002 an appeal was filed by the Los Olivos Improvement Association claiming the commercial building: (a) does not comply with the County's Comprehensive Plan Visual Policy #3, which provides: "In areas designated as urban on the land use map and designated rural neighborhoods new structures shall be in conformance with the scale and character of the existing community; (b) the proposed project, on a pad substantially higher than San Marcos Avenue, will be out of scale and character with the existing developed neighborhood. Moreover, project design strongly suggests that future use will be incompatible with applicable zoning; and, (c) the project will not have adequate sanitary disposal capacity to serve anticipated uses of the proposed building. A facilitation meeting was not held.

APPELLANT ISSUES

- 1. The proposed project does not comply with Comprehensive Plan Visual Policy #3, which provides: "In areas designated as urban on the land use map and designated rural neighborhoods new structures shall be in conformance with the scale and character of the existing community."**

The existing residential and commercial development in Los Olivos is characterized by Victorian and Western motifs. Approximately 75% of the existing commercial buildings within the township of Los Olivos are two stories in height and range in size from approximately 2,000 square feet to 15,000 square feet. At 4,940 square feet in size and two stories in height, the proposed project would be consistent with the scale of the area. Surrounding residences consist of single story, two-story and three-story homes. The proposed commercial building project will be of a Victorian motif to conform with the Los Olivos area. Although review by the Los Olivos Improvement Association Architectural Review Board is not required by ordinance, the County BAR has recognized community review boards comments on proposed development throughout the County as valuable and important in accessing projects. The project was initially submitted to the

Los Olivos Improvement Association Architectural Review Board on July 10, 2001. The following were concerns expressed by the Los Olivos Improvement Association Architectural Review Board because of abutting resident concerns:

- a) Cupola should be removed. Street sight lines obviate this detail.
- b) Landscaping and ultimate species heights need to be carefully considered. Question use of liquid amber due to invasive roots.
- c) Angle treatment at top of garage doors destroys Victorian attempt.
- d) Present isolation of this structure would possibly suggest accent paint should juice color schedule some.
- e) The dormers and tower appear superfluous. They add “gingerbread” to a design which is visually “busy” without them, and,
- f) The exterior color “Wall Body Color HC-85” seems too dark in view of the size of the building and its setting against a hill. A lighter color (such as Moore’s “Bleecker Beige”) would seem more pleasing and fit with the trim and fascia colors.”

While the County Board of Architectural Review considered these comments, they disagreed, considering the proposed dormers and cupola valuable in breaking up the massing of the building as well as the roofline. The project and associated landscaping (00-BAR-391) received final Board of Architectural on 1/4/02. Following County Board of Architectural Review approval, the Los Olivos Improvement Association Architectural Review Board gave the proposed project final approval (without their recommended changes) on February 2, 2002.

2. **The proposed project, on a pad substantially higher than San Marcos Avenue, will be out of scale and character with the existing developed neighborhood. Moreover, project design strongly suggests that future use will be incompatible with applicable zoning.**

The existing residential and commercial development in the township of Los Olivos consists of Victorian and Western motifs. The two story commercial building is compatible with the design of the existing developed neighborhood for the Los Olivos area. The proposed architecture is of a Victorian design. The existing slopes on the property in an east to west direction average approximately 10%. The existing slopes on the property from north to south direction average approximately 15%. The property slopes downward south from Jonata Street about eight to ten feet, levels at the pad, and slopes five to six upward east from San Marcos Avenue. Bringing the existing pad elevation down seven feet, would create a pad one foot above the centerline of San Marcos Avenue at the north end of the property and three feet above the centerline of San Marcos Avenue at the south end. This would require retaining walls of approximately fifteen feet to retain Jonata Street and the alley way on the east side of the property. Approximately 3,581 cubic yards would also be required if the pad were to be lowered seven feet and would also necessitate the loss of the one existing valley oak tree on site.

In addition, the proposed building received approval from the Local Architectural Review Committee as well as approval from the County Board of Architectural Review. Although the local Architectural Review Committee had comments regarding the angle treatment at the top of the garage doors destroying the Victorian attempt and the dormers and tower appearing superfluous, the County Board of Architectural Review disagreed and considered these details valuable in breaking up the massing of the building as well as the roofline. On February 2, 2002, the Local Architectural Review Committee granted final approval after the project received final approval from the County Board of Architectural Review.

The future use will be compatible with the zoning. The proposed project complies with the requirements of Article III, Zoning Ordinance. The C-2 zone district allows for retail business and office use. The commercial building has been approved with the following uses: first floor of 2,551 square feet consisting of storage area, an office and restroom and a second floor of 2,389 square feet consisting of three offices, conference room, plans room, file room, storage room and restroom with balcony area (roof of ground floor) and 4' x 10' deck. The owner will use the office for his contractor's business. No outdoor storage of any kind is permitted for storage of equipment and other commonly used materials in conjunction with a contractor's business. The project had a landscape plan application 01LRV-00000-00011 reviewed and approved by Planning and Development and security bonds for installation and maintenance have been posted. Any future changes to the use of the proposed building will require review and approval by the Planning and Development Department.

3. The project will not have adequate sanitary disposal capacity to serve anticipated uses of the proposed building.

The proposed septic system was reviewed and approved under 00-CP-047 at the Zoning Administrator Hearing on September 25, 2000. The staff report dated August 24, 2000, stated that the septic system would provide sanitary services for a 4,940 square foot commercial building to be used for offices. The proposed building is approximately 4,940 square feet and would not require the approval of a Development Plan based on the size and zone district. The maximum number of employees proposed for the commercial building is ten. The septic system has also been reviewed and approved by Environmental Health Services, which signed off on the project on February 3, 2002.

Mandates and Service Levels:

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

A fee of \$435 for processing the appeal has been paid by the appellant.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attn: Cintia Mendoza.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: County Counsel

ATTACHMENTS: A. Planning Commission's Action Letter dated April 17, 2002
 B. Staff Report dated March 27, 2002
 C. Appeal Request, dated April 22, 2002
 D. Assessor's Parcel Page with Zoning

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