



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

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: August 21, 2007
Placement: Set Hearing
Estimated Time: 1.5 hours on 9/4/07
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director, 568-2085
Director
Contact Info: Dave Ward, Deputy Director, 568-2520
SUBJECT: Set Hearing for the Olson Appeal of the Maxwell Duplex (Case No. 07APL-00000-00021)

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

Set hearing on the August 21, 2007 Administrative Agenda for the September 4, 2007 Departmental Agenda to consider Case No. 07APL-00000-00021 for the Olson Appeal of the Planning Commission's approval of the Maxwell Duplex (06DVP-00000-00022) (time estimate 1.5 hours; 10 minutes staff presentation).

On September 4, 2007, your Board's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of the Planning Commission staff report dated April 13, 2007, including CEQA findings.
2. Accept the exemption pursuant to CEQA Guidelines Section 15303 contained in Attachment C of the Planning Commission staff report dated April 13, 2007.
3. Deny the appeal, upholding the Planning Commission's approval of the Development Plan for the Maxwell Duplex.
4. Grant *de novo* approval of the project subject to the conditions included as Attachment B of the Planning Commission staff report dated April 13, 2007.

Summary Text:

This project is located at 4865 Vieja Drive, Goleta, known as Assessor Parcel Number 065-240-020, in the More Mesa area, Second Supervisorial District. The nearest cross street is Sandpiper Lane. The subject parcel is located immediately north of what is commonly known as More Mesa, and is located immediately south and east of the four-lot Hacienda Vieja subdivision currently under construction.

The proposed project is to convert an existing 3,921 square foot (SF) single family residence to a duplex. One unit would contain one bedroom and one bath, and would measure 1,028 SF. The other unit would contain three bedrooms and three and a half baths, and would measure 2,893 SF (excluding the garage). The larger residence would continue to have use of an existing 469 square foot attached two-car garage. The proposed project would not involve any exterior renovations except for the creation of two new uncovered parking spaces for the duplex unit and relocation of the chimney in the duplex unit. The proposed project would involve no grading and no changes to the landscaping.

The subject parcel contains one single family residence. Because the parcel is zoned Design Residential (DR)-2 and is 1.1 acres in size, a second single family dwelling (SFD) is allowed on the parcel with the approval of a Development Plan.

At the Planning Commission hearing of May 23, 2007, Commissioner Brown moved, seconded by Commissioner Blough and carried by a vote of 4-1 (Cooney no) to approve the proposed project (see Attachments 1 and 2 for the staff report and action letter for the project).

On May 30, 2007, staff received an appeal on the proposed project stating that the proposed project is not in keeping with the desire of the Planning Commission, Board of Supervisors, and Coastal Commission in their review of the adjacent Hacienda Vieja lot line adjustment and four-lot subdivision approved previously on November 6, 2005. The appellant contends that during multiple hearings for this subdivision in 2004, decision-makers made it clear that they preferred a maximum of five families on the two parcels involved in the lot line adjustment, while the proposed project would result in a total of six families on the two parcels.

Background:

In 2004, a lot line adjustment was processed involving the subject parcel and an adjacent parcel, APN 065-240-019, then proposed for a four-lot subdivision (the Hacienda Vieja residential development, Case No. 02LLA-00000-00002). Condition No. 3 of the lot line adjustment stipulates:

3. The applicant shall execute a legal covenant acceptable in form and content to County Counsel stating:
 - a. A prohibition on future division of Parcel 2 (APN 065-240-020).
 - b. A prohibition on second story elements (a single-story residence only).
 - c. A maximum square footage of 4,000, excluding the garage.

At the Planning Commission hearing of October 6, 2004, Commissioner Frisk moved, seconded by Commissioner Cooney and carried by a vote of 4-0 (Jordan absent) to approve the Hacienda Vieja Lot Line Adjustment and four-lot subdivision, including Condition No. 3. The Hacienda Vieja project was appealed to the Board of Supervisors but the appeal was denied on February 15, 2005. The Hacienda Vieja project was then appealed to the California Coastal Commission but the appeal was denied on November 16, 2005. Throughout the appeal process, Condition No. 3 remained unchanged and was ultimately approved.

On July 15, 2005, the applicant applied for a Coastal Development Permit to construct a 1,859 square foot one-story addition to the then existing 2,062 square foot single family dwelling (SFD) on Parcel 2 (APN 065-240-020) with a 469 square foot attached garage on the subject parcel for a total of a 3,921 square foot residence and 469 square foot attached garage. The project was approved by the Zoning Administrator on February 2, 2006 and there were no appeals on this project. Building permits were obtained and construction of the addition is currently underway.

Now the applicant proposes to convert 1,028 square feet of the recently permitted addition to a one-bedroom/one-bath dwelling attached to the remainder of the structure and resulting in a duplex with an attached garage.

The proposed duplex conforms to Condition No. 3 of the Lot Line Adjustment involving Parcel 2 (APN 065-240-020) because:

1. It does not involve subdivision of the parcel;
2. It does not involve construction of a second story element; and
3. It does not result in a structure greater than 3,921 square feet, excluding the garage.

Therefore, staff recommends that Board of Supervisors deny the appeal and approve the proposed project.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative: County costs for processing an appeal are reimbursed only partially by the appellant in conformance with the current Board-approved fee resolution. The current appeal fee is \$443.00 and the estimated staff cost to process the appeal is \$1,226.00. Permit revenues are budgeted in the Permitting and Compliance Division of the Development Review South Division, on page D-290 of the adopted 2007-2008 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to hearing on September 4, 2007. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention Cintia Mendoza.

Attachments:

- 1 Staff report for the Planning Commission Hearing on the project, dated April 13, 2007
- 2 Action letter dated May 25, 2007 from the Planning Commission Hearing
- 3 Letter on the Appellant's Appeal Issues
- 4 Public comment letters to Planning Commission

Authored by:

Michelle Gibbs, Planner III, 568-3508

cc: Case file (Michelle Gibbs, Planner)
Anne Almy, Supervising Planner
Dave Ward, Deputy Director
John Baker, Director
Owner: Jack Maxwell, 1253 Coast Village Road, Suite 105, Santa Barbara, CA 93108
Appellant: Valerie Olson, More Mesa Preservation Coalition, 960 Vista de la Mesa Drive, Santa Barbara, CA 93110