



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: Departmental
Estimated Tme: 30 minutes on 9/18/07
Continued Item: No
If Yes, date from:
Vote Required: Yes

TO: Board of Supervisors

FROM: Director, P&D John Baker, 568-2085
Contact Info: Dianne Black, 568-2086

SUBJECT: **Set Hearing for the Conti Appeal of the Manuras/ Scheaffer Lot Line Adjustment and Map Modification**

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

Set a hearing for September 18, 2007 to consider the Conti appeal of the Planning Commission's May 2, 2007 approval of the Manuras/Scheaffer Lot Line Adjustment and Map Modification, Case Nos. 07LLA-00000-00003 & 07RMM-00000-00003, located at 755 and 797 Rincon Hill Road (APN's 001-220-084 & 001-220-085), Carpinteria Area in the First Supervisorial District as follows:

1. Deny the appeal, Case No. 07APL-00000-00019, thereby upholding the Planning Commission's approval;
2. Adopt the revised findings for approval of Case Nos. 07LLA-00000-00003 & 07RMM-00000-00003, as revised and shown in Attachment A of this Board Letter;
3. Except the exemption, included in Attachment C of the Planning Commission staff report dated May 2, 2007 and as revised in the action letter dated May 4, 2007 (Attachment C), pursuant to CEQA Guidelines Section 15305; and
4. Grant *de novo* approval of Case Nos. 07LLA-00000-00003 & 07RMM-00000-00003, subject to the conditions of approval as revised and shown in Attachment B of this Board Letter.

Summary Text:

The project is a request for a lot line adjustment to adjust the parcel boundaries between two properties and a map modification to modify the size of the recorded building envelopes for Tract Map 14,148 by exchanging approximately 2,500 square feet from Parcel 2 to Parcel 1. The subject properties are located approximately one-half mile north of Highway 101 near the Santa Barbara/Ventura County line. Both parcels are zoned 3-E-1 (One single-family residence per three acres) and would continue to conform to this minimum parcel size following recordation of the lot line adjustment. The lot line adjustment would alter the location of the common lot line between the two parcels but would not change the lot size of either parcel. No grading would be included as part of the project. The project was approved on May 2, 2007 by the County Planning Commission by a 4 to 0 vote.

Appellant Issue:

The appellant, Mr. Conti asserts that unpermitted grading has occurred on both of the subject parcels and is concerned that approval of the project would set an increased “baseline” elevation for development of the parcels in the future. The appellant further asserts that because the unpermitted grading has potentially raised the elevations of the subject parcels, any future development would be allowed an increased height by the same increment.

Staff Response:

After extensive research summarized below, staff concurs that unpermitted grading activities have occurred on APN 001-220-085 which constitute a violation and warrant corrective action. The methodology outlined below would serve to correct the grading violation, thus allowing the decision-maker to make the required findings of approval for the proposed project, included as Attachment A of this Board Letter.

In December of 2006, the appellant filed a grading complaint against the Manuras and Scheaffer properties with the County Building & Safety Division (Case no. 06BDV-00000-00228). The County grading inspector reviewed associated topographic maps, visited the site and received photo documentation from the appellant showing fill material being dumped from numerous trucks at the subject properties. The grading inspector also spoke independently to Mr. Manuras and to Mr. Scheaffer who owns several surrounding properties including APN 001-220-066 (which is currently approved for a residence under construction). Mr. Scheaffer received approval for approximately 3,100 cubic yards of import for the construction of his residence under active permit nos. 04CDP-00000-00045 & 05GRD-00001-00180. Mr. Scheaffer states that he used the subject properties, without the benefit of permits, to spread and dry the import material due to it having a high moisture content. He asserts the material was then collected and moved to APN 001-220-066 where it was used as fill for his residence under construction, consistent with his active permits. He concludes by stating nearly all, if not all of the fill material was moved from the spreading/drying location to his residence under construction.

After visiting the site numerous times and speaking with all the involved parties, the P&D grading inspector has since concluded that, in his analysis, the surveyed elevation for the Manuras residence and the area within the Manuras development envelope are consistent with his approved permits, the topographic map approved as part of TM 14,148 and with the County Flood Control District topography maps.

Separately, Mr. Scheaffer did not have a valid grading permit or a valid stockpile permit associated with the spreading/drying activities on APN 001-220-085. According to the County grading ordinance, he must obtain an after-the-fact sediment and erosion-control permit to document the earthwork undertaken. Further, in order to ensure that no substantial amount of material was left on APN 001-220-085, Mr. Scheaffer would be required by P&D staff to provide a site survey documenting the elevation of the property. The survey information could then be used in conjunction with the flood control topographic map and the tract map survey (TM14,148) to determine if excess material was left on site. If it is determined that material was left on site, Mr. Scheaffer would be given the following options regarding the excess material; 1) remove the excess material from the site, or 2) reduce the maximum building height of APN 001-220-085 from 25 feet by whatever amount of vertical fill that was determined to be left on the site. The latter option would be effectuated through a deed restriction to APN 001-220-085 by the property owner.

Conclusion:

Staff determined the above outlined methodology would be sufficient to verify if excess material was left on APN 001-220-085 after the unpermitted grading activities conducted by Mr. Scheaffer and would be sufficient to correct the violation(s) that occurred, thus allowing the decision maker to make the required findings of approval, as conditioned with corrective action, for the proposed project.

Background:

On December 7, 2006, the appellant filed a grading complaint against the Manuras and Scheaffer properties.

On May 2, 2007, the Planning Commission approved the proposed project, Case Nos. 07LLA-00000-00003 & 07RMM-00000-00003 by a 4 to 0 vote.

On May 9, 2007, the appellant filed an appeal of the May 2, 2007 Planning Commission approval of Case Nos. 07LLA-00000-00003 & 07RMM-00000-00003.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$443. P&D will absorb the costs beyond that fee. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-286 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 the hearing on September 18, 2007. The notice shall appear in a paper of general circulation such as the Santa Barbara News Press. 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: Cintia Mendoza, Hearing Support.

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

Attachments:

- A. Revised Findings
- B. Revised Conditions of Approval
- C. Planning Commission Action Letter dated May 4, 2007, with attached Planning Commission Staff Report dated May 2, 2007
- D. Appellant Letter dated May 9, 2007

Authored by:

Errin Briggs, Planner 568-2047

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