

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** January 11, 2006  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** January 24, 2006  
**Placement:** Administrative  
**Estimate Time:** 2.0 hours on February 21, 2006  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case  
Files\APL\2000s\05 cases\05APL-00000-  
00032\Set Hearing Letter.doc

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Julie Harris, Planner III (568-3518)  
June Pujo, Supervising Planner (568-3518)  
Steve Chase, Deputy Director (568-2520)

**SUBJECT:** Set hearing to consider the appeal by Jack Maxwell of the Montecito Planning Commission's Approval with Conditions of the following Maxwell/Campano Certificates of Compliance and related Coastal Development Permits: 04COC-00000-00007 & 04CDP-00000-00090, 04COC-00000-00008 & 04CDP-00000-00091 and 04COC-00000-00010 & 04CDP-00000-00092 [Appeal Case No. 05APL-00000-00032].

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## Recommendation(s):

That the Board of Supervisors set a hearing for February 21, 2006 to consider the appeal by Jack Maxwell (agent for the owners) of the Montecito Planning Commission's approval with conditions of the following Conditional Certificates of Compliance:

1. 04COC-00000-00007 & 04CDP-00000-00090 (APN 009-162-010 and 009-162-022)
2. 04COC-00000-00008 & 04CDP-00000-00091 (APN 009-162-032 and 009-162-033)
3. 04COC-00000-00010 & 04CDP-00000-00092 (APN 009-162-011 and 009-162-028)

## 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:

On October 19, 2005 the Montecito Planning Commission approved three Conditional Certificates of Compliance (COCs) and associated follow-up Coastal Development Permits (approved concurrently with the

Conditional COCs) to recognize the past illegal creation of six parcels. Under California Government Code Section 66499.35(b), when parcels are not created in compliance with the Subdivision Map Act or County ordinances enacted pursuant thereto, the County "...*may*, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of property at the time the applicant acquired his or her interest therein..."

The Montecito Planning Commission, in granting the Conditional Certificates of Compliance, imposed a number of conditions on the property to ensure that any future development would be consistent with the Montecito Community Plan and implementing zoning ordinance and that any potential impacts to historic resources would be mitigated to less than significant levels. In particular, the Montecito Planning Commission imposed a condition on each Conditional Certificate of Compliance that prior to any new residential development the parcels must meet the minimum parcel size of the applicable zone district (currently two acres).

On October 20, 2005, Jack Maxwell, agent for the owners, appealed the decision of the Montecito Planning Commission, raising objections to specific conditions of approval. A full discussion of the appeal issues will be provided in the Board Letter for the February 21<sup>st</sup> hearing.

#### **Mandates and Service Levels:**

Section 21-71.4 of Chapter 21 of the Santa Barbara County Code (Subdivision Regulations) provides that the decisions of the Planning Commission may be appealed to the Board of Supervisors.

Pursuant to Government Code Sections 65455 and 65096, a notice shall be published in at least one newspaper of general circulation at least ten (10) days prior to the hearing.

Pursuant to Government Code Section 65091, required mailed notice to property owners within 300 feet of the project's property boundaries, including the real property owners, and residents within 100 feet of the property, project applicants and local agencies expected to provide essential services, shall be done at least ten (10) days prior to the hearing.

#### **Fiscal and Facilities Impacts:**

Costs to process this appeal are partially offset by the \$2,000 appeal fee paid by the appellant per the Planning & Development Department fee schedule in effect on the date that the appeal was filed (Resolution 04-060 adopted by the Board of Supervisors on March 15, 2004). Costs beyond that fee are absorbed by Planning and Development. These funds are budgeted in the Permitting and Compliance program of the Development Review South Division as shown on page D-294 of the adopted 05/06 fiscal year budget. There are no facilities impacts.

#### **Special Instructions:**

Clerk of the Board shall complete noticing in the Santa Barbara News-Press and shall complete the mailed noticing for the project at least ten (10) days prior to the February 21<sup>st</sup> hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

**Concurrence:**

N/A