



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 and
Development
Department No.: 053
For Agenda Of: August 21, 2007
Placement: Set Hearing
Estimated Tme: 1.0 hours on 09/04/07
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, P&D Director 568-2085
Director
Contact Info: Dave Ward, P&D Deputy Director 568-2520
SUBJECT: Bailey Appeal of Planning Commission Approval of the Desilva Addition

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors set hearing for September 4, 2007 (Departmental Agenda) at the request of Ann Bailey, appellant, to consider the appeal of the County Planning Commission's June 6, 2007 approval of the Desilva second story addition, Case Number 06LUP-00000-00575. The project involves AP No. 067-412-015, located at 5086 Parkwood Place in the Goleta Area, Second Supervisorial District.

At the September 4, 2007 hearing, that the Board of Supervisors:

1. Adopt the required findings for approval of Case No. 06LUP-00000-00575, included as Attachment A to the County Planning Commission Staff Report, dated April 13, 2007.
2. Accept the exemption pursuant to CEQA section 15301(1), included as Attachment C to the County Planning Commission Staff Report, dated April 13, 2007.
3. Deny the appeal, Case No. 07APL-00000-00022, thereby upholding the county Planning Commission's approval and granting *de novo* approval of Land Use Permit Case No. 06LUP-00000-00575, included as Attachment to the County Planning Commission Staff Report, dated April 13, 2007.

Summary Text:

The proposed project is for a Land Use Permit (LUP) to allow construction of a second story residential addition of 671 square feet, and first and second story stairway addition of 105 square feet.

Planning and Development (P&D) staff determined the proposed project to be consistent with all applicable Land Use and Development Code requirements and Comprehensive Plan requirements including Land Use Element and Goleta Community Plan policies. Appeal issues raised by the third-party appellant are addressed below (please see Attachment C, Staff Report to the Planning Commission, for full discussion of appeal issues).

Neighborhood Compatibility and Scale

The appellant contends that the proposed addition would be structurally incompatible with the neighborhood in mass, location, positioning and orientation.

The project is consistent with visual resource policies, conforming to the scale and character of the existing community. The existing neighborhood surrounding the project site includes first and second story residences of similar architectural style to that proposed and the addition would be approximately 300 square feet smaller than all original second stories in the tract.

Visual Impacts

The appellant contends that the proposed addition would result in view intrusions that would be irrevocable and inescapable, including line-of-site intrusions.

The project has been designed with low roof heights, is visually broken up by the use of stepping and recessing and utilizes a roof type which minimizes mass at the perimeter of the structure. There are no applicable policies or ordinance standards protecting private views, however, the project has been designed such that windows are carefully placed or entirely eliminated to address privacy concerns of neighbors.

Noise Impacts

The appellant contends that the proposed addition would result in noise intrusions that would be irrevocable and inescapable.

There are no policies or ordinance standards that address nuisance noise between adjoining residential properties. Additionally, the proposed project does not have potential for any significant noise impacts on neighboring properties.

Background:

The original project plans were submitted June 20, 2006. Based on recommendation from the South County Board of Architectural Review (SBAR), who reviewed the project as a discussion item, the applicant made changes to the project and submitted revised plans to the SBAR on August 25, 2006, October 27, 2006 and February 2, 2007. The LUP was approved by Planning and Development on February 9, 2007 and a third-party appeal was filed on February 20, 2007.

The appeal was heard at the Planning Commission hearing of May 2, 2007, where the project was continued to the hearing of June 6, 2007 to allow project revisions by the applicant including reconfigured window design and a square footage reduction. On June 6, 2007, the revised project was approved by the Planning Commission with a vote of 4-1. Planning Commission approval was appealed June 29, 2007.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The fee for processing an appeal is \$443 per the current Planning and Development fee schedule adopted by the Board of Supervisors, effective January 15, 2007. Fees were collected when the appeal was filed. The remaining cost of processing these appeals is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-286 of the Fiscal Year 2007/08 adopted budget.

Staffing Impacts:

Legal Positions:

N/A

FTEs:

N/A

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on September 4, 2007. The notice shall appear in 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.

Attachments:

- A. Third-Party Appeal Letter, dated June 15, 2007
- B. Planning Commission Action Letters, dated May 3, 2007 and June 8, 2007
- C. Staff Report to the Planning Commission, dated April 13, 2007
- D. Memo to the Planning Commission, dated May 25, 2007
- E. Memo to the Planning Commission, dated May 2, 2007
- F. Public Comment Letters

Authored by:

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Development Review Division – South, P&D