



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: December 5, 2017
Placement: Departmental
Estimated Time: 15 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D. Director, Planning and Development
(805) 568-2085
Contact Info: Jeff Wilson, Deputy Director, Development Review
(805) 568-2518
SUBJECT: Case Nos. 17APL-00000-00002 & 17APL-00000-00003 [14BAR-00000-00082]
**Olsten Trust Design Review: SFD Demo-Rebuild, New Detached Garage, Cabaña & Pool
First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions

Consider Case Nos. 17APL-00000-00002 and 17APL-00000-00003, the Olsten Trust Appeal and the Hair/Sturgess Appeal, respectively, of the Montecito Planning Commission's April 18, 2017 conditional *de novo* Preliminary Design Review approval of the Olsten Trust Single-Family Dwelling Demo-Rebuild, New Detached Garage, Cabaña & Pool (Case No. 14BAR-00000-00082).

Staff recommends that the Board take the following actions:

- a) Approve in part and deny in part, the Olsten Trust appeal, Case No. 17APL-00000-00002;
- b) Approve in part and deny in part, the Hair/Sturgess appeal, Case No. 17APL-00000-00003;
- c) Make the required findings for Preliminary Design Review approval of the revised project, including CEQA findings, included as Attachment 1;
- d) Determine that approval of the revised project is exempt from CEQA, pursuant to Section 15303, included as Attachment 2; and
- e) Grant *de novo* Preliminary Design Review Approval of the revised project, Case No. 14BAR-00000-00082, as show in plans dated October 5, 2017, included as Attachment 3 and pursuant to the conditions of the settlement agreement, included as Attachment 4, which have been incorporated into the plans dated October 5, 2017.

Alternatively, refer back to staff if your Board takes other than the recommended action for appropriate findings and conditions.

Background

The design review of the project that is currently on appeal before the Board includes demolition of an existing single-family dwelling and the construction of a new residence, detached garage, detached cabaña, and swimming pool. The project's Coastal Development Permit, Case No. 14CDH-00000-00014, was previously granted *de novo* approval by the Board of Supervisors on July 19, 2016 after sustaining the applicant's appeal of the Montecito Planning Commission's (MPC) March 23, 2016 denial of the project. Subsequent to the Board's approval of the Coastal Development Permit [with hearing] (CDH), the project was then appealed to the California Coastal Commission by the same neighbors. The Coastal Commission found no substantial issue to hear the case. The project then returned to the Montecito Board of Architectural Review (MBAR), where it was granted preliminary Design Review approval on December 19, 2016 (see Attachment D to Attachment 2 of this Board letter). The MBAR's approval was then appealed to the Montecito Planning Commission (MPC) by attorney Susan Petrovich on behalf of the neighbors, Michael Hair and Tom Sturgess. The decision by the MPC on April 18, 2017 to deny the appeal and grant *de novo* design review approval of the project was appealed by both the opposing neighbors (Hair & Sturgess) and by the property owners (Grabowski & Olsten). The property owners appealed the approval based upon new conditions added to the project by the MPC that differed from the MBAR approval. The opposing neighbors appealed the MPC decision based upon many of the same or similar design issues and objections that have been voiced throughout both the CDP and the design review approvals.

Since the MPC hearing, the attorneys for the opposing neighbors and the property owner have been involved in negotiations in an attempt to resolve their differences with the project. On November 1, 2017, P&D staff met with the representatives of the Olsten Trust and was informed that a settlement agreement with the neighboring property owners had been reached. As part of the settlement agreement (see Attachment 4), the parties agreed upon a slightly modified site plan and conditions of design review approval from those that were a part of the MPC's April hearing. The site plan, dated October 5, 2017, is included as Attachment 3 to this Board letter. Additionally, the modified design review conditions are included in Attachment 4 and the original MPC design review conditions are included as Attachment 5. The differences between the two sets of conditions are described within the Summary section.

Summary

As indicated above, the agreed upon site plan and design review conditions differ slightly from those that received Preliminary Design Review approval from the MPC. To summarize the modified conditions: Conditions #2 thru #6 and #9 retained the exact verbiage from the MPC. The Condition #1 requirement for exterior shutters has been omitted. The redundant language in the second sentence of Condition #7 that pertained to the use of the green roof has been deleted. The Condition #8 requirement to retain a horizontal wood façade around the perimeter of the green roof has been omitted. The Condition #10 requirement to reduce the width of the maintenance pathways throughout the green roof has been omitted. Condition #11 has been reworded to provide more detail about the vegetative plantings and the planter boxes on the green roof. Condition #12 has been reworded to allow one north-facing balcony that is no more than 9'-0" wide and 2'-6" in depth. Condition #13 has been reworded to provide clarity on the acceptable types and heights of landscape elements throughout the project site. Finally, Condition #14 has been omitted so as to not require landscape trees to be located in the front yard between the home and Channel Drive.

With these changes, the project remains consistent with all applicable policies of the Montecito Community Plan and Coastal Land Use Plan, as well of the provisions of the Article II Coastal Zoning Ordinance and the findings for Design Review approval can still be made. As such, in light of the agreement reached with the neighbors, staff recommends that the Board approve the agreed upon changes as part of your action to grant *de novo* Preliminary Design Review approval of the revised project. If approved by your Board, the project would return to the MBAR for Final Design Review approval.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs for processing appeals are provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to the two subject appeals that were filed, both appellants paid an appeal fee of \$659.92. P&D will absorb the costs beyond that combined fee of \$1,319.84. Total costs for processing the appeal are approximately \$9,040.00 (40 Planner hours). Staff work to process appeals is funded in the Planning and Development Permitting Budget Program, as shown on page D-286 of the FY 2017-2018 budget.

Special Instructions

Noticing requirements were fulfilled with the original Set Hearing Board Agenda Letter. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

Attachments

1. Design Review Findings for Approval
2. Environmental Document – Notice of Exemption
3. Proposed Project Plans, dated October 5, 2017 for the Board's *de novo* Preliminary Design Review
4. Settlement Agreement Conditions
5. Montecito Planning Commission [Attachment B] Project Specific Design Review Modifications of Approval
6. Olsten Appeal Application
7. Hair/Sturgess Appeal Application

Authored by

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