

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: March 29, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: April 11, 2006
Placement: Departmental
Estimate Time: 1 hour
Continued Item: Yes (3/14/06)
If Yes, date from:
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Zoraida Abresch, Deputy Director (x6585)
Development Review Division North

SUBJECT: Hearing to consider the Bloom Appeal of the Planning Commission's approval of the Kaslow Lot Split

At the hearing of March 14, 2006, the Board considered the Bloom Appeal appeal (05APL-00000-00036) of the Kaslow Lot Split (04TPM-00000-00002, TPM 14,648) located east of the town of Ballard in the Third Supervisorial District, APN: 137-070-018. The Board continued its action and directed staff to provide further information in several areas.

Recommendations:

That the Board of Supervisors adopt the Planning Commission recommendations and approve the project:

1. Adopt the required findings for the project specified in the Planning Commission's action letter dated December 27, 2005, including CEQA findings, (Attachment A);
2. Approve the Negative Declaration (05NGD-00000-00024) and adopt the mitigation monitoring program contained in the conditions of approval of the action letter;
3. Deny the appeal and uphold the Planning Commission's December 14, 2005 approval of 04TPM-00000-00002; and,
4. Grant *de novo* approval of Case No. 04TPM-00000-00002 subject to the conditions included in the Planning Commission's action letter dated December 27, 2005.

Executive Summary and Issue Discussion:

Board of Supervisor's Action:

At the March 14, 2006 appeal hearing, the Board discussed potential issues with the Kaslow lot split that centered on four issue areas: Traffic, Aesthetics, Agricultural Resources, and Policy consistency. The Board continued the item to April 11, 2006 to allow staff to further investigate these issue areas.

Issue Areas:

Traffic:

Staff met with County Roads Division personnel to further investigate the potential traffic impacts of the lot split. Staff revisited the traffic numbers in the draft Negative Declaration which indicated that one single-family residence will generate 10 average daily trips (ADT) and one peak hour trip (PHT). Therefore, a second home on the property would generate 10 ADT and 1 PHT for a total of 20 ADT and 2 PHT. The County's *Environmental Thresholds Manual* indicates that a project will have a significant impact on area roadways if the project results in: 1) an increase of greater than 0.10 in volume-to-capacity ratio at nearby level of service (LOS) "C" intersections (applies only to signalized intersections); 2) creation of an unsafe driveway or new traffic signal; 3) addition of traffic that would create safety problems due to roadway design or use; or 4) substantial degradation of the existing LOS.

- 1) There are no signalized intersections within the general vicinity of the project. The intersection of Alamo Pintado and Baseline Avenue currently operates at an acceptable level of service (pers. comm. Will Robertson, 3/21/06). The addition of 20 ADT and 2 PHT to this intersection would not increase the volume to capacity ratio by 0.10 or greater.
- 2) The proposed location of the driveway (for joint use of the two proposed parcels) would be located directly opposite from an existing driveway on Baseline Avenue. When the project was originally submitted to the County in January 2004, the location of the proposed driveway was further east than the currently proposed access point. Roads Division conducted a Site Distance Study on February 24, 2004 and concluded that the location of the proposed accesspoint should be moved to its current location as it is safer and would line up with an existing driveway on the north side of Baseline Avenue. At this location, the accesspoint exceeds the minimum site distance of 300 feet for the posted 40 mph speed limit.

Additionally, the Roads Division conducted a Radar Study of the road on August 28, 1998 which determined that the 85th percentile speed set the 40 mph speed limit. The speed survey expires on August 28, 2008. Even though this radar study was conducted some time ago, the Roads Division has indicated that this study is still adequate.

- 3) The proposed project would add 10 ADTs and 1 PHTs to the area roadways above what is already permitted with the existing lot. The roadway is adequate in design to accommodate the negligible increase in traffic (pers. comm. Will Robertson, 3/21/06). Baseline Avenue currently carries approximately 2500 ADT's at the project location. This volume is well below the approximate acceptable capacity of 3650 ADT for a collector of this character.
- 4) Based on the information in item #3, the existing level of service of Baseline Avenue would be LOS A. The addition of 20 ADT and 2 PHT would therefore not substantially degrade the level of service.

The project includes conditions requiring recordation of a Reservation of Access Easement in order to secure access for the parcel that does not front on Baseline Avenue. Additionally, the applicants must pay Development Impact Mitigation Fees in the amount of \$896 (\$448 per PHT) to the Roads Division. The applicant must also obtain an Encroachment Permit from Roads for work done within the County Road Right of Way and the proposed driveway and its location must conform to the Public Works Engineering Design Standards (Roads Condition letter 12/1/05).

Aesthetics:

Staff revisited the aesthetics discussion in the Negative Declaration. Aesthetics are an inherently subjective topic and are often open to interpretation, thus, the *Thresholds Manual* does not have a formal significance threshold. The site is located adjacent to Baseline Avenue, a public roadway, and is easily visible from this roadway. Additionally, the site is readily visible from the Oak Hill Cemetery, which abuts the property on the west. Views of the site from the cemetery are of an open vista of rolling hills seen through the trunks of the large eucalyptus windrow. Since the site is vacant, any amount of development will have some level of impact on aesthetic/visual resources. The features found onsite were not considered significant; however, conditions were placed on the project that would have an effect on the aesthetics of future development. They include:

- Restricting development to slopes of less than 20%. (Condition #1)
- Restricting exterior lighting to low-intensity, low-glare (Condition #2)
- Prohibiting the removal of existing mature oak trees. (Condition #6)
- Restricting development to outside of the Critical Root Zone of the oak trees. (Condition #6)
- Requiring the design of the future home shall recognize the setting and character that defines the adjacent neighborhoods. (Condition # 15, taken from the Housing Element)
- Requiring the bulk and scale of new structures blend in as effectively as possible to be compatible with adjoining properties with transition between established neighborhoods and newer ones. (Condition #15)
- Requiring design features should reduce visual prominence. (Condition #15)

Condition #15 requires that staff find the future structures consistent with these development standards. As a further measure, the Board may decide that this consistency determination should be made instead by the Central Board of Architectural Review (CBAR).

These restrictions, in addition to required zone district setbacks, create Building Exclusion areas. Another tool available to the Board would be to place Building Envelopes on both parcels to more specifically define the allowed location of future development.

Agricultural Resources:

A discussion concerning the project's potential to impact agricultural resources can be found in the Negative Declaration. Staff had originally met with the agricultural land use planner and her agricultural team in the Agricultural Commissioner's office in January to receive input. After the Board hearing in March, staff scheduled a formal review by this group. At the formal review of March 21, 2006, the group discussed the viability of the parcel for growing row crops or vineyards. They determined the topography of the parcels and the soil types would not be conducive to row crops such as strawberries. While vineyards were identified as the most likely potential agricultural use of the site; parcel constraints, such as the drainage course, oak trees, eucalyptus trees, and steep slopes would limit the acreage available for planting. The best soils on the parcels are a strip of Class II and III soils (slightly less than 4 acres in size) along the western portions but, as mentioned, there is an existing line of eucalyptus trees on the adjacent cemetery property that would shade crops in the afternoon and discourage crop growth. The team's conclusion is the agricultural viability analysis in the Negative Declaration was correct and the existing parcel would not be considered agriculturally viable. The Agricultural Commissioner's Office formal response is included as Attachment B.

Policy Consistency:

Staff consulted with Comprehensive Planning staff concerning policy consistency analysis for the project. The County's Comprehensive Plan contains policies with respect to cultural and historical resources. According to the County's archaeological resources maps, no known resources are located on the project site, however, the site is located adjacent to the Oak Hill Cemetery. A condition has been placed on the project requiring future development to cease or be redirected if artifacts of archaeological or cultural significance are encountered. There are no specific policies concerning potential development adjacent to cemeteries in the Comprehensive Plan.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Mandates and Service Levels:

No change in programs or service levels are anticipated.

Section 35-327.3.1 of Article III (the Inland Zoning Ordinance) of Chapter 35 of the County Code provides that the decisions of the Planning Commission may be appealed to the Board of Supervisors.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

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 \$435. P&D will absorb the costs beyond that fee. These funds are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-296 of the adopted 2005/2006 fiscal year budget.

Special Instructions:

The Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, 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.

Concurrence: N/A

ATTACHMENTS:

- A. Planning Commission Action Letter dated December 27, 2005
- B. Memo from Agricultural Commissioner's Office dated March 29, 2006

Board Letter Prepared by: Adam Baughman, Planner III, Dev. Rev. North