

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
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Agenda Number:
Prepared on: 11/10/04
Department Name: P&D
Department No.: 053
Agenda Date: 11/23/04
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: YES
If Yes, date from: 10/26/04
Document File Name: G:\GROUP\Permitting\Case Files\APL\2000s\03 cases\03apl-00000-00020\BOSmemos\BOS letter_Nov10.DOC

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Adrienne Domas, Planner (568-2002)
Kim Schizas, Supervising Planner (967-6040)
Development Review Division - South

SUBJECT: Kirsch Appeal of Montecito Planning Commission's Approval of a New Single Family Dwelling (03APL-00000-00020)
640 Cowles Road, APN 013-180-014
First Supervisorial District

Recommendation:

That the Board of Supervisors grant the appeal of Deborah (Satya) Kirsch, Jon Warner, and Donald Sharpe, appellants, of the Montecito Planning Commission's November 19, 2003 decision to approve the Hill Single Family Dwelling Land Use Permit (02LUP-00000-01133).

Your Board's action should include the following:

1. Adopt the required findings for denial of the project, specified in this report dated November 10, 2004;
2. Grant the appeal, 03APL-00000-00020, thereby overturning the Montecito Planning Commission's November 19, 2003 approval of Land Use Permit 02LUP-00000-01133; and
3. Deny the Land Use Permit 02LUP-00000-01133.

Background:

At the October 26, 2004 Board of Supervisors hearing, the Board reviewed a proposed redesigned new residence at 640 Cowles Road. This redesign incorporated comments from the Montecito Board of Architectural Review intended to make the proposed new residence more compatible with the Cowles Road neighborhood than the design approved by the Montecito Planning Commission on November 19, 2003. However, the Board determined that the proposed design was not consistent with Land Use Element Visual Resources Policy 3, and therefore could not make the required findings for approval for this proposed new residence. The Board directed staff to return on November 23, 2004 with findings for denial of the Land Use Permit.

Findings for Denial:

Pursuant to Section 35-482.5 of the Article IV Zoning Ordinance, A Land Use Permit shall be issued only if the following finding is made (only the finding that relates to the denial of the project is discussed below):

Finding #1: That the proposed development conforms to the applicable policies and provisions of Article IV and the Comprehensive Plan, including all applicable development standards within the Montecito Community Plan.

Land Use Element Policy 3 states:

In areas designated as urban on the land use plan maps, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

Residences on Cowles Road range in size from 1,500 to 3,500 square feet, with garages ranging in size from 400 to 700 square feet. The residences immediately adjacent to 640 Cowles Road are approximately 3,000 net square feet (636 Cowles Road) and 2,670 net square feet (650 Cowles Road). The existing residence at 640 Cowles Road, which is proposed to be demolished as a part of Land Use Permit 02LUP-00000-01133, is a one story structure, approximately 2,000 square feet with a 500 square foot attached garage.

The proposed new two-story residence would be over twice that size, at 4,793 net square feet, with 855 square feet of garage space and a 625 square foot lower-level poolhouse. The proposed new residence would be the second largest residence on Cowles Road, approximately 800 square feet larger than the next largest residence. The largest residence on Cowles Road is approximately 6,000 square feet, on a parcel of over two acres, over twice the size of the Hill property, which is 0.93 acres.

Additionally, the proposed new residence would be located ten feet from the eastern property line (the minimum side yard setback), while the existing residence is located approximately 25

feet from the eastern property line. The majority of the residences on Cowles Road are not built to the minimum side yard setback line, as is proposed for the new residence. The proposed new residence would be approximately 24 feet at its highest point, and the front elevation includes a stair tower of approximately 26 feet in height. As such, the proposed new residence is taller than the immediately adjacent residences, and no other residences on Cowles Road have a stair tower as a prominent feature of the front elevation.

The proposed new residence also exceeds the recommended floor area, as determined by the Montecito Architectural Guidelines and Development Standards. The recommended floor area for a residence on a parcel of 0.93 acre is 4,125 net square feet. However, the additional usable space in the proposed new residence (e.g., 800 square feet of garage space and a 625 square foot lower-level poolhouse) that adds to the size, bulk, and scale of the residence is not counted towards floor area calculations. The recommended floor areas for new structures detailed in the Montecito Architectural Guidelines and Development Standards assist P&D staff, the Montecito Board of Architectural Review, and the decisionmakers in assessing new structures' conformity with the scale and character of the surrounding neighborhood.

Therefore, as the proposed new residence is larger than surrounding residences on Cowles Road, is constructed closer to side yard setbacks than other residences, is taller than several surrounding residences, and exceeds the recommended floor area for a parcel of 0.93 acre, it is inconsistent with Land Use Element Policy 3, and Finding #1 for approval of a Land Use Permit cannot be made.

Alignment with Board Strategic Plan:

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

Mandates and Service Levels:

Pursuant to the Article IV Zoning Ordinance, a decision of the Montecito Planning Commission may be appealed to the Board of Supervisors by the applicant or an aggrieved person. The Zoning Ordinance also requires that the appellant state specifically in the appeal wherein the decision by the Montecito Planning Commission is not in accord with the provisions and purposes of the Article or wherein it is claimed that there was an error or an abuse of discretion by the Montecito Planning Commission. In this case, the appellant has appealed the decision of the Montecito Planning Commission to approve Case Number 02LUP-00000-01133 on the basis that the Planning Commission erred in interpretation of the applicable policies of the Comprehensive Plan, including the Montecito Community Plan.

Fiscal and Facilities Impacts:

The appellant was responsible for filing a \$435 fee to the Clerk of the Board. The appellant is not responsible for any additional appeal costs. Appeal costs are budgeted in the Department's 2003-2004 adopted budget.

Special Instructions:

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

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

Concurrence:

County Counsel