



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 &
Development
Department No.: 053
For Agenda Of: June 2, 2009
Placement: Set Hearing for June 16,
2009
Estimated Tme: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, P&D Director, 568-2085
Director(s)
Contact Info: Zoraida Abresch, P&D Deputy Director, 934-6585
SUBJECT: Perez Appeal of Ramirez Land Use Permit, Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

Set a hearing for June 16, 2009 to consider the appeal filed by Art Perez (case no. 09APL-00000-00008) of the County Planning Commission's March 13, 2009 denial of the appeal (08APL-00000-00027), and de novo approval, of the Ramirez Land Use Permit (08LUP-00000-00321) located at 240 Stansbury Drive (APN 105-053-009) in the Orcutt area, Fourth Supervisorial District.

At the June 16, 2009 hearing, the Board of Supervisors' action should include the following:

- a) Adopt the required findings for approval of case no. 08LUP-00000-00321, as shown in Attachment A of the Planning Commission April 7, 2009 action letter included as Attachment A to this Board Letter;
- b) Deny the appeal, case no. 09APL-00000-00008 (included as Attachment B of this Board Letter), thereby upholding the Planning Commission's approval of 08LUP-00000-00321.
- c) Accept the Notice of Exemption pursuant to CEQA Guidelines Section 15301(a) as shown in Attachment B of the Planning Commission action letter dated April 7, 2009; and

Auditor-Controller Concurrence

As to form: N/A

- d) Grant *de novo* approval of case no. 08LUP-00000-00321, subject to the conditions specified in the Planning Commission action letter and attachments dated April 7, 2009.

Proposed Project:

The proposed project is a request for a Land Use Permit (LUP) to allow for the following: (1) Validation of a change of use from permitted second story storage to bedroom #5 with bathroom and living room with wet bar area (no cooking facilities are allowed), and second story access from both interior and exterior staircases - the second story shall not be converted to a separate living unit; and, (2) Interior remodel on first floor of 310 square feet to create bedroom #4 from garage. The LUP would legalize work done without permits, prior to the current owners' obtaining the property. The subject property is a 0.23 acre parcel zoned 10-R-1, shown as Assessor's Parcel Number 105-053-009 and located at 240 Stansbury Drive in the Orcutt area, Fourth Supervisorial District.

Background:

A legal and permitted two-story residence has existed on the subject property since 1975. The site is considered a zoning violation because the previous owner made some interior alterations, including installation of a second kitchen on the second floor, a partial garage conversion, and addition of an exterior staircase and second floor deck, without permits. The subject Land Use Permit would clear the violation and legalize the spaces as part of the main dwelling.

The approval requires that the applicant convert the second floor kitchen into an allowable living room with a wet bar by removing the stove and reducing the size of the sink and countertop. The approval also requires removal of the railing that created a second floor deck from the porch cover. The exterior staircase would remain, and in fact is required for Fire Department access because the interior access to the second floor is via a spiral staircase. A final component of the permit would be the addition of a side garage door.

The proposed project does not involve structural development; rather it involves an internal remodel of the existing structure to meet requirements of the LUDC, Building, and Fire codes. This permit was approved by staff because it complies with all zoning requirements and all of the necessary findings can be made. The project is consistent with all applicable policies of the Santa Barbara Comprehensive Plan, including those of the Orcutt Community Plan. Planning & Development (P&D) approved the LUP on June 19, 2008.

P&D's approval of the LUP was appealed to the Planning Commission (PC) on June 30, 2008, by neighbors who object to the improvements based on privacy concerns and fear that too many people or families will reside in the house. This appeal was considered by the PC on March 11, 2009. At the PC hearing of March 11, 2009 Commissioner Valencia moved, seconded by Commissioner Blough and carried by a vote of 3-2 (Brown/Brooks no) to deny appeal and approve the LUP subject to the conditions included in Attachment C of the staff memorandum dated March 10, 2009. Although the PC action occurred in March the revised action letter is dated April 7, 2009.

Appeal Issues:

The appellants assert that the proposed project would negatively impact their parking and privacy. Parking impacts would result from the potential for multiple families living in the five-bedroom home

and the reduction in number of parking spaces in the garage. Privacy impacts would result from a proposed garage side door facing the appellant's yard, and the exterior stair landing that overlooks the appellant's yard.

Staff Response:

The county zoning ordinance does not regulate the number of individuals who reside in a single family dwelling. However, in order to address the appellants' concerns about multiple families living in the home, staff recommends that a Notice to Property Owner (NTPO) be recorded to ensure that future owners of the property are aware that a second unit requires approval by the County. A condition for recordation of a NTPO was accepted by the applicant and added to the Land Use Permit.

With regard to parking, the LUDC requires two parking spaces per single family dwelling. After the partial garage conversion, the subject single family dwelling still has a two-car garage and meets this requirement.

The garage side door and second floor stair landing comply with setbacks and height limits, and both are allowable uses under the LUDC.

Facilitation Meeting with County Counsel between Appellants and Applicant:

Facilitation with County Counsel is planned but has not yet occurred as of the date of this Board Letter.

The Board of Supervisors hearing, if necessary, is *de novo* and the Commission is now being asked to affirm, reverse, or modify the decision of the Planning and Development (P&D) Director.

Impacts:

Budgeted: Yes

Fiscal Analysis:

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. The appellant paid an appeal fee of \$443. P&D will absorb the costs beyond that fee, estimated at \$3,000. These funds are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-305 of the adopted 2008/2009 fiscal year budget.

Special Instructions:

Clerk of the Board shall publish a legal notice in the Santa Barbara News-Press and the Santa Maria Times and shall complete the mailed noticing requirements for the project at least ten (10) days prior to the June 16, 2009 hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order and copies of the legal notice and proof of publication to Planning & Development, Hearing Support Section, Attention: David Villalobos

Attachments:

Attachment A: Planning Commission Action Letter dated April 7, 2009
Attachment B: Appeal to the Board of Supervisors dated March 23, 2009 (09APL-00000-00008)
Attachment C: Planning Commission Staff Report dated February 20, 2009
Attachment D: Staff Memorandum dated March 10, 2009

Authored by:

Joyce Gerber, Planner, 934-6265, jgerber@co.santa-barbara.ca.us

cc: Case File 09APL-00000-00008