



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: May 15, 2007
Placement: Departmental
Estimated Time: 30 minutes on 6/5/07
Continued Item: No
If Yes, date from:
Vote Required: Yes

TO: Board of Supervisors

FROM: Director, P&D John Baker, 568-2085
Contact Info: Dianne Black, 568-2086

SUBJECT: **Set Hearing for the Gray Appeal of the Pulver Lot Split**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

Set a hearing for June 5, 2007 to consider the Gray appeal of the Planning Commission's January 3, 2007 approval of the Pulver Lot Split, Case Nos. 01TPM-00000-00016 & 04DVP-00000-00040, located at 4860 Vieja Drive (AP No. 065-240-021), Goleta Area in the Second Supervisorial District as follows:

1. Deny the appeal, Case No. 07APL-00000-00001, thereby upholding the Planning Commission's approval;
2. Adopt the required findings for approval of Case Nos. 01TPM-00000-00016 & 04DVP-00000-00040, included with Attachment A, the Planning Commission Action Letter dated January 9, 2007;
3. Approve the Negative Declaration, Case No. 06NGD-00000-00007, included as Attachment B, and adopt the mitigation monitoring program contained within the conditions of approval; and
4. Grant *de novo* approval of Tentative Parcel Map Case Nos. 01TPM-00000-00016 & 04DVP-00000-00040, subject to the conditions included with Attachment A.

Summary Text:

The Pulver Lot Split is a request for a tract map and development plan to subdivide an existing 1.9 acre lot into 4 new lots, demolish an existing residential second unit and construct 2 new single-family residences. The subject property is located in the Goleta Community Plan Area approximately one mile south of Hollister Avenue at the southern terminus of Vieja Drive in an area designated Urban. The parcel lies just southeast of Atascadero Creek, just north of the More Mesa property and is addressed as 4850 & 4860 Vieja Drive. It is zoned Design Residential (DR-1.8) and has a Comprehensive Plan designation of Res-1.8 (Residential, one unit per 20,000 square feet.) The site is 1.905 acres in size and is currently developed with a 3,214 square foot one (1) story, single family residence and a 714 square foot single story residential second unit. Both structures are legal dwelling units. Surrounding properties are zoned and developed residential with a combination of 25,000-40,000 square foot lots to the northeast and 1 to 4.5 acre lots to the southwest.

Ingress/egress to the site is, and would continue to be provided by a privately maintained access road which extends from the cul-de-sac terminus of Vieja Drive to the project site. The road is approximately 700 feet in length spanning 7 residential properties to the south and is located within an existing easement. The width of the road currently varies from approximately 10 to 14 feet and is substandard for emergency access per current Fire Department Standards. As part of the project, the road would be widened to the full extent of the existing easement (20 feet available to the applicant), as required by the County Fire Department in their October 29, 2004 condition letter which states:

“The private road section of Vieja Drive shall be paved and widened to a minimum width of 20 feet from the end of the public right-of-way to APN 065-240-021. This roadway shall terminate with a 40-foot bulb turnaround with curb and gutter improvements. Signs indicating “Fire Lane-No Stopping” shall be placed every 150 feet along this roadway. All curbs shall be painted red.”

The appellant asserts that the existing easement is actually 40 feet in width and that the applicant has the right to use the full width. Although the Fire Department only requires 20 feet, the appellant further asserts that the applicant should be required to improve and widen the road to the full 40 feet in order to provide enough width for ingress and egress during an emergency. To this date, the appellant has not been able to provide sufficient evidence that the applicant has the right to utilize the full 40-foot easement. Additionally, the applicant has conducted extensive background research to determine how much of the easement he has the right to use. This research has concluded that the applicant has access to only a 20-foot easement.

Staff continues to support the Planning Commission’s approval of the project and the Fire Department’s requirement for the road to be widened to 20 feet and recommends denial of the appeal.

Background:

On January 3, 2007, the Planning Commission approved the proposed project, Case Nos. 01TPM-00000-00016 & 04DVP-00000-00040 by a 5 to 0 vote.

On January 11, 2007, the applicant filed an appeal of the January 3, 2007 Planning Commission approval of Case Nos. 01TPM-00000-00016 & 04DVP-00000-00040.

Performance Measure:

N/A

Fiscal and Facilities 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. In regards to this appeal, the appellant paid an appeal fee of \$443. P&D will absorb the costs beyond that fee. The estimated cost to P&D to process the appeal through completion is \$2,000. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-290 of the adopted 2006/2007 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on June 5, 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 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.

Attachments:

- A. Planning Commission Action Letter, including Findings and Conditions of Approval, dated January 26, 2007.
- B. Negative Declaration, Case No. 06NGD-00000-00007
- C. Staff Report to the Planning Commission including the Site Plans, dated November 1, 2006.
- D. Appellant Letter dated August 22, 2006.
- E. Site Plan
- F. Easement Exhibit (Full size easement exhibit for Board only)

Authored by:

Errin Briggs, Planner 568-2047