

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 6/19/03
Department Name: P&D
Department No.: 053
Agenda Date: 7/1/03
Placement: Departmental
Estimate Time: .5 hour
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Val Alexeeff, Director
Planning and Development

STAFF Noah Greer, Planner (568-2516)
CONTACT: Anne Almy, Supervising Planner (568-2053)
Development Review South

SUBJECT: Schaub Appeal of the Zoning Administrator's Denial of a Proposed New Guesthouse
and Tack Room
02CDH-00000-00012 and 03APL-00000-00007
Parcel 27, Hollister Ranch, APN 083-670-002
Third Supervisorial District

Recommendation:

That the Board of Supervisors approve the appeal of Larry Schaub, owner, of the Zoning Administrator's February 18, 2003 decision to deny the request for the construction of a new guesthouse of approximately 800 square feet with an attached garage/tack room of approximately 800 square feet, and approve Coastal Development Permit application 02CDH-00000-00012.

Your Board's action should include the following:

1. Adopt the required findings for the project, specified in Attachment A.
2. Approve the appeal, reversing the Zoning Administrator's denial of Coastal Development Permit application 02CDH-00000-00012, thereby approving the project subject to the Conditions of Approval specified in Attachment B.

Alignment with Board Strategic Plan

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

Executive Summary and Discussion

On June 3, 2003, the Board of Supervisors held a public hearing on the appeal and acted to direct staff to return with findings for approval (attached) for Coastal Development Permit application 02CDH-00000-00012. The Board also directed staff to research the potential to shift the location of the proposed structure in order to minimize impacts to coastal sage scrub chaparral.

Staff performed a site visit on June 16, 2003 and determined that no alternate site within the same general area would reduce impacts to coastal sage scrub chaparral. In order to minimize potential impacts to coastal sage scrub chaparral, the project has been conditioned to include a biological resources study and fuel management plan prepared by a County-approved biologist (Condition 3). This plan would include, at a minimum, plantings of native drought-tolerant vegetation and the restoration of areas damaged by grading and construction activities.

Mandates and Service Levels

Pursuant to the Article II Zoning Ordinance, a decision of the Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator. In this case, the appellant has appealed the decision of the Zoning Administrator to deny Case No. 02CDH-00000-00012 on the basis that staff erred in interpretation of the applicable policies of the Comprehensive Plan, the Coastal Land Use Plan and the Uniform Rules for Agricultural Preserves.

Fiscal and Facilities Impacts

As the proposed project is located in the Coastal Zone Appeals Jurisdiction, the appellant is not responsible for appeal costs. Appeal costs are budgeted in the department's 2002-2003 adopted budget.

Special Instructions

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

Concurrence

None.

ATTACHMENTS: A) Findings for Approval
 B) Draft Coastal Development Permit with Conditions of Approval

ATTACHMENT A: FINDINGS

1.0 COASTAL DEVELOPMENT PERMIT FINDINGS

1.1 Pursuant to Section 35-169.5. of the Article II Coastal Zoning Ordinance, a Coastal Development Permit shall only be issued if all of the following findings are made:

1.1.1 That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.

The project is consistent with the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan. The project has been conditioned to ensure that adequate resources are available to serve the project. Conditions of Approval have been included with Attachment B to ensure consistency with policies regarding hillside protection, visual resource protection, biological resources, agricultural resources, and archaeological resource protection. Therefore, this finding can be made.

The subject parcel is located within the AG-II-320 Zone District of the Article II Coastal Zoning Ordinance. The proposed project would be consistent with Article II, including the intent and purpose of a guesthouse as an accessory use, setbacks, and design review ordinance regulations. The subject parcel is under an Agricultural Preserve Contract and is consistent with the Agricultural Preserve Uniform Rules, as approved by the Agriculture Preserve Advisory Committee on May 3, 2003. Therefore, this finding can be made.

1.1.2 That the proposed development is located on a legally created lot.

The subject parcel was legally created by Phase I of the Hollister Ranch Subdivision recorded on August 27, 1971 in Parcel Map Book 8, Pages 45-57. Therefore, this finding can be made.

1.1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid.

There are no zoning violations reported or under investigation for the subject parcel. Therefore, this finding can be made.

1.1.4 That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

Hollister Ranch is a private, gated community and does not allow public access to the Ranch road system. The project site is not visible from any public area. Therefore, this finding can be made.

1.1.5 That the development is compatible with the established physical scale of the area.

The Hollister Ranch is located in a Rural area and is characterized by low density residential and agricultural development. The average height of the proposed structure would not exceed 16 feet and would be designed to blend with the existing natural surroundings. Conditions of Approval have been included that require the exterior finish of the structure to match the natural colors and textures of the site (Condition 4). Therefore, this finding can be made.

1.1.6 That the development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan

Development at this location would not affect public access and recreation along the coast, as the Hollister Ranch coastline is not available for public use. Therefore, this finding can be made.

ATTACHMENT B:
DRAFT COASTAL DEVELOPMENT PERMIT WITH
CONDITIONS OF APPROVAL