

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 8/12/2003
Department Name: Planning & Development
Department No.: 053
Agenda Date: 08/26/03
Placement: Departmental
Estimate Time: 1.0 hour hearing
Continued Item: NO
If Yes, date from:
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CASES\02DVP-00000-00025
TREMIGO\BOS\BOARD AGENDA LETTER .DOC

TO: Board of Supervisors

FROM Val Alexeeff, Director

STAFF Anne Almy, Supervising Planner (568-2053)
CONTACT: Eric Engelbart, Planner II (568-2011)

SUBJECT: **Tremigo Condominiums: 02GPA-00000-00005, 01RZN-00000-00007, 02TRM-00000-00006, 02DVP-00000-00025**

Recommendation: That the Board of Supervisors adopt the Planning Commission's July 30, 2003 recommendations and follow the procedures below to approve the subject project:

1. Adopt the required findings for the project specified in Attachment A of the staff report dated July 3, 2003, including CEQA findings;
2. Approve the Negative Declaration, 03-ND-06 (dated July 3, 2003), and adopt the mitigation monitoring program contained in the conditions of approval;
3. Adopt the proposed comprehensive plan amendment 02GPA-00000-00005 to amend the Goleta Community Plan (GCP) by changing the currently applicable land use designation of Neighborhood Commercial (CN) to a land use designation of Residential 1.8 units per acre with an Affordable Housing Overlay (AHO) of Residential, 16 units per acre;
4. Adopt the proposed rezone 01RZN-00000-00007 to rezone the lot from CN to Single Family Residential, 20,000 s.f. minimum lot size (20-R-1) with an AHO of Design Residential, 16 units per acre (DR-16);
5. Conditionally approve 02TRM-00000-00006 subject to the conditions included as Attachment B of the staff report dated July 3, 2003.
6. Grant the requested modifications 1) to Article III, § 35-222.8, Setbacks for Buildings and Structures, 2) to Article III, § 35-222.10, DR: Building Coverage, 3) to Article III, § 35-222.13.1, DR: Open Space and Landscaping, 4) to Article III, § 35-222.13.2, DR: Open Space and Landscaping,

7. Approve 02DVP-00000-00025 subject to the conditions included as Attachment C of the staff report dated July 3, 2003.

Alignment with Board Strategic Plan:

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

Executive Summary and Discussion:

The proposed Tremigo project comprises four companion discretionary cases, including a General Plan Amendment, a Rezone, a Tentative Tract Map and a Final Development Plan. These cases are fully outlined in the July 3, 2003 staff report to the Planning Commission, included as the second attachment in staff's August 12, 2003 administrative agenda letter to your Board. Briefly, the Tremigo project is a request by Tremigo Partners, Inc. for approval of a 12 unit, 50% affordable housing project in association with the proposed land use and zone designation changes which would allow the site to be developed and used for residential purposes.

Background

On August 28, 2001, your Board heard the applicant's then proposed general plan and rezone initiation requests for the project site and acted to direct staff to "initiate an amendment to the Comprehensive Plan Land Use Element, Goleta Community Plan, from Neighborhood Commercial (CN) to Residential 1.8 units per acre, with an Affordable Housing Overlay (AHO) of Residential, 16 units per acre and a rezone from CN to Residential, 20,000 square foot minimum lot size (20-R-1) with an Affordable Housing Overlay (AHO) of DR-16 (Design Residential, 16 units per acre) at the Director level if requested by the applicant, at 50% affordability, 30 year term or equivalent AHO program that may be in place at the time of project processing." The Tremigo Condominium project, as presented to your Board today, was crafted specifically to meet your previous direction. While the applicant did express interest in modifying the target income levels of the project's affordable units during the Planning Commission's two hearings on the proposed project, the applicant has since reaffirmed interest in pursuing the proposed project as originally initiated by the BOS on August 28, 2001 and as represented in the staff report dated July 3, 2003 and on project plans marked "Officially Accepted, County of Santa Barbara July 16, 2003 Planning Commission Exhibits 1 and 2" (personal communication Justin VanMullem, August 12, 2003).

At the Planning Commission hearing of July 30, 2003, Commissioner Jordan moved, seconded by Commissioner Tillman and carried by a vote of 5-0 to recommend that the Board of Supervisors approve the above recommendations. Recommendation # 6 should include the following details:

Grant the requested modifications 1) to Article III, § 35-222.8, Setbacks for Buildings and Structures, to allow encroachments into the required 20 foot secondary front yard setbacks from Modoc Road of up to 7 feet (resulting in minimum of 13 foot front yard setbacks, maximum 31 feet and average \pm 20 feet) and to allow encroachments into the required 20 foot primary front yard setbacks from Hollister Road of up to 15 feet (resulting in minimum of 5 foot front yard setbacks, maximum 26 feet and average \pm 10 feet), 2) to Article III, § 35-222.10, DR: Building Coverage, to allow 31.06% of the net area of the property to be covered by buildings containing dwelling units rather than limiting building coverage to a maximum 30% net lot area, 3) to Article III, § 35-222.13.1, DR: Open Space and Landscaping, to provide a minimum of 30%, rather than the required 40%, of the net property area as common open space, and 4) to Article III, § 35-222.13.2, DR: Open Space and Landscaping, to allow the proposed uncovered parking area to encroach into the five foot landscape strip required along the property line by up to two feet (thereby allowing the automobile's front bumper to overhang the planter

by two feet), and to reduce the width of the required landscape strip between the proposed driveway and the property line from the required five feet to three feet.

Jurisdiction

A county's general plan and zoning ordinance are the primary components of its land use law; adoption of or amendment to a general plan or a zoning ordinance is a legislative action. California Government Code Sections 65358 – 65362 enumerate the process by which counties prepare, adopt and amend general plans. Pursuant to Govt. Code § 65353, a proposed general plan amendment must first be reviewed by the county's Planning Commission which must take action in the form of a recommendation forwarded to its Board of Supervisors. Ultimate jurisdiction over the legislative action is delegated to the county Board of Supervisors. Pursuant to § 35-325.4.2 of the Article III Zoning Ordinance, a rezone must first be reviewed by the county's Planning Commission which must take action in the form of a recommendation forwarded to its Board of Supervisors. Ultimate jurisdiction over the legislative action is delegated to the county Board of Supervisors.

Pursuant to § 35-282d of the Article III Zoning Ordinance, jurisdiction over two or more applications relating to the same development project rests with the highest level decisionmaker for any of the individual applications. While development plans and tract maps are subject to consideration by the Santa Barbara Planning Commission¹, because this project also involves a request for a general plan amendment and a rezone, the Santa Barbara Board of Supervisors holds ultimate jurisdiction.

Because the proposed general plan amendment is requested and necessary for the specific development of the proposed 12 unit affordable housing project, 50% of which would be occupied and available to persons and families of low or moderate income, the limitation on the frequency of amendments to a general plan, as specified under Govt. Code Section 65358(b), does not apply and your Board may approve the project following the close of your public hearing on the item.

Mandates and Service Levels:

Pursuant to Govt. Code § 65353, the project was considered by the Planning Commission for an advisory recommendation to the Board of Supervisors, the final decision-maker.

Fiscal and Facilities Impacts: All costs associated with processing are being paid by the applicant.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, attn: Hearing Support.

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

Concurrence: County Counsel.

¹ § 35-317.2.4 of Article III and § 21-6 of Chapter 21, respectively.