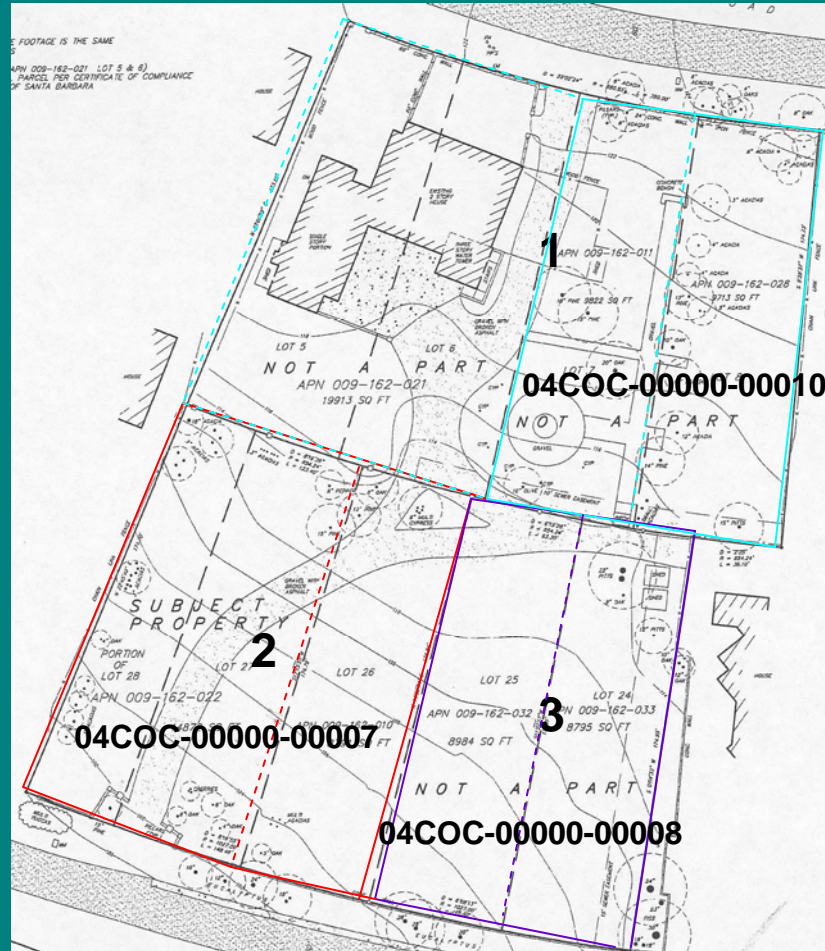


Maxwell Appeal of Conditional Certificates of Compliance



05APL-00000-00032
County of Santa Barbara
Board of Supervisors
February 21, 2006

Applicants' Proposal



Environmental Review

- Question of potential impacts to historic resources raised during hearing process
- Historic Resources Report prepared and peer reviewed
- Negative Declaration prepared
- Conclusion - Potential impacts to historic resources can be mitigated through preservation on site
- Other potential impacts

Montecito Planning Commission Hearings

Lot Configuration Alternatives

Table 2: Lot Configuration Alternatives

	Applicant's Original Proposal 3 lots		Alternative 1 3 lots		Alternative 2 3 lots		Alternative 3 2 lots		Alternative 4 1 Lot or No New Dwellings
Description	1 lot on Summit 2 lots of similar size on High		1 lot on Summit 2 lots on High – smaller west lot		1 lot on Summit 2 lots on High – smaller east lot		1 lot on Summit 1 lot on High		No development unless lot meets minimum lot size
Lot Size (acres)	Summit	0.91	Summit	0.91	Summit	0.91	Summit High	0.91 0.95	
	West High	0.54	West High	0.34	West High	0.75			
	East High	0.41	East High	0.61	East High	0.20			
Recommended Floor Area (sq. ft.)*	Summit	4,075	Summit	4,075	Summit	4,075	Summit High	4,075 4,175	Not Applicable
	West High	3,150	West High	2,650	West High	3,675			
	East High	2,825	East High	3,325	East High	2,300			

Appellant Issues

- That “each lot must comply with the minimum lot size requirement of the applicable zoning district.”
- That “the pergola, garden bench, battered piers and ball finials shall be retained on site.”

Appellant Issue – Lot Size

- That “each lot must comply with the minimum lot size requirement of the applicable zoning district.”
- Reason for the appeal:
 - “The conditions of approval [are] inaccurately based upon the existing zone district as described in the 1992 Montecito Community Plan.”

Response – Lot Size

- Existing zone district, as described in the 1992 Montecito Community Plan is 2-E-1, a two-acre minimum lot size.
- Applicants' proposal would result in one 0.91-acre developed lot and two undeveloped lots (0.54 and 0.41 acres).
- Lots would not meet the two-acre minimum.

Response – Lot Size

- State Law allows decision-maker discretion in applying conditions.
- May apply conditions that would have been applicable to a division of property at the time the owners acquired their interest.
- Owners acquired interest in Nov. 2003.
- Montecito Community Plan in place since 1992.
- Thus, Montecito PC approved condition imposes requirement to comply with existing zone district at time applicants acquired the property.
- Montecito PC decision - best upholds the goals and integrity of the Plan.

Appellant Issue – Retain Historic Garden Features

- That “the pergola, garden bench, battered piers and ball finials shall be retained on site.”
- Reason for the appeal:
 - That, while described as historic, they are “in such a state of disrepair that it would be uneconomical to retain and refurbish them.”

Response – Retain Historic Garden Features

- The pergola, garden bench & battered piers with ball finials identified as historic resources.
- Potential impacts possible with any future development.
- Mitigation measure to retain on site would mitigate potential impacts to less than significant levels.
- Condition of approval derived from this measure.
- No requirement to refurbish them.

Staff Recommendation

(Board Letter Pages 1-2)

1. Adopt the required findings, including CEQA findings, for the three Conditional Certificates of Compliance, and
2. Approve the Mitigated Negative Declaration and adopt the mitigation monitoring program, and
3. Deny the appeal and uphold the decision of the Montecito Planning Commission, and
4. Approve the recordation of the three Conditional Certificates of Compliance, and
5. Approve the Coastal Development Permits for each Conditional Certificate of Compliance.