

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for McCurdy/Brook Appeal of Planning and Development's
Approval of Land Use Permit Application 06LUP-00000-00033 (Hedrick New
Single Family Residence)

Hearing Date: May 24, 2006
Staff Report Date: May 12, 2006
Case No.: 06APL-00000-00006

Deputy Director: Steve Chase
Division: DevRev - South
Staff Contact: Robert Dostalek
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Environmental Document: CEQA Exempt per Section 15268

APPELLANTS:

Beverly McCurdy
320 S. Arboleda Road
Santa Barbara, CA 93110
(805) 964-2126

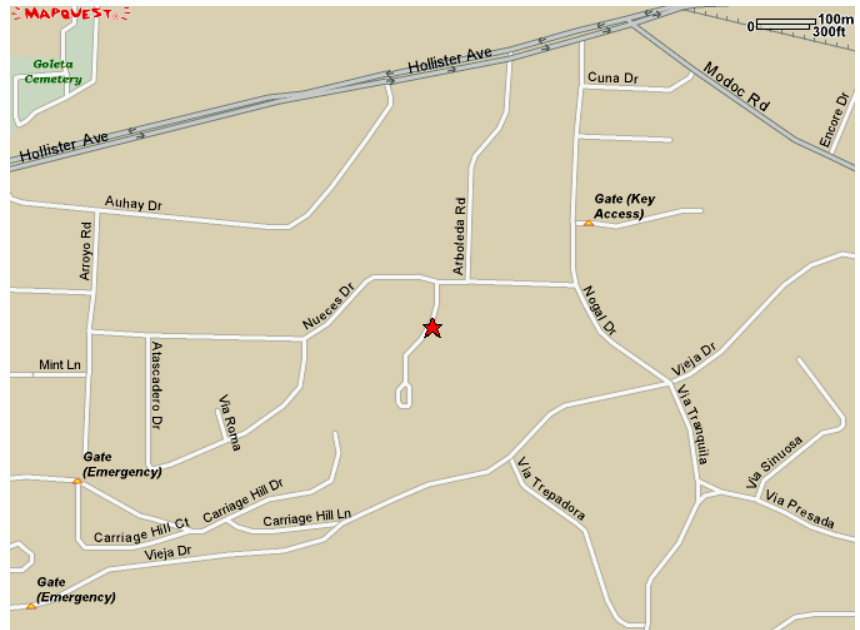
Autumn Brook
4435 Nueces Drive
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(805) 964-0442

OWNER/APPLICANT:

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(805) 637-8858

ARCHITECT:

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This site is identified as Assessor Parcel Number 061-201-004, on the west side of South Arboleda Road, approximately 1,600 feet south of its intersection with Hollister Avenue at 331 South Arboleda Road, Santa Barbara area, Second Supervisorial District.

1.0 REQUEST

Hearing on the request of Beverly McCurdy and Autumn Brook, appellants, to consider an appeal of Planning and Development's approval of Land Use Permit Application 06LUP-00000-00033 for the demolition of an existing residence and construction of a new residence located at 331 South Arboleda Road, Santa Barbara area, Second Supervisorial District.

Land Use Permit (LUP) Application Filed:
LUP Application Approved:
Appeal Filed:

January 12, 2006
February 7, 2006
February 21, 2006

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below, deny the appeal, Case No. 06APL-00000-00006, and grant *de novo* approval of the project based upon the project's consistency with the Comprehensive Plan, including the Goleta Community Plan, and all requirements of the Article III Zoning Ordinance, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report;
2. Deny the appeal, upholding the Planning and Development Department approval of Land Use Permit 06LUP-00000-00033;
3. Grant *de novo* approval of Land Use Permit 06LUP-00000-00033 with conditions specified in Attachment B;

The Planning Commission hearing and decision are *de novo* and the Commission can affirm, reverse, or modify the approval by P&D of Land Use Permit 06LUP-00000-00033. Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the Planning Commission based on Section 35-327.2 of Article III which states:

“The decisions of the Planning and Development Department on the approval, denial, or revocation of Land Use Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant or any interested person adversely affected by such decision.”

4.0 ISSUE SUMMARY

The Land Use Permit application was received on January 13, 2006. The subject parcel is not in an area of the County where residential projects are subject to approval by the Board of Architectural Review and no site visit was performed. Building & Safety approved the Land Use Permit on February 7, 2006. The project was timely appealed on February 21, 2006.

The appellants contend that the approved project is inconsistent with the County Comprehensive Plan and Zoning Ordinance. More specifically, the appeal issues and concerns are as follows: 1) The project is inappropriate in scale and is not consistent with the residential characteristics of the neighborhood; 2) The project does not conform to the height regulations of the zone district; 3) There is a lack of clarity as to which of the existing structures on the property would remain or be removed and there is a concern about the overall impact this project would have to the

historically rural neighborhood; and 4) There are discrepancies among the declared square footages of existing structures.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, Goleta Community Plan area, RES-1.8, Single Family/Maximum Dwelling Units – 1.8/acre
Ordinance, Zone District	Article III, 20-R-1 (20,000 square foot minimum parcel size)
Site Size	24,224 square feet (gross) and 19, 970 square feet (net)
Present Use & Development	Residential, Single family residence, garage and tack room
Surrounding Uses/Zoning	<i>North:</i> Residential, 20-R-1 <i>South:</i> Residential, 20-R-1 <i>East:</i> Residential, 20-R-1 <i>West:</i> Residential, 15-R-1
Access	Private driveway off South Arboleda Road
Public Services	Water Supply: Goleta Water District Sewage: Goleta Sanitary District Fire: Santa Barbara County Fire Department

5.2 Setting

The project site is located in a developed neighborhood characterized by an eclectic variety of mostly modest sized residences which were originally constructed in the 1930s, 40s and 50s. Historically, the area was likely part of a 4,500 acre sheep ranch. The main ranch house, known as the Thomas Hope house, built in 1875 and identified as County Historical Landmark #10, is located about 800 feet to the southeast of the project site. This neighborhood is known as Arboleda Acres which was a subdivision consisting of one acre lots intended for low income families created during the Great Depression years. Each lot contained a residence, fruit trees and a lawn planted with alfalfa to allow a cow to graze. However, since that time, the lots have been further split and numerous redeveloped. Contrary to many other unincorporated urban areas in the County which have been evolving for years, this neighborhood has only very recently been experiencing a “transitional” period as smaller older homes are systematically replaced with larger homes reflecting contemporary housing trends including second stories and larger square footages.

5.3 Statistics

Statistics		
Item	Proposed	Ordinance Standard
Structures (floor area)	First Floor: 2,269 square feet Second Floor: 2,021 square feet Garage: 525 square feet	None (Sec. 35-219.13)

Statistics		
Item	Proposed	Ordinance Standard
Max. Height of Structure(s)	31 feet	35 feet
Building Coverage (footprint)	3,190 square feet	None
Paved areas	2,181 square feet	None
Landscaped/open areas	14,995 square feet	
Grading	Less than 50 cubic yards	None

5.4 Description

The project includes demolition of the existing 2,347 sq. ft. single-family dwelling and 426 sq. ft. detached garage. A new two-story single-family dwelling would be constructed, and would consist of a 2,269 sq. ft. first floor, a 2,021 sq. ft. second floor, and a 525 sq. ft. attached garage. The maximum height of the structure would be approximately 31 feet. No vegetation or tree removal would be required for the project. Associated earth movement for excavation and recompaction of the new foundation would require less than 50 cubic yards of grading. The property is served by the Goleta Sanitary and Water Districts. The development would comply with the rear and side yard setbacks and would be set back between 25 and 88 feet from the edge of the right of way of the street, complying with front yard setbacks as well.

5.5 Background Information

The subject parcel currently contains a residence of approximately 2,347 square feet, a 426 square foot detached garage and a 320 square foot “tack room”. The original development on the lot dates back to the late 1930’s, prior to zoning in this area. The subject lot received a Land Use Permit in early 2003 for an addition of 689 square feet (Case #03LUP-00000-00011).

6.0 PROJECT ANALYSIS

6.1 Appeal Issues

1. The project is inappropriate in scale and is not consistent with the residential characteristics of the neighborhood.

Staff Response: The proposed residence is appropriate given the transitional characteristics of the South Arboleda neighborhood. The older residences in the neighborhood are remnant of those established in the 1930s during the Great Depression to provide housing for low income families. The neighborhood now contains residences ranging from 988 to 2,849 square feet on parcels ranging in size from approximately 11,000 square feet to one acre. The homes more recently approved, including the parcels immediately to the north and south of the subject lot, contain second story components which reflect the trend of replacing smaller older homes with larger two story homes. The size of the house immediately to the north is 2,849 square feet and the house immediately to the south is 1,957 square feet. The proposed house with garage is 4,815 square feet and would be the largest house on the South Arboleda block. However, the southern end of the proposed residence would be set back 50 feet from the centerline and 25 feet from the

edge of the right of way and the northern end would be setback approximately 88 feet from the edge of the right of way. Similar to the residence to the south, this deep setback in the north would allow for landscaping that would soften the perceived bulk and height of the structure and would help it blend in with the existing development in the neighborhood.

2. The project does not conform to the height regulations of the zone district.

Staff Response: The proposed project, at approximately 31 feet, complies with the 35-foot height maximum for the zone district per Section 35-219(10) of Article III.

3. There is a lack of clarity as to which of the existing structures on the property would remain or be removed and there is a concern about the overall impact this project would have to the historically rural neighborhood.

Staff Response: The proposal includes the demolition/removal of the existing residence and detached garage. The existing “tack room” is currently a violation (06ZEV-00000-00040) as it has been converted into a dwelling unit. Therefore, to abate the violation, the tack room would need to be converted back to its original configuration or demolished altogether. The project would not result in adverse impacts to the historic rural neighborhood as the historic nature of Arboleda Acres is largely compromised already by the lot splits, additions and new homes.

4. There are discrepancies among the declared square footages of existing structures.

Staff Response: The square footage of the residence and garage as identified on the project plans is 2,501 square feet and 426 square feet, respectively. According to County records, an approved Land Use Permit (03LUP-00000-00011) for an addition to the pre-existing residence identifies a total square footage of 2,347. Also, an existing approximately 320 square foot “tack room/workshop” is located in the western portion (rear) of the parcel. The discrepancy between the two different identified existing house sizes, 154 square feet, is negligible and does not have a bearing on the approval decision. Furthermore, the existing house is proposed to be demolished so it does not raise a significant issue.

6.2 Environmental Review

Land Use Permits are statutorily exempt pursuant to Section 15268 (Ministerial Permits) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>Land Use Development Policy #4: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public</i>	Consistent: The project would be provided with adequate services. Water service would continue to be provided by the Goleta Water District and wastewater disposal service would continue to be provided by the Goleta Sanitary

REQUIREMENT	DISCUSSION
<p><i>or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development...</i></p>	<p>District. Access to the parcel would be gained by a private driveway off South Arboleda Road. Fire protection would be provided by the Santa Barbara County Fire Department.</p>
<p>Visual Resources Policy #3: <i>In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</i></p>	<p>Consistent: As discussed in the “Appeal Issues” above, given the transitional nature of the neighborhood, the residence would be within the scale and character of the neighborhood. Numerous properties in the vicinity have been redeveloped with larger two-story homes in recent years. Additionally, with the deep setback from the street and ability to landscape the front yard area, the perceived bulk and height would be further softened. Lastly, the proposed front setback would create a staggered setback effect with adjacent structures thus providing a level of visual relief for the streetscape.</p>
<p>Historical and Archaeological Sites Policy #2: <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p>Policy HA-GV-1: <i>Significant cultural, archaeological and historical resources in the Goleta area shall be protected and preserved to the maximum extent feasible.</i></p>	<p>Consistent: A known archaeological site is located approximately 500 feet to the southwest of the subject parcel and the western edge of the parcel abuts Atascadero Creek. While it is unlikely that archaeological artifacts would be uncovered because of previous ground disturbance, there is the potential that archaeological resources could be encountered during grading and construction activities. Therefore, in addition to the original conditions applied to the approved Land Use Permit, staff also recommends the inclusion of the County’s standard “discovery clause” as Condition #6.</p> <p>While probably part of the original Arboleda Acres, the property has been subdivided and the adjacent parcels have been redeveloped. Additionally, the original structure has been modified through an approximately 689 square foot addition authorized through Land Use Permit #03LUP-00000-00011 and retains no significant historical value. Lastly, the parcel is not identified on the County database as containing structures with significant historical importance. The nearest historic resource, the Thomas Hope house, is located approximately</p>

REQUIREMENT	DISCUSSION
<p><i>Housing Element Implementation Guidelines Development Standards:</i> <i>Development Standard 5.1.2:</i> <i>The county shall encourage compatibility with the surrounding area by identifying the best qualities, including materials and details, of the surrounding neighborhood and blending these characteristics within the project.</i></p>	<p>800 feet to the southeast of the project site.</p> <p>Consistent: As discussed above within the “Appeal Issues” and “Visual Resource” policies section, the project would be within reasonable keeping with the surrounding structures and the characteristics of the neighborhood.</p>
<p><i>Development Standard 5.1.3:</i> <i>The design of new single-family and multi-family dwellings should recognize the setting and character that define the adjacent neighborhoods. Innovative and creative residential design concepts should be used to enhance the social and aesthetic qualities of the community.</i></p> <p><i>Development Standard 5.1.4:</i> <i>To the maximum extent feasible, the bulk and scale of new structures shall blend in as effectively as possible to be compatible with adjoining properties with transition between established neighborhoods and newer ones, recognizing that in certain instances bulk and scale of development may be different but should be designed to be as compatible as possible. Design features should reduce visual prominence.</i></p> <p><i>Development Standard 5.1.8:</i> <i>The county shall take into account the rhythm of the streetscape between existing and new developments when considering new development.</i></p> <p><i>Development Standard 5.1.9:</i> <i>The county shall consider preservation and incorporation of unique and/or historical features of the area in the design of projects when considering new development.</i></p>	<p>Consistent: As discussed in the Appeal Issues section above, the scale of the proposed two-story residence is appropriate given that adjacent parcels to the north and south contain two-story residences. Additionally, the proposed location of the residence with respect to the front yard setback would provide a staggered effect with adjacent structures and provide a sense of visual relief for the streetscape. Lastly, the deep setback from the street provides ample area in the front yard to accommodate landscape plantings that would screen and soften the structure to further blend and transition into the neighborhood. Therefore, Condition #8 is recommended to require the applicant to submit a preliminary landscape plan for P&D review and approval prior to issuance of a Land Use Permit.</p>
<p><i>Development Standard 5.1.5:</i> <i>Front, side and rear yard setbacks should be compatible with adjoining neighborhoods transitioning to other standards in portions of projects that may be denser.</i></p>	
<p><i>Development Standard 5.1.6:</i> <i>The county shall take into account public view sheds when considering new developments.</i></p>	<p>Consistent: The project is for a residential structure in a residential neighborhood. Public views to the project location are limited to area</p>

REQUIREMENT	DISCUSSION
	streets and private residences and significant viewsheds would not be adversely affected.
<i>Development Standard 5.1.7: The county shall take into account solar and daylight access and views when considering new developments.</i>	Consistent: One of the purposes of setback requirements and height limits is to maintain solar and daylight access to adjacent parcels. The project complies with these requirements, and therefore, solar and daylight access would be achieved. As discussed in Development Standard 5.1.6, significant viewsheds would not be affected.

6.4 Ordinance Compliance

Single-family dwellings are a principally permitted use in the 20-R-1 Zone District. The project complies with the yard setback requirements of 50 feet from the centerline and 20 feet from the right-of-way line for the front, 10% of the lot width for the sides and 25 feet for the rear. At a proposed height of approximately 31 feet, the project complies with the maximum height requirement of 35 feet for the zone district.

The existing “tack room” in the western (rear) portion of the property is currently a violation (06ZEV-00000-00040) as it has been converted into a dwelling unit (violation reported on March 2, 2006 following approval of 06LUP-00000-00033). Therefore, to abate the violation, the tack room would need to be converted back to its original interior configuration or demolished altogether (see Condition #7).

6.5 Board of Architectural Review

The type and location of the proposed development does not require review and approval by the Board of Architectural Review (i.e. not Hillside/Ridgeline, not in Design Control Overlay District, etc.).

6.6 Community Land Use/Design Review Committee

The project site is not located in a neighborhood or affiliated with an association which privately regulates structural design.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

ATTACHMENTS

- A. Findings
- B. Approved Land Use Permit (06LUP-00000-00033) with additional conditions underlined
- C. Appeal Letter and Supplemental Information from Appellants
- D. Letters from Interested Parties for Applicant
- E. Site Plan, Floor Plan & Elevations

ATTACHMENT A: FINDINGS

Findings Required for Approval of a Land Use Permit pursuant to Section 35-314.5 of Article III.

- 1. That the proposed development conforms to the applicable policies of 1) the Comprehensive Plan and 2) with the applicable provisions of this Article and/or falls within the limited exception allowed under Section 35-306.7.**

The development complies with the setback and height regulations of the zone district, and as discussed in the policy analysis section, incorporated herein by reference, complies with the applicable policies of the Comprehensive Plan, including the Goleta Community Plan. Therefore, this finding can be made.

- 2. That the proposed development is located on a legally created lot.**

The parcel was created as part of the Arboleda Acres (aka – Hope Ranch Annex) and has been developed with a residence since the 1930's. Planning & Development approved a Land Use Permit and Building Permit (03LUP-00000-00011 & 03BDP-00000-00301) to authorize a 689 square foot addition to the pre-existing residence confirming the validity of the lot for planning purposes. Therefore, this finding can be made.

- 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 processing fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures under § 35-305 *et seq.***

As conditioned, the subject property would be in compliance with all laws rules and regulations of the Article III Inland Zoning Ordinance. Therefore, this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

Reference mitigation measure #'s in conditions.

Do not attach draft conditions if you are recommending denial of the case. Check with your supervisor to determine if draft conditions should be prepared prior to decision.

Revised 2/01

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