



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 and  
Development  
**Department No.:** 053  
**For Agenda Of:** March 14, 2023  
**Placement:** Set Hearing on March  
14, 2023 for April 4,  
2023  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Lisa Plowman, Director, Planning & Development, 805-568-2086  
Director(s)  
Contact Info: Travis Seawards, Deputy Director, Development Review  
Division, 805-568-2518

**SUBJECT:** Set hearing to consider the Smigel Appeal and Mackenzie Appeal of the Highway  
101 Widening Project, Segment 4D, Case No. 23APL-00001, 23APL-00002, First  
Supervisory District

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

On March 14, 2023, set a hearing for April 4, 2023, to consider Case No. 23APL-00001 and 23APL-00002, appeals by Scott Smigel and Bruce Mackenzie of the Planning Commission's December 14, 2022, approval of the Highway 101 Widening Project, Segment 4D (Case No. 21DVP-00000-00022, 21CDP-00000-00076).

On April 4, 2023, staff recommends that your Board take the following actions to deny the appeal and uphold the County Planning Commission's approval of the project:

- a) Deny the appeals, Case No. 23APL-00001, 23APL-00002;
- b) Make the required findings for approval of the project, Case Nos. 21DVP-00000-00022 and 21CDP-00000-00076, including the CEQA findings (Attachment 1);
- c) Consider the environmental effects of the project as shown in the EIR dated August 26, 2014, the Revised EIR dated October 27, 2017, the EIR Addendums dated June 1, 2018, May 3,

2020, May 5, 2021, and February 2022 prepared and certified by Caltrans, the lead agency, and determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project.

- d) Grant de novo approval the project, Case Nos. 21DVP-00000-00022 and 21CDP-00000-00076, subject to the conditions of approval included as Attachment 2 and Attachment 3.

Refer back to staff if the Board of Supervisors takes other than the recommended action.

**Summary Text:** The analysis related to this item will be docketed with a separate Board Agenda Letter for the departmental agenda of the April 4, 2023 hearing.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

Total costs for processing the appeals are approximately \$10,120 (40 hours of staff time). The costs for processing appeals are partially offset by a General Fund subsidy in Planning and Development's adopted budget. Funding for processing this appeal is budgeted in the Planning and Development Department's Permitted Budget Program, as shown on page D-397 of the County of Santa Barbara Fiscal Year (FY) 2022-2023 adopted budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on April 4, 2023. This notice shall appear in the Santa Barbara News-Press and Montecito Journal. The Clerk of the Board shall also fulfill mailed noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention Chris Schmuckal.

**Attachments:**

**Authored by:**

Chris Schmuckal, Planner, (805) 568-3510  
Development Review Division, Planning and Development Department