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OUR FILE NUMBER

21889-1

May 2, 2014

**VIA HAND DELIVERY**

Mr. Steve Lavagnino, Chair  
Board of Supervisors  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

Re: Pending Action on Summerland Community Plan Update  
Objection and Request for Correction to Height Limitation

Dear Chairman Lavagnino and Supervisors:

On May 6, 2014, your Board will consider the recommendations of the Planning Commission to approve the Summerland Community Plan Update as an amendment to the County's Comprehensive Plan and the Local Coastal Plan along with amendments to the County's Land Use and Development Code and the Coastal Zoning Ordinance, the approval of new Summerland Residential and Commercial Design Guidelines, and certification of a Supplemental EIR for the Community Plan Update. Our clients are four entities (CalProp I LLC, CalProp II LLC, CalProp III LLC and CalProp IV LLC) owning oceanfront residentially-zoned property within the Summerland Community Plan area and affected by proposed changes in height limitations expressed in the Ordinance amendments. While the CalProp entities support in general the effort to update the Summerland Community Plan, the related Ordinances, and the Guidelines, their support for the specific recommendations before you depends upon your adjustment to the recommended height limitation affecting their parcels.

Our clients' four parcels are located within the Padaro Lane EDRN (Existing Developed Rural Neighborhood). While the EDRN includes approximately 200 parcels, only six parcels are

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within the Summerland Plan area, and because they are all zoned 3-E-1, they have more in common with other 3-E-1 oceanfront parcels than with the dominant "tent lot" configuration of the Summerland community. Clearly a 3-E-1 parcel in this location is appropriate for estate-scale development. Our clients' position has long been that these parcels should not even be part of the Summerland Community Plan area and certainly should not be subject to unusual height, floor area, and other restrictions more appropriate to the core area of Summerland. We have worked for several years with members of the SUNPAC (Summerland Community Plan advisory group) and County staff to arrive at compromises that generally allow our clients' parcels to be treated similarly to the other properties along Padaro Lane and to similarly-zoned properties in the County as a whole.

As part of the recommended Ordinance amendments accompanying the Plan Update, the Planning Commission approved a modification in the allowed building height for parcels within the Padaro Lane EDRN of the Summerland Plan area. Specifically, the Commission recommends a height limitation of 25' with no adjustment for roof pitch. Our clients ask that you amend the Planning Commission's recommendations to allow an additional 3 feet of roof height for a pitched roof, for a total potential height of 28 feet, as is permitted on all other similar coastal properties in Santa Barbara County, including all of the other 3-E-1 properties in the Padaro Lane EDRN.

In fact Planning and Development staff recommended as part of the Plan Update process that the "Summerland only" height limit and methodology be eliminated and that the County's standard methodology and height limit of 25 feet to the peak plus 3 feet for a pitched roof be adopted. The rationale was to provide for uniform rules throughout the County, including those properties within the EDRN that are identically zoned 3-E-1. Despite the fact that County Counsel advised staff and then the Planning Commission that singling out parcels and applying inconsistent regulation would be akin to illegal "spot zoning," the Commission voted to recommend that the 3 foot addition for pitched roofs should not be allowed, thereby singling out six parcels from the allowance provided for all similarly-situated properties.

The practical impact of denying these estate-scale parcels the standard three foot roof pitch allowance is to actually lower the allowable height for these parcels from the current ordinance limitations and effectively force these property owners to a "flat roof" design or to a ridiculously small 20 foot house width in order to accommodate the height limitation. That cannot possibly be an attractive result for prominent oceanfront properties, and it clearly compromises the value of such properties in a way that neither the County nor our clients should find acceptable.

In summary, while our clients support the Plan Update, the related Ordinance amendments, the Guidelines and SEIR, the unreasonable height limitation directed specifically at their parcels is unacceptable. We ask you to amend the recommended Ordinance amendments to

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provide for the 3 foot roof pitch adjustment on the 25 foot height limitation for the rural neighborhood within the Summerland Plan area, thereby achieving the desired uniformity of requirements for similarly-situated parcels throughout the County.

We will attend your hearing and look forward to answering any questions you may have at that time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chip Wullbrandt". The signature is fluid and cursive, with a large loop at the end.

C.E. Chip Wullbrandt  
for PRICE, POSTEL & PARMA LLP

cc: Doug Harris