



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 & Development  
**Department No.:** 053  
**For Agenda Of:** January 30, 2018  
**Placement:** Set hearing on January 9, 2018 for January 30, 2018  
**Estimated Time:** 1.0 hour on January 30, 2018  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Glenn Russell, Ph.D., Director, Planning & Development  
Director (805) 568-2085  
Contact Info: Jeff Wilson, Deputy Director, Development Review Division  
(805) 568-2518

**SUBJECT:** O'Neil Residence, Variance, General Plan Amendment and Rezone, Case No's: 08GPA-00000-00007, 08RZN-00000-00006, 12VAR-00000-00012, and 08CDH-00000-00040

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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 January 9, 2018, set a hearing for January 30, 2018 to consider the following;

Hearing on the request of Patsy Price, agent for the owner, Jeffery O'Neil to consider the following:

- a) Case No. 08GPA-00000-00007, [application filed on July 30, 2008] for a Local Coastal Program Amendment to change the land use designation of the property from Recreation/Open Space to Residential, 4.6 units/acre;
- b) Case No. 08RZN-00000-00006, [application filed on July 30, 2008] for a rezone to change the zoning of the property from REC to 7-R-1;
- c) Case No. 12VAR-00000-00012, [application filed on February 8, 2012] for a Variance from the parking and setback regulations in compliance with Section 35-173 of the Article II Coastal Zoning

Ordinance on property zoned 7-R-1, to allow: a north setback of 2 feet 4 inches instead of the required 10 feet; an east setback of 8 feet instead of the required 10 feet; and, zero uncovered parking spaces instead of the required 2 uncovered parking spaces; and

- d) Case No. 08CDH-00000-00040 [application filed on November 12, 2008] for a Coastal Development Permit in compliance with Section 35-169.3 of Article II, the Coastal Zoning Ordinance, on property zoned 7-R-1 to permit demolition of a 1,443 square foot residence and construction of a new 2,218 square foot residence

On January 30, 2018, staff recommends that your Board deny the project by taking the following actions:

- a) Make the required findings for denial of the project specified in Attachment-1 of this Board Letter, including CEQA findings;
- b) Determine that denial of the project is exempt from CEQA pursuant to CEQA Guideline Section 15270(b), included as Attachment-2; and,
- c) Deny Case No's. 08GPA-00000-00007, 08RZN-00000-00006, 12VAR-00000-00012, and 08CDH-00000-00040.

Alternatively, in order to approve the project, take the following actions:

- a) Make the required findings for approval of the project specified in Attachment-5, including CEQA findings;
- b) Determine that the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15265, 15301(l)(1), and 15303(a). Please see the CEQA Exemption included as Attachment-7;
- c) Adopt the Board of Supervisors Resolution, included as Attachment-8, and amend the map titled Summerland Community Plan Land Use Designation Map to amend the land use designation of Assessor's Parcel Number 005-250-001 (Exhibit A) from Recreation/Open Space to Residential-4.6 Units Per Acre (Case No. 08GPA-00000-00007);
- d) Adopt the Board of Supervisors Zoning Map Amendment Ordinance, included as Attachment-9, and rezone Assessor's Parcel Number 005-250-001 from REC to 7-R-1 (Case No. 08RZN-00000-00006); and
- e) Approve Case No's. 08GPA-00000-00007, 08RZN-00000-00006, 12VAR-00000-00012, and 08CDH-00000-00040, subject to the conditions included as Attachment-6.

The application involves Assessor's Parcel Number (APN) 005-250-001, located at 2551 Wallace Avenue in the Summerland area, First Supervisorial District

**Summary Text:**

The proposed project would permit a new single family dwelling on a 0.10 acre coastal bluff top lot and includes four cases: a General Plan Amendment, a Rezone, a Variance, and a Coastal Development Permit with Hearing. The General Plan Amendment and Rezone are required because the Article II Coastal Zoning Ordinance does not permit single-family dwellings on property zoned and designated Recreation.

Standard permit processing requires General Plan Amendments and Rezones to first be heard by the Planning Commission which provides a recommendation to the Board of Supervisors. On August 12, 2015, the project was presented to the Santa Barbara County Planning Commission. Consistent with staff's recommendation, the County Planning Commission recommended denial of the proposed project to the Board of Supervisors (see the Planning Commission Action Letter, included as Attachment-4 to Attachment-15 of this Board Letter). On November 3, 2015, the project was presented to the Board of Supervisors with the County Planning Commission's recommendation. The Board of Supervisors referred the project back to Planning and Development and directed staff to complete all environmental review and to draft findings for approval in support of all project components (see the Board of Supervisors Action Letter, included as Attachment-14). Consistent with the direction of the Board of Supervisors, staff has completed environmental review for the project (CEQA Exemption, included as Attachment-7) and prepared findings for approval (Attachment-5). In order to support the findings for approval, staff has prepared a Comprehensive Plan policy consistency analysis (Attachment-10), an ordinance consistency analysis (Attachment-11), and conditions of approval (Attachment-6). However, staff continues to recommend denial of the project based upon further analysis of the project. Specifically, staff believes the project is proposed to be constructed an insufficient distance from the coastal bluff edge to be in compliance with geologic setback requirement of Coastal Plan Policy 3-4, and staff believes no adequate access or easements to extend sewer services to the property exist. In addition, staff believes that the findings to support the applicant's request for a variance to eliminate on-site parking cannot be made. Please see Attachment-1 (Findings of Denial) which are supported by a Comprehensive Plan policy inconsistency analysis for denial (Attachment-3) and ordinance inconsistency analysis for denial (Attachment-4).

**Background:**

- **1900:** Single-story residence constructed on-site.
- **1901:** Through County Ordinance 247 the property adjacent to and directly north of the subject property is quitclaimed by the County to the railroad.
- **1950's:** Property zoned BD-D (Beach Development District).
- **1973:** Site Designated REC under the Comprehensive Plan.
- **1984:** Property rezoned REC (Recreation) and the residence on-site becomes non-conforming.
- **1992:** Summerland Community Plan is adopted and the REC zoning of the property is maintained.
- **Early 2006:** Property is purchased by the current owner.
- **April 2006:** Property owner applies for 06CDH-00000-00020 to demolish the existing residence and construct a new residence.

- **August 2006:** Due to the non-conforming status of the home, the owner's request to demolish and rebuild the home requires a General Plan Amendment (GPA) and a Rezone (RZN). P&D notifies the property owner that a GPA and RNZ would not be supportable due to the clear intent of applicable land use designation, zoning and Coastal Policies that the property should be zoned REC (Recreation). No application for a GPA or RZN is submitted and the case is closed.
- **March 2007:** Property owner undertakes unpermitted demolition and construction. Building violation Case No. 07BDV-00000-00020 is opened as a result.
- **July 2008:** Property owner submits application for a GPA and RZN.
- **November 2008:** Property owner submits a Coastal Development Permit (CDH) application.
- **December 2008-December 2014:** CDH application remains incomplete due to lack of sufficient evidence of established legal access to the property, among other reasons.
- **October 2014:** Applicant appeals staff's September 24, 2014 determination of application incompleteness.
- **December 2014:** Application is deemed complete pursuant to Government Code Section 65943 because a decision regarding the appeal of the determination of application incompleteness was not made within 60 days of filing.
- **August 2015:** Santa Barbara County Planning Commission recommends denial of the proposed project (consistent with staff's recommendation) to the County Board of Supervisors.
- **November 2015:** Santa Barbara County Board of Supervisors refers the project back to Planning and Development and directs staff to initiate and complete all environmental review and to draft findings for approval in support of all project components.
- **September 7, 2016:** Applicant submits revised geologic study in response to comments from P&D geologic peer review consultant.
- **September 7, 2016-November 11, 2016:** Geologic peer review process between applicant and P&D geologic peer review consultant.
- **November 2015-January 2016:** Applicant prepares revised plans for Board of Architectural Review (BAR) meeting.
- **January 2016-February 3, 2017:** BAR review process. Meetings held on January 8, 2016, May 20, 2016, September 16, 2016, and February 3, 2017. Please see Attachment-12 for full BAR minutes for each meeting.
- **August 1, 2017-November 1, 2017:** P&D initiates and completes 90-day SBA-18 Native American Consultation noticing period required for the proposed General Plan Amendment.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The costs to process the project were borne by the applicant through the payment of processing fees. These fees are budgeted in the permitting program of the Department, as shown on page D-286 of the adopted 2017-18 fiscal year budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on January 20, 2018. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements using the attached labels. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos. A second minute order of the hearing shall be returned to Planning and Development, attention Nicole Lieu.

**Attachments:**

1. Findings for Denial
2. CEQA Exemption for Denial
3. Comprehensive Plan Policy Inconsistency Analysis for Denial
4. Ordinance Inconsistency Analysis for Denial
5. Findings for Approval
6. Conditions of Approval
7. CEQA Exemption for Approval
8. Resolution (Coastal Land Use Plan, Land Use Designation Amendment)
9. Ordinance (Article II Rezone, Zoning Map Amendment)
10. Comprehensive Plan Policy Consistency Analysis for Approval
11. Ordinance Consistency Analysis for Approval
12. SBAR Minutes
13. Project Plans
14. Board of Supervisors Action Letter, dated November 16, 2015
15. Board Agenda Letter for the County Planning Commission Recommendation for Denial of the O'Neil General Plan Amendment, Rezone, Variance, and Residence. Case No's: 08GPA-00000-00007, 08RZN-00000-00006, 12VAR-00000-00012, and 08CDH-00000-00040, dated October 20, 2015

**Authored by:**

Nicole Lieu, Senior Planner, (805) 884-8068  
Development Review Division, Planning and Development Department