



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: Set hearing on
September 21, 2021 for
October 12, 2021
Placement: Administrative
Estimated Time: 1.5 hours on October
12, 2021
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

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

SUBJECT: **SB Clark, LLC Residential Subdivision (Key Site 3)
General Plan Amendment 13GPA-00000-00005, Rezone 13RZN-00000-00001,
Vesting Tentative Tract Map 13TRM-00000-00001, Development Plan 13DVP-
0000-00010, Road Naming 17RDN-00000-00005**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On September 21, 2021, set a hearing for October 12, 2021, to consider the recommendations of the County Planning Commission to deny the SB Clark, LLC Residential Subdivision (Key Site 3) project (13GPA-00000-00005, 13RZN-00000-00001, 13TRM-00000-00001, 13DVP-0000-00010, 17RDN-00000-00005).

On October 12, 2021, to follow the recommendations of the County Planning Commission, your Board's action should include the following:

- a) Make the required findings for denial of the project, Case Nos. 13GPA-00000-00005, 13RZN-00000-00001, 13TRM-00000-00001, 13DVP-00000-00010 and 17RDN-00000-00005, as specified in Attachment 1, Findings for Denial. .
- b) Determine that denial of the project, Case Nos. 13GPA-00000-00005, 13RZN-00000-00001, 13TRM-00000-00001, 13DVP-00000-00010 and 17RDN-00000-00005, is exempt from CEQA

pursuant to CEQA Guidelines Section 15270 as specified in Attachment 2, CEQA Notice of Exemption; and

- c) Deny the project, General Plan Amendment (Case No. 13GPA-00000-00005), Rezone (13RZN-00000-00001), Vesting Tentative Tract Map (Case No. 13TRM-00000-00001), Development Plan (Case No. 13DVP-00000-00010) and Road Naming application (Case No. 17RDN-00000-00005).

Summary Text:

The County Planning Commission (PC) heard the Key Site 3 project on November 4, 2020, April 7, 2021, and May 26, 2021. On May 26, 2021, the PC recommended that the Board deny the project based on the inability to make findings pertaining to general community welfare, appropriateness of the proposed population density in the proposed PRD-zoned area of the site, and compatibility of the project with surrounding areas. A summary of the PC-recommended findings for denial is included beneath the project description below.

Project Description:

The project site currently has two zoning and land use designations which include 138.6 acres of Rural Ranchette, 10 acre minimum parcel size (RR-10) and 8 acres of Multi-family Residential – Orcutt, 20 units per acre (MR-O). The proposed project is a request by SB Clark, LLC (property owner) for approval of Vesting Tentative Tract Map (VTTM), General Plan Amendment, Rezone, Development Plan, and associated request for Road Naming. The proposed project includes the following components:

- The rezoning of 138.6 acres of the subject parcel from RR-10 to PRD.
- The development of 119 single-family detached, small-lot residential units, clustered on the northern portion of the project site;
- 113.5 acres of public and private open space (82% of the total project site), including the upper mesa bluff area, Orcutt Creek, private parks and trails, public multi-use trails, landscaped basins, and areas of natural and restored habitat on hillsides and creeks;
- A two-lot subdivision of an 8-acre portion of the site that was rezoned to MR-O in February of 2009 as part of the Housing Element Focused Rezone Program.
- Approval of a total of 134 lots on Key Site 3, as shown in Table 1 below, and in Attachment 5.

Table 1: Vesting Tentative Tract Map Proposed Lots		
Use	Number of Lots	Acreage
Roads (Public & Private), Driveways, Sidewalks, Paths & Swales	4	7.8
Public Open Space	1	91.0
Private Open Space	8	22.5
Condominium Lots (MR-O)	2	8.0
Single-family Cluster Homes and Private Yards	119	9.3
Total	134	138.6

The Development Plan provides details of site development in the area proposed to be rezoned Planned Residential Development (PRD) and developed with 119 single-family homes. A full description of the proposed Key Site 3 project components, including the Mesa Neighborhood, parks and trails, the proposed

Homeowners’ Association, affordable housing in-lieu fees, lighting and fencing, as well as all infrastructure and access components, can be found in Attachment 9.

Planned Residential Development Standards:

The General Plan Amendment would change the Land Use Designation of Residential Ranchette with RR-10 zoning to Planned Development with Planned Residential Development (PRD) zoning. PRD zoning calls for specific development standards, such as setbacks, to be established by a Final Development Plan. The proposed Key Site 3 PRD Development Standards are summarized in Table 2 below.

Table 2: Proposed PRD Development Standards & Services	
Development Feature	Mesa Clustered Homes
Area of Neighborhood/ Number of Units Planned	35 acres/119 units
Minimum Lot Size	3,100 gross sq. ft.
Setbacks:	
<i>Front</i>	Average 13’ Minimum 2’
<i>Side</i>	Minimum One Side 7’ Minimum Opposite Side 0’
<i>Rear</i>	Minimum 9’
<i>Accessory Structures</i>	CC&Rs to be consistent w/ County LUDC Section 35.42.020
<i>Building Separation</i>	Minimum 10’
Site Coverage	45% maximum
Height Limit	35’. Units are limited to single story immediately adjacent to northerly and westerly perimeter of Mesa, Mesa bluff and along U. S. Highway 101 frontage.
Parking	Covered Parking: 2 spaces/unit 25 Visitor Parking spaces Street Parking
Road Network	Primary access to Clark Ave. Secondary access to Stillwell Rd. via Chancellor St. (see Development Plan Maps for precise connection points)
Utility Service	Water - Golden State Sewer - LCSD Cable TV – Comcast Gas - SoCalGas Phone - Verizon Power - PG&E

General Plan Amendment Proposal:

The applicant proposes to amend the OCP Key Site 3-specific policies and development standards and maps as follows:

Table 3: Proposed Orcutt Community Plan Amendments	
OCP Policy	Proposed Text Amendment
Policy KS3-1	Key Site 3 (APN 129-151-26) is designated Res Ranch and PD, Residential 20.0, and Open Space and zoned RR-10 and PRD-119 and MR-O. Any proposed development on Key Site 3 shall comply with the following development standards.
DevStd KS3-5	The bikepath, hiking <u>public multi-use trails</u> , rest area, and secondary access roads shall be located to minimize loss of significant vegetation.
DevStd KS3-6	No development, other than a secondary access road from Oakbrook Lane to <u>Chancellor Street</u> , shall occur within 100 feet of the dripline of the vegetation in the southwest corner of the northern mesa, or within a 25 foot-buffer from the top of bluff of the canyon in the northeast corner of the site.
DevStd KS3-7	Primary access to the site shall be from the frontage road along US Hwy 101. The existing easement over Site 2 shall be renegotiated to accommodate development of Site 2 and to align with the “preferred access point” intersection. The developer shall coordinate with P&D, Public Works Transportation Division, and the Fire Department to ensure appropriate secondary access from Oakbrook Lane . <u>Chancellor Street using the developer’s existing Chancellor Street easement.</u>
DevStd KS3-10	The developer shall dedicate an easement for, and construct, a flood control/emergency access route along Orcutt Creek which can also be used as <u>an off road Class I bikepath</u> as well as <u>hiking public multi-use trails</u> through Key Site 3, with appropriate links to new onsite development.
Orcutt Community Plan PRT Map	The OCP PRT Map is revised to show the proposed multi-use trails. The trails will be realigned in conformance with the approved GPA Resolution. The planned trail connection between Key Site 3 and the southeast endpoint of Chancellor Street will remain to enable a future connection when development occurs there.

Planning Commission Recommendation:

The proposed Key Site 3 project, described above, was first heard by the Planning Commission on November 4, 2020. During the Planning Commission hearing of November 4, 2020, the Key Site 3 project was continued to January 13, 2021. The Planning Commission directed staff to return with additional information regarding the following:

- Potential for a reduction in project density;
- Potential for a private Chancellor Street maintenance agreement;
- Status of the Chancellor Street gate and how it would be impacted by the project;
- Potential for a safety wall between the proposed primary access road and the Sunny Hills Mobile Home Park (MHP) adjacent to Highway 101;
- Trips added to Clark Avenue and the potential for signalization of the Clark Avenue/Sunny Hills intersection; and
- Fire hazards in the designated open space and how they are addressed and mitigated.

The project was subsequently continued to February 10, 2021, and then to April 7, 2021, to allow additional time for the applicant to explore options for a maintenance agreement with residents along Chancellor Street. A draft agreement between the Chancellor Street neighbors and Applicant was negotiated and prepared but was ultimately not signed or recorded. The land use agent representing the

Chancellor Street neighbors indicated by email on March 15, 2021, that the neighbors would not continue to pursue an agreement with the project applicant.

At the County Planning Commission hearing of April 7, 2021, the Planning Commission voted to continue this item to the hearing of May 26, 2021 and directed staff to draft findings for denial for the following reasons:

- 1) The project is not consistent with the surrounding area and the proposed density is not compatible with the community. In order to ensure neighborhood compatibility, the Commission would like to see a larger portion of the Key Site developed at a lower density, and the designated open space should be reduced to accommodate housing on more of the property.
- 2) Secondary access is not firmly established to support the impacts of the project and the developer does not have a private maintenance agreement in place, as was requested by the Planning Commission at the November 4, 2020 hearing. Additionally, the developer should utilize secondary access that is not along Chancellor Street (e.g. along Oakbrook Lane).

On May 26, 2021 the Planning Commission voted to recommend denial of the project based on inability to make the following findings:

- 1) The request is in the interests of the general community welfare. The Commission recommended that the Board find that the proposal for 119 clustered single-family residences is not consistent with the existing housing density in the surrounding area, and that the proposed density of 119 homes on the northern mesa area is not compatible with the surrounding community. Further, the Commission stated that the applicant does not have a private maintenance agreement in place to delineate maintenance responsibilities on Chancellor Street, thus amending the Orcutt Community Plan to move secondary access from Oakbrook Lane to Chancellor Street is not in the interests of the general community welfare.
- 2) That the overall estimated population density which will result upon full development of the property under the PRD zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas. The Commission recommended that the Board find that the overall estimated population density at full development of the property under the PRD zone in accordance with the Development Plan will have a detrimental effect upon surrounding areas due to neighborhood quality of life incompatibilities, traffic concerns over the safety of an unsignalized intersection at Clark Avenue and Sunny Hills Road, and concerns over increased traffic along Chancellor Street.
- 3) The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area. The Commission recommended that the Board find that the proposed project will be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and that the project will be incompatible with the surrounding area because the proposed density will exceed that of the existing surrounding residential development, particularly in comparison to the larger lot residential development along Oakbrook Lane and Chancellor Street. The Commission stated that the proposed project density and smaller lot size is not compatible with the existing rural ranchette

development to the west of Key Site 3, and that the proposed project is required to provide secondary access to comply with the County Fire condition letter dated April 5, 2021. The Commission stated that full secondary access has not been firmly established and the applicant does not have a private maintenance agreement in place to delineate maintenance responsibilities on the access road that they possess an easement for ingress, egress, and public road purposes over.

The full Planning Commission-recommended Findings for Denial are included as Attachment 1. Minor revisions to the Planning Commission-recommended Findings for Denial have been made for clarity.

Background: Key Site 3 History:

The Orcutt Community Plan (OCP) identifies the subject parcel as “Key Site 3 (Smith).” The OCP outlines areas suitable for development and on-site development constraints related to: flood hazards and aesthetic qualities of Orcutt Creek, visual resources, compatibility with adjoining uses, limited access, noise, fire hazards, and archaeological resources.

On February 24, 2009, the County Board of Supervisors approved the Housing Element Focused Rezone Program to select and rezone Key Site 3 Multi-Family Residential - Orcutt (MR-O) zoning designation to provide 370 units of residential capacity in the County General Plan. The Housing Element approval amended the OCP, the Land Use Development Code, and the Santa Barbara County Zoning Map to change an 8-acre portion of Key Site 3 to a Residential-20 land use designation with MR-O zoning. The Rezone Program also approved the future development of 160 high-density multi-family townhome units that can be constructed “by right”.

On March 13, 2012, the Santa Barbara County Board of Supervisors considered and denied a project on Key Site 3 that would have allowed for the development of 125 residential units located on the northern (80 units) and central low-lying (45 units) portions of the site. The Board of Supervisors found that project to be inconsistent with the Comprehensive Plan, including the Orcutt Community Plan, since it would have allowed for the development of residential units within the area identified in the Orcutt Community Plan as designated open space. The resulting fragmented open-space areas were also found to be inconsistent with the policies that pertain to the protection of biological and visual resources, as well as the preservation of the visual character of the Orcutt area. This proposed project does not include residential development in the designated open space.

Table 4 below summarizes the density evaluated by the OCP EIR (adopted 1997), the rezone evaluated by the Rezone Program EIR, and the proposed project density:

Table 4: Density Evaluated in EIRs			
	OCP EIR (1997)	Rezone Program EIR (2009)	Final SEIR and Revision Letter
Summary	Evaluated a 200-unit increase in development potential, with 3.3 units per acre (164 units clustered in approx.. 38 acres) on the northern mesa and 0.5 units per acre (48 units clustered on 17 acres) on the central	Evaluated 8 acres of the northern mesa portion of Key Site 3 for increased density, and approved 20 units per acre (up to 160 multi-family units). No change in open space.	Final SEIR evaluated 125 SFD units on the northern mesa, which was later reduced by the applicant to 119 acres (SEIR Revision Letter) to increase setbacks from the gully and

Table 4: Density Evaluated in EIRs			
	OCP EIR (1997)	Rezone Program EIR (2009)	Final SEIR and Revision Letter
	portion of the site. Accounted for 52.4 acres of open space		Highway 101. 91 acres of public open space and 22.5 acres of private open space.
Evaluated Density	212 units with PD-0.5 and PD-3.3	20 units per acre up to 160 multifamily units in MR-O	119 SFD units of PRD and the approved 20 units per acre on MR-O zoning
Total KS 3 Development	Up to 212 units	Up to 285 units	279 units

Additional Information:

Secondary Access

Orcutt Community Plan Development Standard FIRE-2.2 requires the proposed project to have a minimum of two routes of ingress and egress that are open and unobstructed. To meet this requirement, the applicant proposes to provide a secondary access road using Chancellor Street between the project site and Stillwell Road. This secondary access road is currently gated. The project applicant has an 80-ft. wide non-exclusive easement over Chancellor Street for ingress, egress, and public road purposes and the gate structure is currently located within the nonexclusive easement.

The easement in question is not subject to an existing maintenance agreement. A draft agreement between the Chancellor Street neighbors and Applicant was negotiated and prepared but was ultimately not signed or recorded. The land use agent representing the Chancellor Street neighbors indicated by email on March 15, 2021, that the neighbors would not continue to pursue an agreement with the project applicant.

Two continuances of the project were granted to January 13, 2021, and February 10, 2021, to allow additional time for the applicant to explore options for a maintenance agreement with residents along Chancellor Street.

As stated in the updated Fire condition letter dated April 5, 2021, the existing gate structure on Chancellor Street may remain and shall be available for use for ingress and egress purposes by all residents of Key Site 3 prior to issuance of the land use clearance for construction of the first building onsite and throughout the life of the project.

As discussed in the Planning Commission Recommendation section above, the Planning Commission stated that because secondary access is not firmly established to support the impacts of the project and the developer does not have a private maintenance agreement in place, as was requested by the Planning Commission at the November 4, 2020 hearing. The developer should utilize secondary access that is not along Chancellor Street.

Proposed Rezone

The applicant submitted an application to consider a rezone for the site to Planned Residential Development. Approximately 138 acres of Key Site 3 are currently zoned Residential Ranchette (RR-10), and the remaining 8 acres of the site are zoned Multi-Family Residential - Orcutt (MR-O). It should be

noted that the applicant has completed the steps necessary for the County to consider the proposed rezone pursuant to Policy KS3-2 of the Orcutt Community Plan. In conformance with OCP requirements, the applicant is proposing to dedicate the open space area shown on Figure KS3-1 of the OCP to the County as permanent open space (Attachment 9, Condition No. 21 of Attachment B.1). In addition, the applicant entered into and recorded an agreement with the Orcutt Unified School District to mitigate any impacts of the project on area schools (Attachment 5).

Multi-Family Residential - Orcutt (MR-O) Zone District

In February of 2009, the County Board of Supervisors approved the Housing Element Focused Rezone Program (Rezone Program), which amended the OCP, the Land Use Development Code, and the Santa Barbara County Zoning Map. The Rezone Program amended the land use designation and zoning of 8-acres of Key Site 3 to Residential-20 land use designation, and Multi-Family Residential - Orcutt (MR-O) zoning. The Rezone Program also approved the future development of 160 high-density multi-family townhome units that can be constructed “by right”. Additionally, the LUDC states in Section 35.23.130 that no further environmental review, public hearing, or discretionary approval is required for projects in the MR-O, and that they have already complied with the requisite discretionary approval and environmental review process and public hearings before the Commission and the Board concurrent with the processing of the 2003-2008 Housing Element Focused Rezone Program. As such, the 160 units are not a part of the proposed project.

The approval of the project would establish the following in regards to the MR-O-zoned area:

- The mapping of the specific, 8-acre MR-O-zoned area.
- The subdivision of the MR-O zoned area into two lots.
- The identification and mapping of infrastructure in the MR-O-zoned area associated with the Key Site 3 project (roads, utilities, etc.).

The environmental impacts associated with the future development of the MR-O zoned area of Key Site 3 were evaluated in the Focused Rezone Program EIR (State Clearinghouse #2008061139, Santa Barbara County, 2008) and only considered as part of the cumulative development analyzed in this project’s SEIR. References to proposed residential development throughout the staff report and staff memos are specific to the proposed 119 single-family dwellings unless otherwise noted.

Fiscal and Facilities Impacts:

Budgeted: Yes. The costs to process the project were borne by the applicant through the payment of processing fees. Funding for this project is budgeted in the Planning and Development’s Permitting Budget Program on page D-301 of the County of Santa Barbara Fiscal Year 2021-22 adopted budget.

Special Instructions:

Planning and Development shall publish a legal notice in the *Santa Maria Times* at least 10 days prior to the hearing on October 12, 2021. The Clerk of the Board shall fulfill mailed noticing requirements, and send a copy of the notice and proof of publication to the Planning and Development Department, Hearing Support.

The Clerk of the Board shall provide a copy of the Board Minute Order to the Planning and Development Department, Hearing Support, Attention: David Villalobos. A second Board Minute Order of the hearing shall be forwarded to the Planning and Development Department, Attention: Shannon Reese.

Attachments:

1. Findings for Denial
2. CEQA Notice of Exemption for Denial
3. Planning Commission Resolution No. 21-08 Denial of Amendment to the Comprehensive Plan to revise the Orcutt Community Plan
4. Planning Commission Resolution No. 21-07 Denial of Amendments to the Zoning Map of the LUDC
5. Planning Commission Staff Report dated October 15, 2020, with Attachments (link)
6. Planning Commission Action Letter of the May 26, 2021 Planning Commission Hearing
7. Planning Commission Memorandum dated November 3, 2021 with Attachments (link)
8. Planning Commission Memorandum dated March 30, 2021 with Attachments (link)
9. Planning Commission Memorandum dated April 5, 2021 with Attachments (link)
10. Planning Commission Memorandum dated May 18, 2021 with Attachments (link)

Authored by:

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Development Review Division, Planning and Development Department