



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: 6/23/2015
Placement: Set Hearing
Estimated Time: 1.5 hours on 7/07/2015
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D. Director, Planning & Development
Director 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review
568-2518

SUBJECT: Las Varas Ranch Project
3rd Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions: On June 23, 2015, set a hearing for July 7, 2015 to consider the Planning Commission's recommendations regarding the Las Varas Ranch Project (Case Nos. 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006, 07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, and 15CDP-00000-00028). On July 7, 2015, the Planning Commission recommends that your Board take the following actions:

1. For the Lot Line Adjustments, Tentative Parcel Map, Conditional Use Permit, and associated Coastal Development Permits (Case Nos. 05LLA-00000-00005, 05LLA-00000-00006, 05TPM-00000-00002, 07CUP-00000-00057, 11CDP-00000-00078, 15CDP-00000-00026, and 15CDP-00000-00027):
 - a. Make the required findings for denial of the project specified in Attachment 1, including CEQA findings;
 - b. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guideline Section 15270, included in the attached Notice of Exemption (Attachment 2); and

- c. Deny the project (Case Nos. 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057, 11CDP-00000-00078, 15CDP-00000-00026, and 15CDP-00000-00027).
2. For the Rezones, Conditional Certificate of Compliance and associated Coastal Development Permit (Case Nos. 07RZN-00000-00006, 07RZN-00000-00007, 11COC-00000-00001, and 15CDP-00000-00028):
 - a. Make the required findings for approval of the project specified in Attachment 3, including CEQA findings;
 - b. Approve and adopt an ordinance amending the zoning map for the subject parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 (Attachment 5 – Ordinance for the Rezones);
 - c. Determine the rezones and conditional certificate of compliance exempt from CEQA pursuant to CEQA Guideline Sections 15061(b)(3) and 15305, included in the attached Notice of Exemption (Attachment 4); and
 - d. Approve the Rezones (07RZN-00000-00007 and 07RZN-00000-00006) and Conditional Certificate of Compliance and accompanying Coastal Development Permit (11COC-00000-00001 and 15CDP-00000-00028).

Alternatively, refer back to staff if your Board takes other than the recommended action for appropriate findings and, if necessary, conditions of approval.

The applications involve Assessor Parcel Nos. 079-080-001, -002, -009, -012, -013, -014, -022, and 081-240-049 [total of 1,784 acres] located at 10045 Calle Real in the Gaviota area, Third Supervisorial District.

Summary Text:

On February 17, 2015, your Board considered the adequacy of the Las Varas Ranch EIR and concluded that aside from the addition of minor clarifications recommended by staff, no additional environmental review was required. Your Board directed that staff return to the Planning Commission for a recommendation on the full project. Pursuant to your Board's direction, staff prepared an EIR Revision Letter to update the EIR to incorporate minor new information and clarifications identified during the public hearing process. The proposed project, along with the Revised Final EIR and EIR Revision Letter, were presented to the County Planning Commission on April 29, 2015 for a recommendation to the Board. After considering the project, the EIR, and the required findings for approval, the Planning Commission voted 3 to 2 (Blough and Ferini voted no) to recommend denial of the project with the exception of the two Rezone applications and Conditional Certificate of Compliance (COC), for which the Planning Commission voted 5 to 0 to recommend approval.

As reflected in the attached Findings for Denial (Attachment 1), the Planning Commission's recommendation for denial was based primarily on the project's inconsistency with County and State policies which require the preservation of agricultural resources and the protection of significant biological and visual resources. In addition, the Planning Commission concluded that the mitigation

measures identified in the EIR to address impacts to agricultural resources, biological resources, and visual resources are not adequate to reduce impacts to less than significant levels. Since the Planning Commission recommends denial of the project and rejection of the EIR, the EIR is not presented to your Board as part of this board letter package. Rather, a CEQA Exemption has been prepared (Attachment 2) pursuant to CEQA Guidelines Section 15270, which confirms that projects which the review authority is denying are exempt from review under CEQA.

In regards to the two Rezone applications, the Planning Commission recommends approval since those are consistency rezones from zoning under Ordinance 661 to the applicable zoning under the Land Use and Development Code (LUDC), thereby updating the zoning of the subject parcels consistent with current governing ordinances and the land use designation in the Comprehensive Plan. This results in rezoning the inland lots from Unlimited Agriculture (U) under Ordinance 661 to AG-II-100 under the LUDC.

For the COC for one of the bluff-top lots (and associated Coastal Development Permit), the Planning Commission recommends approval since State and local ordinances require that the County issue either a certificate of compliance or conditional certificate of compliance upon request.

The lot that is subject to the COC (the 94-acre middle lot in between the railroad and ocean) was illegally created in 1960 but the current owners did not obtain their interest in the lot until 1969. Because the purchasers were an innocent party in the illegal subdivision, the land use laws that were in effect at the time of purchase guide the conditioning of the COC, including minimum lot size. In the instant case, zoning at the time of purchase provided for a 10-acre minimum lot size under Ordinance 661. Because the existing parcel met the minimum parcel size requirement in place at the time it was acquired by the current owners, it does not need to increase in size to meet the minimum parcel size of 100 acres under current zoning (AG-II-100). The COC was reviewed by the Subdivision Development Review Committee and received no comments or conditions from any of the department representatives. Additionally, the Surveyor prepared a written analysis that served as the basis for processing the COC. Assuming an application for development of the lot is submitted to the County in the future, such development would be conditioned at that time in order to ensure policy consistency, comply with any applicable ordinance requirements, and provide maximum feasible mitigation of potentially significant impacts identified through the course of project analysis. Since the lot is in the appeals jurisdiction of the coastal zone, permitting would be discretionary and subject to CEQA.

Attachment 3 includes the findings for approval of the Rezones and COC, Attachment 4 includes the CEQA Exemption associated with those project elements, and Attachments 5 and 6 contain the conditions of approval applied to the COC and associated Coastal Development Permit.

Background:

The full proposed project considered by the Planning Commission, most of which is recommended for denial, involves a reconfiguration of existing parcels within Las Varas Ranch on the Gaviota Coast, as well as the identification of residential development envelopes within each newly configured lot. No residential development is currently proposed, though infrastructure including development of a private shared water system and access road improvements would be constructed as part of the current proposed project. In addition to these project elements, the project includes consistency rezones of the inland parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 under the Land Use &

Development Code. The entire ranch is composed of 10 parcels totaling approximately 1,802 acres. The project includes nine of these lots comprising 1,784 acres, seven of which are considered residentially developable. The proposed project including mergers, lot line adjustments, and a tentative parcel map would result in a total of seven lots, two lots north of the highway and five lots south of the highway. Therefore, the overall number of lots would decrease by two and the number of developable lots would be unchanged (7) as a result of this project. The project has the effect of shifting one developable lot from the north side of the highway to the south side of the highway.

Fiscal and Facilities Impacts:

Budgeted: Yes

County costs for processing this application are fully reimbursed by the applicant in conformance with the current Board-adopted fee schedule. Permit revenues are budgeted in Departmental Revenues of the Development Review Division on page D-212 of the adopted 2014-2015 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on July 7, 2015. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed noticed are attached. 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.

Attachments:

- Attachment 1: Findings for Denial
- Attachment 2: CEQA Exemption for Project Denial
- Attachment 3: Findings for Approval of Rezone and COC
- Attachment 4: CEQA Exemption for Rezone and COC
- Attachment 5: Rezone Ordinance Amendment
- Attachment 6: COC Conditions of Approval (11COC-00000-00001)
- Attachment 7: COC Coastal Development Permit (15CDP-00000-00028)
- Attachment 8: Planning Commission Staff Memorandum, April 9, 2015
- Attachment 9: Planning Commission Action Letter, April 29, 2015

Authored by: Alex Tuttle, 884-6844