

Attachment-11

Article II Coastal Zoning Ordinance Consistency Analysis

Zoning Designation

The subject 0.10-acre property is currently zoned REC (Recreation) and is proposed to be rezoned to 7-R-1 (Single-Family Residential, 7,000 square foot/.16-acre minimum lot size) under the requested Rezone. With regard to REC zoned parcels, Article II Section 35-89.1 states, *“The purpose of this district is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features. Such development should offer recreational uses which compliment and are appropriate to the area because of these features.”* While the property is coastal adjacent and therefore possesses aesthetic beauty associated with natural features consistent with the REC zone designation, it is also constrained by factors which make the property unsuited to high-quality recreational use. Specifically, the lot’s small size (a total of 4,356 square feet), conflicting surrounding zoning and land uses (“Transportation Corridor” and UPRR tracks), and its isolation from the beach by a steep coastal bluff limit the recreational opportunities for the lot.

With regard to R-1 zoned parcels, Article II Section 35-71.1 states, *“The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.”* The Rezone would convert the property to 7-R-1 such that it would be consistent with the proposed use of the parcel for single-family residential use. While the 0.10- acre property is below the minimum lot area (7,000 square feet/.16 acres) for the 7-R-1 zone, the rezone is acceptable from this perspective because the subject property is an existing legal lot of record and because Article II, Section 35-71.6.2 states *“a dwelling may be located upon a lot with less area than required in Section 35-71.6.1 unless such lot is a fraction lot.”* The subject lot is not a fraction lot. In addition, 7-R-1 is the zone district with the lowest acreage requirement of all the County’s zone districts and is therefore the most appropriate residential zoning designation to use for the request.

Services

Article II Section 35-60.5 states, *“Prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are*

required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated on the Land Use Plan or zoning maps.”

Water service for the site will be provided by the Montecito Water District. The Montecito Water District provided a Certificate of Water Service Availability dated August 14, 2015 and an existing waterline located within an existing easement provides water service to the site. Sanitary service will be provided by the Summerland Sanitary District. The Summerland Sanitary District provided a “Can and Will Serve” letter dated July 31, 2017. The letter specifies that the property owner is responsible for complying with all District requirements for a connection permit. Condition 20 (Attachment-6 to the Board Letter dated January 9, 2018) requires that prior to issuance of the Coastal Development Permit, the applicant update the project site plan to indicate the location of the proposed sewer line and sewer line easement and provide written confirmation from the Summerland Sanitary District that the updated plans and project have complied with all District requirements for connection. Pursuant to the applicant, access is provided by an unnamed access road via Wallace Avenue. Historic documents presented by the applicant pertaining to the unnamed access road are included as Attachments 16 and 17 of Attachment-15 to the Board Letter dated January 9, 2018. Fire Service will be provided by the Carpinteria-Summerland Fire District and police services will be provided by the County Sheriff. Therefore, the project is consistent with this ordinance requirement.

Height

Article II Coastal Zoning Ordinance View Corridor Overlay District Section 35-96.3 states,

“The Board of Architectural Review shall approve the plans if it finds conformance with the following standards:

- a. Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.*
- b. Building height shall not exceed 15 feet above average finished grades, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the base zone district shall apply.”*

The proposed residence is 22 ft 3 inches in height with 31 foot 6 inch tower. Pursuant to Section Article II Section 35-96.3, the Board of Architectural Review (BAR) may provide approval for the project to exceed the view corridor height limit and pursuant to Article II Section 35-127.A.3, “Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not

prohibited by Section 35-96 (VC - View Corridor Overlay District).”The Board of Architectural Review (BAR) reviewed the project on seven separate occasions and specifically considered the applicant’s request to exceed the view corridor height limitation for the 22 ft 3 inch residence with 31 foot 6 inch tower (which is not used for human activity within the portion exceeding the zone district height limit). On February 3, 2017 the BAR indicated that they “[Accept] the height as proposed in exceedence of view corridor height limitations for good design,” and that the project “will add to the character of the area.”

Setback and Parking Variance

The project is subject to a minimum 10 foot setback on all sides due to the fact that it is an interior lot (see Article II Section 35-126.3 for interior lot setback standards.) The project meets this requirement with a 10 foot western side setback and approximately 23 foot south/front setback The project includes a request for a Variance from the parking and setback regulations to allow: a rear setback of 2 feet 4 inches instead of the required 10 feet; a side setback of 8 feet instead of the required 10 feet; and, zero uncovered parking spaces instead of the required 2 uncovered parking spaces.

With regard to Variance requests, Article II, Section 35-173.2.2 (applicability) states,

“Where, because of unusual circumstances applicable to the lot such as size, shape, topography, location or surroundings, the strict application of the zoning regulations to land, buildings and structures would deprive such property of privileges enjoyed by other property in the vicinity with identical zoning, variances may be granted except that:

- a. In no case shall a variance be granted to permit a use or activity which is not otherwise permitted in the district in which the property is situated.*
- b. In no case shall a variance from the procedural regulations of this Article be granted.*
- c. In no case shall a variance from the required number of parking spaces be granted as provided in Section 35-76, Medium Density Student Residential, Section 35-77, High Density Student Residential, and Section 35-102A, Single Family Restricted Overlay District.”*

The unusual circumstances applicable to the property relate to its size, location, topography and surroundings. The property is relatively small, at 0.10 acres in size, and is constrained by a coastal bluff and required bluff-top setback to the south. In addition, the property is constrained by UPRR tracks to the north. Following rezone of the property from REC to 7-R-1, construction of a residence would be a permitted use/activity, and therefore the project would be compliant with Article II, Section 35-173.2.2.a. Consistent with Article II, Sections 35-173.2.2.b and c, no

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O'Neil Residence

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08RZN-00000-00006, 12VAR-00000-00012,
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request for a variance from procedural regulations is proposed and the request for a reduction in parking spaces is not for a property located within the Medium or High Density Student Residential Overlay District. Please refer to Attachment-5 (Findings of Approval) to the January 9, 2017 Board Letter for an analysis of the required findings for approval of a variance pursuant to Article II Section 35-173.6.