



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 and Development
Department No.: 053
For Agenda Of: March 1, 2022
Placement: Administrative: Set Hearing on March 1, 2022 for March 15, 2022
Estimated Time: 1.5 hours on March 15, 2022
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director: (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: **Steiner Appeal of the Ruffino Tentative Parcel Map, Case Nos. 21APL-00000-00078 and 20TPM-00000-00003, Fourth Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On March 1, 2022, set a hearing for March 15, 2022, to consider Case No. 21APL-00000-00078, an appeal of the Planning Commission's December 1, 2021, approval of the Ruffino Tentative Parcel Map, Case No. 20TPM-00000-00003. The appeal was filed by Seth Steiner, President of the Shaw Street Maintenance Association (SSMA).

On March 15, 2022, staff recommends that your Board take the following actions to deny the appeal and approve the Proposed Project:

- a) Deny the appeal, Case No. 21APL-00000-00078;
- b) Make the required findings for approval of the Project, Case No. 20TPM-00000-00003 (included as Attachment 1), including CEQA findings;
- c) Determine that based on the CEQA Consistency Analysis and Examination of Environmental Effects Document (Attachment 3.B) and previously certified EIR for the Los Alamos Community Plan (Attachment 4), the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15183 as stated in the Notice of Exemption (Attachment 3.A); and,

- d) Approve the Project *de novo*, Case No. 20TPM-00000-00003, subject to the conditions of approval (included as Attachment 2).

A. Background

On June 10, 2020, the Applicant submitted the application for a Tentative Parcel Map to subdivide one parcel of 66,645 square feet into four parcels ranging from 12,415 square feet to 19,305 square feet. On January 28, 2021, a community meeting was held over Zoom to inform the Los Alamos community about the Proposed Project and address their questions and concerns. The Proposed Project was heard and approved by the Zoning Administrator on August 23, 2021. The Zoning Administrator’s decision was appealed (Case No. 21APL-00000-00045) to the Planning Commission, which heard and approved the Proposed Project on December 1, 2021. On December 10, 2021, the Appellant, Seth Steiner, filed a timely appeal (Case No. 21APL-00000-00078) of the Planning Commission’s approval.

Staff reviewed the appeal issues and finds that the Proposed Project is consistent with the Santa Barbara County Comprehensive Plan, including the Los Alamos Community Plan (LACP), the Land Use and Development Code (LUDC), and Chapter 21 of the County Code. The information included in this Board Agenda Letter supports *de novo* approval of the Ruffino Tentative Parcel Map.

B. Proposed Project

The project is a request for the approval of Tentative Parcel Map to subdivide one 66,645 square foot parcel into the following four parcels:

Parcel 1	19,305 net square feet
Parcel 2	17,947 net square feet
Parcel 3	16,980 net square feet
Parcel 4	12,415 net square feet

Parcel 4 will be accessed from Main Street via a 20-foot-wide access easement. The remaining three parcels will be accessed from Shaw Street via a proposed 24-foot-wide access easement. Secondary egress will be allowed onto Main Street for Parcels 1, 2, and 3. Ingress from Main Street to Parcels 1, 2, and 3 will be limited to emergency vehicles by a future access gate. All physical improvements, including grading, will require the approval of additional permits. The proposed subdivision will be served by the Los Alamos Community Services District (LACSD) and the County Fire Department.

Existing structural development on the property includes a single-family residence, garage, outdoor kitchen, barn, water tower base, windmill, accessory dwelling unit (ADU), covered patio, and shed. The existing garage, shed, and covered patio will be demolished to accommodate proposed access and utility easements. All other structures will remain. After the subdivision, Parcel 4 will contain the existing residence, outdoor kitchen, and barn. Parcel 3 will contain the existing water tower base, windmill, and ADU. Parcels 1 and 2 will remain vacant. Upon approval of the Tentative Parcel Map, the existing ADU will be located on a separate parcel from the existing primary residence, and therefore the ADU will become the primary dwelling unit on Parcel 3 at the time of recordation.

No structural development is proposed in the scope of this project. The subject property is a 1.53 acre parcel zoned Two-Family Residential with a 10,000-square-foot minimum parcel size (10-R-2) shown as

Assessor Parcel No. 101-260-040, located at 774 Main Street, in the Los Alamos community area, Fourth Supervisorial District.

C. Appeal Issues and Staff Responses

The appeal application (Attachment 3) includes a letter detailing the Appellant’s appeal issues. The appeal issues include contentions that traffic estimates are incorrect and reduced, the County Transportation Planner misrepresented the Proposed Project, the project site does not have full legal access, using Shaw Street would pose a safety risk, the Proposed Project should have been reviewed by the Los Alamos Planning Advisory Committee (LAPAC), two Commissioners should have recused themselves, and the Proposed Project is inconsistent with the Los Alamos Community Plan (LACP). Staff’s responses to all appeal issues are provided below.

Appeal Issue No. 1: Incorrect and Reduced Traffic Estimates

The Appellant contends that County staff based traffic estimates on formulas rather than a traffic study. The Appellant also claims that staff avoided considering ADUs in traffic estimates and the “significant reality when estimating increases in traffic volume, parking inadequacy and a potential hindrance to emergency vehicle flow.”

Staff Response

Traffic was correctly estimated by the Public Works – Transportation Division, and the Proposed Project will not generate traffic in numbers that require a traffic study. The Transportation Division staff reviewed the Proposed Project and based their review on the Institute of Traffic Engineers (ITE) Manual, as well as County and Federal standards, as required. The Proposed Project is only expected to generate six peak hour trips, which is well below the threshold of 50 peak hour trips that would require the completion of a traffic study. Additionally, the Proposed Project does not include any structural development, and any future development on the properties will be residential and subject to traffic mitigation fees as applicable, which will be used for future road improvements.

The proposed lots exceed the minimum parcel size, and any future development will be required to comply with the LUDC’s parking requirements. Finally, the Appellant did not provide any analysis or evidence that the Proposed Project would result in illegal parking on Shaw Street and, as discussed in section 6.1 of the Planning Commission staff report dated November 23, 2021 (Attachment 8), cars that are illegally parked and pose a risk to health and safety can be legally removed.

Appeal Issue No. 2: County Transportation Planner Misrepresentation

The Appellant contends that the County Transportation Planner made statements that they believe do not sufficiently reflect intersection impacts and liability as it relates to County and Federal design standards.

Staff Response

The County Public Works Transportation Planner appropriately reviewed the Proposed Project against all applicable County and Federal design standards and requirements. Transportation Division staff reviewed the Proposed Project and based their review on the ITE Manual and County and Federal standards, as required. Comments made by the County Transportation Planner are consistent with County and Federal standards. As described in the response to Appeal Issue No. 1 above, the Proposed Project is only expected to generate six peak hour trips, which is well below the threshold of 50 peak hour trips that would require

the completion of a traffic study. Additionally, the Appellant did not provide any analysis or evidence to support the claim that the County Transportation Planner's statements are incorrect.

Appeal Issue No. 3: Legal Access

The Appellant contends that Resolution 04-222 (Attachment 9) does not grant full legal access to the subject parcel, instead only granting access to Foxen Lane to the east and to a portion of Shaw Street to the west, rather than to Wickenden Street. The Appellant states that less than complete legal access to all of the private section of Shaw Street, and therefore to an outlet on Wickenden Street, would be impossible to enforce and could lead to protracted conflict.

Staff Response

The project site has sufficient legal access. Access to the eastern portion of Shaw Street to Foxen Lane was granted to the subject parcel and all heirs by Resolution 04-222 (Attachment 9). Additionally, Parcel 4 will have ingress and egress via Main Street, and Parcels 1, 2, and 3 will have secondary egress to Main Street. Access to the western portion of Shaw Street to Wickenden Street is not required to provide full legal access to the proposed parcels.

Additionally, to the extent there are any future disputes about the use of the western portion of Shaw Street, monitoring and restricting the use of a private road is a civil matter at the discretion of the property owners. It is the prerogative of the property owners along Shaw Street to pursue measures to prevent unauthorized use of the private road.

Appeal Issue No. 4: Road Safety

The Appellant contends that widening Shaw Street along the subject parcel will draw additional traffic to the area which, combined with the traffic from potential buildout of the proposed parcels, would pose a safety risk.

Staff Response

The Proposed Project does not pose a safety risk to the Los Alamos community. The County Public Works Transportation Planner appropriately reviewed the Proposed Project against all applicable County and Federal design standards and requirements. In addition, the Appellant did not provide any evidence to support the claim that widening Shaw Street along the subject parcel would attract additional traffic. The Proposed Project was also reviewed by the Fire Department, who provided condition letters and confirmed the Proposed Project is consistent with their requirements. The Fire Department did not express any concerns about Shaw Street posing a safety risk.

Appeal Issue No. 5: Los Alamos Planning Advisory Committee (LAPAC) Review

The Appellant contends that the Proposed Project should have been reviewed by LAPAC.

Staff Response

LAPAC typically reviews Tentative Tract Maps, but not Parcel Maps. LAPAC was created to advise the Board on the creation of the Los Alamos Community Plan (LACP) and, after the LACP was finalized, LAPAC was extended to continue to advise on planning issues in the Los Alamos area. LAPAC is an advisory, non-decision-making body. Additionally, although LAPAC review was not required, a community meeting was held on January 28, 2021, in coordination with the Third District Supervisor's Office. Feedback and questions regarding the Proposed Project were received and answered by County

staff from Planning and Development, Public Works – Transportation Division, and the Third District Supervisor’s Office. Finally, in addition to the community meeting, the Proposed Project was appropriately noticed and any community member, including members of LAPAC, had the opportunity to review and provide comments on the Proposed Project.

Appeal Issue No. 6: Recusal

The Appellant contends that two Commissioners should have recused themselves due to past financial connections with the Applicant.

Staff Response

Both Commissioners disclosed their previous connections with the Applicant and were not required to recuse themselves. One Commissioner bought a house constructed by the Applicant more than 30 years prior to the December 1, 2021 hearing, and the other Commissioner is a partner in a business that sold cabinets to the Applicant’s company more than two years prior to the hearing. Therefore, neither connection required recusal by either Commissioner under the Fair Political Practices Act nor common law.

Appeal Issue No. 7: Inconsistency with Los Alamos Community Plan (LACP)

The Appellant contends that with considerations for density and safety, the Proposed Project is out of character with Los Alamos and inconsistent with the LACP.

Staff Response

The Proposed Project is consistent with the LACP and is compatible with the character of the Los Alamos area. As discussed in Section 6.3 of the Planning Commission staff report dated November 23, 2021 (Attachment 6), the Proposed Project is consistent with the policies and development standards of the LACP, including, but not limited to, those related to services, circulation, air quality, historical resources, and visual resources. The subject parcel was zoned 10-R-2 Zone District (2 family residential, 10,000-square-foot minimum parcel size) when the LACP update was developed and approved on February 15, 2011. Therefore, the potential impacts of the possible development of the zoning designation was analyzed by the LACP EIR. The LACP retained the R-2 zoning and 10,000-square-foot minimum parcel size for the subject parcel. In addition, the Proposed Project will create four lots that all exceed the 10,000-square-foot minimum parcel size established by the LACP. Finally, the LACP EIR considered the environmental impact of the maximum buildout of the LACP, as discussed in Attachment 3, and the Proposed Project is consistent with the development potential evaluated in the LACP EIR and will not result in more severe or additional environmental impacts. The Proposed Project does not include any structural development. Any future development will be reviewed for consistency with the LUDC and LACP.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$9,000 (35 hours of staff time). The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development’s adopted budget. The fixed appeal fee was paid by the Applicant in the amount of \$701.06. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget Program, as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice in the *Santa Ynez Valley News* at least 10 days prior to the hearing on March 15, 2022. The Clerk of the Board shall forward the minute order of the hearing, a copy of the notice, and proof of publication to the attention of Planning and Development Department: Hearing Support.

Attachments:

1. Findings
2. Conditions of Approval
3. CEQA
 - 3.1 Notice of Exemption
 - 3.2 CEQA Consistency Analysis
4. Link to Los Alamos Community Plan and EIR
5. Appeal Application and Letter, dated December 9, 2021
6. Zoning Administrator Staff Report and Attachments, dated August 6, 2021 (link)
7. Zoning Administrator Action Letter, dated August 25, 2021
8. Planning Commission Staff Report and Attachments, dated November 23, 2021 (link)
9. Planning Commission Action Letter, dated December 6, 2021
10. Tentative Parcel Map, dated April 2020
11. Board of Supervisors Resolution 04-222
12. Link to Recording of Community Meeting
13. Easement Granted to the County of Santa Barbara
14. Parcel Map 14,558

Authored by:

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