

Attachment A

February 27, 2018

RE: 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

Hearing to consider the request for a Coastal Development Permit for a new residence, Variance, General Plan Amendment, and Rezone. The project involves 005-250-001, located at 2551 Wallace Avenue, in the Summerland area, first Supervisorial District.

At the Board of Supervisors' hearing of February 27, 2018, Supervisor Williams moved, seconded by Supervisor Adam, and carried by a vote of 3 to 1 (Wolf no) to:

- a) Make the required findings for approval of the project (including CEQA findings) specified in Attachment-5 of the Board Letter dated January 30, 2018, as modified at the hearing of February 27, 2018, subject to the conditions included as Attachment-6 of the Board Letter dated January 30, 2018, as modified at the hearing of February 27, 2018;
- b) Determine that the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15265, 15301(I)(1), and 15303(a). Please see the CEQA Exemption included as Attachment-7 of the Board Letter dated January 30, 2018;
- c) Adopt the Board of Supervisors Resolution, included as Attachment-8 of the Board Letter dated January 30, 2018, 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 of the Board Letter dated January 30, 2018, 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.

The following conditions have been revised:

1. **Proj Des-01 Project Description:** This Permit is based upon and limited to compliance with the project description, hearing exhibits, project plans and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project includes a request for a Coastal Development Permit, Variance, General Plan Amendment and Rezone. The proposed Coastal Development Permit is for after-the-fact approval of the demolition of a 1,443 square foot residence, demolition of the existing, unpermitted, partially-constructed residence, and the construction of a new ~~2,218~~ 2,218 square foot residence. The proposed Variance is a request to allow a north setback of 2 feet 4 inches instead of the required 10 feet, a east setback of 8 feet instead of the required 10 feet, and zero uncovered parking spaces instead of the required 2 uncovered parking spaces. The proposed

General Plan Amendment requests a Local Coastal Plan Amendment to change the land use designation of the property from Recreation/Open Space to Residential and the proposed Rezone requests a change in the zoning of the property from REC to 7-R-1.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

15. Rules-10 CDP Expiration-No CUP or DVP: The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the effective date of action by the Board of Supervisors. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.

The following condition has been deleted:

5. Noise-02 Construction Hours: The Owner/Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, the saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints:

The following findings have been revised:

2.1 Government Code Section 65358 requires a General Plan amendment to be in the public interest. The General Plan amendment is in the public interest for the following reasons:

A single family dwelling was constructed on the subject property in 1900. That dwelling became non-conforming in 1984 due to a re-designation of the property for recreational uses. Prior to that time, the

property was zoned BD-D (Beach Development District) which allowed for single-family residences. The current property owner resided in said dwelling for a number of years and, in 2007, demolished the dwelling and initiated construction of a new one in its place. In order to allow redevelopment of a single family for a replacement dwelling on the subject property, the proposed General Plan Amendment is required to change the land use designation of the property from Recreation/Open Space to Residential, as a single family dwelling is not a permitted use on lands designated Recreation/Open Space.

The subject parcel is not well suited to recreational use. The site is a small 0.10 acre (4,356 square foot) property isolated amongst generally vacant parcels owned by the railroad, with the parcel bordering the north of the subject property developed with UPRR railroad tracks. Moreover the site is separated from the beach by a steep coastal bluff. Therefore the property does not provide the potential for high quality recreational opportunities. In addition, Lookout Park, located approximately 0.45 miles west of the subject property, currently provides public beach access, parking, picnic tables, restrooms and children's playground amenities. It is in the interest of the public for a resident of the community to be allowed to redevelop a residence on property under their ownership, which was historically used for residential purposes, and for a privately owned property to not be maintained with a Recreation/Open Space land use designation when the property is not well-suited for recreational use. Therefore, this finding can be made.

2.2.1A.2. The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of the State planning and zoning laws, and this Article.

As discussed in Attachment 10 (Policy Consistency Analysis) and Attachment 11 (Ordinance Consistency Analysis), to the Board Letter dated January 9, 2018, and incorporated herein by reference, with approval of the General Plan Amendment and Rezone, and as conditioned, the project would be consistent with the Comprehensive Plan, including the Coastal Land Use Plan and the Summerland Community Plan, as well as with the requirements of the Article II Coastal Zoning Ordinance. This includes consistency with LCP Policy 3-4 which provides the basis for a reduced bluff setback. The proposed rezone of the property to 7-R-1 is consistent with the proposed land use designation change to Residential-4.6 units/acre as both allow residential use on relatively small sized parcels. Consequently, the project is consistent with State planning and zoning laws. Therefore, this finding can be made.

The findings (Attachment 5) and conditions (Attachment 6) reflect the Board of Supervisors' actions of February 27, 2018.

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

