

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
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**Agenda Number:**  
**Prepared on:** 2/8/02  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 2/25/02  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** John Patton, Director  
Planning and Development

**STAFF CONTACT:** Jackie Campbell, Supervising Planner (568-2076)  
Development Review Division

**SUBJECT:** Removal/Relocation and Demolition of Santa Claus  
01CDH-00000-00058 and 01BDP-00000-02245

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## Recommendation

That the Board of Supervisors follow the procedures outlined below and conditionally approve Case No. 01CDH-00000-00058/01BDP-00000-02245 marked "Officially Accepted, County of Santa Barbara (February 25, 2002), Exhibit #1" based upon the project's consistency with the Comprehensive Plan and Chapter 10 and based on the ability to make the required findings.

The Board's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Accept the CEQA Section 15164 Addendum (Attachment B) to the Toro Canyon Plan EIR (2000-EIR-1) and adopt the mitigation monitoring program contained in the conditions of approval.
3. Approve the Coastal Development Permit (01CDH-00000-00058) subject to the conditions included as Attachment C.
4. Approve the Building Permit (01BDP-00000-02245) under Chapter 10 of the County Code to allow the Removal/Relocation and Demolition of the Santa Claus figure (Attachment D).

## Alignment with Board Strategic Plan

The recommendation is primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work and Visit.

## **Executive Summary and Discussion**

The Board of Supervisors approved a Memorandum of Understanding on December 11, 2001 regarding the removal and relocation or demolition of the Santa Claus figure. The MOU was negotiated in order to provide a process for the removal and relocation or demolition of the Santa figure that would implement the Building Official's order and lead to the dismissal of the pending litigation in *Kent v. Santa Barbara*.

The Building Official has determined the "Santa figure to be a dangerous structure due to its lack of connection to the building below and due to an on-going dilapidation" of the Santa structure itself. As such, on November 1, 2001 the Building Official ordered the Santa to be repaired or removed within six months of that determination. The proposed application for a Coastal Development Permit to remove the Santa would accomplish the Building Official order and settle the litigation in *Kent v. Santa Barbara* pursuant to the MOU.

An addendum to the Toro Canyon Plan EIR has been prepared pursuant to Section 15164 of the CEQA Guidelines. This section does not require a lead agency to prepare a subsequent EIR if there are only minor technical changes to a previous document. The addendum is included as Attachment B of this staff report.

The following policies from the Coastal Land Use Plan are applicable to the proposed removal of Santa Claus. Based on the discussion provided below, the project is found to be consistent with applicable policies regarding visual and historic resources.

**Policy 4-9:** *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.*

The removal of the Santa Claus will improve the availability of ocean views from both north and southbound Highway 101.

**Policy 4-11:** *Building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height of 15 feet would not impact public views to the ocean.*

Although the elevation of Santa Claus Lane is significantly lower than Highway 101 in this area, views to the ocean are obstructed by the existing commercial development along the Lane. The removal of the Santa Claus will decrease the overall height of the existing building, bringing the structure into conformance with the height regulations of the View Corridor Overlay Designation.

**Policy 10-1:** *All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.*

The county has considered purchase of development rights and/or historic properties as a means of preserving the Santa in place but concluded that the expenditure of public funds was not justified in this instance. However, the Santa Claus figure will be made available for preservation by the owner pursuant to the requirements of the MOU. These requirements have been reiterated in the conditions of approval for the Coastal Development Permit to ensure consistency with this policy.

Assuming that Policies 10-2 and 10-3 address historic resources and are applicable to the proposed project, the following analyses are provided.

**Policy 10-2:** *When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.*

The owner proposes removal of the Santa figure from the roof of the building at 3819 Santa Claus Lane. The Santa will be retained on site for approximately one year, during which time the figure may be relocated and preserved at another location. During the removal and retention period, the Santa will be crated and/or fenced to minimize any damage to the structure consistent with this policy.

**Policy 10-3:** *When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.*

The Building Official has determined the Santa Claus to be a dangerous structure and has ordered its removal prior to May 1<sup>st</sup>, 2002. Reasonable efforts have been made by the owner to relocate the Santa figure and the County will continue such efforts during the retention period. Mitigation measures including commemoration of the location with a plaque and photodocumentation of the Santa figure and the associated buildings in the Santa Claus Village complex will occur prior to removal of Santa from the property, in addition to the requirement that the Santa be protected from damage during the removal activities and during the retention period. Therefore, impacts to the Santa Claus and associated buildings have been mitigated consistent with this policy.

### **Mandates and Service Levels**

This project tiers off of the administrative record of the Toro Canyon Plan. Therefore, the administrative record for this project is the administrative record of the Toro Canyon Plan and the documents and testimony submitted on this action item.

The action of the Board of Supervisors on this item is appealable to the California Coastal Commission within ten working days of the Commission's receipt of the County's Notice of Final Action pursuant to Section 35-182.4 of the Article II Coastal Zoning Ordinance.

### **Fiscal and Facilities Impacts**

Pursuant to the MOU, the applicant paid a filing fee of \$200.00 for the Coastal Development Permit. Additional costs beyond this amount will be charged to litigation support which reduces funds available for other programs in Planning and Development.

### **Special Instructions**

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice of the project (mailing labels attached) at least ten days prior to the hearing.

Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, attn: Hearing Support.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

### **Concurrence**

County Counsel

### **Attachments**

- A. Findings
- B. CEQA Section 15164 Addendum
- C. Coastal Development Permit with Conditions of Approval
- D. Building Permit
- E. Site Plan
- F. Santa Removal Plan