

Attachment-3

Comprehensive Plan Inconsistency Discussion

As discussed in the table below, in the O'Neil Residence Board Letter dated January 9, 2018 (including attachments) the O'Neil Residence Board Letter dated October 20, 2015 (including attachments) and incorporated herein by reference, the project would be inconsistent with applicable Comprehensive Plan Policies. The inconsistency analysis discussion refers to the project as a whole, including the Coastal Development Permit, Variance, General Plan Amendment, and Rezone.

REQUIREMENT	DISCUSSION
Services	
<p>Coastal Land Use Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and 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 in the land use plan. Where an affordable housing project is proposed pursuant to the Affordable Housing Overlay regulations, special needs housing or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water</p>	<p>Inconsistent: The subject property does not have adequate access. The northwestern corner of the lot touches the southeastern corner of the publically owned Wallace Avenue at a single point. A single point in space does not constitute adequate, legal access because the applicant could not practically construct a road to access the parcel using a single point. The segment of Wallace Avenue previously located immediately north of the lot was legally quit-claimed by the County to the railroad in the early 20th century through Ordinance 247. It is therefore held by the Railroad and the applicant has not established that he has an agreement in place with the Railroad to use the property for access. Similarly, the applicant does not possess an easement over or under the adjacent railroad-owned property for the purposes of extending the proposed sewer-line connection to the Summerland Sanitary District.</p> <p>With regard to the General Plan Amendment and Rezone request (GPA/RZN), conversion of</p>

<p>and sewer service requirements of this policy if the project has, or is conditioned to obtain all necessary can-and-will-serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits.</p>	<p>property from recreational to residential zoning in an area where there are inadequate services for residential development would not be consistent with sound planning practices or general community welfare. In summary, adequate services are not available for the subject property and therefore the project is inconsistent with Coastal Land Use Policy 2-6.</p>
<p>Geologic Processes</p>	
<p>Coastal Plan Policy 3-4: In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination.</p>	<p>Inconsistent: The retreat rate for the coastal bluff adjacent to the subject property has been estimated at an average of 0.36 feet per year (Evaluation of Bluff Stability and Seacliff Retreat, Michael Hoover, January 6, 2012). Over 75 years, this retreat rate results in a setback of 27 feet. The home is proposed to be located 24 feet from the bluff edge and therefore does not meet the 75 year minimum required by Coastal Plan Policy 3-4. Application of the 75 year standard would not make the lot unbuildable, as an area of 1,485 square feet would remain available for development following application of the 75 year standard.</p> <p>With regard to the General Plan Amendment and Rezone request (GPA/RZN), conversion of property from recreational to residential zoning to allow for development that would not meet required geologic setbacks would not be consistent with sound planning practices or general community welfare. The project is therefore inconsistent with Coastal Plan Policy 3-4.</p>

Recreation	
<p>Coastal Plan Policy 7-9: Additional opportunities for coastal access and recreation shall be provided in the Summerland planning area. Parking, picnic tables, bike racks, and restrooms shall be provided where appropriate.</p> <p>Coastal Plan Policy 7-9 Implementing Action (a): The County shall acquire the beach and bluff area south of Wallace Avenue. The parking area shall be landscaped, and measures taken to minimize further erosion along the bluffs and railroad embankment. Paths to the parking area shall be well defined.</p> <p>Coastal Act Policy 30222: The use of private lands suitable for visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.</p>	<p>Inconsistent: The subject property is located on the bluff south of Wallace Avenue. Conversion of the parcel from recreational to residential land use and zoning designations would not facilitate satisfaction of Coastal Plan Policy 7-9 Implementing Action (a). The site is a small property isolated amongst vacant parcels owned by the railroad, highly visible from public vantage points throughout Summerland, lacking in access and services, and subject to geologic constraints. In summary, the 0.10 acre blufftop property is inappropriate for conversion to residential designations in the Coastal Land Use Plan and Coastal Zoning Ordinance because the proposed project does not comply with other Comprehensive Plan policies and Zoning Ordinance development standards as discussed elsewhere in this attachment and in Attachment 4.</p>
Visual Resources	
<p>Coastal Act Policy 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.</p>	<p>Inconsistent. The site is located within a stretch along Highway 101 containing broad unobstructed ocean views. The subject property is visible from Lillie Ave. (Lillie Ave, bike trail, sidewalk), Greenwell Ave. at Lillie, Highway 101 North and South, and the beach. The project is located within a view corridor overlay, which limits height to 15 feet (unless a BAR exception is granted). As indicated in Attachment-12, the applicant has sought and received a Board of Architectural Review (BAR) exception to this height limit in order to</p>

Coastal Land Use 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.

Coastal Land Use Policy 4-5: In addition to that required for safety, further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Bluff top structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.

Summerland Community Plan Policy VIS-S-3: Public views from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced.

construct a two-story residence ranging in height from 22 ft 3 inches to 31 ft 6 inches. A single-story residence meeting the 15 foot view corridor height limit would not interrupt the ocean horizon line as viewed from major public viewing areas. However, the proposed two-story 22 ft 3 inch to 31 ft 6 inch residence would interrupt the horizon line as seen from public viewing areas. This is demonstrated by the fact that the existing partially constructed two-story residence (constructed without permits) can be seen to block ocean views and interrupt the ocean horizon line from Lillie Ave. (Lillie Ave, bike trail, sidewalk), Greenwell Ave. at Lillie, Highway 101 North and Highway 101 South (please refer to Attachment-H of Attachment-3 to the October 20, 2015 Board Letter). In addition, the proposed residence would be constructed from setback to setback, spanning 57 feet of the 75 foot lot (which includes a Variance for a reduced side setback). The residence would be visible from the beach and incompatible with the nature of surrounding properties The proposed residence is isolated on a site surrounded by UPRR owned properties and the nearest residential development is located .3 miles to the west. The surrounding UPRR-owned properties are zoned Transportation Corridor (TC), are undeveloped, and are not zoned to allow for residential development. Future development of the surrounding properties will be limited to transportation related development (such as railroad tracks) and therefore the proposed residence will continue to be isolated over the long-term. With regard to the General Plan Amendment

	<p>and Rezone request (GPA/RZN), conversion of property from recreational to residential zoning in a highly visible area with the potential to block public views, as this project does, would not be consistent with good zoning and planning practices. Therefore, the project would be inconsistent with Coastal Act Policy 30251, Coastal Land Use Plan Policy 4-9 and Summerland Community Plan Policy VIS-S-3.</p>
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