

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: 3/6/03
Department: P&D
Budget Unit: 053
Agenda Date: 3/18/03
Placement: Departmental
Estimate Time: 2 Hours
Continued Item: No
If Yes, date from:
Document
FileName:

TO: Board of Supervisors

FROM: Rita Bright, Secretary to the Planning Commission

STAFF Christopher Price, Planner III, 568-3577

CONTACT: Jackie Campbell, Supervising Planner, 568-2076

SUBJECT: Mecay/Hotchkiss Lot Line Adjustment, General Plan Amendment, Rezone and Coastal Development Permit: 00-LA-018; 00-GP-009; 00-RZ-007; 02CDH-00000-00041. The properties are located at the western terminus of Finney Street, the eastern extent of Lookout Park (known as Morris Place, and the southern extent of Cary Place in the Summerland area of the First Supervisorial District and involves APNs 005-240-001 and 005-240-002 in addition to the County-owned properties described above (no assigned APNs).

Recommendations:

Adopt the Planning Commission recommendations to approve the request of Suzanne Elledge, agent for the applicants, to consider case numbers 00-LA-018; 00-GP-009; 00-RZ-007; 02CDH-00000-00041 as follows:

1. Adopt the required findings for the project specified in Attachment A of the Planning Commission Action Letter dated February 21, 2003, including CEQA findings;
2. Approve Negative Declaration 02-ND-32 and adopt the mitigation monitoring program contained in the conditions of approval; and
3. Approve Lot Line Adjustment 00-LA-018, subject to the conditions included in Attachment B; and

4. Approve the Coastal Development Permit 02CDH-00000-00041 subject to the conditions included as Attachment C; and
5. Adopt the resolution included as Attachment D approving Comprehensive Plan Amendment 00-GP-009, and changing the land use designation for the subject parcels on the Coastal Plan Land Use Designations Map of the Land Use Element from Existing Public or Private Park/Recreation or Open Space to Residential 4.6 units per acre maximum density; and
6. Adopt the Ordinance included as Attachment E, Rezone 00-RZ-007, rezoning the subject portions of Morris Place Street from Recreation to Single Family Residential (7-R-1).

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The following discussion summarizes the details of the project which are thoroughly discussed in the Planning Commission Staff Reports dated January 3, 2003 and January 29, 2003.

Background

In 1999, Mr. Mecay, Mr. and Mrs. Hotchkiss and the County of Santa Barbara entered into an agreement to vacate the County ownership of a portion of Morris Place and a portion of Finney Street, as per Government Code Determination 99-GC-001. This vacation procedure was intended to correct the long-standing non-conformance issue with Parcels 005-240-001 and 005-240-002 of residential structures built over property lines and within the rights-of-way known as Finney Street and Morris Place. Although staff recommended a finding of inconsistency (Staff Report 02/24/99), the Planning Commission determined the transfer of County-owned real property to Bob Mecay, current owner of APN 005-240-002, to be potentially consistent with the Coastal Plan and Summerland Community Plan if several provisions were addressed including: 1) using funds from the sale of the property to implement the Parks, Recreation and Trails policies of the Summerland Community Plan; 2) purchase agreement be drafted requiring that the purchasers obtain a General Plan Amendment and Rezone prior to close of escrow; and 3) that the transfer of property should not take place until such General Plan Amendment and Rezone have occurred and the unpermitted portions of the dwelling have been approved and permitted.

Issue Summary

The Applicants, Mr. Mecay (BMO Partnership) and Mr. Hotchkiss, are requesting approval for a Lot Line Adjustment, Rezone, Comprehensive Plan Amendment and Coastal Development Permit to effectuate the outcome of a Purchase Agreement executed by the Board of Supervisors and the applicants in 2000 to obtain a portion of Finney Street (2,340 square feet) and

approximately 15,763 square feet of Morris Place, which is currently managed as part of Lookout Park. Both Finney Street and Morris Place are currently zoned Recreation and are proposed to be rezoned to Single Family Residential (7-R-1). The purpose of the Purchase Agreement is to resolve the structural encroachment of private development on County owned property which, instead of removal of the residence and other improvements, has been selected by the Board of Supervisors as the option to remedy the encroachments.

The Summerland Community Plan includes a policy (CIRC-S-18) which states, "Existing public rights-of-way shall not be abandoned." As part of the Purchase Agreement, the Board of Supervisors vacated the Finney Street right-of-way and directed Planning and Development to process the lot line adjustment and Rezone/General Plan amendment to resolve the structural encroachment onto these public areas. The Planning Commission found the vacation and future sale consistent with the Comprehensive Plan through a Government Code (Section 65402c) Determination on February 24, 1999 (99-GC-001). Because Finney Street is currently not used for any public purpose, and, due to the existing private residential development located on and adjacent to this County-owned property, it is unlikely that any future use could be accommodated within it, other than a public trail for coastal access. However, Morris Place currently functions as a public coastal open space and provides a spatial and visual buffer between Lookout Park and adjacent residential development.

As noted above, Morris Place and Finney Street are currently zoned recreation (REC) with a land use designation of Existing Public or Private Park/Recreation or Open Space. As such, approval of the lot line adjustment would result in split-zoned and split-designated parcels, necessitating the rezoning of approximately 15,763 square feet of Morris Place and a portion of Finney Street from Recreation to Single Family Residential (7-R-1) with an accompanying Coastal Plan amendment to change the land use designation from Existing Public or Private Park/Recreation or Open Space to Residential (4.6 units per acre maximum density). However, the County's certified Coastal Plan Policy 7-9(d) specifically states, "Morris Place shall be managed as part of Lookout Park. The area shall be kept in its natural state as much as possible. A footpath from the parking area in the park to the beach shall be provided." The proposed lot line adjustment and Rezone/General Plan Amendment of portions of Morris Place and Finney Street is consistent with this policy since that portion of Morris Place involved in the Lot Line Adjustment has been conditioned to limit development such that the area will continue to appear as public open space, even though it will be transferred into private ownership.

In addition, future residential development could result in land use incompatibilities with adjacent recreational uses. Therefore, the project includes mitigation measures which would preclude any future development that is incompatible with recreational use from being located in the adjusted area once part of Morris Place. In addition, the County is receiving \$125,000.00 from the sale of the adjusted area of Morris Place and Finney Street which will be used for road/parking improvements in the area. To implement the transaction, an escrow will be opened which will include the sale of the property (offset by a dedication of public access and designation of proceeds from the sale to be spent on road right-of-way improvements in the Summerland area), and recordation of the lot line adjustment.

To address the loss of potential public access across Finney Street which would result from its sale and to make the required findings for approval of the Rezone and Coastal Plan Amendment, the project has been conditioned to require the applicants to fund and implement coastal access improvements at two locations: improve an existing pathway from the eastern end of the parking lot at Lookout Park (which is exempt from permit requirements of the REC zone district as it constitutes repair and maintenance), and at an existing informal trail located on Cary Place approximately 400 feet to the east. The improvements to support the beach access trail at Cary Place would also entail re-striping Wallace Avenue to clarify the location of parking spaces along the south shoulder, signage at Wallace Avenue designating coastal access and directing beach goers across a controlled railroad crossing, signage at the trailhead where Cary Place meets Finney Street, and minor improvements such as widening and possible placement of at-grade wooden stair steps in steeper portions of the trail. The location of these two trails is provided in Attachment B, and the parking improvements are depicted in Attachment C.

At the Planning Commission hearing of February 5, 2003, Commissioner Tillman moved, seconded by Commissioner Jordan, and carried by a vote of 5-0 to take the recommended actions specified above. However, at the time of Planning Commission recommendations, the applicant had not yet provided a conceptual parking plan for Wallace Avenue and cost estimate for trail and parking improvements. Since then, P&D staff has worked with Public Works staff to prepare a striping plan and cost estimate. The plan is included as Attachment G and the estimated cost to implement this plan is \$2,175.00.

Finally, there is an existing Offer to Dedicate easement for lateral access across the sandy beach seaward of Cary Place located on APN 005-240-030 owned by Anthony Thomas. Acceptance of this offer is crucial to the implementation of the proposed trail on Cary Place as the public would ultimately end up on the privately owned parcel which constitutes the sandy beach seaward to the Mean High Tide line. The offer is due to expire on June 6, 2003. County Parks Department and Planning and Development will bring this Offer to Dedicate to the Board of Supervisors for acceptance prior to the expiration date. If the County does not accept the easement, the California Coastal Conservancy has stated its willingness to accept this offer (and any others) prior to expiration as a matter of agency policy. Several individuals owning property adjacent to Cary Place expressed opposition to the proposed parking and trail improvements at Wallace Avenue and Cary Place. These concerns were addressed at the Planning Commission hearing and ultimately the Planning Commission supported staff's recommendation that the improvements be approved as part of the decisionmakers' overall action on this project.

Conclusion

P&D staff recommends approval of the lot line adjustment and Coastal Development Permit, and adoption of the general plan amendment and rezone.

Mandates and Service Levels:

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least ten days prior to the hearing.

Fiscal and Facilities Impacts:

Funds to address processing costs have been submitted by the applicants.

Special Instructions:

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

The Clerk of the Board shall also forward a copy of the Minute Order to Planning and Development Hearing Support staff, Attn.: Cintia Mendoza.

Concurrence: County Counsel

Exhibits:

- A. February 21, 2003 Planning Commission Action Letter
- B. Lot Line Adjustment Conditions of Approval
- C. Coastal Development Permit with Conditions of Approval
- D. Board of Supervisors Resolution for Coastal Plan Amendment
- E. Rezone Ordinance
- F. Lot Line Adjustment Plan
- G. Parking Improvement Plan
- H. Cary Place and Morris Place Trail Improvement Plans
- I. 1979 Offer to Dedicate Lateral Beach Access Easement

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING AN)	RESOLUTION NO. 03-
AMENDMENT TO THE SUMMERLAND)	CASE NO. 00-GP-009
COMMUNITY PLAN COMPONENT OF THE)	
COASTAL LAND USE PLAN TO CHANGE THE)	
LAND USE DESIGNATION OF PORTIONS OF)	
MORRIS PLACE AND FINNEY STREET FROM)	
EXISTING PUBLIC OR PRIVATE PARK/)	
RECREATION OR OPEN SPACE TO SINGLE)	
FAMILY RESIDENTIAL 4.6 UNITS PER ACRE)	

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On April 27, 1992, by Resolution Nos. 92-238, 239, and on May 19, 1992 by Resolution Nos. 92-308, 92-309, and 92-311 the Board of Supervisors adopted the Summerland Community Plan update to the Coastal Land Use Plan.
- D. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County that the Board of Supervisors amend the Summerland Community Plan component of the Local Coastal Program to redesignate a portion (approximately 16,483 square feet) of Morris Place located on the eastern end of Lookout Park and a portion of Finney Street from Existing Public or Private Park/Recreation or Open Space to Residential with a density of 4.6 units per acre maximum.
- E. The Planning Commission, after holding a duly noticed public hearing on the above described items, has endorsed and submitted this recommended change pursuant to Section 65354 of the Government Code.
- F. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.

- G. This Board has held a duly noticed public hearing on the proposed amendment, pursuant to Government Code Section 65854, at which hearing the amendment was explained and comments invited from the persons in the audience.
- H. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described change is hereby adopted as an amendment to the Local Coastal Program of Santa Barbara County.
3. This Board certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
4. This Board submits this amendment to the California Coastal Commission for review and certification.
5. The Chair and Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 18th day of March 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NAOMI SCHWARTZ
Chair of the Board of Supervisors

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD OF SUPERVISORS

By:
Deputy Clerk of the Board

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By:
Deputy County Counsel

ARTICLE II

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 35-54,
ADOPTING A NEW ZONING MAP,
OF ARTICLE II OF CHAPTER 35 OF THE
CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING BY REFERENCE ONE ZONING MAP IDENTIFIED AS
BOARD OF SUPERVISORS EXHIBIT NO. 35-54.16.4,
TO REZONE PORTIONS OF FINNEY STREET AND MORRIS PLACE
FROM RECREATION TO 7-R-1

Case No. 00-RZ-007

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

Section 35-54, "Adopting New Zoning Ordinances and Maps," of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, is hereby amended by the adoption by reference of one zoning map identified as Board of Supervisors Exhibit No. 35-54.16.4 which rezones a 16,483 square foot portion of Morris Place and a portion of Finney Street (County-owned properties) from Recreation to 7-R-1 (Single Family Residential, 7,000 square foot minimum parcel size).

SECTION 2.

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-54.16.4 to show that said map has been adopted by this Board.

SECTION 3.

Except as amended by this Ordinance, Section 35-54 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 4.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 18th day of March 2003 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

NAOMI SCHWARTZ
Chair of the Board of Supervisors

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By:
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By:
Deputy County Counsel