



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:** P&D  
**Department No.:** 053  
**For Agenda Of:** November 2, 2021  
**Placement:** Departmental  
**Estimated Time:** 1 hour  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Lisa Plowman, Director, Planning and Development  
Director(s) (805) 568-2086  
Contact Info: Travis Seawards, Deputy Director, Development Review  
(805) 568-2518

**SUBJECT:** Hearing to consider the Williams appeal of the County Planning Commission's Denial of the Williams ADU Projects (Case Nos. 21APL-00000-00024, 21APL-00000-00025, and 21APL-00000-00026), 3<sup>rd</sup> Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors consider the appeal by George Williams of the County Planning Commission's April 28, 2021 denial of the Williams Accessory Dwelling Unit projects, Case Nos. 20CDP-00000-00060, -61, and -62 and take the following actions:

- A. Deny the appeals, Case Numbers 21APL-00000-00024, 21APL-00000-00025, and 21APL-00000-00026.
- B. Make the required findings for denial of the Coastal Development Permits (Case Nos. 20CDP-00000-00060, -061, and -062) included in Attachment 1.
- C. Determine that denial of the appeals and denial of the Coastal Development Permits is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15270(b) [Projects Which are Disapproved] as specified in Attachment 2.
- D. Deny *de novo* the Coastal Development Permits, Case Nos. 20CDP-00000-00060, -061, and -062.

**Summary Text:**

The proposed projects consist of a request for Coastal Development Permits to allow the conversion of three existing attached garages into three 370-gross-square-foot accessory dwelling units (ADUs) located at 6513, 6515, and 6517 Del Playa Drive in Isla Vista.

The County Planning Commission denied the projects on April 28, 2021 due to their inconsistency with certified provisions of the County's Local Coastal Program (LCP), including the County of Santa Barbara Coastal Zoning Ordinance (Article II). Specifically, replacement parking to offset the lost garage parking is not proposed to be provided as part of these projects, and replacement parking is currently required pursuant to Section 35-105 of the Coastal Zoning Ordinance. Please refer to the April 13, 2021 County Planning Commission staff report (Attachment 4) for further details on the proposed projects and for a comprehensive policy consistency analysis.

A timely appeal of the County Planning Commission's April 28, 2021 denial of the Williams ADU projects (20CDP-00000-00060, -61, and -62) was filed by the applicant on May 10, 2021.

**Appellant Issues and Staff Responses:**

**Appeal Issue #1:**

**Planning and Development incorrectly applied the Coastal Act (Article X of the California Constitution) where it conflicts with Gov. Code Sections 65852.2(a)(1)(D)(xi) and 65852.2(d)**

**Staff Response:**

The Coastal Act of 1976 and Article II were correctly applied because Government Code Section 65852.2(l), which governs Accessory Dwelling Units (ADUs) (as stated below), explicitly does not supersede the Coastal Act:

*Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.*

Pursuant to the Government Code section cited above, certified provisions of Local Coastal Plans (LCPs), including specific ADU regulations currently in place as part of Article II, are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit applications for ADUs. Article II remains the ordinance in effect for ADUs in the Coastal Zone until an LCP amendment is certified by the Coastal Commission. In accordance with Section 35-105 of Article II, parking spaces for the existing single family dwellings (four per parcel) may not be eliminated or reduced without providing appropriate replacement parking. Thus, the proposed projects are inconsistent with the ordinance regulations currently in effect by not providing replacement parking for the six spaces that will be removed due to the conversion of the garages. The proposed new Article II ADU regulations recently adopted by your Board eliminate the replacement parking requirement, however, until those amended regulations are certified by the Coastal Commission, existing regulations remain in effect.

**Appeal Issue #2:**

**Planning and Development failed to balance the applicant's interests with the public's right of access. Additionally, parking is abundant within Isla Vista.**

**Staff Response:**

The proposed projects are inconsistent with the County’s current certified Local Coastal Plan including Article II requirements for replacement parking (as discussed above), and therefore the required findings for approval of a Coastal Development Permit cannot be made. As discussed in the Planning Commission staff report (Attachment 4), due to the high population density within the Isla Vista community, scarcity of parking in Isla Vista has been a recognized problem for several decades. The proposed projects will result in the reduction of parking spaces for each existing single family dwelling from four to two. As such, the parking on each parcel will be inadequate to serve the needs of residents in accordance with existing ordinance regulations in Isla Vista and residents will then need to make use of public parking to serve their parking needs.

**Appeal Issue #3:**

**Each driveway, if cemented, can easily accommodate four cars in tandem without infringing on the sidewalk.**

The applicant asserts that each driveway, if fully cemented, can accommodate four parking spaces in tandem without infringing on the sidewalk. While four parking spaces would meet the parking requirements for the SR-M-8 zone district, they are unlikely to fit all spaces outside of the front setback given the lot constraints. In accordance with Coastal Zoning Ordinance Section 35-76.11.7, parking is allowed in the front setback areas on parcels located on the bluff, so long as a minimum of five feet is maintained between the right of way line of the adjacent street and the parking area. Additionally, up to 30 percent of the required number of parking spaces may be provided as compact car spaces (8’ x 14.5’) in accordance with Coastal Zoning Ordinance Section 35-76.11.8.

Based on review of the site plans for the three properties, the parcels do not have sufficient space to accommodate the four required parking spaces within their driveway and still comply with the 5’ separation with the edge of right-of-way. Tandem parking for four vehicles (one compact space and three regular spaces [8.5’ x 16.5’]) requires a minimum length of 31’ for the side with the compact space (14.5’ plus 16.5’) and 33’ for the side with two regular parking spaces. All three parcels currently do not have the space to accommodate this tandem parking arrangement while complying with the five foot minimum distance between the right of way line of the adjacent street and the parking area.

In the event the applicant were granted a Modification to allow parking entirely within the front setback and relief from the 5’ setback requirement, then it appears they would have sufficient space within 6515 and 6517 Del Playa, though 6513 Del Playa would appear to continue to lack sufficient space.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

Total costs for processing the appeal are approximately \$6,325.00 (25 hours of staff time). The costs for processing appeals are partially offset by a General Fund subsidy in Planning and Development’s adopted budget. Funding for processing these appeals is budgeted in the Planning and Development Department’s 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 at least 10 days prior to the hearing on November 2, 2021. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward a minute order of the hearing, as well as proof of publication to the attention of Travis Lee.

**Attachments:**

1. Findings for Denial
2. CEQA Exemption
3. Project Plans (20CDP-00000-00060, -61, and -62)
4. County Planning Commission Staff Report, dated April 13, 2021
5. County Planning Commission Action Letter, dated May 4, 2021
6. Appeal Application submitted May 10, 2021

**Authored by:**

Travis Lee, Planner, [trlee@countyofsb.org](mailto:trlee@countyofsb.org), (805) 568-2046  
Development Review Division, Planning and Development Department