



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF AUGUST 12, 2015

***RE: O'Neil Residence, Variance, General Plan Amendment and Rezone; 08CDH-00000-00040,
12VAR-00000-00012, 08GPA-00000-00007, 08RZN-00000-00006***

Hearing on the request of Patsy Price, agent for the owner, to consider the following:

- a) **08CDH-00000-00040** [application filed on November 12, 2008] for a Coastal Development Permit in compliance with Section 35-169.3 of Article II, the Coastal Zoning Ordinance, on property zoned REC (Recreation) to permit demolition of a 1,443 square foot residence and construction of a new 2,002 square foot residence;
- b) **12VAR-00000-00012**, [application filed on February 8, 2012] for a Variance from the parking and setback regulations in compliance with Section 35-173 of the Article II Coastal Zoning Ordinance on property zoned REC (Recreation), to allow: a rear setback of 2 feet 4 inches instead of the required 10 feet; a side setback of 8 feet instead of the required 10 feet; and, zero uncovered parking spaces instead of the required 2 uncovered parking spaces,
- c) **08GPA-00000-00007**, [application filed on July 30, 2008] for a Local Coastal Plan Amendment to change the land use designation of the property from Recreation/Open Space to Residential; and
- d) **08RZN-00000-00006**, [application filed on July 30, 2008] for a rezone to change the zoning of the property from REC to 7-R-1.

The application involves AP No. 005-250-001, located at 2551 Wallace Avenue in the Summerland area, First Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of August 12, 2015, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 1 (Blough no) to:

1. Recommend that the Board of Supervisors:
 - a. Make the required findings for denial of the project specified in Attachment-A of this staff report, including CEQA findings;

- a. Make the required findings for denial of the project specified in Attachment-A of this staff report, including CEQA findings;
 - b. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guideline Section 15270(b), included as Attachment-B; and,
 - c. Deny Case No's. 08CDH-00000-00040 and 12VAR-00000-00012; and,
2. Adopt a Resolution (Attachment J to the August 12, 2015 staff memorandum) as modified at the hearing of August 12, 2015, recommending that the Board of Supervisors deny Case No's 08GPA-00000-00007 and 08RZN-00000-00006.

Section B.3 on page 1 of Attachment-J to the August 12, 2015 staff memorandum was modified as follows:

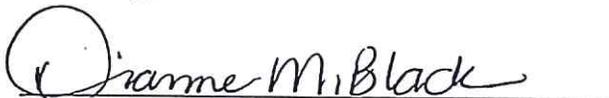
3. No legal access or ability to extend sewer services to the property exists, ~~and the property is encumbered with geologic constraints.~~ It would not be consistent with good zoning and planning practices to convert a property from recreational to residential zoning and land use designation when no current legal means of accessing or providing sewer service to the residential development exists.

Items 3 and 4 on page 2 of Attachment-J to the August 12, 2015 staff memorandum were modified as follows:

3. The Planning Commission of the County of Santa Barbara has endorsed and transmitted to the Board of Supervisors said recommended change by resolution pursuant to Government Code Section 65354.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to show the above mentioned action by the Planning Commission.

The attached findings and resolution reflect the Planning Commission's actions of August 12, 2015.

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 08CDH-00000-00040, 12VAR-00000-00012, 08GPA-00000-00007, 08RZN-00000-00006
Planning Commission File
Dianne M. Black, Assistant Director
Owner: Jeffrey O'Neil, P.O. Box 1174, Summerland, CA 93067
Attorney: Susan Petrovich, Brownstein Hyatt Schreck, LLP, 1020 State Street, Santa Barbara, CA 93101

Planning Commission Hearing of August 12, 2015

O'Neil Residence, Variance, General Plan Amendment and Rezone; 08CDH-00000-00040, 12VAR-00000-00012, 08GPA-00000-00007, 08RZN-00000-00006

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Deputy County Counsel
Nicole Lieu, Planner

Attachments: **Attachment A – Findings**
 Attachment J – PC Resolution

DMB/dmv

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The County Planning Commission finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment-B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

The discussion below is limited to the required findings which cannot be made for the project.

2.1 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3. In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 the review authority shall first make all of the following findings:

2.1.1 The proposed development conforms:

a. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan.

As discussed in Section 6.2 of the Staff Report dated July 23, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan. Therefore, this finding cannot be made and the project is recommended for denial.

b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).

As discussed in Section 6.3 of the Staff Report dated July 23, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of the requirements of the Article II Coastal Zoning Ordinance. In addition, the proposed development does not fall within the limited exceptions of Section 35-161 because it is not a historic landmark, is not located on property zoned SR-M or SR-H and is not located within a zone district which allows residential use as a permitted use requiring only a Coastal Development Permit. Therefore, this finding cannot be made and the project is recommended for denial.

2.1.2 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The partially completed residence on-site was constructed without the benefit of permits from Santa Barbara County. The residence does not have legal access or an easement for a sewer line. As discussed in Section 6.3 of the Staff Report dated July 23, 2015, and incorporated herein by reference, the proposed project is inconsistent with the requirements of the Article II Coastal Zoning Ordinance. Therefore, the subject property is not in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of the Article II Coastal Zoning Ordinance. Therefore, this finding cannot be made and the project is recommended for denial.

- 2.2 Findings required for all Variances.** In compliance with Section 35-173.6 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Variance the review authority shall first make all of the following findings, as applicable:

- 1. That the granting of the variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Coastal Land Use Plan.**

The property is currently zoned (REC) and is proposed to be rezoned to 7-R-1 (single-family residential). Pursuant to Article II, Section 35-71.1, the purpose of the R-1/E-1 zone district is *"to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of [the] district to protect the residential characteristics of an area and to promote a suitable environment for family life."* As discussed in Sections 6.2 of the Staff Report, dated July 23, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan. Notably, adequate access to the property and a sewer line easement do not exist. The granting of a variance for a project proposal that is inconsistent with applicable policies, including lack of access and sanitary service, would not be consistent with *"sound standards of public health, welfare, and safety,"* or with the adopted Santa Barbara County Coastal Land Use Plan. Therefore, this finding cannot be made and the project is recommended for denial.

- 2.3 Findings required for all Comprehensive Plan Amendments to the Article II Zoning Ordinance, the Local Coastal Program, and the County Zoning Map and Rezones.** In compliance with Section 35-180.6 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to the Article II Zoning Ordinance, the Local Coastal Program or the County Zoning Map the review authority shall first make all of the following findings:

- 1. The request is in the interests of the general community welfare.**

As discussed in Section 6.2 and 6.3 of the Staff Report, dated July 23, 2015, and incorporated herein by reference, no adequate access or

ability to extend sewer services to the property exists, and the property is encumbered with geologic constraints. It would not be in the interest of community welfare to convert a property from recreational to residential land use and zoning designations when no feasible means of accessing or providing sewer service to the residential development exists, and where a property is subject to geologic constraints with the potential to significantly limit residential use of the site. Therefore, this finding cannot be made.

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 Sections 6.2 and 6.3 of the Staff Report dated July 23, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan and with requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding cannot be made.

3. The request is consistent with good zoning and planning practices.

As discussed in Sections 6.2 and 6.3 of the Staff Report, dated July 23, 2015, and incorporated herein by reference, no adequate access or ability to extend sewer services to the property exists, and the property is encumbered with geologic constraints. It would not be consistent with good zoning and planning practices to convert a property from recreational to residential zoning and land use designation when no feasible means of accessing or providing sewer service to the residential development exists, and where a property is subject to geologic constraints with the potential to significantly limit residential use of the site. Therefore, this finding cannot be made.

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS DENIAL OF THE ADOPTION OF AN)
AMENDMENT TO THE LOCAL COASTAL PLAN TO)
CHANGE THE LAND USE DESIGNATION OF THE)
PROPERTY FROM RECREATION/OPEN SPACE TO)
RESIDENTIAL AND DENIAL OF THE ADOPTION OF AN)
ORDINANCE AMENDMENT TO ARTICLE II, THE SANTA)
BARBARA COUNTY COASTAL ZONING ORDINANCE, OF)
CHAPTER 35, ZONING, OF THE COUNTY CODE BY)
AMENDING THE COASTAL ZONING MAP PERTAINING)
TO ASSESSOR'S PARCEL NUMBER 005-250-001 FROM)
REC TO 7-R-1)

RESOLUTION NO.: 15- 12

CASE NO.: 08GPA-00000-00007 and
08RZN-00000-00006

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 Local Coastal Plan for the County of Santa Barbara, and on July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, including zoning maps that delineated the boundaries of zoning districts set forth in Article II; and
- B. The County Planning Commission now finds that the proposed General Plan Amendment and Rezone is not in the interest of the orderly development of the County and not important to the preservation of the health, safety and general welfare of the residents of the County for the reasons identified below. The Planning Commission recommends that the Board of Supervisors not adopt a Resolution (Case no. 08GPA-00000-000007) changing the land use designation of 005-250-001, and not adopt an Ordinance (Case No. 08RZN-00000-00006) amending the zoning for 005-250-001.
 1. No legal access or ability to extend sewer services to the property exists, and the property is encumbered with geologic constraints. It would not be in the interest of community welfare to convert a property from recreational to residential land use and zoning designations when no current legal means of accessing or providing sewer service to the residential development exists.
 2. The proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan in respect to inadequate services and protection of visual resources, as discussed in the staff report dated July 23, 2015, incorporated herein by reference, and with requirements of the Article II Coastal Zoning Ordinance.
 3. No legal access or ability to extend sewer services to the property exists. It would not be consistent with good zoning and planning practices to convert a property from recreational to residential zoning and land use designation when no current legal means of accessing or providing sewer service to the residential development exists.

- C. This Planning Commission has held a duly noticed public hearing as required by Section 65353 of the Government Code on the proposed amendment, and as required by Section 65484 of the Government Code on the proposed Ordinance, at which hearing the proposed Amendment and Ordinance were explained and comments invited from persons in attendance.
- D. Public agencies, California Native American Indian Tribes, civic, education, and other community groups, public utility companies, and citizens have been consulted on and have advised the Planning Commission on said proposed amendments in a public hearing pursuant to Section 65351 of the Government Code.

NOW, THEREFORE IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Sections 65354 and 65855 of the Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, deny the General Plan Amendment and Rezone, based on the findings included as Attachment A of the County Planning Commission staff report dated July 23, 2015.
3. The Planning Commission of the County of Santa Barbara has endorsed and transmitted to the Board of Supervisors said recommended change by resolution pursuant to Government Code Section 65354.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to show the above mentioned action by the Planning Commission.

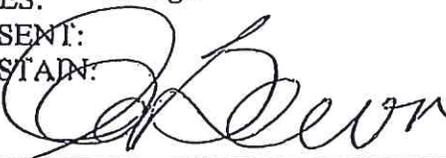
PASSED, APPROVED AND ADOPTED this 12th day of August, 2015 by the following vote:

AYES: Cooney, Brown, Hartmann, Ferini

NOES: Blough

ABSENT:

ABSTAIN:

By: 

CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:

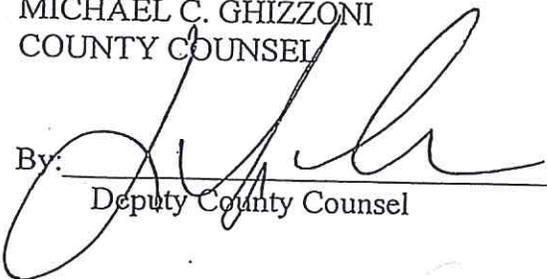
By: 

DIANNE M. BLACK
Secretary to the Commission

APPROVED AS TO FORM;

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:



Deputy County Counsel

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