

ATTACHMENT 5 - MONTECITO PLANNING COMMISSION ACTION LETTER



**COUNTY OF SANTA BARBARA
CALIFORNIA**

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

MONTECITO PLANNING COMMISSION
HEARING OF OCTOBER 21, 2020

**RE: *Ocean Vista LLC Zoning Map Amendment and Comprehensive Plan Amendment;*
*20RZN-00000-00001, 20GPA-00000-00001***

The hearing is a request by Ocean Vistas, LLC, property owner, to consider a Zoning Map Amendment (Case No. 20RZN-00000-00001) and Comprehensive Plan Amendment (20GPA-00000-00001) to:

- Amend the Zoning Map designation on the subject parcel from Public Utilities (PU) to Single Family Residential, two acres minimum lot size (2-E-1) in compliance with Chapter 35.494 of the Montecito Land Use and Development Code;
- Amend the Comprehensive Plan land use designation on the subject parcel from Public Utilities (UT) to Semi-Rural Residential, minimum parcel size two acres (SRR-0.5) in compliance with Chapter 35.494 of the Montecito Land Use and Development Code;
- Determine the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3).

The application involves Assessor's Parcel Number 011-070-002 located on East Mountain Drive, in the Montecito Community Plan area, First Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission hearing of October 21, 2020, Commissioner Keller moved, seconded by Commissioner Newman and carried by a vote of 4 to 0 (Kupiec absent) to:

1. Make the findings for approval and recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A of the staff report dated October 1, 2020, including CEQA findings;
2. Recommend that the Board of Supervisors determine the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15061(b)(3) [Common Sense

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption]. See Attachment C (Notice of Exemption) to the staff report dated October 1, 2020 for a more detailed discussion of the CEQA exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 Findings Required for Approval of Amendments. In compliance with Section 35.494.060 of the Montecito Land Use and Development Code, an application for an Amendment to the Comprehensive Plan, Development Code, or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment:

2.1.1 The request is in the interest of the general community welfare.

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the project, which consists of a Zoning Map Amendment and a Comprehensive Plan Amendment for APN 011-070-002, is in the interest of the general community welfare. The parcel is currently zoned PU (Public Utilities) and designated UT (Public Utilities) and is developed with a water tank that has been inoperable since 2000. The amendments will allow single-family residential development on the parcel.

The subject parcel is surrounded by residentially zoned parcels, and parcels to the west, east, and south are developed with a single family residence. The parcel is also surrounded by a residentially zoned lot that is developed with a single family residence. It is in the best interest of the neighborhood for the subject parcel to be zoned Single Family Residential since the neighborhood consists primarily of residential development. The allowed uses in the PU (Public Utilities) zone consist of uses such as: wastewater treatment system, electrical substation, sewage treatment facility, and telecommunications facility. The purposes of the existing zoning for public utilities are no longer served, and there is no plan for the parcel to be used for public utility purposes in the future. The rezone of the parcel to residential would be consistent with surrounding parcels.

The subject parcel is currently surrounded by land use designations of SRR-0.33 (Semi-rural Residential, three acres minimum parcel size) to the east, SRR-0.5 (Semi-rural Residential, two acres minimum parcel size) to the south, MA-40 (Mountainous Area, one unit per 40 acres) to the west and north, and the surrounding parcel addressed as 1510 East Mountain Drive is designated as SRR-0.5 (Semi-rural Residential, two acres minimum parcel size). The re-designation of the subject parcel as Semi-rural Residential is in the interest of the general community welfare since it is consistent with the land use designations of the surrounding parcels.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State Planning and zoning laws, and this Development Code.

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the request is consistent with the Comprehensive Plan because, as discussed in Section 6.2 of this staff report dated October 1, 2020 and incorporated herein by reference, the Zoning Map Amendment and Comprehensive Plan Amendment will be compatible with the surrounding neighborhood, will not

change the community buildout level, and will not significantly affect the level of traffic on existing roadways. Future development will be required to comply with all policies in the Comprehensive Plan, including the Montecito Community Plan, regarding noise, aesthetics, fire, flood, biological and cultural resources, and grading.

The Board of Supervisors also finds that the request is consistent with State planning and zoning laws and this Development Code because, as discussed in Section 6.3 of this staff report, dated October 1, 2020 and incorporated herein by reference, the proposed Comprehensive Plan Amendment and Zoning Map Amendment would not authorize development. However, any future development would be required to comply with the requirements for the E-1 zone. Although the parcel does not meet the minimum parcel size of two acres for the 2-E-1 zone, it will be consistent with the surrounding zones and will allow for the parcel to be used. Additionally, there are other parcels in the vicinity zoned 2-E-1 that are also under two acres.

2.1.3 The request is consistent with good zoning and planning practice.

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the project is consistent with good zoning and planning practices because the amendments will allow future residential development on the subject parcel and the existing designation is not consistent with the surrounding uses. The current development on the parcel is no longer in use, as the water tank was rendered inoperable in 2000. The residential use of the parcel is consistent with the uses of the surrounding parcels, which are all zoned and designated residential. In addition, parcels to the east, west, and south of the subject property are developed with a single family dwelling. The Comprehensive Plan Amendment and Zoning Map Amendment will enable future residential development to occur in a residential neighborhood, resulting in good zoning and planning practice.

2.2 Additional Finding for Comprehensive Plan Amendments

2.2.1 If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the request is deemed to be in the public interest because the subject parcel is currently developed with a water tank that has been inoperable since 2000. The subject parcel is surrounded by residentially zoned and designated parcels, and parcels to the west, east, and south are developed with a single family residence. The Zoning Map Amendment and Comprehensive Plan Amendment will allow for future residential use of the parcel and for the parcel to be consistent with the surrounding development.

ATTACHMENT B-1

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

RESOLUTION NO.: 20 - 13

CASE NO.: 20RZN-00000-00001

IN THE MATTER OF RECOMMENDING TO THE BOARD OF SUPERVISORS THAT AN ORDINANCE BE APPROVED TO AMEND SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, BY AMENDING THE MONTECITO COMMUNITY PLAN ZONING MAP FOR ASSESSOR'S PARCEL NUMBER 011-070-002 TO CHANGE THE ZONING FROM PUBLIC UTILITIES (PU), TO SINGLE FAMILY RESIDENTIAL, TWO ACRE MINIMUM LOT SIZE (2-E-1)

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code which included the Montecito Community Plan Zoning Map that designates property within the unincorporated area of the County of Santa Barbara with specific zones; and
- B. WHEREAS all zoning maps and zoning designations previously adopted under the provisions of Section 35.404.020, Zoning Map and Zones, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code are hereby repealed as they relate to Assessor's Parcel Number 011-070-002, as shown in Exhibit 1.
- C. WHEREAS the Montecito Planning Commission now finds that it is 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 the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 20RZN-00000-00001) amending Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, by amending the Montecito Community Plan Zoning Map by re-designating Assessor's Parcel Number 011-070-002 from Public Utilities (PU) to Single Family Residential, two acre minimum lot size (2-E-1).

Said Ordinance is attached hereto as Attachment A, and is incorporated by reference.

- D. WHEREAS Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the zoning map amendment to the applicable general and specific plans. The proposed Ordinance is in the interest of the general community welfare as the parcel is currently spot-zoned, since it is zoned PU (Public Utilities) and is surrounded by residentially zoned parcels to the west, east, and south. The site is currently developed with a concrete 80-foot diameter water tank that was rendered inoperable in 2000.

If the water tank is not re-used it would be demolished. The rezone of the parcel to 2-E-1 will allow for the re-use of the water tank as a single family dwelling, which represents good planning consistent with the intent of the County General Plan and Montecito Community Plan.

E. WHEREAS this Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65484 of the Government Code, on the proposed amendments to the Zoning Map, at which hearing the proposed Ordinance was explained and comments invited from persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated October 1, 2020. Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this 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 Montecito Planning Commission.


PASSED, APPROVED AND ADOPTED this 21st day of October, 2020 by the following vote:

AYES: Senauer, Newman, Keller, Pulice

NOES:

ABSTAIN:

ABSENT: Kupiec


DONNA SENAUER, Chair
Montecito Planning Commission

ATTEST:

JENNIFER WILSON
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GILZZONI
COUNTY COUNSEL

By *Brian R. [Signature]*
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors' Ordinance to Amend Assessor Parcel Number 011-070-002

EXHIBIT 1

**MONTECITO LAND USE AND DEVELOPMENT CODE
(ZONING MAP AMENDMENT)**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE MONTECITO COMMUNITY PLAN ZONING MAP FOR ASSESSOR'S PARCEL NUMBER 011-070-002 TO CHANGE THE ZONING FROM PUBLIC UTILITIES (PU) TO SINGLE FAMILY RESIDENTIAL, TWO ACRE MINIMUM LOT SIZE (2-E-1).

Case No. 20RZN-00000-00001

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

SECTION 1

All zoning maps and zone designations previously adopted under the provisions of Section 35.404.020, Zoning Map and Zones, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, State of California, are hereby repealed as they related to Assessor's Parcel Number 011-070-002.

SECTION 2

Pursuant to the provisions of Section 35.404.020, Zoning Map and Zones, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, State of California, the Board of Supervisors hereby amends the Montecito Community Plan Zoning Map by re-designating Assessor's Parcel Number 011-070-002 from Public Utilities to Single Family Residential, two acre minimum lot size (2-E-1).

The amended Zoning Map is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify this Ordinance and all maps, documents, and other materials in accordance with this Ordinance to show that said zone change for Assessor's Parcel Number 011-070-002 from Public Utilities to Single Family Residential, two acre minimum lot size (2-E-1) has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35.404.020 of the Santa Barbara County Montecito

Land Use and Development Code shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; 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 ____ day of _____, 2020 by the following vote:

A YES:

NOES:

ABSTAIN:

ABSENT:

GREGG HART, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT B-2

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

RESOLUTION NO.: 20 - 14

CASE NO.: 20GPA-00000-00001

IN THE MATTER OF RECOMMENDING TO THE BOARD OF SUPERVISORS THAT A RESOLUTION BE APPROVED TO AMEND THE SANTA BARBARA COUNTY COMPREHENSIVE PLAN, TO CHANGE THE LAND USE DESIGNATION MAP IN THE MONTECITO COMMUNITY PLAN BY REDESIGNATING ASSESSOR'S PARCEL NUMBER 011-070-002 FROM PUBLIC UTILITIES (UT) TO SEMI-RURAL RESIDENTIAL, MINIMUM PARCEL SIZE 2 ACRES (SRR-0.5).

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted a Comprehensive Plan for the County of Santa Barbara.
- B. WHEREAS on September 15, 1992 by Resolution No. 92-515, the Board of Supervisors of the County of Santa Barbara adopted the Montecito Community Plan Land Use Designation Map.
- C. WHEREAS the proposed amendment is consistent with the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan and the requirements of California planning, zoning, and development laws.
- D. WHEREAS citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- E. WHEREAS the County contacted and offered to conduct consultations with California Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- F. WHEREAS the Montecito Planning Commission has determined that the proposed amendment is consistent with the Comprehensive Plan, including the Montecito Community Plan, and provide the greatest community welfare without compromising community values, environmental quality, or the public health and safety, as included in the findings in Attachment A of the Montecito Planning Commission staff report, dated October 1, 2020, which is incorporated herein by reference.

G. WHEREAS, in compliance with Government Code Section 65855, which requires the Montecito Planning Commission's written recommendation on the proposed amendment to include the reasons for the recommendation and the relationship of the proposed amendment to applicable general and specific plans, the Montecito Planning Commission has determined that the proposed amendment represents good planning consistent with the intent of the Montecito Community Plan.

H. WHEREAS this Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65353 of the Government Code, on the proposed amendment to the Comprehensive Plan, at which hearing the proposed amendment was explained and comments invited from persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The Montecito Planning Commission now finds that it is 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 the County to recommend that the Board of Supervisors adopt a Resolution amending the Montecito Community Plan (Case No. 20GPA-00000-00001) by re-designating Assessor Parcel Number 011-070-002 from Public Utilities (UT) to Semi-Rural Residential, Minimum Parcel Size 2 Acres (SRR-0.5).
3. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the Comprehensive Plan Amendment, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated October 1, 2020.
4. A certified copy of this resolution shall be transmitted to the Board of Supervisors in compliance with Government Code Section 65354.
5. The Chair of this 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 Montecito Planning Commission.


PASSED, APPROVED AND ADOPTED this 21st day of October, 2020 by the following vote:

AYES: Senauer, Newman, Keller, Pulice

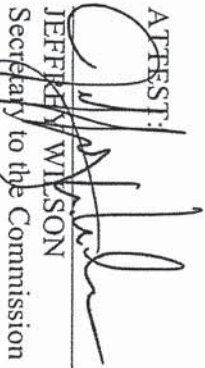
NOES:

ABSTAIN:

ABSENT: Kupiec


DONNA SENAUER, Chair
Montecito Planning Commission

ATTEST:


JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

EXHIBITS:

1. Board of Supervisors' Resolution to Amend Assessor's Parcel Number 011-070-002

EXHIBIT 1

RESOLUTION NO. _____

A. RESOLUTION AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY COMPREHENSIVE PLAN, BY CHANGING THE LAND USE DESIGNATION MAP IN THE MONTECITO COMMUNITY PLAN TO RE-DESIGNATE ASSESSOR'S PARCEL NUMBER 011-070-002 FROM PUBLIC UTILITIES (UT) TO SEMI-RURAL RESIDENTIAL, MINIMUM PARCEL SIZE 2 ACRES (SRR-0.5).

Case No. 20GPA-00000-00001

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

- A. WHEREAS on December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted a Comprehensive Plan for the County of Santa Barbara.
- B. WHEREAS on September 15, 1992 by Resolution No. 92-515, the Board of Supervisors of the County of Santa Barbara adopted the Montecito Community Plan Land Use Designation Map.
- C. The Board of Supervisors received and considered the Montecito Planning Commission's recommended actions and held a duly noticed public hearing, as required by Section 65355 of the Government Code on the proposed amendment to a General Plan, at which hearing the proposed amendment was explained and comments invited from persons in attendance.
- D. WHEREAS the proposed amendment is consistent with the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan and the requirements of California planning, zoning, and development laws.
- E. WHEREAS citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups have been provided the opportunity for involvement in compliance with Government Code Section 65351.
- F. WHEREAS the County contacted and offered to conduct consultations with California Native American tribes in compliance with Government Code Sections 65352.3 and 65352.4.
- G. WHEREAS the Montecito Planning Commission held a duly noticed public hearing, as required by Government Code Section 65353, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- H. The Montecito Planning Commission, after holding a duly noticed public hearing on the above described amendment to the Comprehensive Plan, endorses and transmits to the Board of Supervisors said recommended amendment by resolution in compliance with Government Code Section 65354.

I. WHEREAS the Board of Supervisors now finds that it is 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 the County to adopt a Resolution (Case 20GPA-00000-00001) amending the Montecito Community Plan.

J. WHEREAS this Board of Supervisors has held a duly noticed public hearing, as required by Section 65484 of the Government Code, on the proposed amendment, at which hearing the proposed amendment was explained and comments invited from persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, adopts this amendment to the land use designation for APN 011-070-002, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated October 1, 2020.
3. In compliance with the provisions of Government Code Section 65356, the above change is hereby adopted as an amendment to the Montecito Community Plan Land Use Designation Map of the County Comprehensive Plan.
4. Pursuant to the provisions of Government Code Section 65357, the Clerk of the Board is hereby directed to make the documents amending the Santa Barbara County Comprehensive Plan, including the diagrams and text, available to the public for inspection.
5. The Chair and the Clerk of the Board are 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 Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2020 by the following vote:

A YES:
NOES:
ABSTAIN:
ABSENT:

GREGG HART, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASOTO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel