



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Board of Supervisors

FROM: John Baker, Assistant CEO and P&D Director

DATE: November 20, 2008

RE: Santa Barbara Ranch – Supplemental Board Information for December 9, 2008, Agenda

This memorandum supplements the Board Agenda Letter dated November 18, 2008, and provides additional information since the initial report was issued. The recommended action has been updated and replaces the language from the Board's previous Agenda Letter.

Recommended Actions:

That the Board of Supervisors receive a report on post-approval of the Santa Barbara Ranch Project and take the following actions:

1. Adopt the findings set forth in Section III of this supplemental memorandum; and
2. Approve the corrections and modifications to the Conditions of Approval for the Santa Barbara Ranch Project consisting of those changes set forth in Attachment B.

I. Supplemental Information.

As explained in the Board Agenda Letter dated November 18, 2008, a Notice of Final Action (NOFA) was submitted to the California Coastal Commission ("CCC") on October 27, 2008, in accordance with the requirements of Title 14, Section 13571 of the California Code of Regulations. In response, CCC staff requested clarifying information, staying the official period in which appealable actions may be filed. Preparatory to responding, staff has conferred with County Counsel and the applicant to fully vet the conditions that pertain to the staging of development and the interrelationship of appealable actions. From this dialogue, it appears that several conditions require clarification to conform with the Board's earlier decision to allow inland and coastal portions of the project to proceed independent of the other. At the same time, several corrections have been suggested to avoid confusion in the future. There are no changes

that change the nature or extent of the development or uses contained in the project description; these changes are corrections only or added to facilitate CCC review of the NOFA. It is the customary practice of PAD to provide applicants with corrected permits and place a copy of the corrected permit in the file. Due to the scrutiny and interest the Santa Barbara Ranch Project has received, staff felt it was best to bring these corrections to your Board for approval. The changes appear in Attachment B and are summarized below:

1. Inland Serving Infrastructure. The current Conditions of Approval collapse necessary infrastructure into a single CUP for road/utilities and another for upgrades to the water treatment system. As currently worded, all infrastructure within the Coastal Zone is conditioned upon final CCC approval of legislative actions; however, not all the infrastructure is related to these legislative actions; the upgrade to the water treatment facility and the access road are required to build-out the first phase of *inland* development. To remedy this situation and implement the Board's direction of October 7, 2007, the proposed corrections would: (i) remove provisions that interconnect inland infrastructure and that which only serves coastal development, replacing them with language that allows the inland and coastal portions to proceed independently; and (ii) refine the description of infrastructure serving inland development. This would fulfill the direction of the October 7th MOU Amendment and enable inland portions of the project to be developed in advance of areas within the Coastal Zone.

2. Appealable Actions. Table 1 of the Conditions of Approval provides a "roadmap" relative to what conditions apply to which permits. The conditions also tabulate which permits involve property within the Coastal Zone and those which pertain to inland areas (Table 4). These clarifications notwithstanding, CCC staff seeks clarification as to which approvals are appealable to the Commission. In response, revisions to the Conditions of Approval include modifications to Table 4 that denote CCC's jurisdiction; whether it be certification authority over legislative actions, appeals jurisdiction by virtue of geography or appeals jurisdiction by operation of the County's Land Use and Development Code ("LUDC"). For those actions that are appealable, Public Resources Code §30603 and LUDC Section 35.102.060 provide guidance on appeals procedures. Revisions to Tables 1 and 4 appear in Attachment B.

3. Definitive Scope of Development. The development scope for individual project components is variable and not precisely defined in the current Conditions of Approval (e.g., exact home sizes are not specified, grading quantities for individual development envelopes are not calculated, etc.). In response to the CCC's deficiency notice, it is proposed that the Conditions of Approval be modified as follows: (i) update Table 2 with estimated grading quantities for each lot within the Coastal Zone (corresponding to estimates provided for the original MOU Project and the Preliminary Grading, Drainage, Roads and Utilities Plan); (ii) add a new Table 5 and Exhibit 17 to clarify the range of development to explicit design prototypes as that range has been approved by the Central Board of Architectural Review; and (iii) modify Exhibit 13 to clarify the Project Scope in relation to infrastructure located within the Coastal Zone

servicing inland development. All of the referenced changes to Table 2 and Exhibit 13, as well as the addition of Table 5 and Exhibit 17, appear in Attachment B.

4. Miscellaneous Corrections. While the focus of changes to the Conditions of Approval are intended to respond to the CCC's deficiency notice and fully decouple inland and coastal approvals, staff has used this opportunity to recommend miscellaneous non-substantive changes to the Conditions of Approval. These changes include typographical and numeric corrections, timing and sequencing clarifications, and graphic adjustments and appear throughout Attachment B.

II. LCP Consistency.

CCC staff point out that permit approvals for the Project do not square with the County's existing Coastal Land Use Plan. In this regard, amendments to the County's CLUP to establish a new Naples Town Site ("NTS") land use and zoning designation were approved by the Board concurrent with all other discretionary permits and approvals associated with the Santa Barbara Ranch Project. The new NTS designation is being packaged with other unrelated CLUP amendments for consolidated submittal to the CCC in December. While it would be preferable to submit the entire package of legislative and appealable actions to the CCC at one time, 14 CCR 13571 expressly requires that Final Notice of the discretionary permits be given to CCC within seven days of the Board's action. To reconcile this timing issue, the response to the CCC's deficiency notice will be submitted concurrent with submittal of the CLUP amendment package in December.

III. Findings.

Overview. The proposed revisions in the Conditions of Approval consist of modifications, refinements and corrections as follows: (i) allowing infrastructure within the Coastal Zone servicing inland development to proceed on a separate permit path from infrastructure servicing coastal development as authorized by the Board; (ii) clarifying Coastal Commission jurisdiction relative to those aspects of the Project over which it has certification authority, appeals jurisdiction by virtue of geography or appeals jurisdiction by operation of the County's Land Use and Development Code ("LUDC") as requested by the CCC; (iii) defining more precisely the scope of development within the Coastal Zone including grading quantities, infrastructure components and building design as requested by the CCC; and (iv) miscellaneous changes including typographical and numeric corrections, timing and sequencing clarifications, and graphic adjustments.

A. CEQA.

Requirement (Section 15162 of the CEQA Guidelines). Once an environmental analysis has been performed for a project, no subsequent environmental impact report or negative declaration is required under unless the County determines, on the basis of substantial evidence and in light of the whole record, one or more of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Finding. This approval does not provide for any changes, modifications, refinements or corrections to the project itself and the Conditions of Approval do not change the intensity of use or scope of development approved in connection with the Santa Barbara Ranch Project, nor have any substantial changes occurred with respect to the circumstances under which the Project is to be undertaken. Further, approval of these changes would not provide any authority to implement any new elements of the Santa Barbara Ranch project. Therefore, all project elements and impacts considered in this approval have been evaluated in the Final Environmental Impact Report (“FEIR”), which was certified by this Board on October 21, 2008. Accordingly, the FEIR is adequate in regard to the proposed changes and no further environmental analysis under CEQA is required.

B. Vesting Tentative Tract Map and Lot Line Adjustments.

Revisions proposed to Vesting Tentative Tract Map Case No. 08TRM-00000-00006 and Lot Line Adjustment Case Nos. 08LLA-00000-00010 and 08LLA-00000-00010 consist of corrections in the language and/or applicability of conditions that have no effect on the scope or configuration of the subdivision maps. As such, the modification processing provisions of County Code Chapter 21 do not apply.

Special Instructions: None.

Attachments:

Attachment A: Coastal Commission Deficiency Notice (Attached to the Board Letter Dated November 18, 2008)

Attachment B: Revisions to Conditions of Approval

Authored by: Tom Figg, Project Planner

(Note: The current unrevised conditions of approval may be reviewed in their entirety on the P & D webpage at <http://sbcountyplanning.org/projects/03DVP-00041/index.cfm>.)

ATTACHMENT B