



## COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

### MEMORANDUM

**TO:** County Planning Commission

**FROM:** Jeff Wilson, Deputy Director  
Staff Contact: Gwen Beyeler, Planner

**DATE:** February 6, 2019

**HEARING DATE:** February 27, 2019

**RE:** Naphy Appeal of the Dunn School Amendment Project  
Case No. 18APL-00000-00012 of 17AMD-00000-00003

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#### **1.0 Background**

On September 12, 2018, the Planning Commission (Commission) reviewed the Naphy Appeal (hereinafter referred to as “the Appeal”) of the Planning and Development Director’s approval of an Amendment (Case No. 17AMD-00000-00003) to the Dunn School Master Plan Conditional Use Permit (hereinafter referred to as “the Amendment”). The Appeal application is included as Attachment I to this Memorandum, dated February 6, 2019. At this hearing, the Commission continued the item to October 31, 2018, and requested that staff prepare revised findings to: 1) uphold the appeal challenging the unpermitted baseball pitching tent structure; and 2) approve the Amendment, with findings addressing the unpermitted baseball pitching tent structure. As discussed in the Memorandum dated October 11, 2018 (Attachment G of this Memorandum, dated February 6, 2019), staff added a condition of approval to the Amendment to require the Applicant to remove the unpermitted baseball pitching tent structure from the Dunn School premises within 30-days following the decision-maker’s final action on the Amendment.

At the October 31, 2018, hearing, the Commission considered the Appeal and focused on the compatibility, structure type, height, color, lighting, and landscaping related to the baseball pitching tent. At the hearing, the Commission unanimously voted to continue the item to the December 12, 2018, meeting with direction to staff to prepare two sets of findings to: 1) uphold the Appeal and approve the Amendment with findings addressing removal of the unpermitted baseball pitching tent structure, and 2) deny the Appeal and approve the Amendment. The Commission recommended that the applicant and appellant meet to determine if an agreement could be reached in regard to the baseball pitching tent structure. Staff has been in communication with the applicant (Dunn School) and the appellant (Mr. Naphy) to find out if they had met as the Commission requested, and whether there was agreement on the pitching tent structure and measures to minimize lighting. Both parties confirmed that they had met on

campus to discuss the proposed project but that no resolution was reached. The applicant has not provided additional information to staff regarding changes to the pitching tent structure.

On December 5, 2018, the Commission voted to cancel the December 12, 2018, hearing with the understanding that the Appeal would be rescheduled to another date with proper noticing to the public. After conferring with the applicant and appellant, staff rescheduled the Appeal of the proposed project for the February 27, 2019, Commission hearing.

Per the request of the Commission, staff has prepared two sets of findings to 1) uphold the Appeal by approving the Amendment and denying the baseball pitching tent structure and 2) deny the Appeal by approving the Amendment including the pitching tent structure.

The findings to uphold the Appeal by approving the Amendment and denying the baseball pitching tent structure are incorporated herein as Attachment A to this memorandum, dated February 6, 2019. A condition of approval has been added to the project (Condition No. 8) requiring the applicant to remove the unpermitted baseball pitching tent structure from the Dunn School premises within 30-days following the decision-maker's final action on the Amendment. Please refer to Attachment B of this memorandum, dated February 6, 2019, for the corresponding Conditions of Approval.

The findings to deny the Appeal by approving the Amendment including the pitching tent structure are incorporated herein as Attachment D to this memorandum, dated February 6, 2019. Please refer to Attachment E of this memorandum, dated February 6, 2019, for the corresponding Conditions of Approval.

## **2.0 Recommendations & Procedures**

Follow the procedures outlined below. The Commission's motion should include the following:

1. Uphold the Appeal, Case No. 18APL-00000-00012.
2. Make the required findings to approve the Amendment, Case No. 17AMD-00000-00003, as specified in Attachment A of this memorandum, dated February 6, 2019, including CEQA findings.
3. Determine that the Amendment, Case No. 17AMD-00000-00003, is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15303 and 15314 as specified in Attachment C of this memorandum dated February 6, 2019.
4. Grant *de novo* approval of the Amendment, Case No. 17AMD-00000-00003, subject to the conditions of approval specified in Attachment B of this memorandum, dated February 6, 2019.

### **3.0 Alternative Action**

Follow the procedures as outlined below. The Commission's motion should include the following:

1. Deny the Appeal, Case No. 18APL-00000-00012.
2. Make the required findings to approve the Amendment, Case No. 17AMD-00000-00003, as specified in Attachment D of this memorandum, dated February 6, 2019, including CEQA findings.
3. Determine that the Amendment, Case No. 17AMD-00000-00003, is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15303 and 15314 as specified in Attachment F of this memorandum dated February 6, 2019.
4. Grant *de novo* approval of the Amendment, Case No. 17AMD-00000-00003, subject to the conditions of approval specified in Attachment E of this memorandum, dated February 6, 2019.

Refer back to staff if the Commission takes other than the recommended action for appropriate findings and conditions.

### **4.0 Attachments**

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption
- D. Alternative Findings
- E. Alternative Conditions of Approval
- F. Alternative Notice of Exemption
- G. Planning Commission Memorandum, dated October 11, 2018
- H. Planning Commission Staff Report, dated August 23, 2018
- I. Naphy Appeal Application