



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:** Planning and  
Development  
**Department No.:** 053  
**For Agenda Of:** September 22, 2015  
**Placement:** Set hearing on 9/22/15  
for 10/13/15  
**Estimated Tme:** 1.5 hours on 10/13/15  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Glenn Russell, Ph.D., Director, Planning & Development  
Director(s) (805) 568-2085  
Contact Info: Alice McCurdy, Deputy Director, Development Review Division  
(805) 568-2518

**SUBJECT:** El Grosso Application for a General Plan Amendment  
Third Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

On September 22, 2015, set a hearing for October 13, 2015 to consider the Planning Commission's recommendation to decline to accept the El Grosso General Plan Amendment application for processing (Case No. 14GPA-00000-00014).

On October 13, 2015, staff recommends that your Board take the following action:

- a) Decline to accept the General Plan Amendment for processing.
- b) Determine that declining to accept the General Plan Amendment application for processing is not a project under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(5), because the action is an administrative activity that will not result in direct or indirect physical changes to the environment (Attachment 1).

The project site is identified as Assessor Parcel Number 101-120-023, located approximately 500 feet northeast of the Highway 101/Bell Street intersection, commonly known as 9150 Highway 101, in the

Los Alamos Community Planning area. Refer back to staff if the Board takes an action other than the recommended action.

**Summary Text:**

**A. Project Site Information**

The subject 5.58 gross acre parcel is located approximately 500 feet northeast of the Highway 101/Bell Street intersection, commonly known as 9150 Highway 101, in the Los Alamos Community Planning area. Existing onsite development consists of the Sky View Motel, constructed in 1957. The parcel is zoned Highway Commercial (CH) with a corresponding land use designation of Highway Commercial (H). The property is constrained topographically with slopes on the majority of the parcel exceeding 20%. Surrounding parcels are zoned residential (1-E-1, 3-E-1), and retail commercial (C-2). These parcels are either vacant or developed with low intensity residential uses. The vacant parcel adjacent to the southeast zoned C-2 is entirely within the identified 100 year flood hazard overlay, and is highly constrained for development.

**B. Project Description**

The proposed project is a request by the property owner for approval of a General Plan Amendment to change the land use designation on the parcel from Highway Commercial (H) to General Commercial (C). If the application is accepted by the Board of Supervisors for initiation, the owner would submit a corresponding application to rezone the subject parcel from Highway Commercial (CH) to Retail Commercial (C-2). Rezoning the parcel to C-2 would allow the property owner to apply for permits to offer wine tasting at the Sky View Motel.

**C. Planning Commission Action**

At the Planning Commission hearing of May 13, 2015, the Commission voted 3-2 (Blough, Ferini no) to decline to accept the application for processing.

The Commissioners who voted not to accept the General Plan Amendment for processing cited the following concerns with the requested change:

- The Los Alamos Planning Advisory Committee considered the requested change at four hearings (two during the Community Plan Update and two for this specific proposal) and did not find the request to be in the interest of the community;
- The change would allow additional types of commercial development and uses under the proposed Retail Commercial zoning that are not allowed under the current Highway Commercial zoning;
- The potential increase in the intensity of commercial uses raises concern due to the adjoining residentially zoned parcels;
- The community has identified the desire to keep Bell Street as the town's commercial center;
- The location in a residential area is not appropriate for a wine tasting room;
- The property could be improved as a motel and clients could do wine tasting in town on Bell Street; and
- Since the rezone runs with the land, not the property owner, there are concerns about future uses if the current proposal is unsuccessful.

The Commissioners in support of accepting the General Plan Amendment for processing identified the following issues as the basis for their support of the requested change:

- The proposed wine tasting use at the hotel would be good for businesses in Los Alamos since many of the clientele visiting the hotel would also visit businesses on Bell Street;
- The project would provide an opportunity for wine tasting which wouldn't involve drinking and driving since guests would be staying the night at the motel;
- The property's physical constraints and the requirement for zoning permits would adequately control future commercial uses under the proposed Retail Commercial zoning;
- The long history of failed Highway Commercial uses indicates the need for a change;
- The proposal would improve the property; and
- The project would increase tax revenues.

The Commission referred the application to your Board for a final decision with a recommendation that your Board also decline to accept the application for processing.

#### **D. Issue Summary**

##### **Land Use Designation and Zoning**

The Santa Barbara County Comprehensive Plan Land Use Element specifies that the Highway Commercial (H) land use designation and zone district (CH) permits only those uses which serve the highway traveler such as hotels, motels, restaurants, garages, and service stations. The Sky View Motel is consistent with this type of land use.

The General Commercial (C) land use designation is used to denote areas suitable for many types of commercial activities. Central business district areas, district centers, service commercial, neighborhood centers, and design commercial are all allowed under this designation. Permitted uses in the C-2 zone range from convenience activities, which serve such day-to-day needs such as food, drugs, gasoline, and other incidentals, to major commercial centers. Wholesale facilities which support agricultural, construction and transportation activities are also allowed uses within the C-2 zone. The subject parcel is one of only two remaining parcels with the H land use designation and CH zoning located within the Los Alamos Community Plan (LACP) area.

Attachment 3 includes a list of uses permitted within the CH and the C-2 zone districts. The types of land uses permitted in the C-2 zone district that are not allowed in the CH zone include a higher intensity of retail trade uses such as auto and vehicle sales and rentals, convenience stores, general retail, grocery food/stores, and offices supporting retail. Medical services and offices as well as recycling centers and wholesaling and distribution centers are also permitted uses in the C-2 zone district.

The property owner is applying for the General Plan Amendment in order to rezone the parcel to C-2, which permits wine tasting (bar/tavern). As identified in the table below, many of the types of land uses permitted in the C-2 zone are of a higher intensity than what is currently permitted in the CH zone. These uses would not be appropriate for the subject parcel due to the parcel's close proximity to Highway 101, and the constrained topography. The following table identifies all of the land uses permitted in the C-2 zone which are not permitted under the current CH zoning. All of these uses would require the approval of zoning permits.

**Land Uses permitted in the C-2 zone which are not permitted in the CH zone**

<b>Agriculture, Mining &amp; Energy Facilities</b>
Oil and Gas Uses
<b>Industry, Manufacturing &amp; Processing, Wholesaling</b>
Furniture/fixtures manufacturing, cabinet shops
Handcraft industry, small scale manufacturing
Laundry, dry cleaning plant
Recycling – Small collection center
Recycling – Small collection center, non profit
Wholesaling and distribution – Essential to agriculture
<b>Recreation, Education &amp; Public Assembly Uses</b>
Commercial entertainment – Indoor
Commercial entertainment - Outdoor
Fitness/health club or facility
Sports or entertainment assembly facility
Theater – Indoor
<b>Residential Uses</b>
Emergency shelter
Mixed use project residential component
<b>Retail Trade</b>
Auto and vehicle sales and rental
Bar, tavern
Building and landscape materials sales – Indoor
Building and landscape materials sales – Outdoor
Convenience store, 3,000 sf or more net floor area
General retail
Grocery/food store, more than 5,000 sf
Mobile home, boat, and RV sales and repair
Office supporting retail
Plant nursery
Truck, trailer, construction, farm, heavy equipment sale/rental
<b>Services – Business, Financial, Professional</b>
Bank, financial services – Branch facility
Bank, financial services – Complete facility
Business support service
Medical services – Animal hospital, small animals
Medical services – Doctor office
Office – Business/service
Office – Professional/administrative
<b>Services – General</b>
Lodging – Bed and breakfast inn
Personal services
Repair service – Equipment, appliances, etc. – Indoor
Repair service – Equipment, appliances, etc. – Outdoor
Vehicle services – With outdoor work areas
<b>Transportation, Communications &amp; Infrastructure</b>
Parking facility, public or private
Vehicle storage

### **Consistency with the Los Alamos Community Plan (LACP)**

LACP Policy LUC-LA-2.1 states that new commercial mixed-use development (both local and visitor serving) shall be encouraged directly along the Bell Street corridor, and that renovation and/or expansion of existing local-serving uses in the commercial core area shall be encouraged. This policy promotes general planning principles which encourage keeping downtown areas vibrant and economically successful by focusing commercial uses in the commercial core area. Changing the land use designation on the subject parcel to General Commercial with a corresponding rezone to C-2 is not consistent with the intent of this policy, as it would allow the property owner to apply for permits for a higher intensity of land uses, specifically wine tasting, east of Highway 101 and outside of the Bell street downtown commercial core area.

### **Los Alamos Planning Advisory Committee (LAPAC) Review**

During the adoption of the Los Alamos Community Plan, the prior owners of the subject property attended LAPAC meetings on May 12, 2008, and March 18, 2010. At both of these meetings, the prior owners formally requested that the land use designation and zoning on the subject parcel be amended as part of the update to the Los Alamos Community Plan. This request was not incorporated into the recommendation to the decision maker due to concerns by LAPAC associated with the potential for other types of uses that could be permitted within the C-2 zone district. LAPAC did support a request by the adjacent property owner to the southeast (APN 101-120-022, Burtness) to change the land use designation on this vacant parcel from Highway Commercial (H) to General Commercial (C), and to rezone it from Highway Commercial (CH) to Retail Commercial (C-2).

The current General Plan Amendment request was reviewed by LAPAC on December 17, 2014 and February 18, 2015. At the February 18, 2015 meeting, LAPAC voted to recommend against initiating the proposed General Plan Amendment. Concerns by LAPAC continue to be the additional water usage and sewer treatment capacity required, community plan integrity, the variety of higher intensity uses that could be permitted on the property under the C-2 zoning, and the proliferation of wine tasting rooms in Los Alamos. The minutes from the LAPAC meetings are included as Attachment 4.

### **Fiscal and Facilities Impacts:**

The costs to process the request for a General Plan Amendment were borne by the applicant through the payment of processing fees. These fees are budgeted in the permitting program of the Department, as shown on page D-289 of the adopted 2015-2017 FY budget.

### **Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on October 13, 2015. The notice shall appear in the Santa Maria Times (labels attached). The Clerk of the Board shall fulfill noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

**Attachments:**

1. Notice of Exemption
2. Planning Commission Memorandum, dated April 23, 2015
3. LUDC Commercial Zones & Allowable Uses
4. LAPAC Minutes:
  - a. May 12, 2008
  - b. March 18, 2010
  - c. February 18, 2015 (draft minutes)

**Authored by:**

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Development Review Division, Planning and Development Department