

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: April 19, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: May 9, 2006
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Zoraida Abresch, Deputy Director (x6585)
Development Review Division

SUBJECT: Will General Plan Amendment and Rezone (Orcutt Union Plaza)

Recommendations:

That the Board of Supervisors conceptually adopt the Planning Commission's recommendations and conceptually approve case numbers 05RZN-00000-00005 and 05GPA-00000-00003 for a zoning change and general plan amendment. The application involves APNs 105-091-006 and 105-121-001, located on the southeast intersection of Clark Avenue and Marcum Streets, known as 201 South Broadway, in the Orcutt area, Fourth Supervisorial District. The Board's conceptual action should include the following:

1. Adopt the required findings for the project, including CEQA findings, (Attachment A);
2. Approve the Negative Declaration (Attachment B)
3. Adopt the resolution approving Comprehensive Plan Amendment 05GPA-00000-00003, changing the Land Use Designation for a portion of the subject parcel from General Industry to General Commercial/Residential-14.0, (Attachment C);
4. Adopt the ordinance approving Case No. 05RZN-00000-00005 rezoning a portion of the subject parcel from M-1 to OT-R-14/GC, (Attachment D);

5. Adopt an ordinance for APNs 105-091-006 and 105-121-001, amending the Orcutt Community Plan Zoning Districts Map (Exhibit #35—204.41.2) and designate APNs 105-091-006 and 105-121-001 outside of the core pedestrian overlay zone 1 and the peripheral pedestrian overlay zone 2 (Attachment E); and
6. Continue the project to May 16, 2006 for final action on the designated Land Use Element Window date.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Issue Discussion:

Planning Commission Action:

At the March 8, 2006 hearing, the Planning Commission voted 5-0 on a motion recommending that your Board approve the proposed project as revised at the hearing. The project consists of a General Plan Amendment from General Industry to General Commercial/Residential-14.0 and a rezone from M-1 to OT-R-14/GC of 4.3 acres of a 6.2 acre parcel and the deletion of Old Town Orcutt Core Pedestrian Overlay (Zone 1) and the Peripheral Pedestrian Overlay (Zone 2) from both APNs (A full discussion of the project is contained in the Planning Commission Staff Report, Attachment G). In discussion, the Planning Commission did not agree with the original staff recommendation to include both APNs in the Peripheral Pedestrian Overlay Zone 2.

Recommendation 5 was revised at the hearing as a result of public comment and the Planning Commission concerns about the potential lack of parking. As noted in the staff report, the project site currently has approximately 1.5 acres of the site within the Old Town Orcutt Core Pedestrian Overlay Zone 1 and 0.5 acres in the Peripheral Pedestrian Overlay Zone 2, with approximately 5.8 acres of the site in neither zone due primarily to the current M-1 designation.

The original request was for both parcels to be designated Zone 2, based on Comprehensive Planning Division's recommendation and the applicant's request. However, the Planning Commission recommendation to have no overlay on the parcels was to address parking concerns raised by residents during the hearing. The Zone 2 overlay would have allowed several benefits considered desirable for development in the Old Town Orcutt area, including a 50% reduction in the parking requirement. Most of the public that spoke at the hearing were concerned with the reduced parking requirement, even though the design of the conceptual project for the site had already planned to be fully parked on-site with over 150 spaces. Several of the speakers praised the applicant's design. It should be noted that the Will property is unique, in that it is a much larger parcel than most of the parcels in the Old Town Orcutt area and does not present some of the challenges for development and parking that smaller parcels experience.

As a result of the concern by the public and the Commissioners, it was recommended that the entire property be removed from both Zone 1 and Zone 2 overlay designations in order to address the parking concern. The result of that action would allow development under standard Article III requirements as shown below:

- **Building Coverage:** Not more than 50% of the gross area (of the lot) shall be occupied by buildings and structures for lots with 75 feet or more of street frontage.
- **Parking:** Shall be provided on-site with car/square footage ratios determined by DIVISION 6, PARKING REGULATIONS in Article III.

It should be noted that the overlay zones deal with more than just parking. The most notable differences in **Zone 2** are provided below for your review and information:

Building Coverage: Not more than 65% of the gross area. *No overlay would allow a maximum of 50% building coverage.*

Parking: 50% reduction from regulations provided in DIVISION 6, PARKING REGULATIONS

Parking Location: Rear yard of buildings and structures. *No overlay would preclude regulations on the location of parking areas.*

Curb Cuts and Driveways: On Clark and Broadway Avenues shall be avoided to the maximum extent feasible.

If the Board supports the Commission's recommendation, then adequate parking would be required for any future development. There could be a trade off with the loss of additional building coverage and a restriction in the number of curb cuts.

Planning Commission Recommendation:

The Planning Commission, at its hearing of March 8, 2006, voted unanimously to recommend approval to your Board.

Mandates and Service Levels:

No changes in programs or service levels are anticipated.

The Comprehensive Plan Amendment is being considered by the Board of Supervisor's based upon the California Government Code (Planning and Zoning Law), Title 7, Division 1, Chapter 3, Article 6, Section 65358, which states: "*If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan.*"

The Planning Commission has made a recommendation that your Board approve the request consistent with Title 7, Division 1, Chapter 3, Article 6, Section 65354, which states: "*The Planning Commission shall make a written recommendation on the adoption or amendment of a general plan. A recommendation of approval shall be made by the affirmative vote of not less*

than a majority of the total membership of the Commission. The Planning Commission shall send its recommendation to the legislative body.”

The Rezone is being considered by the Board of Supervisor’s based upon County Code Chapter 35, Article III (Inland Zoning Ordinance), Section 35-325.4.3.b, which states: “*Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing...*” and Section 35-325.4.3.c which states: “*The Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within 40 days after the reference, or such longer period as may be designated by the Board of Supervisors, shall be deemed to be approval of the proposed modification.*”

Multiple Projects: Section 35-292d of Article III states that when two or more applications are submitted that relate to the same development project and would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction. Therefore, the final decision-maker for all applications will be the Board of Supervisors.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. Mailed notice required to property owners within 1,000 feet of the project, including the real property owners, project applicant, and agencies expected to provide essential services shall be done at least 10 days prior to the hearing (Government Code Section 65091).

Fiscal and Facilities Impacts:

There are no fiscal impacts associated with this request. All costs of permit processing are reimbursed by the project applicant. Funding for this work is budgeted in the Permitting and Compliance program of the Development Review North division on page D-292 of the adopted 05/06 fiscal year budget.

Special Instructions:

Clerk of the Board shall complete noticing in the Santa Maria Times and shall complete the mailed noticing for the project at least 10 (ten) days prior to May 9th hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

Planning & Development will prepare all final action letters and notify all interested parties of

the Board of Supervisors final action.

Concurrence: N/A

ATTACHMENTS:

- A. Findings
- B. Resolution to Amend the General Plan, 05GPA-00000-00003 Planning Commission Action Letter including Findings and Conditions of Approval, dated May 20, 2005.
- C. Ordinance to Rezone, 05RZN-00000-00005
- D. Ordinance to Amend Assessor Parcel Numbers 105-091-006 and 105-121-001 outside of Old Town Orcutt Core Pedestrian Overlay Zone 1 and the Peripheral Pedestrian Overlay Zone 2
- E. Planning Commission Action Letter, dated March 8, 2006
- F. Staff Report to the Planning Commission dated March 8, 2005, including Negative Declaration, No. 05NGD-00000-00028

Staff Report prepared by: Frances Romero, Planner II, Dev. Rev. North

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors have considered the Negative Declaration together with the comments received and considered during the public review process. The negative declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Mr. Steve Chase, Planning and Development, located at 123 E. Anapamu St., Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Comprehensive Plan Findings

Government Code Section 65358 requires a comprehensive plan amendment to be in the public interest. The proposed comprehensive plan amendment would be in the public interest for the following reasons:

1. The proposed general plan amendment would allow compatibility with and ensure that this site can contribute to the goals to revitalize Old Town Orcutt. The project site was originally split zoned to accommodate the oil support facilities in the rear of the parcel while allowing mixed use development along the Broadway and Clark Avenue frontage, consistent with all of the commercial development fronting Broadway and Clark in Old Town. The project site, with the exception of an adjacent 2.5 acre parcel owned by Unocal California Pipeline Company, containing the Orcutt Pump Station, is the only General Industry (G-I) designated parcel in Old Town Orcutt. Because the project site is no longer used as an oil support facility and the applicant proposes future uses to consist of retail commercial and residential, the G-I land use designation is no longer appropriate on the site.

2. The proposed project is consistent with the applicable policies of the Santa Barbara County Comprehensive Plan, as discussed in Section 6.2 of the Staff Report dated March 8, 2006.
3. The proposed use of the parcels would not result any significant impacts on the environment.

2.2 Rezone Findings

Pursuant to Section 35-325.5, the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone or Ordinance Amendment request, the following findings shall be made by the Planning Commission and Board of Supervisors:

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

The proposed project is in the interests of the general community welfare because the primary purpose of the project is to ensure compatibility with and ensure that this site can contribute to the goals to revitalize Old Town Orcutt. The existing M-1 zoning and General Industry land use designations do not allow the commercial or residential uses that will be allowed with the proposed (OT-R-14/GC) zoning and General Commercial/Residential 14.0 (C) land use designations. The Orcutt Union Plaza (a.k.a. former Unocal headquarters) is considered a focal point of Old Town Orcutt.

2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Article.

As discussed in sections 6.2 and 6.3 of the staff report, the project may be found consistent with the applicable sections of the Inland Zoning Ordinance.

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

The project is consistent with good zoning and planning practices. The proposed rezone and general plan amendment will not result in spot zoning of the property. Instead, the requested OT-R-14/GC zoning is consistent with the surrounding zoning and will actually do away with inconsistent/spot zoning that has remained on the property since the last Comprehensive Plan was prepared in 1980.

ATTACHMENT B
NEGATIVE DECLARATION
From Planning Commission Staff Report

ATTACHMENT C

RESOLUTION OF THE BOARD OF SUPERVISORS

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING SPECIFIC)RESOLUTION NO.
AMENDMENTS TO VARIOUS MAPS OF THE)CASE NO. 05GPA-00000-00003
LAND USE ELEMENT OF THE SANTA BARBARA)
COUNTY COMPREHENSIVE PLAN)

WITH REFERENCE TO THE FOLLOWING:

- A. 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. It is now deemed in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Comprehensive Plan's Land Use Element, as follows:

*05GPA-00000-00003, adopt amendment to the Santa Barbara County Land Use Designations Map of the Land Use Element of the Santa Barbara County Comprehensive Plan by redesignating 105-091-006 from **General Industry (GI)** to **General Commercial/Residential-14.0 (C)**.*

- C. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on said proposed amendments in a public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.

- D. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.

2. Pursuant to the provisions of Section 65356 of the Government Code, the above described changes are hereby adopted as amendments to the Land Use Element of the Santa Barbara County Comprehensive Plan.

3. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board.
4. Pursuant to the Provisions of Government Code Section 65357 the Clerk of the Board is hereby authorized and directed to send endorsed copies of said maps to the planning agency of each city within this County.

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

AYES:

NOES:

ABSENT:

Chair of the Board of Supervisors
County of Santa Barbara

ATTEST:

Michael F. Brown
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By: _____
Deputy Clerk

By: _____
Deputy County Counsel

ATTACHMENT D: ORDINANCE

ARTICLE III (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO REZONE ASSESSOR PARCEL NUMBER 105-091 -006
FROM M-1 to OT-R-14/GC

EXHIBIT NO. 35-204.40.6

Case No. 05RZN-00000-00005

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

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35-101 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Numbers, 105-091 -006 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit No. 35-204.40.6, dated May 9, 2006, which rezones Assessor's Parcel Numbers 105-091 -006, from M-1 to OT-R-14/GC, as exhibited in Exhibit A, and which is made 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 endorse said Exhibit No. 35-204.40.6 to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-204 of the Code of Santa Barbara County, California, 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 _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Chair, Board of Supervisors
County of Santa Barbara
State of California

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT E: ORDINANCE

ARTICLE III (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBER 105-091 -006, 105-121-001
Outside of the OTO Core Pedestrian Overlay Zone 1 and the
OTO Peripheral Pedestrian Overlay Zone 2

EXHIBIT NO. 35-204.41.2

Case No. 05RZN-00000-00005

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

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35-101 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Numbers, 105-091 -006 & 105-121-001 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit No. 35-204.41.2, dated May 9, 2006, which redesignates Assessor's Parcel Numbers 105-091 -006 & 105-121-001, to be outside the OTO Core Pedestrian Overlay Zone 1 and the OTO Peripheral Pedestrian Overlay Zone 2, as exhibited in Exhibit A, and which is made 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 endorse said Exhibit No. 35-204.41.2 to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-204 of the Code of Santa Barbara County, California, 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 _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Chair, Board of Supervisors
County of Santa Barbara
State of California

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT F
PLANNING COMMISSION ACTION LETTER
From Hearing Support

ATTACHMENT G
STAFF REPORT TO PLANNING COMMISSION
From Hearing Support