



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 1, 2009
Placement: Set Hearing
Estimated Tme: 60 minutes on
September 15, 2009
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Dianne Black, Director (568-2086)
Director Planning and Development
Contact Info: Doug Anthony, Deputy Director (934-6559)
Development Review - North County
SUBJECT: Crossroads Special Events and Rezone, Santa Ynez Area

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

Set a hearing for September 15, 2009 to consider the request of Susan Petrovich, agent for William Foley, owner, for the following:

(1) Case No. 07RZN-00000-00004 for approval of a consistency rezone on AP No. 133-190-014 from Limited Agriculture, 40-acres minimum lot area with oil drilling combining regulations (40-AL-O), under Zoning Ordinance 661, to Agriculture II, 40-acres minimum gross lot area (AG-II-40) under Section 35.104 of the County Land Use & Development Code; and

(2) Case No. 09CUP-00000-00021 for approval of a Minor Conditional Use Permit under Land Use & Development Code Section 35.42.250, in the AG-II-40 zone district, to allow for a maximum of 20 commercial special events per year and up to five charitable special events per year (with a maximum of two charitable events per calendar month) and a maximum of 250 attendees per event unless the prospective event sponsor obtains a separate Land Use Permit for larger special events from Planning & Development.

Auditor-Controller Concurrence

As to form: N/A

The subject parcel is located at 3345 Foxen Canyon Rd., in the Los Olivos area, Third Supervisorial District.

At the September 15, 2009 hearing, The Board of Supervisors' action should include the following:

1. Adopt the required findings for the project specified in Attachment A, as revised including CEQA findings;
2. Adopt an Ordinance Zoning Map Amendment for APN 133-190-014, amending the Inland Zoning Map for the Santa Ynez Valley Rural Areas Zone, included as Attachment B;
3. Approve the revised Mitigated Negative Declaration No. 08NGD-00000-00013 (included as Attachment C), and adopt the mitigation monitoring program contained in the conditions of approval included as Attachment D, as revised; and
4. Approve 07CUP-00000-00026 subject to the conditions of approval specified in Attachment D as revised by the Board of Supervisors.

Summary Text:

A. Request/History

This rezone and special events Conditional Use Permit application was submitted on March 29, 2007 by the subject property's previous owner. It was heard at the Planning Commission on June 11, 2008 where, with certain revisions and added conditions, it was recommended for Board of Supervisors approval. The Board of Supervisors was scheduled to review the originally proposed project on September 9, 2008. The item was removed from the September 9 hearing at the request of the previous applicant, Adam Firestone. Subsequent to that request, the subject property was acquired by a new owner, William Foley. In a June 29, 2009 letter to P&D (included herein as Attachment E), the new owner submitted a revised project description requesting fewer proposed events involving a reduced maximum number of attendees. The request for the consistency rezone has not changed. Table 1, below, compares the project that was recommended by the PC for approval with the revised project requested by the new owner. Per CEQA Section 15073.5, the reduced-scale project would not require additional environmental review. It is the revised, reduced-scale project that is now before the Board.

Originally proposed project. On March 29, 2007, Planning and Development received applications for (1) a Land Use Development Code Zoning Map Amendment and (2) a Conditional Use Permit for Special Events. The Zoning Map Amendment would rezone the 54.1 gross/net-acre parcel from 40-AL-O under Ordinance 661 to AG-II-40 under the current LUDC. As illustrated in Table 1, the Conditional Use Permit would allow an annual maximum of 32 one-day commercial or charitable special events, up to thirty events with a maximum of 250 guests and up to two events with a maximum of 1,500 guests. Types of events would include, but not be limited to, weddings, luncheons, club or association dinners and school fundraisers. Events would be limited to a total of eight in any month between the hours of 8:00 A.M. to 10:00 P.M. Sundays through Thursdays, and 8:00 A.M. to 11:00 P.M. on Fridays and Saturdays. No permanent on-site commercial kitchen is proposed; all food service would be catered.

Existing structure and landscaping lighting would be utilized. Additional event lighting would be limited to decorative string lights and candles. Amplified sound would cease by 9 P.M. on weeknights and 10 P.M. on weekends. Tents and/or shade structures that may be erected for events would be removed after events. Access would be provided by the existing 24-foot wide private driveway via Foxen Canyon Road. Parking for events would be provided for 150 vehicles in the existing 50,000 sq ft unpaved all-weather surface parking lot north of the vineyard. Overflow parking for large events would be available for up to 600 vehicles in a four-acre irrigated pasture area northwest of the main landscaped event area. Domestic water would continue to be provided by an existing, private on-site well through a State Transient Water System permit with Environmental Health Services. Wastewater services for events would be provided by a proposed private leach-line septic disposal system via existing permanent restrooms. Wastewater services for large events would be augmented by portable toilets brought onsite in sufficient numbers to serve each large event. Service personnel would be on-site to support individual events. For small events (up to 250 people), the estimated number of staff would include approximately five band members, 10 caterers, and five traffic and parking attendants for a total of 20 staff. For large events (up to 1,500 people), the estimate would be five band members, 12 caterers, and six traffic/parking attendants for a total of approximately 23 staff.

Currently proposed project. As shown in Table 1, the current request is for an annual maximum of 20 commercial special events per year and up to five charitable special events per year (with a maximum of two charitable events per calendar month) and a maximum of 250 attendees per event unless the prospective event sponsor obtains a separate Land Use Permit for larger special events from Planning & Development. This request is for smaller and fewer events than the project analyzed in the Mitigated Negative Declaration and heard by the Planning Commission on June 11, 2008, which included 32 one-day special commercial or charitable special events on the site (up to thirty with a maximum of 250 guests and up to two with a maximum of 1,500 guests). No other changes to the project or to conditions added at the Planning Commission hearing of June 11, 2008 are requested. CEQA Section 15073.5, Recirculation of a Negative Declaration Prior to Adoption, requires recirculation of a negative declaration when it the document is substantially revised after public notice of its availability. CEQA defines a “substantial revision” as (1) when a new, avoidable significant effect is identified and mitigation measures must be added, or (2) the lead agency determines that mitigation measures or project revisions will not reduce impacts to less than significant, and new mitigation measures must be required. The currently proposed project is actually reduced in scale and would not require additional mitigation measures, and thus has not been substantially revised per CEQA. For this reason staff determined that it would not require additional environmental review or recirculation of the negative declaration, nor would it be required to return to the Planning Commission.

Table 1: Original and Currently Proposed Project.

	Originally Recommended for Approval by PC	Currently Proposed
Number of Special Events	32 charitable or commercial special events per year	20 <u>commercial</u> special events per year 5 <u>charitable</u> special events per year
Event Size	30 with 250 guests 2 with 1,500 guests	25 with 250 guests
Event Frequency	8 per month	Maximum of 2 <u>charitable</u> events per calendar month, no other restrictions
Event Hours	Sunday through Thursday: 8:00 A.M. to 10:00 P.M. (amplified sound to cease by 9:00 P.M.) Friday and Saturday: 8:00 A.M. to 11:00 P.M. (amplified sound to cease by 10:00 P.M.)	Sunday through Thursday: 8:00 A.M. to 10:00 P.M. (amplified sound to cease by 9:00 P.M.) Friday and Saturday: 8:00 A.M. to 11:00 P.M. (amplified sound to cease by 10:00 P.M.)
Conditions added or amended at PC hearing.	4 (amended). Modification of Traffic Plan to occur upon notice 6a. (added) Noise levels at property line not to exceed 65 dBA 6b. (added) PC to review effectiveness of conditions of approval after 24 months 6c (added). Large events (1,500 attendees) would apply for separate Zoning Clearance and undergo additional review by appropriate departments.	4. Retained 6a. Retained 6b. Revised on the recommendation of Planning & Development / County Counsel as follows: <u>Approximately 24 months after issuance of the Zoning Clearance, the Planning Commission will receive a report on compliance with the conditions of approval for this Conditional Use Permit.</u> 6c. No longer applicable. Event sponsors could apply to P&D for a Land Use Permit for larger events independent of the CUP.

B. Planning Commission Action

The Planning Commission reviewed the originally proposed project on June 11, 2008. At the Planning Commission hearing of June 11, 2008, the Commission voted 4-0-1 (Jackson recused) to recommend that the Board of Supervisors approve the consistency rezone, adopt the Ordinance Zoning Map Amendment, approve the Mitigated Negative Declaration and approve the Conditional Use Permit for special events. The Planning Commission Action Letter (June 11, 2008), and Planning Commission Staff Report (May 25, 2008), including Mitigated Negative Declaration 08NGD-00000-00013, are included as Attachments F and G of this Board Letter.

C. Issue Summary

Consistency Rezone. The proposed rezone is a legislative action that would replace outdated zoning (40-AL-O) with current equivalent zoning (AG-II-40) thus bringing the zoning into consistency with the LUDC. The parcel meets all of the County's criteria for consistency rezone to AG-II-40. Also, the proposed zoning is consistent with the parcel's existing Comprehensive Plan designation. Note that current restrictions on rezones within the Santa Ynez Valley Community Plan area do not apply to consistency rezones. Both the current and proposed zoning allow commercial special events with a conditional use permit. No issues associated with the proposed rezone were raised by the public at the Planning Commission hearing of June 11, 2008.

Conditional Use Permit for Special Events. The current request is for an annual maximum of 20 commercial special events per year and up to five charitable special events per year (with a maximum of two charitable events per calendar month) and a maximum of 250 attendees per event unless the prospective event sponsor obtains a separate Land Use Permit for larger special events from Planning & Development. Previous County-permitted events at this property included primarily annual vintner's festivals that hosted in excess of 1,500 guests and were permitted under the former Article III as "events", which required only a Land Use Permit. However, under the current LUDC any commercial event, no matter what size or frequency, requires a minor Conditional Use Permit. Any agricultural property owner not in a Williamson Act contract may apply for a commercial temporary events permit. The Conditional Use Permit process and associated Initial Study require evaluation of the appropriateness, safety and environmental impacts of each proposal on a site specific, case-by case basis.

A major issue associated with the proposed project is the intensification of non-agricultural use. There are 11 acres of vineyards on the 54-acre property, and no change to existing agricultural use is proposed. Because there is physical separation between the agricultural areas and the events areas, and there are several routes of ingress and egress, no disruption of ongoing operations is expected. This is the basis for staff's conclusion the proposed events would not diminish the parcel's agricultural suitability and productivity.

Other issues typically associated with special events include dust, lighting, traffic and noise. For the proposed project, the location of the event parking would ensure that no dust from traffic would escape off-site. Existing lighting would be used and a lighting plan would ensure that lights are directed on-site and downward. A traffic control plan acceptable to P&D and Public Works, Transportation would be required to mitigate any impacts resulting from increased vehicular movement and associated traffic

hazards. Amplified music for the proposed project would occur in the three-sided barn, which is located approximately 2,300 feet (0.43 mile) away from the nearest noise-sensitive receptor, a residence. This residence was incorrectly identified in the Planning Commission Staff Report dated May 25, 2008 and Negative Declaration 08NGD-00000-00013 (included as Attachment G), as approximately one mile from the barn. This mistake was discussed at the Planning Commission hearing of June 11, 2008; as a result the Negative Declaration has been revised and is included herein as Attachment C.

As originally proposed, amplified music would end at 10 P.M. on week days and 11 P.M. on weekends. During the Planning Commission hearing of June 11, 2008, concerns were raised about noise from amplified music reaching neighboring residences, the effectiveness of mitigation measures for traffic impacts and the level of review for very large events. As a result of concerns about noise, and the proximity of the nearest residence, the project description was changed to require that amplified music cease by 9 P.M. on weeknights and 10 P.M. on weekends, and Condition 6a was added requiring that noise levels at the property lines not exceed 65 dBA. These conditions protect surrounding residences regardless of their proximity to the noise source. Condition 4 was amended to facilitate modification of the traffic control plan by Public Works, Transportation *upon notice*. Condition 6c was added, requiring that the very large events obtain individual zoning clearances, thus ensuring a higher level of review. Finally, Condition 6b was added, requiring the Planning Commission to review the effectiveness of the Conditions of Approval after 24 months. This condition has been revised on the recommendation of Planning & Development/County Counsel as follows: Approximately 24 months after issuance of the Zoning Clearance, the Planning Commission will receive a report on compliance with the conditions of approval for this Conditional Use Permit. These changes allow for the mitigation measures to be adjusted if necessary.

Fiscal and Facilities Impacts:

The costs to process the project up to approval by the Planning Commission were covered by the applicants through the payment of processing fees. The County would fund the consistency rezone component from the General Fund, which includes review and preparation of this report and attendance at the Board hearing. Staff time to process the rezone to date is approximately 13.5 hours for an estimated cost of \$1,742. Estimated staff time to prepare for and attend the Board hearing is approximately 6 hours for an estimated cost of \$918. This cost is budgeted for under General Fund Contributions for Development Review, North Division on Page D-312 of the adopted 2009 – 2010 fiscal year budget.

Special Instructions:

Clerk of the Board shall publish a legal notice in the Santa Barbara Daily Sound and the Santa Ynez News and shall complete the mailed noticing requirements for the project at least ten (10) days prior to the September 15, 2009 hearing (mailing labels attached).

The Clerk of the Board shall forward a copy of the Minute Order to the Planning and Development Department, Hearing Support Section, Attention: David Villalobos.

The Planning and Development Department will prepare the final action letter and notify all interested parties of the Board of Supervisors' final action.

Attachments:

- A. Findings
- B. Ordinance Zoning Map Amendment
- C. Revised Mitigated Negative Declaration 08NGD-00000-00013
- D. Conditions of Approval
- E. Susan Petrovich Letter dated June 29, 2009 (with revised Project Description)
- F. Planning Commission Action Letter dated June 11, 2008
- G. Planning Commission Staff Report with Negative Declaration, dated May 25, 2008

Authored by:

Joyce Gerber, Planner, 934-6265

Development Review Division – North, Planning and Development Department