

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: April 13, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: May 9, 2006
Placement: Departmental
Estimate Time: 45 minutes
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\GPA\05 cases\05GPA-00000-00007\Goller Final BOS ltr050906.DOC

TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Zoraida Abresch, Deputy Director (ex 6585)
Development Review Division

SUBJECT: Consideration of the Goller General Plan Amendment
and Rezone Request

Recommendations:

That the Board of Supervisors conceptually adopt the Planning Commission's recommendations and conceptually approve case numbers 05RZN-00000-00011 and 05GPA-00000-00007 for a zoning change and general plan amendment. The application involves APNs 149-023-009 and 149-023-010, located in the northern section of the community of New Cuyama, Fifth 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. Accept the Notice of Exemption (Attachment B);
3. Adopt the ordinance approving Case Number 05RZN-00000-00011 rezoning Assessor Parcel Numbers 149-023-009, and 149-023-010 from CH Highway Commercial to 7-R-1 Residential, (Attachment C);
4. Adopt the resolution approving Comprehensive Plan Amendment 05GPA-00000-00007, changing the Land Use Designation for Assessor Parcel Numbers 149-023-009 and 149-023-010 from CH Highway Commercial to Residential 4.6 units per acre, (Attachment D); and,

5. 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:

Project Summary

The two legal parcels, APNs 149-023-009 and 149-023-010, are located in the northern section of the New Cuyama community that have a "CH" zoning district and land use designation. Both parcels are currently undeveloped. There is established residential development to the east and south, developed highway commercial land to the north and undeveloped retail commercial land to the west.

The purpose and intent of the CH district is to provide areas adjacent and accessible to highways or freeways exclusively for uses which serve the highway traveler. The two parcels in question are bounded on the south side by an 8-R-1 zoned district with developed homes. Developed and undeveloped residentially zoned properties are located across a paved street to the east from both parcels. To the north, the parcels are bounded by an access road to an existing motel in the CH zone, and to the west by vacant C-2 zoned parcels.

The parcel's physical location shares a common boundary line with a residentially zoned area, but is separated from the highway by a public park, a frontage road and a block of commercial parcels. The property has been zoned commercial for close to 40 years and to date no commercial development has occurred. Pato Avenue is a quiet residential street more appropriate to residential zoning. The parcels in question meet all requirements for the 7-R-1 zone district including lot size and have sufficient supporting infrastructure and existing public sewer and water service available.

The proposed general plan amendment and rezone of the project area would be consistent with the applicable policies of the County Comprehensive Plan as discussed in Section 6.2 of the Planning Commission Staff Report (Attachment F).

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 change 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."*

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 300 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 Barbara News-Press and shall complete the mailed noticing for the project at least ten (10) days prior to the 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 and 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. Notice of CEQA Exemption
- C. Ordinance to Rezone, 05RZN-00000-00011
- D. Resolution to Amend the General Plan, 05GPA-00000-00007
- E. Planning Commission Action Letter, dated March 8, 2006.
- F. Staff Report to the Planning Commission dated February 23, 2006

Board Letter Prepared by: Shelly Ingram, Planner I