



**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 & Development
Department No.: 053
For Agenda Of: 11/14/2006
Placement: Administrative
Estimate Time: 1 hour on 12/5/06
Continued Item: NO
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s) John Baker, 568-2085
Contact Info: Dianne Black, Assistant Director (568-2086)
SUBJECT: Set Hearing for Cavaletto Appeals of Planning Commission General Plan Amendment Initiation

County Counsel Concurrence:

As to form: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Other Concurrence: N/A

As to form: Yes No N/A

Recommended Action(s):

Set a hearing for December 5, 2006 to consider an appeal filed by the applicant (Case No. 06APL-00000-00026) and an appeal filed by the Coastal Housing Coalition (Case No. 06APL-00000-00025) of the County Planning Commission's June 7, 2006 initiation of a general plan amendment at 3.3 units per acre for the Noel Christmas Tree Farm project (Case No. 01GPA-00000-00009) in the Goleta area of the second district, as follows:

1. Approve the two appeals, to allow a higher density of units per acre;
2. Grant *de novo* initiation of the General Plan Amendment at 5.5 units per acre.

Total Estimated time on 12/5/06: 1 hour
Staff Presentation on 12/5/06: 10 minutes

Summary:

This is an appeal of a Planning Commission decision to initiate a general plan amendment at 3.3 units per acre from an agricultural designation at a property off Patterson Avenue south of Cathedral Oaks in Goleta. The applicants requested initiation of a general plan amendment for a residential development at 6.6 units per acre. The basis for the appeals is the residential density (units per acre) at which the project was initiated. Staff is recommending that your Board approve the appeals and initiate the general plan amendment at 5.5 units per acre. If these appeals are granted, the applicants will then go through the full

project review process and return to the Board after Planning Commission action. The applicants presented their conceptual proposal for residential development of a 25.9-acre urban agricultural property to the County Planning Commission on June 7, 2006 for initiation of a general plan amendment to a residential land use designation with an average density of 6.6 units per acre. The project entailed a mix of residential densities designed for compatibility with the immediately adjacent neighborhoods. The project would have resulted in 170 residential units, comprising market rate single family dwellings, affordable multi-unit housing, and second units designed into the project.

Planning Commission Initiation

At the June 7th hearing, the Planning Commission found that the project site was no longer agriculturally viable and therefore could be converted to residential use in a manner consistent with County policies, including policies of the Goleta Community Plan and County Housing Element. The Planning Commission's decision to initiate the general plan amendment at an average density of 3.3 units per acre was based on a notion of equity rather than planning principles. In their deliberations, the Planning Commission determined that it would be appropriate to grant the applicant the same residential density (3.3 units per acre) as that which was taken from the property when it was rezoned from residential to agriculture in 1979. However, the fact is that the South Coast is constrained in respect to housing opportunity sites and this density would fail to efficiently use the property while respecting site constraints and maintaining its compatibility with the surrounding neighborhoods.

Appeal of GPA Initiation

Initiation of the project was appealed by two parties, the applicant and the Coastal Housing Coalition. The basis for both appeals was the density at which the project was initiated. Both parties assert that the project should be initiated at a higher residential density. The applicant's appeal references the work they have done in the last five years to develop the proposal and achieve a density that addresses critical housing needs while achieving compatibility with surrounding neighborhoods. The Coastal Housing Coalition cites an inconsistency with Policy 5.4 of the Housing Element, which states: "The County shall balance residential and agricultural uses in urban areas by making preservation of agricultural uses on the largest urban agricultural blocks a priority. If urban agricultural lands are considered for conversion, smaller agricultural lands that have access to municipal and other services (e.g. schools, transit, commercial services, etc.) shall be considered first." In implementing this policy, Development Standard 5.4.1 of the Housing Element states: "If urban lands zoned for agriculture are considered for conversion to a non-agricultural use, the conversion shall maximize the public benefit (e.g., affordable housing, public services, recreation). Depending on the location and existing constraints, densities should be medium to high to ensure converted lands are used as efficiently as possible." At 3.3 units per acre, the project may not maximize the public benefit nor use the property in the most efficient manner possible. Increasing the density, as argued by the Coastal Housing Coalition, would enhance the project's consistency with the policies of the Housing Element.

Since the Planning Commission's initiation of the project on June 7, 2006, the applicants have met several times with County staff as well as interested parties in the community. As a result of those meetings, the applicant has slightly modified the proposed project and is now requesting initiation of the general plan amendment at an average density of 5.5 units per acre, comprising 110 market rate units and 33 affordable moderate and workforce units. With the addition of 20 residential second units built

Set **Hearing for Cavaletto Appeals of Planning Commission General Plan Amendment Initiation**

11/14/2006

Page 3 of 4

into the project, the total number of units on the property would be 163 (compared to 170 units originally presented to the County Planning Commission).

Staff Analysis

At the Planning Commission hearing on June 7, 2006, staff recommended against initiation of the general plan amendment because it would result in the conversion of urban agricultural land to a non-agricultural use. However, the property is surrounded by residential development and is no longer engaged in active agriculture. At the hearing, the Planning Commission found that the property was no longer suitable for agriculture and therefore appropriate for conversion to a residential use. Since that issue has been resolved, staff is now in a position to weigh in on the merits of the project. In order to ensure consistency with County policies, the conversion of agricultural land should maximize the public benefit and make efficient use of the land. Staff believes that the proposed project at 5.5 units per acre achieves these goals while respecting the character of surrounding residential neighborhoods. The proposed project is consistent with the requirements of the Inclusionary Housing Program, as it would provide more than the necessary units in the “moderate” and “workforce” income categories and would include the payment of in-lieu fees for the required “very low” and “low” income categories. The project entails a mix of residential densities designed for compatibility with the immediately adjacent neighborhoods to the north and south. In addition to providing much needed housing stock and ensuring a large percentage of it is affordable, the project would also provide a 2-3 acre community creek-side park, a connection to the existing bike trail system along San Jose Creek, and a new through road that would connect with Patterson Avenue and reduce traffic on other neighborhood roads. For these reasons, staff supports the project and recommends initiation of the general plan amendment at an average density of 5.5 units per acre.

Background:

The Cavaletto property was residentially zoned (10-R-1) before 1979. In 1979, the Cavalettos requested a rezone to agricultural zoning (AG-1-5) in order to have a Christmas tree farm and to direct market the trees. The applicants assert that the Christmas tree operation is no longer economically supportable, and there are currently no other viable agricultural uses for the site, which is surrounded on all sides by developed residential neighborhoods. An agricultural viability analysis commissioned by the applicant supports this claim. Since 2000, the Cavalettos have sought to return the property back to a residential land use designation and zone district in order to create a new residential development with a significant affordable and workforce housing component. On June 7, 2006, the County Planning Commission found that the property was no longer agriculturally viable and initiated the general plan amendment at an average residential density of 3.3 units per acre, equivalent to the density on the property before it was rezoned to agriculture.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Set **Hearing for Cavaletto Appeals of Planning Commission General Plan Amendment Initiation**

11/14/2006

Page 4 of 4

Fiscal Analysis:

The fee for processing an appeal is \$443 per the current Planning and Development Department fee schedule adopted by the Board of Supervisor, effective January 9, 2006. The remaining cost of processing these appeals is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-290 of the Fiscal Year 2006/07 adopted budget. Staff time required to process the appeals is estimated at approximately 30 hours.

Staffing Impact(s):

Legal Positions:

N/A

FTEs:

N/A

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on December 5th. The notice shall appear in the Santa Barbara News Press. A minute order of the hearing shall be returned to Planning and Development, attention Alex Tuttle.

Attachments:

Attachment A: Planning Commission Staff Memo, dated May 26, 2006

Attachment B: Copy of Appeals

Attachment C: Planning Commission Action Letter, dated June 7, 2006

Attachment D: Public Comment Letters

Authored by: Alex Tuttle, Planner 884-6844

cc: