

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
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## Agenda Number:

**Prepared on:** July 5, 2005  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** July 26, 2005  
**Placement:** Departmental  
**Estimate Time:** 0.5 hour  
**Continued Item:** NO  
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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Adam Baughman, Planner III (x6263)  
Larry Appel, Supervising Planner (x6261)

**SUBJECT:** Hearing for the Winery (Warehouse) at Los Alamos,  
Case Nos. 03GPA-00004, 03RZN-00004, 03DVP-00021, & 03CUP-00054

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## Recommendations:

That the Board of Supervisors:

1. Adopt the required findings for the project, including CEQA findings (Planning Commission Action Letter, Attachment A)
2. Accept the Negative Declaration and adopt the mitigation monitoring program (Planning Commission Staff Report, Attachment B)
3. Adopt the resolution approving Comprehensive Plan Amendment 03GPA-00000-00004, adding the Agricultural Industry Overlay to the project parcel (Planning Commission Staff Report, Attachment D)
4. Adopt the ordinance approving Rezone 03RZN-00000-00004 rezoning the subject parcel from 100-AG to AG-II-40. (Planning Commission Action Letter, Attachment E)

5. Grant the requested modifications to setbacks and parking standards required by Article III as outlined in the project description (Planning Commission Action Letter, Attachment A, Condition #1)
6. Approve the Development Plan and Conditional Use Permit subject to the Conditions of Approval (Planning Commission Action Letter, Attachment C)

**Alignment with Board Strategic Plan:**

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

**Executive Summary and Discussion:**

At the June 22, 2005 hearing, the Planning Commission voted 3-0-1 on a motion recommending that your Board approve the entire application as revised at the Planning Commission hearing.

*Project Summary:*

Request of the applicant Larry Thibeault, for approval of a Development Plan, Major Conditional Use Permit, Rezone from 100-AG (Ordinance 661) to AG-II-40 (Article III), and a General Plan Amendment that would place an Agricultural Industrial Overlay on a currently undeveloped parcel. The approval of these four (4) cases would allow for the development of a proposed 36,368 square foot warehouse facility for the storage of wine on a 2.32-acre parcel located northwest of Cat Canyon Road, between US Highway 101 and Bell Street, in the Los Alamos area. The proposed structure would be completely underground, 26' in interior height from finished floor to the rooftop, and not visible from US Highway 101. The facility (specifically, the loading dock area) would only be partially visible from Bell St. Eight (8) standard parking spaces and one (1) handicap parking space) and truck maneuvering into the loading dock would be provided. 50,000-gallon water tank and fire pump for fire protection services. Grading would consist of approximately 25,600 cubic yards of cut, 340 cubic yards of fill, and approximately 25,260 cubic yards of export. The exported material is proposed to either be used by a developer in the town of Los Alamos, or a ranch owner in the Los Alamos area. Proposed landscaping would include native grasses and plantings to blend the proposed alterations to the topography into the natural setting as seen from US Highway 101. The plant palette would include a variety of plantings designed to screen the facility. Wine for the proposed storage facility would come from wineries within Santa Barbara and San Luis Obispo Counties only. The proposed facility would store both barrels and cases of wine. There would be three (3) full-time employees required for the operation of the proposed facility. There would not be public access to the proposed facility, and no proposed signs. In addition, there would be no wine processing, tasting rooms, or bottling of wine at the proposed facility.

*Project Issues:*

Aesthetics: The project would be located in a rural area directly adjacent to Hwy 101, the main public transportation corridor through the County. There are no structures of similar size, bulk, and scale within the vicinity of the project site. Therefore, staff and the Board of Architectural Review (BAR) have reviewed the aesthetic qualities of the proposed project and have suggested several project design changes since the original proposal was submitted. Most notably, staff encouraged the applicant to lower the structure into the ground so it would not be visible from Hwy 101. This would also be beneficial in terms of energy use since subterranean structures, such as wine caves, can take advantage of the natural cooling effects of the earth and result in homeostatic interior temperatures (the perfect setting for storing finished wine.) Therefore, because of the lowering of the structure completely into the ground, the project would not be visible from Hwy 101 and has been conditioned to maintain the natural landscaping proposed on the roof of the structure (natural grass mixes). Additionally, no roof-top mounted equipment would be allowed and night lighting would be restricted. Finally, the project must receive final BAR approval prior to issuance of a Land Use Permit for development.

Drainage channel setback: An existing unlined drainage channel bisects the parcel running from the northeast to the southwest. The channel is approximately 5 feet deep with 1:1 cut slopes on both sides and proceeds in a straight line from one box culvert under Hwy 101 to another under Bell St. The drainage channel, which is typically dry until storm events, was constructed when Hwy 101 was built in that area. The Flood Control District typically requires a minimum structural setback of 50-feet from the top of bank from any creek or drainage course. A portion of the proposed structure would come within 25-ft of the top of bank of the channel in one area. The District will grant variances on occasion when they are presented with evidence from a registered civil engineer indicating the drainage course in question presents little or no erosional hazard. Cannon & Associates Civil Engineers have submitted a letter dated May 12, 2005 to the District requesting this variance based on their calculations and their proposed flooding and drainage improvements to the site. The proposed project would incorporate a deepened foundation design as well as left-in-place shoring that will protect the building from erosion due to creek flows. The Flood Control District has considered this request and has issued a condition letter for this project. Final approval from the District would be required prior to construction.

Traffic/Parking: The project site is located adjacent to the Highway 101 southbound lanes, just south of the Bell Street offramp and just north of the intersection of Cat Canyon Road and Hwy 101, approximately one mile northwest of the township of Los Alamos. Access to the site would be provided via Bell Street. The only traffic controls in the vicinity of the project are the "Stop" signs along Cat Canyon Road. All intersections within the vicinity of the proposed project currently operate at Level of Service (LOS) A. The facility would not be open to the general public but only to "tenants" that have rented space to store their wine product. It is anticipated that during the peak season (August and October), when the facility is open for business 24 hours a day, there will be approximately one truck delivery per hour and approximately two automobile trips per hour by tenants supervising deliveries. During the offseason, the facility would be open from 8 AM to 5 PM Monday through Friday and upon appointment after hours. It is anticipated that the typical tenant would visit the site once every two weeks resulting in approximately 25 visits per week (50 tenants ÷ 2 trips per week = 25 trips per week or five visits a day).

A worst-case scenario for trip generations for the project results in 176 average daily trips (ADT) and 17 peak hour trips (PHT). While this increase in traffic does not exceed any County thresholds of significance for safety, input from Caltrans indicates that it may exceed State thresholds for traffic safety. The applicant has thus worked with Caltrans to include improvements to Hwy 101 by amending his project description. The applicant has agreed to construct a left turn channelization and a left-turn acceleration lane, both on the northbound U.S. 101 travelway at Cat Canyon Road. A similar left-turn lane already exists on the south bound travelway. Given the high speed traffic along this straight stretch of Hwy 101 and the unenforceability of truck routes, this is a prudent safety measure. Upon construction of the lanes, Caltrans would be satisfied that any real or perceived safety impacts would be abated.

Finally, the applicant is requesting a reduction in the number of parking spaces required by ordinance. The proposed project would provide eight parking spaces and one handicapped space onsite. While this is far below the minimum number required by the zoning ordinance, the applicant is requesting a modification of this requirement due to the nature of the proposed use. The proposed use is a storage facility but it is not open to the public nor is it a type of facility requiring frequent tenant attention. Given the nature of the proposed development and use of the site, this is a supportable request. However, to ensure that future owners are aware of this modification and that any change of use of the site may require the applicant to provide additional parking spaces, a condition has been applied to the project requiring that a Notice to Property Owner (NTPO) be recorded. This NTPO would ensure that future owners are aware that a modification of the parking standard was granted and that any change of use may trigger the need to provide additional parking spaces.

Agricultural Industry Overlay: The Comprehensive Plan Amendment request associated with this project is not to change the current Land Use Designation (A-II, Rural Agriculture) but to add the Agricultural Industry Overlay (AIO) to the parcel. This is needed to allow the agriculturally related commercial use in the Rural Area. The criteria for application of this overlay to a parcel are described in the Land Use Element of the Comprehensive Plan and is outlined in Section 6.2 below. This AIO would likewise restrict future use of the parcel to those uses that are consistent with these criteria and the associated A-II land use designation and AG-II-40 zone district. A condition has been added to the project that requires an NTPO to be recorded to alert future owners that such an overlay is in affect on the parcel and that any change of use must be reviewed and approved by P&D for consistency with the AIO criteria.

### **Mandates and Service Levels:**

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:**

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

Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

**ATTACHMENTS:**

- A. Resolution to Amend the General Plan, 03GPA-00000-00004.
- B. Ordinance to Rezone, 03RZN-00000-00004.
- C. Planning Commission Action Letter including Findings and Conditions of Approval, dated June 23, 2005.
- D. Staff Report to the Planning Commission dated June 10, 2005 including the Negative Declaration 05NGD-00000-00006.