

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

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Department: P&D
Budget Unit: 053
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TO: Board of Supervisors

FROM: John Patton, Director
Planning and Development

STAFF Zoraida Abresch, Supervising Planner (x6585)

CONTACT: Brian Foss, Planner (x6259)

SUBJECT: Hearing on Appeal of Gainey Winery Development Plan 99-DP-039 AP01

Hearing to consider the appeal of the Santa Ynez Airport Authority of the February 14, 2001, Planning Commission action to approve with conditions the application of Sid Goldstien, agent for owner Daniel Gainey, to consider case number 99-DP-039 for a final development plan under the provisions of the AG-II-100 zone district of Article III, to develop a wine production facility; and to approve the Negative Declaration (00-ND-34) pursuant to the Guidelines for the Implementation of the California Environmental Quality Act. As a result of the project, the following significant but mitigable, effects on the environment are anticipated: Aesthetics/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geologic Process, Hazardous Materials and Noise. The applicant has agreed to incorporate mitigation measures to reduce all impacts to less than significant levels. The application involves Assessor's Parcel Number 141-220-077 located at 3950 E. Hwy 246 in the Santa Ynez area, Third Supervisorial District.

Recommendation:

That the Board of Supervisors deny the appeal and affirm the Planning Commission's actions to:

1. Adopt the required findings, as revised at the hearing of February 14, 2001 for the project specified in Attachment A of the staff report dated January 3, 2001, including CEQA findings;
2. Approve the Negative Declaration, 00-ND-34 and adopt the mitigation monitoring program contained in the conditions of approval, as revised at the hearing of February 14, 2001;
3. Grant a modification to zoning ordinance parking regulations to allow for reduced number of parking spaces; and
4. Approve the project subject to the conditions included as Attachment B of the staff report dated January 3, 2001, as revised by staff memorandum dated February 14, 2001.

Alignment with Board Strategic Plan:

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

Executive Summary and Discussion:

1.0 Background

At the Planning Commission hearing of February 14, 2001 (action letter included in the Board Agenda Letter dated March 8, 2001 (March 20, 2001, agenda item A-14)), Commissioner Farnum moved, seconded by Commissioner Valencia, and carried by a vote of 4-0 (Beall absent) to adopt Negative Declaration 00-ND-034 and to conditionally approve the Gainey Wine Production Facility Development Plan 99-DP-039. Planning Commission action letters and staff reports for the Gainey Wine Production Facility project were distributed previously with the Board Agenda Letter dated March 8, 2001 for setting the appeal hearing (March 20, 2001 Board agenda, Item A-14).

On February, 23, 2000, an appeal of the February, 14, 2000 Planning Commission action was filed with the Clerk of the Board's office by Richard Battles, agent for the Santa Ynez Airport Authority. The appeal was distributed previously with the Board Agenda Letter dated March 8, 2001, for setting the appeal hearing (March 20, 2001 Board agenda, Item A-14).

A summary of the appeal is stated as follows:

“On behalf of the Santa Ynez Valley Airport Authority, we appeal because the Planning Commission erroneously and improperly determined that the placement and design of the Gainey Wine Production Facility will not have a significant adverse impact on visual and aesthetic resources. Though the Planning Commission required some conditions to the project, these conditions do not properly mitigate this impact.”

Santa Barbara County procedures provide for an informal facilitation meeting among parties involved in appeals. A facilitation meeting is scheduled to be held on Friday, March 23, 2001.

2.0 Appeal Procedures

County Zoning Ordinance Article III, Section 35-327.3 provides that decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person affected adversely by such decision.

The appellant is required by the ordinance to state specifically in the appeal how the decision of the Planning Commission is inconsistent with the purposes of Article III or the error or abuse of discretion committed by the Planning Commission.

The ordinance specifies that the Board of Supervisors' noticed public hearing shall be *de novo* and the Board shall affirm, reverse, or modify the decision of the Planning Commission.

3.0 Consultation Meeting

Santa Barbara County procedures provide for an informal consultation meeting among parties involved in appeals prior to the Board hearing to clarify appeal issues and provide notification of available mediation services. This meeting has not taken place as of this time but is scheduled to take place on Friday, March 23, 2001. The results of this meeting will be provided at the April 3, 2001 Board meeting if a resolution is not reached.

4.0 *Appeal and Staff Response*

4.1 *Appeal*

The appeal states that the location and design of the wine processing structure will have a significant impact to visual resources and that the addition of berms and screen trees will not reduce impacts to less than significant levels.

4.2 *Staff Analysis and Response*

The California Environmental Quality Act (CEQA) requires aesthetics and visual resources to be protected from public areas. The appellant claims that visual resources will be significantly impacted as a result of the proposed Gainey Wine Production Facility. Staff reviewed the project and determined that the project parcel is visible from some public areas however, the proposed structure would not change the visual character of the area and that vistas and views would not be obstructed or significantly impacted with the implementation of mitigation measures.

While public views are to be protected by CEQA, private views such as from backyards or private roads are not. The appellant claims that the revenues from film companies paying to use the site for filming will be lost (letter dated February 13, 2001 from Richard Battles included in March 20, 2000 Agenda Item #14). This is a private use by the airport, therefore, CEQA does not require protection or mitigation. The public use of the airport is for the flying and storing of airplanes and is the focus of CEQA. The proposed Gainey wine production facility could be visible to people flying into and out of the airport but would not obstruct any view or vista and would look similar in size and use to surrounding agricultural, commercial and residential structures in the area. The public views from the airport would not be adversely impacted based on the following:

The County has adopted "Visual Aesthetics Impact Guidelines" included in the Environmental Thresholds and Guidelines Manual in order to direct the evaluator of a project to the questions which predict the adversity of impacts to public visual resources. The Visual Aesthetics Impact Guidelines require the evaluator to assess the visual resources of the project site (including the physical attributes, relative visibility and relative uniqueness of the site) and the potential impact of the project on visual resources located onsite and on views in the project vicinity. The Guidelines provide five questions to be used to determine a project's potential to impact visual resources. The questions are as follows:

1a. Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible?

Yes. The site is approximately 102 acres in size and contains numerous oak trees on gentle to steep slopes and contains a tributary to the Zanja de Cota Creek and non-native annual grasses, all of which are considered visual resources. Portions of the

site and some features such as oak trees are visible from Meadowlark Road and the Santa Ynez Airport.

- 1b. If so, does the proposed project have the potential to degrade or significantly interfere with the public's enjoyment of the site's existing visual resources?*

No. The area to be developed is located on a relatively level elevated stream terrace between a small drainage that is a tributary to Zanja de Cota Creek to the west and an unnamed drainage channel immediately to the east. The proposed building is located in the extreme northwest corner of the site in an area that would not require any tree removal or vegetation removal. The proposed building would not obstruct any of the trees or resources (creek, rolling hills) on the site currently visible from public areas due to the topography.

- 2a. Does the project have the potential to impact visual resources of the Coastal Zone or other visually important area (i.e., mountainous area, public park, urban fringe, or scenic travel corridor)?*

Yes. Since the Santa Ynez Mountains act as a backdrop for the site looking south from the airport, the project's impacts to mountainous areas would have to be considered. However, the mountains are visible in virtually a 180-degree view from the airport looking south. The proposed Gainey structure would be in the foreground of the site looking toward the mountains and would not intrude into the skyline or block the mountains. The size of the mountains would dwarf the proposed structure as it does the other residential and agricultural structures visible from the airport. Therefore, the building would not significantly impact or affect the view of the Santa Ynez Mountains and with screening and berming the structure's impact would be further reduced.

- 2b. If so, does the project have the potential to conflict with the policies set forth in the Local Coastal Plan, the Comprehensive Plan or any applicable community plan to protect the identified views?*

No. Visual Resources Policy #2 is included in the Comprehensive Plan in order to protect public views. The policy language and discussion of the project's consistency is included in the Staff Report to the Planning Commission dated January 3, 2001, and include in the Board Agenda Letter dated March 8, 2001 (March 20, 2001, agenda item A-14). The policy requires the height, scale and design of new structures to be compatible and subordinate in appearance to natural landforms and shall not intrude into the skyline. As discussed above and in the staff report to the Planning Commission dated January 3, 2001, the project is consistent with this policy due to the size and location of the proposed structure and the surrounding expansive rolling hills and fields. The structure would not intrude into the skyline and would be subordinate to the surrounding terrain.

- 3. Does the project have the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding uses,*

structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping, or extensive grading visible from public areas?

No. As discussed in the Environmental Document prepared for the project, 00-ND-034, the project would not have the significant adverse impacts to visual resources with the identified mitigation measures applied. The visual character of the area includes scattered residential, agricultural and commercial buildings amongst a large rural area of rolling hills and valleys. Large hangers and airport accessory structures are located to the north along with the existing Gainey Winery and County Fire Station. Residential structures exist to the south and agricultural structures and large open agricultural lands exist to the east and west. The 21,100 square foot structure is compatible with surrounding development in both size and design. The proposed project would be consistent with the surrounding area architecturally and in terms of use and would not significantly change the visual character of area.

The finished floor would be located below the existing grade and behind a berm that would help reduce the appearance of the structure from the southern and eastern sides. A condition of approval requiring an additional berm and additional trees along the north side of the proposed building was added at the Planning Commission hearing to further screen the structure from the north. The view from the airport looking south toward the project site is directly at the Santa Ynez mountains, and expansive rural land that consists of hills and valleys and scattered residential and agricultural structures. Due to the topography and scale of the project in relation to the expansive view, the structure would not cause a significant obstruction of a scenic view or vista with the implementation of identified mitigation measures.

4.3 Conclusion

Based on the above information and information contained in the staff report dated January 3, 2001, and Negative Declaration 00-ND-034, staff has determined that the wine production facility's impact to visual resources have been fully mitigated. The Planning Commission found that the project was subject to a complete and adequate environmental review process, and that adequate conditions of approval were applied to address environmental, zoning ordinance, and policy considerations. The appellant has not provided any specific data showing significant levels of environmental impact or which thresholds of significance had been exceeded.

Mandates and Service Levels:

Pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, the decisions of the Planning Commission may be appealed to the Board of Supervisors within ten days after the Commission's action.

Pursuant to Government Code Sections 65355 and 65090, a notice of the hearing 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 local agencies expected to provide essential services, shall be done at least ten days prior to the hearing (Government Code Section 65091).
[Expanded noticing]

Fiscal and Facilities Impacts:

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The appellant submitted an appeal processing fee, pursuant to Board of Supervisors Land Development Fee Resolution 96-323.

Special Instructions:

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

Attachments:

Staff Memorandum to the Planning Commission dated February 14, 2001

Public Comment Letters from Planning Commission Hearing of February 14, 2001

***all other attachments were provided in the Board Agenda Letter dated March 8, 2001
(March 20, 2001, agenda item A-14)**

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