

**Christopher Wrather
P.O. Box 127
Los Alamos, CA 93440**

Peter Adam, Chair
Santa Barbara County Board of Supervisors
c/o Clerk of the Board
105 E. Anapamu St., Room 407
Santa Barbara, CA 93101

April 11, 2016

by email

re: Long Range Planning Work Program, Los Alamos Wine Tasting CUP

Chair Adam and Supervisors:

We are requesting that the Board of Supervisors add a project to the Long Range Planning Department's Work Plan to craft the necessary regulations to require a conditional use permit ("CUP") for wine tasting rooms that might wish to open in the future in Los Alamos' CMLA zone.

By way of background, in January 2016, a group of residents sent a letter to Supervisor Farr revisiting a desire for the residents of Los Alamos to have a voice in the number of wine tasting rooms that operate in town (this letter is Exhibit 1).

We are hereby requesting that this project be added to the Long Range Planning Department's upcoming Work Plan.

Sincerely,



Christopher Wrather
Los Alamos

cc: David Lackie, Long Range Planning

EXHIBIT 1

January 7, 2016

Supervisor Doreen Farr
Santa Barbara County Board of Supervisors, Third District
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Wine Tasting Rooms in Los Alamos

Dear Supervisor Farr,

We are seeking your support in establishing regulations that would allow the residents of Los Alamos to have a voice in the number of wine tasting rooms that operate in town. We believe that we represent the view of the vast majority of the residents of Los Alamos when we say that we do not want our town to turn into another Los Olivos. While we emphatically welcome and support having responsible wine tasting rooms in our community, we would like a regulatory framework that requires a conditional use permit for new tasting rooms, allowing the community to participate in the decision making process. Our downtown is less than a mile long with one pedestrian crossing and no stop signs. We lack parking, law enforcement presence and public restrooms. In addition, an over concentration of wine tasting rooms would crowd out businesses that would serve residents as opposed to tourists, reducing the diversity of services available. We believe we need to maintain balance with respect to the number of wine tasting rooms in town and want a regulatory mechanism that would allow the community a voice in that endeavor.

As you may recall, all of these themes were documented in our 2011 Los Alamos Community Plan.¹ At about the time we were completing the Community Plan, we wanted to include specific recommendations that would allow the community to have a say about the number of wine tasting rooms that would be allowed, but the Long Range Planning Staff advised against that because it was about to start a work program to study the issue and recommend alcoholic beverage land use regulation. The Board of Supervisors approved a budget for the work program, but in the end no regulations were enacted and it is unclear to us why.

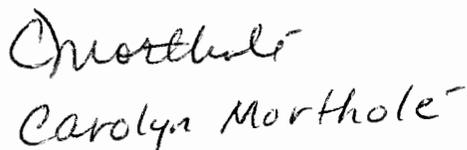
In our efforts to understand the existing regulations on the matter of high concentrations of wine tasting rooms, our first step was to call the California Department of Alcohol Beverage Control (“ABC”) in San Luis Obispo. We were told that wine tasting rooms operate under “non-retail licenses” in contrast to traditional bars and liquor stores that operate under “retail licenses.” Under section 23958.4 of the ABC’s regulations, they may restrict RETAIL licenses on the basis of concentration, but not NON-RETAIL licenses. Theoretically, it’s possible that the ABC could change the type of license wine tasting rooms operate under, but this would require a change at the state level. This is clearly not a fruitful avenue for us to explore and it was suggested by the ABC in San Luis Obispo that county regulations should be enacted to mitigate the ABC’s inability to address the issue of over concentration of wine tasting rooms.

To better understand how city and county level regulations can be used to correct what amounts to a loop hole in the state’s regulations, we met with a well-respected planner from a nearby city with challenging alcohol regulation issues and followed up with some research. In a nut shell, it would appear that more than a few other communities have faced the issue of how best to mitigate the ABC’s inability to address negative externalities that arise from alcohol serving businesses in their communities and with specific regard to wine tasting rooms, communities in Napa and Sonoma Counties have generally relied on

conditional use permits to address issues of over-concentration.² The general solution seems to be a combination of i) conditional use permits, ii) grand-fathering of existing businesses and iii) an appeals process for both businesses and residents to follow.

We are asking the county to amend local permitting ordinances to require conditional use permits for wine tasting rooms. Existing operators would be grandfathered and future operators would be required to get a use permit from the county. Since the Bell Street corridor of Los Alamos has the benefit of its own distinct zoning designation, adoption of this change could be worded to affect only the Los Alamos CMLA zone. Doing so would provide a mechanism for the community to have a say in the number of wine tasting rooms in town while ensuring that the rights of existing wine tasting room operators and land owners are respected. Anyone interested in opening a wine tasting room in the future would simply need to get a conditional use permit, just like any number of other businesses operating in this county.

Sincerely,


Carolyn Morthole

¹ The Los Alamo Community Plan adopted in 2011 states:

Goal LUC-LA-1:

Encourage New Commercial Development Which Is Oriented Towards Serving The Needs Of Local Residents. Visitor-Serving Commercial Uses Shall Also Be Supported To The Extent That They Also Provide Services To Residents That Would Not Otherwise Be Available In The Community.

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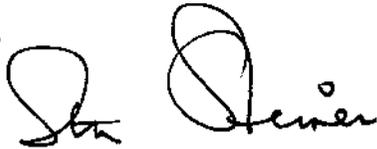
The County shall pursue development of appropriate tools to regulate the location, distribution, density, and compatibility of alcohol-related uses in the Plan area.

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SETH STEINER
PO Box 396
304 Wickenden St.
Los Alamos, CA 93440

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CHRIS WRATHER

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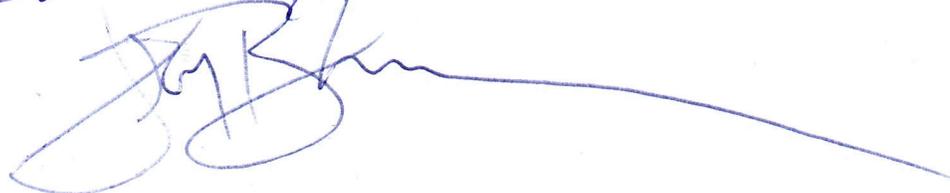
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Sincerely,

Leif Oyakawa

May Kladrub

Marcelo

Vincent Gill

Carl Wether

Ted Ross

Senative Montgomery

Richard

Lynn Rector

Jim Kelly

Madeleine

Ronald

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- 1) Lyla Oyakawa
- 2) Mary Kladnick
- 3) Wendy Wergeles
- 4) Vickie Gill
- 5) Anita Withers
- 6) Ted Rask
- 7) Carol Jackson
- 8) Kam Jacoby
- 9) Lynn Rector
- 10) Tim Kelly
- 11) Madeleine Jex
- 12) Ron Jex
- 13) Serafina Montgomery
- 14) Patrick Montgomery
- 15) Lisa Carman
- 16) Pat Carman
- 17) Anika Rask
- 18) Rod Rigole
- 19) Karen Jensen
- 20) David Jensen

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Susan deLillo

Kathy Belding

Thomas C. Orsady

Barbara M. Costa

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Sincerely,

Connie Kohde
The C Gallery
1/15/16

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