

**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

Agenda Number:

Prepared on: 7/22/04
Department: Planning and Development
Budget Unit: 053
Agenda Date: 08/10/04
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: NO
If Yes, date from:
Document FileName: G:\GROUP\Permitting\Case
Files\RZN\04 cases\04RZN-00000-
00004 Casmalia\FnlBdLtr.DOC

TO: Board of Supervisors
FROM: Valentin Alexeeff, Director
STAFF CONTACT: Larry Appel, Supervising Planner (x6261)
Steve Rodriguez, Contract Planner (682-3413)
SUBJECT: Casmalia Commercial District Rezone
(04RZN-00000-00004).

Recommendation:

That the Board of Supervisors consider the Planning Commission's recommendation to approve the Planning and Development Department's request to rezone the commercial district of the Casmalia community from "Retail Commercial" (C-2) to "Limited Commercial" (C-1), and:

1. Adopt the required findings for 04RZN-00000-00004 specified in the Planning Commission Action Letter dated June 17, 2004.
2. Approve Negative Declaration 04NGD-00000-00014.
3. Adopt an ordinance to rezone a portion of the Casmalia community from "C-2" to "C-1".

The proposed rezone involves 16 Assessor parcels (113-311-004; 113-312-006; 113-313-001, -002, -003, -004, -005; 113-314-001, -002, -003, -004, -013, -014; 113-316-001 (western portion); 113-319-001 (western portion); and 113-319-005 (western portion), located in the Casmalia area, Fourth Supervisorial District.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Proposed Project. Case number 04RZN-00000-00004 is a request by the Santa Barbara County Planning & Development Department to change the existing zoning district designation of 16 parcels

located in the central portion of the Casmalia community. The parcels are presently zoned “C-2” under the Article III Zoning Ordinance. The proposed rezone would apply a “C-1” zoning designation to the 16 project area parcels.

The “C-1” and “C-2” zone districts both allow a variety of retail and commercial businesses that are intended to serve the needs of the surrounding community. The “C-1” zone, however, excludes certain retail and commercial uses that are permitted in the “C-2” zone and may have the potential to result in noise, odor, lighting, traffic and other potential land use conflicts with surrounding residential neighborhoods. One of the other major differences between the “C-1” and “C-2” zoning districts is that single-family residences are a permitted use in the “C-1” zone, but are not a permitted use in the “C-2” zone.

The objectives of rezoning a portion of the Casmalia community from “C-2” to “C-1” are to:

1. Provide a new zoning district designation that allows single-family residences as a permitted use. Such a designation would eliminate the legal nonconforming status of ten existing residences located in the proposed project area. The proposed rezone would allow property owners in the rezone area to alter or reconstruct their homes provided that all other applicable County regulations are complied with; and,
2. Provide a new zoning district designation that continues to allow a variety of commercial and retail uses in the community of Casmalia.

Background Information. Land uses that exist on the 16 parcels located in the proposed rezone area consists of a mix of commercial buildings, single-family residences, and vacant parcels. Four of the project area parcels have been developed with commercial uses, including the Hitching Post restaurant, U.S. Post Office and a general store. Ten parcels contain single-family residences, and two parcels are undeveloped. Most of the parcels located in the proposed rezone area are approximately 7,000 to 7,500 square feet in area.

Since single-family residences are not a permitted use in the “C-2” zone, the 10 residences located in the proposed rezone area are a legal nonconforming use. Zoning Ordinance requirements related to nonconforming uses indicate that such uses may be continued so long as the use remains lawful. However, no building devoted to a nonconforming use may be enlarged, extended, reconstructed, moved or structurally altered. Due to this requirement, owners and occupants of the residences located in the proposed rezone area have been prevented from making significant structural repairs or additions to the legal nonconforming houses.

Environmental Review. Potential environmental constraints identified by the Draft Negative Declaration (04NGD-00000-00014) prepared for the proposed rezone project included impacts related to wastewater disposal and potable water supply.

Wastewater disposal impacts were identified as having the potential to occur because all properties in the Casmalia area rely on the use of individual wastewater disposal systems (septic systems), and the operation of septic systems in the proposed rezone area is constrained by low soil permeability characteristics and the small size of the parcels. The proposed rezone would change the status of the existing residences in the rezone area from a legal-nonconforming to a conforming use, which could

facilitate the expansion of the residential structures. If the expansion of a residence were to result in a substantial increase in wastewater generation (i.e., the expansion provided additional bedrooms or other facilities that could result in an increase in the occupancy of the house), the increased wastewater flows to an existing septic system could have the potential to result in a significant wastewater disposal impact.

Potential impacts related to potable water supply result primarily from uncertainties regarding the ability of the Casmalia Community Services District (CCSD) to continue to provide long-term water service. These concerns were based primarily on the uncertain long-term availability of water from the Unocal-operated Casmite well, which presently serves the Casmalia community, and the financial ability of the CCSD to maintain existing water delivery infrastructure.

The Draft Negative Declaration concluded that potential wastewater disposal impacts would be reduced to a less than significant level through the implementation of existing regulatory programs that are enforced by the Environmental Health Services Division. These regulations include restrictions related to the potential to install a new septic system on the vacant lots located in the project area; design and operation requirements for new septic systems or for increased flows to an existing septic system; and requirements to inspect existing septic systems and to correct identified deficiencies as part of the approval process for making major structural alterations to an existing residence. The Draft Negative Declaration also concluded that potential water supply impacts would not be significant because existing wastewater disposal regulations would prevent development in the project area that may be facilitated by the proposed rezone project from resulting in a substantial increase in water demand. Therefore, no mitigation measures were required to reduce potential impacts of the proposed project to a less than significant level.

The Draft Negative Declaration was circulated for review and comment from May 3 to May 24, 2004. No comments regarding the adequacy of the Draft Negative Declaration were received from the public. The only comment letter received was from the Santa Barbara County Air Pollution Control District, which indicated that demolition and construction projects in the rezone area would be required to comply with standard requirements pertaining to dust control and potential asbestos emissions.

Comprehensive Plan Consistency. A review of the proposed rezone project's consistency with applicable policies of the Comprehensive Plan determined that the project would be consistent with the requirements of Land Use Policy No. 4, which requires that adequate services be available to serve new development. The rezone project would also be consistent with applicable development policies of the Land Use Element and Agricultural Element.

Land Use. If the zoning of the project area were to be changed from "C-2" to "C-1", the ten existing residences would no longer be devoted to a nonconforming use. As a result, the residences could be enlarged, extended, reconstructed, moved or structurally altered, consistent with other applicable zoning and development regulations.

The Hitching Post restaurant and its adjacent outdoor patio would continue to be a permitted use, as indoor and outdoor restaurants are a permitted use in the "C-1" zone. The Post Office and the general store would also continue to be permitted uses. A vacant commercial building located at 3348 Point

Sal Road has formerly been used for offices and a tavern. Office-related uses could be reestablished in the building under a "C-1" zone district designation. Taverns, however, are not a permitted or conditionally permitted use in the "C-1" zone. Therefore, the reestablishment of a tavern-related use in the building would not be allowed.

Planning Commission Hearing: The Planning Commission considered the proposed rezone project at their June 9, 2004 meeting. The Planning Commission expressed support for the rezone and its objective to enable homeowners to make improvements to their homes. No testimony was provided in opposition to the proposed project. The Planning Commission voted 4-0 (Commissioner Cooney was absent) to recommend that the Board of Supervisors approve the proposed rezone.

Mandates and Service Levels:

The proposed rezone request falls under the jurisdiction of the Board of Supervisors pursuant §35-325.4.3 of Article III. The Board of Supervisors has the final discretionary authority for all rezone requests.

Fiscal and Facilities Impacts:

Processing costs for the proposed rezone have been funded through Planning and Development General Fund allocation.

Special Instructions:

The Clerk of the Board shall complete noticing for the project **at least 10 days prior to the hearing** and shall complete the mailed notice for the project (mailing labels are attached).

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

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

Concurrence:

None

Attachments:

Attachment A	Planning Commission Staff Report from their June 9, 2004 hearing.
Attachment B	Planning Commission Action Letter dated June 17, 2004.