

Ramirez, Angelica

Public Comment

#1

From: Ana Citrin <Ana@lomcsb.com>
Sent: Friday, December 3, 2021 11:55 AM
To: sbcob
Cc: Reese, Shannon
Subject: Letter for the Board, Oasis Item
Attachments: LOMC to BOS_OASIS_12-3-21_FINAL w exh 1.pdf



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Dear Clerk,
 Attached please find a letter from our office submitted on behalf of Friends of Key Site 18, regarding the Oasis item on Tuesday's Board agenda.
 Please confirm timely receipt and that the comment letter will be posted and distributed to the Supervisors.

Thank you,
 Ana

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Ana Citrin
 Law Office of Marc Chytilo, APC
 P.O. Box 92233
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#1

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DIST

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

December 3, 2021

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

By email to sbcob@co.santa-barbara.ca.us

RE: OASIS Meeting Center (Case Nos. 14GPA-00000-0000, 16RMM-00000-00001, 16CUP-00000-00006, 16DVP-00000-00002, 16LLA-00000-00004, 17CUP-00000-00013, 18GOV-00000-00005)

Dear Chair Nelson and Supervisors,

This office represents Friends of Key Site 18, a group comprised of Orcutt residents concerned about the land use and environmental implications of allowing development of the OASIS property, which is designated as high priority Open Space in the Orcutt Community Plan (OCP) in an area and region where open space is deficient. The Project site is part of a contiguous open space area in the heart of Orcutt that provides a host of ecosystem services and community benefits, including flood control, visual buffers, habitat for sensitive plants and wildlife, recreational opportunities including a Class I bike path along Orcutt Creek, and which specifically and materially benefits the Southpoint Estates subdivision in accordance with the findings and conditions imposed from the initial subdivision and the OCP. Development of the site was restricted in 1979 as part of the Southpoint Estates subdivision to address the visual and land use impacts resulting from conversion and loss of open space. (FEIR p. 4.11-1 – 4.11-2.) To allow the proposed development, the County must undo multiple layers of legal protections deliberately placed on this property to ensure its permanent protection for open space and recreation, including amendments to the OCP, modifications to conditions of two earlier recorded subdivision maps, and the “vacation, abandonment, or release” of development rights conveyed to the County as a condition of those subdivision approvals. This stunning and, to our knowledge, unprecedented abandonment of legally effective wholesale, parcel-wide open space protections eviscerates any pretense of County integrity concerning protecting residential neighborhoods in Orcutt and throughout the County, and reflects an abdication of good planning principles.

We do not doubt that OASIS seeks to benefit the community through development of a new meeting center. However, we do question the wisdom of utilizing this protected site, when other less constrained properties are available to accommodate the proposed development at a much lower cost to the environment and Orcutt community. Ultimately, the Project calls into question whether County open space protections codified in governing planning documents are meaningful, or whether any project that provides “enough” other community benefit can nullify these protections that the community has relied on for decades without providing compensatory open space benefits or even providing the County’s rationale until the final moment, if at all.

We ask that the Board deny the Project as proposed, and direct the Applicant to pursue a less environmentally damaging alternative, either an alternative location (i.e. Previously Proposed Off-Site Location: Foster Road County Complex, City of Santa Maria) or reduced development at the KS-18 site (i.e. Reduced OASIS Facility with Public Park Alternative and Wider Trail Easement).

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1. Undoing Open Space Protection Is Inconsistent with Good Planning Practices and Sets a Harmful Precedent that County Open Space Protections Are Negotiable

To approve amendments to the OCP, the Board is required to find that the request is: 1) in the interests of the general community welfare, 2) consistent with the Comprehensive Plan, State planning and zoning laws, and the Land Use and Development Code (LUDC), 3) is consistent with good zoning and planning practices, and 4) is in the public interest. (LUDC § 35.104.060.)

The proposed OCP amendments are summarized in the Final EIR as follows:

The project includes amendments to the OCP to remove the property as open space on the OCP Open Space Area Map, to remove the property as future parkland on the OCP Parks, Recreation and Trails Map, to modify a 300-foot section of proposed Class I bikeway on the OCP Bikeways Map to be a striped, in-road, Class II bike lane within the OASIS driveway, and to modify KS18 Development Standard KS18-1 to accommodate development of the OASIS project as an allowed land use. **Without these proposed amendments, the project would be inconsistent with the OCP.**

FEIR pp. 4.8-10 – 4.8-11 (emphasis added).

In 2015, the Planning and Development Director recommended *against* initiating the proposed OCP amendments. Specifically:

The Director has determined that **removing the open space designation from the subject parcels is not consistent with good planning practices, or with the intent of the OCP.** The proposed project would result in the conversion of 5.28 acres of land designated as high priority public open space area for the community of Orcutt to developable area. This area of Key Site 18 was specifically identified as the future location for a public park to include picnic areas, tot-lots, and active recreational facilities such as volleyball and basketball courts. **Although the proposed project would include recreational lawn areas and public trails, the overall intensity of uses associated with the proposed project would not be appropriate considering the site constraints discussed in Section 3.3 above.**

The OCP provides for significant residential and commercial development within the community of Orcutt. According to the Parks, Recreation, and Open Space section of the OCP, **open space areas in Orcutt are deficient, and as a result, public and private open spaces need to be preserved to maintain the community's semi-rural character, provide protection from natural hazards and protect valuable resources. The designated open space areas in the OCP are integral to the plan as they provide aesthetic relief from urban development and public and private open space areas. Key Site 18 in particular is recognized for providing significant open space in an area of Orcutt that contains a high level of urbanization.**

Memorandum to the Planning Commission, May 21, 2015 (pp. 6-7) (emphasis added), attached hereto as Exhibit 1.

Nothing meaningful has changed since the Director's determination in 2015, however the Planning Commission directed staff to begin processing the amendment proposal after a public hearing in which Orcutt seniors explained their need for a new facility. Importantly, the EIR identified facially feasible alternative locations that would preserve the KS-18 site in open space and avoid the need for ordinance amendments, including the Foster Road site that is owned and controlled by the County that the EIR identified as the Environmentally Superior Alternative. The EIR also identified a reduced development alternative, which – while still necessitating OCP amendments – would be more consistent with the intention of the open space designation by reducing indoor event space and attendees. Since the Draft EIR was circulated, Covid-19 has further underscored the value of outdoor spaces and activities, and the hazards of large indoor events (and financial risk in relying on them for revenue), adding to the feasibility of the reduced indoor development alternatives.

To recommend approval a package of ordinance amendments that undercut open space protections, in an area with deficient open space, to accommodate a 200-person capacity event center¹, **is fundamentally contrary to good planning practices, and undermines the public's confidence in open space protections throughout the County.** Moreover, the site's physical constraints including a dangerous proposed access route, and the unavailability of public transit, add to the site's unsuitability as a destination for seniors and venue for large gatherings, and results in additional conflicts with Comprehensive Plan policies.

2. Inadequate Information Regarding Proposed Release of Development Rights

Before the Board can move forward with the proposed release of development rights, the County Planning Commission is required to render a report to the Board as to the action's conformity with the adopted general plan which includes the Orcutt Community Plan. Specifically, per Government Code section 65402:

If a general plan or part thereof has been adopted, . . . no real property shall be disposed of. . . if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, . . . have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

When the Planning Commission considered the OASIS Project, the details of the proposed release of development rights were not publicly available. In our comments we explained that the Planning Commission is not in a position to make an informed determination that County vacation, abandonment, or release of the development rights to OASIS conforms with the Comprehensive Plan, including the Orcutt Community Plan. (LOMC Letter to PC, 9/9/20, p. 3.) Specifically there was no Draft Release of

¹ The main reason given for rejecting the "Reduced OASIS Facility with Public Park Alternative and Wider Trail Easement" alternative is that "it will not provide an adequately sized facility for use as a public rental venue to support OASIS programs". (Findings, p. A-16.)

Development Rights document available, and County Staff confirmed that a reference in the Staff Report a “Draft *Release of Development Rights document, Attachment C*” an error (see id., Exhibit 2). No specifics were provided to the Commission regarding the transfer including which conveyance mechanism will be used, or what consideration/compensation the County will receive in exchange for relinquishing a substantial public benefit. This last point is critical, as without adequate compensation the release of development rights could be contrary to the public interest and possibly even an illegal gift of public funds. The materials presented to the Planning Commission were silent on whether (and what) substitute open space will be provided to compensate for the public’s loss of regional open space, and how the abandonment of dedicated open space comports with the County’s open space action program. (Gov. Code § 65566.) The Planning Commission did not address whether the proposed bike path easement might constitute adequate consideration.

Moreover, the Commission did not render an adequate report as to the proposed development right release’s conformity with the Comprehensive Plan and OCP. Instead of transmitting a separate report, the Commission’s report purportedly consists of the Planning Commission Staff Report dated September 3, 2020 and Action Letter (*see Board Letter, p. 8*). Neither of these documents specifically address whether the release of development rights is consistent with the Comprehensive Plan and OCP. Rather, the documents refer to the policy consistency analysis on pages 25-57, which addresses only whether *the Project* is consistent with certain applicable policies. There is no analysis of whether the property transfer itself conforms, which is what Gov. Code § 65402 plainly requires.

3. Inadequate Consideration for Development Rights Transfer

The limited discussion of the “future proposed transfer of development rights” in the Board Letter suggests that the primary or possibly exclusive consideration the County intends to receive for relinquishing the open space protections presently in place on the Oasis property is a trail/bikeway easement (*see Board Letter, p. 8*). While this easement has some public benefit, it does not directly offset the loss of 5.28 acres of open space that was created to benefit the Orcutt community generally and the Southpoint Estates specifically.

We urge the Board to pursue a Project Alternative that does not require relinquishing open space protections on Key Site 18. However, if the Board continues its consideration of the Project as proposed, we urge the Board to *first* consider additional actions to achieve new open space benefits to directly offset the loss of 5.28 acres of open space and benefit the public generally as well as the Southpoint Estates subdivision that will be impacted by the Oasis Project.

In addition, previous comments from Friends of Key Site 18 have identified the unfair hearing process that has deprived residents of the Southpoint Estates of valuable property rights and benefits they previously held inviolate and the failure to address Open Space Element conformity required by the Planning and Zoning Law. Given the North County recreational shortfall, and the disproportionate effect that this shortfall has had upon disadvantaged communities, approving this Project and the development rights transfer without meaningful additional public benefits, would violate Gov. Code § 11135 which protects the civil rights of disadvantaged communities from such arbitrary and prejudicial acts.

4. Approval of the Proposed Project would Violate CEQA

a. The Project May Not Be Approved Because Feasible Less Damaging Alternatives Exist

CEQA's substantive mandate precludes the Board from approving the Project as proposed where, as here, there are feasible alternatives which would substantially lessen the Project's significant environmental effects. (*See* Pub. Res. Code § 21002). "If the [agency] concludes there are no feasible alternatives, it must explain in meaningful detail in the EIR the basis for that conclusion." (*Pres. Action Council v. City of San Jose* (2006) 141 Cal. App. 4th 1336, 1351 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.)) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (CEQA Guidelines § 15364). "The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." *Pres. Action Council*, 141 Cal. App. 4th at 1351 (quoting *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal. App. 3d 1167, 1181).

Here, there is at least one alternatives that is capable of being accomplished in a successful manner within a reasonable period of time. Specifically, the Foster Road County Complex Alternative was previously proposed for the OASIS facility, for which environmental review was conducted. The EIR identifies the Foster Road Alternative as the Environmentally Superior Alternative, and explains how it avoids or substantially lessens many of the Project's significant impacts and requires no General Plan or other significant amendments. (FEIR pp. 7-39 – 7-40.) The FEIR also explains the many advantages of the Foster Road site including that the proposed meeting facility and community center are allowed uses (unlike at Key Site 18), that the lack of restrictions would allow OASIS to generate more revenue, as well as its proximity to public transit, flat terrain, and other benefits. (*Id.*) The Findings reject this alternative based on speculation and unsubstantiated assertions, and stating disingenuously that OASIS "does not control the property and cannot reasonably control the property" when the County owns and controls the property and has identified no impediment to making the property available to OASIS for the Project. The Findings further explain that the alternative does not meet the objective of establishing the KS-18 multipurpose trail, which is irrelevant if the Project is built at the Foster Road site and not a proper basis for rejecting an otherwise feasible alternative. The Board lacks any substantial evidence to support rejecting the Foster Road alternative, and accordingly the Board may not approve the Project as proposed.

b. Improper Piecemealing of Necessary Circulation Improvements

The CEQA guidelines define "Project" as the "whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment". (Guidelines § 15378 (a)). An "agency should not "piecemeal" or "segment" a project by splitting it into two or more segments." (Remy et al., *Guide to CEQA* (Solano Press, 11ed, 2007), p. 89).

The Project site is highly constrained in terms of circulation and access, and the EIR identified significant Project specific and cumulative traffic and circulation impacts (*see* FEIR pp. 4.12-23 – 4.12-38) including a Class I impact to turning movement and safety at the Foxenwood Lane/Clark Avenue intersection (FEIR p. 4.12-37.) An alternative access from Clark Avenue at Norris Street was determined to be infeasible. (Findings § 1.6.5.) Caltrans submitted comments highly critical of the EIR’s traffic analysis including that “due to flaws in the Traffic Impact Analysis provided in the Technical Appendix, it is not possible at this time to determine if this project does or does not have project specific or cumulative impacts that would result in mitigation measures”, but the County declined to revise the EIR in response (*see* DEIR Consolidated Comments, pp. 15-16 (Comment C-4), FEIR Response to Comment (Comment C-4) pp. 9-14 - 9-15) leaving substantial flaws in the EIR’s analysis and mitigation of traffic impacts.

After the Planning Commission considered the OASIS project it came to light that the County is pursuing a new roundabout at Clark Avenue and Norris. (*See* County Capital Improvement Projects, 2020-2025. This improvement should have been included and analyzed in the EIR, not in an entirely separate process. This failure results in improper piecemealing, and/or failure to require feasible mitigation measures in the Project to reduce its significant traffic and circulation impacts.

c. Environmental Baseline Inadequacies

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective.” (CEQA Guidelines § 15125 (a).) The EIR must also fully discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. (CEQA Guidelines § 15125 (d).) “The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (Id.) “Without a determination and description of the existing physical conditions on the property at the start of the environmental review process, the EIR cannot provide a meaningful assessment of the environmental impacts of the proposed project.” (*Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 119 (citing Pub. Resources Code, §§ 21100, subd. (a), 21060.5).) “If the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete or misleading, the EIR does not comply with CEQA.” (*Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 87.)

The EIR’s environmental baseline is inadequate with respect to its discussion of the Project’s inconsistencies with the applicable general and specific plans, which is integral to this Project and leads to a fundamentally misleading analysis of the Project’s impacts, in particular its Land Use and Visual impacts, including cumulative impacts. (*See* LOMC OASIS DEIR Comments, 10/21/19, pp. 3-8).

In addition, the EIR relied on inadequate surveys to assess Project specific and cumulative impacts to sensitive biological resources. The Project site abuts Orcutt Creek, which according to the DEIR is intermittent and only supports surface flows during storm events. (FEIR p. 4.3-5.) Nonetheless, the Project site has potential habitat for a number of sensitive plant and wildlife species including California red legged frog (CRLF), Western spadefoot toad, and Southwestern pond turtle. (FEIR p. 4.3-9, 4.3-15 – 4.3-17.) Because “[n]o water was present in Orcutt Creek during the survey interval. . . no aquatic surveys were

performed as part of the Assessment.” (DEIR p. 4.-3.) Instead, the DEIR relied on surveys conducted in 2010 on a neighboring parcel to the southeast, one quarter mile from the Project site for CRLF, Western spadefoot toad, and Southwestern pond turtle (DEIR pp. 4.3-15- 4.3-17). These surveys are both outdated and not conducted on the subject parcel, and accordingly are patently inadequate to establish the nature of any potential habitat on the Project site, whether the Project may significantly impact such habitat (or result in significant cumulative impacts), and what mitigation measures may be necessary to reduce potential impacts to insignificance. Although the FEIR indicates that water was present in a February 2019 site visit with CDFW (FEIR p. 4.3-5), the purpose of that site visit was to determine if the field work completed in 2016 remain valid (FEIR p. 4.3-2) and the 2016 field work did not perform aquatic surveys. It does not appear that any actual surveys for sensitive species including CRLF, Western spadefoot toad, and Southwestern pond turtle were completed during the 2019 site visit, and FEIR continues to rely on the outdated survey conducted off-site (*see* FEIR pp. 4.3-15 – 4.3-17.)

The incomplete and misleading description of the environmental setting contained in the draft and final EIRs for the OASIS Project does not comply with CEQA. (*Cadiz Land Co*, 83 Cal.App.4th at 87.)

5. Conclusion

For these reasons, and the many CEQA defects and policy conflicts identified in our EIR comments, we ask that the Board deny the Project as proposed, and direct the Applicant to pursue a less environmentally damaging alternative, either an alternative location (i.e. Previously Proposed Off-Site Location: Foster Road County Complex, City of Santa Maria) or reduced development at the KS-18 site (i.e. Reduced OASIS Facility with Public Park Alternative and Wider Trail Easement).

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO, APC



Ana Citrin
Marc Chytilo
For Friends of Key Site 18

Exhibit 1: Memorandum to the Planning Commission, May 21, 2015



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Alice McCurdy, Deputy Director
Staff Contact: Dana Eady, Planner

DATE: May 21, 2015

**HEARING
DATE:** June 11, 2015

RE: Oasis Application for a General Plan Amendment
Case No. 14GPA-00000-00020
No Site Address, Key Site 18, Orcutt, APN's 105-020-063 and 105-020-064
Fourth Supervisorial District

1.0 REQUEST

Hearing on the request of Vivek Harris, agent for the owner, Oasis Inc., to consider Case No. 14GPA-00000-00020 [application filed on December 31, 2014] for initiation of a General Plan Amendment (GPA) to amend the Orcutt Community Plan Key Site 18 Policy KS18-1, Development Standard KS18-1, and Figure KS18-1 to remove APN's 105-020-063 and -064 from the designated open space area, and allow for the construction of the Oasis Meeting Facility/Senior Center.

2.0 RECOMMENDATION

Your Commission's motion should include the following:

1. Decline to accept the General Plan Amendment application for processing; and
2. Refer the application to the Board of Supervisors for a final decision and recommend that the Board of Supervisors decline to accept the application for processing.

Please refer back to staff if your Commission takes other than the recommended action.

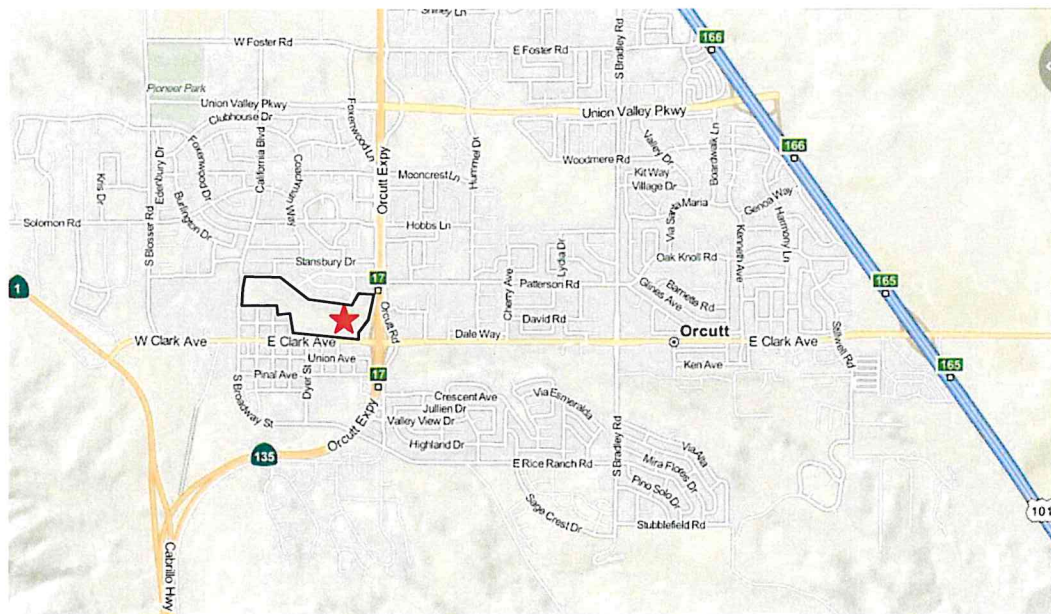
EXHIBIT 1

3.0 PROJECT SITE INFORMATION

3.1 Location

The subject GPA application involves two parcels totaling 5.28 gross acres located on Key Site 18 (Southpoint) in the Orcutt Community Plan (OCP) area. Key Site 18 is located northwest of the corner of Foxenwood Lane and Clark Avenue. It is bounded by Foxenwood Lane on the east, Clark Avenue and existing residential and commercial development to the south, California Boulevard to the west, and Hartnell road and existing residential development (Southpoint Estates) to the north. The majority of the 39.73 acre site is undeveloped with the exception of a single family residence located near the northeast corner of the site, and private recreational amenities for Southpoint Estates located in the northwest corner of the site.

Vicinity Map



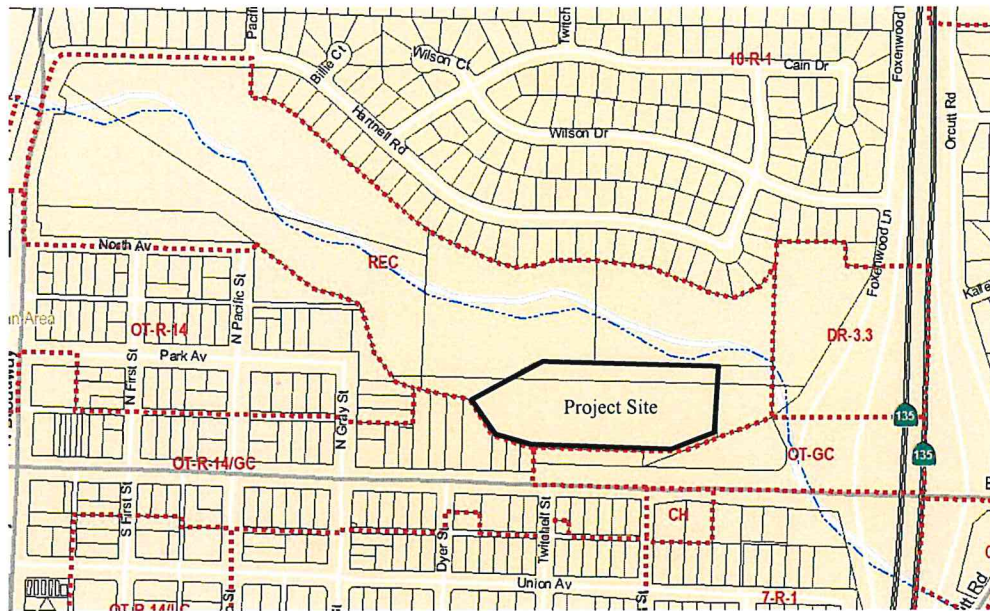
3.2 Zoning and Land Use Designations

Key Site 18 is zoned Design Residential (DR-3.3) with an underlying land use designation of Residential (Res-3.3) in the north east corner of the site, and zoned Old Town General Commercial (OT-GC) with an underlying land use designation of General Commercial (C) along Clark Avenue. The remaining 35 acres of the site is zoned Recreation (REC) with an underlying land use designation of Recreation/Open Space. According to the OCP, build-out of Key Site 18 could result in the construction of approximately 8 residential units, and 30,000 sq. ft. of general commercial space, with approximately 8.5 acres of public recreational space.

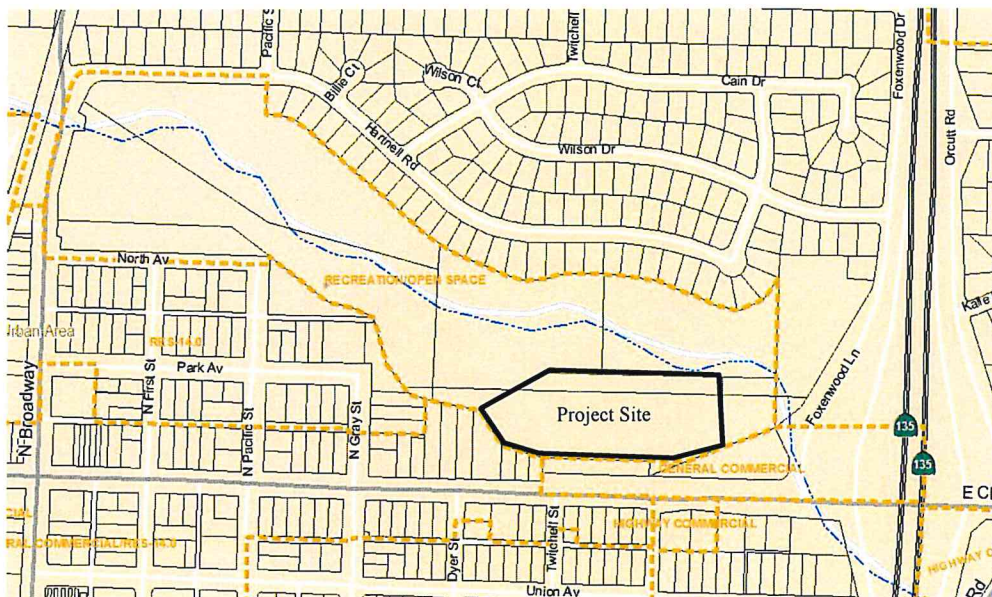
The subject parcels (APNs 105-020-063 and -064) are 4.16 and 1.12 gross acres in size, respectively. The majority of APN 105-020-063 is zoned REC with a small portion in

the southeast corner of the parcel zoned OT-GC. APN 105-020-064 is located entirely within the REC zone district. Both parcels are located within the OCP Open Space area, which also contains a designated trail corridor. OCP Figure KS18-1 (Attachment A) depicts a future park located on the subject parcels which would include picnic areas, informal recreational facilities, tot-lots, and active recreational facilities such as volleyball courts or outdoor basketball courts. OCP Figure KS 18-1 also depicts a class I bike path/multi-use trail across the subject parcels.

Zoning



Land Use Designations



3.3 Site Constraints

Key Site 18 is constrained for development due to the location of Orcutt Creek, which extends across the site from east to west. Any future development on the site is required to be located outside of the Orcutt Creek Floodplain and setback at a minimum of 50 feet from the top-of-bank of the creek. Additional requirements for the preservation of onsite biological resources and visual qualities, compatibility with adjacent development, access issues, and preservation of recreational resources make the majority of the site constrained for development.

The OCP envisions future commercial development on Key Site 18 to be located on parcels zoned OT-GC at the southern terminus of Foxenwood Lane and Clark Avenue, and along the site's frontage with Clark Avenue. The types of commercial development could include retail shops, restaurants, banks, doctor's offices, or other uses generally compatible with surrounding residential development. The 35 acres of the site zoned REC is to remain as designated open space area.

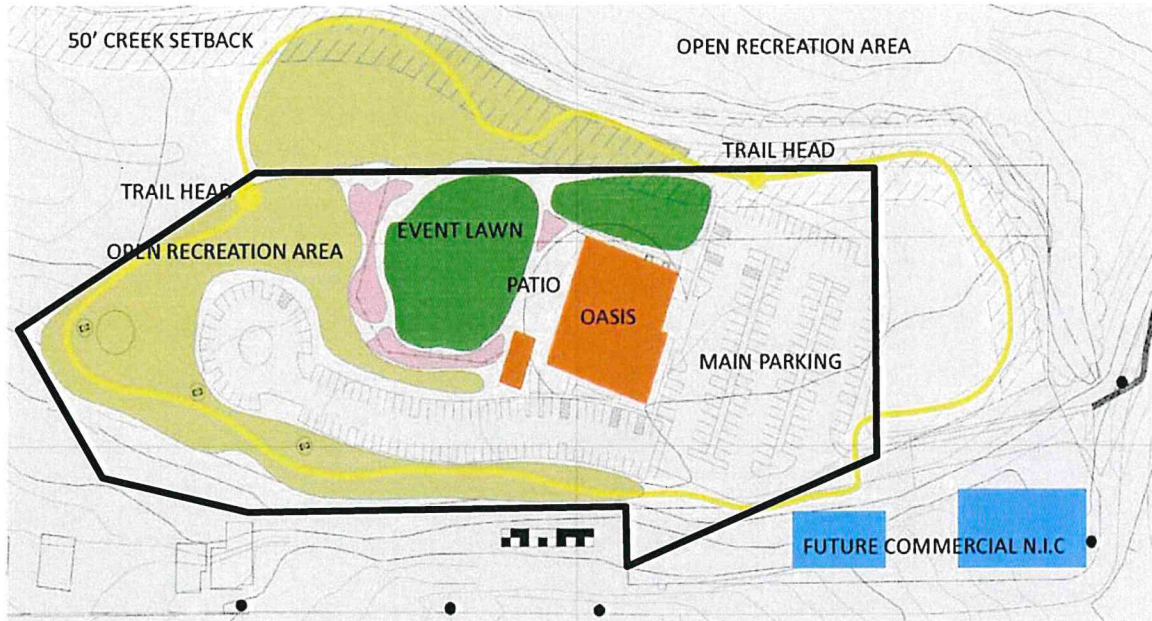
4.0 PROJECT DESCRIPTION

The proposed project is a request by the property owner for approval of a General Plan Amendment to amend the Orcutt Community Plan Key Site 18 Policy KS18-1, Development Standard KS18-1, and Figure KS18-1 to remove APN's 105-020-063 and -064 from the designated open space area, and to allow for the future development of the Oasis meeting facility/senior center. If the application is accepted by the Planning Commission for initiation, the owner would submit permit applications to construct the facility.

Proposed development would consist of a 15,900 sq. ft. meeting facility, 170 parking spaces, outdoor event areas with barbeques and benches, recreation lawns for the community, and walking trails. Structural development and impervious surfaces would cover approximately 2.28 acres of the 5.28 acre site. The meeting facility/senior center would offer over 50 weekly programs and classes at the facility and throughout the Santa Maria valley. Though mainly focused on seniors, programs would be open to all ages and would include educational and training opportunities, a meeting facility for Orcutt community groups, assorted exercise classes, a daily hot lunch, public benefit counseling, computer classes, library, blood pressure screenings, travel opportunities, recreational activities, and support groups. The applicant has indicated that the facility would be made available for events. However, the specific details on the types and frequency of events has not been determined.

Access would be provided by a private access easement over the adjacent parcel to the east from Foxenwood Drive. Public access to trail heads and picnic areas during controlled hours would be allowed. Water would be provided by the Golden State Water Company, and sanitary services would be provided by the Laguna County Sanitation District.

Conceptual Site Plan



5.0 ISSUE SUMMARY

5.1 Planning Commission Referral

The Director of Planning and Development has determined that the request for initiation of the subject GPA is inconsistent with the Comprehensive Plan including the Orcutt Community Plan. The inconsistency would not be resolved by approval of the amendment. In addition, approval of the GPA would be precedent setting in nature. Therefore, in accordance with LUDC Section 35.104.040, the Director of Planning and Development is referring the application to the Planning Commission to determine whether to accept the application for processing. If the Commission declines to accept the application for processing, the application will be referred to the Board of Supervisors for a final decision regarding whether to accept the application for processing. If the Commission accepts the application for processing, staff would begin processing it along with the additional applications necessary to construct the proposed facility.

5.2 Loss of High Priority Open Space Area

According to OCP Key Site 18 development standard KS18-1, Policy KS 18-1, and Figure KS 18-1 (Attachment A), the entire site, with the exception of the parcels which are zoned for residential and commercial uses, shall remain in natural, undeveloped open space. No development other than a park, retention basin, and class I bike path/multi-use trail shall be permitted within the open space area. The proposed GPA would amend this Development Standard, Policy, and Figure to allow the designation of "open space" to be removed from the subject parcels (APN's 105-020-063 and -064), and allow the parcels

to be developed with approximately 2.28 acres of development (i.e. 15,900 sq. ft. meeting facility/senior center and associated parking areas).

Key Site 18 serves as a visual “gateway” into Old Town Orcutt and is highly visible from adjacent roads and residential areas. According to the OCP (page KS 18.1), Key Site 18 is recognized for providing significant open space in an area of Orcutt that contains a high level of urbanization. Table 21 (Key Site Open Space) of the OCP Parks, Recreation, and Open Space section identifies Key Site 18 as a high priority site for public open space. Approximately 35 acres of the 40 acre site zoned REC (including the subject parcels) is to remain in open space. Removing the 5.28 acres of land identified as high priority open space from the designated open space area, and allowing it to be developed with a 15,900 sq. ft. meeting facility/senior center and associated development would not be consistent with the intent of the OCP which designated the subject parcels as open space, and the future location for a public park.

5.3 Southpoint Estates Tract Map (TM 13,345)

The subject parcels were created by the Southpoint Estates Tract Map (TM 13,345), and are designated as “open space not a building site” on the final map. Condition No. 20 of the map requires that the owner “provide open space in a sufficient amount with each unit of development in order to maintain a balanced density and an average lot area equal to the required base zone lot size”. This condition was applied in order to offset the reduction in the 10,000 sq. ft. minimum parcel size required by the 10-R-1 zone district. The Board of Supervisors allowed a reduction in the required parcel size provided that compensatory open space was provided to make up the difference between the actual vs. required lot size.

In order to develop the subject parcels with the Oasis facility, a Recorded Map Modification would be required to revise the applicable conditions of TM 13,345. Staff’s initial review of the project indicates that removing the 5.28 acres from designated open space would allow Southpoint to continue to meet the open space requirements under the conditions of approval. However, as discussed in Section 5.2 above, removing this area from open space would not be consistent with the intent of the OCP.

6.0 CONCLUSION

The Director has determined that removing the open space designation from the subject parcels is not consistent with good planning practices, or with the intent of the OCP. The proposed project would result in the conversion of 5.28 acres of land designated as high priority public open space area for the community of Orcutt to developable area. This area of Key Site 18 was specifically identified as the future location for a public park to include picnic areas, tot-lots, and active recreational facilities such as volleyball and basketball courts. Although the proposed project would include recreational lawn areas and public trails, the overall intensity of uses associated with the proposed project would not be appropriate considering the site constraints discussed in Section 3.3 above.

The OCP provides for significant residential and commercial development within the community of Orcutt. According to the Parks, Recreation, and Open Space section of the

OCP, open space areas in Orcutt are deficient, and as a result, public and private open spaces need to be preserved to maintain the community's semi-rural character, provide protection from natural hazards and protect valuable resources. The designated open space areas in the OCP are integral to the plan as they provide aesthetic relief from urban development and public and private open space areas. Key Site 18 in particular is recognized for providing significant open space in an area of Orcutt that contains a high level of urbanization.

7.0 APPEALS PROCEDURE

The action of the Commission to refer an application to the Board of Supervisors is final and not subject to appeal. The Board of Supervisors may accept or decline to accept the application for processing. The decision of the Board of Supervisors is final.

Attachments:

- A) Orcutt Community Plan Key Site 18 (Southpoint) Policies and Development Standards
- B) APN Page
- C) Proposed Oasis Meeting Facility/Senior Center Project Plans