



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 015-13 101 S. LA CUMBRE ROAD MODIFICATIONS AND DEVELOPMENT PLAN DECEMBER 12, 2013

**APPEAL BY KENNETH LEVIN OF THE STAFF HEARING OFFICER'S DECISION FOR THE APPLICATION OF CEARNAL ANDRULAITIS, LLP ARCHITECT FOR AVENUE 26 HOLDINGS, LLC, 101 S. LA CUMBRE ROAD (FORMERLY KNOWN AS 100 S. LA CUMBRE ROAD), APN 051-022-027, C-2 COMMERCIAL AND SD-2 SPECIAL DESIGN DISTRICT 2 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/ MEDIUM HIGH RESIDENTIAL (15 27 DU/ACRE) (MST2013-00018)**

The 25,765 square foot site is developed with a 1,737 square foot gas station (closed since 2005), a surface parking lot, and related structures, all of which are proposed to be demolished. The project site is actively undergoing soil remediation for ground water contamination caused by Leaking Underground Storage Tanks. The proposal includes the redevelopment of the site with a one-story, 4,737 square foot commercial building, a 25-space parking lot, soil excavation, installation of remediation equipment and vapor intrusion barriers, and site improvements. The improvements include an outdoor seating area, installation of new landscaping, construction of a trash enclosure, and elimination of driveway aprons along the La Cumbre Road and Lane frontages. The discretionary applications requested for the project are:

1. A Front Setback Modifications to allow a building greater than 15 feet in height to be constructed within the required 20-foot front setback on La Cumbre Road and La Cumbre Lane (SBMC §28.45.008 and §28.92.110);
2. A Front Setback Modification to allow a trash enclosure within the required 10-foot front setback on La Cumbre Lane (SBMC §28.45.008 and §28.92.110); and
3. A Development Plan for the allocation of 3,000 square foot of additional commercial development from the Prior Pending Category (SBMC Chapter 28.85).

On October 30, 2013, the Staff Hearing Officer partially approved the Modification requests, subject to several conditions. The appellant is appealing the partial approval of the project and related conditions of approval.

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 5, 2013
2. Site Plans

3. Correspondence received in support of the appeal:
  - a. Paula Westbury, Santa Barbara, CA
  - b. Steve Grimm, via email
  - c. Kenneth Levin, via email

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

- I. Denied the appeal and upheld the decision of the Staff Hearing Officer; approved the development plan and front setback modifications to allow a building greater than 15' in height, located within the required 20' setback, and denied the front setback modification for the trash enclosure, making the following findings:.

**A. ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.

**B. MODIFICATION**

The Front Setback Modifications for the building to encroach into the front setbacks of La Cumbre Road and La Cumbre Lane are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The development is consistent with the legislative intent of the SD-2 Zone Setback, the Upper State Street Design Guidelines, the Urban Design Guidelines, and the pattern of development in the sub-area. In addition, the project will provide a "missing-link" of sidewalk to provide pedestrian access from La Cumbre Road to shopping within La Cumbre Plaza, as described in Section VII.A of the staff report.

The Front Setback Modification for the trash enclosure is inconsistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. The location of the trash enclosure is inconsistent with the legislative intent of the SD-2 Zone Setback and inconsistent with the Upper State Street Design Guidelines.

**C. DEVELOPMENT PLAN**

1. With the approval of the requested Modifications, the proposed development complies with all provisions of the Zoning Ordinance, as described in Section VI.A. of the staff report;
2. The proposed development is consistent with the principles of sound community planning, it is consistent with the Nonresidential Growth Management Program, which implements the General Plan; the Upper State Street Design Guidelines, the SD-2 Zone Legislative Intent and the Zoning Ordinance;
3. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.68.045, as discussed in Section VI.A.3. of the staff report; and

4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in SBMC Section 28.85.050, described in Section VII.A. of the staff report.

II. Said approval is subject to the following conditions (imposed by the Staff Hearing Officer in SHO Resolution 064-13):

- A. The following required public improvements shall be shown and submitted on C-1 drawings prior to permit issuance:
  1. The proposed driveway shall be constructed per the City standard detail for a commercial driveway.
  2. A 15' radii curb shall be constructed at the intersection of La Cumbre Road and La Cumbre Lane.
  3. A dual directional pedestrian ramp shall be constructed at the intersection of La Cumbre Road and La Cumbre Lane.
  4. A Carrillo style decorative traffic signal pole with teardrop-style luminaire shall be installed adjacent to La Cumbre Road per City Standard Detail L-08.
  5. A decorative A-10 pole shall be installed adjacent to La Cumbre Lane per City Standard Detail L-08.
- B. A site /landscaping plan, demonstrating compliance with Tier 3 SWMP requirements to the maximum extent feasible, shall be approved by both the Santa Barbara City Creeks Division and the Santa Barbara County Public Health Department, Environmental Health Service Division (EHS) prior to Final Approval of the project by the Architectural Board of Review.
- C. Per SBMC § 22.04.020, during all ground disturbing activities the construction shall comply with all Santa Barbara County Air Pollution Control District's dust control measures identified as Construction Impact Mitigation.
- D. The project must comply with all Hazardous Materials measures that are outlined in the *Feasibility Test Report and Remedial Action Plan* (RAP) dated March 21, 2013 and the *Revised Soils Management Plan*, dated August 14, 2013 as approved and conditioned by the Santa Barbara County Public Health Department, Environmental Health Service Division (EHS), Leaking Underground Fuel Tank (LUFT) Program approval letters dated June 7 and August 14, 2013. Hazardous Materials measures specified in the referenced reports include, but are not limited to: the installation of an engineered vapor barrier to be incorporated into the building's foundation, soils management, the demolition, relocation and reconstruction of monitoring wells, the installation and operation of remediation equipment and monitoring wells until the remediation case is closed.

This motion was passed and adopted on the 12th day of December, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

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Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**