



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 064-13 101 S. LA CUMBRE ROAD MODIFICATIONS AND DEVELOPMENT PLAN OCTOBER 30, 2013

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 27-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 Modification to allow a building greater than 15 feet in height to be constructed within the required 20-foot front setback on La Cumbre Road (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 3,000 square foot of additional commercial development (SBMC §28.85).

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 Staff Hearing Officer 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 one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 24, 2013.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA.
 - b. Ken Levin, Novato, CA.

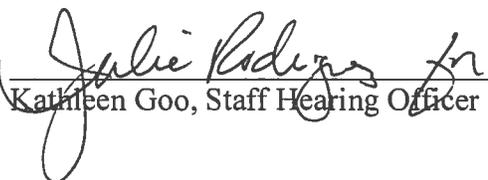
NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

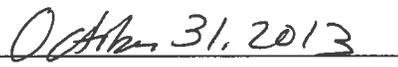
- I.** Approved the subject application making the following findings and determinations:
- A.** The Staff Hearing Officer finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.
 - B.** The Staff Hearing Officer finds that the Front Setback Modification for the building is consistent with the purposes and intent of the Zoning Ordinance and is 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, 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.
 - C.** The Staff Hearing Officer finds that 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.
 - D.** The Staff Hearing Officer makes the following Development Plan Approval findings:
 - 1. With the approval of the requested Modifications, the proposed development complies with all provisions of the Zoning Ordinance;
 - 2. The proposed development is consistent with the principles of sound community planning;
 - 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; and
 - 4. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as 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.
- II.** Said approval is subject to the following conditions:
- A.** The following public improvements shall be required to be constructed and shall be shown on the plans prior to permit issuance:
 - 1) The proposed driveway shall be constructed per the City standard detail for a commercial driveway. The driveway shall be a dust pan style and not an alley entrance style.
 - 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. (same style as Calle Real/La Cumbre Rd signal)
 - 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 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 30th day of October, 2013 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.


Kathleen Goo, Staff Hearing Officer Secretary


Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.