



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 30, 2015
AGENDA DATE: May 7, 2015
PROJECT ADDRESS: 340 West Carrillo Street (MST2012-00295)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4539
 Allison De Busk, Acting Senior Planner *AD*
 Tony Boughman, Assistant Planner *TB*

I. PROJECT DESCRIPTION

The project consists of the as-built conversion of an existing automobile service station to a mini-mart. The proposal includes minor exterior changes to the existing building, consisting of replacing the two existing overhead doors at the auto repair bays with storefront windows, minor changes to the front entry door, and landscaping improvements with additional planter areas. An existing driveway located on West Carrillo Street, closest to the Castillo Street intersection, would be removed as part of the project, and the two existing driveways along Castillo Street would be relocated slightly to improve site access. Nine parking spaces will be provided and no new non-residential floor area is proposed on the 15,600 square foot parcel. Interior floor plan improvements are proposed. The roof and walls of the existing 1,478 square foot, one-story gas station building with attached fuel pump canopy and eight fuel dispensers would remain unchanged.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Conditional Use Permit to permit the as-built conversion of a portion of the automobile service station to a mini-market (SBMC §28.94.030.V).

APPLICATION DEEMED COMPLETE: March 23, 2015

DATE ACTION REQUIRED: May 22, 2015

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Ahmad Ghaderi		
Property Owner:	George N. Dumas, Trustee		
Site Information			
Parcel Number:	039-262-036	Lot Area:	15,625 square feet
General Plan:	Commercial/High Residential	Zoning:	C-2 (Commercial)
Existing Use:	Auto service station	Topography:	Flat
Adjacent Land Uses			
	North – Multi-family Residential		East - Commercial
	South – Multi-family Residential		West – City Parking Lot

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

The C-2 zone has no setback requirements for commercial buildings adjacent to nonresidential zones, as is the case for subject project. The existing building and attached canopy are proposed to remain, largely unchanged. With the approval of the Conditional Use Permit described below, the project would meet the requirements of the C-2 Zoning Ordinance.

Additional specific Conditional Use Permit conditions, standards and limitations for Automobile Service Station/Mini Market (SBMC §28.94.030.V):

V. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. *Conditions. Specific conditions may be imposed to carry out the purposes of this Code.*

Conditions of approval have been developed for the project and are included as Attachment

2. *Lot Area. The minimum area of the parcel or lot shall not be less than eight thousand (8,000) square feet.*

The project is required to widen the public right-of-way along a portion of the West Carrillo Street sidewalk and at the corner intersection to improve pedestrian circulation. This will result in a reduction of the net lot area by approximately 188 square feet. The parcel after the required dedication of right-of-way will comply with the minimum lot area by providing approximately 15,437 square feet of net lot area.

3. *Street Frontage. Each lot shall have a minimum frontage of not less than one hundred (100) feet on one abutting street.*

This corner lot complies with this requirement by having 119 feet abutting Castillo Street and 104 feet abutting West Carrillo Street.

4. *Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.*

This project site is located in El Pueblo Viejo and was reviewed by the HLC. The architectural theme is an altered example of Mid-Century Modern gas station architecture. The existing integrated canopy and the proposed perimeter wall are consistent with the theme.

5. *Driveways.*
 - a. *New Service Stations. For service stations constructed after the effective date of this Subsection, driveway entrances to the service station shall not be within twenty (20) feet of the curb return (beginning of curve) on corner lots.*

This standard is not applicable for this existing service station.

- b. *Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this Subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.*

The existing driveways will be reconfigured to minimize interference with the movement and safety of vehicular and pedestrian traffic. The two driveways from Castillo Street will be shifted in location a few feet, and the existing driveway from West Carrillo Street nearest to the corner will be eliminated to minimize interference with the movement and safety of vehicular and pedestrian traffic.

6. *Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.*

This regulation is not applicable for this site.

7. *Parking. Parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five (5) parking spaces shall be provided or one (1) parking space for each two hundred fifty (250) square feet of gross floor area used for mini-market use and one (1) space for each employee shall be provided; whichever is greater.*

The calculation of the parking requirement is $1,478 \text{ square feet of mini-market floor area} / 250 = 5.9 \text{ spaces}$ plus two employee spaces = 7.9 parking spaces, or a total of eight on-site parking spaces required. Nine parking spaces are proposed. Therefore, the project conforms to the minimum parking requirements.

8. *Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.*

There are existing pole lights in a style compatible with El Pueblo Viejo at each corner of the property. The fixtures are hooded and they direct light downward to avoid light trespass.

9. *Landscaping. All landscaped areas shall be as follows:*

- a. *A planter shall be provided along all street-side property lines except for driveway openings.*

This project proposes to add landscaping planters wherever feasible. Along most of the West Carrillo Street frontage, planters are not feasible. Next to the main driveway along the West Carrillo Street frontage, the existing canopy support structure and fuel dispensing island is located 16 feet from the street curb without enough space to allow a perimeter planter between the fueling lane and the existing fuel dispensers closest to West Carrillo Street. Planters are provided along street side property lines except where this existing situation occurs. The driveway from West Carrillo Street near the street intersection is being eliminated, allowing the existing corner planter to be extended toward the east, providing a partial perimeter planter.

- b. *On corner lots, a minimum of one hundred fifty (150) square feet of planter area shall be provided on the property adjacent to the corner intersection.*

Approximately 257 square feet of planter area is proposed for the corner planter, consistent with this requirement.

- c. *At least ten percent (10%) of the area not covered by buildings on the parcel shall be landscaped.*

The total planting area proposed is 2,212 square feet, which is more than 17% of the lot area not covered by buildings.

10. *Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen.*

The restroom entrance is located inside the building, which is consistent with this requirement.

11. *Fencing. A decorative fence six (6) feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.*

A six foot tall concrete block wall with plaster finish is proposed along all property lines that do not abut a street, alley or parking area.

12. *Operations and Storage.*

- a. *Repair of vehicles is only permitted within an enclosed building.*

Repair of vehicles will no longer be done on this property.

- b. *All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.*

Servicing of vehicles will no longer be done on this property.

- c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.*

All materials products and merchandise shall be stored and displayed only within the enclosed building.

- d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.*

No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the building.

- e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six (6) feet. Trash shall not be stored or piled above the height of the fence.*

The existing six foot high trash enclosure at the rear of the building will be refinished with plaster. Trash shall not be stored or piled above the height of the fence.

- 13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations.*

The City Fire Department has reviewed preliminary plans for the project, and will review and approve the construction plans prior to building permit issuance.

B. GENERAL PLAN CONSISTENCY

The project site is located in the West Downtown neighborhood, as defined in the General Plan. The General Plan neighborhood description states that “the Carrillo Corridor is a significant gateway into the City’s Downtown and one of the most traveled arterials in the City circulation system”. The HLC gave careful consideration to this gateway location prior to determining that the existing building would not have to be redesigned to comply with El Pueblo Viejo design guidelines (refer to additional discussion in Section VIII below). The location is near the intersection of West Carrillo Street and Highway 101, and the existing gas station use and proposed mini-market use would be complementary and appropriate.

The project would comply with the City’s Pedestrian Master Plan to the extent feasible by widening the sidewalk and public right-of-way along a portion of the West Carrillo Street and at the corner intersection to improve pedestrian circulation. Full compliance with the Pedestrian Master Plan recommendations for sidewalk width is not feasible because the existing fuel pumps and canopy support columns are too close to the sidewalk. Although the existing site constraints and proposed alterations do not provide full compliance with the Pedestrian Master Plan, they provide important pedestrian and ADA improvements. The improvements are as follows: the adjustment of the existing corner planter for the construction and dedication of a four foot square minimum landing behind the corner intersection ramp; the elimination of an existing driveway and provision of a six foot-two inch wide level sidewalk; the installation of a tree grate that will widen the sidewalk walking area on West Carrillo Street; and the construction and dedication of level six foot wide sidewalk behind the eastern driveway apron on West Carrillo Street.

VII. ENVIRONMENTAL REVIEW

Hazardous Materials – The underground fuel tanks, piping, and fuel dispensers at the project site were replaced in 2012 and there are no issues related to hazardous materials.

Traffic - There are no anticipated traffic impacts associated with the conversion of the auto service bays to a mini-mart because there is no new square footage proposed and the mini-mart is considered ancillary to the gas station use.

CEQA Environmental Determination - Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301(a) (Existing Facilities), which allows for alterations to existing structures.

VIII. DESIGN REVIEW

The project is located in El Pueblo Viejo landmark district and is therefore under the design review purview of the HLC. It was reviewed by the HLC on four separate occasions (meeting minutes are attached as Exhibit B). The project proposes minor exterior changes to the existing building consisting of replacing the two existing overhead doors at the auto repair bays with storefront windows, and minor changes to the front entry door. The HLC determined that, given the proposed scope of work, it would be unreasonable to require a major architectural style change to the building in order to conform to El Pueblo Viejo design guidelines. The HLC also appreciated the proposed increases and improvements to the landscaping on the site and indicated support for the existing perimeter planter dimensions that do not fully comply with the parking lot landscaping requirements.

IX. FINDINGS

The Planning Commission finds the following:

CONDITIONAL USE PERMIT (SBMC §28.94.020)

1. *Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.*

The conversion of the auto repair bays to mini market floor area is a use that provides public convenience and is consistent with applicable policies of the Santa Barbara General Plan, as discussed in Section VI.B of the staff report.

2. *Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.*

The mini market use will not be detrimental or affect property values in the neighborhood. The prior auto repair use had some small potential for noise and other disturbance that is reduced with the conversion to mini market use.

3. *The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.*

The area of the existing site and the setbacks will remain the same. The existing building is situated close to the western street frontage at Castillo Street away from neighboring properties. Significant landscaping improvements around the perimeter of the property are proposed and detrimental impacts on surrounding properties will be avoided.

4. *Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.*

The parking requirement is eight on-site spaces, and nine spaces are proposed. Customers will often park at the fuel pumps while visiting the mini market. Parking demands for the development are adequately met on-site. Access to the site is currently provided by two driveways from Castillo Street and two from West Carrillo Street. The existing driveway from West Carrillo Street closest to the intersection will be eliminated to improve site circulation and reduce traffic interference while providing adequate access. The project would not negatively alter the character of the public streets.

5. *The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purposes set forth in this title.*

The appearance of the site will be enhanced by the proposed landscaping improvements around the perimeter of the property and around the building, and will provide a visual buffer and soften the site's appearance from surrounding properties and from the streets. The proposed replacement of the two existing overhead doors at the auto repair bays with windows will match the building's form with its function and improve its appearance.

6. *Compliance with any additional specific requirements for a conditional use permit.*

The project complies with all additional specific requirements for an automobile service station/mini-market per SBMC §28.94.030.V, as described in Section VI.A of the staff report.

Exhibits:

- A. Conditions of Approval
- B. HLC Minutes August 15, 2012, July 2, 2014, November 5, 2014, February 25, 2015
- C. Applicant's letter, dated July 27, 2012
- D. The project plans for 340 W. Carrillo Street have been distributed separately.

PLANNING COMMISSION CONDITIONS OF APPROVAL

340 W. CABRILLO STREET
CONDITIONAL USE PERMIT
MAY 7, 2015

- I. In consideration of the project approval granted by the Planning commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 3. Record any required documents (see Recorded Conditions Agreement section).
 4. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property to permit the as-built conversion of an existing automobile service station to a mini-mart approved by the Planning commission on May 7, 2015 is limited to approximately 1,478 net square feet of building area and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be

modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

5. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning commission land use conditions have been satisfied.

1. **Sidewalk Protection.** The fueling lane closest to West Carrillo Street must be separated by a physical barrier that will protect and separate pedestrians from automobiles and prevent vehicles from encroaching onto the sidewalk.
2. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained.
3. **Screened Backflow Device.** The backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.c. "West Carrillo Street and Castillo Street Public Improvements" shall be submitted to the Public Works Department for review and approval.

- b. **Dedication.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department:
 - (1) Sidewalk purposes along the 300 block of West Carrillo Street fronting 340 West Carrillo Street in order to establish a six-foot wide public right-of-way sidewalk at the back of the existing driveway shared with the adjacent property at 320 West Carrillo Street.
 - (2) Sidewalk purposes at the intersection of West Carrillo Street and Castillo Street fronting 340 West Carrillo Street in order to establish a minimum four-foot long by four-foot wide public right-of-way sidewalk landing at the back of the new diagonal access ramp.
- c. **West Carrillo Street and Castillo Street Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on West Carrillo Street and Castillo Street. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: eighty-five linear feet (85 l.f.) of sidewalk, two commercial driveway aprons modified to meet Title 24 requirements with a maximum width of twenty-four feet (24'), fifty linear feet (50 l.f.) of curb and gutter, standard diagonal access ramp, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, one (1) new street tree grate per approval of the Parks and Recreation Commission and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87. Tier 2 requires that at least one Best Management Practice measure be installed and maintained.
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review

board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC's)) name, contractor(s) (and PEC's) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence, and shall not exceed 24 square feet in sign area.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist

from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- G. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF CONDITIONAL USE PERMIT APPROVAL TIME LIMITS:

The Planning commission action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**HISTORIC LANDMARKS COMMISSION
MINUTES**

Wednesday, August 15, 2012 David Gebhard Public Meeting Room: 630 Garden Street

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

8. **340 W CARRILLO ST** C-2 Zone
(3:00) Assessor's Parcel Number: 039-262-036

 Application Number: MST2012-00295

 Owner: Samuel Dumas TTE

 Applicant: Tesoro Refining

 Architect: LMA Architects

 Engineer: A & S Engineering, Inc.

 Business Name: USA Gas

(Proposal to convert an existing automobile service station to a mini-mart. The proposal includes removal of the service bays, installation of a new storefront system, and replacement of the existing canopy. New landscaping is also proposed on this 15,600 square foot parcel. Nine parking spaces will be provided and no new floor area is proposed. Planning Commission review of a Conditional Use Permit is requested.)

(Comments only; requires Environmental Assessment and Planning Commission review of a Conditional Use Permit.)

Actual time: 3:15

Present: Thomas Beaudette, Architect

Public comment opened at 3:20 p.m. and, with no one wishing to speak, it was closed.

Motion: Continued indefinitely with comments that the applicant should return with a design consistent with the location, reflecting its importance as a gateway to the City, and consistent with the El Pueblo Viejo Guidelines.

Action: La Voie/Boucher, 8/0/0. Motion carried. (Shallanberger absent.)

EXHIBIT B

CONCEPT REVIEW - CONTINUED

12. **340 W CARRILLO ST**

C-2 Zone

(4:15) Assessor's Parcel Number: 039-262-036
Application Number: MST2012-00295
Owner: Samuel Dumas, Trustee
Applicant: Tesoro Refining
Architect: LMA Architects
Engineer: A & S Engineering, Inc.
Business Name: USA Gas

(Proposal to permit the as-built conversion of an existing automobile service station to a mini-mart. The proposal includes revising the existing architectural style of the building, removal of the auto service bays, and increasing landscaping planter areas. Nine parking spaces will be provided and no new floor area is proposed on the 15,600 square foot parcel. Planning Commission review of a Conditional Use Permit is requested.)

(Second Concept Review. Comments only; Project requires environmental assessment and Planning Commission review for a requested Conditional Use Permit (CUP). The project was last reviewed on August 15, 2012.)

Actual time: 4:33 p.m.
Present: Ahmad Ghaderi, A& S Engineering
Jeff Correll, Architect
Tony Boughman, Assistant Planner

Public comment opened at 4:40 p.m.
Kellam de Forest, local resident, questioned whether the building would continue functioning as a gas station. He suggested tile roof would tie in better with El Pueblo Viejo Guidelines.
Public comment closed at 4:41 p.m.

Motion: Continued indefinitely with two options given to the applicant:
1. Pursue the option of restoring the building to its period of significance as desired by the Commission (this would first require hiring a historian to complete an HSSR to evaluate if the building would qualify as a historic resource); or
2. Pursue a more appropriate design for buildings located within El Pueblo Viejo Landmark District.

Action: La Voie/Winick, 7/0/0. (Drury/Shallanberger absent.) Motion carried.

HISTORIC STRUCTURES REPORT

4. **340 W CARRILLO ST** C-2 Zone

(1:55) Assessor's Parcel Number: 039-262-036
Application Number: MST2012-00295
Owner: George Dumas, Trustee
Applicant: Tesoro Refining
Architect: Lenvik & Minor Architects
Engineer: A & S Engineering, Inc.
Business Name: USA Gas

(Proposal to permit the as-built conversion of an existing automobile service station to a mini-mart. The proposal includes minor exterior alterations, removal of the auto service bays, and increasing landscaping planter areas. Nine parking spaces will be provided and no new floor area is proposed on the 15,600 square foot parcel. Planning Commission review of a Conditional Use Permit is requested.)

(Review of Historic Site/Structures Report prepared by Alexandra Cole. The report concluded that the building is not historically significant.)

Actual time: 2:05 p.m.
Present: Jeff Gorrell, LMA Architects

Staff comment: Nicole Hernández, Urban Historian, stated that the report found the Mid-century Modern Standard Gas Station prototype to have missing key character defining features. Staff agrees with the report that the gas station does not meet the criteria to qualify as a historic resource as it does not convey its original appearance or the original intent of the Standard Stations without its flat roof and character defining pumps.

Public comment opened at 2:10 p.m.
Kellam de Forest, local resident, commented that even minor changes to the façade could have visual impacts due to its location and visibility. He emphasized that proposed design changes should be reviewed by the HLC.
Public comment closed at 2:12 p.m.

Motion: To accept the report as presented.
Action: La Voie/Orías, 5/0/0. (Drury/Mahan/Murray/Sharpe absent.) Motion carried.

Additional individual comments:

- The exhaustive survey found in the report is appreciated.
- Gratitude was expressed for the report preparer's thoroughness.

CONCEPT REVIEW - CONTINUED

10. **340 W CARRILLO ST** C-2 Zone

(4:05) Assessor's Parcel Number: 039-262-036
Application Number: MST2012-00295
Owner: George Dumas, Trustee
Applicant: Tesoro Refining
Architect: LMA Architects
Engineer: A & S Engineering, Inc.
Business Name: USA Gas

(Proposal to permit the as-built conversion of an existing automobile service station to a mini-mart. The proposal includes minor exterior alterations, removal of the auto service bays, and increasing landscaping planter areas. Nine parking spaces will be provided and no new floor area is proposed on the 15,600 square foot parcel. Planning Commission review of a Conditional Use Permit is requested.)

(Third Concept Review. Comments only; project requires environmental assessment and Planning Commission review for a requested Conditional Use Permit (CUP). This project was last reviewed on July 2, 2014.)

Actual Time: 4:06 p.m.

Present: Jeff Gorrell, Architect
Tony Boughman, Assistant Planner

Motion: Continued indefinitely with comments:

1. Provide a site plan and a proposed landscape plan.
2. The lack of conformance to El Pueblo Viejo Guidelines for the architecture of the building is supportable given that the proposed changes to the building are not substantial. The existing building design may remain as it is.
3. Fixed windows that look like garage doors are acceptable.
4. Study adding landscaping in front of the building where the garage doors are eliminated.
5. Study a lighter color for the blanked out windows as the proposed black color would not be appropriate within El Pueblo Viejo Landmark District. A white or translucent window treatment is suggested.
6. Any future approval would include a condition that there will be no exterior vending machines.

Action: Mahan/Orías, 6/0/0. (Sharpe stepped down. Drury/Suding absent.)
Motion carried.

CONCEPT REVIEW - CONTINUED

7. **340 W CARRILLO ST** C-2 Zone

(3:45) Assessor's Parcel Number: 039-262-036
Application Number: MST2012-00295
Owner: George Dumas, Trustee
Applicant: Tesoro Refining
Engineer: A & S Engineering, Inc.
Architect: LMA Architects
Business Name: USA Gas

(Proposal to permit the as-built conversion of an existing automobile service station to a mini-mart. The proposal includes minor exterior alterations, removal of the auto service bays, and increasing landscaping planter areas. Nine parking spaces will be provided and no new floor area is proposed on the 15,600 square foot parcel. Planning Commission review of a Conditional Use Permit is requested.)

(Fourth Concept Review. Review of landscaping and waiver of parking lot landscaping requirements is requested. Comments only; Project requires environmental assessment and Planning Commission review for a requested Conditional Use Permit (CUP). Project was last reviewed on November 5, 2014.)

Actual time: 4:06 p.m.

Present: Jeff Gorrell, Architect; Bob Cunningham, Landscape Architect, Arcadia Studios; and Tony Boughman, Assistant Planner.

Public comment opened at 4:18 p.m.

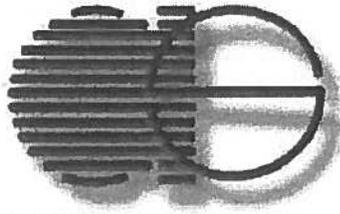
1. Kellam de Forest inquired about the plantings around the garage space. He suggested the garage remain as is since the existing plantings surrounding the station are sufficient.

Public comment closed at 4:19 p.m.

Motion: Continued indefinitely to the Planning Commission with comments:

1. The landscaping as presented is acceptable including the two *Cassia leptophylla* trees on Carrillo Street with protection of the sidewalk with bollards and plantings in front of the garage doors.
2. Study the detailing of the garage doors to appear more like windows.
3. Use white laminated glass at all panels instead of the existing black spandrel glass.

Action: Mahan/Orias, 6/0/0. (Veyna/Shallanberger/Suding absent.) Motion carried.



A & S Engineering, Inc.

Planning

Engineering

Project Management

28405 Sand Cyn. Road, Canyon Country, Ca. 91387 Ph. 818-842-3644, Fax. 818-842-3760

April 27, 2015

Planning commission
630 Garden Street
PO Box 1990
Santa Barbara, Ca. 93102-1990

Re: Tesoro USA station
340 W. Carrillo
Santa Barbara, Ca.

Honorable planning commissioners:

Scope of project:

1. Remodel existing snack shop and lube bays

A. Approvals requested:

- We are seeking approval of a Conditional Use Permit and need planning commission's approval.
- We are seeking HLC's approval for the proposed architectural treatment on the building.

B. Description of the project:

1. Existing improvements consist of existing Snack shop, lube bays and canopy. Scope of proposed project: Interior expansion of the snack shop further into the lube bays. Existing snack shop is currently contained in approximately one third of the lube bay space.
2. No changes to the square footage of the building are proposed.
3. Existing canopy will remain as is.
4. Site is 15,625 s.f. (.36 acres)

EXHIBIT C

5. There will be no removal of any vegetation. There will be substantial landscaping improvements.
6. No change to site drainage or grades.
7. No grading is proposed as part of this project.
8. There are commercial uses along the north; east and south side of the property, there are multi-family residential units to the west of the subject site.
9. There will be no smoke or odor created by the project.
There will be no increase in noise.
No Geotechnical studies were needed.
No resource or constraint studies have been required
There are designated recreational trails or easements exist.
Property is not located adjacent to a creek or other water courses
Site is on public sewer.
Site is connected to city water.
10. Estimate time frame for interior demolition is one week.
There is no grading proposed
Estimate time of construction is 3 months.
There will be typically 5-10 workers on site for the demolition portion of the project.
All construction material will be staged at the rear of the existing building.
11. Not applicable.
12. None.

Proposed project will significantly enhance the aesthetic value of the location; provide services and products to local travelers and commuters.

The proposed use is not a new use to the site; therefore we do not anticipate any problems or issues.

Site is an existing gas station and the underground tanks were recently replaced in later part of 2011.

Please let me know if you need additional information.

Sincerely,

Ahmad Ghaderi



City of Santa Barbara

California

Exhibit D: The project plans for 340 W. Carrillo Street have been distributed separately.

A copy of the plans are available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.