DATE: July 13, 2020

TO: Peter Imhof, Planning and Environmental Review Director

FROM: Chris Noddings, Assistant Planner

SUBJECT: 6045 Stow Canyon Road (APN 071-170-044)
Substantial Conformity Determination for Chabad of Santa Barbara;
Case No. 20-0003-SCD

REQUEST

Steve Fort, on behalf of Rabbi Mendel Loschak (applicant/property owner), has requested approval of a Substantial Conformity Determination (SCD) and Preliminary Design Review for minor changes proposed to the approved Synagogue project as described more fully below. In accordance with Section 17.50.020, the Planning and Environmental Review Director has authority to act on SCD requests.

PROJECT DESCRIPTION:

The following provides the project details including proposed changes which are the subject of this SCD that also include revisions following Design Review Board (DRB) conceptual review performed on June 23, 2020:

2. A new 841 SF storage building.
3. Removal of an existing 1,440 SF barn/storage garage.
4. Consolidation of access to the site into a single driveway (i.e., removal of the existing residential driveway and the removal and relocation of the existing synagogue driveway approximately 35 feet west of its current location).
5. Demolition and replacement of the existing parking lot with an expanded design (to include three uncovered parking spaces for the residence per a modification approved by the Planning Commission).
6. Approval of the existing, 176-SF, open-sided, lean-to storage container.
7. Landscape, hardscape, lighting, trash enclosure, and storm water improvements.

The revisions from the original design, which are the subject of the SCD, would result in a total building footprint increase of 97 square feet, elimination of the 815-square foot roof-top deck, removal of an existing fruit tree at the northeast corner of the proposed new Synagogue, and revising or eliminating walkways and courtyards immediately surrounding the proposed synagogue. The walkway revisions include the addition of exterior steps within an exterior
pathway at the northwest corner of the Synagogue to support the grade transition across the site.

On June 23, 2020, the DRB unanimously voted to recommend that the Planning Director grant Preliminary Approval of the requested SCD. If Preliminary Approval is granted, the project would return to the DRB for Final approval. Throughout this process, the only decision that may be appealed is that made by the Planning Director regarding the requested SCD.

Following the recommendation by the Design Review Board on June 23, 2020, the applicant made additional changes to the Synagogue building and adjacent patio/hardscape as described below. These changes are included in the project description provided above. DRB Chairperson Scott Branch has reviewed the minor changes, determined they do not change the architectural style or design, and further stated that he is still in support of the project.

- Revisions to the northeast corner of the building (bathrooms and storage rooms, not the larger area for religious services).
- Relocating AC units to the exterior (within in a fully screened area).
- Minor patio/hardscape and path location revisions.
- Adding a small number of exterior steps on an exterior pathway at the NW corner of the Synagogue building to help with the grade transition.

With respect to the Synagogue building’s footprint, the net effect of these changes is to increase the footprint by 97 square feet (when compared to what was approved by the Planning Commission, as mentioned above) or 135 square feet (when compared to what was heard by the DRB on June 23, 2020).

BACKGROUND

Chabad of Santa Barbara has been using the project site since the existing Conditional Use Permit (Case No. 92-CP-018) was approved in 1992. Current uses on the site include a residence (used by the Rabbi); a building that is used as a synagogue, a school, and a day care; a parking lot; and accessory and ancillary buildings.

On December 9, 2019, the Planning Commission adopted a Mitigated Negative Declaration and approved the requested Development Plan and Conditional Use Permit Revision (18-031-DP-CUPRV) for a new, 7,293-square foot, one-story Synagogue with an 815-square foot rooftop deck (8,108 square feet total); 841-square foot storage building; removal of the existing barn/storage garage; site access consolidation; approval of the 176-square foot, open-sided lean-to storage container; and parking lot and landscaping redesign. The Planning Commission also approved a requested modification to allow three parking spaces for an existing residence to be uncovered parking spaces in the Synagogue parking lot. Given the analysis provided in the MND, and the nature of the project changes proposed as part of the SCD, no further environmental review under the California Environmental Quality Act (CEQA) is needed.

After receiving approval from the Planning Commission, the applicant refined the project further, leading to the proposed Substantial Conformity Determination (20-0003-SCD) request as described above.

DEVELOPMENT THRESHOLDS AND FINDINGS

As provided for in Section 17.52.100(B)(1), the Director may approve minor changes to any Conditional Use Permit or Development Plan via a SCD prior to expiration of the approvals.
The approvals granted to Case No. 18-031-DP-CUPRV-DRB will not expire until December 9, 2024 and therefore the project is eligible for this SCD request. In addition, the proposed revisions qualify for an SCD because the changes meet the criteria of Section 17.52.100(B)(1)(a) as follows:

i. The change will not result in an increase of 1,000 square feet or more than ten percent of building coverage of new structures over total previous Permit or Plan approval, whichever is less.

   The change would result in a building coverage footprint increase of 97 square feet, which is an increase of 1.33% compared to the footprint approved by the Planning Commission on December 9, 2019. Moreover, the 815-square-foot rooftop deck that was approved by the Planning Commission is no longer proposed.

ii. The change will not result in an overall height, which is greater than ten percent above the previous Permit or Plan approval height.

   The maximum height of the previously approved architectural feature will remain unchanged, and the maximum height of the roofline has been lowered by 1 foot and 6.5 inches (to 23 feet).

iii. The change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area (50 cubic yards in the Coastal Zone) and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for the project; mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed.

   The proposed project revisions would result in a net export (cut) reduction of 25 cubic yards (from 85 to 60 cubic yards of net cut) in the Inland Area and would continue to avoid slopes of 30 percent or greater.

iv. The project is located within the same general location as, and is topographically similar to, approved plans. The location must not be moved more than ten percent closer to a property line than the originally approved Permit or Plan.

   The proposed project is located in exactly the same location as previously proposed, with minor changes to the footprint. The easternmost and northernmost exterior walls are the two exterior walls closest to another property line, and the proposed project changes would not move either of these walls further east or north, respectively.

v. The project has not been the subject of substantial public controversy, nor is there reason to believe the change is likely to create substantial public controversy.

   No public controversy arose before, during, or after any of the project’s three previous public hearings:
   - Planning Commission approval in December 2019.

   Additionally, DRB Chairperson Scott Branch has reviewed the minor changes that were proposed after the DRB’s Conceptual Review in June 2020, determined the changes do not change the architectural style or design, and further stated that he is still in support
of the project. As such, there is no reason to believe the proposed changes are likely to create substantial public controversy.

In addition, the findings of Section 17.52.100(B)(2) needed to grant the SCD may be made as provided for in Attachment 1. Staff has reviewed the existing conditions of approval established in Planning Commission Resolution 19-12 and no additional conditions are needed for the proposed minor revisions. As the project meets the threshold criteria, the findings can be made, and DRB is supports the revisions, staff recommends that the Director grant the applicant’s request on July 17, 2020 and sign the attached action letter.

If the Director determines that the project does not meet the threshold criteria or that the findings cannot be made, the Director should refer the matter back to staff for further review/modification or preparation of denial findings.

PUBLIC NOTIFICATION

In accordance with Section 17.52.100(B)(3), notice of this Director’s decision was posted on the project site on July 2, 2020 and was also sent via mail on July 8, 2020 for delivery to residents and property owners within 500 feet of the property. In addition, although not required by Section 17.52.050(C)(2), notice was simultaneously posted on July 9, 2020 in the Santa Barbara Independent, on the City’s website, and sent via email to 2,267 email addresses that had requested updates related to the Planning and Environmental Review Department.

APPEAL

The Director’s decision may be appealed to the Planning Commission within ten (10) calendar days.

CC: Lisa Prasse, Current Planning Manager
Mary Chang, Supervising Senior Planner

ATTACHMENTS

1) 20-0003-SCD Findings
   A. Planning Commission Resolution No. 19-12
2) Project Plans, Elevations, and Isometric Views
3) Additional Visual Simulations
4) Materials Board (electronic)
5) Draft Director’s Action Letter