DIRECTOR OF PLANNING AND ENVIRONMENTAL REVIEW
SUBSTANTIAL CONFORMITY DETERMINATION

DATE: November 7, 2022

TO: Peter T. Imhof, Director

FROM: Lisa Prasse, Current Planning Manager
Kathy Allen, Supervising Senior Planner
Travis Lee, Associate Planner

SUBJECT: **Fairview Business Associates/Torridon Development Agreement Substantial Conformity Determination**
420, 430, 490 S Fairview Avenue; APNs 071-130-061, -057, -062
Case Nos. 21-0002-SCD, 21-0002-ORD, 21-0040-ZC

RECOMMENDATION

Staff recommends that the Planning and Environmental Review (PER) Director:

1. Adopt Substantial Conformity Determination Findings, Title 17, Section 17.52.100(B)(1)(a) and (B)(2) provided as Attachment A;
2. Approve the Substantial Conformity Determination (Case No. 21-0002-SCD), based on the findings provided in Attachment A, subject to the Original Conditions of Approval (Case No. 98-DP-024) in Attachment B; and,
3. Adopt the Notice of Exemption as provided in Attachment C.

If the PER Director determines other than the recommended action, refer the matter back to staff for preparation of the appropriate action and findings.

PROPERTY OWNER
Fairview Business Associates (FBA) – 420 S. Fairview
Torridon– 430 & 490 S. Fairview
430 South Fairview Ave
Goleta, CA 93117

APPLICANT/AGENT
Eva Turenchalk
231 Santa Barbara Shores
Goleta, CA 93117

Yardi Systems
430 South Fairview Ave
Goleta, CA 93117

JURISDICTION

The PER Director is authorized to act on this request pursuant to Goleta Municipal Code Sections 17.50.020 and 17.52.100(B).

REQUEST SUMMARY:

The request is for approval of a Substantial Conformity Determination (SCD) for the previously County-approved Development Plan (98-DP-024). The previous approval envisioned the future construction of 25 parking spaces in areas currently used as landscaping, subject to the approval of an SCD and the Design Review Board (DRB). The applicant seeks approval of the delayed 25 parking spaces and to formalize a 1:400 parking ratio as originally approved by the County. The application for an SCD and DRB review will serve to formalize the design of the 25 future parking spaces. The proposed SCD also includes improvements in site lighting. The proposed locations of the 25 future parking spaces are situated in existing oversized landscaped planters and have been placed in a manner to avoid removal of mature trees and to avoid conflict with existing drainage infrastructure on the property. Should the PER Director approve the SCD, a Zoning Clearance (ZC) would be required to effectuate the revised project in accordance with Section 17.52.100(B)(4).

The subject property is identified as Assessor Parcel Numbers (APN) 071-130-061, -057, and -062; three parcels of approximately 4.63, 3.72, and 8.32 acres respectively. The site is located south of Hollister near the intersection of South Fairview and Carson in Old Town Goleta. The properties are currently developed as follows:

Building 420 Fairview: two-story 65,600 SF
Building 430 Fairview: two-story 62,400 SF
Building 490 Fairview: one-story 6,000 SF

The properties have a General Plan land use designation of Business Park (I-BP) and are zoned Business Park (BP) in Goleta Municipal Code Chapter 17.09.

PROJECT DESCRIPTION

The current application consists of the below changes to the approved Development Plan (Case No. 98-DP-024) for landscaping, parking, and exterior lighting improvements in conjunction with the Ekwill Fowler Street expansion project. The adjustments would reduce the amount of landscaping to 2,227 SF to increase the number of standard parking spaces from 738 to 763 without any changes to bicycle, electric, or ADA parking spaces. No grading is proposed, and no trees are proposed for removal.

BACKGROUND

Prior Planning Approvals

On October 23, 2001, the County of Santa Barbara ("County") approved a Development Plan for the Property. The Santa Barbara County Board of Supervisors approved Development Plan 98-DP-024 to redevelop the parcels by demolishing existing buildings and constructing 2 two-story buildings and 1 one-story building totaling 134,000 square feet. A Lot Line Adjustment in 2003 and a Lot Split in 2006 created the current lot configuration. The Development Plan permits 25 potential future parking spaces (the "25 Future Spaces"). The Development Plan allowed for deferral of construction of the 25 Future Spaces because it concluded that the as-built parking would be sufficient to serve the site and the County preferred to keep the landscaping in the area intact, unless or until a need for further parking spaces materialized. The Development Plan required the Owners to obtain a Substantial Conformity Determination (SCD) approval before the Owners could build the 25 Future Spaces. Fairview Business Associates and Torridon have applied for a SCD, Zoning Clearance, and Design Review Board approval (Case Nos. 21-0002-SCD, 21-0040-ZC, and 21-0015-DRB) for the hardscaping, landscaping, and exterior lighting improvements in conjunction with the 25 Future Spaces.

Design Review Board

On February 8, 2022, the DRB reviewed the site design and associated changes for the 25 future parking spaces improvements. The DRB found the proposed project acceptable and granted Conceptual and Preliminary approval at the meeting. A copy of the DRB minutes is provided as Attachment E.

Development Agreement

The property owner proposed a Development Agreement (DA) to dedicate 35 parking spaces for public parking in Old Town in exchange for the City to agree to a term of the final Design Review approval of 25 new parking spaces to be the term of the Development Agreement (20 years). The approval of the design and layout of the 25 new parking spaces requires Design Review Board ("DRB") approval. Pursuant to Goleta Municipal Code Section 17.58.100, final DRB approval has a term of three (3) years, with a possible extension of two years by the Director of Planning and Environmental Review.

Settlement Agreement

In the Settlement Agreement, the owners agreed to and did not object to adding the following condition:

> *Yardi will use its reasonable efforts to provide a TDM program to reduce the parking demand on the property. The make-up of the program can be updated at Yardi's discretion, depending on incentives determined by Yardi to be reasonably appropriate and most effective, so long as parking on the*

property remains adequate, which means the Project meets a 1:400 parking ratio. Current TDM measures offered by Yardi include:
• Flexible schedules, allowing flexible start and ending times to encourage and accommodate use of alternative transportation;
• 50% reimbursement for alternative transit costs (MTD, clean air express, vanpools, Amtrak, etc.);

• Indoor bike storage and showers to encourage and facilitate biking to work; and

• Onsite amenities such as outdoor eating areas to further reduce need to have a personal car on campus.

Should the City reasonably believe that parking on the property is not adequate, Yardi and the City shall meet in good faith in order to develop mutually acceptable transportation demand management measures to increase site parking in order to meet the 1:400 parking ratio. If after 90 days from the initial meeting, the parties have not reached agreement on appropriate transportation demand management measures, either party may initiate non-binding mediation with a third party neutral, the cost of which will be shared equally. If the parties are unable to select a mediator, they will agree to any mediator selected by a recognized mediation service. Both parties must act in good faith in an effort to reach a mutual agreement. The meet and confer and mediation remedies in this section must be exhausted before the City may utilize any and all available remedies at law to secure compliance with this condition.

ANALYSIS

General Plan and Zoning Consistency

The proposed request is in substantial conformity with the Development Plan approved on the site. The project's approved Business Office use is consistent with the Land Use Plan Map (Figure 2-1) of the GP/CLUP and the Business Park (I-BP) land use designation, which allows "Business Services" as an approved use. As the revised project retains the same office use, the project will remain consistent with the GP/CLUP land use designation for the site.

The project is limited to landscaping, hardscaping, lighting, and parking improvements while no structural development or change of use is proposed. These minor changes would not change the intensity of the approved use of the site, nor significantly change the overall structural development on the parcels, while resulting in a slight reduction in the amount of landscaping provided on site (2,227 fewer square feet). These changes are minor and would not affect or detract visually from a design or landscaping perspective. Therefore, the project will remain consistent with the GP/CLUP Land Use and Visual Resources Elements.

The project is consistent with the development standards in place during approval of the Development Plan (Case No. 98-DP-024). The SCD request does not affect the project's ability to maintain consistency with the applicable standards as previously approved.

Substantial Conformity Thresholds and Findings

The proposed change in coverage is consistent with Goleta Municipal Code Section 17.52.100(B)(1)(a) Changes to Prior Permits and Approvals requiring an SCD. The proposed changes are minor in nature and in accordance with the previously approved Development Plan 98-DP-024. The project meets the Thresholds for an SCD as outlined in Attachment A and as summarized below:

- *The change will not result in an increase of 1,000 square feet or more than 10 percent of building coverage of new structures over total previous Permit or Plan approval, whichever is less.*

  The requested parking spaces will not result in an increase of 1,000 SF or more than 10 percent of building coverage of new structures over the total previous Case No. 98-DP-024 approval. No new buildings are proposed as the project is limited to landscaping, hardscaping, lighting, and parking improvements.

  The change will not result in an overall height increase, which is greater than 10 percent above the previous Permit or Plan approval height.

  The change will not result in an overall height increase, which is greater than ten percent above the previous Permit or Plan approval height. The proposed project will not affect the previously approved buildings nor will their heights be affected since the improvements are limited to parking.

- *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 change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for this project; mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed. The change associated with the SCD will not result in any grading.

- *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 10 percent closer to a property line than the originally approved Permit or Plan.*

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 that the originally approved Permit or Plan. The project to add parking spaces is located within the same general location as previously approved by the County. The placement of the parking spaces remains within the boundaries of the already constructed parking lot and does not move spaces any closer to property lines.

- *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.*

  The project has not been the subject of substantial public controversy, nor is there reason to believe that change is likely to create substantial public controversy. This project has not been the subject of substantial public controversy. The record associated with the original project does not reflect that the project was the subject of substantial public controversy and there was no controversy expressed when the parking proposal was review and approved by the Goleta DRB in February 2022.

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. 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 November 7, 2022 and sign the attached action letter.

Environmental Review

The original project was evaluated by the Goleta Old Town Revitalization Plan Environmental Impact Report (EIR) (96-EIR-05) released 1998 and addenda dated June 1998, May 1999, and August 7, 2001.

The City of Goleta is the lead agency for this project pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.). The Project revisions have been found exempt from CEQA and a Notice of Exemption can be issued by the Director. Specifically, the project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15304 Minor Alterations to Land.

NOTICE

On October 11, the site was posted and the SCD materials were posted on the Director's page on the City's website for the 15-day notice period.

NEXT STEPS:
Should the PER Director approve the Substantial Conformity Determination, then (1) a 10-day appeal period will commence pursuant to the Goleta Municipal Code Section 17.52.100.C; (2) issuance of an effectuating Zoning Clearance will take place pursuant to

Goleta Municipal Code Section 17.54 for the SCD; and (3) issuance of building permits will occur at the applicant's request.

APPEALS PROCEDURE

The PER Director decision may be appealed to the Planning Commission within 10 calendar days following final action per Goleta Municipal Code Section 17.52.100.

ATTACHMENTS

A. Findings
B. Conditions of Approval (Case No. 98-DP-024)
C. Notice of Exemption
D. Project Plans
E. February 8, 2022 DRB Minutes and Findings

By signing below, I have acknowledged that I have reviewed, acknowledged, and accepted the contents of this document

Name Date