Agenda Item B.1

PUBLIC HEARING

Meeting Date: September 7, 2023

TO: Peter T. Imhof, Zoning Administrator

FROM: Mary Chang, Supervising Senior Planner
Travis Lee, Associate Planner

SUBJECT: Development Plan Amendment (DPAM) with setback Modification (MOD) for an ADA accessible parking space and Design Approval for Fuel Depot Gas Station at 180 N. Fairview Avenue; APN: 069-110-054; Case Nos. 22-0006-DPAM, 22-0004-MOD, & 23-0025-DRB.

RECOMMENDATION:

1. Accept the CEQA Notice of Exemption in Attachment 1;

2. Adopt Development Plan Amendment (DPAM) Findings and Modification (MOD) Findings in Attachment 2, and the Preliminary Design Review Findings in Attachment 3; and

3. Approve the DPAM (Case No. 22-0006-DPAM) and MOD (Case No. 22-0004-MOD) and grant Preliminary Design Approval (Case No. 23-0025-DRB), subject to the conditions included in Attachment 3.

If the Zoning Administrator takes other than the recommended action, refer the matter back to staff for the preparation of appropriate findings and conditions.

PROPERTY OWNER

Jorja Encina, LP c/o John Price
P.O. Box 61106
Santa Barbara, CA 93160

APPLICANT/AGENT

Gelare Macon, Flowers & Associates
115 W. Canon Perdido St
Santa Barbara, CA 93101

APPLICANT'S REQUEST

The applicant requests a Development Plan Amendment for an addition to a convenience market building and a setback Modification for an ADA parking space to encroach 8' 4" into the 10-foot set back along Encina Road. The building addition portion of the project includes an 839-square foot addition to the convenience market; new roofing; windows, doors and exterior changes to the convenience market; a new 119-square foot covered

trash enclosure; and three new parking spaces (1 ADA space and 2 standard size spaces). The ADA parking space will be 1'-8" from public right of way (sidewalk), which requires a setback MOD.

The existing site is developed with a fuel station, canopy, a convenience market, and auto service bays. No changes to the fuel pumps or canopy are proposed.

The subject parcel has a Zoning and General Plan Land Use designation of Intersection Commercial (CI) and is located in the Inland Zone.

JURISDICTION

The Zoning Administrator has jurisdiction over the requested Development Plan Amendment, Design Review, and Modification, pursuant to GMC Section 17.58.040(C), 17.59.020(B)(2), 17.59.040(A), and 17.62.030(A). Decisions by the Zoning Administrator are discretionary and subject to appeal to the City Council.

BACKGROUND

The existing site has been developed with a fuel station, canopy, a convenience market, and auto service bays in an urban area since the late 1960s, gaining approval on August 3, 1966, from the Santa Barbara County Planning Commission. The gas station property currently includes 8 fueling dispensary points (4 pumps) with an overhead canopy and a 1,619-square foot convenience store/auto-service building on a 12,197-square foot lot in the Highway Commercial (C-I) zone district. The use of the service bays for auto repair/smog inspections ceased in 2022.

On July 15, 1999, the County approved an Amendment to 66-M-075 that allowed construction of an approximately 1,700-square foot, 18'-tall overhead canopy over the four existing fuel pump stations. The Amendment included a modification to allow the overhead canopy to encroach 11' into the front yard setback.

On September 12, 2016, the Planning Commission approved a new Development Plan (Case No. 15-063-DP), which allowed for the construction of a new, one-story, 2,396-square foot convenience store to replace the existing, 1,619-square foot convenience store/auto-service building. The Planning Commission also approved Modifications to allow parking spaces and a trash enclosure to project into the front and side yard setbacks, as well as allowing parking spaces adjacent to fuel pumps to count towards the total parking requirement, pursuant to the City's Inland Zoning Ordinance.

On February 5, 2018, the Planning and Environmental Review Director approved a Substantial Conformity Determination (SCD), Case No. 17-142-SCD, which allowed for architectural changes and an 9.7% increase in total building height, which was within the recommended 10% height limit criteria for a SCD. The architectural/building design change resulting in the height increase was reviewed and approved by the Design Review Board (DRB) at a public hearing on October 24, 2017. No changes to the previously approved building footprint, square footage, landscaping, and access and circulation were proposed.

On September 9, 2019, the Planning and Environmental Review Director approved a second SCD, Case No. 19-061-SCD, which allowed a reduction in landscaping coverage from 1,942 square feet (15%) to 1,522 square feet (12%), which increased the hardscaping coverage from 6,192 square feet (50%) to 6,612 square feet (53%). The reasons for the proposed changes include revising the walkway from Encina Drive to accommodate ADA accessibility and relocating an underground SCE transformer above ground, which requires a concrete pad on a landscaped area.

In October 2019, the applicant applied for a Permit Compliance Case (19-137-PC) to accompany the parent discretionary permits.

Due to rising construction costs, the applicant chose to not pursue that project and all the related cases (Case Nos. 15-063-DP, 19-137-PC, 17-142-SCD, 19-061-SCD) have expired. The current proposed Amendment is to the original Development Plan, Case No. 66-M-75.

The proposed project under consideration is a new project as described below.

DRB Review

On May 23, 2023, the DRB conducted Conceptual and Preliminary review of the new project and recommended that that the Zoning Administrator grant Preliminary Design Approval of the project subject to DRB findings, Attachment 3.

PROJECT DESCRIPTION

The proposed project includes a Development Plan Amendment to 66-M-75 for the construction of an 839-square foot addition along the east side of the existing building along with the conversion the existing service bay into a larger convenience market. This would result in a 2,458-square foot establishment called “The Point Market.” The proposed renovation includes new roofing, windows, doors, and exterior finishes as well as a new 119-square foot trash enclosure. The existing landscaping covers 6% of the lot and the proposed new landscaping is 13.7% of the lot. The revised landscaped area is designed to include Tier 1 Stormwater Control Plan improvements, such as a drainage swale, rock rip-rap, and an infiltration trench. Proposed grading includes 27 cubic yards of cut and 20 cubic yards of fill. The lighting is directed downward, and fixtures are appropriate to the style and scale of the architecture and function of the site.

The proposal includes three additional parking spaces, one of which is an ADA space. The two new standard-sized parking spaces are located near the southeast corner of the site and the new ADA parking space is located near the northeast corner of the site within the side setback. The Project requires a Development Plan Amendment to the original Development Plan and a parking Modification (MOD) to allow the ADA parking space to encroach 8’-4” into the 10’ setback from the public right of way of Encina Road. This will result in a 1’-8” landscape area between the parking space and the sidewalk. A MOD is required as the parking space does not meet the locational criteria for parking as provided for in Section 17.62.020(A)(2).

The existing site is developed with a fuel station, canopy, a convenience market, and auto service bays. No changes to the fuel pumps or canopy are proposed.

DISCUSSION

The following discussion includes the project's consistency with the General Plan policies and zoning regulations, and the findings necessary to approve the project components.

General Plan Consistency and Zoning Consistency

The Land Use Element in the General Plan/Coastal Land Use Plan (GP/CLUP) designates the property as Intersection Commercial (C-I). The C-I designation identifies a limited variety of commercial uses of low to moderate intensity located at major roadway intersections. Customers are anticipated to drive to these establishments. Consistent with Policy LU 3.5, Table 2-2, gas stations are an allowed use within the C-I designation.

The design of the proposed development and associated MOD are also consistent with the Visual and Historic Resources Element Policy VH 4.5 (Retail Commercial Areas). VH 4.5 consists of design-related policies that encourage neighborhood compatibility relative to size, bulk, and scale, as well as parking, pedestrian, and public transportation. The DRB reviewed the project at the May 23, 2023, hearing and found the proposed development and setback MOD are appropriate given the site constraints and circumstances.

The proposed DPAM and MOD will be consistent with all applicable GP/CLUP policies, including allowable uses and design-related policies.

The intent of C-I zoning designation is to provide for a limited range of commercial uses of low to moderate intensity located at major roadway intersections. Consistent with the permit procedures of Title 17, a DPAM needs to be approved by the Director. However, the associated setback MOD needs to be approved by the Zoning Administrator. Therefore, both permits are reviewed by the higher review authority, the Zoning Administrator.

The following table analyzes consistency with applicable Development Regulations within the CI zone district and within General Modification standards, as identified below, pursuant to Zoning Ordinance Sections 17.08.030 and 17.62.020.A(1)(a) and (b):

Table 1
Consistency with Applicable Development Regulations

Development Regulations within CI Zone District (Section 17.08.030)	***Proposed Development and Modification***	***Consistent?***
Parking Required: 8 spaces required for 2,458 sq. ft. convenience store (1 space per 300 sq. ft. of area) Spaces at each pump may count toward the required parking with a minimum of 2 separate spaces provided.	Proposed: 11 spaces proposed; 3 separate spaces (including 1 ADA space) plus 8 spaces at the pumps	Yes
Setbacks Required: Front: 10 ft. Street Side: 10 ft. Interior Side: 5 ft. Rear: 10% of lot width, max 10 ft.	Proposed: Front: 10 ft. Street Side: 1'-8" (ADA parking space); Street Side:19'-6 ½" from Building (Not changing) Interior Side: 5 ft. Rear: minimum of 15'	 Yes Yes (w/ ZA approval of Modification) Yes Yes Yes
Building Height Maximum: 25 ft. with an additional 3 ft. when the entire roof of the structure exhibits a pitch of 4:12 (rise to run) or greater.	Proposed: 18'-9 ¾"	Yes

Table 1 - Continued
Consistency with Applicable Development Regulations

Development Regulations within CI Zone District (Section 17.08.030)	***Proposed Development and Modification***	***Consistent?***
***General Modification Regulations – Setbacks (GMC* 17.62.020.A.2** *A reduction in the required number and/or a modification in the design, loading zone, or location of parking spaces is allowed through a Modification*	Proposed: ADA parking space within street side setback	Yes (with MOD)

FINDINGS AND JUSTIFICATIONS FOR APPROVAL

Findings for Approval:

The proposed project complies with the General Plan and Zoning Designation of the subject parcel as discussed above. The proposed development also complies with the findings of Title 17 including Zoning Ordinance Sections 17.52.070 (Common Findings), 17.58.080 (Design Review) 17.59.030 (Development Plans), and 17.62.040 (Modifications), if approved, as the project site continues to be adequate in size, shape, and location to accommodate the density and intensity of the project and potential adverse impacts are mitigated to the maximum extent feasible.

As outlined in the findings, the proposed development will not cause harm to the environment or public health. Site preparation and construction activity shall be limited to the hours between 8:00 am and 5:00 pm, Monday through Friday. The existing drainage on site in coordination with the stormwater control plan, will manage drainage and storm water. Onsite circulation will not be affected since the addition is proposed to the back of the existing building and the new parking spaces are adjacent to the existing building. Therefore, the project site continues to be adequate in size, shape, location, and physical characteristics to accommodate the existing and proposed project. Attachment B provides project consistency for findings required for approval of a Development Plan Amendment and MOD.

Justification for the MOD:

1. The proposed ADA parking space location has been a standard parking space and is currently used as a parking space;
2. This parking space has not posed any safety issues and there have been no incident reports;
3. The ADA space is imposed on the applicant because it is required by State and City codes;
4. The ADA space location is the only feasible siting due to site constraints, provides the shortest path of travel to the front door, and the required vehicular pattern;
5. City traffic engineer has reviewed the location of the ADA space and deemed it a safe location with no vision site clearance issues; and
6. The DRB reviewed the site design layout and landscaping and recommended approval of the MOD.

Based on the reasons described above, staff feels the MOD can be approved as designed. If the Zoning Administrator has concerns regarding the design, for safety reasons, the applicant can be required to propose a more secure buffer between the ADA space and the right-of-way, which would need to consider site visibility at the driveway.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq.: State CEQA Guidelines), and the City's Environmental Review Guidelines, the project has been found to be exempt from CEQA under Sections 15301 and 15305 of the CEQA Guidelines and a Notice of Exemption is proposed.

The City of Goleta is acting as the Lead Agency for this project. The project has been found to be exempt from CEQA Guidelines per Sections 15301(e) (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations). The proposed 839-square foot commercial addition, exterior changes, site improvements, and parking Modification to an existing gas station is categorically exempt from environmental review pursuant to CEQA Guidelines § 15301(e)(1) (Existing Facilities). The proposed development is located within an urbanized area within commercial land use and zoning designations. The applicant proposes an addition, exterior changes, site improvements, and a parking space located within a setback. Consistent with CEQA Guidelines § 15301(e)(1) (Existing Facilities), the project will result in a 2,458-square foot convenience market, which is less than a 50% addition to the existing convenience market and qualifies for the Existing Facilities exemption.

Consistent with CEQA Guidelines § 15305 (Minor Alterations in Land Use Limitations), the proposed project takes place on a parcel with an average slope of less than 20%, does not result in any changes in land use or density, and does not result in the creation of a new parcel. Adequate services are available to serve the development as detailed in

Finding 1.1. Further, the project is not located in an environmentally sensitive habitat area. Therefore, the project will not have a significant effect on the environment.

Moreover, none of State CEQA Guidelines Section 15300.2's exceptions to the Existing Facilities exemption apply to the project. The exception set forth in State CEQA Guidelines Section 15300.2(a), by its own terms, does not apply to projects that fall within the 15301 or 15305 exemption; moreover, the project will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted pursuant to law by federal, state, or local agencies. Section 15300.2(b)'s exception, relating to cumulative impacts, does not apply as technical reports in the record of proceedings demonstrate that the project would not result in significant cumulative impacts; moreover, there are no other successive projects of the same type in the same place that could result in significant cumulative impacts. Section 15300.2(c)'s exception does not apply because there are no "unusual circumstances" that apply to the project; construction of commercial buildings as a less than 50% addition on commercially zoned land next to existing development and a parking location modification on an area with an average slope of less than 20%, which does not result in any changes in land use or density does not constitute an unusual circumstance. Section 15300.2(d)'s exception does not apply because the project is not located near any scenic highways. Section 15300.2(e)'s exception does not apply because the project site and off-site improvement locations do not contain hazardous waste and are not on any list compiled pursuant to Section 65962.5 of the Government Code. Finally, Section 15300.2(f)'s exception does not apply because the project has no potential of causing a substantial adverse change in the significance of a historical resource. Additionally, the project's site does not contain any identified significant cultural resources and will be conditioned to include all mandatory grading best practices.

APPEALS PROCEDURE

The action of the Zoning Administrator may be appealed to the City Council within 10 calendar days following final action by an applicant or an aggrieved party, pursuant to Goleta Municipal Code Section 17.52.120. Appeals must be filed, and associated fees must be paid, within 10 calendar days of the appealable decision.

ATTACHMENTS:

1. CEQA Notice of Exemption
2. DPAM & MOD Findings
3. DRB Findings
4. Conditions of Approval
5. Project Plans