Zoning Administrator
Staff Report

Agenda Item B.1
Meeting Date: August 27, 2024

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TO: Peter T. Imhof, Director of Planning and Environmental Review

FROM: Travis Lee, Associate Planner
Mary Chang, Supervising Senior Planner
Lisa Prasse, Current Planning Manager

SUBJECT: Old Town Coffee Proposed Parking Modification and California Environmental Quality Act Notice of Exemption (CEQA Guidelines Section 15305& 15332) at 5877 Hollister Ave (APN 071-112-003);
Case No. 24-0001-MOD.

RECOMMENDATION

1. Accept the CEQA Notice of Exemption (NOE) in Attachment 1 and direct the applicant to file the NOE within 5 business days.

2. Adopt the Modification (MOD) and CEQA Findings in Attachment 2;

3. Approve the Modification (Case Nos. 24-0001-MOD) subject to the conditions included in Attachment 3.

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

APPLICANT
Old Town Coffee/
Rachel and Tim Ward
5877 Hollister Ave,
Goleta CA 93117

AGENT
Patrick Housh
Paul Poirier + Associates Architects
156 -C W. Alamar Avenue
Santa Barbara CA 93105

PROPERTY OWNER
5877 Hollister Avenue LLC
7022 Spindle Pine Way
Sugarland, TX 77479

JURISDICTION

The Zoning Administrator is authorized to hear this request pursuant to Goleta Municipal Code, Title 17 (Zoning Ordinance), Chapter 17.62.030. Consideration of a Modification requires a public hearing before the Zoning Administrator or higher Review Authority, if the Modification is concurrently processed with an action requiring Planning Commission or City Council review. Since there is no concurrently processed action requiring Planning Commission or City Council review, the review authority is the Zoning Administrator.

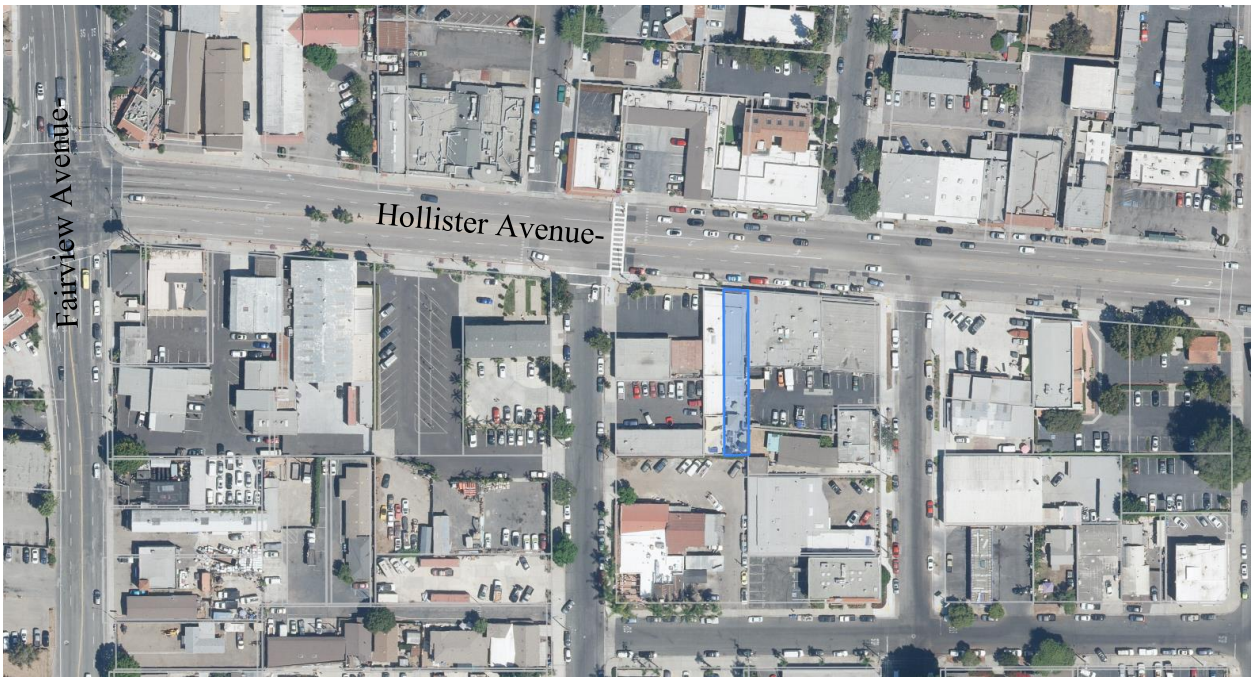
REQUEST SUMMARY

The request is for a Modification (MOD) for a full reduction in the provision of on-site parking spaces. The Modification is necessary to address the parking deficiency resulting from the café use on site, given the lack of access to the site. No structural development or grading is proposed as part of this project.

BACKGROUND

Building History/Site Characteristics

The subject parcel is 0.1 acres (4,350 sq. ft.), with a 2,362-sq. ft. building that is currently occupied by Old Town Coffee. Old Town Coffee's business is considered an eating and drinking establishment with an outdoor back patio. The property is located in the Goleta Old Town Heritage District and fronts on Hollister Avenue. The land use designation for the parcel is Commercial – Old Town (C-OT). The parcel is highlighted in blue in the picture below. The existing building was developed in the 1950s and it does not have access to Hollister or the adjacent side streets to provide on-site parking. The parcel is "landlocked," given its surroundings.



The building has had a variety of businesses and uses prior to Old Town Coffee, including a bakery, an independent bookstore, and a business that sold tea; the latter two were considered retail establishments. In about 2018, the owners of Old Town Coffee applied for a business license with the City of Goleta. The City approved the business license inadvertently without verifying that sufficient parking existed to support the change in use from a retail business to an eating and drinking establishment.

Code Violations

In 2021, the Santa Barbara County Fire Department conducted an inspection and identified a number of Fire Code violations and apprised the City of the situation. Given the COVID-19 pandemic and various issues, follow-up on this information from the Fire Department was delayed until 2023 (Code Compliance Case No. 2023-1415). The violations include an unlicensed business, unpermitted signage, unpermitted building modifications, and on-site alcohol sales/consumption. The unpermitted building modifications related to this space include but are not limited to the modification of interior walls, ventilation, electrical, plumbing, lighting, and ADA noncompliance. Additionally, the business constructed an opening into the adjacent lease space across property lines and fire walls and was using the adjacent property's back patio area as well. As the tenants have expanded the business area beyond the original retail space, they must bring the parking into compliance and resolve the outstanding violations. The MOD application was submitted to the City on April 12, 2024, in response to Code Compliance Violation Case No. 2023-1415.

Staff notes that the Design Review Board (DRB) approved a request in 2010 (Case No. 09-141-DRB) to allow an outdoor patio area for the bakery use that existed at the time. At the time of review, the staff report notes that the lease space did not have any on-site parking and that the bakery use would require 9 parking spaces for the interior square footage. City records do not indicate that the outdoor patio was constructed; also around the time of the DRB action, there were tenant improvements submitted for the bookstore that occupied this space.

Parking Requirements

In accordance with Section 17.38.050.D of the GMC, in the OT District, where existing development with nonconforming parking is replaced with new development or a change of use, the new development or change of use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous development or use. Based on the plans and Old Town Coffee not using any of the indoor or outdoor space at the neighboring Lazy Eye business, the parking requirements would be 13 parking spaces for the business (6.35 spaces for the interior of Old Town Coffee + 6.14 spaces for Old Town Coffee patio = 12.49, which rounds to 13 spaces). The Old Town Coffee lease space is eligible for an 8-space credit based on Section 17.38.050.D. Based on this information, Old Town Coffee use has a deficiency of 5 parking spaces after the application of the available parking credit.

PROJECT DESCRIPTION

Modification

Title 17 of the Goleta Municipal Code allows projects to reduce the required number and/or seek a modification in the design, loading zone, or location of parking spaces through a Modification. Per Section 17.62.020.A.2 of the Goleta Zoning Ordinance, the applicant is requesting a MOD to reduce the provided number of parking spaces from 5 spaces to 0 spaces, as there is no on-site space available or vehicular access to the rear of the lot. No structural development is proposed as part of this project, other than to correct the Building and Fire Code violations that have been identified. With the other violations corrected, the existing development observes all the development standards applicable to the OT zone district, except for the provision of on-site parking.

Zoning Clearance

If the Modification is approved and if there is no appeal, then staff will issue the associated effectuation Zoning Clearance (Case No. 24-0026-ZC), once the conditions of approval have been satisfied.

ANALYSIS

General Plan Consistency

The Land Use Element in the General Plan/Coastal Land Use Plan (GP/CLUP) designates the property as Old Town Commercial (C-OT). The C-OT designation is intended to permit a wide range of local and community-serving retail and office uses. A major purpose is to enhance the physical and economic environment for existing businesses and uses of the Old Town commercial district. Consistent with policy LU 3.4, Table 2-2, eating and drinking establishments are an allowed use within the C-OT designation.

The proposed MOD will be consistent with all applicable GP/CLUP policies, including allowable uses allowed in LU 3.4 Old Town Commercial. Old Town Coffee is a locally owned, non-chain eating and drinking establishment, which is allowed in designated C-OT areas.

Zoning Regulations Consistency

The project site is designated as Old Town - Commercial (OT). This District is intended to permit a wide range of local and community-serving retail and office uses to enhance the physical and economic environment for existing businesses and uses of the historic center by implementing the Old Town Commercial (OT) land use designation set forth in the General Plan. Consistent with the permit procedures of Title 17, all associated MODs need to be approved by the Zoning Administrator.

The following table analyzes consistency with applicable Development Regulations within the OT zone district and within General Modification standards, as identified below, pursuant to Zoning Ordinance Sections 17.08.030 and 17.62.020.A.2:

Table 1
Consistency with Applicable Development Regulations

Development Regulations within OT Zone District (Section 17.08.030)	***Proposed Modification***	***Consistent?***
Parking Required: 1 space per 250 sq. ft. of floor area of space devoted to patrons	Required: 13 spaces required based on indoor and outdoor use of the site. Provided: 8 space credit and 5 space Modification request	Yes, with Modification
Setbacks Required: Front: 0 ft. but a setback is required to ensure 10 feet between the face of gutter and the back of sidewalk. Interior Side: 0 ft. Rear: 10% of lot depth max 10 ft.	Existing: Front: 0 ft. Interior Side: 0 ft. Rear: 10 ft.	Yes Yes Yes
Building Height Maximum: 30 ft.	Proposed: no change to existing	Yes

***General Modification Regulations – Parking (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. However, in no case may:		
a. Any required number of bicycle parking spaces be reduced	No proposed reduction of bicycle parking spaces	N/A
b. Any parking or screening requirement Modification be granted for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle; or	No proposed parking/screening modification granted for vehicles with more than two-axles, an RV or bus, a trailer or other non-passenger vehicle	N/A
c. Any modification to allow compact spaces may not allow more than 20 percent of all required spaces be compact.	No proposed modification to allow more than 20% compact spaces	N/A

FINDINGS AND JUSTIFICATIONS 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) and 17.62.040 (Modifications), if approved as outlined Attachment B.

Further, adequate infrastructure and public services are available to serve the existing development, which is an eating and drinking establishment (café). No structural development is proposed since the project is limited to a parking reduction modification. The development will continue to be served by Goleta Water District, Goleta Sanitary District, and Santa Barbara County Fire Department.

The Goleta Zoning Ordinance designates the property as Old Town - Commercial (C-OT). As discussed in the Zoning Consistency Analysis section above, the proposed Modification (MOD) complies with the intent and purpose of all applicable requirements of the C-OT zone district and all applicable zoning regulations of Title 17, excluding the

provision of on-site parking, which is the subject of this application. This entitlement along with the other measures being undertaken by the business owner will remedy the zoning violations on site. Additionally, the subject property is a legally created lot.

The Modification is necessary due to the physical characteristics of the property and its existing use. The parcel's small size (0.1 acre), long, narrow shape, and location in Old Town Goleta create a challenge for siting the required parking spaces on the site. The subject parcel is 164.5' long and 29.8' wide and only has public access via Hollister Ave on the northern property line. Further, no vehicular access exists for the parcel, as the storefront completely encompasses the northern property line. The subject parcel is flanked on the eastern and western sides by adjoining storefronts and is backed on the south by a private parking lot. This situation is common in Old Town Goleta, where the commercial density is high and parking lots are uncommon. Most of the businesses depend on those small lots and street parking to fulfill their parking needs.

The proposed Modification allows for a better site design as the Modification would allow for the retention of the existing building in its current form instead of requiring extensive remodeling in addition to changing the streetscape and adding a new curb-cut, which is discouraged. If the provision of on-site parking were to be required, it would require demolition of a portion of the building (at least 12' in width or more) to access the rear portion of the lot along with an additional curb-cut needed along Hollister Avenue. Such a design would be contrary to the design of Old Town, decrease the functionality of the existing building and the rear patio area, and be counter to the goals of walkability and various General Plan policies.

Lastly, as outlined in the findings and in the CEQA section below, the proposed development will not cause harm to the environment or public health. For the reasons listed above and in the Findings, staff believes the MOD can be supported.

ENVIRONMENTAL REVIEW

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 15305 (Minor Alterations in Land Use Limitations) and 15532 (In-fill Development Projects) of the CEQA Guidelines and a Notice of Exemption is proposed.

The City of Goleta is acting as the lead agency for this project. Section 15305 is applicable, as parking is a land use limitation and the request is minor in nature given the site's location in Old Town, where most of business do not have dedicated parking areas consistent with a traditional commercial district land use pattern. Further, the area has a less than 20% slope, and the change does not affect land use intensity or density.

Further, Section 15332 is applicable since the proposal is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations as indicated above; the proposed

development is within City limits on a 0.1-acre parcel, which is less than five acres and surrounded by urban uses in Old Town Goleta; the project site has no value as habitat for rare or endangered species as it is in an urban environment; approval of the parking Modification would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. As indicated above, the proposal to reduce the required parking through a Modification will not result in the creation of a new parcel. The property has adequate services to serve the proposed development. 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 the exceptions to the categorical exemptions set forth in State CEQA Guidelines Section 15300.2 apply to the project. The exception set forth in State CEQA Guidelines Section 15300.2(a), Location Class 11 are qualified by consideration of where the project is to be located and the project is not located in or have an impact on an environmental resource of 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 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; a parking reduction modification is not considered unusual. 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 does not contain hazardous waste and is 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 site does not contain any identified significant cultural resources and no structural development or grading is proposed.

NOTICE

On August 12, the site was posting for at least 15 days prior to the public hearing. On August 15, the notice was published in the Santa Barbara Independent and notices were mailed to property owners and tenants within a 500' radius of the parcel at least 10 days prior to the public hearing.

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.

NEXT STEPS:

If the Zoning Administrator grants the applicant's request, the next steps include**:** (1) a 10-day appeal period; (2) ministerial issuance of an effectuating Zoning Clearance; 3) completion of the building plan check and building permit issues; and 4) completion of the repairs to bring the property into compliance.

ATTACHMENTS

1. CEQA Notice of Exemption
2. Findings (MOD and CEQA)
3. Conditions of Approval
4. Project Plans