



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-05 340 W. CARRILLO STREET CONDITIONAL USE PERMIT AND PARKING MODIFICATION FEBRUARY 10, 2005

APPLICATION OF U.S.A PETROLEUM, TENANTS AT 340 WEST CARRILLO STREET, APNS 039-262-027 AND 039-262-028, C-2/COMMERCIAL AND GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2001-00831)

The proposed project involves demolition of an existing 1,330 square foot gas station with three service bays, and construction of a 1,806 square foot gas station/mini-market, with a 1,728 square foot pump island canopy and six parking spaces at the corner of Carrillo and Castillo Streets.

The discretionary applications required for this project are:

1. A Conditional Use Permit for an Automobile Service Station/Mini Market (SBMC §28.94.030.V.); and
2. A Modification of the parking requirement to allow six parking spaces instead of the required eight parking spaces (SBMC §28.90.100 and §28.94.030.V.7).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15332, Infill Development, and 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.

Please note the proposed project was originally approved by the Planning Commission on February 13, 2003. The Planning Commission approval of the project has expired and the applicant would like to pursue reapproval of the proposed project by the Planning Commission.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 4, 2005
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:
Staff recommends reapproval of the proposed Conditional Use Permit and Parking Modification subject to the findings outlined in Planning Commission Resolution 009-03.

A. Findings for Conditional Use Permit (SBMC 28.94.020):

1. The 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 proposed project includes demolition, reconfiguration and upgrade of the existing facilities on the site, and complies with applicable General Plan Policies and General Commerce General Plan Designation.
2. The 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 proposed project is a demolition, reconfiguration and upgrade of the existing facilities on the site, and will provide for aesthetic and functional improvements on the site. Appropriate measures have been taken to reduce the existing noise levels, and lighting has been designed to minimize impacts to adjacent properties;
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 project site is located in an urban area, adjacent to other commercial uses along Carrillo Street.
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 amount of parking provided on-site is anticipated to meet the project demand;
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 purpose set forth in this title. The overall site and building design has been supported by the Historic Landmarks Commission;
6. The project complies with the conditions and standards required in SBMC §28.94.030.V for service station/mini-markets.

B. Findings for Parking Modification (SBMC 28.92.026.A.1):

The proposed parking modification will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand

for parking space or loading space in the immediate area. The amount of parking provided on-site is anticipated to meet the project demand.

II. Said approval is subject to the following conditions:

- A. Prior to the issuance of any Public Works or Building Permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director:
 - 1. Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water-courses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 - 2. The development of the Real Property approved by the Planning Commission on February 13, 2003 is limited to approval of a service station with a mini-market, 6 parking spaces and the improvements shown on the site plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 - 3. Owner shall comply with the Landscape Plan as 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.
 - 4. The Owner shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired.
 - 5. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
- B. The Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
- C. The following is subject to the review and approval of the Historic Landmarks Commission (HLC):

1. Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 2. A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Additional recycling containers shall be provided for customers.
- D. The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building permit or Public Works permit.
1. The Owner shall submit building plans for construction of improvements along the subject property road frontage on Castillo and Carrillo Streets. As determined by the Public Works Department, the improvements shall include City standard sidewalk, driveway aprons, curbs, gutters, one commercial State Street standard street light on Castillo Street that matches the existing street lights on Carrillo Street, preserve and/or reset contractor stamp and/or survey monuments, pollution prevention interceptor devices, drought tolerant parkway landscaping, street trees, tree grate, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
 2. The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.
 3. The Real Property known as APN 039-262-027 and APN 039-262-028 shall be merged into one (1) legal parcel, following the procedure in the Municipal Code.
 4. The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
- E. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:
1. A note on the plans that indicate that all materials, products, and merchandise shall be stored and displayed only in an enclosed building.
 2. Recommendations of the Environmental Noise Assessment prepared by URS Corporation dated July 2002 shall be implemented.
 3. The following information shall be specified on the construction plans submitted for building permits:
 - a. Signage shall be posted at the points of entry to the site that list the contractor(s) name and phone number, work hours, and site rules to

assist Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.

- b. Construction (including the preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m., Saturdays, Sundays, and holidays observed by the City as legal holidays as shown below:

New Year's Day January 1st
Martin Luther King Jr.'s Birthday 3rd Monday in January
President's Day 3rd Monday in February
Memorial Day Last Monday in May
Independence Day July 4th
Labor Day 1st Monday in September
Thanksgiving Day 4th Thursday in November
Following Thanksgiving Day Friday following Thanksgiving Day
Christmas Day December 25th

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.

- c. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
- d. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods.
- e. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- f. Sweep daily with water sweepers all paved access roads, parking areas, and staging areas at construction sites.
- g. Any existing contractor stamps in the sidewalks, driveway aprons, and curbs shall be preserved and protected in place during all construction to the satisfaction of the Public Works Department.
- h. Construction parking shall be provided as follows:
 - (1) During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - (2) On-site or off-site storage shall be provided for construction materials and equipment.

- i. Storage of construction materials within the public right-of-way is prohibited.
- j. Trucks transporting fill material to and from the site shall be covered from the point of origin.
- k. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

4. 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 associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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, preparation and implementation of a Phase III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, 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 disturbances 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 disturbances in the area of the find.

5. The applicant shall, to the maximum extent feasible, recycle and/or re-use all construction and demolition waste and materials in order to minimize construction-generated waste conveyed to the landfill. Containers shall be provided on site for that purpose.
6. All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is 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.

- F. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist.
 2. Public improvements as shown on the building plans.
 3. The Owner shall request a cross connection inspection by the Public works Water Reclamation/Cross Connection Specialist.
 4. A noise study which verifies that the decibels have been reduced to comply with the Environmental Noise Assessment prepared by URS Corporation in July 2002 shall be submitted to the Community Development Director prior to

Certificate of Occupancy of the project. If the conclusion of the noise assessment results in noise levels higher than those identified in the noise report prepared by URS Corporation, measures to reduce the noise levels shall be identified and be completed prior to certificate of occupancy.

5. Recycling containers shall be provided for customer use.

NOTICE OF CONDITIONAL USE PERMIT AND MODIFICATION TIME LIMITS:

The Planning Commission's action approving the Conditional Use permit and Modification shall terminate one (1) year from the date of the approval, per SBMC 28.87.360, unless:

1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.

This motion was passed and adopted on the 10th day of February, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (White)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Liz N. Ruiz, Planning Commission Secretary

8-11-05

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.