



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: March 19, 2019
Placement: Set hearing on March 19, 2019 for April 2, 2019
Estimated Time: 1 hour on April 2, 2019
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Dianne Black, Director, Planning & Development
(805) 568-2086
Contact Info: Jeff Wilson, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: Patterson Avenue Holdings New Office Appeal, Case No. 18APL-00000-00022, Second Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On March 19, 2019, set a hearing for April 2, 2019 to consider the appeal (Case No. 18APL-00000-00022) filed by Paul Bradford, Appellant, of the Planning Commission's December 5, 2018 approval of Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154.

On April 2, 2019, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 18APL-00000-00022;
- b) Make the required findings for approval of the project, Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154, included as Attachment 1, including CEQA findings;
- c) Determine that the project is exempt from CEQA pursuant to the State CEQA Guidelines Section 15303, included as Attachment 3; and

- d) Grant *de novo* approval of the project, Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154, subject to the conditions included as Attachment 2.

Summary Text:

A. Proposed Project

The proposed project is for the construction of a new 6,723 gross square foot shell office building. The structure would measure a maximum of approximately 22'-6 1/4" in height from existing grade. The project would include a new surface parking lot with four compact spaces, 17 regular spaces, 1 electric vehicle space, and 1 handicapped accessible parking space, for a total of 23 parking spaces on site. Grading would include approximately 1,213 cubic yards of cut, 849 cubic yards of fill and 364 cubic yards of export. Access would be provided via a new two-way driveway connecting to Patterson Avenue at the northwest corner of the property.

B. Background

The project was approved by the Director of Planning and Development and the South Board of Architectural Review (SBAR) on February 16, 2018. An appeal of both approvals was filed by a prior appellant on February 26, 2018 based on neighborhood compatibility, height, and viewshed concerns. The project was originally heard by the Planning Commission on April 25, 2018, at which time the Commission concluded that the building's height was not compatible with surrounding development. The item was continued to provide the applicant with the opportunity to redesign the project and reduce the building height to become compatible with surrounding development. In response, the applicant redesigned the project by reducing the building height from existing grade by 4'-6" from 27' to 22'-6". The overall height of the building was reduced by 9'-6" from 32' to 22'-6" given that the building would no longer be bunkered 5' below existing grade. In total, the project's plate heights were reduced by approximately 10 feet. The project returned to the Planning Commission on December 5, 2018, at which time the Planning Commission denied the appeals and approved the redesigned project. The Planning Commission staff reports dated November 27, 2018 and April 25, 2018 are included as Attachments #6 and #7 and provide the project analysis to support project and design review approvals. The current appellant provided public comment at the December 5, 2018 hearing regarding the project's noticing, traffic impacts, height, and neighborhood compatibility; and ultimately appealed the Planning Commission's *de novo* approval of the project to the Board of Supervisors.

C. Appellant Appeal Issues and Staff Responses

The appellant filed a timely appeal of the Planning Commission's denial of appeal Case Nos. 18APL-00000-00004 and 18APL-00000-00005 and *de novo* approval of the project, Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154. The appeal application (Attachment 4) contains a letter detailing the issues raised in the appeal to your Board. These issues and staff's responses are summarized below.

Appellant Appeal Issue #1 (Landscape Buffer Inadequacy): The appellant contends that "the landscape buffers along Patterson Avenue and the 101 northbound off ramp are inadequate and need to mirror the landscape visual corridor across the street at the Patterson Plus Self-Storage property." In support of this argument, the appellant provides reference to Eastern Goleta Valley Community Plan Policy EGV4.1, DevStd VIS-EGV-1A, and DevStd VIS-EGV-1D. The policies are as follows:

Policy EGV4.1: *Land use and development shall complement existing neighborhoods and enhance aesthetics and viewsheds, where site suitability and layout, project scale, neighborhood land use characteristics, and urban design are factors considered in planning and design.*

DevStd VIS-EGV-1A: *Development should enhance, frame, or promote public views within and adjacent to public vistas and scenic local routes, designing the development to:*

- *[...]Plant trees and install landscaping for screening purposes and/or minimizing view blockage as applicable,[...]*
- *Design buildings along scenic local routes to help protect views and create an attractive scenic corridor. On flat sites, vary or step building heights so that the height of building elements is lower close to the street and increases with distance from the street [,and]...*
- *Design site layouts with parking behind buildings or out of view from building frontages and roadways.*

DevStd VIS-EGV-1D: *Setbacks, landscaping, and structural treatments shall be emphasized along major roadways to help preserve public views and create an aesthetic visual corridor.*

Issue 1. Staff Response: The project's landscape design is consistent with applicable Eastern Goleta Community Plan policy and development standards stated above. The project has been designed with the building recessed back into its site to preserve mountain views from the adjacent right-of-way and to avoid a building that appears to "protrude out" or "dominate" its corner location. As such, the building is set back 92 feet from the edge of pavement of Patterson Avenue and 88 feet from the edge of pavement of the 101 northbound off ramp. The SBAR similarly favored the building's location as evidenced by its approval of the project and the February 5, 2018 SBAR comments which stated, "*[the] setback and landscaping is appropriate to ensure the building does not dominate the corner...[and] the landscape looks sufficient and works with the architecture.*" (Attachment 9, SBAR Minutes (dated February 16, 2018)). Therefore, the project is consistent with policy and development standards pertaining to setbacks, preservation of public views, and aesthetics.

The project's landscape design is consistent with applicable LUDC landscaping and screening requirements. As proposed, the project would landscape 3,886 square feet of area within the subject parcel and renovate an additional 9,146 square feet of adjacent right-of-way area. Notably, ordinance compliance is achieved through the 3,886 square feet of landscaping contained solely within the subject parcel. LUDC §35.34.100, Landscape Requirements for Parking Areas, is the only applicable ordinance section which provides in part, "*Screening [of parking areas] shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height.*" (LUDC §35.34.100.C). The project is consistent with this ordinance standard given that the parking area is bordered by a 4-foot tall or greater CMU wall with additional landscaping all within the parcel's boundary lines. Additionally, the project is consistent with LUDC §35.34.100.D, which pertains to the landscaping of uncovered parking areas greater than 3,600 square feet. The project's landscape design meets this ordinance standard through the incorporation of six landscape areas dispersed intermittently throughout the parking lot. These landscape areas associated with the parking lot effectively break up the continuity of the parking area and also provide landscaping at the ends of the parking area.

While landscaping, including trees, is provided within the subject parcel to soften views to the site, due to the subject parcel's limited size of 0.54 acres, the project proposes to utilize the adjacent County and Caltrans right-of-ways to expand the project's landscape screening. Existing vegetation within this 9,146 square foot area would remain with the exception of the construction of a new curb cut and fire department turn around. The project also proposes to supplement the existing landscaping in this area with additional low, wide canopy trees, medium size trees, and low shrubs and grasses. Given that this landscaping would occur within the right-of-way, the project has been conditioned (Attachment 2, Condition No. 16) to require the applicant to obtain encroachment permits from the applicable jurisdictions prior to final SBAR approval and Zoning Clearance issuance to ensure the viability of utilizing these areas. A total of 15 new trees are proposed to be planted along the south and west property lines to partially screen the project from view, some within the parcel's boundary and some within the right-of-way. The landscape buffer width would range from approximately 15 feet, at its shortest width along the western property line, to approximately 40 feet along the southern property line. To ensure the proper installation and longevity of the landscaping the project is conditioned such that the applicant post a landscape performance security for the installation and maintenance of the project's landscaping for a period of five years. (Attachment 2, Condition No. 30). In summary, the project's landscape buffering and screening is consistent with policy and ordinance standards, and the satisfaction of the ordinance requirements for landscaping is attributable to landscaping contained solely with the parcel's boundaries.

Appellant Appeal Issue #2 (Landscape Buffer Location): The appellant contends that "Current landscape buffer shown on applicant's plans are primarily built on Caltrans and County right-of-way areas along Patterson Avenue and 101 northbound off ramp on revocable easements or right-of-ways. Permanent landscape buffers should be widened to allow for trees and constructed entirely on the subject property." In support of this argument, the appellant cites Eastern Goleta Valley Community Plan Policy EGV4.1, Policy VIS-EGV-1.6, DevStd VIS-EGV-1A, and DevStd VIS-EGV-1D. The policies are as follows:

Policy EGV4.1, DevStd VIS-EGV-1A, and DevStd VIS-EGV-1D: *see Appeal Issue #1 above.*

Policy VIS-EGV-1.6: *Development shall be compatible in design and scale with the surrounding built environment and shall not impair public visual resources.*

Issue 2. Staff Response: In addition to onsite landscaping, 9,146 square feet of landscaping would occur within the adjacent right-of-way. While the appellant objects to the reliance on the adjacent right-of-way for additional landscaping, there is no specific policy or ordinance standard which prevents the applicant from utilizing an adjacent right-of-way for landscaping. As mentioned above, the 3,886 square feet of landscaping proposed within the boundaries of the subject parcel would satisfy the requirements of LUDC §35.34.100 Landscape Requirements for Parking Areas. Of 15 new trees proposed to be planted along the south and west property lines, five would be planted within the subject parcel to break up the parking lot and help settle the building into the site. Support for the appropriateness of the landscape design, including buffering, was expressed by the SBAR at the February 5, 2018 hearing, in which the Board stated, "[the] setback and landscaping is appropriate to ensure the building does not dominate the corner...[and] the landscape looks sufficient and works with the architecture. (Attachment 9, SBAR Minutes (dated February 16, 2018). Therefore, the current landscape design is appropriate and the project would comply with the LUDC landscape requirements without relying on the landscaping proposed within the right-of-way.

Appellant Appeal Issue #3 (Site Design): The appellant contends that “The project should be redesigned to locate the parking lot in the rear of the parcel to enhance the view shed as drivers/pedestrians transition to a residential neighborhood. The office structure should be located closer to Patterson so that drivers/pedestrians aren’t looking at a parking lot.” In support of this argument, the appellant cites Eastern Goleta Valley Community Plan DevStd EGV-4B, Policy EGV-4.1, DevStd LUC-EGV-2B, LUDC § 35.30.060.B, Policy VIS-EGV-1.1, and DevStd VIS-EGV-1A. The policies are as follows:

Policy EGV4.1 and DevStd VIS-EGV-1A: *see Appeal Issue #1 above.*

DevStd EGV-4B: *Development should be designed, configured, and sited to maximize compatibility with surrounding uses.*

DevStd LUC-EGV-2B: *Commercial development shall be designed to be human-scale, visually pleasing, and create pleasant outdoor conditions where feasible to encourage walking to and within the development.*

LUDC § 35.30.060.B: *Within Urban areas and Existing Developed Rural Neighborhoods (Inland area) or Rural Neighborhoods (Coastal Zone) as designated on the Comprehensive Plan maps, new structures shall conform with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*

PolicyVIS-EGV-1.1: *Development should minimize impacts to open space views as seen from public vistas and scenic local routes and avoid impairment of significant visual resources.*

Issue 3. Staff Response: DevStd VIS-EGV-1A states that, “*development should enhance, frame, or promote public views within and adjacent to public vistas and scenic local routes.*” DevStd VIS-EGV-1A further suggests that “*design[ing] site layouts with parking behind buildings or out of view from building frontages and roadways*” is one of several suggested design specifications that help projects accomplish this goal. This development standard provides guidance for development projects to enhance, frame, and promote public views but does not amount to a requirement, as indicated by the use of the term “should” instead of “shall.” Thus, it should be considered in the context of the overall project and other design considerations stipulated in this standard as well as the other policies and development standards referenced by the appellant. Whereas locating the parking lot in the rear of the lot could potentially screen it entirely from view, it could also result in other project ramifications and as discussed in Appeal Issues #1 and #2, as designed the project complies with parking lot landscape screening requirements.

Relocating the parking lot could result in greater impacts to mountain views, increased grading, and a building that is more visible from the Patterson Avenue / Highway 101 intersection. Relocating the parking lot to the rear of the site would likely necessitate increased grading. Natural grade along the easterly one-third of the site currently experiences an approximately six foot drop in elevation compared to the western portion of the lot, which is currently able to be compensated by the proposed building’s foundation without extensive grading. However, the construction of a parking lot in this area would require a significant amount of additional fill beyond the currently proposed 849 cubic yard figure to reach desired grade. Secondly, locating the parking to the rear of the building would bring the building

more into the Patterson Avenue visual corridor. As proposed, the building is recessed into its site, which was determined “*appropriate [by the SBAR] to ensure the building does not dominate the corner.*” The SBAR further commented that “*the siting, layout, and grading of the project are appropriate and well designed to address the value of the site.*” (Attachment 9, SBAR Minutes (dated February 16, 2018)). A third result of locating the parking lot in the rear of the building is the potential for impacts to mountain views, which would be contrary to policies aimed at preserving public views and avoiding impairment of visual resources (Policy VIS-EGV-1.1). As the building is pulled closer to adjacent public viewpoints (Patterson Avenue and 101 northbound off ramp), mountain views could be impacted based on line-of-sight principles. Lastly, with the reduced height of the building as compared to the original project, the building is human-scale and compatible with surrounding development (as confirmed by the SBAR), in compliance with DevStd EGV-4B and DevSTD LUC-EGV-2B. In summary, the current parking lot location and overall site design has the support of the SBAR as discussed above, is consistent with policy and ordinance standards as discussed above, and could potentially result in other project ramifications if changed. Therefore, the parking lot’s proposed location is appropriate.

Appellant Appeal Issue #4 (Structure Design): The appellant contends that the building’s “Plate height and ridge height need to be further reduced.” In support of this argument, the appellant cites Eastern Goleta Valley Community Plan DevStd EGV-4B, DevStd LUC-EGV-2B, Policy VIS-EGV-1.1, and Policy VIS-EGV-1.6. The policies are as follows:

DevStd EGV-4B, DevStd LUC-EGV-2B and Policy VIS-EGV-1.1: *see Appeal Issue #3 above.*

Policy VIS-EGV-1.6: *Development shall be compatible in design and scale with the surrounding built environment and shall not impair public visual resources.*

Issue 4. Staff Response: The applicant has revised their project to reduce the plate height (i.e. ceiling height) and overall height of the proposed building from what was originally approved by the Director. As described in the Background Section above, the applicant reduced the building’s height under the previous appeal in response to the Planning Commission’s direction. The changes included reducing the overall building height from existing grade from 27’ to 22’-6” and reducing the plate height from 24’ to 15’. Additional changes included a reduction in soil export from 4,088 cubic yards to 364 cubic yards because the building was no longer proposed to be bunkered 5’ below existing grade. With the reduced plate heights and lower overall height, the mass, bulk, and scale of the building were significantly reduced from its previous iteration and determined to be consistent with surrounding development.

As a result of these changes to the building’s height, it is: 1) comparable in height to the 20’ east elevation of the Patterson Plus Storage facility located opposite Patterson Avenue; 2) comparable in height to nearby one and two story residential dwellings; 3) below the C-2 zone district’s 35-foot height allowance; and 4) preserves mountain views over the structure from nearby public viewpoints. The SBAR was in support of the project prior to reducing its height as indicated by the February 16, 2018 hearing minutes, which indicated that the project “*holds the corner well and screens the existing storage buildings...it visually balances the mini storage facility west of the site across Patterson Avenue creating a good gateway solution...[it’s] a good transition between the industrial character of the immediate neighbor (mini storage) and the neighborhoods beyond...it’s human scale with its varied roof lines but also has some industrial aspects that are compatible with the storage building[s].*” (Attachment 9, SBAR Minutes (dated February 16, 2018)). The SBAR reviewed the project again following the reduction in height and commented that they, “*support project changes...architectural*

style is appropriate and compatible...project shields the neighboring storage units and provides a nice buffer with semi-agricultural project elements...reduced scale is appropriate,...[and] reduced grading is a positive change – less bunkering improves the site plan.” (Attachment 9, SBAR Minutes (dated September 7, 2018)). Therefore, a further reduction in the building’s height is not required given that it is consistent with the LUDC, policy, and development standards pertaining to height.

Appellant Appeal Issue #5 (Intensity of Office Use): The appellant contends “Additional conditions are needed to ensure that higher intensity office uses or other uses are prohibited (to minimize potential traffic impacts). The parking and traffic study are based on a single tenant general office building use.” In support of this argument, the appellant cites Eastern Goleta Valley Community Plan Policy LUC-EGV-2.3, Policy EGV-4.1, and LUDC § 35.30.060.B. The policies are as follows:

Policy LUC-EGV-2.3: Commercial and economic development shall operate at a scale complementary to the residential neighborhood characteristics of Eastern Goleta Valley.

Policy EGV-4.1 and LUDC § 35.30.060.B: see Appeal Issue #3 above.

Issue 5. Staff Response: Additional conditions are not required to ensure that the project’s use remains an office given that the project description (Attachment 2, Condition No. #1) specifically identifies this as the project’s designated use. Although the C-2 zone district allows for a broad range of commercial uses, some of which are much more traffic intensive than an office, the applicant would not be allowed to change the use of the proposed building without submitting a formal application with P&D to modify the requested Development Plan. Based on the substantial public controversy associated with the project as demonstrated by the multiple appeals filed against it, the Development Plan would not be eligible to be modified through a Substantial Conformity Determination (SCD) (LUDC Appendix H Substantial Conformity Determination Guidelines), since “substantial public controversy” is listed as a disqualifier for making a SCD. Thus, either an Amendment or Revision application would be required to change to the project’s designated use, both of which are discretionary actions. Therefore, any changes to the project would require subsequent review and approval of a noticed and appealable permit by P&D. Therefore, additional project conditions are not required at this time.

Appellant Appeal Issue #6 (Traffic): The appellant contends that, “the traffic report does not adequately factor in the impact of existing driver behavior in this compact intersection where drivers and cyclists are navigating Patterson Avenue, Calle Real (with its U-turn/left turn lanes), and 101 northbound existing traffic.”

Issue 6. Staff Response: The Traffic Report dated November 16, 2018 by Associated Transportation Engineers (Attachment 5) accounts for driver behavior when exiting the project site. The Traffic Report found that the project would generate 82 average daily trips, 13 A.M. peak hour trips, and 12 P.M. peak hour trips based on the rates for Single Tenant Office Buildings presented in the Institute of Transportation Engineers Trip Generation Manual. The Trip Distribution table included in the report calculates the destination and the associated trip percentages as originated from the project site. The distribution is as follows:

Trip Distribution Percentages

Origin/Destination	Direction	Distribution %
Calle Real	West	10%
Patterson Avenue	North	5%
	South	15%
U.S. 101	North	25%
	South	45%
Total		100%

Thus, according to these estimates, 41 vehicles would be entering and exiting the site in an average day. That amounts to five percent or two of the 41 average daily exiting trips traveling northbound on Patterson Avenue and the remaining 95 percent or approximately 39 trips entering the dual left turning lanes at the Calle Real / Patterson Avenue intersection. Once entering the dual left turning lanes, 10 percent or approximately four vehicles make a left turn and head west on Calle Real; the remaining 85 percent or approximately 35 vehicles make a u-turn. Once heading south on Patterson Avenue, 15 percent or approximately six vehicles continue heading south on Patterson Avenue, 25 percent or approximately 10 vehicles enter the northbound 101, and 45 percent or approximately 19 vehicles enter the southbound 101. Therefore, the Traffic Report does adequately factor in existing driver behavior at the Calle Real / Patterson Avenue intersection given that it has been used to calculate the trip distribution percentages.

Appellant Appeal Issue #7 (Mailed Noticing): The appellant contends that “The mailed public notice alerting nearby residents of the upcoming P&D Director’s decision was not mailed to anyone in the Orchard Park neighborhood (the first mailed notice was received prior to the September 2018 SBAR hearing when the noticing radius was expanded to 1,000 feet). In this instance the required 300’ notice primarily covered the 7 lanes of Patterson Avenue and the Patterson / Calle Real intersection, the two self storage properties and just twelve homes excluding our neighborhood which is the closest neighborhood to the northwest.

Issue 7. Staff Response: The project has complied with all legal noticing requirements. These requirements include mailed notice to residents and owners within 300’ of the project site (LUDC §35.106.020.A.1.b), the posting of the project placard at the site (LUDC §35.106.020.A.2.a.1), posting notice at a minimum of one public place within the County’s jurisdiction (LUDC §35.106.020.A.1.c), and the publishing of a newspaper ad (LUDC §35.106.020.A.1.a). As described in the Background Section above, the applicant chose to follow the direction of the Planning Commission at the April 25, 2018 hearing and revise the project by decreasing the building’s height. At the request of the Planning Commission, the revised project was reviewed by the SBAR for “advisory comments” before returning to the Planning Commission, which occurred on September 7, 2018. A “courtesy” re-notice was mailed out regarding the project’s return to SBAR since it had been approximately seven months since the project’s last SBAR hearing, for which a 1,000 foot noticing radius was inadvertently used. The appellant was included in the expanded noticing radius and subsequently provided public testimony in opposition of the project at the December 5, 2018 Planning Commission hearing. Ultimately, the appellant filed the current appeal of the Planning Commission’s *de novo* approval of the project that affirmed the Director and SBAR’s approval of the project. In summary, the project has complied with all legal noticing requirements by mailing notice to all residents and owners within a 300 foot radius of the

project site, posting a placard visible from the public road at the project site, posting notice at P&D's lobby and website, and posting legal ads in the Santa Barbara Newspress.

Appellant Appeal Issue #8 (Second District Representation): The appellant contends that, "The Second District Planning Commissioner was an appellant on the project and recused herself from all deliberations so our area did not have representation at the Planning Commission. Accordingly, we desire that the Second District Supervisor be afforded an opportunity to hear from the community."

Issue 8. Staff Response: The appellant correctly points out that the Second District Planning Commissioner recused herself from deliberations of the previous appeal against this project that was under the jurisdiction of the Planning Commission. The previous appeal was filed by the Friends of the Eastern Goleta Valley, with the Second District Planning Commissioner listed as the agent of record on the appeal application. Shortly after the filing of the appeal, the agent of record was changed from the Second District Planning Commissioner to Mr. Ravid Raphael; nevertheless the Second District Planning Commissioner remained recused throughout the project's duration before the Planning Commission. It is a legal requirement that there be a quorum of the Planning Commission present to consider and vote on a project. There is no legal requirement to have a particular commissioner present. Accordingly, a quorum of the Planning Commission considered and voted to approve the project.

Fiscal and Facilities Impacts:

Budgeted: Yes. An appeal fee paid by the appellant of \$659.00 is required for appeals of projects located within the County's inland jurisdiction. Staff time to process the appeal is funded in the Planning and Development Permitting Budget Program, as shown on page D-272 of the adopted 2018-2019 FY budget. Total costs for processing the appeal are approximately \$15,219.10 (65 hours).

Special Instructions:

The Clerk of the Board shall fulfill all noticing requirements. The notice shall appear in the Santa Barbara News Press and mailed to neighboring property owners (labels attached). A minute order of the hearing shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

1. Board of Supervisors Findings
2. Conditions of Approval for Case No. 16DVP-00000-00013 with Attached Departmental Letters
3. CEQA Notice of Exemption
4. Appeal Application to the Board of Supervisors
5. Updated Traffic Study by Associated Transportation Engineers, dated November 16, 2018
6. Planning Commission Action Letter, dated December 11, 2018
7. Planning Commission Staff Memo, dated November 27, 2018
8. Planning Commission Staff Report, dated April 25, 2018
9. SBAR Minutes dated February 16, 2018 and September 7, 2018
10. Project Plans

Authored by:

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