



**Agenda Item B.2
PUBLIC HEARING
Meeting Date: September 8, 2008**

REPORT DATE: September 2, 2008

TO: Planning Commission Chair and Members

FROM: Steve Chase, Planning & Environmental Services Director

CONTACT: Patricia S. Miller, Manager, Current Planning
Alan Hanson, Senior Planner, Current Planning

SUBJECT: Case No. 08-035-CUP: Price Restaurant Conversion of Drive-Up Window to Drive-Thru Window located at 370 Storke Road; APN 073-100-008

RECOMMENDATION

The Planning Commission's action should include the following:

1. Adopt Planning Commission Resolution 08-__ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta Approving a Conditional Use Permit to Allow for the Conversion of the Existing Price Restaurant Drive-Up Window to a Drive-Thru Window; Case No.08-035-CUP; 370 Storke Road; APN 073-100-008."

The Planning Commission should refer the case back to staff if the Commission takes other than the recommended action for appropriate findings and conditions.

APPLICANT

Harwood White
1553 Knoll Circle
Santa Barbara, CA 93105

REQUEST

A hearing on the request of Harwood White, agent for the property owner, John Price, for approval of a Major Conditional Use Permit to allow for the conversion of the existing

restaurant drive-up window to a drive-thru window with remote menu board and ordering phone on property zoned C-3 (General Commercial) in the Inland Area of the City pursuant to §35-315.5(1)(e), Article III, Chapter 35 of the Municipal Code. No other improvements to the property or alterations to the restaurant would be permitted under this conditional use permit. The request is also to accept an exemption pursuant to §15061(b)(3) of the State Guidelines for the Implementation of CEQA.

JURISDICTION

Pursuant to §35-315.5(1)(e), Article III, Chapter 35 of the Municipal Code (Inland Zoning Ordinance) the Planning Commission is charged with the responsibility of reviewing all applications for drive-thru facilities.

PROJECT DESCRIPTION

This project includes a request to allow conversion of the existing drive-up window to a drive-thru window. The conversion would include the installation of a menu board, order speaker phone, and new drive aisle striping. Seven (7) parking spaces for restaurant patrons eating on the premises would continue to be provided. Access is currently provided via two driveways onto Storke Road. The property is currently served by the Goleta West Sanitary District and the Goleta Water District.

BACKGROUND

The subject property was created via a record of survey filed on March 30, 1948 in Book 30, Page 75 of the Santa Barbara County Record of Surveys. A land use rider for a 1,230 SF (net) restaurant with a drive-up window was approved by the County in 1966. Additional development onsite includes a 1,978 SF car wash facility operated under a CUP approved by the County in 1967 (66-CP-78); and a 11,000 SF contractors storage yard operated under a CUP approved by the County in 1973 (73-CP-2). The applicant also maintains a watchman's trailer at the storage yard that was permitted by the County under a CUP approved in 1975 (74-CP-118). The existing freestanding sign advertising the restaurant was originally approved under a variance granted by the County in 1974 (74-V-75). A second sign advertising the car wash facility was added to the free standing sign pole under a variance granted by the County in 1979 (79-V-27).

Beginning in 1981 the County required a major conditional use permit (CUP) for commercial uses with drive-thru facilities. That requirement remains a part of the City's Inland Zoning Ordinance (Article III, Chapter 35 of the Municipal Code) today. Under such Code provisions, the existing restaurant's drive-up window is considered a legal non-conforming use. As a legal non-conforming use, the restaurant with its drive-up window cannot be moved, expanded, enlarged, or altered except for minor cosmetic upgrades. The property owner is now proposing to upgrade of the existing drive-up

window to a full drive-thru window with a modern menu board and order speaker phone. It should be noted that only the proposed conversion of the existing drive-up window to a drive-thru window through the installation of a menu board and order speaker phone are the subject of the current CUP application.

PROJECT INFORMATION

Site Information	
General Plan Land Use Designation	General Commercial
Zoning Ordinance, Zone District	Article III (Inland Zoning Ordinance), Zoned C-3 (General Commercial)
Site Size	1.00 acres
Present Use and Development	Restaurant, car wash, & contractors storage yard
Surrounding Uses/Zoning	North: Business park zoned M-RP (Industrial Research Park) South: Commercial zoned C-3 (General Commercial) East: Business park zoned M-RP (Industrial Research Park) West: Storke Rd/SB Co Fire Station #11
Access	Existing: Two driveway curb cuts onto Storke Rd Proposed: No change
Utilities & Public Services	Water Supply: Goleta Water District Sewage: Goleta West Sanitary District Fire: SB County, Fire Station 11 School Districts: N/A

ANALYSIS

Environmental Analysis

The property includes an existing restaurant, car wash facility, and contractor’s storage yard. This application is limited to the existing restaurant and includes the conversion of the existing drive-up window to a drive-thru window. The conversion would include the installation of a menu board, order speaker phone, and new drive aisle striping. No other improvements are proposed.

The proposed menu board and speaker phone would have no visual effect on any public view or surrounding private views since they are oriented to the south and away from any public street and toward an adjacent building wall without any windows. A comparative traffic study for the project has been prepared and reviewed by City staff (ATE, *Trip Generation Analysis for the Storke Road Restaurant & Drive-Thru Project, City of Goleta*; April 9, 2008) which indicates that even under a worst case scenario, the project would increase average daily trips to the restaurant by 65 ADT with an AM peak hour increase of nine (9) trips and a PM peak hour increase of one (1) trip over baseline

levels. Due to the fact that all City intersections in the vicinity of the project site currently operate at LOS C or better, (ATE, *Camino Real Hotel Project, City of Goleta, Traffic, Circulation, & Parking Study*, October 16, 2007), such increases in project generated traffic would not result in any significant traffic impact on Storke Road or the surrounding City street system. The Santa Barbara County APCD has found that “On a per vehicle basis, idling emissions of the ozone precursors (ROG and NOx) and CO are lower than for a vehicle that has been parked for the duration of the visit” (Santa Barbara Air Pollution Control District; memo to the Santa Barbara County Planning Commission March 6, 2008). A comparative air quality analysis using the URBEMIS 9.2.4 modeling software indicates that project related increases in ROG and NOx emissions would be less than 0.5 lbs/day, which is well below the 25 lbs/day City threshold for a potentially significant air quality impact.

General Plan Consistency Analysis

The proposed conversion of the existing drive-up window to a drive-thru window is consistent with the allowed uses under the City’s General Plan. The drive-thru window would enhance the operation of the existing restaurant and eating and drinking establishments are allowed uses in the General Commercial land use designation.

Other General Plan policies applicable to the proposed project include the following:

CE 12.2 Control of Air Emissions from New Development. [GP] *The following shall apply to reduction of air emissions from new development:*

- a. Any development proposal that has the potential to increase emissions of air pollutants shall be referred to the Santa Barbara County Air Pollution Control District for comments and recommended conditions prior to final action by the City.*

Consistent. The proposed drive-thru window conversion has been referred to the APCD who have advised City staff that “On a per vehicle basis, idling emissions of the ozone precursors (ROG and NOx) and CO are lower than for a vehicle that has been parked for the duration of the visit.” In addition even with the added restaurant visitation anticipated as a result of the proposed drive-thru window conversion, the resulting increase in vehicular emissions would only be about 0.5 lbs/day. As such, no air quality mitigation or conditions of approval are necessary to ensure project consistency with this policy.

TE 4.1 General Level of Service Standard. [GP] *A traffic LOS standard C shall apply citywide to major arterials, minor arterials, and collector roadways and signalized and unsignalized intersections, except as provided in TE 4.2. The standard shall apply to daily traffic volumes and both AM and PM peak hours for intersections, and to average daily traffic volumes (ADT) for roadway segments. Table 7-3 provides descriptions of the LOS categories.*

Consistent. As noted in the discussion above, all City street intersections in the vicinity of the project site currently operate at LOS C or better and even under the worse case scenario, the estimated morning peak hour increase in traffic generated by the proposed drive-thru window conversion (9 PHTs) would not pose a significant impact on any intersection operations.

- VH 4.13 Signage. [GP]** Signs shall maintain and enhance the city's appearance through design, character, location, number, type, quality of materials, size, height, and illumination. The following standards shall apply:
- a. Signs shall minimize possible adverse effects on nearby public and private property, including streets, roads, and highways.
 - b. Signs shall be integrated into the site and structural design, shall be compatible with their surroundings, and shall clearly inform pedestrians, bicyclists, and motorists of business names.
 - c. Signs shall not detract from views or the architectural quality of buildings, structures, and/or the streetscape. Protrusion of signs and/or sign structures into the skyline should be minimized to avoid a cluttered appearance.
 - d. Signs shall be of appropriate and high quality style, color, materials, size, height, and illumination.
 - e. Lighting is considered an integral part of sign design and shall be controlled to prevent glare and spillage onto adjacent areas.
 - f. Internally illuminated cabinet or can signs shall be prohibited.
 - g. Billboards and other off-premises advertising signs shall be prohibited.

Consistent. As noted above, the proposed menu board would be oriented away from any public view and toward the northern wall of the adjacent building to the south that has no windows. Prior to the issuance of any effectuating land use permit (LUP) for the project, the applicant will be required to submit for Preliminary/Final DRB review of the board to ensure that it is consistent with the design standards described in this policy.

Zoning Ordinance Consistency Analysis

Because the proposed project does not involve any structural development, zoning standards such as setbacks, building coverage, building height, landscaping, etc are not applicable. The proposed project includes the continued provision of seven (7) onsite parking spaces which exceeds the minimum parking requirement for a restaurant of this size (576 SF and 3 employees; 5 spaces would be required by ordinance at 1 space/300 SF and 1 space/2 employees). No additional parking for the drive-thru facility is required.

Design Review Board

The proposed menu board and order speaker phone would require DRB Preliminary/Final approval before any LUP effectuating the requested CUP could be issued.

GGMO

The proposed project involves no new non-residential square footage and as such is not subject to the Goleta Growth Management Ordinance.

SUMMARY AND CONCLUSION

The property includes an existing restaurant, car wash facility, and contractor's storage yard. This application is limited to the existing restaurant and includes the conversion of the existing drive-up window to a drive-thru window. The conversion would include the installation of a menu board, order speaker phone, new drive aisle striping, and new curbing. No other improvements are proposed. CEQA findings and permit findings can all be made as shown in the attachments to this staff report. For these reasons, staff recommends approval of the proposed Price Restaurant CUP.

APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the City Council within ten (10) calendar days from the date of the Commission's final action.

Submitted By:

Approved By:

Alan Hanson
Senior Planner

Patricia S. Miller
Planning Commission Secretary

ATTACHMENTS

1. Planning Commission Resolution 08-__
2. CEQA Notice of Exemption
3. Project Plans (11" x 17" reductions)

ATTACHMENT 1

Planning Commission Resolution 08-__

**PLANNING COMMISSION
RESOLUTION NO. 08-___**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA
APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONVERSION
OF THE EXISTING PRICE RESTAURANT DRIVE-UP WINDOW TO A DRIVE-THRU
WINDOW CASE NO. 08-035-CUP; LOCATED AT 370 STORKE ROAD;
APN 073-100-008**

WHEREAS, an application was submitted on February 28, 2008, by Harwood White, agent for the property owner, John Price, requesting approval of a major Conditional Use Permit to allow for the conversion of the existing Price Restaurant drive-up window to a drive-thru window pursuant to §35-315.5(1)(e), Article III, Chapter 35 of the Municipal Code; and

WHEREAS, the procedures for processing the major Conditional Use Permit have been followed as required by State and local laws; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the application on September 8, 2008; and

WHEREAS, the Planning Commission has considered the entire administrative record, including application materials and staff reports, as well as oral and written testimony from interested persons; and

WHEREAS, the Planning Commission finds that the project would be consistent with the required findings for approval of a Conditional Use Permit; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Goleta hereby finds and determines as follows:

- Section 1. The findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Notice of Exemption for Case No. 08-035-CUP is hereby accepted.
- Section 3. Major Conditional Use Permit 08-035-CUP is hereby approved subject to the conditions set forth in Exhibit 2 of this resolution and incorporated herein by this reference.
- Section 4. City Clerk shall certify as to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of September, 2008.

KEN KNIGHT, PLANNING COMMISSION
CHAIR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, DO HEREBY CERTIFY that the foregoing Resolution No. 08-___ was duly adopted by the Planning Commission of the City of Goleta at a meeting, held on the 8th day of September 2008, by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

**EXHIBIT 1
FINDINGS**

**PRICE RESTAURANT DRIVE-UP WINDOW CONVERSION
TO DRIVE-THRU WINDOW;
370 STORKE ROAD; (APN 073-100-008);
CASE NO. 08-035-CUP**

1.0 CEQA Findings

The proposed project may be found categorically exempt under Section 15061(b)(3) (No Possibility of Significant Effect) of the State Guidelines for the Implementation of the California Environmental Quality Act. Section 15061(b)(3) is the general rule that CEQA applies only to projects which have the potential to result in a significant environmental effect and where it can be seen with certainty that the project will not result in any significant environmental effect the project is considered exempt from the requirements of CEQA.

The property includes an existing restaurant, car wash facility, and contractor's storage yard. This application is limited to the existing restaurant and includes the conversion of the existing drive-up window to a drive-thru window. The conversion would include the installation of a menu board, order speaker phone, and new drive aisle striping.

The proposed menu board and speaker phone would have no visual effect on any public view or surrounding private views since they are oriented to the south and away from any public street and toward an adjacent building wall without any windows. A comparative traffic study for the project has been prepared and reviewed by City staff (ATE, *Trip Generation Analysis for the Storke Road Restaurant & Drive-Thru Project, City of Goleta*; April 9, 2008) which indicates that even under a worst case scenario, the project would increase average daily trips to the restaurant by 65 ADT with an AM peak hour increase of nine (9) trips and a PM peak hour increase of one (1) trip over baseline levels. Due to the fact that all City intersections in the vicinity of the project site currently operate at LOS C or better, (ATE, *Camino Real Hotel Project, City of Goleta, Traffic, Circulation, & Parking Study*; October 16, 2007), such increases in project generated traffic would not result in any significant traffic impact on Storke Road or the surrounding City street system. The Santa Barbara County APCD has found that "On a per vehicle basis, idling emissions of the ozone precursors (ROG and NOx) and CO are lower than for a vehicle that has been parked for the duration of the visit" (Santa Barbara Air Pollution Control District; memo to the Santa Barbara County Planning Commission March 6, 2008). A comparative air quality analysis using the URBEMIS 9.2.4 modeling software indicates that project related increases in ROG and NOx emissions would be less than 0.5 lbs/day, which is well below the 25 lbs/day City threshold for a potentially significant air quality impact.

2.0 Administrative Findings

Pursuant to the City of Goleta Municipal Code, §35-315.8 Article III, Chapter 35 of the Municipal Code, a Conditional Use Permit shall be approved only if all the following findings can be made:

- 2.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.*

The project site is adequate in size, shape, location, and physical characteristics to accommodate the proposed drive-thru window. No physical changes to the property are necessary to support the conversion from a drive-up window to drive-thru window other than installation of the proposed menu board, order speaker phone, and drive-aisle striping. Adequate provision for vehicular parking and circulation already exists onsite for the proposed conversion.

- 2.2 *That adverse impacts are mitigated to the maximum extent feasible.*

As described in the attached Notice of Exemption (Attachment 2 of this staff report), the proposed installation of menu board and order speaker phone does not have the potential to result in any adverse environmental effects.

- 2.3 *That streets and highways are adequate and properly designed.*

Access to and from the project site would be provided by existing driveways onto Storke Road. All intersections in the vicinity of the project site currently operate at LOS C or better. The anticipated increase in vehicular traffic expected as a result of the proposed conversion (65 ADT, 9 AM PHT, and 1 PM PHT) would not result in any significant impacts on traffic flow or safety on Storke Road or nearby City streets and intersections.

- 2.4 *That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.*

The property has adequate fire protection, water and access, including emergency vehicle access, to serve all existing development onsite. The property is currently served by the Goleta Water and Goleta West Sanitary Districts.

- 2.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

The proposed project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood or incompatible with the surrounding areas because it only involves the conversion of the existing drive-up

window to a drive-thru window with a menu board and order speaker phone. No other physical changes to the property are proposed; and the anticipated increase in restaurant customers to the site, both drive-thru and sit-down, would have no significant impact on the surrounding neighborhood or adjoining properties.

- 2.6 *That the project is in conformance with the applicable provisions of Article III and the General Plan.*

As described in the attached staff report all existing use and development of the project site is fully consistent with the applicable policies of the City's General Plan and Inland Zoning Ordinance.

- 2.7 *That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The proposed project is not located in any designated rural area of the City.

**EXHIBIT 2
CONDITIONS OF APPROVAL**

**PRICE RESTAURANT DRIVE-UP WINDOW CONVERSION
TO DRIVE-THRU WINDOW;
370 STORKE ROAD; (APN 073-100-008)
CASE NO. 08-035-CUP**

1. AUTHORIZATION

Subject to the conditions set forth below, this permit authorizes implementation of the Price Restaurant Conditional Use Permit, marked "Planning Commission Case No. 08-035-CUP, Exhibit 1, September 8, 2008". Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Goleta for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

2. AUTHORIZED DEVELOPMENT

This project includes the conversion of the existing drive-up window to a drive-thru window. The conversion would include the installation of a menu board, order speaker phone, and new drive aisle striping. Seven (7) parking spaces for restaurant patrons eating on the premises would continue to be provided. Access is currently provided via two driveways onto Storke Road. The property is currently served by the Goleta West Sanitary District and the Goleta Water District.

CONDITIONS REQUIRED PRIOR TO LAND USE PERMIT APPROVAL

- 3. DRB REVIEW & APPROVAL OF MENU BOARD:** Prior to approval of any LUP to effectuate the CUP for the project, the applicant shall submit plans for the proposed menu board for review and approval by the DRB.
- 4. FEES REQUIRED:** The Applicant shall pay all applicable permit processing fees in full prior to approval of any LUP for the project

GENERAL CONDITIONS

- 5. DEPARTMENT/AGENCY CONDITIONS LETTERS:** The applicant shall comply with all conditions noted pursuant to the following Department/Agency Conditions Letters:

A. Santa Barbara County Fire Department letter dated May 28, 2008

6. **COMMUNITY SERVICES DEPARTMENT CONDITIONS OF APPROVAL:**

A. Prior to issuance of any LUP for the project the applicant shall comply with the following requirements:

1. Pay Development Impact Fees for Transportation (GTIP Fees) to be calculated by Community Services.
2. Pay Parks and Recreation Development Impact Fees to be calculated by Community Services.
3. Show on-site parking and striping improvements for circulation on plans submitted for LUP approval including but not limited to:
 - a) Angle of parking stalls; vehicles backing out of parking stalls shall not encroach into the public right of way.
 - b) "Entrance Only" pavement marking rotated for vehicles entering off of Storke Road.
 - c) Evidence that parking stall 4 and vehicles exiting the drive-up window are not in conflict.
4. Water quality Best Management Practices (BMPs) shall be shown on all plans submitted for either a LUP or building permit.
5. Provide evidence of all necessary Regional Water Quality Control Board and/or NPDES permits for the car wash.

B. Prior to issuance of any encroachment permit:

1. The owner shall submit to the Community Services Department two copies of a separate public improvement plan prepared by a registered civil engineer. This plan may be incorporated into the Building Plan set, with additional public improvement plan sheets provided unbound. As determined by the Community Services Department, the improvements shall include but not be limited to:

Storke Road Public Improvements:

- a) If there are existing obstructions in the public sidewalk, a minimum four (4) foot clearance for pedestrian/ADA travelway shall be maintained.
 - b) Installation of ADA compliant driveway curb cuts at the entrance and exit to the site.
2. No sheet flow drainage is allowed over the sidewalk or driveway in the public right of way.
 3. Any private backflow device(s) shall be moved out of the public right of way.
 4. All existing survey monuments shall be preserved and/or reset.

C. Prior to certificate of occupancy:

1. The applicant shall repair any damaged public improvements (curbs, gutters, sidewalks, etc.) caused by construction subject to the review and approval of the Community Services Department.
2. The owner shall participate in an ongoing commercial recycling program, including green waste during operation.
7. **SIGNAGE:** No signs other than the proposed menu board are authorized with this permit. All signs require separate permits and shall comply with Chapter 35, Article I, Sign Regulations and with setbacks specified in Article III, Inland Zoning Ordinance of the City of Goleta Municipal Code.
8. **CONFLICTING EXHIBITS AND CONDITIONS:** When exhibits and/or written Conditions of Approval are in conflict, the written Conditions of Approval shall prevail.
9. **COMPLETENESS AND ACCURACY:** The Applicant shall be responsible for the completeness and accuracy of all forms and supporting materials submitted in connection with any application. Any errors or discrepancies found therein may constitute grounds for the revocation of any approvals.
10. **PRINT & ILLUSTRATE CONDITIONS ON PLANS:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of all plans submitted for approval of any land use permit or building permit for the proposed project. These shall also be graphically illustrated where applicable.
11. **EXPIRATION OF CUP:** Approval of the Conditional Use Permit shall expire 18 months after approval by the Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The Planning Commission may, upon good cause shown, grant a time extension for one year.
12. **PERMITS IN CONFORMANCE W/CUP:** No permits for development, including building permits, shall be issued except in conformance with an approved Conditional Use Permit. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved Conditional Use Permit marked Planning Commission Exhibit 1, dated August 11, 2008. Substantial conformity shall be determined by the Director of Planning & Environmental Services.
13. **CUP TIME EXTENSION:** If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed

circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a LUP for the project.

14. **ADDITIONAL PERMITS REQUIRED:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit and Building Permit from the Planning & Environmental Services Department. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Director of Planning & Environmental Services. Before any Permit will be issued by the Planning & Environmental Services Department, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available at Planning & Environmental Services.
15. **INDEMNIFICATION:** The applicant shall defend, indemnify and hold harmless the City or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the City's approval of the subject CUP. In the event that the City fails promptly to notify the applicant of any such claim, action or proceeding, or that the City fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
16. **LEGAL CHALLENGE:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
17. **PERMIT NON-TRANSFERABLE:** This permit is granted for the property described in the application on file with the Planning & Environmental Services Department and may not be transferred from one property to another.
18. **FAILURE TO COMPLY W/CONDITIONS:** If the applicant, owner or tenant fails to comply with any of the conditions of this permit, the applicant, owner or tenant may be subject to a civil fine pursuant to the City Code and/or permit revocation.

-End of Conditions-

ATTACHMENT 2

CEQA Notice of Exemption



NOTICE OF EXEMPTION

Planning & Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805)961-7500 Fax: (805)685-2635
www.cityofgoleta.org

Project Description:

The property is located at 370 Storke Road (APN 073-100-008; 1 acre) and includes an existing restaurant, car wash facility, and contractor's storage yard. This application is limited to the existing restaurant and includes the conversion of the existing drive-up window to a drive-thru window. The conversion would include the installation of a menu board, order speaker phone, and new drive aisle striping. No other improvements are proposed. Seven (7) parking spaces for restaurant patrons eating on the premises would continue to be provided. Access is currently provided via two driveways onto Storke Road. The property is currently served by the Goleta West Sanitary District and the Goleta Water District.

Finding:

The Planning and Environmental Services Department of the City of Goleta has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, §15061(b)(3)]

Supporting Reasons:

The proposed menu board and speaker phone would have no visual effect on any public view or surrounding private views since they are oriented to the south and away from any public street, and toward an adjacent building wall without any windows. A comparative traffic study for the project has been prepared and reviewed by City staff (ATE, *Trip Generation Analysis for the Storke Road Restaurant & Drive-Thru Project, City of Goleta*; April 9, 2008) which indicates that even under a worst case scenario, the project would increase average daily trips to the restaurant by 65 ADT with an AM peak hour increase of nine (9) trips and a PM peak hour increase of one (1) trip over baseline levels. Due to the fact that all City intersections in the vicinity of the project site currently operate at LOS C or better, (ATE, *Camino Real Hotel Project, City of Goleta, Traffic, Circulation, & Parking Study*; October 16, 2007), such increases in project generated traffic would not result in any significant traffic impact on Storke Road or the

surrounding City street system. The Santa Barbara County APCD has found that “On a per vehicle basis, idling emissions of the ozone precursors (ROG and NOx) and CO are lower than for a vehicle that has been parked for the duration of the visit” (Santa Barbara Air Pollution Control District; memo to the Santa Barbara County Planning Commission March 6, 2008). A comparative air quality analysis using the URBEMIS 9.2.4 modeling software indicates that project related increases in ROG and NOx emissions would be less than 0.5 lbs/day, which is well below the 25 lbs/day City threshold for a potentially significant air quality impact.

Patricia S. Miller
Manager, Current Planning

Date

NOTE: A copy must be filed with the County Clerk of the Board after project approval and posted by the Clerk of the Board for a period of 30 days to begin a 35-day statute of limitations on legal challenges.

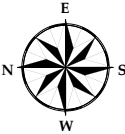
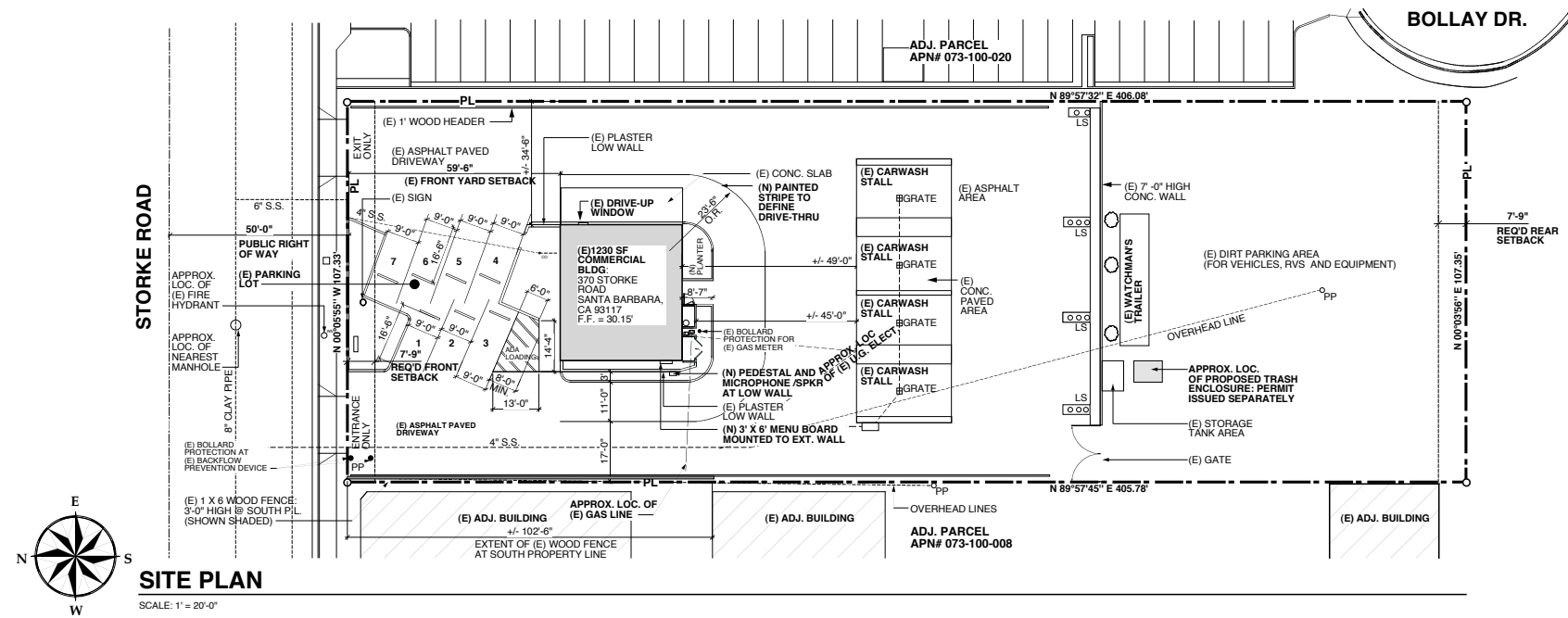
Attachment 3

Project Plans (11" x 17" reductions)

STORKE ROAD COFFEE DRIVE THROUGH

370 STORKE ROAD
GOLETA, CA 93117

CONDITIONAL USE PERMIT FOR: NEW MENU BOARD, MICROPHONE, PEDESTAL AND PAINTED STRIPE FOR DRIVE THROUGH



SITE PLAN
SCALE: 1" = 20'-0"

GENERAL REQUIREMENTS

All work shall be performed in a professional workmanlike manner by a licensed contractor and shall comply with the following:

- These General notes unless otherwise noted on plans or specifications.
- This project shall comply with:
 - 2007 California Building Code (Title 24)
 - 2007 CMC
 - 2007 CPC
 - 2007 CEC
 - California Efficiency Standards
- All applicable Local, State and Federal Codes, Ordinances, Laws, Regulations and Protective Covenants governing the site of work.
- Standard Specifications of ASTM.
- In case of conflicts, the more stringent requirements shall govern.
- "Or Equal": the Contractor shall submit for the Designer's and Builder's approval all materials or equipment which is considered "or equal" to that specified.

On Site Verification of all dimensions and conditions shall be the responsibility of the Contractor and Sub-contractors. Noted dimensions take precedence over scale. Each Contractor and Sub-contractor shall report to designer and Project Superintendent all Conditions which prevent the proper execution of their work. Client's Architect and Project Superintendent to be notified immediately by Contractor and Sub-Contractor should any discrepancy, error, omission, addition, or other question arise pertaining to the working drawings and/or specifications. The Contractor shall be held responsible for the results of any errors, discrepancies, or omissions which the Contractor failed to notify the Architect of before construction and/or fabrication of the work. Sub-contractor shall: Insure that all work is done in a professional workmanlike manner by skilled mechanics and shall replace any materials or items damaged by Sub-contractor performance. Sub-contractors and suppliers are hereby notified that they are to confer and cooperate fully with each other during the course of construction to determine the exact extent and overlap of each other's work and to successfully complete the execution of the work. All Sub-contractor workmanship will be of quality to pass inspections by local authorities, lending institutions, Architect or Builder. Any one or all of the above mentioned inspectors may inspect workmanship at any time, and any corrections needed to enhance the quality of building will be done immediately. The Contractor shall, at all times, provide protection against weather, rain, wind, storms, frost, heat or breakage so as to maintain all work, materials, apparatus, and fixtures free from injury or damage. The contractor shall at all times keep the premises free from all accumulations of waste material or rubbish caused by his employees, and at the completion of the work shall remove all rubbish, debris, equipment and surplus materials belonging to him from in and about the building and leave work site "Broom Clean". At the end of the day's work, all work likely to be damaged shall be covered. Any work damaged due to failure of protection as defined above shall be removed and replaced with new work at the Contractor's expense. Each Sub-contractor, unless specifically exempted by the terms of his sub-contract agreement, shall be responsible for cleaning up and removing from the job site all trash and debris not left by other Sub-contractors. Builder will determine how soon after Sub-contractor completes each phase of his work that trash and debris will be removed from the site. Workmanship: Compliance with drawings and/or specifications with regard to materials and methods of assembly will not, in itself, assure acceptance of the work. Of equal importance is good workmanship, the lack of which will be sufficient cause to refuse acceptance of the work.

PROJECT STATISTICS

OWNER:
JOHN PRICE
(805) 898-3782

PROJECT ADDRESS:
370 STORKE ROAD
GOLETA, CA 93117

APN:
073-100-008

LAND USE ZONE:
C-3

USE:
EXISTING: RESTAURANT: 1304 SF (GROSS)
CAR WASH: 1978 SF (GROSS)
RV STORAGE AT REAR WATCHMAN'S TRAILER: 400 SF (GROSS)
TRASH ENCLOSURE: 52 SF (GROSS)

PARKING:
REQUIRED: 1/300 SF (PATRONS)
1/2 EMPLOYEES
INDOOR DINING: 257 SF = 1 PARKING SPACE
OUTDOOR DINING: 319 SF = 2 PARKING SPACES
EMPLOYEES: 3 EMPLOYEES = 2 SPACES
TOTAL REQ'D: 5 SPACES

PROVIDED: 7 SPACES (6 STANDARD + (1) ADA VAN-ACCESSIBLE)

PARCEL SIZE:
+/- 1.00 ACRE

PROFESSIONALS

ARCHITECT: SHERRY AND ASSOCIATES, ARCHITECTS
629 STATE STREET, #216
SANTA BARBARA, CA 93101
(805) 963-0986
LIC. # 24906

PLANNER: HARWOOD A WHITE, JR.
LAND USE/PLANNING
1553 KNOLL CIRCLE DRIVE
SANTA BARBARA, CA 93103
(805) 962-5260

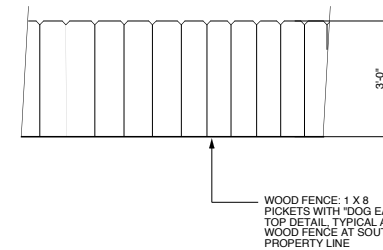
CONTRACTOR: T.B.D.

CITY OF GOLETA: CITY OF GOLETA
130 CREMONA DRIVE, SUITE B
GOLETA, CA 93117
(805) 961-7500

COUNTY OF SANTA BARBARA: ENVIRONMENTAL HEALTH SERVICES
255 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805) 681-4900

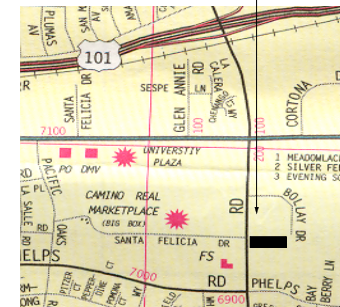
SCOPE OF WORK

NEW MENU BOARD, MICROPHONE, PEDESTAL AND PAINTED STRIPE TO DEFINE VEHICULAR CIRCULATION THROUGH
(REQUIRES CONDITIONAL USE PERMIT)

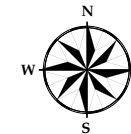


EXISTING P.L. WOOD FENCE DETAIL
1/2" = 1'-0"

PROJECT SITE:
370 STORKE ROAD
GOLETA, CA 93117



VICINITY MAP
NOT TO SCALE



SHEET INDEX

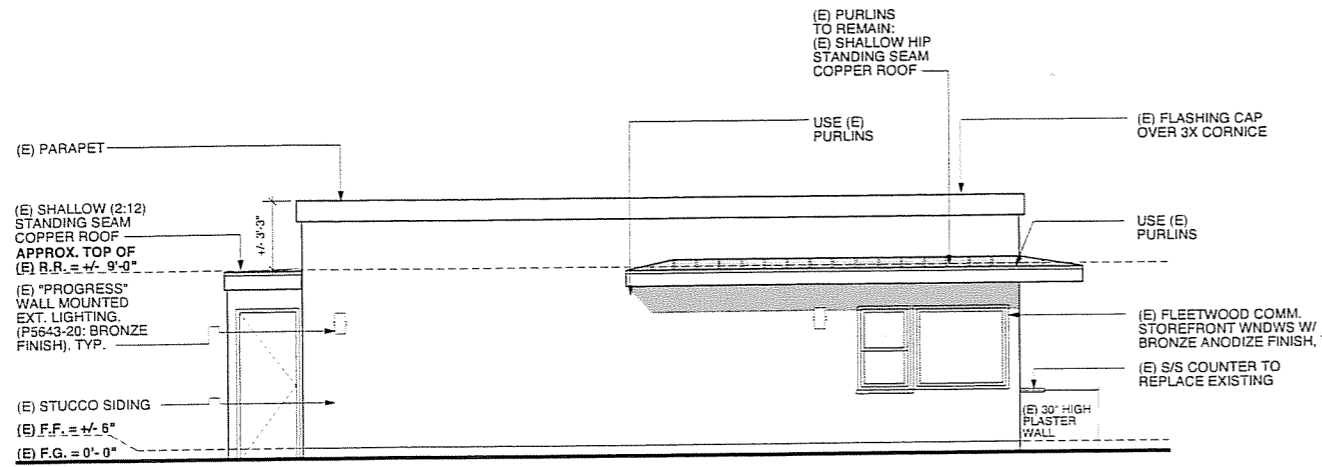
DATE	DESCRIPTION
T 1.1	TITLE SHEET / GENERAL STATS/ SITE PLAN / PROJECT INFO
A 2.1	EXISTING FLOOR PLAN AND EXTERIOR ELEVATIONS
L 1	PLANTING PLAN
L 2	PHOTOMETRIC PLAN
TOTAL: 4 SHEETS	

S h e r r y & A s s o c i a t e s
 Architects
 513 Santa Barbara Street
 P.O. Box 23634
 Santa Barbara, CA 93121
 Tel: (805) 963-0986
 Fax: (805) 963-0178
 Email: dawn@dawnsherry.com

(N) MENU, MICROPHONE, PEDESTAL, AND PAINTED STRIPE FOR DRIVE THROUGH
STORKE COFFEE DRIVE THROUGH
 370 STORKE ROAD
 GOLETA, CA
 FOR: JOHN PRICE

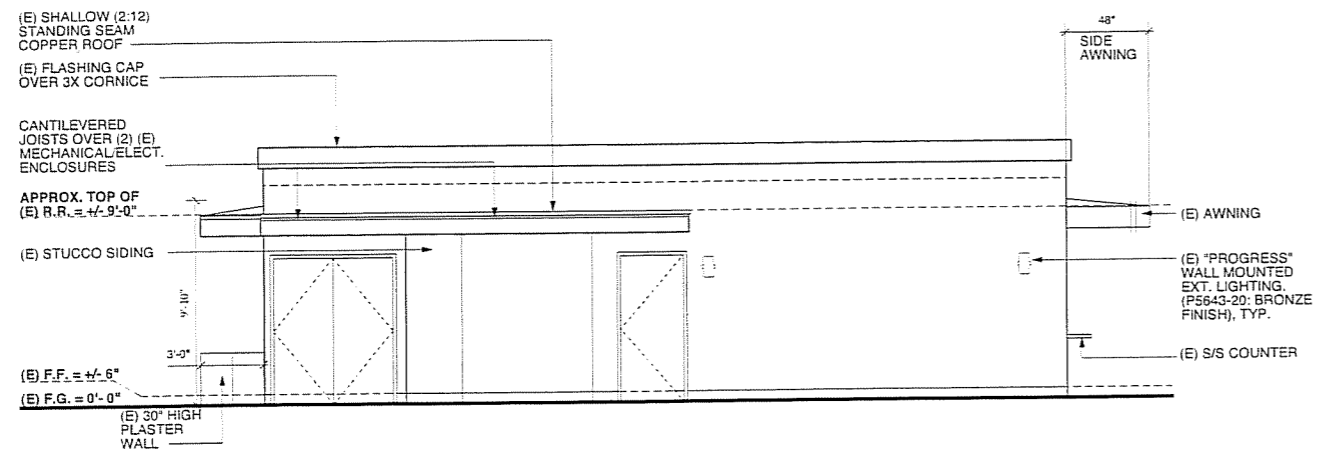
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T 1.1
TITLE SHEET/ PROJ. STATS./ SITE PLAN



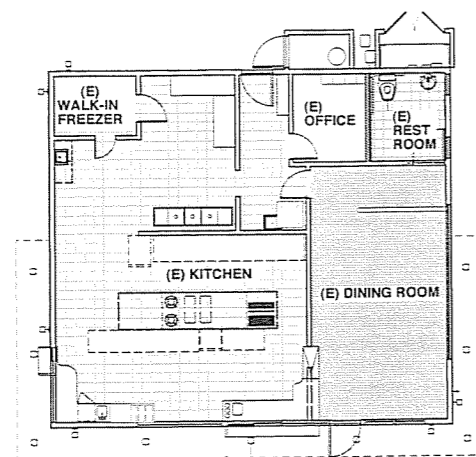
EXISTING NORTH ELEVATION

SCALE: 1/4" = 1'-0"



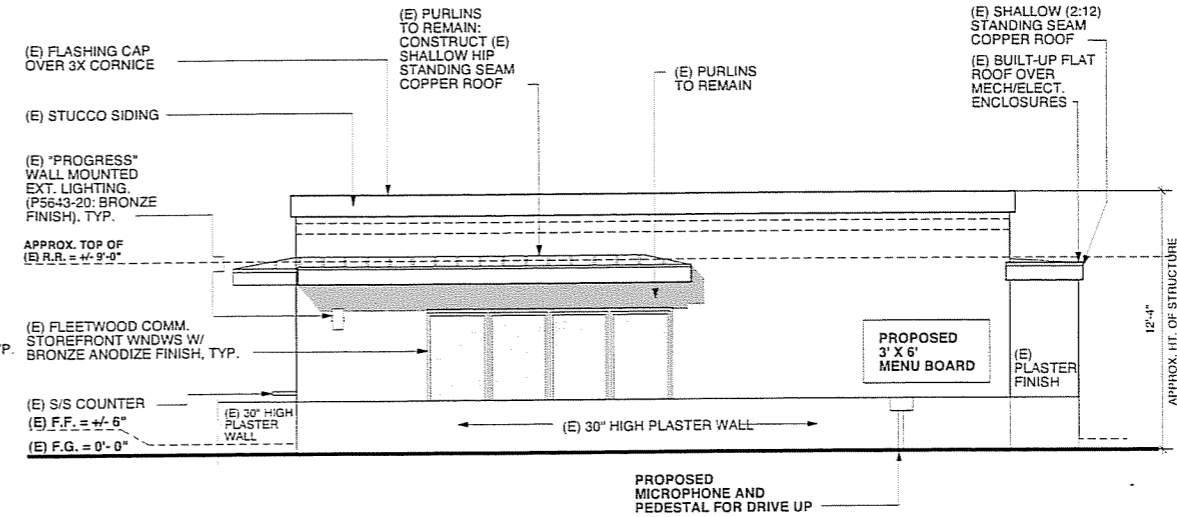
EXISTING EAST ELEVATION

SCALE: 1/4" = 1'-0"



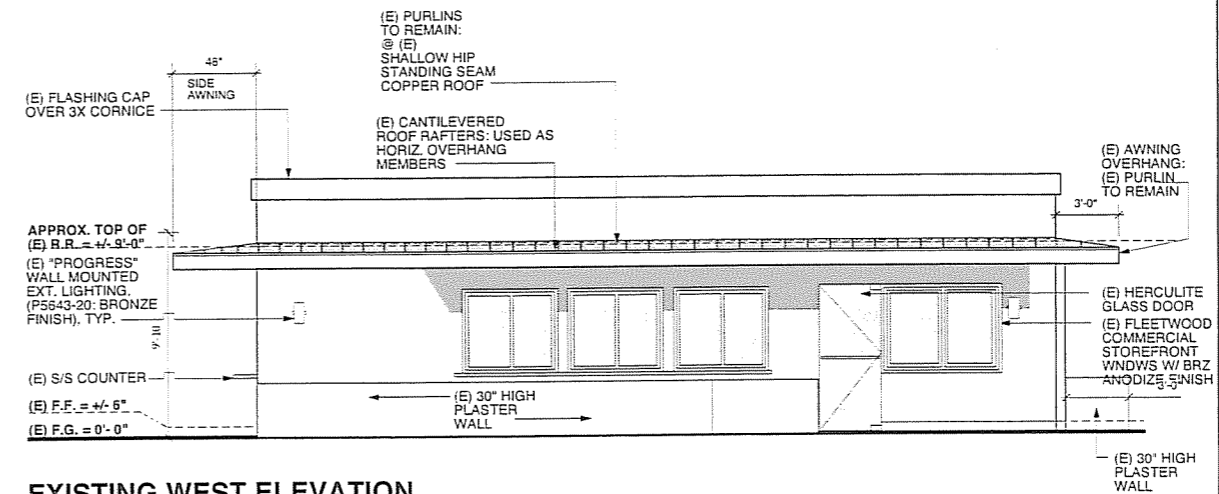
EXISTING FLOOR PLAN OF DRIVE THROUGH

SCALE: 1/8" = 1'-0"



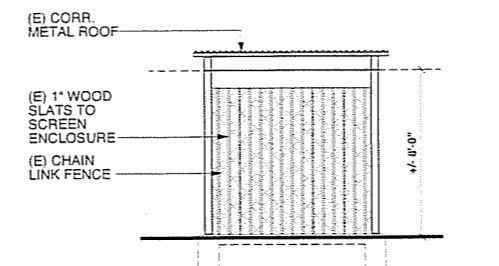
EXISTING SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

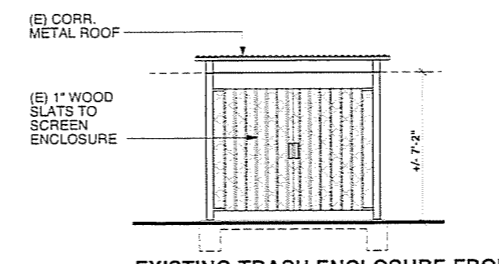


EXISTING WEST ELEVATION

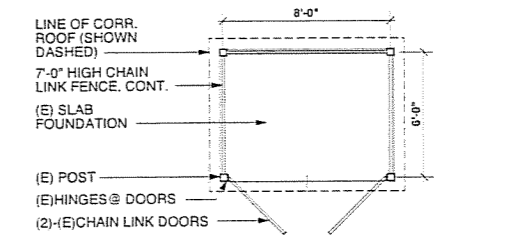
SCALE: 1/4" = 1'-0"



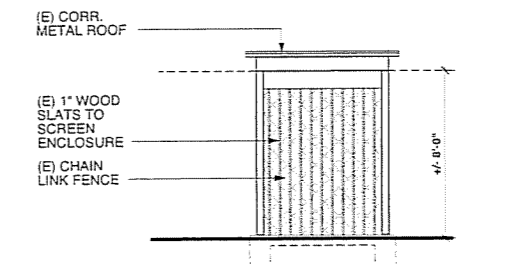
EXISTING TRASH ENCLOSURE REAR



EXISTING TRASH ENCLOSURE FRONT



EXISTING TRASH ENCLOSURE PLAN



EXISTING TRASH ENCLOSURE SIDE

EXISTING TRASH ENCLOSURE DETAIL

SCALE: 1/8" = 1'-0"

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513 Santa Barbara Street
P.O. Box 23034
Santa Barbara CA 93121
Tel: (805) 963-0986
Fax: (805) 963-0178
email: dunn@duunnhurry.com

(N) MENU, MICROPHONE, PEDESTAL, AND CURB FOR DRIVE THROUGH

STORKE COFFEE DRIVE THROUGH

876 STORKE ROAD
GOLETA, CA
FOR JOHN PRICE

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF DUNN HURRY. ALL DESIGN AND OTHER INFORMATION ON THE DRAWINGS AND ANY INFORMATION CONTAINED THEREIN IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS WRITTEN PERMISSION OF DUNN HURRY, ARCHITECTS.

DATE	DESCRIPTION

A 2.1
EXISTING ELEVATIONS AND PLANS