



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 016-14 2981 CLIFF DRIVE COASTAL DEVELOPMENT PERMIT JULY 10, 2014

APPLICATION OF COUNTY OF SANTA BARBARA, 2981 CLIFF DRIVE, APN 047-092-013, P-R/SD-3 (PARK AND RECREATION AND COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: PARKS/OPEN SPACE, LOCAL COASTAL PLAN DESIGNATION: RECREATION/OPEN SPACE (MST2013-00445)

The project consists of a new 664 square foot (net)/ 786 square foot (gross) restroom facility at Arroyo Burro Beach County Park, a 7.17 acre regional beach/ park located at 2981 Cliff Drive. The existing 325 square foot men's restroom attached to the restaurant would be converted to storage. The existing 336 square foot detached women's bathroom would be converted to another use such as storage or other beach visitor supporting functions (e.g., paddle board, kayak, or beach chair rentals). The existing 201 square foot storage structure would be removed and replaced with new bicycle racks. The existing delivery aisle would be relocated and one vehicular parking space would be removed. The project would include approximately 60 cubic yards of cut and 35 cubic yards of fill.

The discretionary application required for this project is a Coastal Development Permit (CDP2013-00009) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures).

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, July 3, 2014
2. Site Plans

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

I. Approved the subject application making the following findings and determinations:

A. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including hazards, views, and public access, as described in Section VII.C of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project will not increase hazards related to fire services or seacliff retreat, will not affect views along Cliff Drive, will not affect views to, from, and along the ocean and

scenic coastal areas, will not affect the water quality or habitat of Arroyo Burro Creek, and will not affect lateral access along the beach below the bluffs as described in Section VII.C of the Staff Report.

B. PARK AND RECREATION ZONE (SBMC §28.37.025)

1. The proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors. *The existing men's restroom is in an awkward location and both restrooms are in need of repair. The proposed storage and beach visitor supporting functions (e.g., paddle board, kayak, or beach chair rentals) are appropriate for the location.*
2. The proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood. *This is an existing park that has been determined to be compatible with the neighborhood. The new restroom facility, landscaping, storage and other beach visitor supporting functions (e.g., paddle board, kayak, or beach chair rentals) are compatible with the existing park.*
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties. *The proposed restroom facility would be located a great distance from the property lines and would avoid significant effects on surrounding properties.*
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood. *The proposed restroom facility, storage, and the other beach visitor supporting functions (e.g., paddle board, kayak, or beach chair rentals) would not increase the intensity of park use.*
5. That the proposed park and recreation facilities are compatible with the scenic character of the City. *The proposed restroom facility is compatible with the scenic character of the City because the height of the structure is less than the existing restroom and restaurant buildings and because the project will neither affect views along Cliff Drive nor views to, from, or along the ocean and scenic coastal areas, as described in Section VII.C of the Staff Report.*
6. That the proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

Therefore, the proposed project is consistent with the requirements of the Park and Recreation Zone.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 1. Obtain all required design review approvals.
 2. Provide Written Agreement to Planning Division.

3. Obtain a Building Permit for construction of approved development from the County of Santa Barbara.
4. Prior to construction, a copy of the building plans approved by the County of Santa Barbara shall be submitted to the City of Santa Barbara Community Development Department to be reviewed for conformance with the Coastal Development Permit approval.

Details on implementation of these steps are provided throughout the conditions of approval.

B. Written Agreement. The Applicant shall submit a letter to the Planning Division indicating the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 10, 2014 is limited to a new 664 square foot (net)/ 786 square foot (gross) restroom facility at Arroyo Burro Beach County Park and the improvements shown on the plans signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

C. Design Review. The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Exterior Lighting.** All exterior lighting shall conform to the City's Outdoor Lighting & Streetlight Design Guidelines. Exterior lighting shall be designed to control glare, minimize light trespass into the riparian habitat area and onto adjacent properties, and minimize direct upward light transmission.

D. Requirements Prior to Permit Issuance. The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project.

1. **Community Development Department.**
 - a. **Written Agreement.** Provide the letter that includes all of the conditions identified in Condition B "Written Agreement" to the Community Development Department, Planning Division, prior to issuance of any building permits from the County of Santa Barbara.

- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the ABR and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. 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, 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 disturbance 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 disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

III. **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued by the County of Santa Barbara prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no

changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

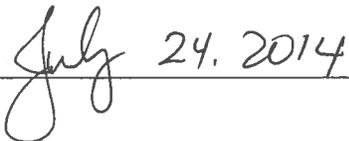
This motion was passed and adopted on the 10th day of July, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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.



Julie Rodriguez, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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