



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 024-11

1100, 1201, AND 1335 SHORELINE DRIVE (SHORELINE PARK)

COASTAL DEVELOPMENT PERMIT

DECEMBER 1, 2011

APPLICATION OF JILL ZACHARY, ASSISTANT PARKS AND RECREATION DIRECTOR, AGENT FOR THE CITY OF SANTA BARBARA, 1100, 1201 AND 1335 SHORELINE DRIVE (SHORELINE PARK), 045-240-004, P-R/S-D-3, PARKS AND RECREATION AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: NEIGHBORHOOD PARK (MST2009-00495)

The proposed Shoreline Park Safety Improvement Project involves 1) Sidewalk and fencing replacement around the landslide area; 2) Fencing replacement and repair in some other areas of the park where fencing is in disrepair; 3) New fencing installation to restrict access at MacGillivray Point; 4) Bluff-top revegetation at the landslide; 5) Relocation of two park benches from MacGillivray Point to an area near the landslide; 6) Lighting replacement; and, 7) Informational sign replacement. The discretionary application required for this project is a Coastal Development Permit (CDP20011-00012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15302, Replacement or Reconstruction

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

WHEREAS, 1 person appeared to speak in favor of the application, and 6 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 22, 2011.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Ada Nelson, via email
 - b. Ed Keller, via email
4. Correspondence received with concerns about the project:
 - a. Scott Borman, via email
 - b. Wayne Tustin, via email

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

- I. Approved the subject application making the following findings and determinations:
 - A. **Park and Recreation Zone Findings:**

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors because they will make the park safer for users;
- 2.. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood because the lighting is designed to reduce its effects on the surrounding neighborhood, the landscaping will be compatible with existing landscaping in the park, and there will be no changes to the play areas and parking facilities;
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 because no changes are proposed to the locations of higher use facilities, including the playground and group picnic areas;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood because no changes are proposed that would affect the neighborhood character;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City because the new fencing will have minimal effects on coastal views; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location because new structures will be consistent with existing park structures.

B. Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it protects the scenic and visual resources of Shoreline Park and is designed to minimize risks to life and property as outlined in Section VI.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 it protects the scenic and visual resources of Shoreline Park and is designed to minimize risks to life and property, as outlined in Section VI.C of the Planning Commission Staff Report.

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, including Sign Committee approval of the new interpretive signs.
 2. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
 3. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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

- B. **Approved Development.** The development of the Real Property approved by the Planning Commission on December 1, 2011 is limited to: 1) Sidewalk and fencing replacement around the landslide area; 2) Fencing replacement and repair in some other areas of the park where fencing is in disrepair; 3) New fencing installation to restrict access at MacGillivray Point; 4) Bluff-top revegetation at the landslide; 5) Relocation of two park benches from MacGillivray Point to an area near the landslide; 6) Lighting replacement; 7) Informational sign replacement, and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- C. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate
- D. **Relocation of MacGillivray Point.** Parks and Recreation Department Staff shall work with the MacGillivray family to identify a new lookout point to honor Mayor MacGillivray
- E. **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. **Watering on the Bluff Edge.** Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival.
- F. **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. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.
 2. **Community Development Department.**
 - a. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

- b. **Geologic Reports and Memos.** The recommendations included in Engineering Geologic Report of the Active Landslide Area, dated February 26, 2009, and follow-up Memo, dated June 10, 2011, both prepared by Frank J. Kenton; and Engineering Geologic Report of MacGillivray Point, dated February 26, 2009,, and follow-up Memo, dated June 10, 2011, both prepared by Frank J. Kenton, shall be incorporated into the plans.
- c. **Signage.** A sign shall be posted on the fence at MacGillivray Point stating the Point is closed due to the high potential for sudden bluff failure.
- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are 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. _____

G. 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. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor's name, contractor's telephone numbers, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

2. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' 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.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.

4. **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.

- H. **Prior to Final Inspection.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
- I. **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 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.

A. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission / Staff Hearing Officer 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:

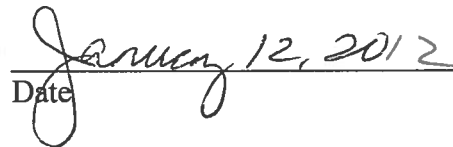
1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal 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 1st day of December 1, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

