



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 10, 2014

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:04 P.M.

I. ROLL CALL

Chair Deborah L. Schwartz, Vice Chair Addison Thompson, Commissioners Bruce Bartlett, John P. Campanella, Mike Jordan, Sheila Lodge, and June Pujo.

STAFF PRESENT:

Renee Brooke, Senior Planner
N. Scott Vincent, Assistant City Attorney
Allison De Busk, Project Planner
Dan Gullett, Project Planner
Kathleen Kennedy, Associate Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of June 5, 2014
2. Reso No. 014-14
2559 Puesta del Sol

MOTION: Thompson/Lodge

Continue Draft Minutes and Resolutions to July 17, 2014

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

3. Draft Minutes of June 12, 2014
4. Reso No. 015-14
Recommendation to City Council on Emergency Shelter Ordinance

MOTION: Thompson/Lodge

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- C. Announcements and appeals.

None.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Schwartz opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:06 P.M.

- A. **APPLICATION OF PAUL ZINK, ARCHITECT FOR CHARLES RUDD, 3435 MARINA DRIVE, APN 047-022-005, A-1/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE; (MST2013-00281)**

The project consists of the construction of a new three-story single family residence totaling approximately 5,964 square feet, plus 680 square feet of attached garage/storage area, on a vacant 48,787 net square foot lot. The residence consists of a 1,580 square foot basement, a 3,709 square foot main floor and a 675 square foot upper floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside fireplace, patios and decks, and landscaping. The project would include approximately 1,081 cubic yards (cy) of cut and 575 cy of fill; after recompaction it is anticipated that there would be approximately 12 cy of export.

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Case Planner: Allison DeBusk, Project Planner
Email: ADebusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Paul Zink, Architect, gave the Applicant presentation, joined by Chris Gililand, Landscape Architect.

Chair Schwartz opened the public hearing at 1:32 P.M.

The following people spoke in opposition to the project or with concerns:

1. Beth Collins-Burgard, neighbor, submitted 78 pages of written comments and asked that the project provide a 30-foot view corridor on each side, move the first story away from the string line and move the second story behind the string line.
2. Kitch Wilson, neighbor, appreciated the 50' view corridor but was concerned with the landscaping height and asked that the same height requirement made of the neighboring lot be applied to this project. The second story is too large and asked that it be removed.
3. Tom Monroe favors design number two and does not think the current plan is right for the area.
4. Richard Handler does not support the presented plan and favored the second design.
5. Gary Justice favored design two and stated the current plan puts too much pressure on Cliff Drive.
6. Eamon Malone, neighbor, supports a 30 foot view corridor and not a 50 foot view corridor; feels pushing the building toward Cliff Drive has negative impacts.
7. Susan Strick, neighbor stated that the project juts too far forward on Cliff Drive, contradicts Good Neighbor Guidelines, and impacts the partial ocean views. Proposes house be moved back more in alignment with the string line, perhaps 30 foot setback. As designed it will encourage others to push future additions towards Cliff Drive. Limit the wall heights on the front and the side.
8. Marc Whitten, immediate neighbor, stated that the project juts too far forward with the second story and will impact his privacy. Supports the second design.
9. Dan Santee, neighbor, said the view corridor is his primary concern. Stated that the height, bulk and scale of the project are not compatible with the neighborhood and exceeds FAR values. View blockage extends to those looking from the ocean.
10. Sandy Schoolfield, immediate neighbor, stated that this design is not compatible with the neighborhood and supports the second design. The third design extends too far toward Cliff Drive. Illustrated the current plan's impact on her home.

11. John Kechejian, neighbor, supports Ms. Collins-Burgard's recommendation, thinks 30 foot setbacks on the sides are enough. This project does not meet Good Neighborhood Guidelines, solar cooling techniques, or passive solar building guidelines. Supports second design.
12. Morgan Reis could not understand how the project design could be proposed so close to Cliff Drive.
13. Joe Babine was dismayed by the forward mass of the story poles on Cliff Drive and objects to the design as there's too much mass at Cliff Drive.
14. Pat Yochum favored design number two.
15. Penelope Gottlieb, neighbor, stated that the project is very large and impedes public views. The second story is huge and is her main concern.
16. Peter Tannenbaum concurred with prior comments from other cyclists on impacts to Cliff Drive and supports design number two.
17. Susan Zalon, neighbor, stated that the proposed plans did not fit in with the rural area and equestrian characteristics of the neighborhood. The proposed home is too tall and too excessive in bulk and size. Project exceeds FAR guidelines. Asked that second story not be approved. Supports the view corridor.
18. Ronald Green, neighbor, stated that a 1973 City Council Resolution preserved the Marina Drive views and established the view corridor. This was a guideline and not written into the deeds. The size of this project is too large for the neighborhood. He asked that the Planning Commission follow the same considerations that were made for the neighboring house by: 1. Limiting the height to one story; 2. Establishing the view corridor on the west side of the property; and 3. Limiting the height of walls on Marina Drive to 3 feet.
19. Beth Clino, neighbor, stated that the story poles look massive; supports the second design over the third.
20. Van A. Jansma stated that the house should be moved away from Cliff Drive; supports second design.
21. Robert Fulmer supports second design.
22. Michael Moore, neighbor, supports the view corridor and a single story house. The project is too large for the neighborhood and needs to follow the FAR guidelines.

With no one else wishing to speak, the public hearing was closed at 2:02 P.M.

Commissioner's comments:

- Commissioner Jordan finds that providing a 50-foot view corridor is burdensome and is detrimental to other policies. The design contradicts various Good Neighbor Policies. He supports a plan where the house aligns more with parallel lines from Cliff Drive and Marina Drive. Suggested looking at first and second design plans where the back part of the building gets developed more toward the setbacks on either side.

- Commissioner Bartlett supports a continuance to Single Family Design Board (SFDB) for a solution that provides a 30 foot view corridor on the west and is set back approximately 30 feet on the east, not designated as a view corridor, and to pull the house further from Cliff Drive. Thinks that the first floor should be more parallel to Cliff Drive, and the second floor should be perpendicular to Cliff, similar to design number two.
- Commissioner Pujo acknowledged the neighborhood comments received and concurs with colleagues on a continuance. Cliff Drive and its views are dominant in the Local Coastal Plan and Coastal Act. Finds that the third design juts out too far toward Cliff Drive and supports something more in line with the second submittal. Does not want to see FAR creep if it returns for review and, if anything, would like to see a reduced FAR. Is OK with a portion of the house being a second story. Fine with the perimeter wall for privacy and to block glare of night lighting, but only if designed well and with appropriate landscape screening. Would like to see a transition area between landscaping on the east to the proposed wall.
- Commissioner Lodge agrees with colleagues. Sees great emphasis being placed on the value of the views from Marina Drive, yet use by Marina Drive is less than Cliff Drive. Finds the value of the views along Marina to be less than those along Cliff Drive. Wants to make sure that consideration is given to views for others. The house should be rotated and return to something more like the second design.
- Commissioner Campanella noted that building footprints matter too, not just FAR. Supported a return to the second design but empathized with the challenge of designing and locating the Master Suite. Hopes that SFDB gives latitude for placement of the house relative to the neighbor's privacy concerns due to the cul-de-sac and curve at Cliff. If a one story design, hopes SFDB has flexibility on the design with the ability to do a good master suite.
- Commissioner Thompson concurs with colleagues. Though he does not like sending projects back to design review, and supports the work of the design boards, he thinks it will result in a better project. The direction given previously by the SFDB led to unintended consequences.
- Commissioner Schwartz noted gaps in the documented rationale in the progression of designs. Supports colleagues in a continuance and return to the design review board. Referencing the Local Coastal Program, the Coastal Act, and all guidelines, she cannot support a solid wall on the Cliff Drive side and asks that the semi-rural feel be maintained. Pull the structure back; perhaps rotate it to be more in line with the string line. Does not see justification for a 50 foot setback on the west side; should mirror more of the 30 feet that the neighbor has. Does not see a need to be single story. A small angled second story can work.

MOTION: Lodge/Bartlett

Continue the project indefinitely for additional review by the Single Family Design Board with the Commission's comments.

In further deliberation, the majority of the Commission was supportive of the solid 6' high wall set back from Cliff Drive with landscape screening.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Schwartz called for a recess at 3:11 P.M. and reconvened the meeting at 3:23 P.M.

ACTUAL TIME: 3:23 P.M.

B. 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).

Case Planner: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Robert L. Ooley, County Architect, and Jill Van Wie, Capital Projects Manager of the Santa Barbara County Parks Division were available to answer any questions.

Commissioners Bartlett and Pujo returned to the dais at 3:26 P.M.

With no member of the public requesting to speak, Chair Schwartz did not open the public hearing.

MOTION: Jordan/Thompson

Assigned Resolution No. 016-14

Approved the project, making the findings for the Coastal Development Permit as outlined in the Staff Report, dated July 3, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report, with the following revisions to the Park and Recreation Zone findings:

1. Strike italicized language in B. 6. Of findings listed on Page 7 of the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Schwartz announced the ten calendar day appeal period.

IV. CONCEPT REVIEW:

ACTUAL TIME: 4:07 P.M.

APPLICATION OF MESA LANE PARTNERS, APPLICANT FOR SOMO SB, LLC, 121 E. MASON STREET; APNS 033-084-001, -004, -005, -006, & -007; OCEAN-ORIENTED COMMERCIAL (OC) AND COASTAL OVERLAY (SD-3) ZONES; LOCAL COASTAL PLAN DESIGNATION: OCEAN-ORIENTED COMMERCIAL (MST2014-00115)

The City received a request from the applicant for a concept review of a proposed mixed-use project on a 1.75 acre site in the Funk Zone, consisting of partial demolition of existing structures, and construction of a residential and commercial building complex with 64 residential apartments (including ten units affordable to low-income households) with an average unit size of 905 square feet; approximately 28,359 square feet of building area dedicated to restaurant, commercial recreational, and ocean-oriented commercial uses; approximately 12,154 square feet of building area dedicated to arts-related industrial/manufacturing uses, and approximately 10,000 square feet of building area providing 30-40 hotel rooms. The proposed project includes four-story buildings and a maximum building height of approximately 55 feet.

The purpose of the concept review was to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the applicant and staff with feedback and direction regarding the proposed land use and design.

The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for future project design changes.

No formal action on the development proposal was taken at the concept review meeting, nor was any determination made regarding environmental review of the proposed project.

Case Planner: Daniel Gullett, Project Planner

Email: DGullett@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4550

Daniel Gullett, Project Planner, gave the Staff presentation.

Neil DiPaola, Mesa Lane Partners CEO, gave the Applicant presentation, joined by Dan Weber, Architect.

Chair Schwartz opened the public hearing at 4:56 P.M.

The following people commented on the project:

1. Ginny Brush, Executive Director of County Arts Commission, supports a focus on artisan and creative open plazas and paseos in the funk zone. Appreciates the outreach to the creative community, maintaining the historic patina in visual landmark key buildings, and goal of providing space for new and existing local businesses and artists. Supports the temporary artist village and urged support for the project.
2. Sharyn Main, Santa Barbara Foundation, spoke in support of the project for its support of emerging artists, contributions to affordable housing, and sustainability concepts.
3. Nils Hammerbeck, Funk Zone Public Arts Program, supports the project and public art in the Funk Zone.
4. Anett Hurtado, representing Assembly Member Das Williams, spoke in support of the project and its contributions in the reduction of green house gases and creative reuse of existing buildings, as well as support for cultural artists.
5. Russell McGlothlin supported the creative concept and finds this project to bring in artists, compatible retail, and supported being creative in bringing in tourists to the Funk Zone.
6. Tom Bailey, Villa Del Mar owner, opposed the project due to the parking impacts it would bring to the neighborhood. The project brings too much to too small a space. Parking will impact property values.
7. Eileen Bailey, Villa Del Mar owner, is supportive of Applicant's green concept but is concerned with the parking impact and visitors blocking access to fire lanes. Asked that the parking issue be addressed before hotel is added in an area not zoned for a hotel. Before focusing on an architecturally 'weird and funky' project, need to clean up funk zone eye sores such as the old boats, old containers, and old trailers that are part of the Funk Zone.

With no one else wishing to speak, the public hearing was closed at 5:12 P.M.

Chair Schwartz asked for a recess at 5:12 P.M. and reconvened the meeting at 5:20 P.M. Commissioner Thompson did not return to the dais.

The Applicant asked that the Planning Commission comment on:

- Is a hotel appropriate for the funk zone?
- Can the Commission support the building heights and design?
- In looking at alternative transportation:
 - Can the Commission support a reduction of onsite parking; and
 - Can the Commission support use of off-site parking facilities, such as the City lot Garden Street and Cabrillo Boulevard?

Commission's comments:

- Many Commissioners stated that they were unaware that the Average Unit-size Density (AUD) program was not applicable in the Coastal Zone and could see how the program would have benefitted this project.
- Commissioner Lodge gave the project high marks for creativity and space provided for artists and craftspeople. Appreciated the community-wide outreach, but found the project is too much for the area. Would answer no to all questions asked by the Applicant. Would prefer to see a fourth floor that was all residential, as allowed by AUD. Cautioned on the mix of uses, citing issues at Paseo Chapala where residents are disturbed by activity at the bar next door. Stated that there is already enough activity present in the Funk Zone that lacks parking.
- Commissioner Jordan said he is cautiously optimistic about the project and would be agreeable with the development as long as it addresses expected consequences. Shared his experience with the lack of parking in the area. Said he can see a hotel on this site, but is not keen on the proposed trailers and boats on the top deck and does not see it as a four story component. Challenged the Applicant to show the multi-modal trend in the funk zone and how a car share program would reduce parking demand there. Concerned with bi-modal passageways for cars and pedestrians; can see a bi-modal passageway in a residential setting, but not in mix of cars/guests/customers. Would like to hear more about how artists and affordability of artist spaces will be protected during economic shifts. Wants to see the connection to Garden Street improved to be an obvious path that connects with the Garden Street parking lot. Would like to see view simulations with streetscapes to show the intensity of the project in relation to existing buildings and impact on views. Skeptical on relying on alternative transportation for parking reductions. Stated that while the Garden Street lot and train station lot may be underutilized, the Applicant would need to show how people can get there safely.
- Commissioner Bartlett said he loves the project's mix of uses and recalled the area being a hub of activity in the waterfront. Appreciates the Applicant keeping

the historic elements, even if used in a different, way while celebrating the historic importance. Appreciates keeping artists/residents in the area and acknowledges the need for financial offsets. Does not have a problem with a hotel and does not see being overrun with hotels in that area. Supports using AUD as an incentive, but disappointed that an incentive has to be used to get it. Not as opposed to any of the proposed alternative transportation modes. Can capitalize on a marketing campaign, if the hotel is built, for people to ride trains to stay at the hotel. Noted that some surrounding structures were built before there was a height limit and are over 45' in height, so the project could be compatible. Would like to see the discussion about offsite parking continue for the entire Funk Zone. Appreciates the project's move to see "less junk, more funk". Thanked the Applicant for the LEED green elements.

- Commissioner Campanella believes the timing is right for this project. Would like to see how many jobs will be created in the Funk Zone within the next five years. Housing is needed to support these jobs and cut down on traffic. Appreciates that the Applicant is providing low income housing as a part of the project. Sees this project as an example that could be duplicated in other areas of the city. If it can be modeled in the pro forma, suggested taking out some commercial square footage for 20 additional residential units, five of which are low income, and lowering the height. Sees the proposed alternative transportation modes as fitting in with the General Plan. Suggested a new program to facilitate and educate people on car sharing. Stated that in order to facilitate building more housing, the City needs to consolidate parking use with garages/parking zones rather than expecting projects to provide their own parking.
- Commissioner Pujo stated that the project should not be slick or strive for world class recognition, but be more relaxed, affordable, and gritty with simple activity nodes which will drive its reputation. A hotel use is the least favored use proposed and should be accessory to other proposed uses. Not opposed to exceeding the 45' building height limit, but is concerned and cautious about every building coming to maximum height and wants to make sure that pedestrian scale and neighborhood feel of the area are not lost. Would not want this project to become the dominant height for the area. Not supportive of the proposed rooftop structures (containers, air streams, and boats) and would not want to see them become permanent structures as they could become visual clutter. The use of boats is creative, but as a permanent structure, it should be more traditional. The project should remain focused as a live/work project and not be targeted toward tourists. With regard to alternative transportation, the project should focus on convenience, comfort, and reducing car movement. Not opposed to a reduction of onsite parking, but need to acknowledge that there is a parking problem in that area and if there is an alternative transportation solution, it needs to be aggressive. Asked the Applicant to return with studies/information on: 1) building code/permitting for the proposed uses such as the containers, boats on roof; 2) health permit requirements for some of the temporary uses; 3) a circulation study of the area that shows how a person would get through and around the site; and 4) visual study that includes distant views of the site from different parts of the City

and comparative study of heights with existing buildings. Address the feasibility of re-using existing buildings that will be kept.

- Commissioner Schwartz stated that this project is bold and innovative for Santa Barbara and has the opportunity to put Santa Barbara on the map historically much like post-1925 earthquake development did. Has experienced many of the proposed elements in other areas of country, but sees a challenge in making it all work in one small neighborhood. Not opposed, in concept, with any of the proposed uses, and building height is relative. Cited directives from the World Commission on Environment and Development that are exemplified by this proposal. Would like to see a parking study for all current and upcoming parking lots in the area and their utilization; would consider use of Garden Street parking lot. Concerned with oversaturation of alcohol establishments in the area. Would like to see more affordable housing in the project.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 7:40 P.M.

E. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
 - a. Commissioner Jordan reported on the SHO meeting of July 9, 2014.
2. Other Committee and Liaison Reports
 - b. Commissioner Lodge reported on the Historic Landmarks Commission meetings of June 16 and July 2, 2014.
 - c. Commissioner Lodge reported on Park and Recreation Committee meeting of June 26, 2014.
 - d. Commissioner Campanella reported on the Architectural Board of Review meeting of July 7, 2014.
3. Report from the Chair
 - a. Chair Schwartz reported that the next Planning Commission meeting will be held on July 17, 2014.

VI. ADJOURNMENT

Chair Schwartz adjourned the meeting at 7:45 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary

DRAFT



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 any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. ~~The existing structures were previously determined to be compatible with the neighborhood. The proposed structure is compatible with the existing facilities in the park because it would be located in the developed section of the site where other structures are located, the height of the proposed restroom facility is less than the existing structures, and removal of the existing storage structure will reduce the number of structures in this section of the park.~~

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:

- IV. 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.