



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 025-16 1414 PARK PLACE COASTAL DEVELOPMENT PERMIT SEPTEMBER 8, 2016

APPLICATION OF JILL ZACHARY, CITY PARKS AND RECREATION DEPARTMENT, 1414 PARK PLACE, APN 017-381-001, PARK AND RECREATION ZONE, GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: RECREATION/OPEN SPACE (MST2015-00349)

The project consists of the installation of a new playground and patio at the Municipal Tennis Courts. Site amenities will include a new playground structure and pad, playground fencing, a new patio area, benches, trash and recycle cans, two drinking fountains, signage, and new landscaping. An area of the existing parking lot will be demolished to accommodate the new playground and a portion of the existing landscaping will be converted to the new patio. Asphalt and concrete pathways around the existing tennis courts and proposed playground will be repaired. Safety improvements will include: installation of two pole lights near the playground, new exterior lighting at the restrooms, two chain link gates at the practice tennis courts, and a new swing gate at the parking lot entrance. A portion of the existing parking lot will be restriped to improve circulation. The project will result in the loss of one parking space for a total of 72 uncovered spaces. A total of 69 cubic yards of cut and fill will be balanced on site for the proposed project. The tennis facility stadium is on the City's List of Potential Historic Resources.

The discretionary application required for this project is a Coastal Development Permit (CDP2016-00006) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project is considered a Major Public Works Project given its cost per the definition in the SD-3 Coastal Overlay Zone, and therefore is considered Appealable Development that can be appealed to the California Coastal Commission.

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, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 1, 2016.
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 the proposed development provides public recreational opportunities; it is in close proximity to the existing development on the site; does not affect coastal or scenic views, or affect public coastal access; and provides adequate parking.
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 provides low cost recreation open to the public, has no impact on coastal access, provides adequate off-street parking, and protects and enhances the scenic character of the City.

B. FINDINGS FOR PARK AND RECREATION FACILITY (SBMC §28.37.025)

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors.

This finding can be made because: the improvements are a response to existing community need for a children's playground; currently neighborhood children visit the facility to play in the parking lot; the patio will serve the existing need of tennis patrons; the new trees and landscaping will enhance the site; and, the paving addresses the existing deteriorated condition. The use is also consistent with the City's General Plan.

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.

This finding can be made because: the facilities are set back from adjacent streets; lighting will enhance safety and will not encroach beyond the project area; the project design is compatible with the existing site and historic tennis stadium; the existing 73 space parking lot is proposed to be reduced to 72 spaces, yet is still above the parking requirement of 24 spaces; and, seven additional trees and associated landscaping are proposed;

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.

This finding can be made because: the total site area of 7.7 acres is sufficient; the project is proposed in areas of the park which are already developed; the playground will be located where there is an existing parking lot; the nearest corner of the fence around the playground is setback more than 40 feet from the adjacent street where the required setback is 10 feet; photometric information submitted demonstrates the new lighting fixtures will not have a negative effect on surrounding properties; and, the predicted noise levels generated by children playing at the playground is less than the ambient peak noise associated with the adjacent U.S. Highway 101;

4. That the intensity of park use is appropriate and compatible with the character of the neighborhood.

This finding can be made because: the project responds to an existing need and provides appropriate improvements in a safe, controlled environment as an alternative to playing in the surrounding neighborhood or in the parking lot;

5. That the proposed park and recreation facilities are compatible with the scenic character of the City.

This finding can be made because the small play structures and patio will be integrated with the existing improvements and landscaping on the site; and they will be set back from adjacent streets among existing and proposed trees and landscaping; and

6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

This finding can be made because the project proposes small playground structures that do not involve significant size, bulk and scale; their placement on the large site will be visually removed from the surrounding neighborhood; the improvements will be integrated into the existing development on the site; and, the Historic Landmarks Commission (HLC) has commented that the project is compatible (Exhibit D).

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. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

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

- B. **Written Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 8, 2016 is limited to a new playground, new patio, and the improvements shown on the plans signed by the chairperson 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 Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. 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 HLC, the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit are required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- C. **Design Review.** The project is subject to the review and approval of the Historic Landmarks Commission. Prior to final approval:
1. Include a gravel drainage layer below the permeable playground with sufficient capacity for the 1", 24 hour storm.
 2. For the permeable paver patio cross-section detail specify the brand and product (i.e. model) of permeable paver that will be installed. Make sure that the selected product is designed for permeable installations. Also, include a note that the gravel retention pit layer will be compacted in 4-6" lifts. This is an ICPI specification to prevent shifting and settling. In addition, all base material should be specified as washed, open graded (no sand), crushed (angular) aggregate.
 3. Provide specifications for the permeable playground material on the plans. It must be demonstrated that a permeable material will be installed.
- 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. 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. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department**

- a. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87. Tier 2 projects are required to use at least one BMP from Chapter 5 of the City's Storm Water BMP Guidance Manual.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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.

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. **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 number(s), 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 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 Public Works Director with a Public Works permit.

3. **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. **Prior to Certificate of Occupancy.** 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. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist

- G. **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.

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 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.

IV. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

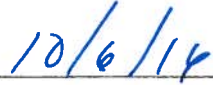
This motion was passed and adopted on the 8th day of September, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.