

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

**RECORD PACKET COPY**

DATE: March 23, 2005

TO: Commissioners and Interested Parties

FROM: Jack Ainsworth, South Central Coast Deputy Director
Gary Timm, District Manager
Steve Hudson, Supervisor of Planning and Regulations *SH*
Melissa Hetrick, Coastal Program Analyst

SUBJECT: City of Santa Barbara Local Coastal Program Amendment No. SBC-MAJ-1-05 (2109 Cliff Dr.) for Public Hearing and Commission Action at the California Coastal Commission hearing of March 17, 2005 in Newport Beach.

DESCRIPTION OF THE SUBMITTAL

On January 31, 2005 the City of Santa Barbara submitted a request to amend the land use plan and implementation plan portions of its certified Local Coastal Program (LCP) to change the land use designation of a 15,228 square foot lot located at 2109 Cliff Drive in the City's West Mesa neighborhood. City Council Resolution No. 04-091 would change the land use designation for the property on the City's certified Coastal Plan Map from five residential dwelling units per acre to 12 residential dwelling units per acre. City Council Ordinance No. 5338 would change the zoning of the property on the certified Zoning Ordinance Map from One-Family Residential/Coastal Overlay Zone (E-3/S-D-3) to Two-Family Residential/Coastal Overlay Zone (R-2/S-D-3).

On February 14, 2005, the Executive Director determined that the City's Amendment was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). Pursuant to Coastal Act Section 30513 and California Code of Regulations Section 13542(b), the Commission must take action on this amendment by May 15, 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the Land Use Plan and Implementation Program/Zoning Ordinance (IP) amendment as submitted. As discussed in the findings set forth in this report, the City's proposed LCP Amendment conforms with, and is adequate to carry out, the relevant provisions of the City's certified Land Use Plan and the Coastal Act. The motion and resolution for Commission action is on page 3.

Substantive File Documents: City of Santa Barbara, City Council Resolution No. 04-091 dated 11/2/04; City of Santa Barbara, City Council Ordinance No. 5338 dated 11/2/04.

For additional information please contact Melissa Hetrick at the South Central Coast District Office: 89 South California St., Ste. 200, Ventura, CA 93001 or 805-585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan (LUP) amendment is whether the LUP amendment is consistent with the policies of Chapter 3 of the Coastal Act.

Section 30513 of the Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the Commission shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the Commission's rejection in a manner other than as suggested by the Commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the Commission.

The standard of review used by the Commission for the proposed Implementation Program/Zoning Ordinance amendment is whether or not the proposed amendment is in conformance with, and adequate to carry out the provisions of the Land Use Plan.

The City of Santa Barbara's Coastal Zoning Ordinance implements the City's Land Use Plan/Coastal Plan and policies. It serves to integrate the City of Santa Barbara Coastal Plan with the adopted Santa Barbara General Plan and Zoning Ordinance as applied to the Coastal Zone. The Coastal Zoning Regulations and Maps set forth regulations, standards, and procedural requirements for development within the Coastal Zone and establish required consistency with the policies of the LCP Coastal Plan.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the proposed amendment on December 12, 2002 and August 19, September 23, October 26, and November 2, 2004. During these hearings, the City received verbal and written comments regarding the project from concerned parties and members of the public. All hearings were noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, a City resolution for submittal may provide that a Local Coastal Program Amendment will either require formal adoption by the local government after the Commission action to approve, or is an amendment that will take effect automatically upon the Commission's approval. In this case, City Council Resolution No.04-091 and Ordinance No. 5338 state that the amendment will take effect thirty days after Commission approval (**Exhibits 4 and 5**). If the commission approves the amendment as submitted, no further action will be necessary.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/COASTAL PLAN (LUP/CP)

Following public hearing, staff recommends that the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided prior to each resolution.

A. CERTIFICATION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission certify Amendment SBC-MAJ-1-05 to the City of Santa Barbara Land Use Plan/Coastal Plan as submitted by the City of Santa Barbara.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby **certifies** Land Use Plan Amendment SBC-MAJ-1-05 as submitted by the City of Santa Barbara and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PROGRAM/COASTAL ZONING ORDINANCE (IP/CZO)

Following public hearing, staff recommends that the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided just prior to each resolution.

A. CERTIFICATION OF THE IMPLEMENTATION PROGRAM/COASTAL ZONING ORDINANCE AS SUBMITTED

MOTION II: *I move that the Commission reject the City of Santa Barbara Implementation Program / Zoning Ordinance Amendment SBC-MAJ-1-05 as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program / Zoning Ordinance amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby **certifies** certification of the Implementation Program/Zoning Ordinance Amendment SBC-MAJ-1-05 for the City of Santa Barbara as submitted and adopts the findings set forth below on grounds that the Implementation Program/Zoning Ordinance Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program/Zoning Ordinance amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse

effects of the Implementation Program/Zoning Ordinance Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program/Zoning Ordinance Amendment.

IV. FINDINGS AND DECLARATIONS FOR APPROVAL OF THE LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM/ZONING ORDINANCE AMENDMENT AS SUBMITTED

The following findings support the Commission's approval of the LUP and implementation Program/Zoning Ordinance amendment as submitted. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The City proposes to amend its certified Local Coastal Program (LCP) to change the Land Use Plan/Coastal Plan and Zoning Ordinance designations for a 15,228 square foot (0.35 acres) property located at 2109 Cliff Drive (APN 045-083-007). City of Santa Barbara City Council Resolution No. 04-091 would change the land use designation for the property on the Coastal Plan Map from five residential dwelling units per acre to 12 residential dwelling units per acre (**Exhibit 4**). City of Santa Barbara City Council Ordinance No. 5338 would change the zoning of the property on the Zoning Ordinance Map from One-Family Residential and Coastal Overlay Zone (E-3/S-D-3) to Two-Family Residential and Coastal Overlay Zone (R-2/S-D-3) (**Exhibit 5**).

The subject property is located at the southeast corner of Cliff Drive and Oliver Road in the City of Santa Barbara's West Mesa Neighborhood (**Exhibit 1**). The property is located in Component Two of the LCP and is in the non-appeal jurisdiction of the Coastal Zone. The Coastal Plan describes this area as almost entirely developed with single-family residences with a few areas of multiple family residential located primarily around the commercial center at the intersection of Cliff Drive and Meigs Road. The subject parcel is located near the commercial centers at the Cliff Drive and Meigs Road intersection and fronts on Cliff Drive and Oliver Road. Multiple-family (R-2) residences are located immediately east of the subject parcel and across Cliff Drive to the north. Single-family residences (E-3) are located south and west of the subject lot (**Exhibit 2**).

The site is currently developed with a 1,500 sq. ft. single-family residence with garage and storage building. No environmentally sensitive habitat areas exist on the site. The site is located over 2,000 feet from the nearby Mesa bluffs and is not between the sea and the first public road paralleling the sea. The Santa Barbara Coastal Plan maps currently designate this parcel as outside of any areas designated as visually sensitive, biologically sensitive, geologically hazardous, or culturally or historically significant.

Amending the land use designation in the Coastal Plan from Residential-5 units per acre to Residential-12 units per acre would increase the density of development at the subject lot. Rezoning the lot from E-3/S-D-3 to R-2/S-D-3 would change the density, type of development, and development standards that apply to the lot. The current E-3/S-D-3 zoning allows for single-family development, while the proposed R-2/S-D-3 zoning allows for duplex development, including condominium development. The Coastal Overlay Zone (S-D-3) designation would not change as a result of the proposed LCP amendment. The following summarize the zoning standards that apply to the existing E-3 and proposed R-2 zoning categories:

Zoning Standards	E-3	R-2
Maximum height	30'	30'
Minimum lot size for new lots	7,500 sq. ft.	7,000 sq. ft.
Units allowed based on lot area	One single family residence only	3,500 sq. ft. per unit if lot >7,000 sq. ft.
Front yard setbacks	20'	15-20' depending on size and layout
Interior/Rear yard setbacks	6'	6'
Open yard	1,250 sq. ft. all in one area	1,250 sq. ft. Can be in three different locations
Distance between buildings	20'	10' one story; 15' two story

C. ISSUE ANALYSIS

Extending the 12-units per acre and R-2 zone designations to the parcel located at 2109 Cliff Drive raise coastal issues associated with new development, including neighborhood compatibility and preserving views. The following are policies of the Coastal Act and City of Santa Barbara Coastal Plan relevant to these issues:

Section 30250 of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the

alternation of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Policy 5.3 of the City of Santa Barbara Coastal Plan states:

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

Policy 3.3 of the City of Santa Barbara Coastal Plan states:

New development proposals within the coastal zone which would generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development

Policy 9.1 of the City of Santa Barbara Coastal Plan states:

The existing views to, from, and along the ocean and scenic coastal areas shall be protected preserved, and enhanced.

Section 30251 of the Coastal Act and Policy 5.3 of the City of Santa Barbara Coastal Plan require new development be sited and designed to be compatible with the character of surrounding areas. The subject parcel is currently zoned for residential development with a coastal zone overlay. The only changes proposed are in the allowed density and type of residential development at the site. The subject parcel is in the middle of an area almost entirely developed with single-family and multiple family residences, with a commercial center nearby. Areas with the 5-units per acre and E-3 one-family residence designation are located directly south and west of the subject parcel on Oliver Road. Areas with the 12-units per acre and R-2 two-family designation are located directly east of the parcel on Cliff Drive and Elise Way and across Cliff Drive

to the north of the parcel (**Exhibit 2 and 3**). The proposed amendments to the Coastal Plan and Zoning Ordinance maps would extend the transition area between the existing condominium developments and single-family residences onto Oliver Road, which is currently zoned entirely as single-family residential. While the potential development density would be larger for the site, the R-2/S-D-3 zone development standards require the same height limitations and similar rear, side, and front yard setbacks as the existing E-3/S-D-3 zone. Given the close proximity to existing condominium developments, the proposed amendment would not significantly change the prevailing character of the established neighborhood.

Section 30250 and 30252 of the Coastal Act and Policies 3.3 and 5.3 of the City of Santa Barbara Coastal Plan require new development be located contiguous with existing developed areas with adequate public services and parking and where there will not be significant adverse effects on coastal resources. The subject parcel is contiguous with existing residential and commercial development with urban public services such as water, sewer, electrical services, and major public roadways. Complete build out of the 15,228 square foot lot at 2109 Cliff Drive under the proposed R-2/S-D-3 zone would allow four new multi-family units on the site, with provisions for an increased number of units if a proposed development were to provide low to moderate income residences. The existing E-3/S-D-3 allows one single-family unit on the site. Given the existing condominium units and commercial areas adjacent to the subject parcel, complete build out of this site under the proposed zoning would not substantially alter or burden existing public circulation and public services in the area. The increased development density would not have the potential to impact or limit recreation in or around the parcel and would create a minimal increase in demand on the City's recreational facilities. Additionally, the parcel would still be subject to existing parking ordinances (City of Santa Barbara Ordinance 28.90.100), requiring two off-street parking spots for each one-family unit and four off-street parking spots for each two-family unit. These provisions would prevent the overburdening of on-street parking resources in the area.

Section 30251 of the Coastal Act and Policy 9.1 of the City of Santa Barbara Coastal Plan require that the scenic and visual qualities of coastal areas shall be protected. In this case, the subject parcel is relatively flat with no direct views to or from the ocean. Additionally, the site is not located in any areas designated by the Coastal Plan as visually sensitive, nor would the parcel be visible from any highways or roads designated as scenic in the City's Coastal Plan. Views of the ocean are possible down the corridor of Oliver Road, although potential new development at 2109 Cliff Drive would not alter this view corridor. Additionally, development of the site at the proposed higher density would not require any additional landform alternation than would be required to develop the site consistent with the existing low-density zoning. The proposed amendment would, therefore, not adversely impact scenic and visual qualities of the coastal zone.

The commission, therefore, finds that the proposed amendment to the certified LCP would not cause significant adverse effects on coastal resources and is consistent with the policies of the City of Santa Barbara Coastal Plan and the Coastal Act.

VI. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the City of Santa Barbara's certified Local Coastal Program Land Use Plan and Implementation Ordinance. The Commission originally certified the City of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1986, respectively. For the reasons discussed in this report, the LCP amendment, as submitted, is consistent with the applicable policies of the Coastal Act and the certified Coastal Land Use Plan. No feasible alternatives or mitigation are available which would lessen any significant adverse effect that the approval would have on the environment. Therefore, the Commission finds that the LCP amendment, as submitted, is consistent with CEQA and the Coastal Land Use Plan.

Area in Context

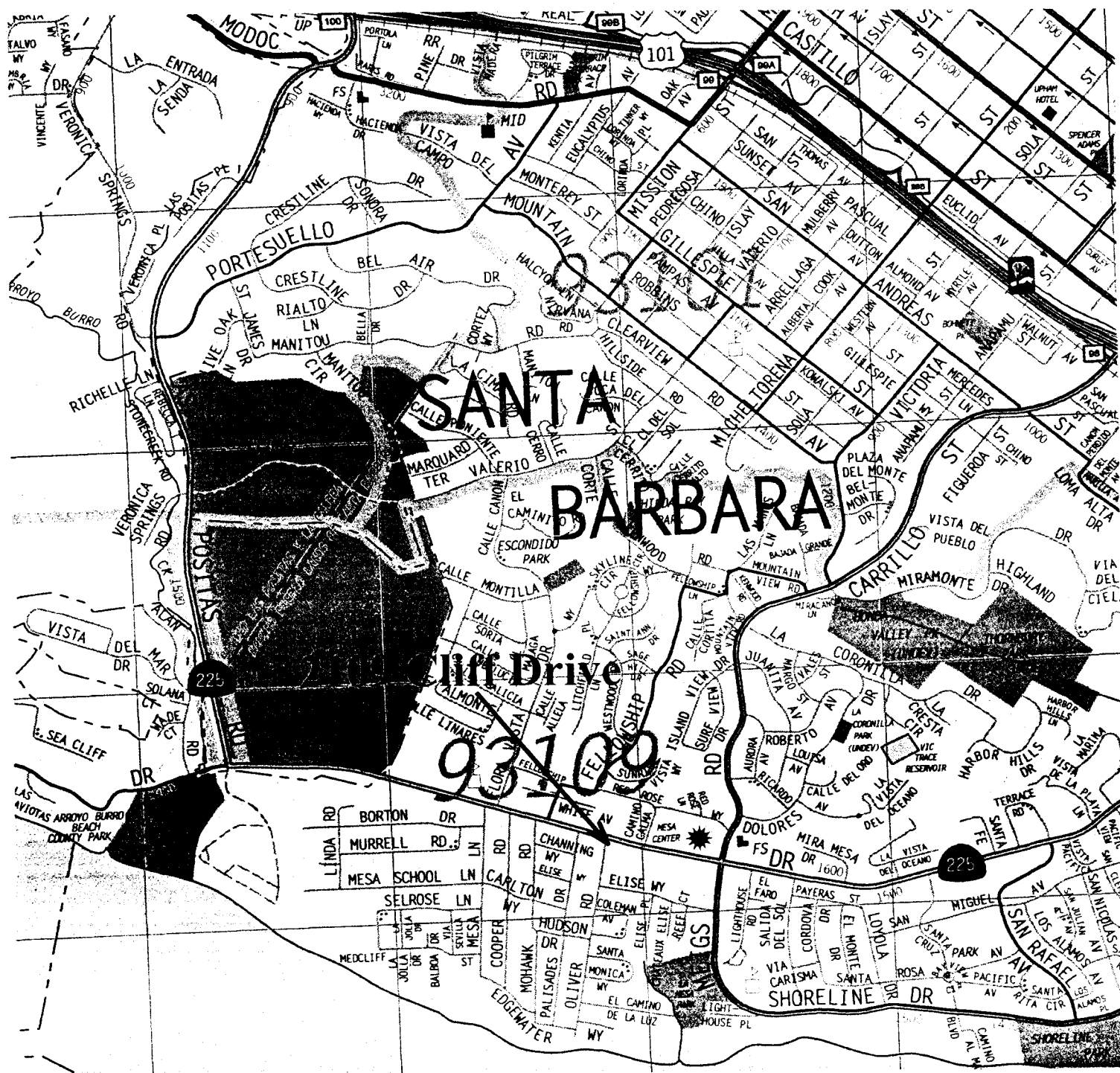


Exhibit 1
SBC-MAJ-1-05
Area in
Context

Current Zoning

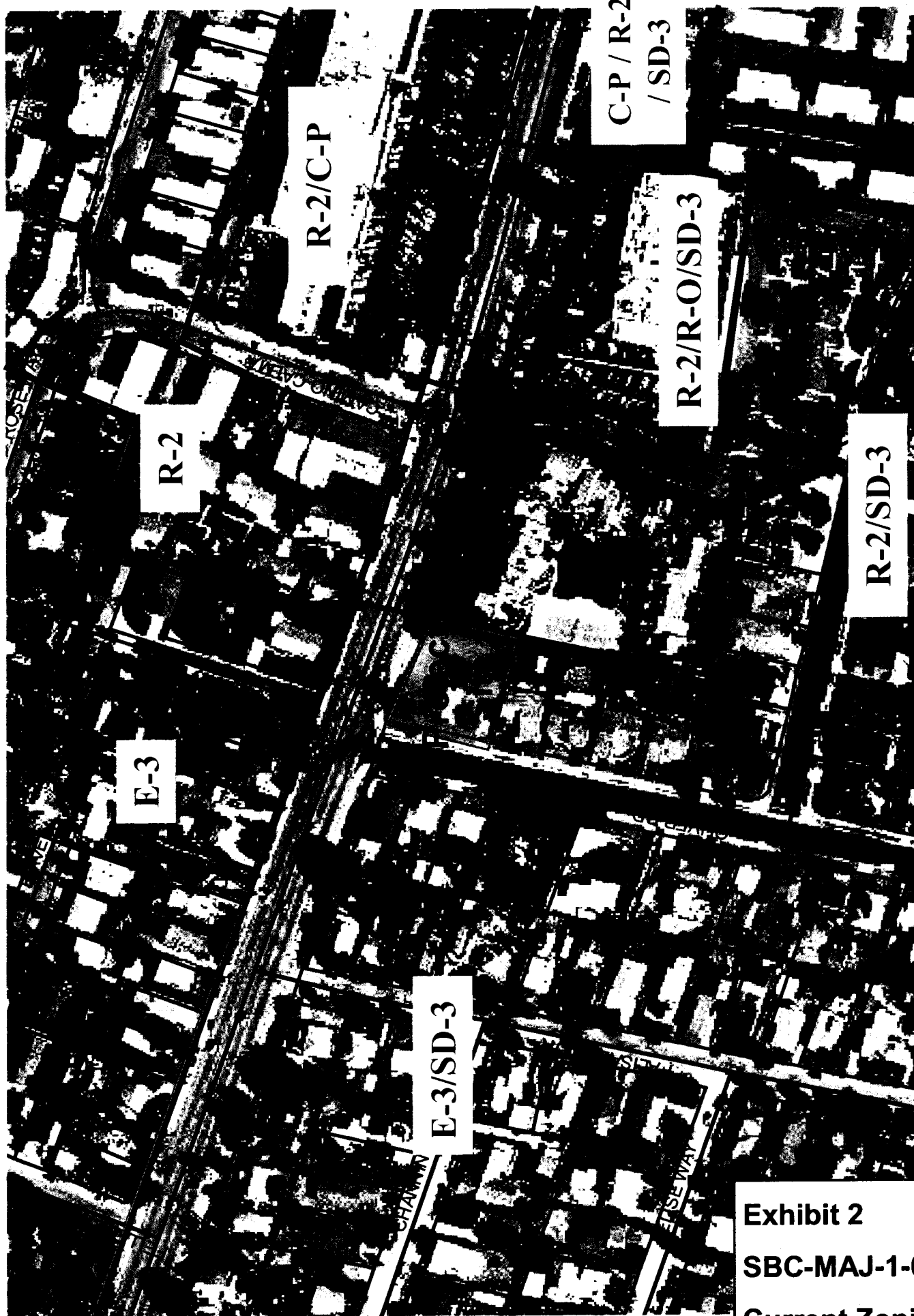


Exhibit 2
SBC-MAJ-1-05
Current Zoning

Proposed Re-Zone



Exhibit 3
SBC-MAJ-1-05
Proposed Rezone

RESOLUTION NO. 04-091

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE GENERAL PLAN MAP
AND COASTAL PLAN MAP FOR A CERTAIN PROPERTY
LOCATED IN THE WEST MESA NEIGHBORHOOD**

WHEREAS, on September 23, 2004, the Planning Commission conditionally approved a five-unit condominium development located at 2109 Cliff Drive; and

WHEREAS, the Planning Commission approval is conditioned upon the City Council rezoning 2109 Cliff Drive and amending the General Plan and Coastal Plan land use designation for the property;

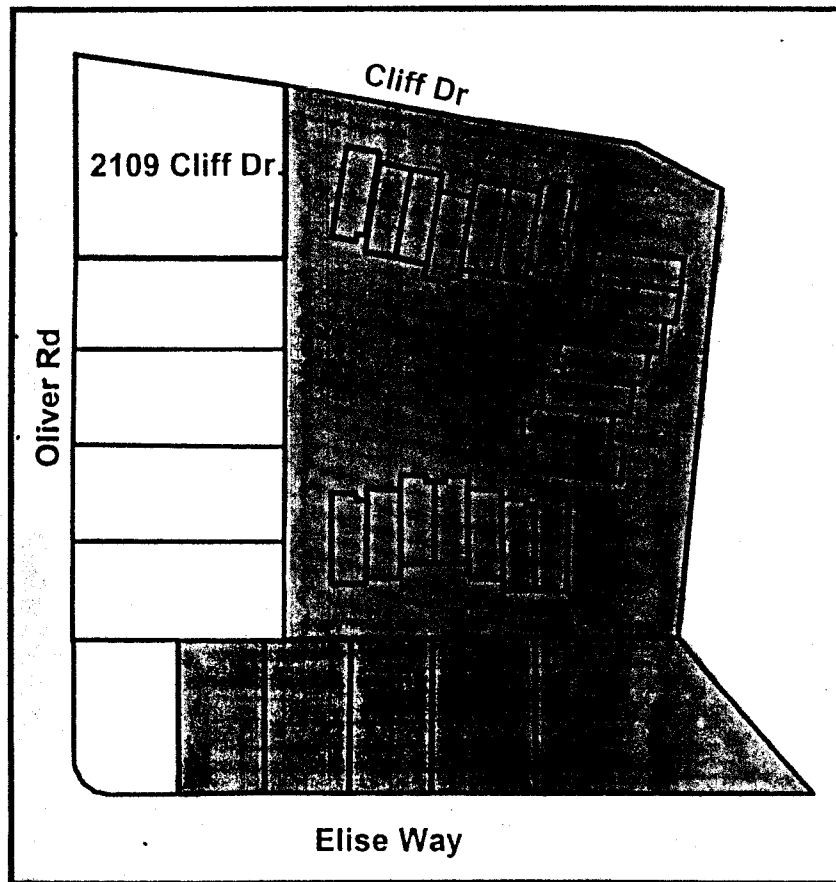
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The General Plan Map and Coastal Plan Map of the City of Santa Barbara are hereby amended to change the land designation for the property located at 2109 Cliff Drive (APN 045-083-007) from five dwelling units per acre to 12 dwelling units per acre, as indicated on the attached exhibits.

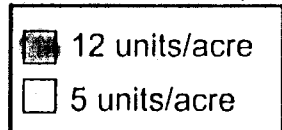
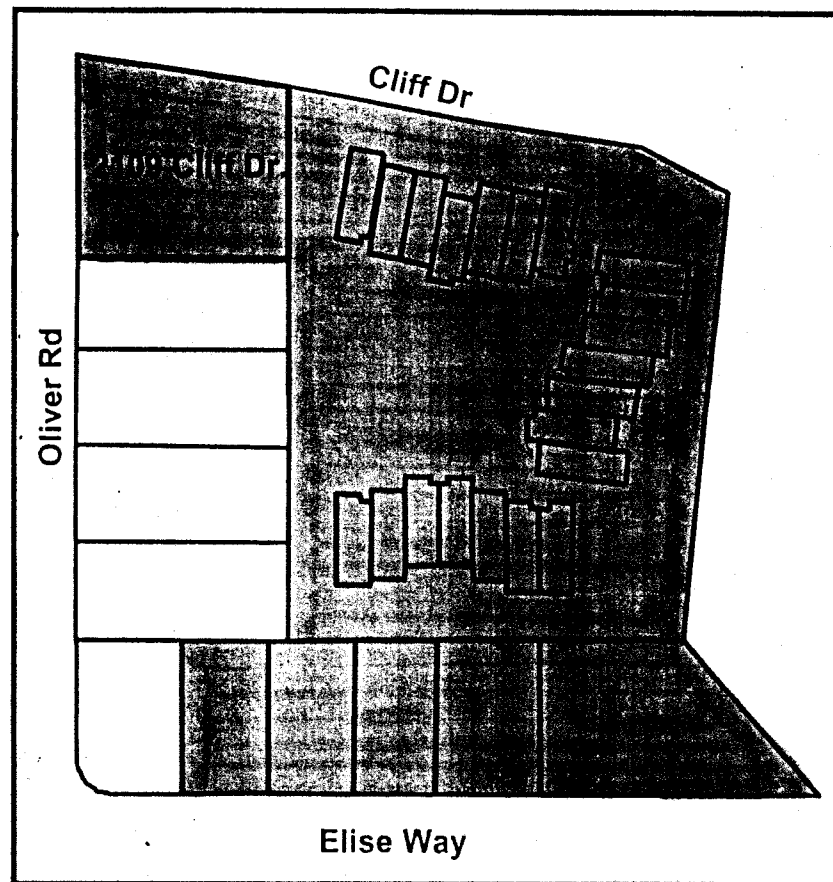
SECTION 2. These amendments shall become effective thirty days after certification by the California Coastal Commission.

Exhibit: A. General Plan Map Designation
 B. Coastal Plan Map Designation

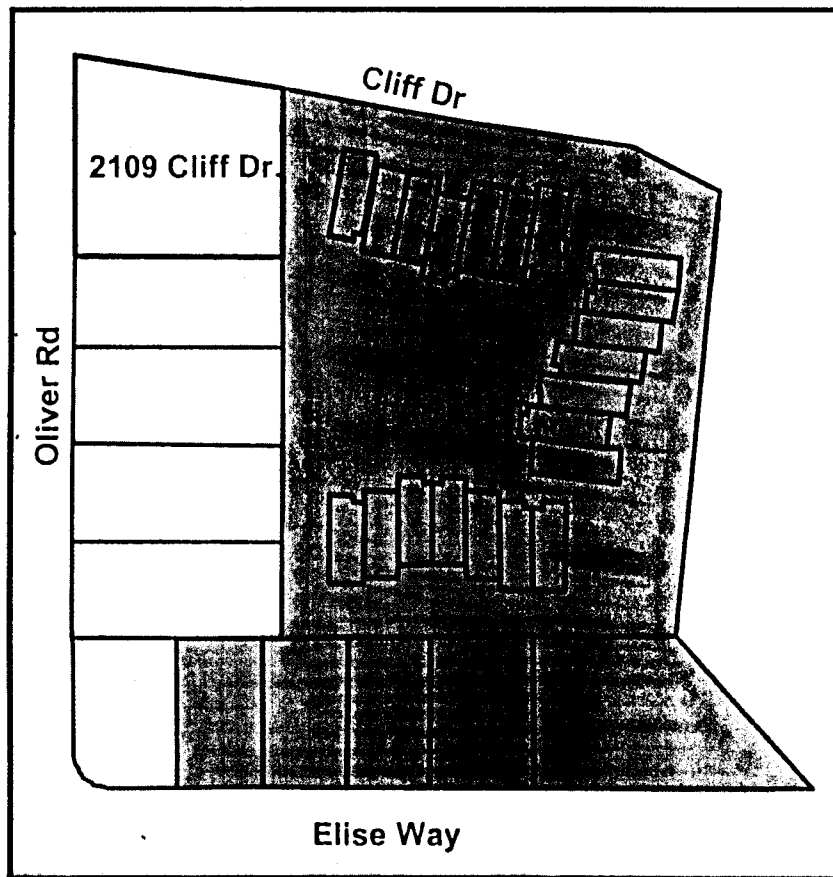
CURRENT
General Plan Designation



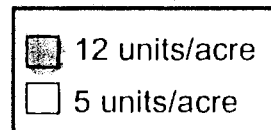
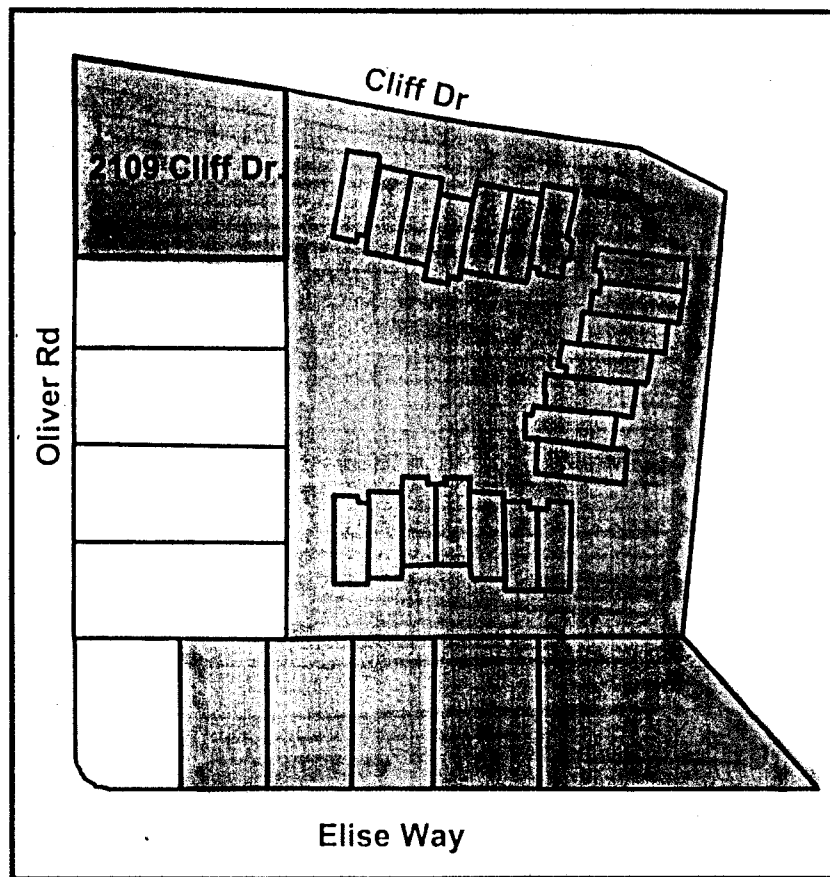
NEW
General Plan Designation



CURRENT
Coastal Plan Designation



NEW
Coastal Plan Designation



RESOLUTION NO. 04-091

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

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on November 2, 2004, by the following roll call vote:


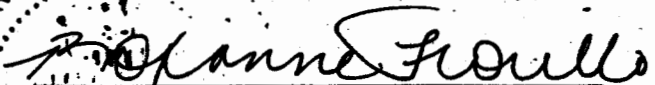
AYES: Councilmembers Brian B. Barnwell, Roger L. Horton, Helene Schneider, Dan B. Secord; Mayor Pro Tempore Iya G. Falcone

NOES: None

ABSENT: Councilmember Das Williams; Mayor Marty Blum

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on November 3, 2004.



Roxanne Fiorillo, CMC
Senior Deputy City Clerk

I HEREBY APPROVE the foregoing resolution on November 3, 2004.


Iya G. Falcone
Mayor Pro Tempore

ORDINANCE NO. 5338

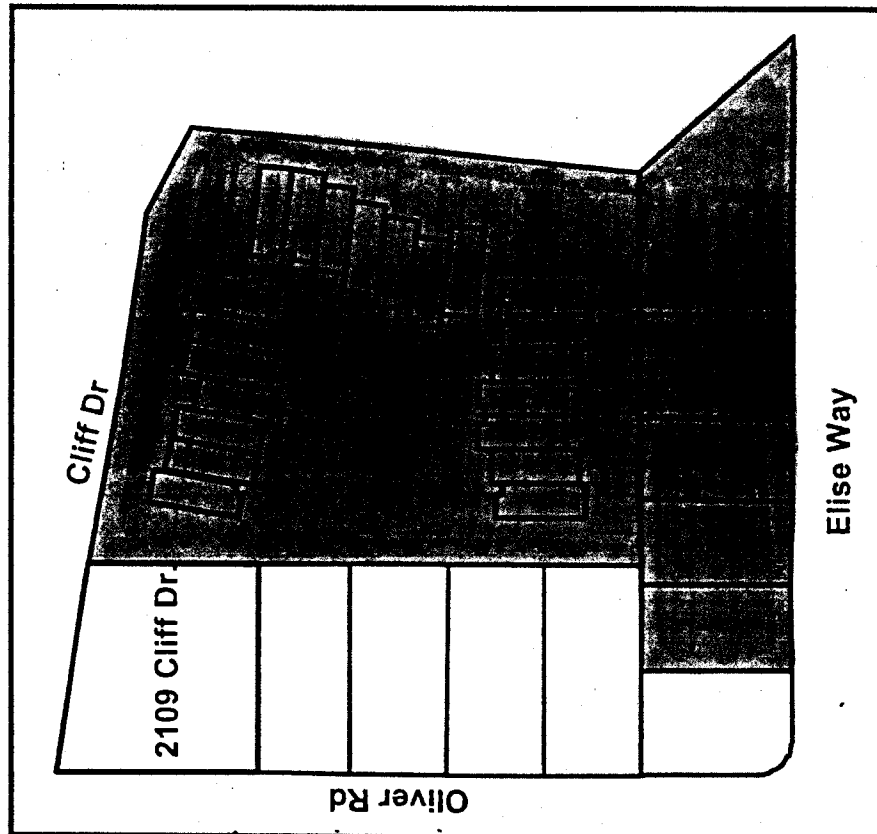
**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE
MAP) OF TITLE 28 OF THE MUNICIPAL CODE
PERTAINING TO THE REZONING OF PROPERTY IN THE
WEST MESA NEIGHBORHOOD**

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

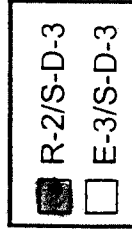
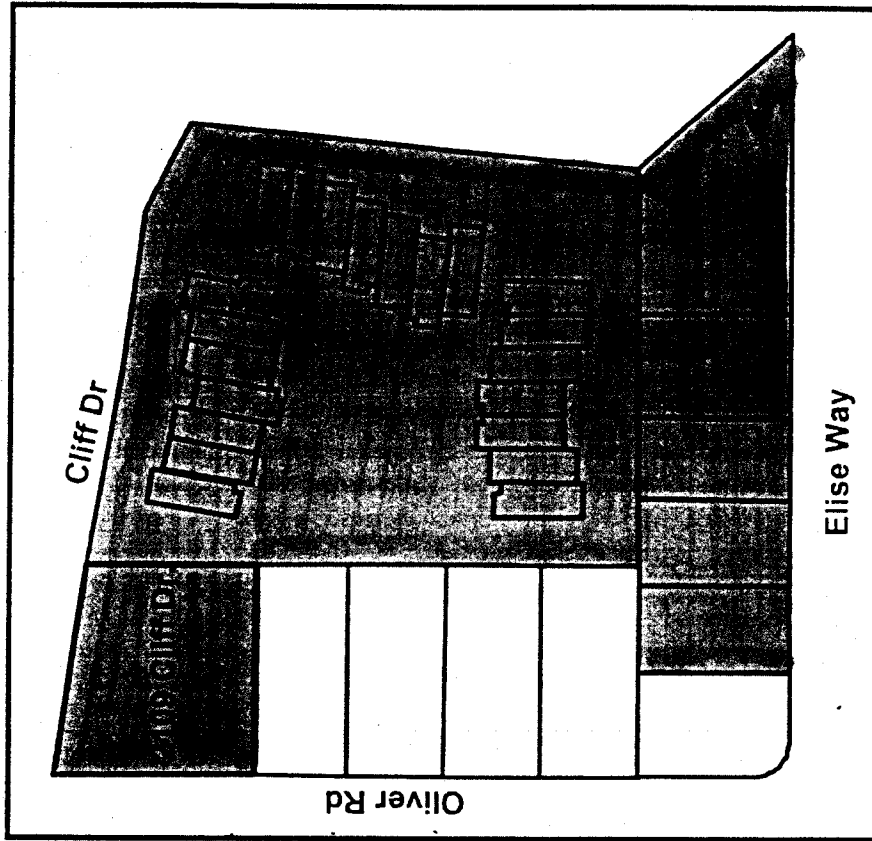
SECTION 1. Sectional Zone Map SE03 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended by changing the zoning of the property located at 2109 Cliff Drive (APN 045-083-007) from E-3/S-D-3 to R-2/S-D-3 as indicated in the attached exhibit.

SECTION 2. This amendment shall become effective thirty days after certification by the California Coastal Commission.

CURRENT
Zoning



NEW
Zoning



ORDINANCE NO. 5338

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

I HEREBY CERTIFY that the foregoing ordinance was introduced on October 26, 2004, and was adopted by the Council of the City of Santa Barbara at a meeting held on November 2, 2004, by the following roll call vote:

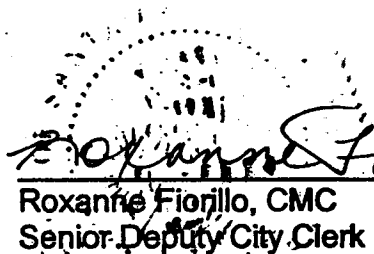
AYES: Councilmembers Brian B. Barnwell, Roger L. Horton, Helene Schneider, Dan B. Secord; Mayor Pro Tempore Iya G. Falcone

NOES: None

ABSENT: Councilmember Das Williams; Mayor Marty Blum

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on November 3, 2004.


Roxanne Fiorillo
Roxanne Fiorillo, CMC
Senior Deputy City Clerk

I HEREBY APPROVE the foregoing ordinance on November 3, 2004.



Iya G. Falcone
Mayor Pro Tempore

