

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th 7b

DATE: March 19, 2009

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director, South Central Coast District
Steve Hudson, District Manager
Shana Gray, Supervisor
James Johnson, Coastal Program Analyst

SUBJECT: City of Santa Barbara Local Coastal Program Amendment MAJ-3-08 (Coast Village Road/Olive Mill Road Rezone) for Public Hearing and Commission Action at the April 9, 2009 Commission Meeting in Oxnard.

DESCRIPTION OF THE SUBMITTAL

The City of Santa Barbara is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to change the Zoning Designation and Map of one parcel (APN 009-230-043) from R-2 (Two-Family Residential) to C-1 (Limited Commercial Zone). The subject parcel is a 7,150 sq. ft. lot located at 1298 Coast Village Road at the corner of Coast Village Road and Olive Mill Road in the Montecito area but within the limits of the City of Santa Barbara (Exhibit 1). The existing certified LCP designates the subject parcel with a land use designation of Commercial and a zoning designation of residential (R-2). The proposed LCP Amendment will modify the Zoning Designation and the Zoning Map to designate the subject parcel as C-1 which will bring the zone designation into conformance with the existing, certified Commercial land use designation. Specifically, this amendment proposes to modify the Zoning Designation and Map of this 7,150 sq. ft. lot from Two-Family Residential and Coastal Overlay Zone (R-2/S-D-3) to Commercial and Coastal Overlay Zone (C-1/S-D-3).

The LCP amendment was submitted to the Commission on November 13, 2008. The submittal was deemed complete and filed on November 26, 2008. The time limit to act upon this LCP Amendment was 60 days, unless extended pursuant to Section 30517 of the Coastal Act and California Code of Regulations Section 13535(c). The time limit for this amendment was extended for an additional year, at the January 7, 2009 Commission hearing. The extended deadline for Commission action is November 25, 2009.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** the proposed LCP amendment as submitted. The standard of review for the proposed amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) is that the CZO/IP amendment must be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Santa Barbara certified Local Coastal Program. The proposed

amendment will resolve an internal conflict within the existing certified LCP wherein the zoning on the subject parcel is not consistent with the land use designation. Given that the standard of review is the Land Use Plan, the City of Santa Barbara is proposing to remedy the conflict by bringing the zone district into conformance with the land use designation.

The proposed LCP amendment is project-driven in association with an overarching mixed use development project that is proposed on the subject lot as well as an adjacent lot to the south which is already zoned C-1 (Limited Commercial Zone). The mixed use project would include a mix of commercial and residential uses and be located entirely within the coastal zone. The mixed used development project is not within the Commission's geographic appeal area or otherwise appealable to the Coastal Commission. The proposed amendment will result in the existing residential zone district on the subject parcel to be changed to limited commercial uses, which allows for a variety of general commercial uses including some visitor-serving commercial uses. Residential development is also an allowed use in Limited Commercial zones, and under the City's certified LCP, this is the appropriate designation to allow such mixed use development. The subject amendment is necessary to allow for a mixed use project, subject to all other provisions of the certified LCP and C-1 zone district.

The majority of the Coastal Act's Chapter 3 policies have been incorporated as guiding policies (Policy 1.1) in the certified City of Santa Barbara LUP. Staff has reviewed the proposed amendment and as discussed in the findings set forth in this report, the proposed amendment conforms with, and is adequate to carry out, the requirements of the City of Santa Barbara Land Use Plan (LUP) and Chapter 3 of the Coastal Act, as incorporated into the City's LUP.

Staff recommends that in order to take this action, the Commission, after public hearing, **approve** the amendment to the certified LCP as submitted. The motion to accomplish this recommendation is found on **page 5**.

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EXHIBITS

- Exhibit 1: Vicinity Map
- Exhibit 2: Land Use Plan Map
- Exhibit 3: Current & Proposed Zoning Map
- Exhibit 4: Project Site Plan (Informational Purposes Only)
- Exhibit 5: Project East Elevation (Informational Purposes Only)
- Exhibit 6: Project South Elevation (Informational Purposes Only)
- Exhibit 7: City of Santa Barbara Resolution No. 5461
- Exhibit 8: Aerial Photo

SUBSTANTIVE FILE DOCUMENTS: City of Santa Barbara Coastal Plan, certified in May 1981, as amended; City of Santa Barbara Council Staff Report, dated July 15, 2008; Santa Barbara City Council Meeting Minutes, dated July 15, 2008; City of Santa Barbara Planning Commission Staff Report, dated March 31, 2005 and March 4, 2008; City of Santa Barbara Planning Commission Meeting Minutes, dated March 13, 2008; City of Santa Barbara Mitigated Negative Declaration adopted 8/19/08; and Santa Barbara City Council Ordinance No. 5461.

<p>Additional Information: Please contact James Johnson, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.</p>
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I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act 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 30513)

The standard of review that the Commission uses in reviewing the proposed amendment to the Implementation Plan, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Santa Barbara certified Local Coastal Program. In addition, the majority of the Coastal Act's Chapter 3 policies have been incorporated as guiding policies (Policy 1.1) in the certified City of Santa Barbara LUP.

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 (Planning Commission Hearings on April 7, 2005 and March 20, 2008, and City Council Hearings on July 15, 2008, August 12, 2008 and August 19, 2008) and received written comments regarding the proposed amendment from concerned parties and members of the public. The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment MAJ-3-08 has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolution for this amendment states that the amendment will take effect immediately upon California Coastal Commission certification of this amendment. Should the Commission approve the LCP Amendment, as submitted, no further action is required by either the Commission or the City.

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

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

A. APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION: *I move that the Commission reject the City Santa Barbara Implementation Program Amendment SBC-MAJ-3-08 as submitted.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **NO** vote. Following staff's recommendation will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. Failure of this motion will result in the approval of the Amendment as submitted. Passage of the motion will result in the rejection of the proposed amendment. The motion passes only by an affirmative ("yes") vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for City of Santa Barbara SBC-MAJ-3-08 as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan and certification of the Implementation Program 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 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 Amendment.

III. FINDINGS FOR APPROVAL AS SUBMITTED OF THE LOCAL COASTAL PROGRAM AMENDMENT IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

A. AMENDMENT DESCRIPTION

The City of Santa Barbara is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to change the Zoning Designation and Map of one parcel (APN 009-230-043) from R-2 (Two-Family Residential) to C-1 (Limited Commercial Zone). The subject parcel is a 7,150 sq. ft. lot located at 1298 Coast Village Road at the corner of Coast Village Road and Olive Mill Road in the Montecito area but within the limits of the City of Santa Barbara (Exhibit 1). The existing certified LCP designates the subject parcel with a land use designation of Commercial and a zoning designation of R-2 (Two-Family Residence Zone). The proposed LCP Amendment will modify the Zoning Designation and the Zoning Map to designate the subject parcel as C-1 which will bring the zone designation into conformance with the existing, certified Commercial land use designation. Specifically, this amendment proposes to modify the Zoning Designation and Map of this 7,150 sq. ft. lot from Two-Family Residential and Coastal Overlay Zone (R-2/S-D-3) to Commercial and Coastal Overlay Zone (C-1/S-D-3).

The City of Santa Barbara's Land Use Plan (LUP) was approved and certified by the Commission in 1981. The City of Santa Barbara Implementation Plan (Coastal Overlay Zone) was certified subsequently in November 1986 and the City assumed permitting authority at that time. The Implementation Plan included the addition of the S-D-3, Coastal Overlay Zone as a Special District codified in Section 28.44 of the City's Zoning Ordinance. The proposed change in the zone district does not affect the existing S-D-3 zone designation, which is a special district designation added to all properties located in the coastal zone. The existing and proposed zoning maps are shown in Exhibit 3.

B. BACKGROUND

1. Coast Village and Olive Mill Road Site Description and Background

The proposed LCP amendment is project-driven in association with an overarching mixed use project that is proposed on the subject lot as well as an adjacent lot to the south which is already zoned C-1 (Limited Commercial Zone). This mixed use project would be located entirely within the coastal zone and would not be within the Commission's geographic appeal area or otherwise appealable to the Coastal Commission. The proposed LCP amendment would allow the City to issue a Coastal Development Permit (CDP) (and Development Plan and Tentative Subdivision Map) for the mixed commercial and residential development on the overall 18,196 sq. ft. development site located at 1298 Coast Village Road. In fact, the City approved a CDP, a Development Plan, a Tentative Subdivision Map for the mixed use project when it approved the subject LCP amendment on August 19, 2008. The City has also submitted, on November 25, 2008, the notice of final action for the CDP to the Commission. The proposed development is not appealable

to the Coastal Commission; thus, there was no applicable 10-day appeal period for this CDP. The proposed mixed use development is not the subject of this LCP Amendment.

The proposed development site (comprised of the subject parcel and the adjacent parcel to the south) is located at the east end of the City of Santa Barbara on the east side of Coast Village Road at Olive Mill Road, just north of Highway 101. (Exhibits 1-8) Coast Village Road is primarily a commercial district with some subordinate residential development. Between the western end of Coast Village Road at Hot Springs Road to the eastern end at Olive Mill Road there is a mix of grocery store and general shopping center, restaurants, offices, hotels, a nursery, service stations, and other related commercial uses, and condominiums and apartments. The LCP land use plan designates the proposed development site for commercial uses, while the LCP zoning ordinance designates both lots with a split zoning, limited commercial (C-1) for the southern lot at the corner of Coast Village Road and Olive Mill Road and two family residential (R-2) for the northern lot along Olive Mill Road. The northern lot along Olive Mill Road is the subject of this LCP Amendment. The City proposes to change the zoning designation from Two Family Residential to Limited Commercial to bring the zoning into conformance with the Commercial land use designation. The southern parcel is currently developed with a service station at the corner of Coast Village Road and Olive Mill Road, while the northern subject lot is currently paved and used for parking. There is a line of non-native ficus trees located along the northern property boundary of the subject northern lot providing some privacy for the adjoining single family residence to the north along Olive Mill Road. The northern subject lot was developed with a single family residence in the late 1950's, it is now vacant, paved and used for parking.

Development surrounding the northern subject lot consists of a single family residence to the north, a commercial building and parking lot to the west, a service station to the south and across Coast Village Road to the south, a hotel, to the east is a single family residence.

2. Mixed Use Commercial and Residential Development

As stated above, the proposed LCP amendment is project-driven in association with an overarching mixed use development project that is proposed on the subject lot as well as an adjacent lot to the south which is already zoned C-1 (Limited Commercial Zone). The City has approved a coastal development permit for this three story, 35 ½ ft high, mixed use project, and has submitted on November 25, 2008 a notice of final action to the Commission, as required by California Code of Regulations, Title 14 (14 CCR), Section 13571. Because the project site is not located within the geographic appeals area, nor otherwise appealable to the Commission, there was no applicable 10-day appeal period. The project approved by the City consists of 5,000 sq. ft. of commercial space and 8 parking spaces on the first floor, 8 residential condominium units (13,416 sq. ft.) on the second and third floors, and 28 parking spaces below grade. The street frontage is proposed to be improved with 3 angled parking spaces, a fountain, bike racks, sidewalks and street trees (Exhibit 4). The existing service station is proposed to be demolished. Grading is approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

C. LAND USE AND NEW DEVELOPMENT

1. Coastal Act Policies

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30250 of the Coastal Act states, in relevant part:

(a) 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

2. Existing City of Santa Barbara LUP Policies

The City of Santa Barbara's Land Use Plan (LUP) was approved and certified by the Commission in 1981. The City of Santa Barbara Implementation Program (Coastal Overlay Zone) was certified subsequently in November 1986 and the City assumed permitting authority at that time. The Implementation Plan included the addition of the S-D-3, Coastal Overlay Zone as a Special District codified in Section 28.44 of the City's Zoning Ordinance. The Implementation Plan submittal also included Map A, defining the appealable and non-appealable areas in the City and the areas of retained permit jurisdiction of the Commission. In 1991, the Commission certified the final version of the "Post-LCP Certification Permit and Appeals Jurisdiction" maps for the City of Santa Barbara. The City of Santa Barbara's Local Coastal Program (LCP) has been amended several times since its original certification.

The certified LUP contains policies and provisions for new development, protection of visual resources, environmentally sensitive habitat, water quality, and public access and recreation, and other policies and provisions to protect coastal resources. In addition, most Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City LUP as guiding policies pursuant to Policy 1-1 of the LUP, including Sections 30222 and 30250.

The LUP requires that new development shall be located contiguous to existing developed areas of the City. The LUP policy section addressing "Locating New Development" identifies the subject site within "Component 7: North of U. S. 101 (between Pitos/Salinas/Ocean View and Olive Mill Road)". The subject site is located at the eastern

edge of Component 7 along Olive Mill Road and north of both U. S. Highway 101 and Coast Village Road. The LUP section on Land Use Map identifies the Coast Village Road area as a commercial area that would continue to include service stations, motels, restaurants, financial institutions and general commercial operations.

3. Discussion

Section 30250 and the above LUP policies and discussion support the location of new development in or near existing developed areas in order to maintain and/or improve public transit and parking. Section 30222 provides for the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation to have priority over private residential, general industrial or general commercial development. The Coastal Act requires that specific categories of development, including "Visitor Serving Commercial" development, receive priority over other non-priority development, such as Residential land uses.

The current LUP land use designation and the zoning designation for the subject lot are inconsistent. The LUP land use designation is Commercial while the zoning designation is Two-Family Residential. The LUP land use designation for the adjoining lot to the south located at the intersection of Coastal Village Road and Olive Mill Road is Commercial, and the zoning is Limited Commercial. On the subject lot, the City proposes to bring the zone district into conformance with the land use designation by assigning a C-1 Limited Commercial Zone District.

Limited Commercial (C-1) uses include the following uses: antique shop, service station, bakery, bank, barber or beauty shop, billiard parlor, bookstore, caterer, clothing store, club or lodge, confectionery store, drug store, dry cleaning, dry goods, florist, garden nursery, gift shop, grocery, hardware store, hotel, ice house, interior decorator, jewelry store, liquor store, meat market, offices, pet store, photographer, research and development, restaurant and bar, self service laundry, shoe store, stationary store, tailor, television and radio store, wig shop, veterinary hospital, and household hazardous waste collection facility. In addition, the uses permitted in the C-1 Zone incorporate, by reference, several other zone districts, including multi-family residential, provided that such uses be subject to the restrictions and limitations contained in the associated zoning code.

A few of these uses provide for visitor serving uses in addition to general commercial uses. The LUP Land Use Map Commercial designation allows for both visitor serving and general commercial uses along the Coast Village Road area. However, visitor serving land uses are not specifically required by the LUP in the Coast Village Road area. Residential development is also an allowed use in Limited Commercial zones.

This LCPA proposes to change the LCP Implementation Plan by amending the Zoning Ordinance map by changing the zoning of this 7,150 sq. ft. lot from Two-Family Residential and Coastal Overlay Zone (R-2/S-D-3) to Commercial and Coastal Overlay Zone (C-1/S-D-3). The S-D-3 Coastal Overlay Zone was a Special District designation added to all properties in the Coastal Zone (Ordinance No. 4430). The subject parcel was designated as being in the S-D-3 Zone as certified by the Coastal Commission in 1986. The proposed rezone of the property does not in any way affect its S-D-3 designation. Consistent with

sound planning practices, the rezone to the Limited Commercial Zone district would follow the current LCP land use designation of Commercial. As proposed, the LCP land use designation and zoning will now correspond. The C-1 zoning also requires projects on lots adjacent to residential zones to provide additional setbacks and height restrictions that provide for compatibility with the established neighborhood. The proposed Limited Commercial zone would be consistent with the existing zoning pattern of Coast Village Road. Therefore, the Commission finds that the proposed zoning designation and zoning map change is consistent with the Coastal Act and the Santa Barbara City certified Land Use Plan.

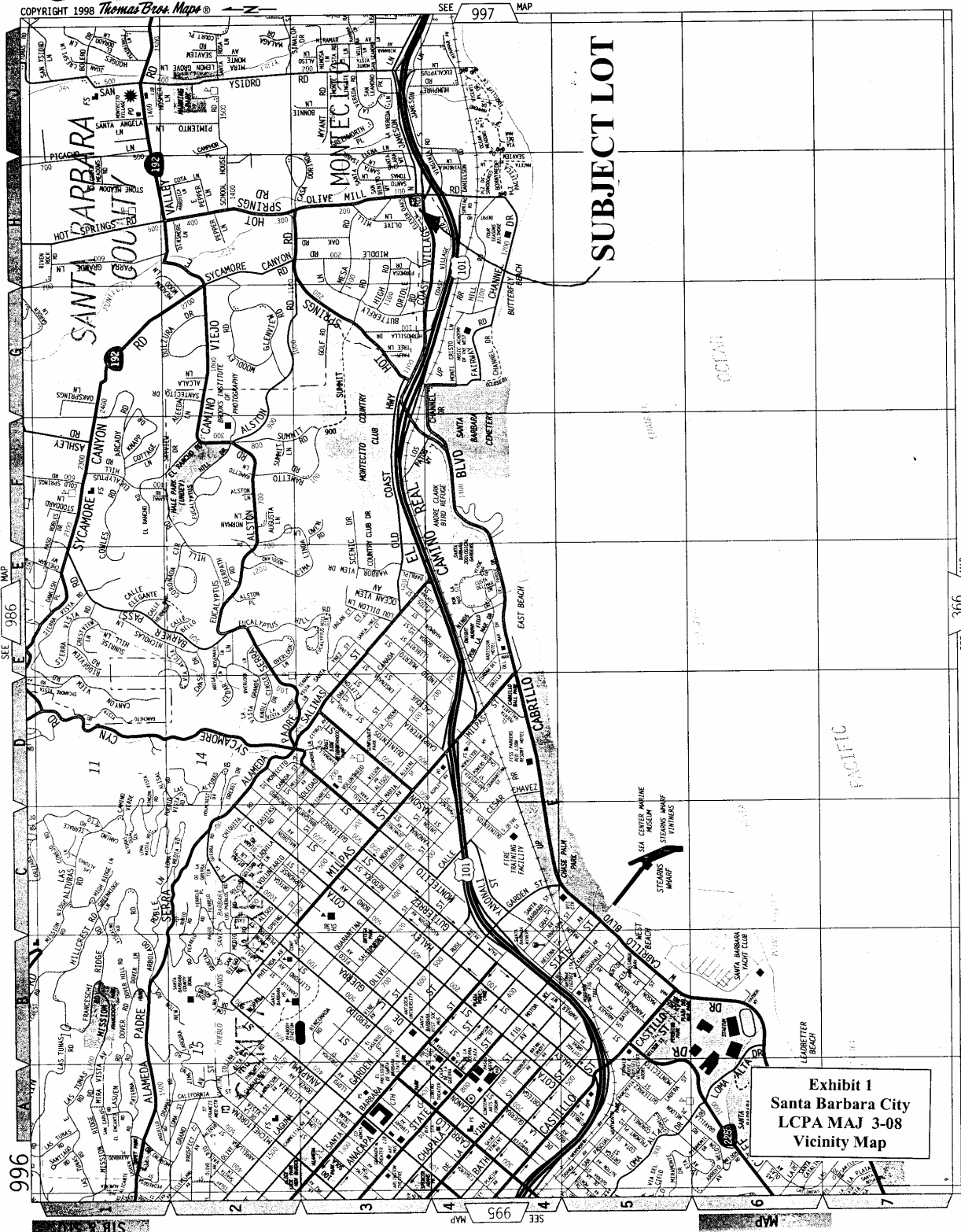
For the reasons states above, the Commission finds that the proposed zoning designation and zoning ordinance map amendment (Local Implementation Plan), as submitted, is consistent with and adequate to carry out the requirements of the City of Santa Barbara's certified LUP and Chapter Three of the Coastal Act.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Santa Barbara LCP Amendment MAJ 3-08 consists of an amendment to the Local Implementation Plan (IP) portions of the certified LCP.

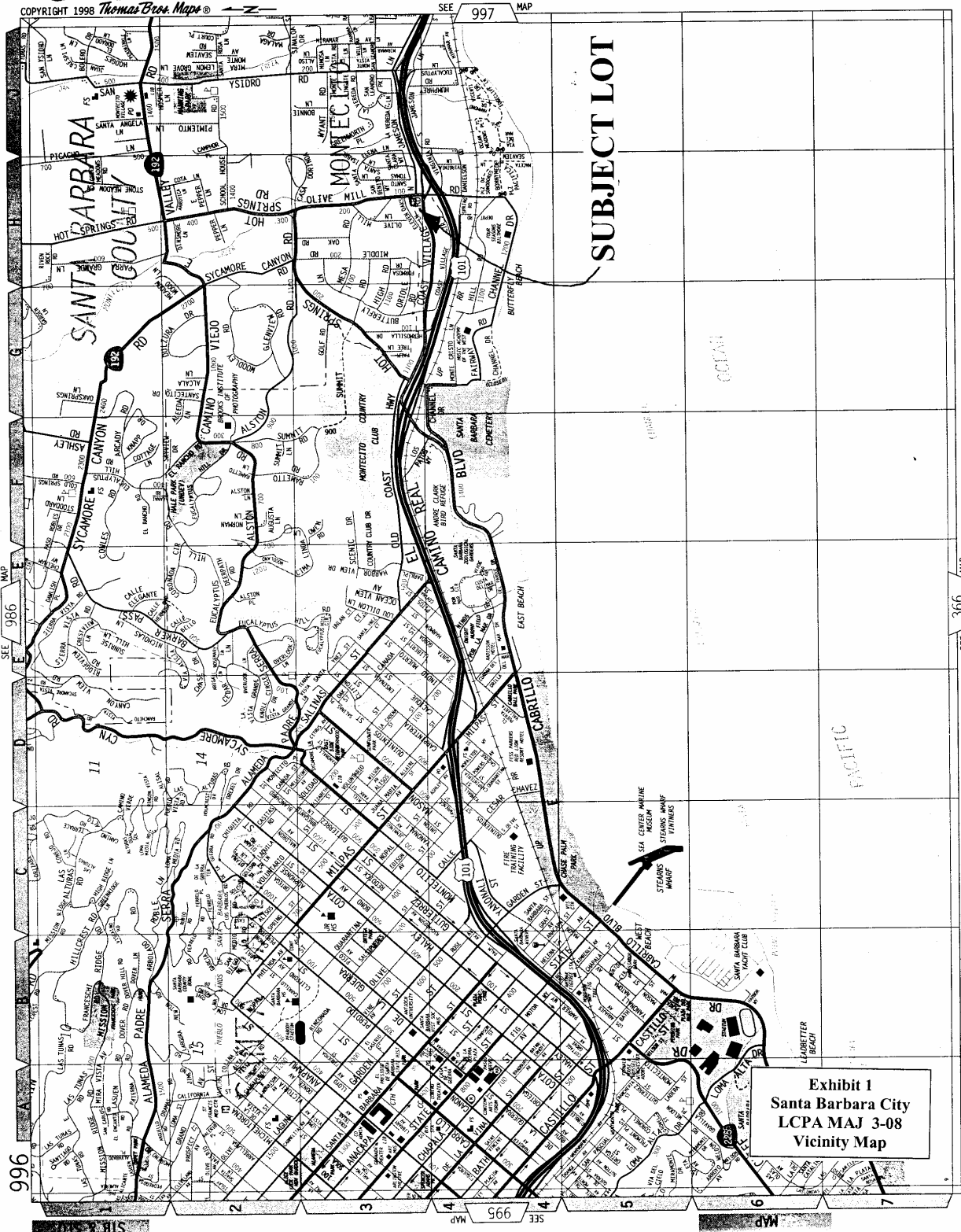
For the reasons discussed in this report, the LCP amendment, as submitted is consistent with the certified Land Use Plan. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Thus, the Commission certifies LCP amendment request 3-08 as submitted.

City of Santa Barbara
Local Coastal Program Amendment 3-08
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SUBJECT LOT

Exhibit 1
Santa Barbara City
LCPA MAJ 3-08
Vicinity Map



COASTAL PLAN - LAND USE MAP
COMMERCIAL

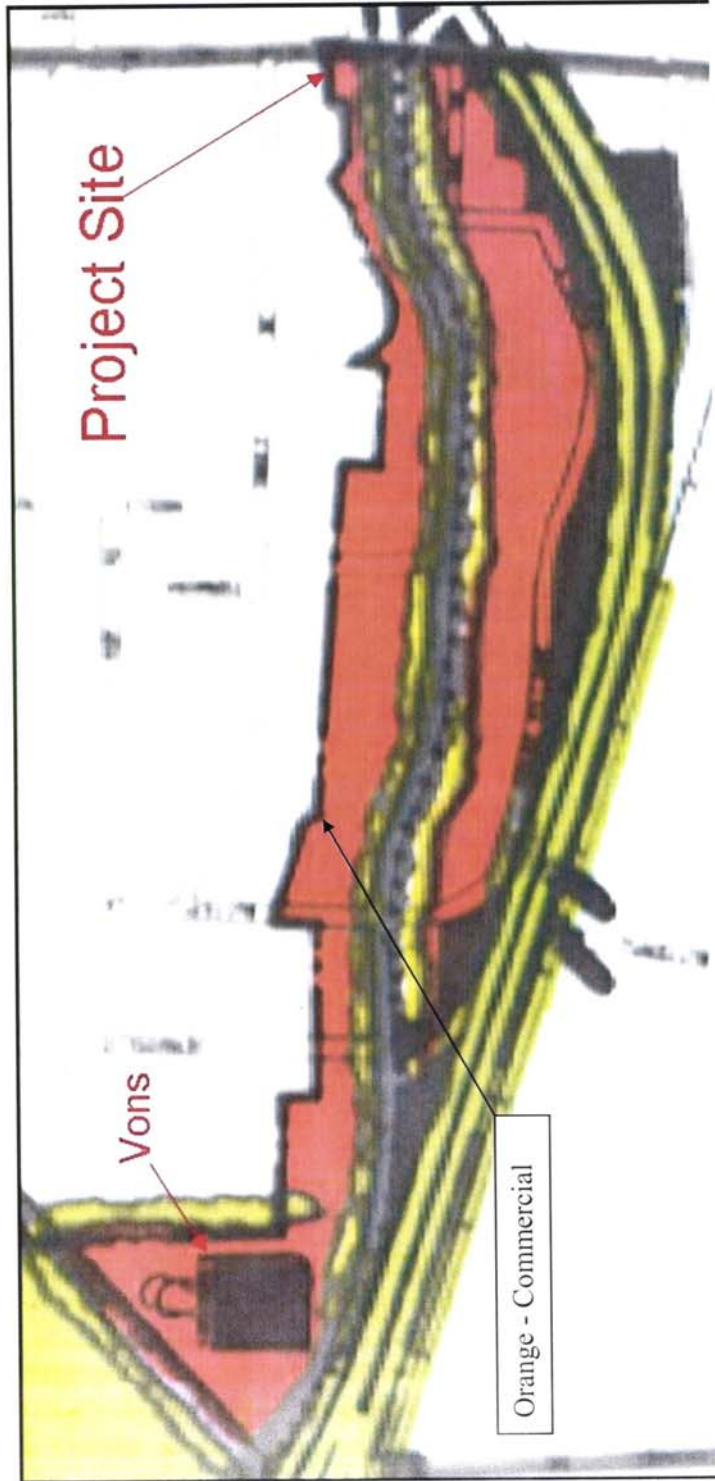
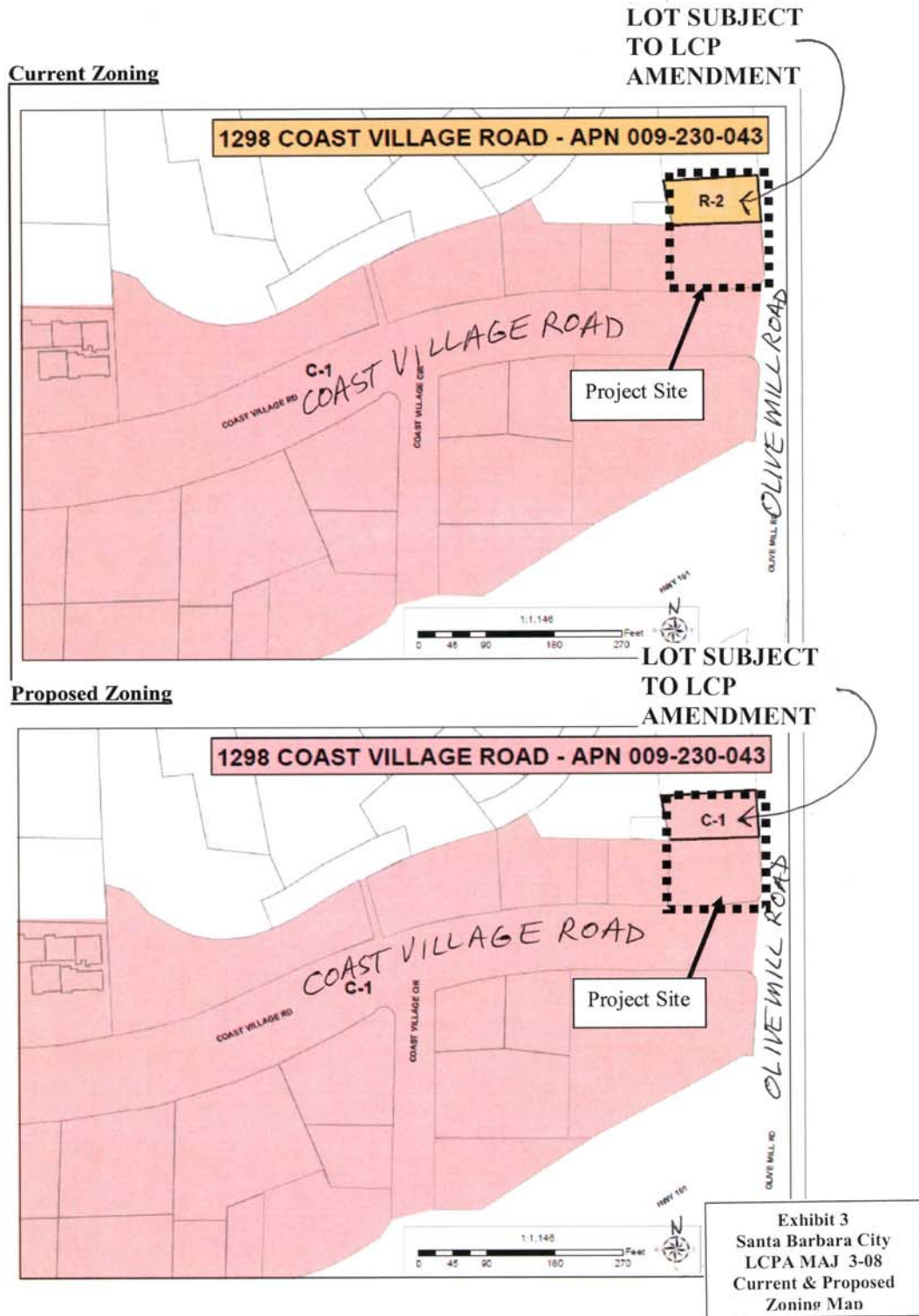


Exhibit 2
Santa Barbara City
LCPA MAJ 3-08
Land Use Plan Map

Orange - Commercial



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



PROJECT SITE PLAN (INFORMATION PURPOSES ONLY)

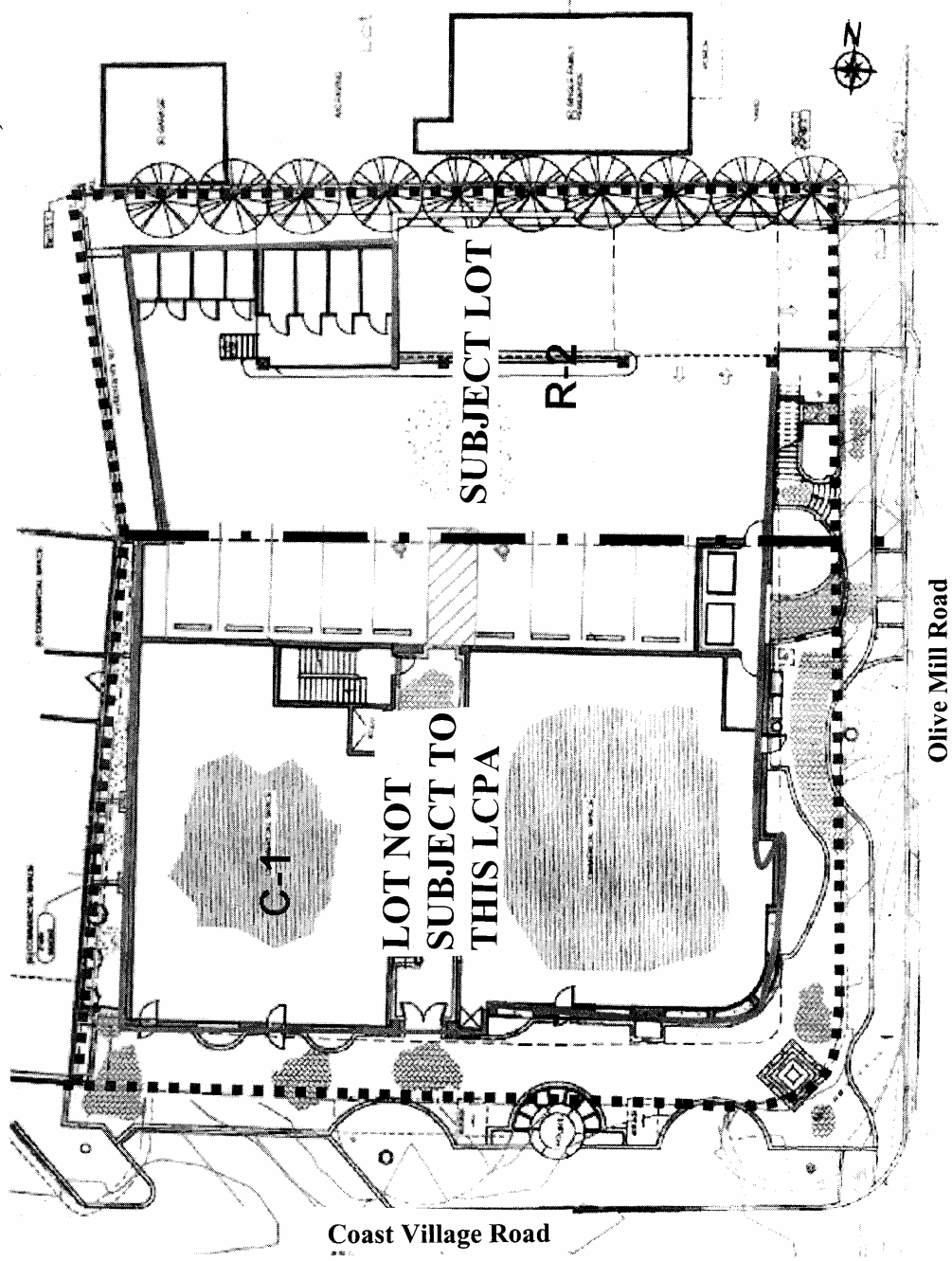


Exhibit 4
Santa Barbara City
LCPA MAJ 3-08
Project Site Plan

**OLIVE MILL ROAD FRONTAGE
(INFORMATION PURPOSES ONLY)**

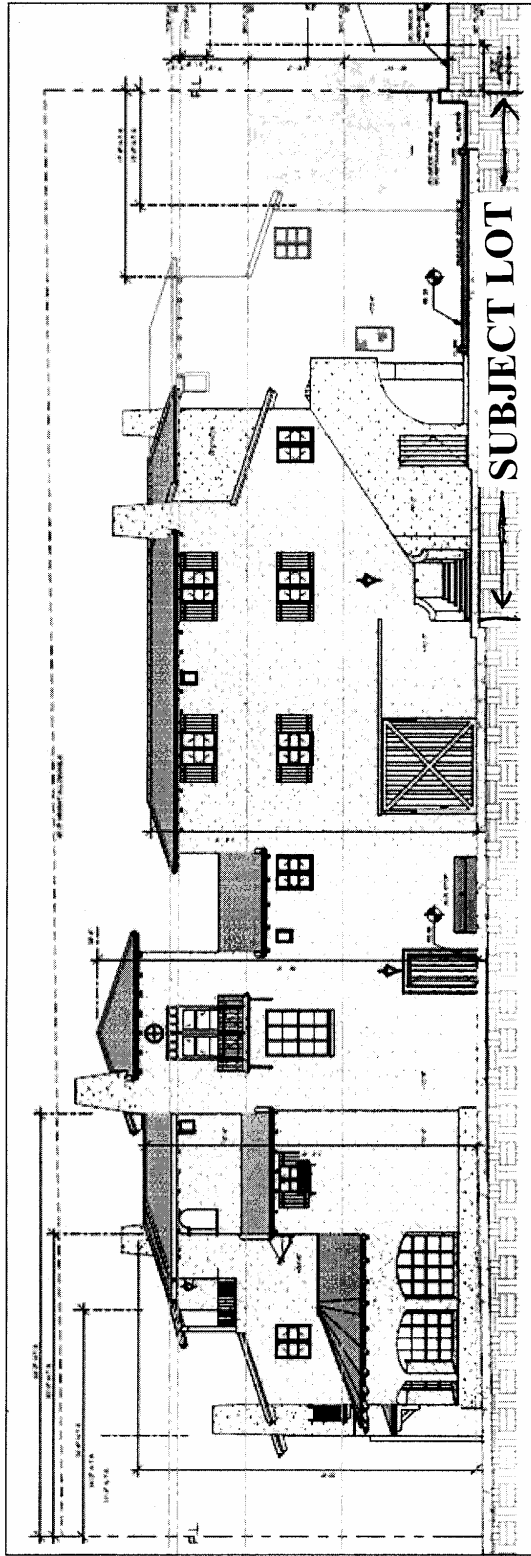


Exhibit 5
Santa Barbara City
LCPA MAJ 3-08
Project East Elevation

**COAST VILLAGE ROAD FRONTAGE
(INFORMATION PURPOSES ONLY)**

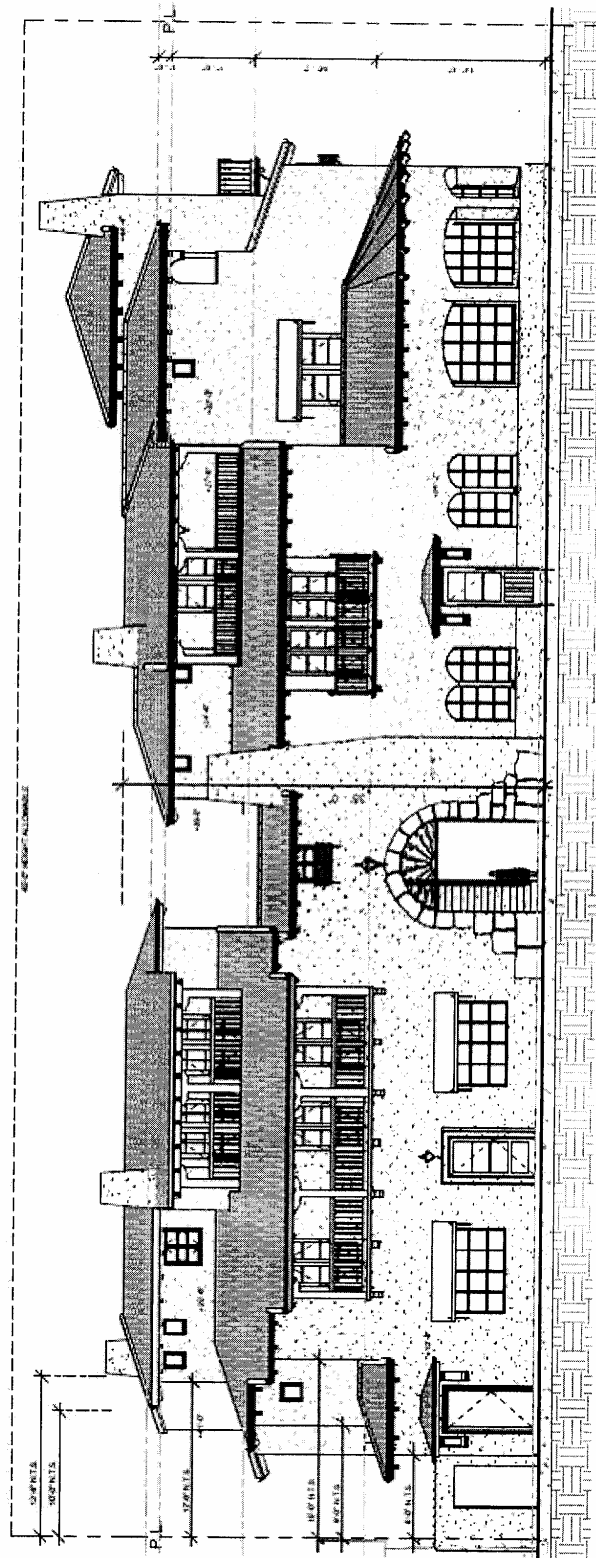


Exhibit 6
Santa Barbara City
LCPA MAJ 3-08
Project South Elevation

ORDINANCE NO. 5461

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA REZONING CERTAIN PROPERTY AND
APPROVING A LOCAL COASTAL PROGRAM
AMENDMENT FOR AN APPLICATION OF OLIVE OIL &
GAS LP, 1298 COAST VILLAGE ROAD (MST2004-00493)

WHEREAS, the City accepted an application from Lenvik & Minor, Agent for Olive Oil & Gas LP, in order to process a request for a rezone and a related Local Coastal Program Amendment to rezone a portion of the property located at 1298 Coast Village Road from R-2/S-D-3, Two-Family Residential and Coastal Overlay Zones, to C-1/S-D-3, Limited Commercial and Coastal Overlay Zones, and redevelop the property by demolishing the existing service station and constructing a mixed-use project including 5,000 square feet of commercial space and eight residential condominiums and related parking, all requiring approval of Modifications, a Tentative Subdivision Map and a Coastal Development Permit;

WHEREAS, the Planning Commission initiated the rezone and Local Coastal Program Amendment for the subject parcel on April 7, 2005;

WHEREAS, the Architectural Board of Review held a concept project review on November 14, 2005;

WHEREAS, the Planning Commission held a concept project review work session on February 16, 2006;

WHEREAS, the Planning Commission held a duly noticed public period to receive comments on the Draft Mitigated Negative Declaration from November 14, 2007, to December 13, 2007, and took comments from two (2) people;

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the Project on March 13, 2008, and 73 people spoke regarding the Project. After substantial discussion, the Planning Commission continued its consideration until March 20, 2008 to review information received and make a decision on the project;

WHEREAS, on March 20, 2008, the Planning Commission approved the project, made recommendations to City Council to approve the rezone and related Local Coastal Program amendment, and adopted environmental findings pursuant to CEQA;

WHEREAS, the City Council has received and accepted a proposed amendment to the current Zoning Map and Local Coastal Program;

WHEREAS, the City Council has reviewed and considered all materials and exhibits in the current record relative to this amendment, including the adopted Mitigated Negative Declaration, the project, and all staff reports;

Exhibit 7
Santa Barbara City
LCPA MAJ 3-08
City of Santa Barbara
Resolution No. 5461

page 1 of 5

WHEREAS, on March 28, 2008, John and Sandy Wallace and Save Coast Village Road appealed the Planning Commission approval of the project, and on March 31, 2008, Friends of Outer State Street and Delfina Mott also appealed the Planning Commission approval of the project;

WHEREAS, on July 15, 2008, the City Council held a duly noticed public hearing on the appeals. After the public hearing, the City Council denied the appeals and adopted the Mitigated Negative Declaration, including incorporation of the mitigation measures into the project conditions of approval;

WHEREAS, the City Council held a duly noticed public hearing on July 15, 2008 to consider a Local Coastal Program amendment proposed in conjunction with the project, and concluded that the Local Coastal Program amendment is consistent with the goals and objectives of the City's General and Local Coastal Plans; and

WHEREAS, the City Council has conducted a duly noticed public hearing pursuant to the provisions of Chapter 3, Title 7 of the Government Code of the State of California.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. LOCAL COASTAL PROGRAM AMENDMENT

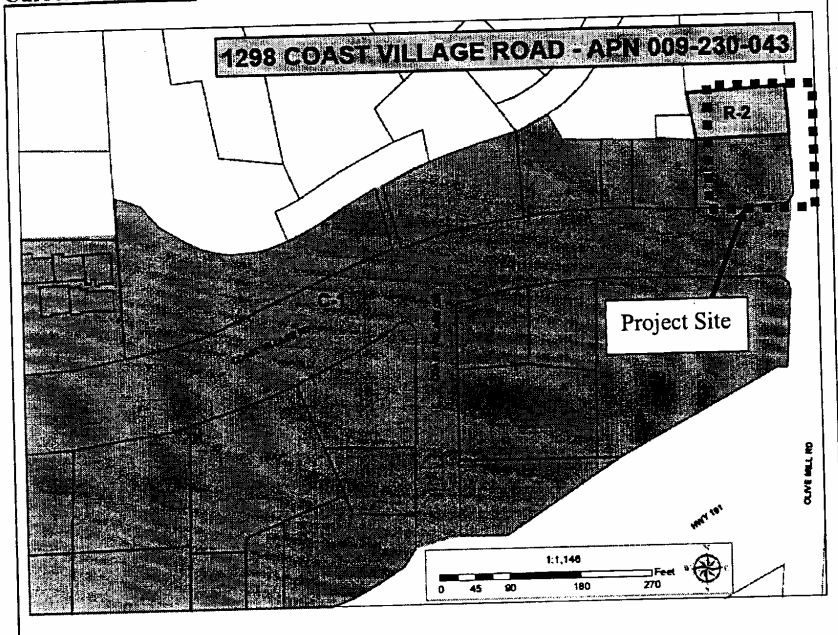
The Local Coastal Program of the City of Santa Barbara is amended to rezone the northerly portion of APN 009-230-043 to C-1/S-D-3 (Limited Commercial/ Coastal Overlay Zone). Said amendment shall be effective immediately upon California Coastal Commission certification of said amendment.

SECTION TWO. ZONING MAP AMENDMENT

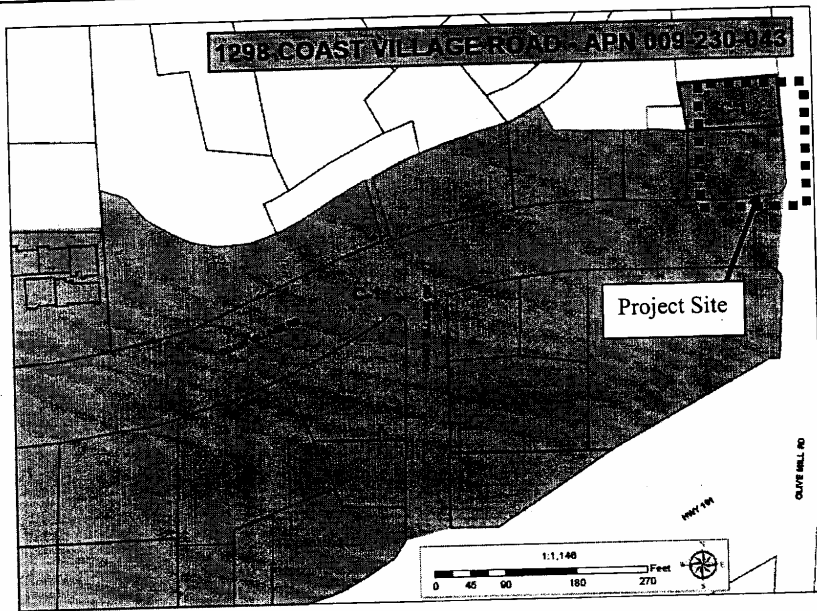
A. Effective thirty (30) days after Coastal Commission Certification of the Local Coastal Program Amendment for a portion of Assessors Parcel Number 009-230-043, the Sectional Zone Map SA04 of Chapter 28.12, Zone Map of the Santa Barbara Municipal Code, is amended by changing the zoning of said property to C-1/S-D-3, Limited Commercial and Coastal Zone Overlay, as depicted on the map attached hereto as Exhibit A.

B. This amendment is consistent with the policies of the California Coastal Act. This amendment is consistent with the City of Santa Barbara Local Coastal Plan Map. This amendment is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because there will be no change in coastal access and minimal effects on public recreation.

Current Ordinance



Proposed Ordinance



ORDINANCE NO. 5461

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

I HEREBY CERTIFY that the foregoing ordinance was introduced on August 12, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on August 19, 2008, by the following roll call vote:

AYES: Councilmembers Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams

NOES: Councilmember Dale Francisco; Mayor Marty Blum

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on August 20, 2008.

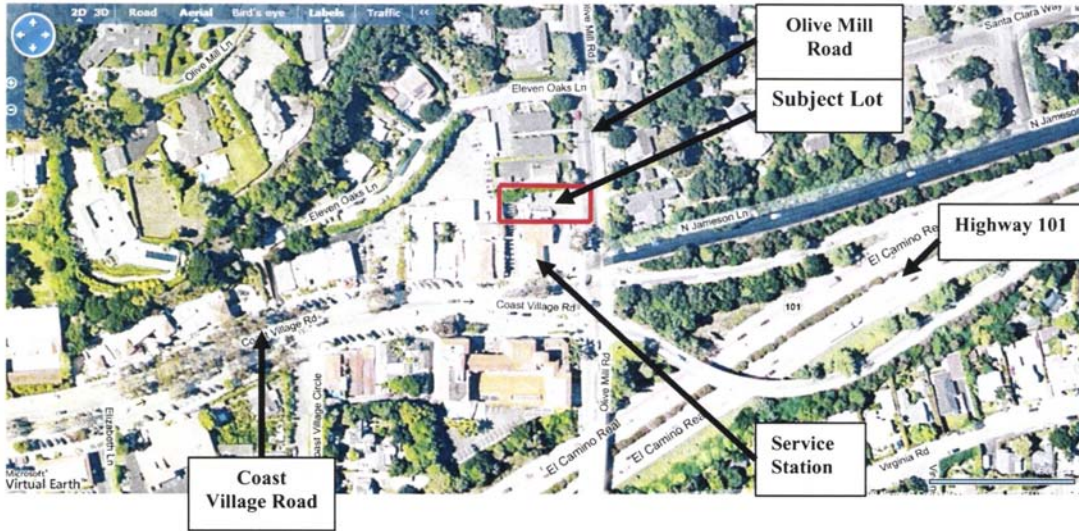
Signature On File

[Signature]
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on August 20, 2008.

Signature On File

[Signature]
Marty Blum
Mayor



— Lot Boundary (Approximate)

Exhibit 8
Santa Barbara City
LCPA MAJ 3-08
Aerial Photo