

CALIFORNIA COASTAL COMMISSION

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



W 16c

ADDENDUM

June 8, 2009

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

RE: Agenda Item Wed 16c; Wednesday June 10, 2009; **City of Santa Barbara Local Coastal Program Amendment MAJ-3-08 (Coast Village Road/Olive Mill Road Rezone)**

The attached letters were received in opposition to the proposed City of Santa Barbara LCP Amendment:

Judith Ishkanian, President, Neighborhood Defense League of California, received May 28, 2009.

Peter van Duiwyk, President, Montecito Association received May 15, 2009, two letters dated April 8, 2009 and May 13, 2009.

Babak Naficy, Counsel for Protect Our Village, received June 5, two letters dated April 8, 2009 and June 4, 2009.

Numerous letters received April 6, 2009 from various parties, including Tony Fischer, Attorney representing Protect Our Village, were initially submitted at the Commission's April 9, 2009 meeting. They may be resubmitted by a representative of the opponents at the Commission's June 10, 2009 meeting. A sample of these letters resubmitted June 5, 2009 is attached.

Attachments

Sbcity lcpa 3-08 report addendum



*Neighborhood
Defense League
of California*

(formerly Homeowners Defense Fund)

1482 East Valley Road, Suite 252 Item # W16c (hearing date: June 10, 2009) **Oppose**
Santa Barbara, CA 93108
fax: 805-969-0297

RECEIVED
MAY 28 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

*Accommodating growth
while preserving the character
of our neighborhoods*

May 27, 2009

CALIFORNIA COASTAL COMMISSION
89 South California, Street, Suite 200
Ventura CA 93001

Board of Directors

Judith Ishkanian
President

Dear Coastal Commissioners:

Sally Jordan
Vice President

The Neighborhood Defense League of California urges an oppose decision for item # W16c.

James Westby
Secretary

Wendy Coggins
Treasurer

Robert Collector

Doug Herthel

Morris Jurkowitz

Richard Thielscher

Gary Earle, Emeritus

Roy Gaskin, Emeritus

Rob Lowe, Emeritus

The City of Santa Barbara is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan in order to change the zoning designation of a small commercial parcel located deep in the coastal zone. Currently a gas station, located in a commercial area, it is asking for a change to mixed use for commercial with two stories of residential above.

The Coast Village Road commercial community, the unincorporated adjacent community of Montecito, environmentalists and historical preservationists all oppose the proposed change in zoning

NDLC opposes the change in your own zoning ordinance and urges that you stand by your own principles and reject the request by the city of Santa Barbara for the zoning change. It is against everything the Coastal Commission stands for and it is incumbent upon yourselves to uphold the principles for which you were created.

Signature On File

Judith Ishkanian, President
Neighborhood Defense League of California



The voice of our community

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MAY 15 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

May 13, 2009

Honorable Chair and Members of the California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: MAJ-3-08, City of Santa Barbara Local Coastal Program Amendment
(Coast Village Road/Olive Mill Road Rezone)
Request for Continuance to a Southern California Meeting

Dear Honorable Chair and Members of the Commission:

The Montecito Association and members of the Montecito community are extremely concerned about the proposed Local Coastal Program Amendment for 1298 Coast Village Road. In fact, the Montecito Association had a member of our Board of Directors in attendance at your April 9, 2009 meeting in Oxnard. Unfortunately, as a result of a noticing error, this item was continued and we and other interested members of the public were not allowed to provide public testimony.

We understand that this item is tentatively scheduled for the June meeting in Marina del Rey. We would like to stress the importance of this item being heard at a location reasonably accessible from Santa Barbara so we and other interested parties have a full opportunity to participate in the public hearing process.

Sincerely,

Signature On File

Peter van Duinwyk, President

cc: Supervisor Salud Carbajal, Santa Barbara County Board of Supervisors,
123 E. Anapamu Street, Santa Barbara, CA 93101
Mayor Marty Blum, City of Santa Barbara, 735 Anacapa Street, Santa
Barbara, CA 93101
Peter Lawson, Community Development, City of Santa Barbara, 630
Garden Street, Santa Barbara, CA 93101
James Johnson, Coastal Program Analyst, California Coastal Commission,
89 South California Street, Ventura, CA 93001

Attachment

2009 Officers:

Peter van Duinwyk
President
William Palladini
1st Vice President
Diane Pannkuk
2nd Vice President
Monica Brock Petersen
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Gene Sinsler
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David Carpenter
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Michael Cook
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Monica Brock Petersen
Robertson Short
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Richard Thielscher
Joan Wells

Executive Director:

Victoria Greene

Office Coordinator:

Brook Rademacher

Office:

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Santa Barbara, CA 93108

P.O. Box 5278
Santa Barbara, CA 93150
Tel: (805) 969-2026
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info@montecitoassociation.org
www.montecitoassociation.org



The voice of our community

2009 Officers:

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www.montecitoassociation.org

April 8, 2009

Honorable Chair and Members of the California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: MAJ-3-08, City of Santa Barbara Local Coastal Program
Amendment (Coast Village Road/Olive Mill Road Rezone), Item
Th7b hearing of April 9, 2009

Dear Honorable Chair and Members of the Commission:

The Montecito Association is a nonprofit community association dedicated to the preservation, protection and enhancement of the semi-rural residential character of Montecito. We have served in this role for over 60 years.

The Montecito Association respectfully requests that the Coastal Commission deny the requested Local Coastal Program Amendment to change the zoning of a portion of 1298 Coast Village Road from Two-Family Residential to Commercial.

The existing residential zoning provides an important buffer between commercially zoned and developed lands within the City of Santa Barbara and single family residential uses located immediately adjacent in the unincorporated area of Santa Barbara County. The importance of this buffer was historically acknowledged by both the City and County of Santa Barbara. In fact, the County of Santa Barbara denied a rezoning from residential to commercial in 1954. At the request of the County and the Montecito Association, the City of Santa Barbara similarly rejected rezoning of the property when it was annexed in 1963. The existing residential zoning continues to serve as a buffer between uses and governmental jurisdictions.

With respect to LCP consistency, it remains unclear that the proposed use of retail commercial and residential condominiums and the proposed scale of development conform to the LCP intent for this area to be utilized for hotel and related commerce/highway service center uses.

In closing, we request that you retain this critical buffer. Thank you for considering our comments.

Sincerely

Signature On File

Peter van Duinwyk, President

City of Santa Barbara Local Coastal Program Amendment MAJ-3-08 Page 5
Addendum to Staff Report

Jun 05 2009 2:10PM HP LASERJET FAX

(805) 593-0946

P.2



Law Offices of Babak Naficy

June 4, 2009

By Facsimile

Honorable Chair and Members of the
California Coastal Commission
FAX 805.641-1732

RECEIVED
JUN 05 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: **City of Santa Barbara LCP Amendment, City of Santa Barbara
(Coast Village Road/Olive Mill Road Rezone): MAJ-3-08 (W16c)**

Honorable Chair and Coastal Commissioners,

This office represents Protect Our Village ("POV"), a California non-profit corporation dedicated to the orderly development of Coast Village Road and the surrounding areas. POV is opposed to the Santa Barbara's approval of a three-story mixed-use project that is the subject of the proposed Local Coastal Plan ("LCP") amendment.

The project is located on the corner of Coast Village Road and Olive Mill Road, in the Montecito District of Santa Barbara. Following the City's approval of the project, POV sued the City in order to set aside that approval because the City failed to adequately analyze the project's potentially significant adverse impacts on water supplies. POV also contends that the project violates provisions of the City's Charter that require new developments to be compatible with the existing neighborhood. Owing to its height and bulk, this three-story mixed-use project is incompatible with the surrounding neighborhood, especially the single-family residential neighborhood along Olive Mill Road.

The proposed LCP amendment would likely over-strain MWD's already depleted water supplies, increasing the demand for water supplies at a time of significant drought. My April 8th letter explained that the proposed LCP amendment ignores Santa Barbara LCP's recognition that, "water supply" is a "decisive factor in determining the kinds, location, and intensity of uses . . ." LCP p. 161. The current staff report still ignores the LCP's policy mandate that availability of water supplies be carefully considered in this context. Please refer to my April 8, 2009 for an explanation of the serious water shortage faced by MWD.

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California 93406

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Page 1 of 3

The Staff Report ignores the project's impact on the residential neighborhood along Olive Mill Road

Although the project is at the corner of Coast Village Road and Olive Mill Road, the lot that is the subject of this zone change is actually located along the Olive Mill Road. See, Staff Report at p.7. The Staff Report acknowledges the residential nature of the neighborhood along Olive Mill Road, explaining that currently a Ficus hedge provides "some privacy for the adjoining single family residence to the north along Olive Mill Road." *Ibid.*

Despite the Staff's recognition of the residence to the north of the project, the Staff Report's analysis of the project's consistency with the surrounding neighborhood ignores the residential neighborhood to the north, focusing exclusively on the mixed commercial/residential character of the distinct neighborhood along Coast Village Road:

- "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 zoning is limited to Commercial. (p. 9).
- the additional height is compatible with surrounding commercial buildings and uses along Coast Village Road (p. 11)

The Staff Report does not describe the residential neighborhood along Olive Mill Road and makes only vague a reference to set-back and height provisions that are intended to "provide compatibility with the established neighborhood". (p. 10). But it is evident that the "established neighborhood" the Staff Report is referring to is not the residential neighborhood along Olive Mill Road, because the Staff Report concludes that "the proposed Limited Commercial zone would be consistent, and compatible, with the existing zoning pattern of Coast village Road." *Ibid.*; see, also p. 11 ("the additional height is compatible with surrounding commercial buildings and uses along Coast Village Road")(Emphasis added).

The Staff Report makes no effort to evaluate the Project's compatibility with the residential neighborhood along Olive Mill Road, or whether the C-1 "setback and height restrictions" adequately protect that neighborhood.

POV contends that the proposed LCP amendment will result in a project that is incompatible with the residential neighborhood immediately to the north. Pursuant to Santa Barbara zoning regulation, the height restriction for C-1 zone is 45 feet. The Current R-2 zone height limit is only 30 feet. Historical data shows that both the City and County had intended to limit the density and size of development on this transitional corner in order to maintain a buffer between the commercial neighborhood along Coast

Jun 05 2009 2:10PM

HP LASERJET FAX

(805) 593-0946

P. 4

Village Road and the exclusively single-family residential neighborhood along Olive Mill Road. The current LCP amendment would disrupt that orderly transition.

In conclusion, we ask that the Commission disapprove the proposed LCP Amendment. At a minimum, this item should be continued until the Staff has conducted and presented for the Commission's consideration an adequate analysis of the project's compatibility with the single family residential neighborhood immediately to the north of the project. Absent such an analysis, the Commission is simply in no position to decide whether the Project is truly consistent with all surrounding neighborhoods.

Signature On File

Babak Naficy
Counsel for Protect our Village

encl.: April 8, 2009 Letter to Coastal Commission

Jun 05 2009 2:10PM HP LASERJET FAX (805) 593-0946 P.5



Law Offices of Babak Naficy

April 8, 2009

By Facsimile

Honorable Chair and Members of the
California Coastal Commission
FAX 805-641-1732

RECEIVED
JUN 05 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: LCP Amendment of Santa Barbara MAJ-3-08 (TH 7b)

Honorable Chair and Coastal Commissioners,

This office represents Protect Our Village ("POV"), a citizen group opposed to the City of Santa Barbara's approval of a three-story mixed-use project that is the subject of the proposed Local Coastal Plan ("LCP") amendment. As explained below, we respectfully urge you to continue this item and direct staff to fully analyze the project's impact on water supplies and the Montecito Water District's ability to meet the project's water demand.

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California 93406
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fax: 805-593-0946

babaknaficy@sbcglobal.net

The site is located at the corner of Coast Village Road and Olive Mill Road, in the Montecito District of Santa Barbara. POV has brought suit against the City, seeking to set aside the City's approval of the project. POV contends that the City was required to prepare an Environmental Impact Report ("EIR") and that the City's Mitigated Negative Declaration ("MND") failed to identify an adequate water supply or to adequately analyze the project's potentially significant adverse impacts on water supplies. POV also contends that the MND failed to adequately analyze the project's potentially significant impacts on traffic and scenic viewsheds. The suit also maintains that the City's approval is inconsistent with certain provisions of the City's general plan, Charter, LCP, zoning regulation and Municipal Code.

The proposed LCP amendment would result in greater density and corresponding environmental impacts on water supplies, traffic, views, etc. Instead of a duplex under the existing LCP zoning designation, the proposed LCP amendment will result in the construction of eight (8) 2 and 3 bedroom condominiums and 5000 square feet of commercial space. The proposed project will be three stories high and subject to a 45 foot height restriction instead of the 30 foot height restriction under the current R-2, Duplex Zone.

The zoning history of the parcel, going back to the annexation in the early 1960s, demonstrates that both the City and the County had intended to retain the R-2 designation on this parcel as a buffer and transition between the commercial uses along Coast Village Road and the neighboring residential district along Olive Mill Road. The current LCP is faithful to this scheme, but the proposed LCP amendment would alter this long-established zoning scheme.

Jan 05 2009 2:10PM HP LASERJET F50 (805) 593-0946 P. 6

In his letter to you on behalf of POV attorney, Tony Fink, explained in detail the proposed project's inconsistencies with the LCP. My comments, therefore, will address only the deficiencies in the staff report regarding the project's environmental impacts related to water supplies.

Santa Barbara LCP provides:

LOCAL RESOURCES AND ISSUES

A decisive factor in determining the kinds, location, and intensity of uses to be allocated for the coastal zone is the capability of relevant public works systems, such as water supply, sewage treatment, and transportation facilities, to accommodate the needs of new development. The Coastal Act requires that there be a high degree of coordination between public service system capabilities and development, and that where the expansion of systems is limited, services to coastal-dependent uses, essential services, and basic industries shall not be precluded by other development.

Santa Barbara LCP, page 161. (Emphasis added).

The staff report does not consider or discuss the issue of water supply availability despite the LCP's strong emphasis on this issue as a "decisive factor in determining the kinds, location, and intensity of uses to be allocated for the coastal zone." Indeed, the staff report does not seem to recognize that the proposed LCP amendment would result in greater intensity of development. In light of the significance of the water supply issue to the Coastal Commission's analysis of the project's consistency with the LCP, the Commission should postpone a decision on the proposed LCP amendment and direct staff to fully analyze this issue.

As POV explained to the City Council and the Planning Commission, sufficient supplies do not currently exist to meet this project's water demand. Credible evidence in the administrative record before the City established that the project would likely result in a significant adverse impacts on water supplies. The evidence shows that Montecito Water District (MWD), the agency responsible for supplying water to the project, is experiencing a severe water shortage, and its existing customer demand exceeds its long-term reliable supplies. Moreover, MWD considers this project's water demand to be significant.

MWD's 2005 Urban Water Management Plan (UWMP) and 2007 Future Water Demand and Water Supply Options (Bachman 2007) both warn that meeting the rising demands of the Districts' existing customers could not be met unless the District is able to obtain additional sources to augment its existing supplies. *Ibid.*, at 5. The 2007 Bachman report admits that "[a]fter a State-wide search District staff and their consultant could not find any additional cost-effective water supplies." *Ibid.* To date, MWD has been unable to secure a substantial

new source of water.

According to the 2007 *Estuaries and Wetlands* Report, "water demand could reach 7,000 acre feet per year (afy) by 2010 and 8,000 afy by 2020. According to the Report, "MWD's water supply is expected to be insufficient to produce 8,000 afy, and drought shortages would be significant and difficult to avoid." Also, in its discussion of water supplies, the Report predicts that "MWD's water supply at 7,000 afy can be addressed with careful planning, including an evaluation of a range of supplemental supplies."

"There is a small shortfall at 7,000 AFY that can likely be minimized through careful use of supplies. Above 7,000 AFY, it becomes more difficult to get through a drought without supply shortfalls; by 8,000 AFY shortfalls reach nearly half of demand. This shortfall is similar to that of the drought of 1986-1991, when MWD water deliveries were reduced by 40%." Thus, the maximum water demand that MWD can sustain without shortages during a drought is somewhere around 7,000."

Ibid at 12.

As a result of a third year of drought, on February 27, 2009, Governor Schwarzenegger declared a state of water shortage emergency. Low precipitation and small snow packs have resulted in significant reductions in surface water supply deliveries across the state. In addition to these meteorological conditions, a number of administrative and court decisions have already and will continue to result in significant reductions in water transfers from the Bay Delta through the State Water Project and the Central Valley Project. It therefore seems exceedingly unlikely that MWD will be able to secure new water supplies in the near future.

To address the immediate critical supply shortages, on April 15, 2008 – only weeks after the Planning Commission approved the Project and the MND – MWD adopted Ordinance 89 declaring a water shortage emergency. MWD found that "[i]n 2007, the total demand for water exceeded the District's reliable supply of 5700 acre feet by approximately 600 acre feet." MWD also found that "a water shortage condition currently exists because the reliable supply of water will not meet the projected demand of District consumers in the current year and in years following." (Emphasis added.) The Ordinance explains that the District "has sought additional sources of water to be drawn upon to overcome anticipated shortages but has not located sufficient additional sources to resolve this concern" therefore expects the "water shortage condition to continue, . . ."

Jun 05 2009 2:11PM HP LASERJET FAX (805) 593-0946 P. 8

This evidence demonstrates a significant water supply problem for this project, yet the staff report does not refer to or analyze any of this information. As required by the LCP and the California Environmental Quality Act, I urge you to continue this hearing and direct the staff to quantify the project's water demand and analyze MWD's ability to meet the project's water demand.

Signature On File

Babak Naficy
Counsel for Protect our Village

June 4, 2009

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JUN 05 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

TO: CALIFORNIA COASTAL COMMISSION
RE: LCP AMENDMENT CITY OF SANTA BARBARA MAJ-3-08
AGENDA ITEM: W 16 C HEARING DATE: 6-10-09
REZONE 1298 COAST VILLAGE ROAD, SANTA BARBARA

FROM: JOHN WALLACE (805) 234-1368
PRESIDENT- PROTECT OUR VILLAGE

**Please submit this file in to the record, sign and date
stamp received**

INDEX OF ITEMS FOR THE RECORD

- 1- Tony Fischer letter to CCC (3 pages) 4-9-09
- 2- Tom Bollay letter to CCC (4 pages) 4-5-09
- 3- John Wallace letter to CCC (3 pages) 4-5-09
- 4- Exhibit A Coast Village Road Story Analysis
- 5- Exhibit B Photos, loss of views (2 pages)
- 6- Exhibit C Photo neighborhood impact
- 7- Exhibit A-2 CVR street level analysis (3 pages)
- 8- Exhibit B-2 Coastal Act sec. 30251
- 9- Exhibit B-3 Montecito Association letter to CCC (2 pages) 2-26-08
- 10- CVR Business Association Guidelines 30 foot two story max
- 11- CVR Neighborhood survey 1-16-08
- 12- Exhibit B-4 Letter to CCC (33 pages)
- 13- Exhibit D Montecito Association letter 5-15-63
- 14- Exhibit E SB Planning Commission letter (2 pages) 5-27-63
- 15- Exhibit F SB Planning Commission letters (3 pages) 7-8-63
- 16- Exhibit G SB City Local Coastal Plan July 1994
- 17- Exhibit H SB General Plan
- 18- Exhibit I CVR Business Association- Overlay (22 pages) October 2008
- 19- List of Commissioners and Staff mailed/given this packet
- 20- Babak Naficy letter to CCC 4-08-09 (4 pages)
- 21- Montecito As

Please sign

Signature On File

Please print name X B Rodriguez
Date X 6/5/09
Pages received X 93 + cover sheet

Rcvd 20 copies
Signature On File

Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara CA 93105
805 563 6784
fischlaw@cox.net

AGENDA ITEM: # ~~717B~~ W 10 C
HEARING DATE: ~~4-9-09~~ 6/10/09
APPLICATION: MAJ-3-08
REZONE -1298 COAST VILLAGE RD.
SANTA BARBARA
X OPPOSE

Honorable Chair and Members of the
California Coastal Commission

NAME: Tony Fischer

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APR 6 2009

RE: LCP Amendment, City of Santa Barbara: MAJ-3-08

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Honorable Chair and Members of the Commission:

I represent Protect Our Village (POV), an organization which is opposed to approvals which facilitate the construction of the three-story mixed-use project at the corner of Coast Village Road and Olive Mill Road. POV has filed litigation in the Santa Barbara Superior Court to reverse the approval given by the City Council. In our view, the City erred in using a mitigated negative declaration as the environmental document and needed to prepare an Environmental Impact Report because of the significant adverse environment impacts of the proposed development. It will have negative impacts related to water, traffic and the impact on mountain views in the Coastal Zone. Those views are to be protected by the Coastal Act and by the LCP adopted by the City with the approval of the Coastal Commission.

This proposed amendment to the LCP is only before you because the property owner desires to have three stories and to be able to have a building with the height restrictions in the C-1 Zone (45 feet) instead of the 30 foot height restriction in the current R-2, Duplex Zone. The zoning history of the parcel going back to the annexation in the early 1960s includes recognition that both the City and the County desired to have the residential lot zoned R-2 as the buffer between the Commercial uses fronting on Coast Village Road and neighboring residential uses. During the adoption of the LCP, the City preserved that buffer. It is noted that the City allows the R-2 lot to provide automobile parking to support the commercial uses.

During the years of processing of this application through the City process, the City staff has ignored, as if it didn't exist, the wording of the Local Coastal Plan and the General Plan applicable to this property. The proposed project, which cannot go forward without the change in zoning, is not consistent with the stated policies and goals of the LCP.

The Local Coastal Plan describes this area (part of Component 7 at page 12 of LCP as amended July, 1994) as:

"The region of City jurisdiction which flanks Coast Village Road, extending into unincorporated Montecito, is zoned for commercial uses (C-1). At Hot Springs Road and Old Coast Highway is a shopping center serving local residents. The remainder of Coast Village Road (from Butterfly Lane to Olive Mill Road) is lined with retail establishments and offices. Some apartments exist in combination with commercial uses. The General Plan map shows "Hotel and Related Commerce", with the addition of a "Highway Service Center" designation. This

To: California Coastal Commission
Re: MAJ-3-08 Rezone Santa Barbara
Date: April 6, 2009
Page: 2

latter designation indicates the intention to provide service for visitors and freeway travelers (GP p. 81).

.....
There is residential development potential if the Montecito Country Club were to be developed for that use. In the Coast Village Road/Coast Village Circle area, continued in-filling of retail commercial and personal service-office establishments is anticipated."

The Land Use Element of the General Plan states:
Page 70-71: Maintain Unique Desirability

Goal

5. Maintain the unique desirability of Santa Barbara as a place to live, work, and visit. Policy 5.1 Special area studies shall be conducted to identify zoning provisions and design standards to encourage appropriate development.

Implementation Strategies

5.1.1 Complete focused studies to identify zoning provisions and design standards to meet the unique needs and specific goals of the following areas:

Other

---Vacant Lands Inventory

---Neighborhood Shopping Center Study (Mesa, Coast Village Road, San Andreas/Micheltorena.) (Emphasis added.)

Page 76-77 Highway Service Centers

"The General Plan proposes the establishment of two Highway Centers to take care of freeway traffic at either end of town. The center at the east end of town, which would serve primarily northbound traffic, is the Coast Village Road area. The west end, serving southbound traffic, is the Hollister Road area between Hollister Wye and Modoc Road. Both of these areas are oriented to this use. They should, however, be identified positively as transient service centers for the freeway motorist. Land uses permitted in these two areas would include automobile service stations, restaurants, and motels. Well designed and placed public directional signs should be provided on the freeway advising the motorist of the existence of the Highway Service Center in ample time for him to check his gasoline gauge and the desires of his passengers before approaching the off-ramp from the freeway to the service center.

The off-ramps from the northbound land of U.S. 101 into the Coast Village Road are well located for this purpose. There is one between San Ysidro Road and Hot Springs Road, and another at Butterfly Lane. The off-ramp at the Hollister Wye is not as well located. The State Division of Highways should consider the redesign of the interchange between U.S. 101, San Marcos Pass, State Street, and Hollister Avenue. Contact should be made with the Division of Highways to ensure the best possible off-ramp design from the southbound lanes of U.S. 101 to allow the efficient use of this area as a Highway Service Center.

With the establishment of these two Highway Service Centers at either end of town, the necessity for the provision of service station facilities to serve freeway traffic at any of the interchanges or crossovers on the freeway between these two points is eliminated. Other interchanges can then

City of Santa Barbara Local Coastal Program Amendment MAJ-3-08 Page 15
Addendum to Staff Report

To: California Coastal Commission
Re: MAJ-3-08 Rezone Santa Barbara
Date: April 6, 2009
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be devoted fully to their primary function of carrying traffic smoothly from the freeway into the various districts of the City, and from the City back onto the freeway." (Emphasis added.)

As quoted from the General Plan, a gas station, the existing use, at this location appeals to persons (residents and travelers) who come to this commercial strip to obtain essential services. Limiting the options for locations to purchase fuel for the automobile to the other locations located closer to downtown Santa Barbara would not remove service station traffic from the area. Residents and visitors and freeway traffic would travel the street to obtain fuel or other services.

This Commission is fully aware that one of the State's unique assets is the beauty of its mix of ocean and mountain views within the Coastal Zone. The City's LCP incorporates the protection of views from the Coastal Act. The Coastal Act adopted in 1973 by vote of the people states as follows in Section 30251 of the Public Resources Code:

"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 alteration 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."

The Local Coastal Plan approved by the Coastal Commission in 1981 and as revised thereafter, carries forward the duty to protect scenic and visual qualities of coastal resources. The change in zoning facilitates a greater intensity of development and the taller structure.

The most egregious mistake made in preparation of the environmental document and staff reports by the City for this project is the statement by the City's staff planner that the proposed project will change the views but not in any significant way. That statement is simply not correct.

For an example of the importance of views in the Coastal Zone (Public Resources Code section 30251), the City could look to the language inserted into its Local Coastal Plan related to the adjacent freeway corridor. The Coastal Commission and the City were careful to put into the LCP specific requirements to take into consideration the impact of the design, including sound walls, on views seen by all persons, passengers as well as drivers, from the freeway. To dismiss the views from Coast Village Road to the mountains as unimportant is totally inconsistent with section 30251 of the Coastal Act.

I will be at the hearing in Oxnard and available to answer any questions regarding these matters.

Signature On File

Tony Fischer, ~~Attorney for Protect Our Village~~

*Rec'd 20 copies
Julie Kerulis*

RECEIVED
APR 6 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

AGENDA ITEM: ~~#TH7B~~ W16C
HEARING DATE: ~~04/09/09~~ 6/10/09
APPLICATION: MAJ-3-08
REZONE – 1298 COAST VILLAGE RD
SANTA BARBARA

OPPOSE

Dated: 04/05/2009

TO: California Coastal Commission
FROM: Thomas Bollay, AIA – 1170 Coast Village Road

I oppose the above-referenced local coastal plan amendment.

The current R-2 zoning makes a lot of sense. This parcel and its R-2 zoning acts as a "buffer" between the semi-rural residential zoning (County) North, East, West of the parcel.

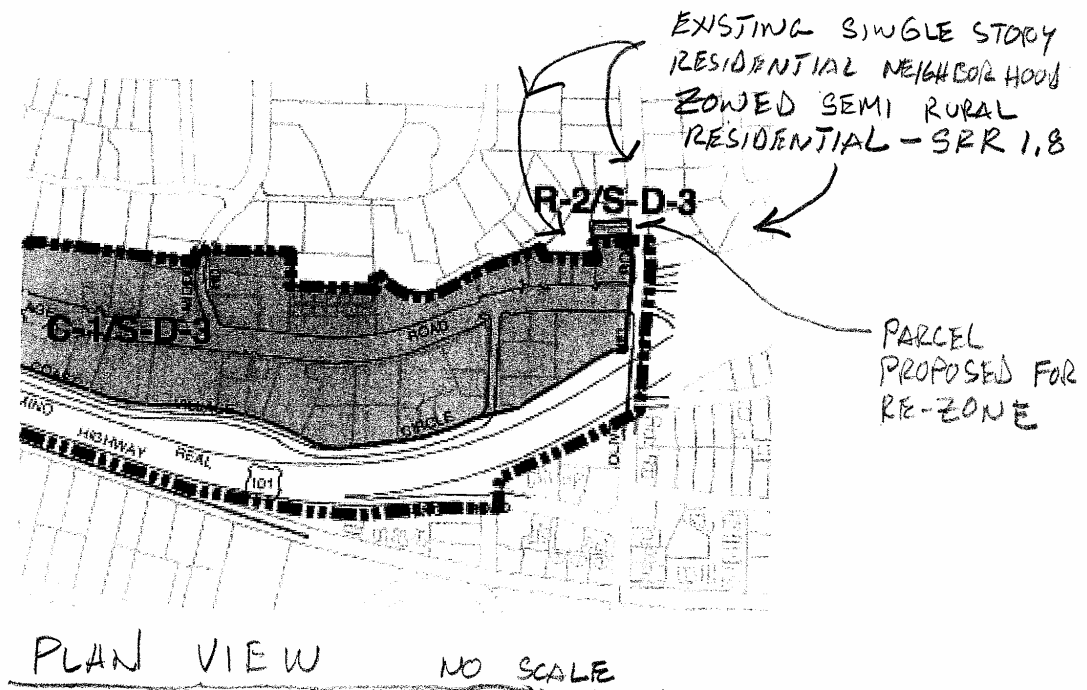
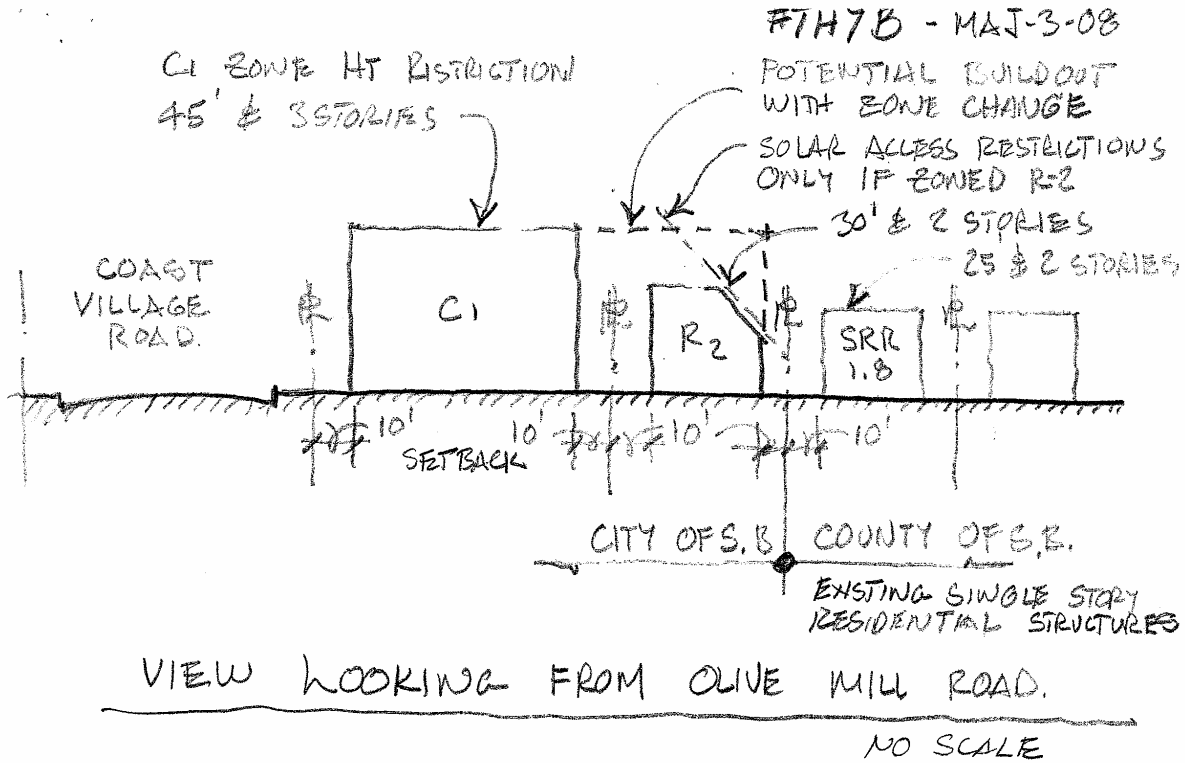
R-2 parcels also have a reduced height limit of 30' and strict restrictions protecting adjacent semi-rural residential properties to the North (see attached diagram). If zoned to C1 a structure could be built 10' from the property line at three stories and 45' with no solar access restrictions. The proposed project for this corner has created tremendous public outcry—it is too tall and out of scale with our community.

Similar "buffer" zones also exist at Hermosillo Road and other areas of the city. I urge the Commission to modify LCP to reflect the current zoning of R-2 and preserve this important buffer parcel with its current zoning.

Signature On File

Thōmas Bollay, AIA

Attachment



477-1 rev. 9/30/08
Chapter 28.11

PROTECTION AND ENHANCEMENT OF SOLAR ACCESS

Sections:

28.11.010 Definitions.

28.11.020 Height Limitation. 28.11.030 Exemptions.

28.11.040 Rules and Regulations.

28.11.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. **BASE ELEVATION.** The elevation of the highest point of contact of a structure with the adjacent ground. For the purposes of this determination, all fences, covered and uncovered walkways, driveways, patio covers and other similar elements shall be considered separate structures.

B. **NORTHERLY LOT LINE.** Any lot line, of which there may be more than one per lot, that forms a generally north facing boundary of a lot and has a bearing greater than or equal to forty degrees from either true north or true south. For curved lot lines, the bearing of the lot line at any point shall be the bearing of the tangent to the curve at that point.

C. **PLAN VIEW.** A plot plan of the parcel which shows the horizontal dimensions of a parcel and each structure on the parcel.

D. **RESIDENTIAL ZONE.** An A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3 or R-4 zone as defined in Title 28 of the Santa Barbara Municipal Code.

E. **SHADOW PLAN.** A plot plan which shows the extent of shading caused by a proposed structure and is in compliance with the Rules and Regulations approved pursuant to Section 28.11.040 of this Chapter.

F. **SOLAR ACCESS.** The ability of a location to receive direct sunlight as provided by the height limitations of Section 28.11.020 of this Chapter. (Ord. 4426, 1986.)

28.11.020 Height Limitation.

The maximum elevation of each point on a structure in a residential zone as measured from the base elevation shall not exceed the sum of (i) eighteen (18) feet in an R-3 or R-4 zone or twelve (12) feet in all other residential zones and (ii) fifty-eight percent (58%) of the shortest distance from that point to the nearest northerly lot line as measured horizontally on the plan view of the structure. Any height limitation imposed by this Section shall be in addition to any other height limitation imposed in the Charter or this Code, such that the more restrictive height limitation shall apply. (Ord. 4426, 1986.)

28.11.030 Exemptions.

The following shall be exempt from the height limitations of Section 28.11.020:

A. Any portion of a structure in existence, or for which a valid building permit was issued, prior to the effective date of the ordinance first enacting this Chapter.

B. Any portion of a structure which received Preliminary Approval by the Architectural Board of Review prior to the effective date of the ordinance first enacting this Chapter.

C. Any flagpole, antenna, ornamental spire, chimney, or other building element less than four (4) feet along each horizontal dimension.

D. A utility pole and line.

E. Any portion of a structure for which a shadow plan is prepared and submitted by the applicant demonstrating that shadows cast by that portion of the structure at 9:00 a.m., noon, and 3:00 p.m., Pacific Standard Time on December 21 will:

1. Not exceed the boundaries of a simultaneous shadow cast by a legally existing structure, or by a hill or other topographical feature other than trees or other vegetation; or
2. Not shade that portion of any adjacent residentially-zoned lot which is occupied by a dwelling or which could legally and without modification of required setbacks be occupied in the future by a dwelling; or
3. Fall entirely within the boundaries of an existing covered or uncovered paved off street parking area, or paved driveway leading thereto. (Ord. 5459, 2008; Ord. 4426, 1986.)

28.11.040 Rules and Regulations.

The Community Development Director may promulgate and administer rules and regulations necessary for the administration and interpretation of this Chapter, subject to approval by the City Council. (Ord. 4426, 1986.)

ROND 20 copies
Signature On File

AGENDA ITEM: #~~TH7B~~ W 16 G
HEARING DATE: ~~4-9-09~~ 6/10/09
APPLICATION: MAJ-3-08
REZONE-1298 COAST VILLAGE ROAD
SANTA BARBARA

OPPOSED
NAME- John Wallace
Dated 4-5-09

RECEIVED
APR 6 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

TO: California Coastal Commission and Staff
FROM: John Wallace- President of PROTECT OUR VILLAGE

I am the adjacent northerly neighbor of the 1298 Coast Village Road project, which is before you today and I did not receive any notice of this hearing. I caution you that the applicant and the City of Santa Barbara are trying to bend and break rules as they ask you to amend the Local Coastal Plan. Please make your own fair assessment of the true motivations of the developer and the City versus the interest of the public as you apply the law in your decision. You might consider continuing this hearing until you have had time to reach sufficient clarity of the underlying arguments and facts. This is a highly contested precedent setting project filling the City Chambers to capacity more than once.

On Coast Village Road (approx. .7 mile long) and the residential neighborhood nearby, the structures **above street level** are overwhelmingly one story. Maybe 15% two story and almost nothing that actually fronts on Coast Village Road is three stories except the 80 year old Montecito Inn. The prevailing sense is that of a low key one story and occasionally two story neighborhood (see exhibit A). The project in question is 3 stories and 36 feet tall. This neighborhood has had virtually no new buildings since 1984, a quarter century ago. To let this first new **excessively tall** project get built will usher in a flood of others all pointing back to this one for justification. It will unnecessarily initiate the change in "compatibility with the character of surrounding areas" and this domino effect will forever change Coast Village Road, which is protected by the Coastal Act (1973 section 30251 exhibit B). The Coast Village Road Business Association has set a two story 30' tall limit and the Montecito Association's last letter disapproved the project for height, loss of views, etc., also the majority of the community responded to a neighborhood questionnaire, 70% were for leaving it a gas station and 25% would accept a 30 foot or shorter building (exhibit B). Additionally, attached are 35 letters from neighbors opposing this rezone, all written within the last day. (exhibit B)

The current R-2-P zoning of the rear parcel of this gas station is not an oversight or a mistake. The present zoning serves a valuable function for the inherent use as a buffer to the next door residence/neighborhood neighbor. The parcel was zoned this way by our thoughtful forefathers and this zoning has survived numerous attempts at rezoning along with other adjacent parcels throughout the years. Coast Village Road (CVR) as annexed to the City is almost exclusively, except at some key corners, one lot deep zoned commercial. These C-1 lots along the street frontage of CVR are in the City, however they abut R-1 lots behind them in the County which sit way above them in elevation/topography and are minimally impacted therefore by the one and two story

buildings below. **However**, the specifics are very different in this case because the topography is near level and neighbors will be dramatically impacted by anything built taller than is presently allowed (exhibit C). The rear R-2 lot in question was forced to remain R-2 twice before by both the City and County, specifically to provide a buffer to the residences nearby. Granting this amendment change would allow a much taller building to be built- eliminating the buffer that has been preserved by many government agencies for nearly a century. Again, this is a unique situation as the adjacent northerly neighbor will be denied a buffer that is available everywhere else on Coast Village Road because steep topography and/or larger lot size provide their buffer. The current trend, even here with laws in Ventura, is to lessen heights to 25' – 30', where commercial abuts residential zoned properties.

Will you overturn years of smart, consistently applied zoning laws by falling prey to a developer and a pro-growth City government's veiled attempt to disguise this as "just a remedy to an archaic zoning oversight?" Truly, isn't this "correction" really sought just to allow a much taller project to be built right next to an 11 foot residence surrounded by other one story homes? This also would be inconsistent with regulations requiring "compatibility with the character of surrounding areas" (Coastal Act 1973 section 30251 of Public Resources Code, exhibit B). It would **not** "enhance visual quality", per code, but rather "visually degrade the area" by eliminating public scenic mountain views at the one and only gateway entrance to both Santa Barbara and Montecito. Views are a protected resource within the Coastal Zone and this project will inexcusably result in the loss of public mountain views and a beautiful seasonal waterfall as well, **a real rarity**.

Montecito Association: the owner of the R-2 parcel tried to get it rezoned to commercial by the County in 1963, the Montecito Association voted against it and advised the County (and later the City) to disallow it arguing a buffer is needed to protect the neighborhood from expansion of commercial uses, etc. (see exhibit D).

County of Santa Barbara: the County denied the rezone request, and others for adjacent properties, in 1963 for virtually the same reasons as the Montecito Association (see exhibit E). So the owner of the subject property hatched a plan to go the City to ask for a rezone she could not get any other way.

City of Santa Barbara: Then the owner asked the City to annex the property and rezone it at the same time to C-1. After much discussion and numerous continuances, the City denied the C-1 rezone, but did annex it and zone it R-2-P. This allowed the approved residential uses and necessary parking, but gave the government and neighbors the ability to maintain control of improper use. This was done in order to avoid commercial use creeping into residential areas, loss of buffer to residences and the devaluing of adjacent properties (Exhibit F).

Local Coastal Plan: The zoning was not changed when the Local Coastal Plan was adopted for the same reasons which remain valid to this day.

COASTAL COMMISSION: These exact same problems would be exacerbated today by your decision to "clear up a simple zoning oversight". Please don't fall for this charade. All of these arguments regarding, loss of views, compatibility, neighborhood character, residential buffer, inconsistency with the LCP and GP would disappear if, either the developer would build only as tall as presently allowed (R-2 30' height limit)

or the use was left as a gas station, which is consistent, desired and designated within the LCP and GP. If you decide to approve this rezone, would you be sending the wrong message to everyone else with an residentially zoned parcel abutting a commercially zoned parcel? Would you mistakenly be encouraging annexation and rezoning up and down the coast to everyone's detriment?

The current project is also being challenged for it's negative declaration being insufficient in its environmental review. Should not the Coastal Commission do its own environmental review or wait until the courts make a determination?

Coast Village Road is zoned C-1 and lined with retail establishments and offices. The General Plan Map shows hotel and related commerce with the addition of a "highway service center" designation indicating the intention to provide service for visitors and freeway travelers (GPp.81 exhibit G & H). "The land uses permitted in these areas would include automobile service stations, restaurants and motels. With the establishment of these two highway service centers at either end of town, the necessity for the provision of service station facilities to serve freeway traffic at any of the interchanges or cross overs on the freeway between these two points is eliminated." It is obvious that the LCP and GP intended for there to be only visitor serving uses at these two, one north and one south, highway service centers. Coast Village Road is the only southerly transient service center for freeway motorists.

Also, you may not know that this request would allow the removal of the second to last gas station on CVR, which is a necessary and approved land use in the LCP (exhibit G). There is no mention in the LCP of potential for residential development at this site. Given it's corner location with inherent accessibility and visibility, it is already at it's highest and best use as a gas station. The public interest would be irreversibly harmed by the removal of this gas station, and best be served by it's continued presense.

Regrettably, this developer also owns the only other gas station along the CVR highway service center designated area and has expressed publicly at the Montecito Association meeting his plans to remove this sole remaining gas station to build a hotel. Given the whole scope of circumstances, should the Coastal Commission be complicit in this most unjustifiable of scenarios. This would be a disservice to the public in that people coming to enjoy the coast deserve access to gas as well as the beach, how else would they get home. You can't have one without the other and they both deserve your protection equally in this specific instance.

We ask your protection of this newly identified public trust resource.

Also, I would ask that you do a site visit to fully appreciate the enormous potential loss if an amendment change is granted. Unintended consequences can and should be avoided.

Thank you for your time and please feel free to call me any time to discuss this further,
John Wallace

President – PROTECT OUR VILLAGE (805) 234-1368

Exhibit A

*normal
fac-15*

Coast Village Road Building Story Analysis at Street Level



H

Exhibit A

COAST VILLAGE ROAD BUILDING STORY
ANALYSIS AT STREET LEVEL

<i>Number of story's</i>	<i>Address and</i>	<i>Name of Business</i>
NORTH SIDE OF COAST VILLAGE ROAD		
2	1290 CVR	Coldwell Bank
1	1286 CVR	Lewis & Clarke
1	1284 CVR	Fidelity National
1	1282 CVR	Longs
1	1280 CVR	Los Arroyos
1	1272 CVR	Red's
1	1270 CVR	Christine Schell
1	1268 CVR	Gallery
2	1250 CVR	Warner Group
2	1250 CVR	Alexandre International
2	1250 CVR	Molly's
2	1250 CVR	Village Property
4	1220 CVR	Coast Village Condos (approx. 50 foot setback)
1	1212 CVR	Cava
1	1200 CVR	Bottle Shop
1	1198 CVR	Peabody's
2	1188 CVR	Coast Village Inn
2	1170 CVR	Prudential Real Estate
4	1150 CVR	Villa Fontana (flag lot- 120 foot setback)
1	1150 CVR	Waterworks
1	1150 CVR	La Vie Bohemie
1	1150 CVR	Gelateria
1	1150 CVR	First American
1	1150 CVR	Montecito Deli
1	1150 CVR	Auriginals
1	1106 CVR	Sotheby's
1	1106 CVR	Montecito Bank and Trust
1	1096 CVR	Bank of America
1	1096 CVR	Canessa Capital
1	1096 CVR	Laguna Pacific
1	1096 CVR	Filipini Financial
1	1096 CVR	Pacific Southwest
1	1086 CVR	Coastal Properties
1	1080 CVR	Village Pool Supply
1	1070 CVR	China Pavillon
3	1062 CVR	Apartments (approx. 80 foot setback)
1	1046 CVR	Starbucks Plaza (several businesses)
1	1040 CVR	Vons Plaza shopping center (several businesses)

Exhibit A

SOUTH SIDE

1	1085 CVR	Chevron
1	1101 CVR	Hayward
1	1111 CVR	Smith Barney
1	1115 CVR	Sorrell Design
1	1117 CVR	Pacific Architects
1	1112 CVR	Cornelius Mietus MD
1	1127 CVR	Santa Barbara Travel
1	1131 CVR	Lily
1	1133 CVR	Peregrine Gallery
1	1137 CVR	Kate
1	1143 CVR	DG Jewelry
2	1145 CVR	Ever Store
2	1147 CVR	Montecito Optometry
2	1147 CVR	Shapiro Eye
2	1151 CVR	Tre Lune
2	1155 CVR	Silverhorn
2	1155 CVR	Circa
1	1165 CVR	Stewart Title
1	1665 CVR	Paseo Mariposa
1	1165 CVR	Sotheby's
1	1187 CVR	Scoop
1	1187 CVR	Coast Village Therapy
1	1187 CVR	Montecito Clock
1	1187 CVR	Capitol Finance
1	1187 CVR	UPS Store
1	1187 CVR	Novell Bass Cleaners
1	1187 CVR	Maureen Murphy Art
1	1187 CVR	Objects
1	1187 CVR	Giovanni's
1	1187 CVR	Atelier Jewelry
1	1187 CVR	Captain Video
2	1205 CVR	ReMax Realtors
1	1209 CVR	Coffee Bean and Tea
1	1213 CVR	Gaspar Jewelry
1	1221 CVR	Angel
1	1225 CVR	Kathryne Design
1	1225 CVR	Mischief
2	1225 CVR	Perfect Fit
2	1225 CVR	Chicago Title
2	1225 CVR	Montecito Frame
2	1225 CVR	Truskowski Landscape
2	1235 CVR	Souliers
2	1235 CVR	Portico Gallery
2	1235 CRR	Salon Mango
2	1235 CVR	Coast Village Realty

Exhibit A

2	1235 CVR	Simpatico
1	1205 CVR	Maison K
1	1205 CVR	Dressed
1	1205 CVR	Tony Rose Camera
1	1253 CVR	Jeanine's
1	1255 CVR	Turk Hesseland's Nursery
2	1269 CVR	Kreiss
1	1271 CVR	Wine Grotto
1	1273 CVR	Carroll and Co.
1	1275 CVR	Living Green
1	1277 CVR	Rituals
1	1279 CVR	Lucky's
3	1295 CVR	Montecito Inn

Exhibit B



The voice of our community

2008 Officers:

William Palladini
President
Diane Pannkuk
1st Vice President
Ted Tedesco
2nd Vice President
Monica Brock Petersen
Secretary
Gene Sinsler
Treasurer

Directors:

Elisa Atwill
Darlene Bierig
David Carpenter
J.W. Colin
Michael Cook
Mindy Denson
Tony Harbour
David Kent
William Palladini
Diane Pannkuk
Monica Brock Petersen
Robertson Short
Ted Simmons
Gene Sinsler
Ted Tedesco
Peter van Duinwyk
Louis Weider

Honorary Directors:

Ralph Baxter
Dan Eidelson
Sally Kinsell
Robert V. Meghreblian
Naomi Schwartz
Richard Thielscher
Joan Wells

Executive Director:

Victoria Greene

Office Coordinator:
Brook Rademacher

Office:
1469 E. Valley Road
Santa Barbara, CA 93108

P.O. Box 5278
Santa Barbara, CA 93150
Tel: (805) 969-2026
Fax: (805) 969-4043

info@montecitoassociation.org
www.montecitoassociation.org

February 26, 2008

Santa Barbara City Planning Commission
630 Garden Street
Santa Barbara, CA 93101

RE: Proposed Project at 1298 Coast Village Road, Planning Commission
Agenda of March 13, 2008

Dear Commissioners:

On February 12, the Board of the Montecito Association voted to approve the following letter regarding the above project. It is intended to supplement our previous letter to you dated January 9, 2008. Since the story poles were erected, we have received many negative comments from the community regarding the height of the proposed building as being incompatible with other buildings on Coast Village Road and the adjacent single-family homes. In addition, other concerns have arisen, as follows:

- 1) The request for a variance on the rear setback which severely affects the adjoining single-family residence;
- 2) The impact on traffic and parking created by the addition of 5,000 square feet of commercial space and 8 condominiums;
- 3) We are very concerned about the traffic impact of this project on the surrounding area and request that a thorough independent third party analysis be conducted. The project is located at a major intersection with five roads and four stop signs which already experiences severe congestion;
- 4) We also suggest a thorough analysis of water usage since the proposed project will use many times the present usage by the gas station;
- 5) The project's height would block mountain views. the preservation of which is an integral part of Montecito's Community Plan as well as the City's General Plan.

In light of these issues, the Board requests that the City not approve the project as proposed.

We also wish to reaffirm our request for the development of a plan for Coast Village Road. This project is representative of the type of redevelopment we are likely to see more of along Coast Village Road. We are concerned that more three-story development along Coast Village Road will result in the loss of scenic views and access to light that currently characterize this commercial district. Traffic and parking are also a concern along this corridor. There is a current parking deficit at certain times of the day and we expect traffic to worsen with the closure of the southbound Hot Springs onramp.

Exhibit B

For these reasons, we recommend the City undertake a study of the issues and develop a specific plan for Coast Village Road that addresses concerns including maximum building height, design, parking and circulation. Because the Association represents the interests of all Montecito residents, we look forward to actively participating in this planning effort.

We hope that you will consider our remarks and we are available anytime to assist you or answer any questions you may have.

Sir

Signature On File

Bill Palladini, President

cc: Peter Lawson, Community Development
Mayor Blum and Council Members, City Hall
Supervisor Carbajal
Jeff Gorrell, Lenvik & Minor Architects
Coast Village Business Association
Save Coast Village Road

Exhibit B

Department, Santa Barbara Police Department, the Mayor and our City liaison Nina Johnson, the City Civil Engineer, other City Planners and County Supervisor Salud Carbajal. Their experience and input was very valuable in assisting in the direction of all of this information into a semblance of order.

We are grateful for the City's support by their attendance and participation. From the results of the forums, we have compiled the essential points pertaining to Traffic, Pedestrian, Environmental, and Building issues that were identified and discussed in depth. Many of the issues dealing with repair and maintenance of infrastructure and how the Village can be more "green," were revealed in the Town Halls. CVBA has identified a checklist of items to be handled as maintenance priorities by the City and the County. The main points of the Forums are in the proposed Coast Village Guidelines.

Included in this packet are: 1) The Town Hall 1 Issues, 2) The Town Hall 2 Results: Ideas and Solutions and 3) CVBA's revised Guidelines from August 2006—now called Proposed Coast Village Road "Semi-Rural Commercial Overlay District", mainly focused on how the building development and renovation issues as well as parking, views, traffic and pedestrian needs may be incorporated into Santa Barbara's Plan Santa Barbara and New General Plan as an "overlay" or "district."

The purpose of the above Guidelines is to assist the property owner, business owner, architect, developer and builder in designing projects that will be harmonious with the existing character of Coast Village's "Semi-Rural Commercial Overlay District." These Architectural Guidelines and Development Standards also serve as a guide for the Planning Commission and Architectural Board of Review (and possibly the Historic Land Commission) and City Staff in the design review process.

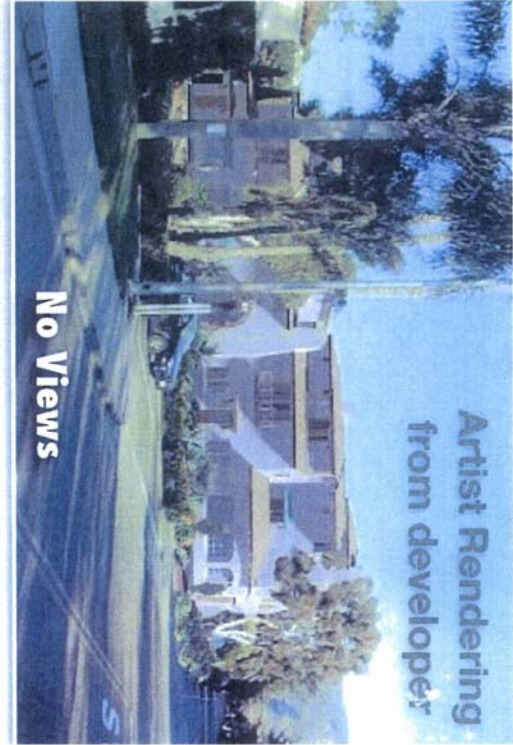
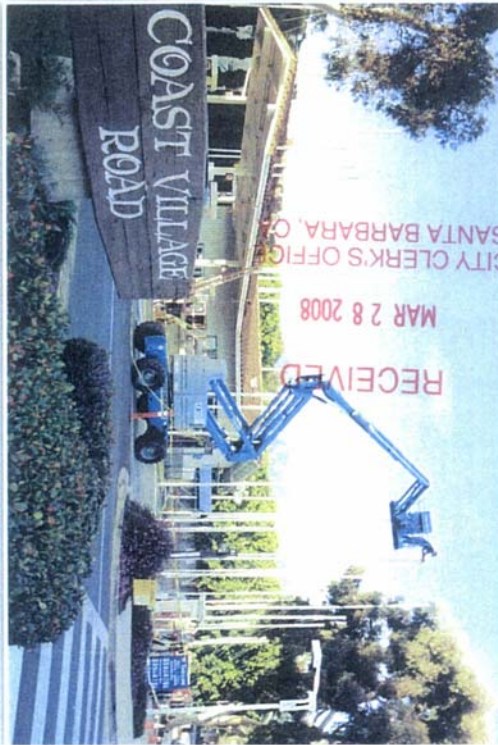
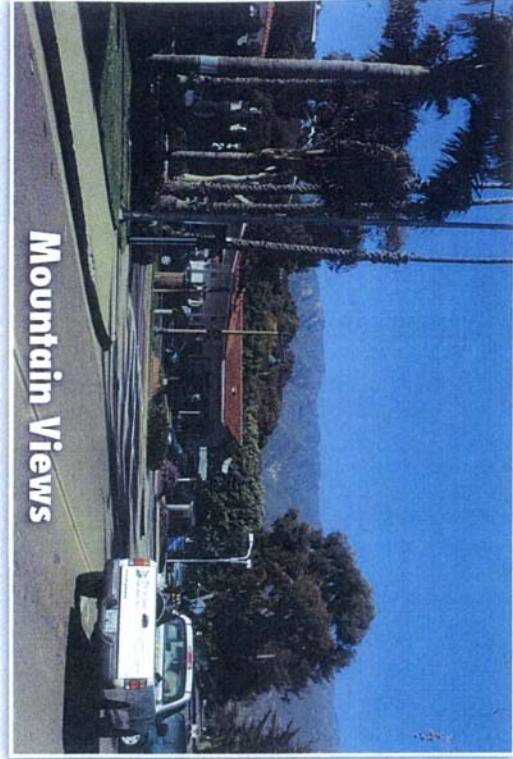
The goals of these guidelines is to ensure that all development will carefully consider the community context in which it takes place and have a compatible relationship to neighboring properties and community as a whole.

(To preserve and enhance Coast Village's unique setting the "Commercial Overlay District" shall include the following restrictions:)

A Maximum Floor Area Ratio (FAR) for CVR's commercially Zoned properties whether proposed for development with commercial, mixed use or residential uses shall not exceed a FAR of 60% of Net Lot Area.

Development on all commercially zoned properties in "Coast Village" shall not exceed a maximum height of 2 stories and 30'. Daylight Basements shall not count as a story South of the centerline of Coast Village Road Proper.

EXHIBIT B



No Views

Chairperson Myers and Members of the Planning Commission
Planning Commission of the City of Santa Barbara
P.O. Box 1990
Santa Barbara, Calif. 93102

RE: 1298 Coast Village Road

February 28, 2008

The Allied Neighborhood Associations discussed the proposed development at 1298 Coast Village Road at their meeting in February 2008. A motion was made and passed that the association is opposed to the proposed mixed-use development and to the determination that a negative declaration is acceptable for this project.

We oppose the project for the following reasons:

There is a requested rezoning which will allow a R-2 parcel to be developed as part of the construction of the commercial project. The purpose of the R-2 zone was to buffer commercial from residential and with a rezoning this important buffer will be lost. This loss will have adverse effects on the existing residential homes. In our opinion the need for the buffer is an important factor in good planning.

The proposed building height will allow a three-story structure to be constructed in the residential buffer. The adjacent residents will, as a result, lose privacy and experience shadows from the structure on their property.

This building does not have neighborhood compatibility. This structure would be the only three story building on the entire block and it would block views from all adjacent properties.

This proposed structure is located on the corner of a busy five-way intersection. This intersection is difficult to negotiate as there are so many points of access.

The applicant's proposed so-called residential buffer is actually a driveway serving the commercial and residential needs of the proposed structure. A busy driveway next to residential homes is not acceptable. We also note that this driveway will place all traffic on Olive Mill Road and will eliminate the existing four points of access.

The project should be denied or at a minimal be required to do a complete EIR with mitigation measures that insure that the adjacent residents retain a quality of life and privacy. This project is completely incompatible with the area in size bulk and scale. The proposed rezoning does not give the public any benefit; indeed, it takes away from the public benefits.

The present project should be denied outright. Any redesigned project should be required to do a complete EIR study.

Thank you for your consideration.

Judy Orias, President
Allied Neighborhoods Associations.

AGENDA ITEM # TH7B
HEARING DATE 4-9-09
APPLICATION # MAJ-3-08
REZONE -1298 COAST VILLAGE ROAD
SANTA BARBARA

X **OPPOSE**

NAME Linda Donahue

TO: - California Coast Commission

This rezone request would not be happening but per the developer asking to increase height limits for residential, not commercial development. It is project driven to allow residential use inconsistent with the Local Coastal Plan, it also blocks views which is inconsistent with the view protection provision of the Coastal Act.

I, along with the vast major of the community, oppose rezoning this parcel from residential to commercial (R-2 to C1) just as the City, the Montecito Association and the majority of neighbors did in 1963 when this property was denied the same rezone request by both the County and City of Santa Barbara. This protection from our forefathers was not a mistake, it was meant to protect us from oversized development.

Then as now, we continue to want to protect and buffer our residential one story neighborhood from encroaching commercial uses. Also, specifically to avoid needlessly tall, bulky, mixed use developments which can only be built by abusing the rezone process to circumvent the existing 30 foot height limit to magnify the profit for developers at the expense of everyone.

Signature On File

AGENDA ITEM: # TH7B
HEARING DATE: 4-9-09
APPLICATION : MAJ-3-08
REZONE -1298 COAST VILLAGE ROAD
SANTA BARBARA

 X **OPPOSE**

NAME Cynthia K. Woo
Dated 4-5-09

TO: California Coastal Commission
FROM: A Concerned Resident of the area.

This Local Coastal Plan Amendment would not be happening but for the developer asking to increase height limits for residential, not commercial development. It is project driven to allow residential use inconsistent with the Local Coastal Plan. It is controversial because of its proposed overbuilding and excessive height. The height itself is inconsistent with the neighborhood as it exists and the vision for the future prepared by the Coast Village Road Association. It will block significant existing mountain views at a key intersection and entrance to the area. Views are a protected resource within the Coastal Zone and this project will result in destruction of those views.

I, along with the vast major of the community, oppose rezoning this parcel from residential to commercial (R-2 to C-1) just as the City, the Montecito Association and the majority of neighbors did in 1963 when this property was denied the same rezone request by both the County and City of Santa Barbara. This protection by our forefathers was not a mistake, it was meant to protect us from oversized development. It was not changed when the LCP was adopted for the same reasons which remain valid today.

Then as now, we continue to want to protect and buffer our residential one story neighborhood from encroaching commercial uses. Also, specifically to avoid needlessly tall, bulky, mixed use developments which can only be built by abusing the rezone process to circumvent the existing 30 foot height limit to magnify the profit for one developer at the expense of everyone else.

Signature On File

CALIFORNIA COASTAL COMMISSION

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

**W 16c**

DATE: May 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 June 10-12, 2009 Commission Meeting in Marina del Rey.

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 Commission postponed this LCP Amendment at the April 9, 2009 meeting. 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 conformance with, and is able to adequately 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 includes a mix of commercial and residential uses and would 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.

Given the proximity of existing commercial buildings and uses along Coast Village Road as well as the C-1 zone district standards to protect adjacent residential uses, the proposed Limited Commercial zone would be consistent, and compatible, with the existing zoning pattern of Coast Village Road. Further, as detailed more fully in Section III.C.3, given the existing commercial and residential development along Coast Village Road, as well as limited public views through the site, the proposed amendment to change the zone designation on the subject lot will not adversely impact existing public views or the character of the area. Staff is recommending that the Commission find that the proposed zoning designation and zoning map change is consistent with the City of Santa Barbara certified Land Use Plan, as submitted.

The Commission has received numerous letters and comments from the public prior to and after the Commission's April 9, 2009 meeting. These letters primarily raise issues related to a proposed mixed-use development on the subject site (that is the subject of a separate coastal development permit issued by the City of Santa Barbara which encompasses, in part, the subject site) rather than specific issues related to the subject zoning ordinance amendment. Issues that were raised relative to the proposed zoning ordinance amendment have been addressed in this staff report and with the addition of Section 30251 of the Coastal Act as noted on pages 8 - 11.

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.

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

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, contingent upon certification of this Local Coastal Program Amendment. 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, NEW DEVELOPMENT, AND SCENIC RESOURCES

1. Coastal Act Policies

Section 30222 of the Coastal Act, as incorporated into the certified LCP pursuant to LUP Policy 1-1, 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, as incorporated into the certified LCP pursuant to LUP Policy 1-1, 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.

Section 30251 of the Coastal Act, as incorporated into the certified LCP pursuant to LUP Policy 1-1, states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted developments shall be sited and designed to protect views to and along the ocean and scenic coastal area, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

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, 30250, and 30251.

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. The Land Use Plan also includes Policy 9.1 which requires that existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following: acquisition of land for parks and open space; requiring view easements or corridors in new developments; specific development restrictions such as height limits, building orientation, and setback requirements for new development; developing a system to evaluate view impairment of new development in the review process. Additional actions are also noted including: exploring sources for funding park and open space acquisition; delineating view corridor locations on new development plans by additional building limits, orientation and setback requirements; and establish standards of acceptable view protection to be utilized by developers, city staff, and discretionary bodies to ascertain a project’s height, setback, and clustering of buildings.

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 are 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 the standard of review outlined in Section 30513 of the Coastal Act, the rezone to the Limited Commercial Zone district would be consistent with, and implement, the current *Commercial* LCP land use designation. 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. Given the proximity of existing commercial buildings and uses along Coast Village Road as well as the aforementioned C-1 zoning provisions to protect adjacent residential uses, the proposed Limited Commercial zone would be consistent, and compatible, 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.

Section 30251 and the above related LUP policies require that developments shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, and be visually compatible with the character of surrounding areas through various means noted above and in the LCP. The proposed amendment to change the zone designation on the subject lot will not adversely impact existing public views or the character of the area because:

- (1) Coast Village Road is an existing developed commercial area with some residential developments interspersed, and as a result, views of the mountains from, and along, Coast Village Road are already significantly impacted by development.
- (2) Views from Coast Village Road through the subject site are already impacted by existing commercial development (an existing service station).

3) Although the zone re-designation could allow for a taller building, the maximum height under the C-1 zone district will not result in a significant impact to public views or the character of the surrounding area for a number of reasons: (a) there is an existing Commercially-zoned property, located between Coast Village Road and the subject site, that already allows for a 45-ft maximum height; (b) the additional height is compatible with surrounding commercial buildings and uses along Coast Village Road, including a visitor-serving hotel located directly across Coast Village Road; (c) public mountain views through the site from Coast Village Road or Olive Mill Road are already limited by development, distant, and fleeting and a change in height would not have significant impact to such views; (d) Coast Village Road and Olive Mill Road are not designated scenic roadways in the Santa Barbara City LCP; and (e) the site is not visible from a coastal bluff, beach, public park or significant open space area.

The proposed amendment to change 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) would allow for an increase in the height of any permitted development from the existing 30 feet (above existing grade) to 45 feet. The subject lot is located on the landward side of an existing Commercially-zoned lot located at the corner of Coast Village Road and Olive Mill Road. The existing Commercial zoned lot allows for a maximum height of 45 feet, as a result, the public view along the coast from Coast Village Road inland towards the Santa Ynez Mountains would not be significantly affected by any future permitted development because it would be located behind a Commercial land use allowing the same height limit. Similar to the viewing circumstances along Coast Village Road, the public view from Olive Mill Road to the west is already impacted by existing residential and commercial development and there are no significant clear mountain views through the site. There are no public parks or significant open space areas in the area. In addition, the project site is not visible from the coastal bluff or beach. Neither Coast Village Road nor Olive Mill Road are designated scenic highways and the immediate areas are also not designated visual resources in the City's LCP. Therefore, for the above reasons, the Commission finds that the proposed zoning designation and zoning map change is consistent with the scenic and visual quality policy of the Coastal Act and the related policies in the Santa Barbara City certified Land Use Plan.

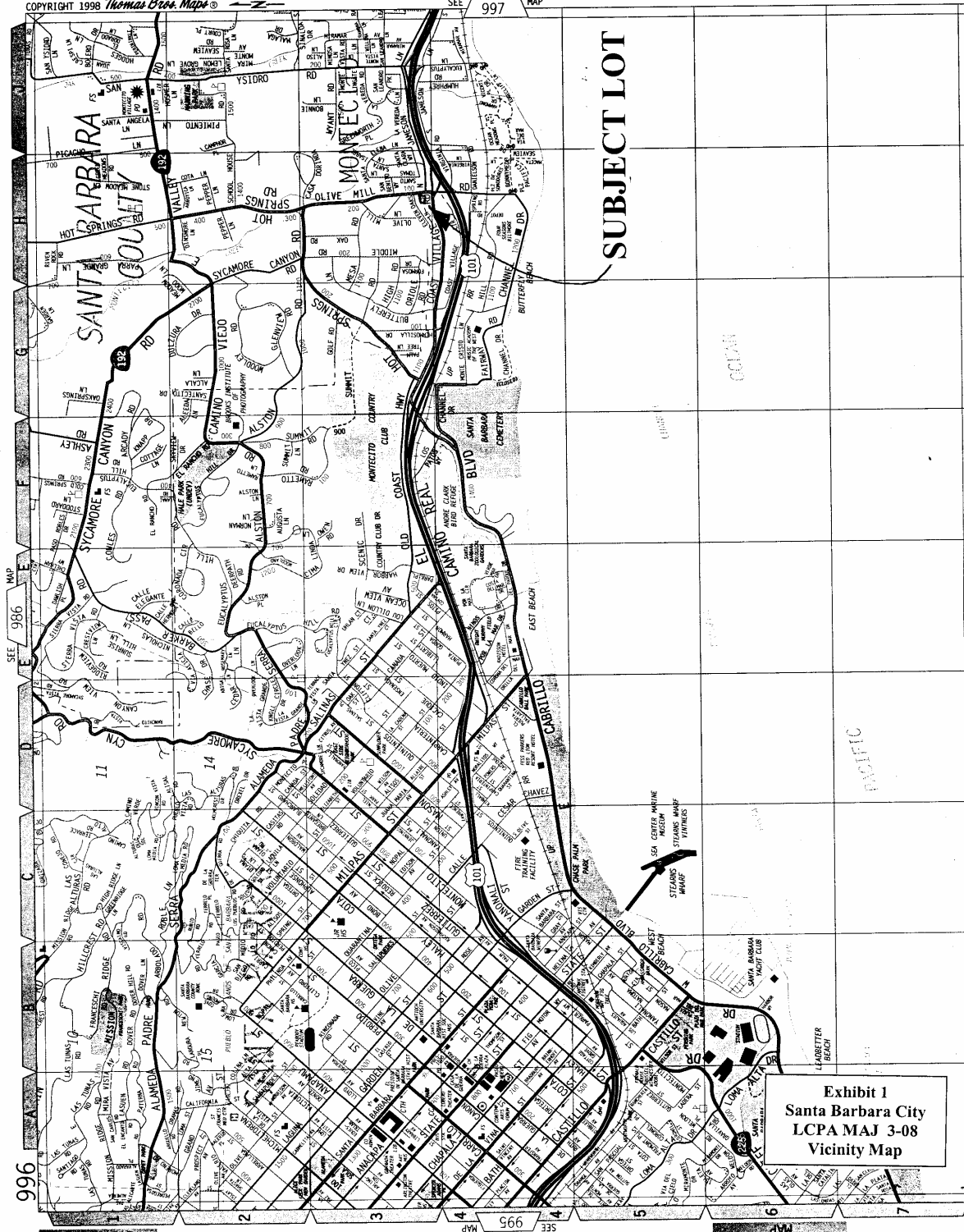
For the reasons states above, the Commission finds that the proposed zoning designation and zoning ordinance map amendment (Local Implementation Plan), as submitted, is consistent with and adequate to carry out the requirements of the City of Santa Barbara's certified LUP and Chapter Three of the Coastal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



SUBJECT LOT

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

SEE 986 MAP

SEE 366 MAP

996

995 MAP

MAP

COASTAL PLAN - LAND USE MAP
COMMERCIAL

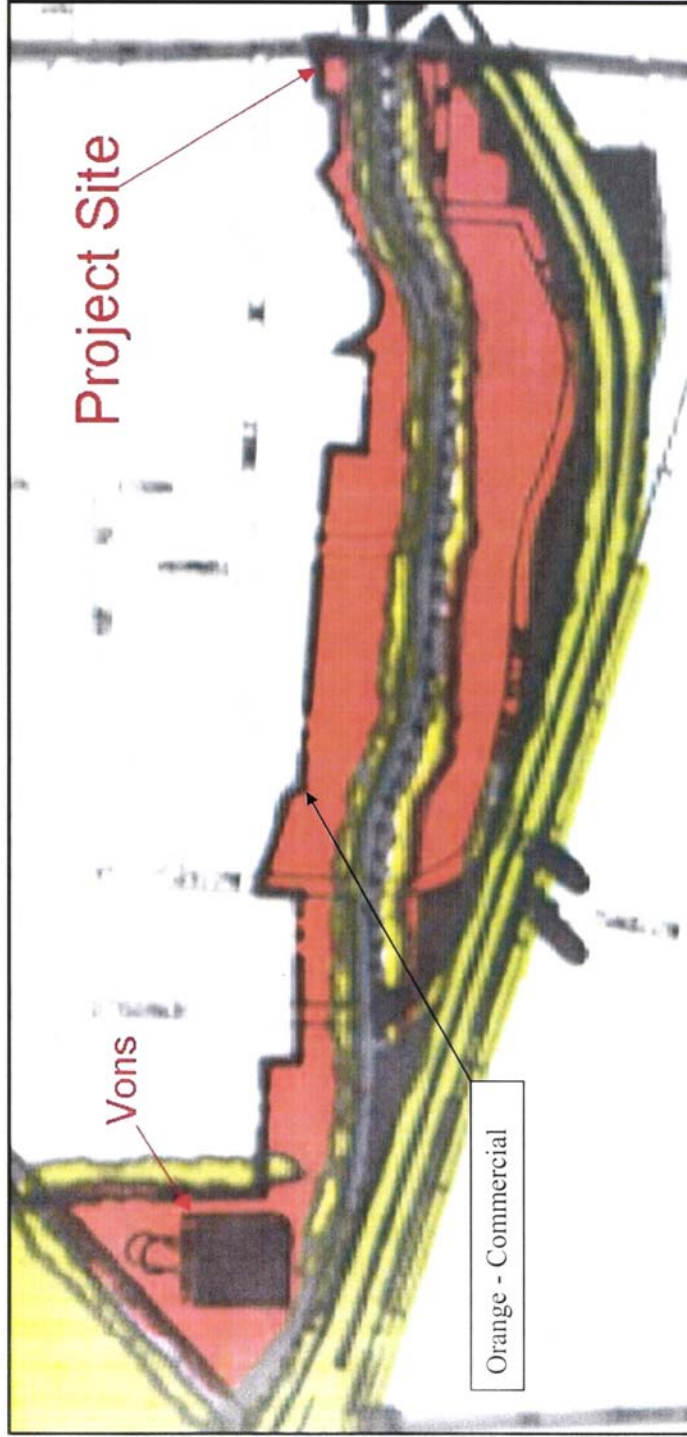
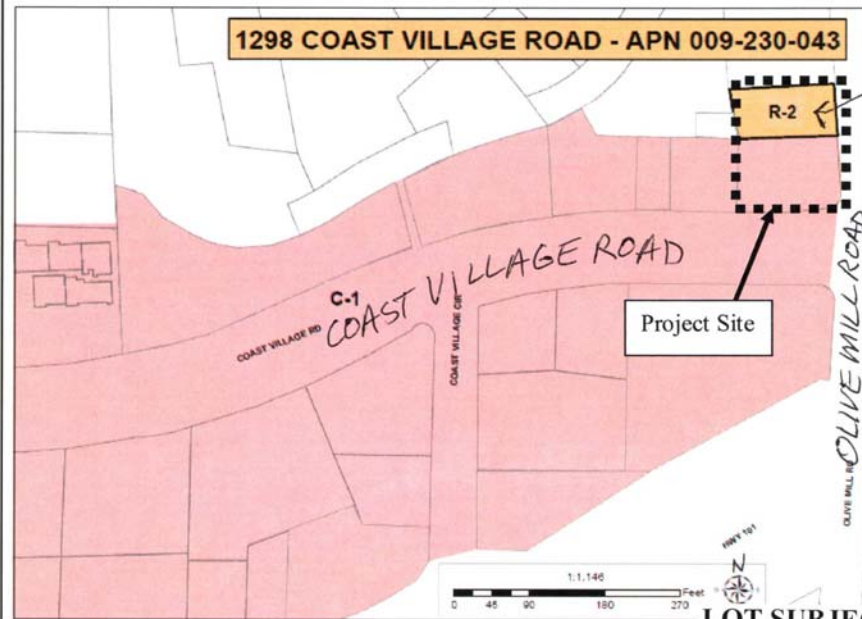


Exhibit 2
Santa Barbara City
LCPA MAJ 3-08
Land Use Plan Map

LOT SUBJECT TO LCP AMENDMENT

Current Zoning



LOT SUBJECT TO LCP AMENDMENT

Proposed Zoning

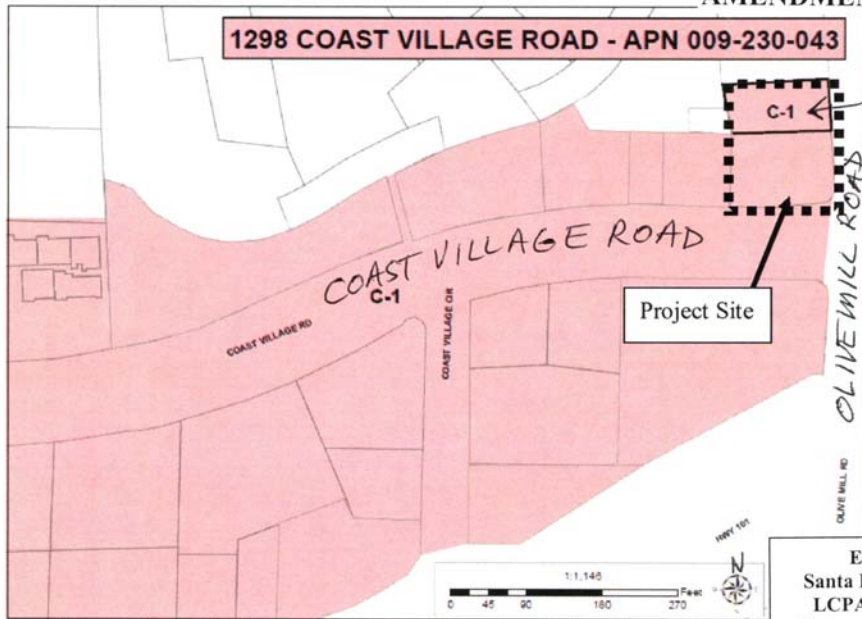


Exhibit 3
Santa Barbara City
LCPA MAJ 3-08
Current & Proposed
Zoning Map

PROJECT SITE PLAN (INFORMATION PURPOSES ONLY)

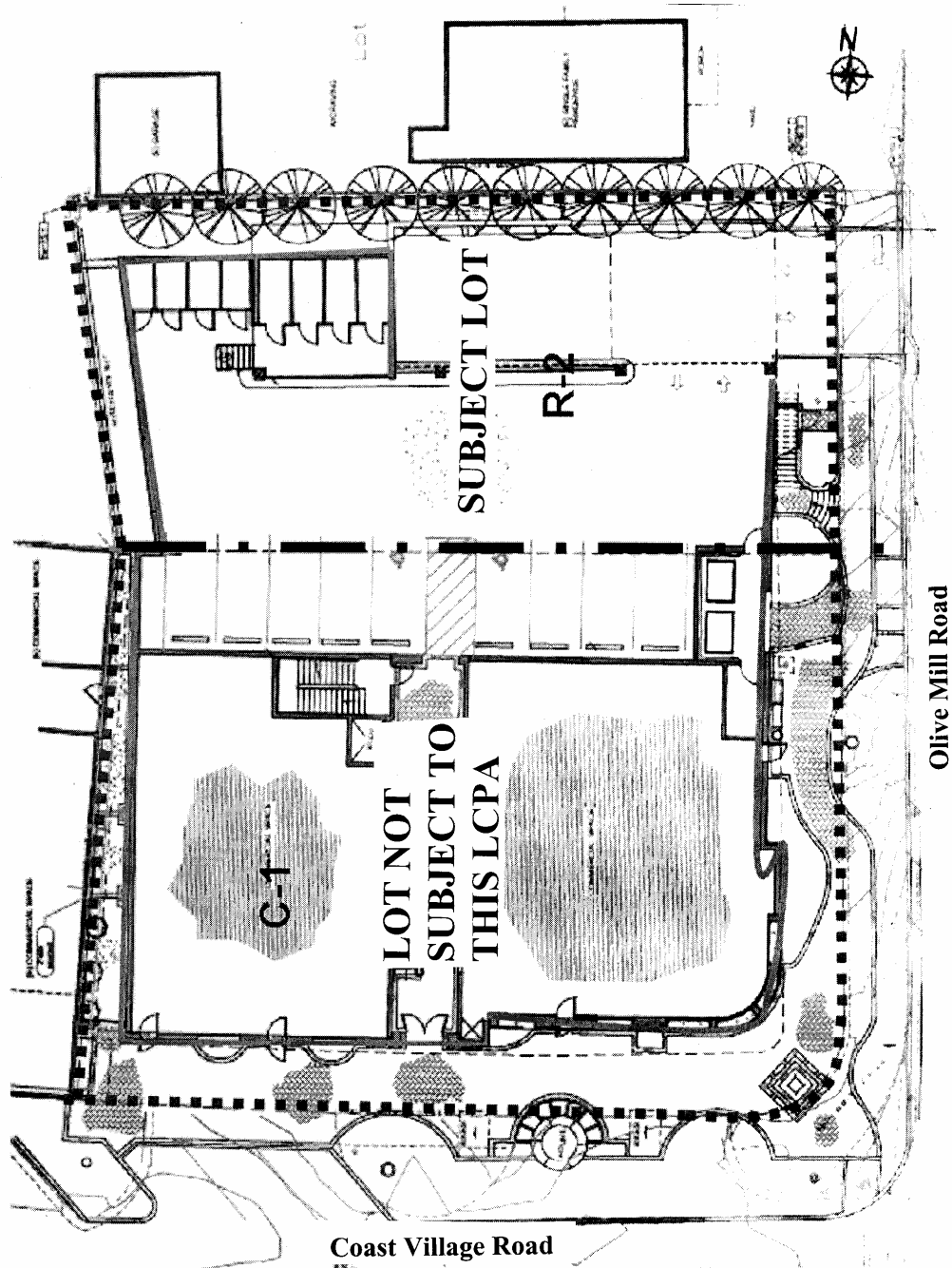


Exhibit 4
Santa Barbara City
LCPA MAJ 3-08
Project Site Plan

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

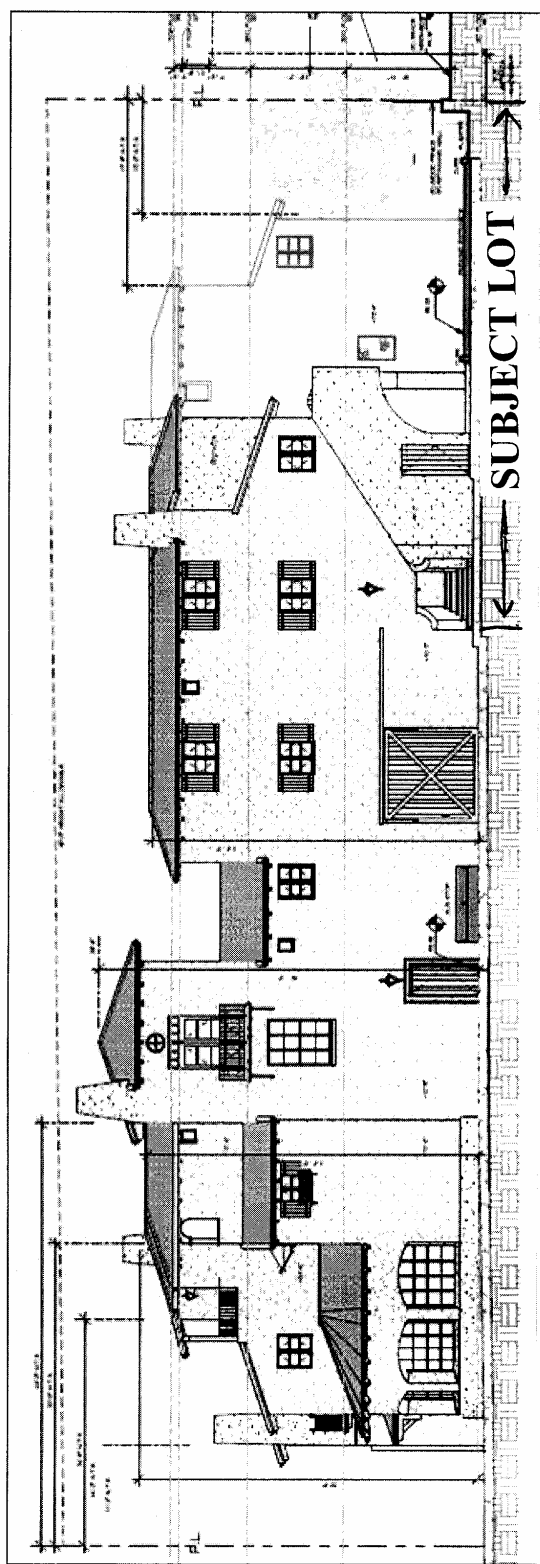


Exhibit 5
Santa Barbara City
LCPA MAJ 3-08
Project East Elevation

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

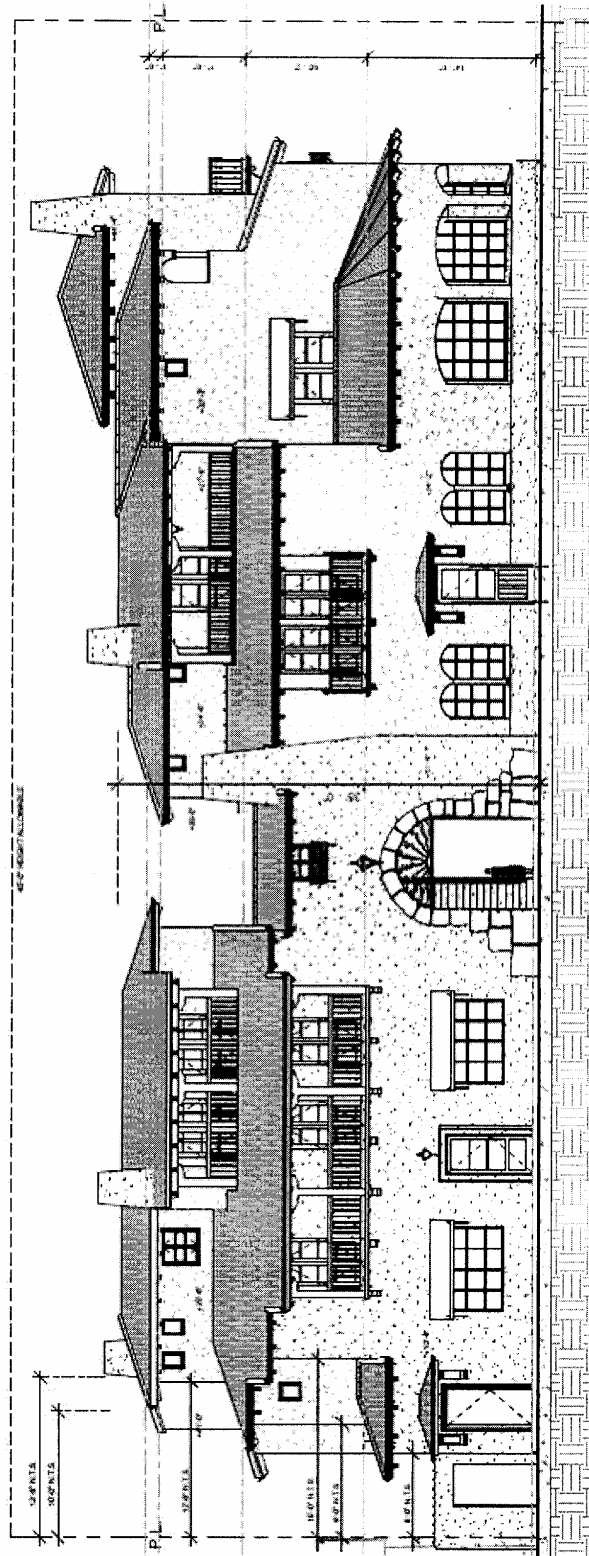


Exhibit 6
Santa Barbara City
LCPA MAJ 3-08
Project South Elevation

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

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

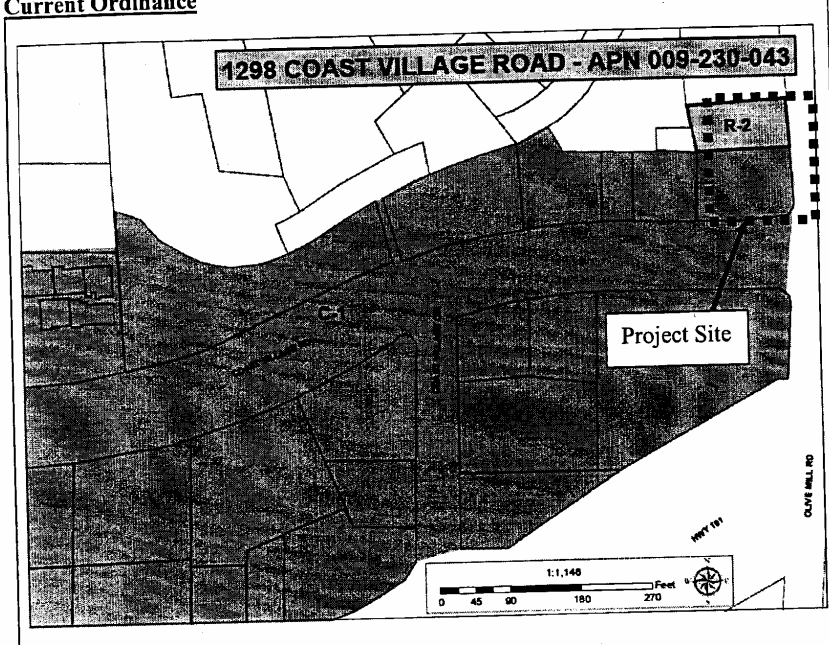
The Local Coastal Program of the City of Santa Barbara is amended to rezone the northerly portion of APN 009-230-043 to C-1/S-D-3 (Limited Commercial/ Coastal Overlay Zone). Said amendment shall be effective immediately upon California Coastal Commission certification of said amendment.

SECTION TWO. ZONING MAP AMENDMENT

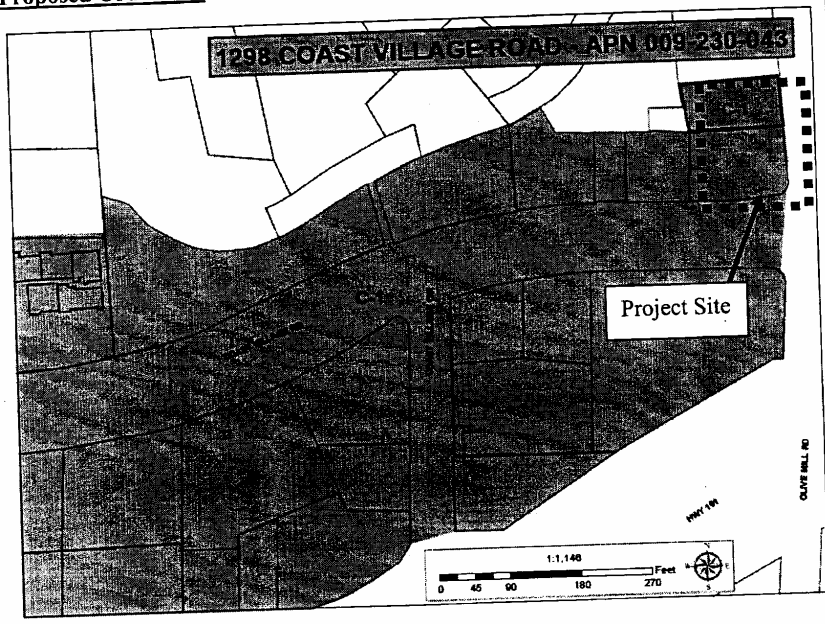
A. Effective thirty (30) days after Coastal Commission Certification of the Local Coastal Program Amendment for a portion of Assessors Parcel Number 009-230-043, the Sectional Zone Map SA04 of Chapter 28.12, Zone Map of the Santa Barbara Municipal Code, is amended by changing the zoning of said property 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.

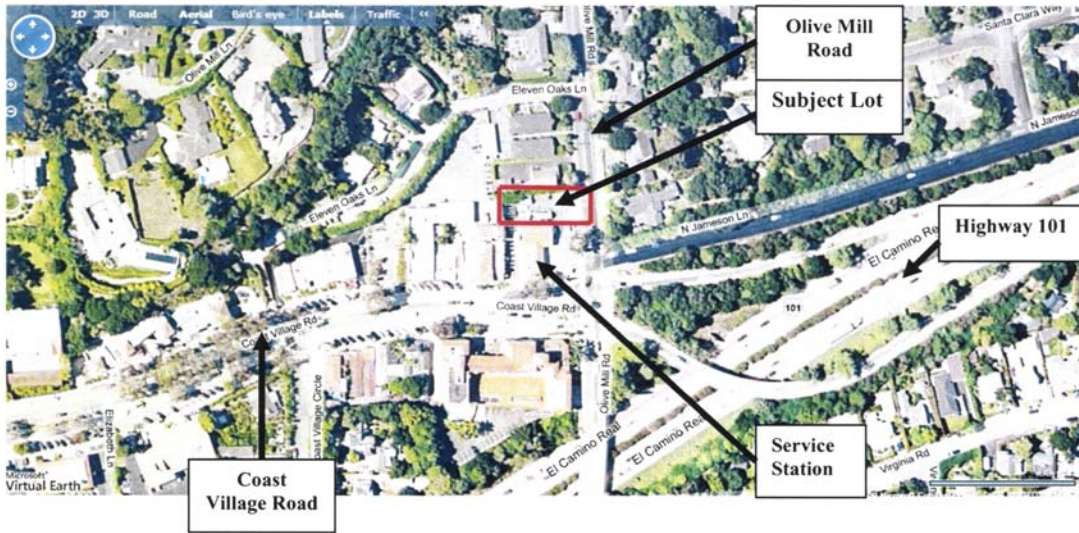
Signature On File

[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