

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

Filed: 1/28/98
49th Day: 3/17/98
180th Day: 7/25/98
Staff: MHC
Staff Report: 3/18/98
Hearing Date: 4/7-10/98
Commission Action

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: Santa Barbara County

DECISION: Approve with Conditions

APPEAL NO.: A-4-STB-98-015

APPLICANT: St. Athanasius Church

PROJECT LOCATION: 976 Embarcadero del Mar, Isla Vista, Santa Barbara County

PROJECT DESCRIPTION: Placement of two temporary trailers on the existing church site for up to two years.

APPELLANT: Scott Abbott

SUBSTANTIVE FILE DOCUMENTS: 97-CP-056; 97-CDP-250; Santa Barbara County Local Coastal Program; Appeal A-4-STB-98-015

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons: The placement of temporary trailers is consistent with the applicable land use plan policies and zoning provisions of the County of Santa Barbara's certified Local Coastal Program.

The Commission received a Notice of Final Action from the County of Santa Barbara on January 14, 1998, and an appeal of the County's action on January 28 1998. The appeal was therefore filed within 10 working days of receipt of the Notice of Final Action by the County as provided by the Commission's Administrative Regulations.

I. Appellants Contentions

The appellant alleges the following basic inconsistencies with the County of Santa Barbara's Local Coastal Program: (1) the project does not meet the applicable parking requirements of the zoning ordinance; (2) the project generates noise inconsistent with the adjoining land uses; (3) the project is constructed on soils which are unsuitable for trailers; (4) the project is inconsistent with the visual resources of the site; and (5) the project adversely impacts environmentally sensitive habitats. (See Exhibit 4.)

II. Project Description

The project is located on Embarcadero del Mar which is landward of Del Playa Drive, the first street paralleling the sea in the unincorporated community of Isla Vista. The project consists of the temporary installation of two trailers on the existing site of the St. Athanasius Church. The proposed trailers are each 504 square feet in size, approximately 14 feet in height, and constructed with a naturally colored wood-sided exterior. The site is developed with a 3,520 square foot church with 19 car parking spaces. The church also leases 42 parking spaces from the Isla Vista Parks and Recreation District on an adjacent parcel for a total of 61 parking spaces. (See Exhibits 1 and 2.)

The purpose of the two trailers is to provide office space to 8 church employees who are currently housed in off-site offices in the Isla Vista area. The trailers would be occupied during the week days from 8:00 a.m. to 5:00 p.m. The installation of the trailers would not require any grading or the installation of foundations, or the removal of any vegetation. No additional on-site parking spaces would be necessary to accommodate the use of the trailers because the primary church use of the parking lot is only on Sunday when the trailers would not be occupied.

The applicant has requested and been granted a permit to temporarily place two trailers on the site for no more than two years. The applicant has requested a permit for the use of temporary trailers rather than permanent structures because the Church is planning to relocate the church to a new site in the Goleta area.

III. Local Government Action

The County approved a Minor Conditional Use Permit 97-CP-056 and Coastal Development Permit 97-CDP-250 on November 17, 1997. The project was approved with a number of special conditions, including conditions limiting the time trailers may remain on the site (two years), and limiting the hours of occupation (8:00 a.m. - 7:00 p.m.). (See Exhibit 3.)

The Commission received a Notice of Final Action from the County of Santa Barbara on January 14, 1998, and an appeal of the County's action on January 28 1998.

IV. Appeal Procedures

The Coastal Act provides for appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on

Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater, on state tide-lands, or along or within 100 feet of natural water courses.

For development approved by the local government and subject to appeal to the Commission, the grounds for appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (California Coastal Act).

The project is within 300 feet of the inland extent of the beach (and requires a conditional use permit) and is therefore subject to appeal to the Commission.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal.

If the Staff recommends "substantial issue" and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program, and the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, the appellant(s), persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If a de novo hearing is held, testimony may be taken from all interested persons.

Coastal Act Section 30621 requires that a public hearing on appeals shall be set no later than 49 days after the date on which the appeal is filed with the Commission.

V. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

Motion

I move that the Commission determine that Appeal NO. A-4-STB-98-015 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

VI. Findings and Declarations

A. Project Description

The project consists of the the temporary installation of two trailers on the existing site of the St. Athanasius Church for a period not to exceed two years. The proposed trailers are each 504 square feet in size and are approximately 14 feet in height, with naturally colored wood-sided exteriors. The trailers would be occupied during the week days from 8:00 a.m. to 5:00 p.m. by employees of the church. The installation of the trailers would not require any grading or the installation of foundations, or the removal of any vegetation. (See Exhibit 2.)

B. Issues Raised by the Appellant

The appellant has raised several issues regarding inconsistencies with the County of Santa Barbara's Local Coastal Program: (1) the project does not meet the applicable parking requirements of the zoning ordinance; (2) the project generates noise inconsistent with the adjoining land uses; (3) the project is constructed on soils which are unsuitable for trailers; (4) the project is incompatible with the visual character of the area; and (5) the project would adversely impact environmentally sensitive habitats. (See Exhibit 4.)

1. Parking Requirements

The appellant contends that the County has approved the placement of trailers with inadequate parking. Section 35-259 of the County's Local Coastal Program Zoning Ordinance requires one parking space per 30 square feet of auditorium floor. The existing Church building is 3,520 square feet and the related auditorium floor area totals 1,980 square feet. No additional parking is required for ancillary structures such as related office space. Under this standard, 66 parking spaces are required. The Church currently has access to 61 parking spaces (19 spaces provided on-site and 42 parking spaces leased from the Isla Vista Parks and Recreation District).

Under the approved Development Plan for the site, a modification to parking requirements was approved which reduced the parking requirements for the Church to 61 spaces. The County based this modification on the temporary nature of the trailers, and the limited hours of occupancy. The trailers may be kept and used on site for no more than two years, and the trailers may be used only during the weekdays. This arrangement will avoid the potential shortage of parking spaces by avoiding competition with parishioners who use

the parking lot on weekends. The installation of trailers, under these terms, would therefore not result in an increase in parking demands on weekends and, therefore in the required number of parking spaces. The project as a result would not adversely impact the ability of the public to access any nearby beaches.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program parking requirements and the public access policies of the Coastal Act. The appellants contentions, therefore, raise no substantial issue.

2. Noise

The appellant alleges that the placement of trailers near adjacent property lines creates a noise impact on the I.V. Medical Clinic as a result of the operation of air-conditioners and general office use.

The appellant specifically alleges that the project is inconsistent with the Goleta Community Plan Policy N-GV-1 which provides that:

Interior noise-sensitive uses (e.g., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected to minimize significant noise impacts.

The project site is located in the commercial district of Isla Vista, an unincorporated community adjacent to the University of California at Santa Barbara, and is zoned retail Commercial (C-2). The parcel to the north is zoned Retail Commercial and is occupied by office and commercial uses; the parcel to the south is zoned Retail Commercial and occupied by offices and commercial uses; the parcel to the east is zoned Retail Commercial and is currently in open space (Perfect Park); the parcel to the west is zoned Retail Commercial and is occupied by offices and commercial uses.

The Retail Commercial Zone District allows trailers as an accessory structure, on a site developed with a permanent building. The Retail Commercial Zone District does not require side yard setbacks but does require that if a side yard setback area is provided there should be a minimum of 3 feet. The trailers will be placed in the northeast corner of the site outside of all setbacks. The northern most trailer is setback from the northern property line 12 feet and the southern most trailer would be set back from the southern property line by 7 feet. In addition, the trailers would meet the rear yard setback of 10 feet, and the required 5 foot separation between buildings. The northern most trailer would have an air-conditioning unit attached to the east end of the trailer adjacent to the Isla Vista Medical Clinic building. This unit is not in front of any window or door of the Isla Vista Clinic. As noted above, the two trailers would be occupied by approximately 8 employees of the Church during normal business hours.

Because of the the setbacks from the adjacent property lines and small number of persons using the two trailers, the proposed project does not raise a substantial conflict with the provisions of the County's Local Coastal Program regarding noise abatement.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

3. Soils

The appellant alleges that the project is not suitable for soils on the site.

The appellant alleges that because of gopher activity in the area, the site is unstable, and therefore unsuitable for the proposed placement of trailers. The appellant has provided no evidence to support this contention. However, the temporary nature of the trailers and the method of mounting the trailers on pads provides reasonable assurance that they are stable. As previously indicated, no grading, foundations, or vegetation removal is proposed. Furthermore, the project site has been reviewed by the Santa Barbara County Division of Building and Safety and found to be suitable for the proposed development.

Because of the small size of the two trailers and their location on a level site the proposed project site does not raise a substantial risk of failure as a result of unsuitable soils.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

4. Visual Compatibility

The appellant alleges the project will not protect the visual character of the area because it is not in conformance with the scale and character of the existing community, and it does not adhere to design guidelines for site layout, or landscaping.

The appellant specifically alleges that the project is inconsistent with LCP Policy 4-4 which provides, in part, that:

In areas designated as urban on the land use plan maps and in designated rural neighborhoods new structures shall be in conformance with the scale and character of the existing community.

Additionally, the appellant alleges that the project is inconsistent with the Goleta Community Plan Policy VIS-GV-1 which provides that:

The County shall through its discretionary and design review process, ensure the maintenance and where necessary the improvement of the quality in the design and landscaping of industrial, commercial, institutional, and residential facilities.

The policy is accompanied by Development Standard DevStd VIS-GV-1.1 which provides that:

Setbacks, landscaping, and structural treatments shall be emphasized along major roadways to help preserve viewsheds and create an aesthetic visual corridor. Parking lots, and other impervious surfaces should be placed in side and rear, rather than frontage, areas in all development along roadways.

The project consists of the temporary placement of two trailers, each 504 square feet in size and approximately 14 feet in height, on the subject property. The trailers would be located at the rear of the subject property, adjacent to the adjoining interior property lines. The installation of the proposed trailers would not require any grading or removal of vegetation. As noted above, the trailers would be permitted for only two years while the applicant plans for the relocation of the Church to a new site in the Goleta area.

The subject parcel is located in a commercial district of the unincorporated community of Isla Vista. The parcel to the north is zoned Retail Commercial and is occupied by office and commercial uses; the parcel to the south is zone Retail Commercial and occupied by offices and commercial uses; the parcel to the east is zoned Retail Commercial and is currently in open space (Perfect Park); the parcel to the west is zoned Retail Commercial and is occupied by offices and commercial uses.

The trailers would be placed toward the rear of the site and adjacent to the existing parking lot which limits their visibility from the public street. One trailer would be adjacent to the existing Isla Vista Medical Clinic, and one would be adjacent to the existing open space area. Neither trailer is out of scale with the size of the existing commercial, institutional or residential development of the area. Both trailers are finished in a naturally colored wood-sided exterior. Further, the relocation of either or both of the trailers to another portion of the site would not serve to screen or diminish the visibility of the trailers from the adjacent properties. Temporary landscaping of the trailers would be ineffective unless mature species were used which would be cost-prohibitive. Because of the small size and design of the trailers, along with their temporary nature, the proposed development does not raise a substantial conflict with the visual character of the area.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

5. Environmentally Sensitive Habitats

The appellant alleges that the project site is located in an environmentally sensitive habitat buffer and adjacent to a public park.

The project site is located to the south of an unnamed drainage swale situated within an open space area known as Perfect Park. The swale is recognized as environmentally sensitive habitat by the County, and a generalized buffer area is identified in parcel maps for the purpose of identifying potential

environment impacts. However, parcel maps do not define or establish buffer areas along water courses or other environmentally sensitive habitats for permitting purposes; these are established on a case-by-case basis pursuant to LCP Policy 9-37. This policy provides that a buffer strip a minimum of 100 feet in rural areas, and 50 feet in urban areas be provided. Further buffers may be adjusted upward or downward on a case-by-case basis.

The two temporary trailers would be located approximately two hundred feet from the unnamed swale which traverses Perfect Park, on lands which are currently covered with non-native grasses. As noted above, the trailers would be situated on level ground and no grading or removal of vegetation is required for the installation of the trailers. Further, there are developments, including the Isla Vista Medical Clinic, between the proposed trailer sites and the drainage swale which would obviate any impacts of the proposed temporary trailers. Because of the distance of the project from the unnamed swale and the level nature of the topography of the sites for the two trailers, the proposed development does not raise any substantial risk of adverse environmental impact to any nearby environmentally sensitive habitats.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

MHC/
8346A

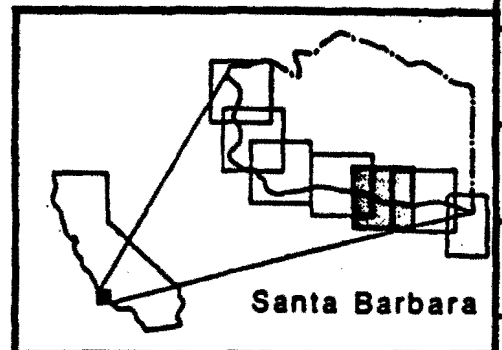
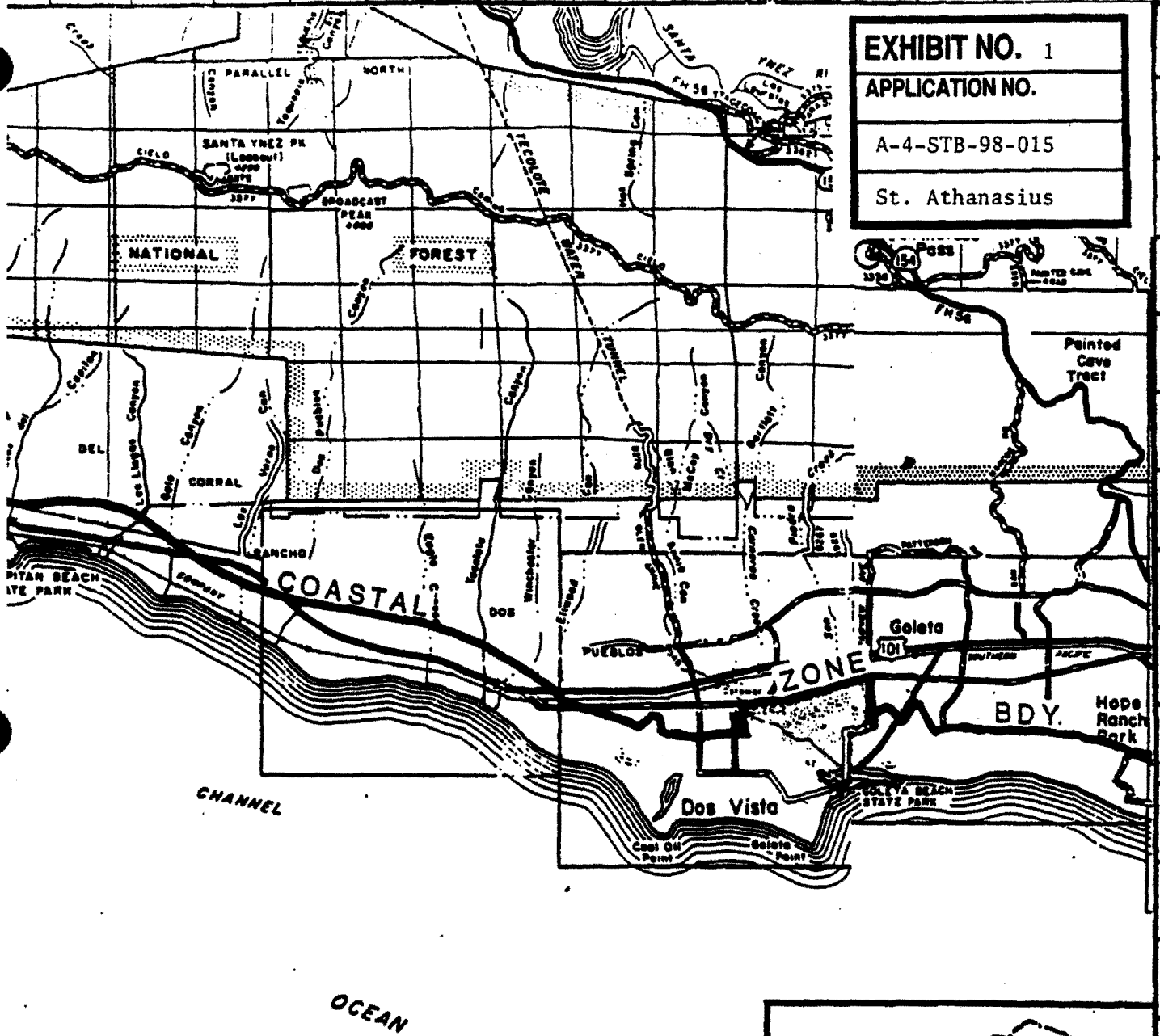
A B C D E F G H I J K L M N O

EXHIBIT NO. 1

APPLICATION NO.

A-4-STB-98-015

St. Athanasius



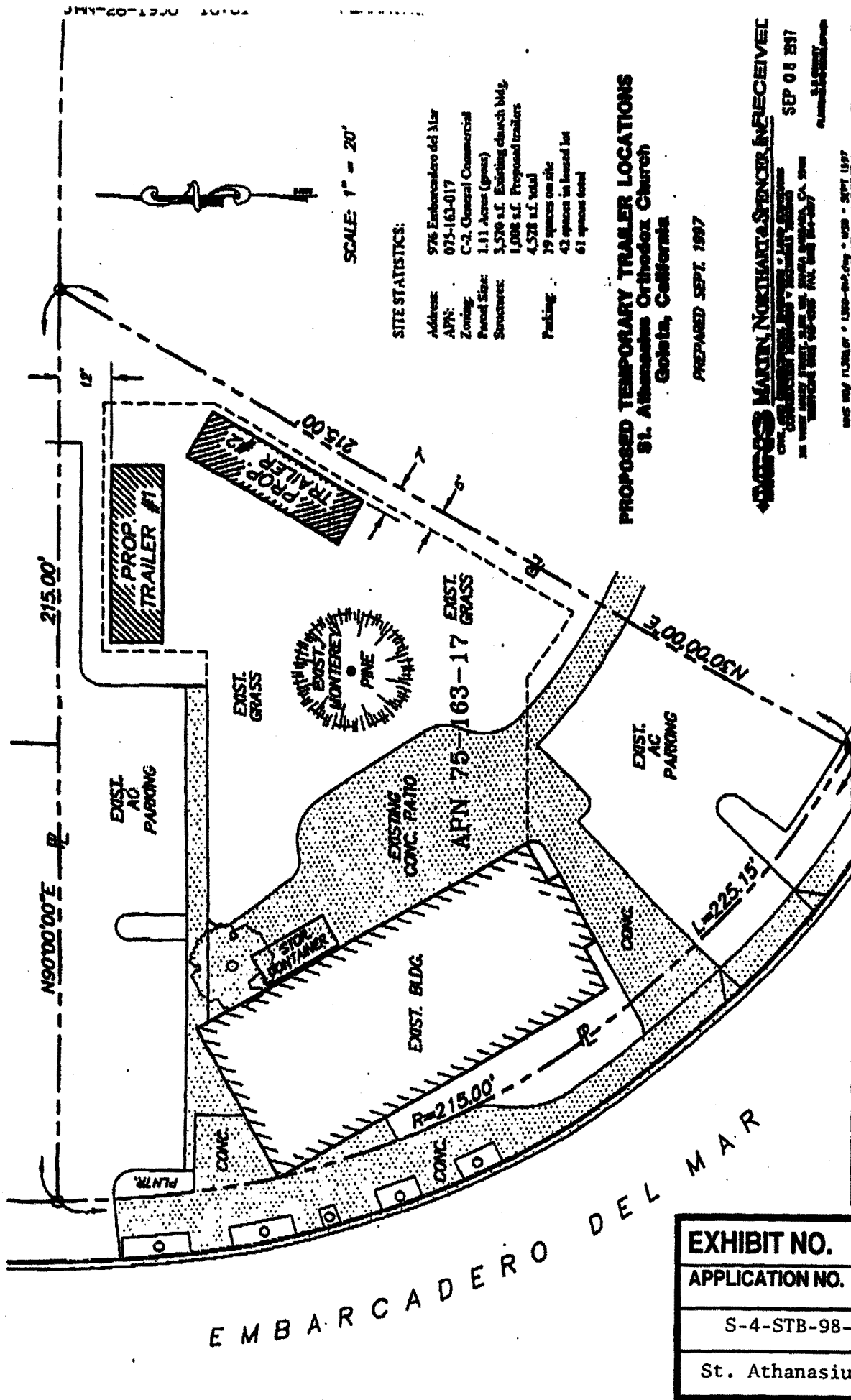
California Coastal Commission

LOCATION MAP

0 1 2
miles



County of Santa Barbara



NOTICE OF PENDING DECISION/ INTENT TO ISSUE AN APPEALABLE COASTAL DEVELOPMENT PERMIT (CDP)

(Subsequent to a previous discretionary approval)

Case No.: 97-CDP-250 Planner: L. Plowman
Project Name: St. Athanasius Temporary Trailers
Project Address: 976 Embarcadero del Mar
A.P.N.: 075-163-017
Prior Discretionary Case No.: 97-CP-056

Initials *[Signature]*



The Planning and Development Department (P&D) intends to grant final approval and issue this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

START OF PUBLIC COMMENT PERIOD/POSTING DATE: January 5, 1998

FINAL COUNTY APPROVAL DATE: January 12, 1998

COASTAL COMMISSION APPEAL PERIOD: The County's final approval of this project can only be appealed to the California Coastal Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission (Coastal Act Sec. 30603). The Coastal Commission 10 working day appeal period will commence on the day after their receipt of the County's Notice of Final Approval. An appeal must be filed with the Coastal Commission at 89 South California St., Suite 200, Ventura, CA 93001. Please contact California Coastal Commission regarding the timing of the appeal period.

ESTIMATED DATE OF PERMIT ISSUANCE: (if no appeal filed) *January 29, 1998*

PUBLIC COMMENTS: You may submit written or oral comments on this pending decision to the project planner at P&D, 123 East Anapamu Street, Santa Barbara, CA 93101, prior to the Final County Approval Date. Comments submitted after or on the Final County Approval Date will not be accepted. If you have questions regarding this project please contact the project planner at 568-2025

PROJECT DESCRIPTION SUMMARY: See Attached

PROJECT SPECIFIC CONDITIONS:

See Attached

TERMS OF FINAL APPROVAL:

EXHIBIT NO.	3
APPLICATION NO.	
	A-4--STB-98-015
	St. Athanasius

RECEIVED

JAN 14 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

1. **Posting Notice.** A weather-proofed copy of this Notice, with Attachments, shall be posted in three (3) conspicuous places along the perimeter of the subject property. At least one (1) notice shall be visible from the nearest street. Each copy of this Notice shall remain posted continuously until the Date of Permit Issuance. (Art. II Sec. 35-181.3.)

2. **Amendment/Extension.** P&D reserves the right to change, amend or extend this pending decision prior to the Final County Approval Date, based upon comments received by the public or other interested parties. In such event, an amended notice shall be provided and the CCC Appeal Period will run for a full ten (10) working days.

3. **Date of Final County Approval.** Be advised if no changes to the project are made pursuant to public comment this approval shall become final on the date indicated above provided that all terms and conditions have been met.

TERMS OF PERMIT ISSUANCE:

1. **Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**

2. **Date of Permit Issuance.** This Permit shall be deemed effective and issued on the Date of Permit Issuance as identified above, provided:

- a. All terms and conditions including the requirement to post notice have been met and this Notice/Permit has been signed,
- b. The Affidavit of Posting Notice was returned to P&D prior to the expiration of the Appeal Period (Failure to submit the affidavit by such date shall render the approval null and void), and
- c. No appeal is filed with the Coastal Commission.

3. **Time Limit.** Failure to obtain a required construction, demolition or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Coastal Development Permit null and void. A Coastal Development Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Coastal Development Permit's issuance.

NOTE: This Notice of Pending Decision/Intent to Issue an Appealable Coastal Development Permit serves as the Coastal Development Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

Leslie Manser
Print Name

Justin C. Manser
Signature

11/2/98
Date

Planning & Development Issuance by:

Planner

Date

ATTACHMENT A
PROJECT SPECIFIC CONDITIONS

Case #: 97-CP-056

Project Name: St. Athanasius Temporary Trailers

Project Address: 976 Embarcadero del Mar

APN: 075-163-017

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the Zoning Administrator Hearing Exhibit #1, dated November 17, 1997, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Zoning Administrator for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The applicant is requesting approval of a Minor Conditional Use Permit, 97-CP-056 for the placement of two temporary trailers on the northeastern corner of the existing church site located at 976 Embarcadero del Mar. The site is currently developed with a 3,520 square foot sanctuary and 19 parking spaces. The temporary trailers would be installed to serve as office space accessory to church uses. A maximum of 8 church employees, which are currently housed in off-site offices in the Isla Vista area, would be relocated to the temporary trailers. The hours of operation for the proposed trailers are weekdays generally from 8:00 a.m. to 5:00 p.m. The installation of the proposed trailers would not result in any grading (e.g., no foundation work is required for temporary trailers) or vegetation removal. The applicant is requesting a permit for temporary trailers (permit valid for only two years) rather than a permanent structure because the parish is considering relocation of the church to a new site in the Goleta area.

The proposed trailers are each 504 square feet in size and are approximately 14 feet in height. The employees occupying the trailers would utilize the existing church parking lot which contains 19 spaces. The church also leases 42 parking spaces from the Isla Vista Parks and Recreation District on an adjacent parcel for a total of 61 parking spaces. No additional on-site parking spaces would be necessary as the church uses the parking lot on Sunday mornings and the offices would utilize the parking lot on weekdays.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below.

2. Compliance with Departmental Letters:
 - a. Fire Department, Dated July 30, 1997
3. The Conditional Use Permit is not valid until a Coastal Development Permit (CDP) for the trailers has been obtained. Failure to obtain said CDP within 18 months of the effective date of this approval, shall render this Conditional Use Permit null and void. Upon issuance of the CDP, the Conditional Use Permit shall be valid. If the CDP is appealed, the effective date of this Conditional Use Permit shall be the date of action by the Board of Supervisors.
4. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any CDP issued pursuant to this CUP shall expire upon expiration or revocation of the CUP.
5. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.

6. This CUP shall be valid for two years from the issue date of the Coastal Development Permit. The CUP may be renewed for an additional two years, prior to the expiration date of this Conditional Use Permit. Once the CUP has expired the trailers shall be vacated and removed from the site.

This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of San Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Zoning Administrator, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.

RECEIVED

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

JAN 28 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s) Appellant et al are employees of I.V. Medical Clinic - Belling
An appeal as
individuals.
 Name, mailing address and telephone number of appellant(s):
V. SCOTT ABBOTT 923 CAMINO COSTO ISLA VISTA, CA 93117
(see attached list of appellants)
(805) 685-8712
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Santa Barbara - Planning & Development ✓

2. Brief description of development being appealed: Temporary TRAILERS installed by St. ATHANASIUS
Orthodox Church at 976 Embarcadero del MAR in
ISLA VISTA, CA.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 976 Embarcadero del MAR, ISLA
VISTA, APN 75-163-17.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: Permit ^{for} temporary trailers.

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT NO. 4

APPLICATION NO.

A-4-STB-98-015

St. Athanasius

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
b. ☐ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: 1-12-98

7. Local government's file number (if any): 97-CDP250

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

St. ATHANASIOS Orthodox Church
976 Embarcadero del Mar
ESCA VISTA, CA 93117

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) St. ATHANASIOS Orthodox Church
(SEE ABOVE ADDRESS)

(2) Esca Vista Recreation & Park District ✓
961 Embarcadero del Mar
ESCA VISTA, CA 93117

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Project does not comply with Coastal plan policies regarding parking & noise impacts. Trailers are located very close to I.V. Medical Clinic - with one generator/air conditioning unit bottled up very close to front door. Noise impact from Air conditioner and generator office are not considered or mitigated. Some of the proposed parking in fact does not exist - A third trailer sits where cars can't park (see "A" on map). Also, it is not known by applicant/appellants when the lease with I.V. Park District expires for use of their parking lot as mentioned in applicant's proposed project. Ground under trailer is unstable due to gophers/loose soil. Immediate "in your face" impact to front door of clinic - trailers located too close. Fence that applicant proposes around trailers is not included in proposal. Noise, parking & environmental impact related to overcrowding & closeness of trailers to clinic not addressed or mitigated.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Scott J. Abbott
Signature of Appellant(s) or
Authorized Agent

Date 1-27-98

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

MAR 11 1998

March 5, 1998

SOUTH CENTRAL COAST

TO: California Coastal Commission
South Central Coast Area
89 South California St., 2nd Floor
Ventura, CA 93001

FROM: Scott Abbott, et al (appellant with nine other signatories)
923 Camino Corto
Isla Vista, CA 93117

RE: St. Athanasius Church Trailers permit project, Leslie Monser - applicant
(Permit # A-4-STB-98-015)

Dear Commissioners,

On behalf of myself and nine other individual appeal signatories, I would like to thank you for the opportunity to share our concerns about the above referenced project.

As appellants to the proposed project, we believe that we have substantial issues regarding the project which are very relevant and pertinent to Coastal Commission review and consideration. This letter will provide the Commission with a brief, but specific, summary of our concerns about the project. We believe that the project, as currently proposed, is not in compliance with several policies and goals specified in our local coastal plan (Goleta Community Plan).

SUPPORT OF STAFF RECOMMENDATION TO "OPEN AND CONTINUE" HEARING

Before proceeding with the substantive part of our letter, we would like to first indicate our support for the Commission staff's recommendation to "open and continue" the substantial issue hearing which is scheduled on the Commission's March 12th agenda. We support staff's request for a hearing continuance so that staff may be provided a reasonable time period to obtain and review all documents relevant to this matter.

GROUND'S FOR APPEAL: SUMMARY OF NON-COMPLIANCE ISSUES

We submit that the current project, conditionally approved by the County of Santa Barbara, does not conform to nor comply with several local coastal plan policies and guidelines. We request that the Commission review and consider the following specific non-compliance issues:

1. Inconsistent with Goleta Community Plan (GCP) policy # VIS-GV-1: briefly this policy requires the County to ensure that development projects are designed to protect the visual character of an area by requiring that the development/site plan adhere to certain design guidelines for site layout, project design and for landscaping.

APPELLANT RESPONSE: As currently proposed, the trailers (considered "additions to the Church building" for CEQA exemption purposes) are located on the property at the farthest point away from the church building, on higher ground, up very close to the Medical Clinic building along one property line, and up against a public park (with access way), on the eastern property line [see photos A, B, and C with

reference information written on back of photos]. The "butt ends" of the trailers stick out toward the Medical Clinic and are clearly visual impacts. The "trailer park" environment is an eyesore for both clinic staff and patients and also for those seeking passive recreation & open space in the park immediately adjacent to the proposed project.

ALTERNATIVE SITE MITIGATION: an alternative site layout plan, allowing for compliance with GCP policies, was not considered. Both trailers could be moved away from the Clinic building and closer to the Church ("existing structure"). A second alternative is to permit the locating of only 1 trailer, installed close to the Church building.

2. Inconsistent with GCP policy # BIO-GV-2 and California Coastal Act (CCA, section 30240): The project site is located within an Environmentally Sensitive Habitat (ESH) buffer and adjacent to public park land (Isla Vista Recreation & Park District property). Both policies (referenced above) require ESH areas to be protected. The CCA policy also requires that developments adjacent to such areas "...shall be compatible with the continuance of those habitat and recreation areas".

APPELLANT RESPONSE: trailers, even temporary ones, should not be located directly along the public park property line, visually in front of a park access way, when alternative site locations on the applicant's property would allow for reduced impacts. Perfect Park, the name of the adjacent park, is recently acquired park land, a new valuable open space for the community. The entire park has been landscaped with native plants, creating a restored sense of open space for residents. Two trailers located near the immediate property line unnecessarily impact this public resource and reduces the quality of the area. The Goleta Community Plan specifically highlights the fact that Park District parks provide important open space relief for the overcrowded community of Isla Vista. The continuity of these few recreational areas needs to be protected and even enhanced.

ALTERNATIVE SITE MITIGATION: locating the trailers closer to the church building would reduce the impacts associated with locating the trailers at their current proposed location.

3. Inconsistent with LCP policy 4-4: this policy requires structures to be in conformance with the scale and character of the existing community.

APPELLANT RESPONSE: the trailers are currently located on high ground, increasing the feeling of size and scale of the project. Locating the trailers at the farthest point away from the church building, surrounded by open land, unnecessarily creates a "trailer park" environment, which we believe is out of character with the surrounding buildings and park land in the area.

ALTERNATIVE SITE MITIGATION: locating 1 or 2 trailers closer to the church would create a different environment, reducing the "trailer park" character of the project.

4. Possible inconsistency with GCP policy # N-GV-1: this policy states that interior noise-sensitive uses (e.g. public meeting places, residents) shall be protected to minimize significant noise impacts.

APPELLANT RESPONSE: Noise impacts associated with the trailer project were not considered during the local planning process. As currently proposed, both of the trailers are located very close to the Isla Vista Medical Clinic. The air conditioning unit on one of the trailers faces directly toward the Clinic's front

door. The air conditioner for the trailer's offices will be operating during week days when the Clinic is also being utilized by staff and patients. Significant noise impacts may result.

MITIGATION MEASURES: the specific noise impact of the air conditioning unit upon the Clinic needs to be determined. If the noise impacts are found to be considerable, other mitigating measures should be taken, including re-locating the trailers. Locating the trailers near the church will have negligible noise impacts on the church since the offices in the trailers will be utilized during week days only, when Church services are not scheduled.

5. Cumulative Impact: each specific impact described above, when considered together, creates a cumulative impact which requires mitigating action.

SUMMARY STATEMENT

In the near future we intend to forward additional information and photographs to the Commission which will support the above concerns as well as other issues not raised in this letter. At the current time, however, we request that the Commission schedule a full substantial issue hearing at a time when all pertinent documents and information are available for the Commission's consideration.

We also request that, at the appropriate time, that the Commission consider the impacts referenced above, consider the alternative mitigation measures described, and then take appropriate action to cause the proposed project to be brought into compliance with local coastal plan policies.

Thank you very much for the opportunity to express our concerns.

Sincerely,



Scott Abbott

Please also see "Eligibility of Appeal" attachment

Attachment to letter from Scott Abbott to the Coastal Commission, dated March 5, 1998

ELIGIBILITY OF APPEAL

Section 30603 of the Coastal Act provides that an action taken by a local government on a coastal development permit application may be appealed to the Commission if the development is "within 300 feet of the inland extent of any beach". The applicant's project is on property within this zone. As appellants, we therefore request a Coastal Commission hearing on the above referenced project.

Additionally, P.R.C. Section 30625 provides that "aggrieved persons" who were not able, for "good cause", to participate in the local government's hearing process for a project, may appeal the local government's decision to the Coastal Commission. As appellants in this case, we can establish "good cause" for not being able to express our concerns earlier, during the County of Santa Barbara's hearing on the proposed project.

Briefly, we were not able to participate in the County's public hearing process for two reasons:

1) Incomplete County public notice: the County of Santa Barbara's public notice about the hearing for the project gave the appellant incomplete information about the scope of the project, including not providing any indication about the location for the trailers on the applicant's property. Section 30006 of the Coastal Act declares that "the public has a right to fully participate in decisions affecting coastal planning,"....and "that achievement...is dependent upon public understanding...." The appellant submits that the public notice as prepared by the County did not provide enough information to lead one to reasonably understand the scope and nature of the project. Public participation is curtailed and discouraged when little information about a project is provided. Additionally, the County's public notice did not include a statement which informs the public that the development is within the coastal zone, as required by Article 17, section 13565 in Title 14 of the California Code.

2) Other circumstantial factors also existed: A "construction trailer" was installed on the applicant's property (in their parking lot) shortly before the County mailed it's public notice about the applicant's hearing to obtain "trailer permits" [see photo D]. After seeing the construction trailer, and then shortly thereafter reading the County public notice, the appellant reasonably assumed that the scheduled hearing described in the notice referred to the applicant's effort to obtain a permit for one and possibly two "construction trailers", both assumed to be located in the parking lot or nearby. The lack of information in the County's public notice added to the confusion. The appellant, and possibly others, would have participated in the County's hearing if he had been properly informed about which trailers were receiving permits and where they would be located.

SUMMARY

We believe that our appeal is eligible for Coastal Commission consideration based on both the location of the proposed project within 300 feet of the beach, and due to "good cause" considerations, as explained above.

