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CALIFORNIA COASTAL COMMISSION

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





Filed: 6/29/98 49th Day: 7/17/98 180th Day: 11/25/98

Staff: MHC

Hearing Date: 8/11-14/98 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION:

4-98-181

APPLICANT:

City of Santa Barbara/Santa Barbara Shellfish Company

PROJECT LOCATION:

230 Stearns Wharf, City of Santa Barbara

PROJECT DESCRIPTION: Addition of a 26 seat interior dining area, public restroom, stairway, and conversion of upstairs storage to office and storage space as part of the Santa Barbara Shellfish Company; also rehabilitation of a wharf fish hoist, and installation of seven public picnic tables.

Plan Designation:

H-C (Harbor Commercial)

Zoning:

SD-3

Height abv. finished grade:

16 feet

LOCAL APPROVALS RECEIVED: Santa Barbara City Council Approval in Concept (CDP97-0054); Santa Barbara City Planning Commission Resolution No. 074-97; Approval in Concept by the City of Santa Barbara Waterfront Department.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the Coastal Act. Staff recommends a special condition regarding signage which clarifies that the proposed restroom and seven public picnic tables are available for use by public. The applicant is in agreement with the special condition, though adjacent Wharf lease holders have opposed the project at the local level.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the first public road nearest the shoreline, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

- 1. Notice of Receipt and Acknowledge. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date this permit is approved by the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Compliance</u>. All development must occur in strict compliance with the proposals set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections.</u> The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment.</u> The permit may be assigned to any qualified person, provided the assignee files with the Commission and affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Condition

- 1. <u>Signage</u>. Prior to the issuance of the Coastal Development Permit, the applicant shall submit a signage plan providing for the placement of signs on the proposed public restroom and seven picnic tables which clearly indicate that these facilities are available for public use. The signs shall be located in conspicuous places to ensure that the pedestrian traffic within the vicinity of the project is clearly aware of the location and public nature of the restroom and adjacent picnic tables. The signage plan shall include the location, size, and wording for each sign and shall be submitted for the review and approval of the Executive Director. The signage shall be installed and maintained for the life of the project.
- 2. <u>Condition Compliance</u>. Within 60 days from the date of the Commission action on this permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to the issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

1. Project Background

In 1980 the California Coastal Commission granted a Coastal Development Permit (No. 305-03) to the City of Santa Barbara for the reconstruction and rehabilitation of Stearns Wharf following the destruction of the Wharf and many of its building in a 1973 fire. The Coastal Development Permit provided for construction of 28,410 square feet of building area and 121,000 square feet of public open space, including a public pedestrian accessway around the perimeter of the Wharf (with the exception of two originally permitted restaurants). The permit also required 126 parking spaces on the Wharf, and 180 additional off-site parking spaces at the corner of Cabrillo Boulevard and Santa Barbara Street. The Coastal Development Permit also stipulated the uses to be made of the buildings, including a major restaurant, coffee shop, fast food outlet, fish market, bait and tackle shop, and miscellaneous commercial shops, offices, public restrooms, and fish and boat hoists.

Since the initial granting of the Coastal Development Permit for the reconstruction and rehabilitation of Stearns Wharf, the Coastal Commission has also granted permits for several new uses on Stearns Wharf, including a Marine Museum and Touch-Tank (Santa Barbara Natural History Museum Sea Center), and several minor modifications and small additions to the originally permitted buildings for recreational and visitor serving uses.

The current proposal to rehabilitate the building occupied by the Santa Barbara Shellfish Company was initially approved by the City with a 481 square foot addition to accommodate a 41 seat restaurant. This addition would have extended the building to the west edge of the Wharf, and as a result, would have completely blocked a significant portion of the originally established public accessway around the perimeter of the Wharf. The original proposal also located the seven picnic tables directly in front of the Santa Barbara Shellfish Company building, placing the tables in the middle of the major public thoroughfare leading to the seaward end of the Wharf. Following a local appeal at which Commission staff raised questions regarding these aspects of the project, the project was modified to eliminate the western extension of the building to the edge of the Wharf and to relocate the picnic tables to the east side of the pier opposite the Santa Barbara Shellfish Company building. Additionally, the number of interior seats has been reduced from 41 to 26, and several minor improvements to the existing fish market have been added to the project.

2. Project Description

The proposed project consists of the rehabilitation of an existing building at the end of Stearns Wharf which houses the Santa Barbara Shellfish Company business (as well as a bait and tackle shop), and the installation of seven public picnic tables in the vicinity of the Santa Barbara Shellfish Company. The rehabilitation of the Santa Barbara Shellfish Company building consists of: (1) an addition of a 26 seat interior dining area to function as a shellfish serving area (within the existing building); (2) a 28 square foot addition to the existing building to accommodate a public restroom; (3) the addition of an outside stairway to provide access to an existing second story area which meets current building code requirements for upstairs access; (4) the conversion of an existing second floor area (containing 396 square feet) from a storage area to a combination office space and storage area to service the Santa Barbara Shellfish Company business; and (5) rehabilitation of the existing fish hoist on the west side of the wharf adjacent to the Santa Barbara Shellfish Company. The project also includes the installation of seven picnic tables on the east side of the wharf in the vicinity of the Santa Barbara Shellfish Company building. (See Exhibits 1 through 7.)

Two elements of the proposed project have already been developed: the use of the upstairs storage area for an office to service the Santa Barbara Shellfish Company business, and the seven picnic tables. The present application is therefore intended to

provide an after-the-fact permit for these elements of the project. (See additional findings below regarding unpermitted development.)

3. Coastal Issues

a. Recreational Visitor Serving Facilities

Section 30221 of the Coastal Act provides that:

Oceanfront land suitable for recreational uses shall be protected for recreational uses and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The project would add an interior sit-down element to the existing Santa Barbara Shellfish Company fish market by providing 26 interior seats to the existing building. These 26 interior seats would be accommodated by redesigning the interior of the building (approximately 460 square feet) to make more efficient use of the interior space, and by adding a small exterior addition (approximately 28 square feet) to a portion of the west side of the building to provide a public restroom. The project would also include filling in an existing to-go service window, and the installation of a new live fish tank, as well as several minor modifications to improve the operation and appearance of the existing fish market. To allow continued delivery of fresh fish and other supplies to the Santa Barbara Shellfish Company business the existing fish hoist located adjacent to the building on the west side of the Wharf would be rehabilitated. Additionally, the project would involve the installation of seven picnic tables providing outdoor seating accommodations for approximately 42 people; these tables would be located opposite the Santa Barbara Shellfish Company building on the east side of the Wharf, and would serve both the general public as well as patrons of the Santa Barbara Shellfish Company. (See Exhibits 3 through 6.)

The original Coastal Development Permit (No. 305-03) issued to the City of Santa Barbara included a variety of visitor serving facilities to provide food services on Stearns Wharf, including a major restaurant, coffee shop, fast-food outlet, and fish market. The fish market was specifically intended to provide opportunities to purchase fresh fish to persons visiting Stearns Wharf, and to provide a retail outlet to support the local fishing fleet associated with the Santa Barbara Harbor. The proposed modification to the Santa Barbara Shellfish Company building would accommodate a 26 seat restaurant, with bar stools and no tables, specializing in shellfish only.

This proposed modification is consistent with the original purposes of the designated fish market because it would specialize in shellfish only and would provide a retail outlet for the local fishing fleet. Furthermore, the proposed modification would not interfere with the existing take-out fish market operations because of the small size and design of the 26 seat dining area. To ensure adequate space for the continued operation of the fish market, consistent with the original Coastal Development Permit for the rehabilitation of Stearns Wharf, the applicant, the City of Santa Barbara, has limited the amount of space allocated to the 26 seat restaurant (approximately 460 square feet), and reserved the remainder of the space (approximately 700 square feet) to the take-out fish market operation as indicated in Exhibit 4. The rehabilitation of the fish hoist will allow the continued off-loading of fresh fish and shellfish, as well as other supplies necessary for the operation of the fish market and shell-fish restaurant.

The proposed seven public picnic tables will be located opposite the Santa Barbara Shellfish Company building on the east side of Stearns Wharf, and the restroom facilities will be situated on the west side and incorporated into the Santa Barbara Shellfish Company building. (See Exhibit 3.)

The location of the picnic tables is at the southern end of the Sterns Wharf public parking area which is heavily used by Wharf visitors, and is an appropriate location for these informal visitor serving types of amenities. The location of the tables is far enough away from the Santa Barbara Shellfish Company building so as to be generally viewed as a public amenity, yet close enough to the current fish market to be convenient to patrons of the Santa Barbara Shellfish Company. However, because of the proximity of the tables to the Santa Barbara Shellfish Company building (between 25 and 35 feet) there is the possibility that members of the public will mistakenly assume that the picnic tables are intended for the exclusive use of the patrons of the Santa Barbara Shellfish Company unless the tables are clearly identified as being public. Similarly, because the proposed public restroom is situated on the backside of and within the Santa Barbara Shellfish Company building, though accessible from outside the building, there is the likelihood that the public may mistakenly assume that the restroom facilities are for the exclusive use of the patrons of Santa Barbara Shellfish Company unless the restroom is also clearly identified as being public.

To ensure that the seven public picnic tables and public restroom facilities will serve the public as intended, the applicant shall submit a signage plan providing for the placement of signs on the proposed public restroom and seven picnic tables which clearly indicate that these facilities are available for public use. These signs shall be placed and maintained in conspicuous locations to ensure that the pedestrian traffic within the vicinity of the project is clearly aware of the location and public nature of the adjacent picnic tables and restroom. With the placement of signs indicating the public nature of

the picnic tables and restroom, the project will adequately provide for public recreational opportunities and visitor serving services.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30221.

b. Public Access

Sections 30210 through 30212 of the Coastal Act provides that maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the needs to protect public rights, rights of private property owners, and natural resource areas from overuse, and that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.

The proposed project consists largely of interior modifications of the existing building housing the Santa Barbara Shellfish Company. However, two elements of the project, the construction of a public restroom and an outdoor stairway to access the existing second story of the building will require a small intrusion (approximately four feet) into a portion of an existing public pedestrian accessway on the west side of the building.

As noted above, the physical development of Stearns Wharf is governed by a master Coastal Development Permit (305-03) granted by the California Coastal Commission to the City of Santa Barbara in 1980. One of the unique design features of Stearns Wharf is the provision of a public pedestrian accessway around the perimeter of the Wharf. While only averaging between 3 and 4 feet in width, this accessway provides a continuos public accessway around the perimeter of Stearns Wharf, with the exception of the originally permitted restaurant (now the Harbor Restaurant) and the coffee shop (now Moby Dick's) where no accessway exists. This pedestrian accessway is intended to ensure maximum public access to the scenic views from Stearns Wharf, to break-up the massing of building structures (through the necessary setbacks from the Wharf edge), and to provide the public with opportunities to move outside of the main flow of pedestrian traffic and seek more quite and intimate settings. (See Exhibit 9.)

The accessway and public space on the backside (west) of the Santa Barbara Shellfish Company is one of the largest building setbacks from the Wharf's edge, varying in width from 10 to 12 feet. The proposed project would extend slightly into a portion of this setback to accommodate the proposed public restroom, and provide an outside staircase by which to access the second story office and storage area which meets current local code requirements. (The second story is currently accessed via an interior ladder which does not meet current local code requirements.) The intrusion into the accessway and public space area varies from 3 to 4 feet and extends for a distance of approximately 17

feet along the west side of the Santa Barbara Shellfish Company building. (See Exhibits 3 and 4.)

The two extensions of the existing building footprint are necessary to accommodate the public restroom, and to provide access to a second story office and storage space to serve the existing fish market, which is one of the designated priority uses of Stearns Wharf, and the proposed shellfish dining area. Further, the intrusion into the accessway and public space area behind the Santa Barbara Shellfish Company building will retain a public accessway which varies from 6 to 10 feet in width (with a majority of the existing accessway along the building unaffected by the extensions). The remaining width of this modified accessway is considerably larger than most of the perimeter accessway on Steams Wharf which averages between 3 and 4 feet.. The proposed extensions of the Santa Barbara Shellfish Company building are therefore for priority uses (public recreational and visitor serving facilities) and will not adversely affect the usability of this portion of the public perimeter accessway on Steams Wharf. However, future building extensions for non-priority uses, or into narrower portions of the accessway which adversely affect public access will continue to be a concern and may not be consistent with the access requirements of the Coastal Act or the Commission's previously issued master Coastal Development Permit for Stearns Wharf (No. 305-03).

A second public access issue raised by the proposed project is the adequacy of the existing public parking to service the project. The City's Municipal Ordinance generally requires that 1 parking space per 3 inside seats be provided for restaurants (SBMC Section 28.90.100). Under this formula, the proposed 26 inside seats for a shellfish restaurant would require 9 on-site parking spaces. However, the City's Municipal Ordinance also provides for a waiver of these parking requirements if it will not be inconsistent with the purpose and intent of the Zoning Ordinance and will not cause an increase in demand for parking spaces in the immediate area.

In conceptually approving the currently proposed project the City waived the 9 space parking requirement based upon a number of considerations. First, the City's Transportation staff found that the project, because of its small size and nature, would not result in a measurable increase in parking demand or trip generation. The parking demand analysis was based upon the assumption that a majority of the people using the restaurant addition would be people already attracted to Stearns Wharf by the existing recreational and visitor serving facilities on the Wharf or in the waterfront area. This assumption was supported in the analysis by the City's limiting the 26 seats to bar stools only (with no tables) and limiting the serving menu to shellfish only. Second, the City's Transportation staff found that existing off-site parking lots in the waterfront area west of Stearns Wharf had adequate reserve capacity to service the project, with the exception of some peak summer weekends when demand generated by existing development may exceed available public parking spaces.

Regarding the provision of on-site parking, the master Coastal Development Permit for the restoration and rehabilitation of Stearns Wharf required 128 public parking spaces be accommodated on the Wharf, principally to serve the two major restaurants originally permitted on the Wharf. In approving this on-site parking, however, the Coastal Commission concurred with the City's intent "to provide an essentially pedestrian environment on the wharf" and required that the City impose a fee-based parking management program to eliminate non-user vehicle circulation on the Wharf. Consequently, the Coastal Commission has not approved additional on-site parking on Stearns Wharf to accommodate the several additions (including additional uses such as the Marine Museum) to the Wharf which have been built since the master Coastal Development Permit was granted in 1980.

Regarding the provision of off-site parking, the master Coastal Development Permit required the provision of an additional 180 spaces at the corner of Cabrillo Boulevard and Santa Barbara Street to serve the patrons of the waterfront area, including Stearns Wharf. Additionally, in approving a Harbor Master Plan as an amendment to the City's certified Local Coastal Program the Commission approved a Traffic and Parking Study which found that the public parking spaces available in the recently completed Palm Park and Santa Barbara Parking lots, provided adequate reserve capacity in the waterfront parking lots west of Stearns Wharf to serve existing demand, except for some peak summer weekends, when parking demands are in effect beyond the City's parking capacity. These periodic and short-term parking space deficits are currently beyond the City's ability to effectively address but do not materially effect the general accessibility of the visitor serving amenities within the waterfront or on Stearns Wharf.

In summary, because of the small size of the project, the pedestrian nature of the projected patronage, and the general adequacy of the existing parking facilities within the waterfront area, the project will not adversely affect parking opportunities for recreational visitors, and no additional parking is necessary to serve the project. However, the adequacy of parking will continue to be a concern for any large additions or new uses on Stearns Wharf, and additional off-site parking may be required.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Sections 30210 through 30212.

c. Scenic and Visual Ouality

Section 30251 provides, in part, that:

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 be visually compatible with the character of surrounding areas . . . New development in highly scenic areas such as those designated . . . local government shall be subordinate to the character of the setting.

The proposed project is situated on the south end of Stearns Wharf which provides panoramic views of the Santa Barbara Channel (including the Channel Islands), the City of Santa Barbara, and the Santa Ynez Mountains. The existing Santa Barbara Shellfish Company building is a combination one and two story structure which is set-back from the west side of Stearns Wharf from 10 to 12 feet. The size and location of the building allows visitors to view the Santa Barbara Channel, City background, as well as the Santa Barbara Harbor. The proposed project will not alter the roof-line of the existing Santa Barbara Shellfish Company building, and would add only minor additions to the west side of the building footprint to accommodate a new public restroom and an outside staircase to provide access to an existing second story.

As noted above the walkway and public space on the west side of the Santa Barbara Shellfish Company building is one of the largest setbacks from the Wharf's edge, varying in width from 10 to 12 feet. The proposed project would extend slightly into this setback to accommodate the proposed public restroom, and provide an outside staircase to access the second story office and storage area in a manner which meets current local code requirements. The extension into the public area varies from 3 to 4 feet and extends for a distance of approximately 17 feet along the west side of the Santa Barbara Shellfish Company building. (See Exhibits 3 and 4.)

The two proposed extensions into this accessway and public space area will retain a public accessway which varies from 6 to 10 feet in width (with a majority of the existing accessway along the building left unaffected by the building extension). The proposed extension of the Santa Barbara Shellfish Company building will therefore not significantly reduce public open space, adversely affect the usability of this portion of the perimeter accessway on Stearns Wharf, or the public views from the accessway. Additionally, the extensions will not be visible from the main thoroughfare running in front (east) of the Santa Barbara Shellfish Company building.

Similarly, the placement of seven public picnic tables opposite the Santa Barbara Shellfish Company building on the east side of Stearns Wharf will not affect any public views of the surrounding land or seascape, and will provide a convenient rest and dining area for Wharf visitors.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30251.

4. Violations

Unpermitted development has taken place prior to submission of this permit application, including the permanent placement of seven picnic tables and the conversion of an second story attic into an office serving the Santa Barbara Shellfish Company business. The applicant is applying for a permit for the seven picnic tables as well as the conversion of the second story attic space to a combination office and storage area to service the Santa Barbara Shellfish Company's existing fish market and proposed shellfish dining area. To ensure that the project is carried out in a timely manner Special Condition #2 requires that the applicant satisfy all conditions of this permit which are a prerequisite to the issuance of the permit within 60 days of the Commission action on this permit.

Consideration of the application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act and the related previous Coastal Development Permit No. 305-03 issued by the Coastal Commission to the City of Santa Barbara for the reconstruction and rehabilitation of Stearns Wharf. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal Development Permit.

5. LCP/CEQA

The proposed site lies within the City of Santa Barbara, but falls within the Commission's area of retained permit jurisdiction because it is located on potential state tide lands or is below the mean high tide line. The City's Local Coastal Program (Land Use Plan and Implementation Ordinances) was certified in 1986 and contains policies governing the Waterfront Planing area, including those regarding recreational and visitor serving uses, public access, and the protection of scenic and visual qualities.

Section 13096 of the Commission's Code of Regulations requires the Commission approval of the Coastal Development Permits to be supported by findings showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development form being approved there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. The attached mitigation measures will minimize all adverse effects of the project, and there are no others measures available

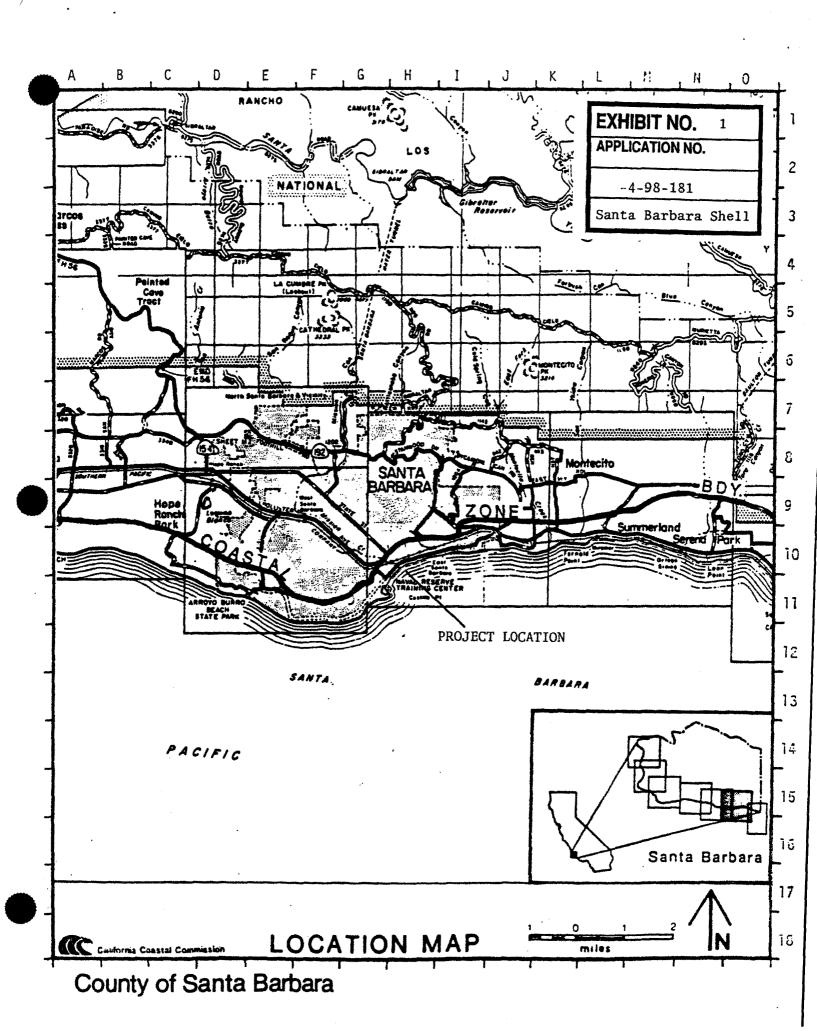
City of Santa Barbara/Santa Barbara Shellfish Company Appl. 4-98-181

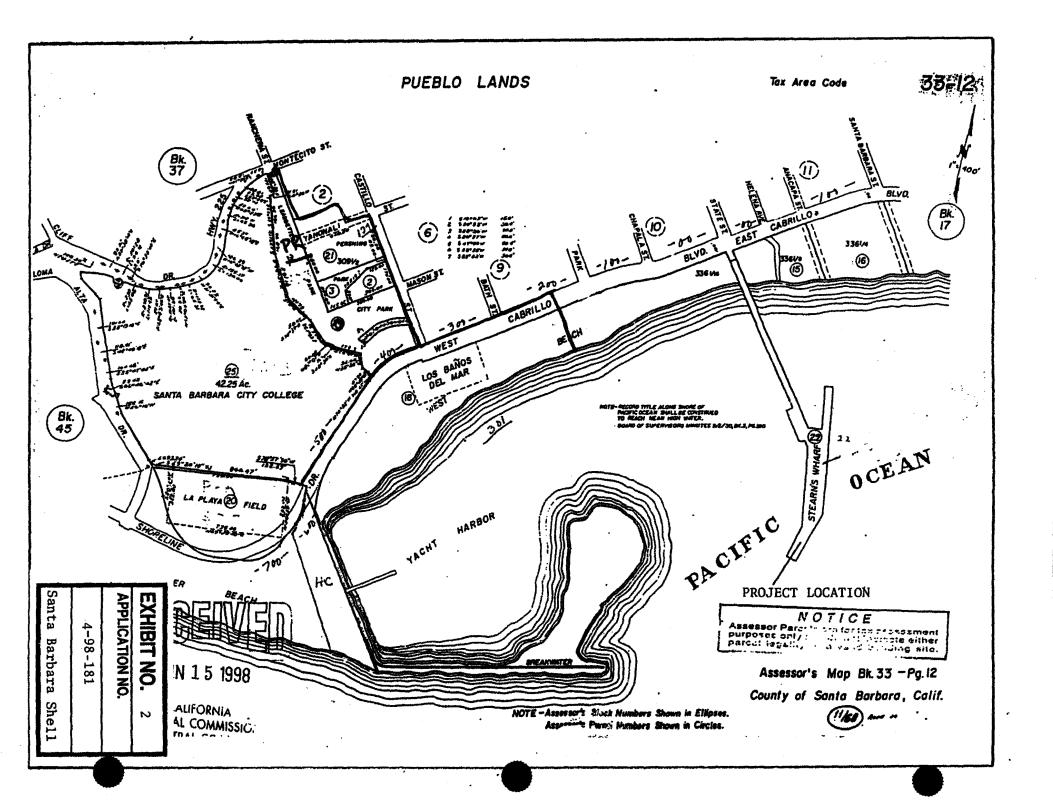
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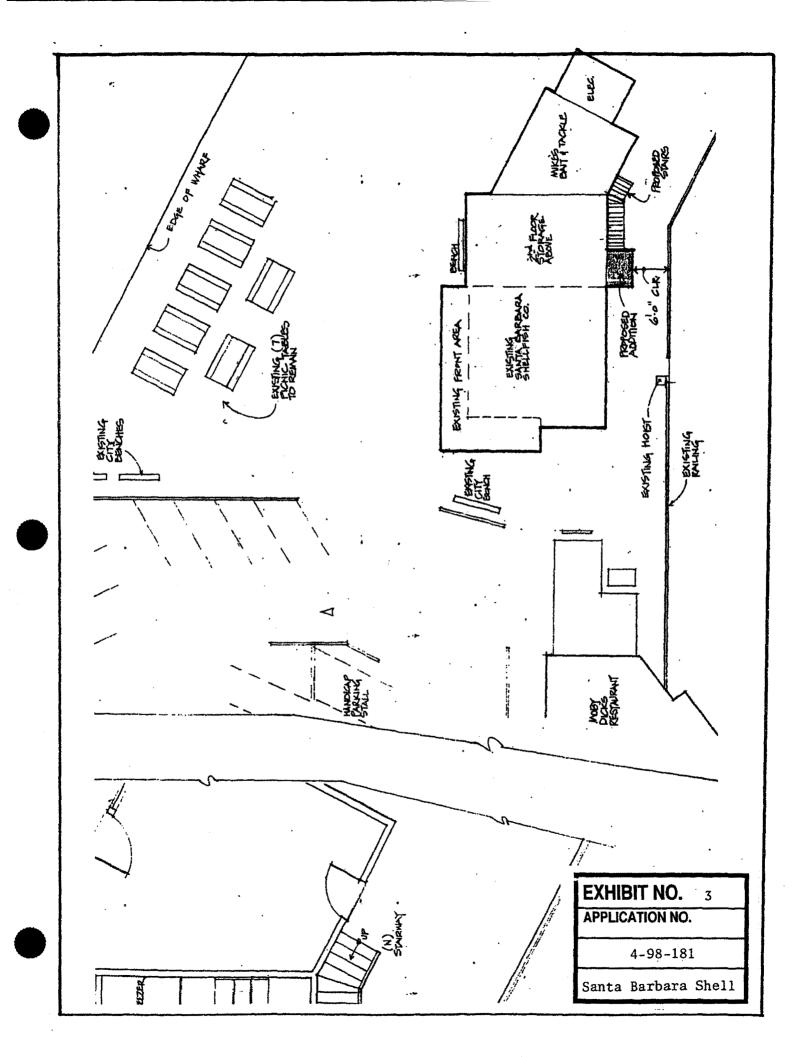
which would substantially lessen any significant adverse effects which the project may have on the environment.

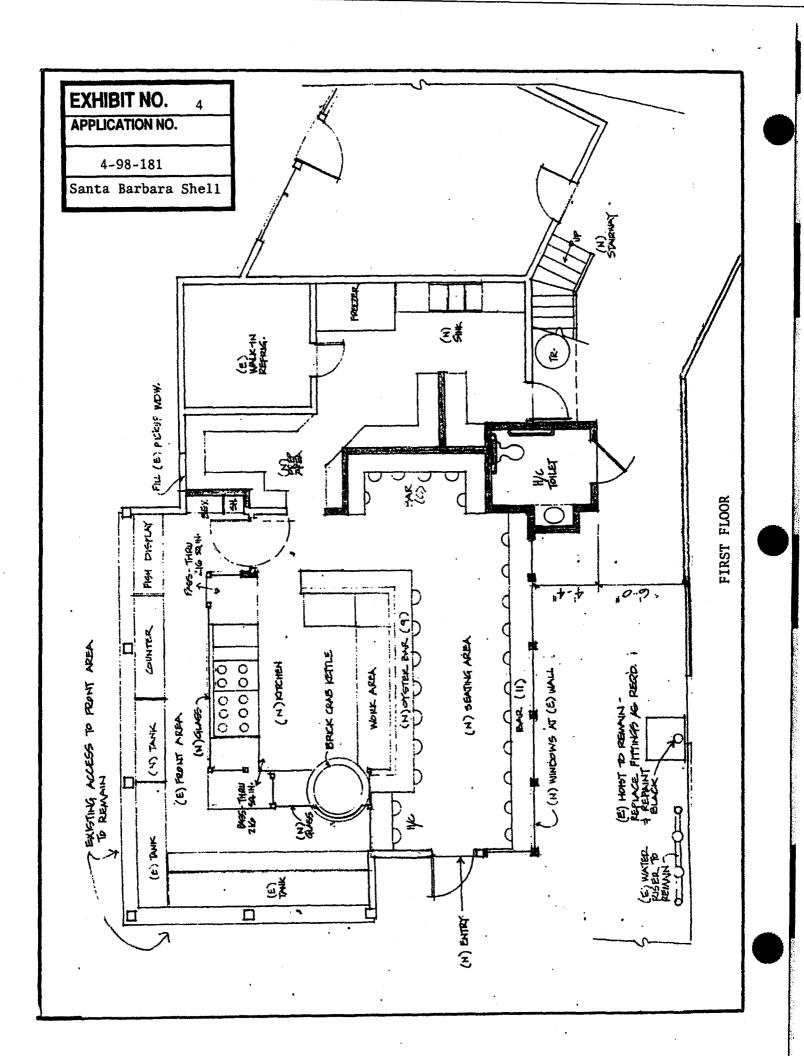
Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified adverse effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and with the CEQA.

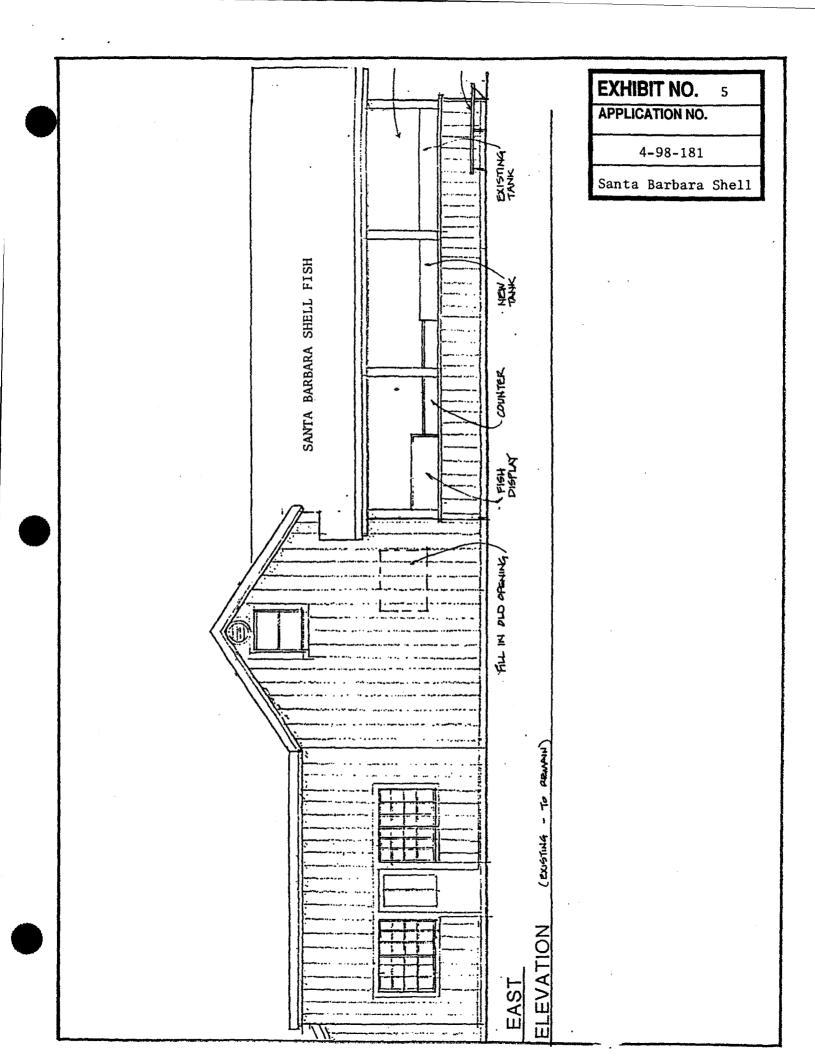
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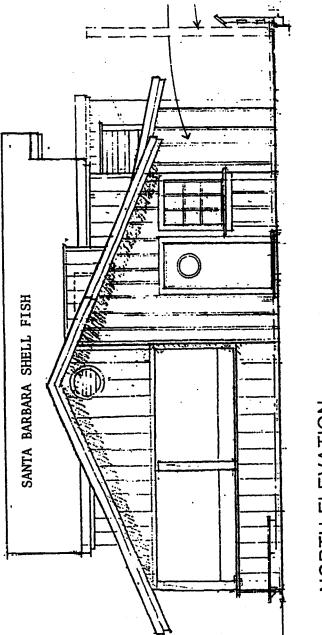












NORTH ELEVATION

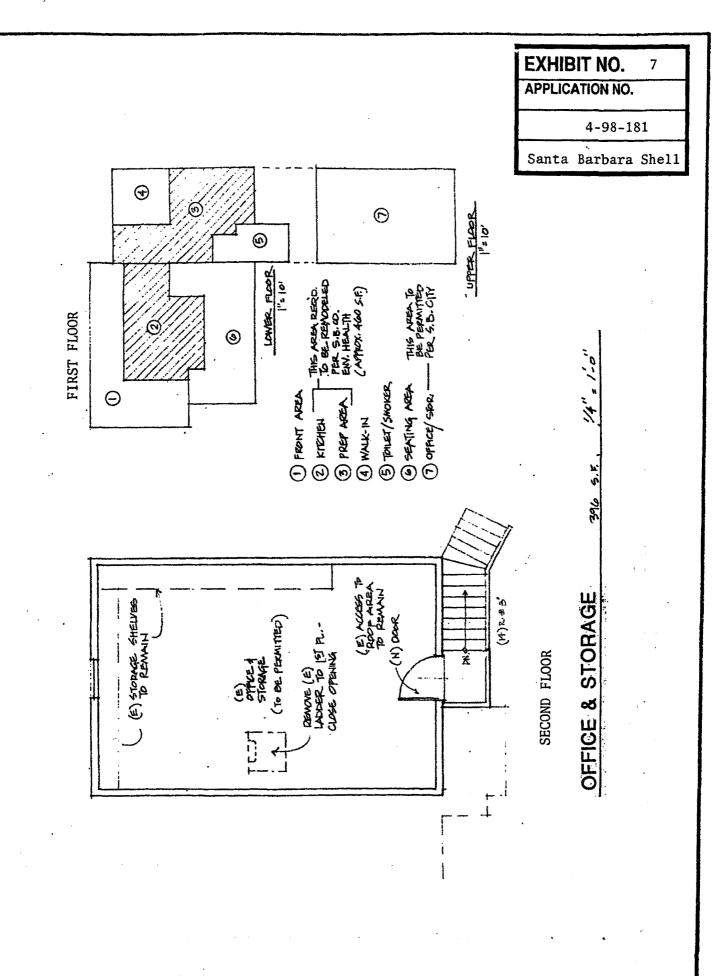
EXHIBIT NO.

APPLICATION NO.

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Santa Barbara Shell

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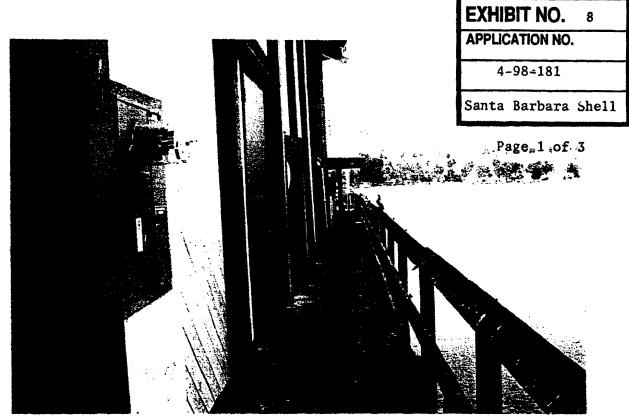


Figure 1. The Sea Center. Stearns Wharf, looking north along pedestrian walkway. June 11, 1997



Figure 2. Char West. Stearns Wharf, looking south along pedestrian walkway. June 11, 1997

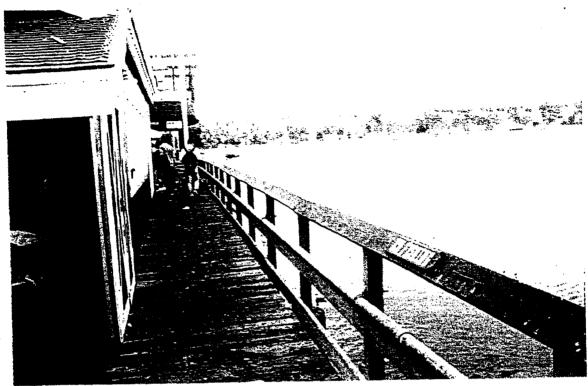


Figure 3. Madam Rosinka Palm Reader. Stearns Wharf, looking north along pedestrian walkway. June 11, 1997

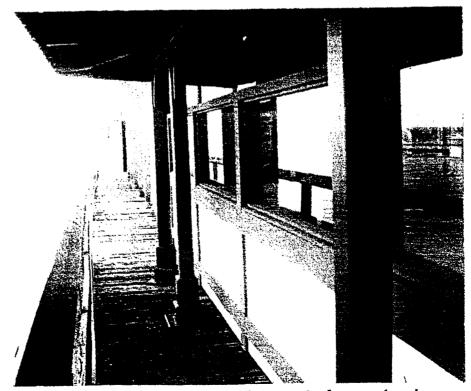


Figure 4. The Sea Center. Stearns Wharf, looking south along pedestrian walkway. June 11, 1997



Figure 5. Santa Barbara Shellfish Company, looking north along pedestrian walkway. Note plastic chains and miscellaneous supplies stored within pedestrian walkway. June 11, 1997