

## CALIFORNIA COASTAL COMMISSION

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



Filed: 9/9/99  
49<sup>th</sup> Day: 10/28/99  
180<sup>th</sup> Day: 3/27/2000  
Staff: MHC-V *[Signature]*  
Staff Report: 10/12/99  
Hearing Date: 11/14-17/99

### STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

**LOCAL GOVERNMENT:** City of Santa Barbara

**DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-SBC-99-206

**APPLICANT:** City of Santa Barbara Parks & Recreation Department

**PROJECT LOCATION:** 202, 325 and 1118 East Cabrillo Boulevard, City of Santa Barbara

**PROJECT DESCRIPTION:** Construct skateboard park with 14,600 sq. ft. of skating area, landscaping, and viewing area at the west end of Chase Palm Park Parking Lot

**APPELLANT:** Santa Barbara Waterfront Coalition

**SUBSTANTIVE FILE DOCUMENTS:** City of Santa Barbara Local Coastal Program; Coastal Development Permit CDP98-0082

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#### Summary of Staff Recommendation: No Substantial Issue Exists

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 reason: both the re-construction of the parking lot and the proposed skateboard is consistent with the applicable policies and related zoning standards of the City's certified Local Coastal Program as well as with the access policies of the California Coastal Act.

The Appellant alleges the project is inconsistent with the Santa Barbara City Local Coastal Program because the development: (1) fails to protect public views from public roads or from recreational areas to and along the coast; (2) contributes to existing traffic congestion;

(3) fails to provide adequate parking; (4) contributes to excessive noise within the waterfront area; and (5) is incompatible with the proposal to restore an historic extension of Stearns Wharf. (See Exhibit 7.)

### Appealability to the Commission

The proposed project is located seaward of the Cabrillo Boulevard which is the first road paralleling the ocean in this area and is therefore within the appeals jurisdiction of the Commission. (Coastal Act Section 30603[a][1])

#### ***I. Project Description***

The proposed project consists of the construction of a 15,400 square foot skateboard park with 14,600 square feet of skating area, landscaping, and viewing areas located at the west end of the Chase Palm Park parking lot on the seaward side of Cabrillo Boulevard. (See Exhibits 1 through 6.)

The skating surfaces, including ramps, jumps and bowls, would be constructed of concrete. The facility would also include metal rail skating features. Landscaping, plaster walls, and wrought iron fencing would enclose the entire site. The remainder of the Chase Palm Park parking lot would be restriped and the existing parking lot planters would be reconstructed. The project would also involve restriping the existing City parking lot at East Beach to replace the 11 parking spaces displaced by the project. In addition, six new parallel parking spaces would be provided at the end driveway to the Chase Palm Park Expansion off of Garden Street to meet the projected parking demand of the skateboard facility.

Pedestrian access to the site would be from the sidewalks along Cabrillo Boulevard north of the project site, an existing sidewalk adjacent to the and immediately south of the project site, and the Cabrillo Beachway, which is located immediately south of the project site. The project would also include construction of a path and sidewalk from the sidewalk on Cabrillo Boulevard across the lawn area and along the western edge of the realigned parking lot to the entrance of the skateboard facility. An existing path from Cabrillo Boulevard to the parking lot located just east of the proposed new path would be removed and restored to lawn area.

#### ***II. Appeal Procedures***

The Coastal Act provides for appeals to the Coastal Commission after certification of Local Coastal Programs (LCPs) of a local government's 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 tidelands, or along or within 100 feet of natural watercourses. (Coastal Act Section 30603[a]) Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]) Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5])

The proposed project is located seaward of the first public road paralleling the sea (U.S. Highway 101) and on previously filled state tidelands and is therefore appealable to the Commission. (Coastal Act Section 30603[a][1])

The grounds for appeal for development approved by the local government and subject to appeal to the Commission 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. (Coastal Act Section 30603[a][4])

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 Commission should find that a substantial issue is not raised by the portions of the project in the local jurisdiction's original Coastal Development Permit jurisdiction, the Commission would still have to determine whether a Coastal Development Permit should be issued for the majority of the project that is located within the Commission's original retained permit jurisdiction.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three (3) minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that substantial issue is raised by the appeal. If a substantial issue is found to exist, the Commission will proceed to a full public *de novo* hearing on the merits of the project which may occur at a subsequent hearing. 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, 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 at the *de novo* hearing.

### ***III. Local Government Action and Filing of Appeal***

The City of Santa Barbara approved a Coastal Development Permit (CDP98-0082) for the project on August 24, 1999 after considering an appeal by Santa Barbara Waterfront Coalition, and issued a Notice of Final Action for the Coastal Development Permit on August 26, 1999.

The Commission received the Notice of Final Action on the project on August 27, 1999, and received this appeal of the City's action on September 9, 1999. The appeal was filed on September 9, 1999, and was therefore filed within the 10 working day appeal period of the Commission's receipt of the Notice of Final Action as provided by the Commission's administrative regulations.

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued Coastal Development Permit is filed. In accordance with the California Code of Regulations, on September 10, 1999 staff

requested all relevant documents and materials regarding the subject permit from the City to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The administrative record for the project was received from the City on September 13, 1999.

Since the Commission did not timely receive all requested documents and materials to allow consideration at the October 1999 Commission hearing, the Commission opened and continued the hearing at the October 1999 Commission meeting pursuant to Section 13112 of the California Code of Regulations. All of the remaining file materials have now been transmitted to the Commission and reviewed by staff.

#### ***IV. Staff Recommendation on Substantial Issue***

The staff recommends that the Commission determine that NO substantial issue exists with respect to grounds on which the appeal was filed following Section 30603 of the Coastal Act and that the Commission takes the following action:

##### Motion

I move that the Commission determine that appeal A-4-BC-99-206 raises NO substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

##### Staff Recommendation

Staff recommends a YES vote on the motion.

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

#### ***V. Findings and Declarations for Substantial Issue***

##### ***1. Project description***

The proposed project consists of the construction of a 15,400 square foot skateboard park with 14,600 square feet of skating area, landscaping, and viewing areas located at the west end of the Chase Palm Park parking lot on the seaward side of Cabrillo Boulevard. (See Exhibits 1 through 6.)

The skating surfaces, including ramps, jumps and bowls, would be constructed of concrete. The facility would also include metal rail skating features. Landscaping, plaster walls, and wrought iron fencing would enclose the entire site. The remainder of the Chase Palm Park parking lot would be restriped and the existing parking lot planters would be reconstructed. The project would also involve restriping the existing City parking lot at East Beach to replace the 11 parking spaces displaced by the project. In addition, six new parallel parking spaces would be provided at the end driveway to the Chase Palm Park Expansion off Garden Street to meet the projected parking demand of the skateboard facility.

Pedestrian access to the site would be from the sidewalks along Cabrillo Boulevard north of the project site, an existing sidewalk adjacent to and immediately south of the project site, and Cabrillo Boulevard, which is located immediately south of the project site. The

project would also include construction of a path and sidewalk from the sidewalk on Cabrillo Boulevard across the lawn area along the western edge of realigned parking lot to the entrance of the skateboard facility. An existing path from Cabrillo Boulevard to the parking lot located just east of the proposed new path would be removed and restored to lawn area. (See Exhibits 1 through 5.)

### ***2. Issues Raised by the Appellant***

The Appellant alleges the project is inconsistent with the Santa Barbara City Local Coastal Program because the development: (1) fails to protect public views from public roads or from recreational areas to and along the coast; (2) contributes to existing traffic congestion; (3) fails to provide adequate parking; (4) contributes to excessive noise within the waterfront area; and (5) is incompatible with the proposal to restore an historic extension of Stearns Wharf. (See Exhibit 7.)

### ***3. Local Government Action and Filing of Appeal***

The Santa Barbara City Council approved a Coastal Development Permit for the project on August 24, 1999 after hearing an appeal of the Santa Barbara Waterfront Coalition, and issued the Notice of Final Action for a Conditional Use Permit on August 26, 1999. The project was approved by the City Council with a set of standard conditions, including conditions dealing with lighting, landscaping, archaeological resources and solid waste management. (See Exhibit 8.)

The Commission received the Notice of Final Action on the project on August 27, 1999, and received this appeal of the City's action on September 9, 1999. The appeal was filed on September 9, 1999, and was therefore filed within the 10 working day appeal period of the Commission's receipt of the Notice of Final Action as provided by the Commission's administrative regulations.

### ***4. Substantial Issue Analysis***

Section 30603(b)(1) of the Coastal Act stipulates that:

The grounds for an appeal pursuant to subdivision (a) 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 this division.

As noted above, 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 reason: both the re-construction of the parking lot and the proposed skateboard facility is consistent with the applicable policies and related zoning standards of the City's certified Local Coastal Program as well as with the access policies of the California Coastal Act.

The Appellant's contentions do not raise valid grounds for an appeal for the reasons set forth below.

*a. Public Views*

The appellant alleges that the City approved the project in a manner inconsistent with the public view protection standards of the City's certified Local Coastal Program. Specifically, that the proposed skateboard facility because of its size and height would obstruct public views of the mountains and the beach.

LCP Policy 9-1 provides, in relevant part, 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;
- (2) Requiring view easements or corridors in new developments;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

LCP Policy 12.2 provides that:

New developments within the City's Waterfront Area shall be evaluated as to a project's impact upon the area:

- Openness
- Lack of Congestion
- Naturalness
- Rhythm

The proposed project site consists of a paved parking lot. Public views of the parking lot from Cabrillo Boulevard are currently screened by a change in grade between the sidewalk and the parking lot and by existing landscaping. These features will be retained as part of the project, and the landscaping will be supplemented with additional plantings. A majority of the skateboard facility will be at or below existing grade and therefore would not be visible because of the existing grade and screening. Portions of the skateboard facility would be from 2.2 to 5 feet above existing grade along Cabrillo Boulevard; however, these elements would be largely screened from view by existing and proposed landscaping. Further, the skateboard facility does not involve the construction of any buildings, and is compatible with surrounding structural development in terms of height and scale.

The Commission therefore finds that the approval of the project is in conformance public view standards of the City's certified Local Coastal Program, and the Appellant's

contention does not raise a substantial issue with respect to the protection of public or private view standards of the City's certified Local Coastal Program.

***b. Traffic Congestion***

The Appellant alleges that the City approved the project in a manner inconsistent with the traffic and congestion standards of LCP. Specifically, that the proposed skateboard facility would add significantly to the already heavily congested waterfront area.

LCP Policy 12.2 provides that:

New developments within the City's Waterfront Area shall be evaluated as to a project's impact upon the area:

Openness  
Lack of Congestion  
Naturalness  
Rhythm

The proposed Skateboard Park would be an unmanned facility available for drop-in use by both skateboarders and in-line skates and would be open daily during daylight hours only. No night lighting is proposed. Approximately 15 skaters would be able to use the skating area at one time. The facility would be maintained by the City Parks and Recreation Department, and park rules would be enforced by monitors who would routinely check the facility, and by City Park Rangers, Parks Department Maintenance Staff, and the City Police Department.

Pedestrian access to the site would be from the sidewalk along Cabrillo Boulevard north of the project site, and existing sidewalk adjacent to, and immediately south of the project site and the Cabrillo Beachway, which is located just south of the project site. In addition to the 11 spaces which would be displaced by the skateboard facility and the replaced by restriping at the East Beach parking lot west of the Cabrillo Pavilion, the project would provide 6 additional spaces in close proximity to the facility at the entryway to the Chase Palm Park Expansion. The small-scale nature of the facility, alternative pedestrian access routes, and availability of existing public transportation (including buses and the Waterfront Shuttle) reduces the potential for significant increase in traffic congestion.

The Commission therefore finds that the approval of the project is in conformance traffic congestion standards of the City's certified Local Coastal Program, and the Appellant's contention does not raise a substantial issue with respect to traffic congestion standards of the City's certified Local Coastal Program.

***c. Inadequate Parking***

The Appellant alleges that the City approved the project in a manner inconsistent with the parking standards of LCP. Specifically, that the proposed skateboard facility would add significantly to the already heavily parking demands in the City's waterfront area.

LCP Policy 3.3 provides that:

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

LCP Policy 11.5 provides that:

All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs. Parking needs for individual developments shall be evaluated on a site-specific basis and at a minimum be consistent with City Ordinance Requirements.

The proposed skateboard facility would be located along the City's waterfront in the western portion of the existing Chase Palm Park parking lot. With a redesign and restriping of the lot the skateboard, facility would result in net loss of 11 spaces. To replace the displaced parking, the City Parks and Recreation Department has proposed to restripe a portion of the City East Beach parking lot west of the Cabrillo Pavilion. This restriping will replace all eleven public parking spaces that would be lost by installation of the skateboard facility.

The City's Local Coastal Program does not have specific parking standards for skateboard parks. However, based upon the size of the proposed skateboard facility, the availability of pedestrian and other forms of public transportation, the City's Transportation Division has estimated that a peak parking demand of size parking spaces for the proposed skateboard facility. Accordingly, the Parks and Recreation Department have incorporated six new public parking spaces in the driveway to the Chase Palm Park Expansion off Garden Street. The additional parking would be provided north of Cabrillo Boulevard, consistent with the City LCP, Circulation Element. With the replacement of the 11 displaced parking spaces and the addition of six new parking spaces, the parking demand of the proposed project would be met. Further, the proposed project would not itself materially affect the ability of the public to access the City's waterfront area, but would provide an additional lower-cost recreational facility.

The Commission therefore finds that the approval of the project is in conformance with the parking standards of the City's certified Local Coastal Program, and the Appellant's contention does not raise a substantial issue with respect to parking standards of the City's certified Local Coastal Program.

*d. Excessive Noise*

The Appellant alleges that the City approved the project in a manner inconsistent with the neighborhood protection policies of the LCP. Specifically, that the proposed skateboard facility would add significantly to noise in the waterfront area, and be inconsistent with the Sunday Art and Crafts Show along Cabrillo Boulevard.

Chase Palm Park is located in the P-R Parks and Recreation Zone and classified by the City as a community Park. The Chase Palm Park and waterfront areas are used extensively for active recreation of all types, including cycling, walking, jogging, and skating. The proposed skateboard park would represent a continuation of that historic pattern of recreational uses, but with the added buffers of plaster wall and supplemental landscaping. The site specific noise assessment for the facility concluded that the skateboard park would not result in a substantial increase in noise in the immediate area because of its use of less



resonant concrete (rather than wooden ramps) and its proximity to Cabrillo Boulevard. To further reduce the potential for noise, the City will operate the facility only during daylight hours, and provide no night lighting.

The Commission therefore finds that the approval of the project is in conformance with community noise standards of the City's certified Local Coastal Program, and the Appellant's contention does not raise a substantial issue with respect to community noise standards of the City's certified Local Coastal Program.

*e. Stearns Wharf Extension*

The Appellant alleges that the City approved the project in a manner inconsistent with the Harbor Master Plan of the LCP. Specifically, that the proposed skateboard facility would render the proposed extension of Stearns Wharf to the mainland impossible.

The Harbor Master Plan, which has been incorporated in the City LCP, recommends restoration of an historic secondary access to Streams (referred to as the Wye). This would extend from the existing Wharf extension near the Sea Center to the Chase Palm Parking Lot in the vicinity of the proposed skateboard facility. The proposed extension is currently not funded or designed, and its exact alignment has not been established, nor is there a timeline for construction of the Wye extension. Recently, the City has indicated that the shoaling of the nearshore area along the proposed alignment of the historic Wye due to deposition of sediments from nearby Mission Creek may render the implementation of this proposal impractical. However, the proposed skateboard facility would not preclude development of the Wye extension since its design can take into account the skateboard park (as well as the existing Chase Palm Park parking lot).

The Commission therefore finds that the approval of the project is consistent with the Harbor Master Plan of the City's certified Local Coastal Program, and the Appellant's contention does not raise a substantial issue with respect to the Harbor Master Plan of the City's certified Local Coastal Program.

*f. Public Access*

Section 30603(b)(1) of the Coastal Act stipulates that:

The grounds for an appeal pursuant to subdivision (a) 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 this division.

Coastal Act Section 30210 provides that:

In carrying out the standards of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 provides that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

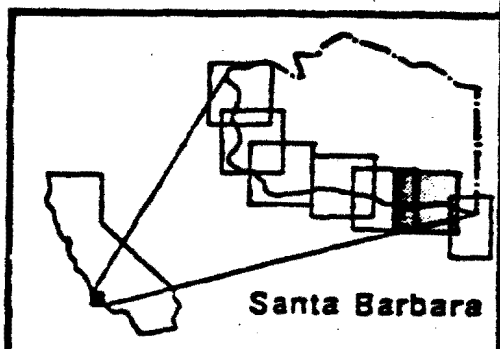
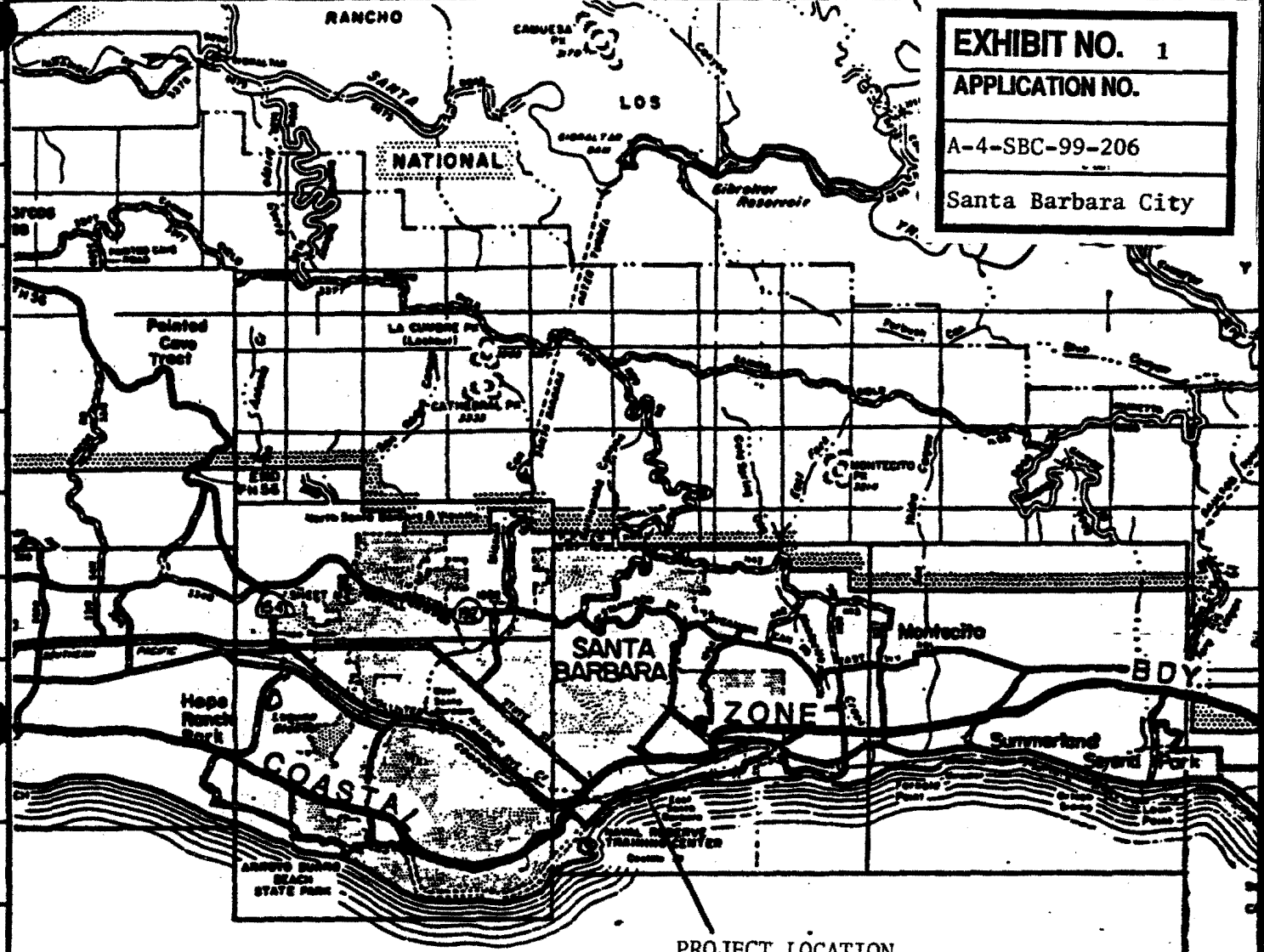
As noted above the proposed skateboard facility would be located on the seaward side of Cabrillo Boulevard, the first street paralleling the ocean in this area and would provide lower-cost recreational opportunities for both residents and visitors to the Santa Barbara waterfront area.

Pedestrian access to the site would be from the sidewalk along Cabrillo Boulevard north of the project site, and existing sidewalk adjacent to, and immediately south of the project site and the Cabrillo Beachway, which is located just south of the project site. In addition to the 11 spaces which would be displaced by the skateboard facility and the replaced by restriping at the East Beach parking lot west of the Cabrillo Pavilion, the project would provide 6 additional spaces in close proximity to the facility at the entryway to the Chase Palm Park Expansion. The small-scale nature of the facility, alternative pedestrian access routes, and availability of existing public transportation (including buses and the Waterfront Shuttle) reduces the potential for significant increase in traffic congestion parking demands, and therefore impacts to public access.

The Commission therefore finds that the approval of the project is in conformance with the public access standards of the City's certified Local Coastal Program. The Appellant's contention does not therefore raise a substantial issue with respect to the public access standards of the City's certified Local Coastal Program and the Coastal Act.

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

<b>EXHIBIT NO.</b> 1
<b>APPLICATION NO.</b>
A-4-SBC-99-206
Santa Barbara City



California Coastal Commission

### LOCATION MAP

## County of Santa Barbara

Scale

Project No.	12
App. No.	A-4-SBC-99-206
Date	10/15/99
Scale	1" = 100'
Author	[Signature]
Check	[Signature]
Appr.	[Signature]

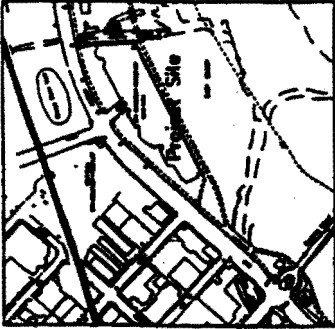
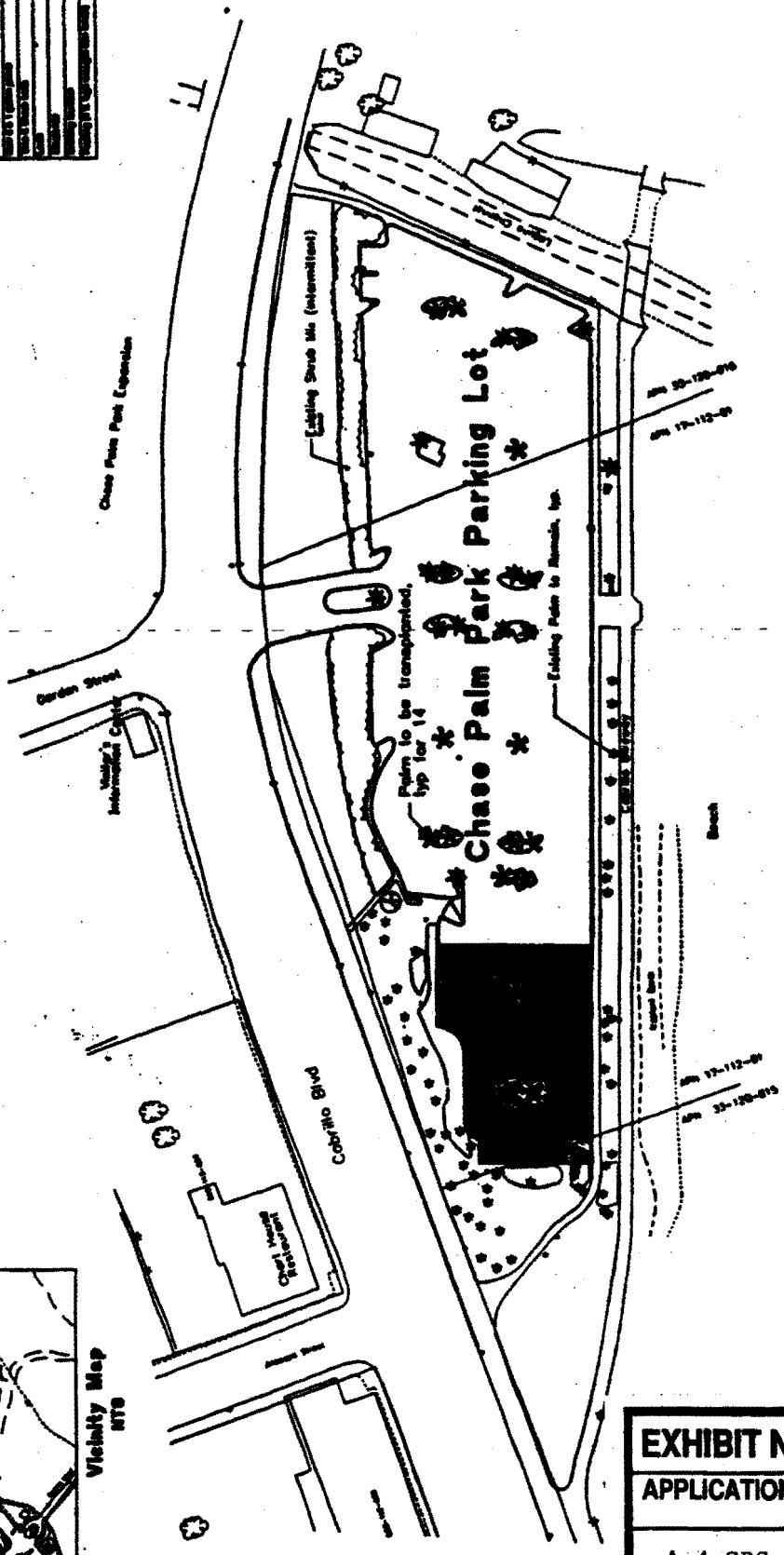


**PROPOSED SKATEBOARD FACILITY AT CHASE PALM PARK PARKING LOT**



CITY OF SANTA BARBARA  
DEPARTMENT OF PARKS & RECREATION  
P.O. Box 1990

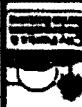
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**EXHIBIT NO. 12**  
**APPLICATION NO.**  
 A-4-SBC-99-206  
 Santa Barbara City

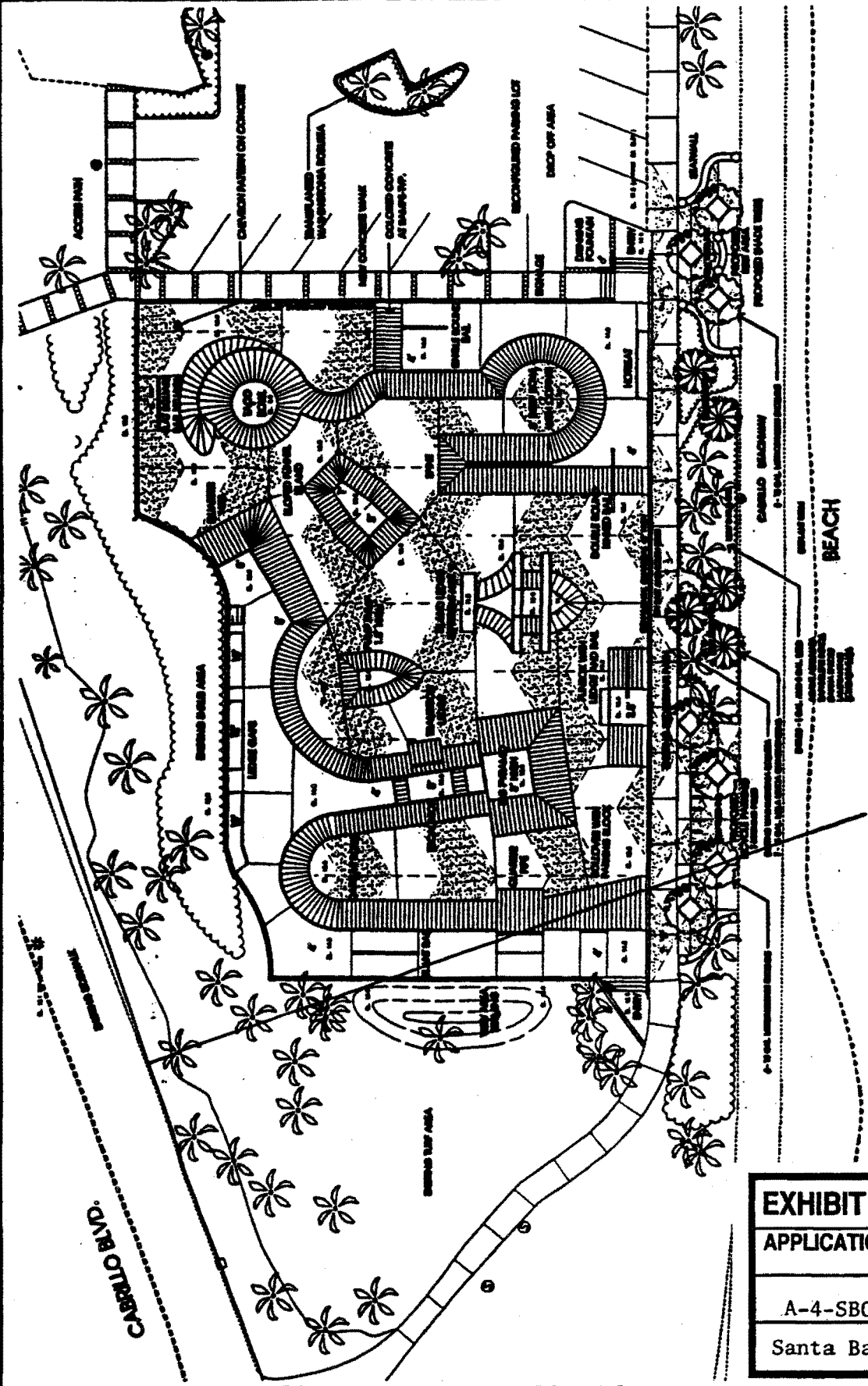
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CITY OF SANTA BARBARA  
 DEPARTMENT OF PARKS AND RECREATION  
 POST OFFICE BOX 1088, SANTA BARBARA, CA 93103



PROPOSED SKATEBOARD FACILITY  
 AT CHASE PALM PARK PARKING LOT  
 SKATEBOARD FACILITY SITE PLAN

PROJECT NUMBER: 99-010  
 DATE: 11/11/99  
 DRAWN BY: J. W. W. W.  
 CHECKED BY: J. W. W. W.



PROJECT INFORMATION  
 SHEET NO. 1 OF 1  
 SCALE: AS SHOWN

**PARKING LOT CHANGES**

NO.	DESCRIPTION	DATE	BY
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8			
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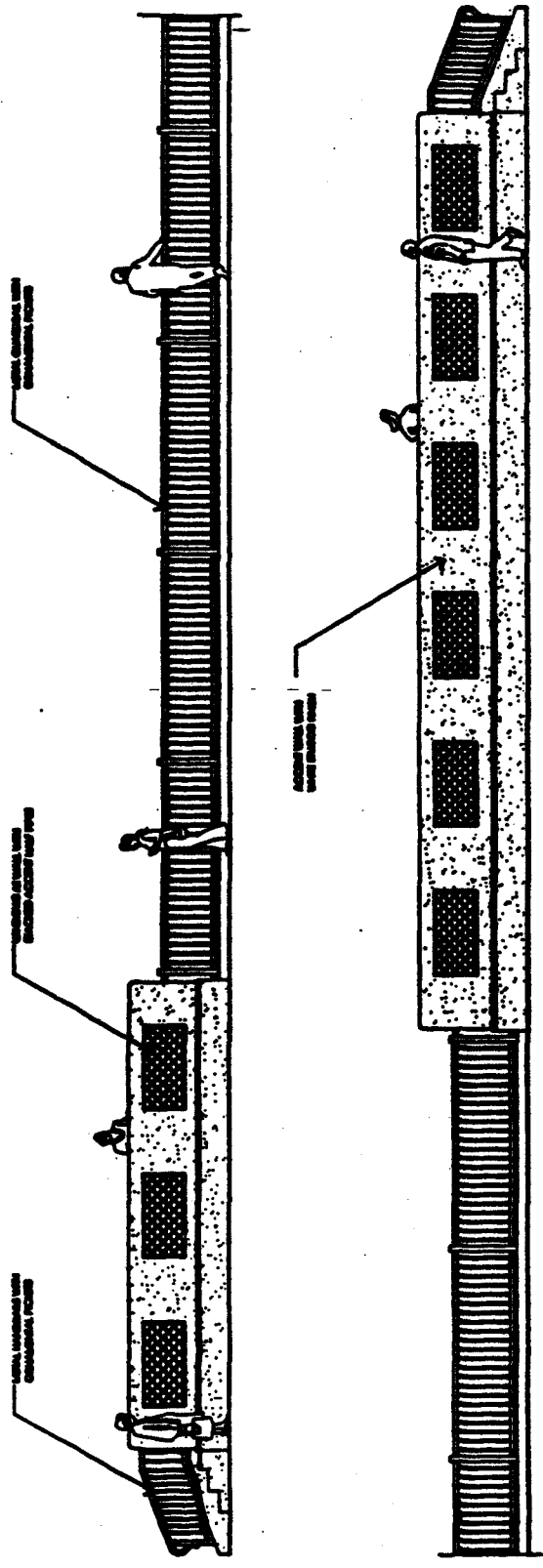
**EXHIBIT NO.** 3  
**APPLICATION NO.**  
 A-4-SBC-99-206  
 Santa Barbara City


CITY OF SANTA BARBARA  
 PARKS AND RECREATION DEPARTMENT  
 POST OFFICE BOX 20000, SANTA BARBARA, CA 93108

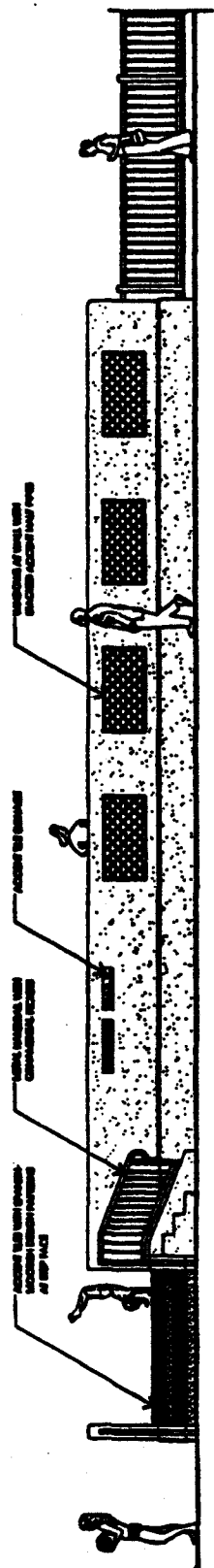


BOARD FACILITY  
 RAMP PARKING LOT

<b>EXHIBIT NO.</b> 4
<b>APPLICATION NO.</b>
A-4-SBC-99-206
Santa Barbara City



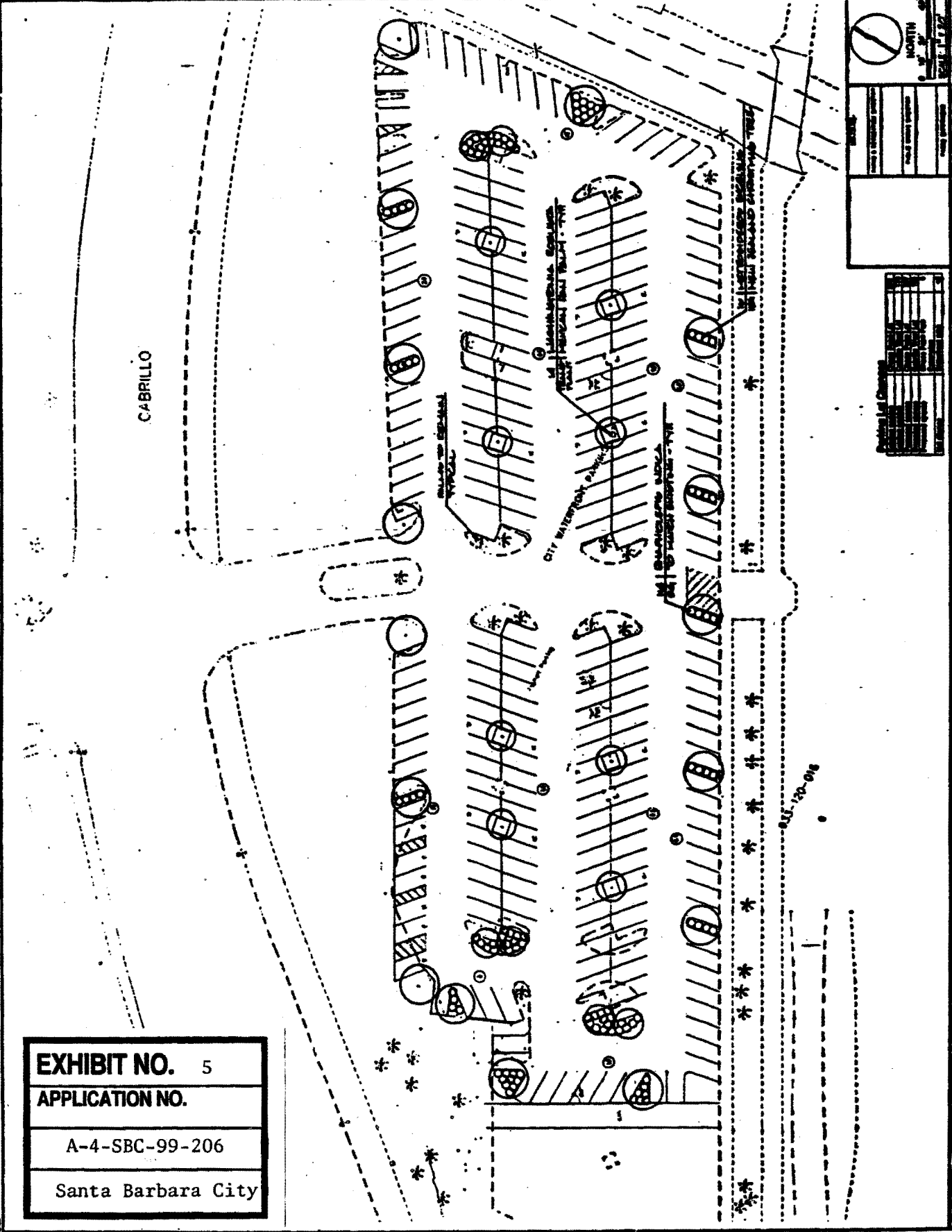
**SOUTH ELEVATION FROM THE BEACH**  
**SCALE: 3/8" = 1'-0"**



**EAST ELEVATION FROM PARKING LOT**  
**SCALE: 3/8" = 1'-0"**

PROPOSED SKATEBOARD FACILITY  
 AT CHASE PALM PARK PARKING LOT

DATE	REVISION	BY	APP'D



**EXHIBIT NO.** 5  
**APPLICATION NO.**  
 A-4-SBC-99-206  
 Santa Barbara City

DATE	REVISION	BY	APP'D

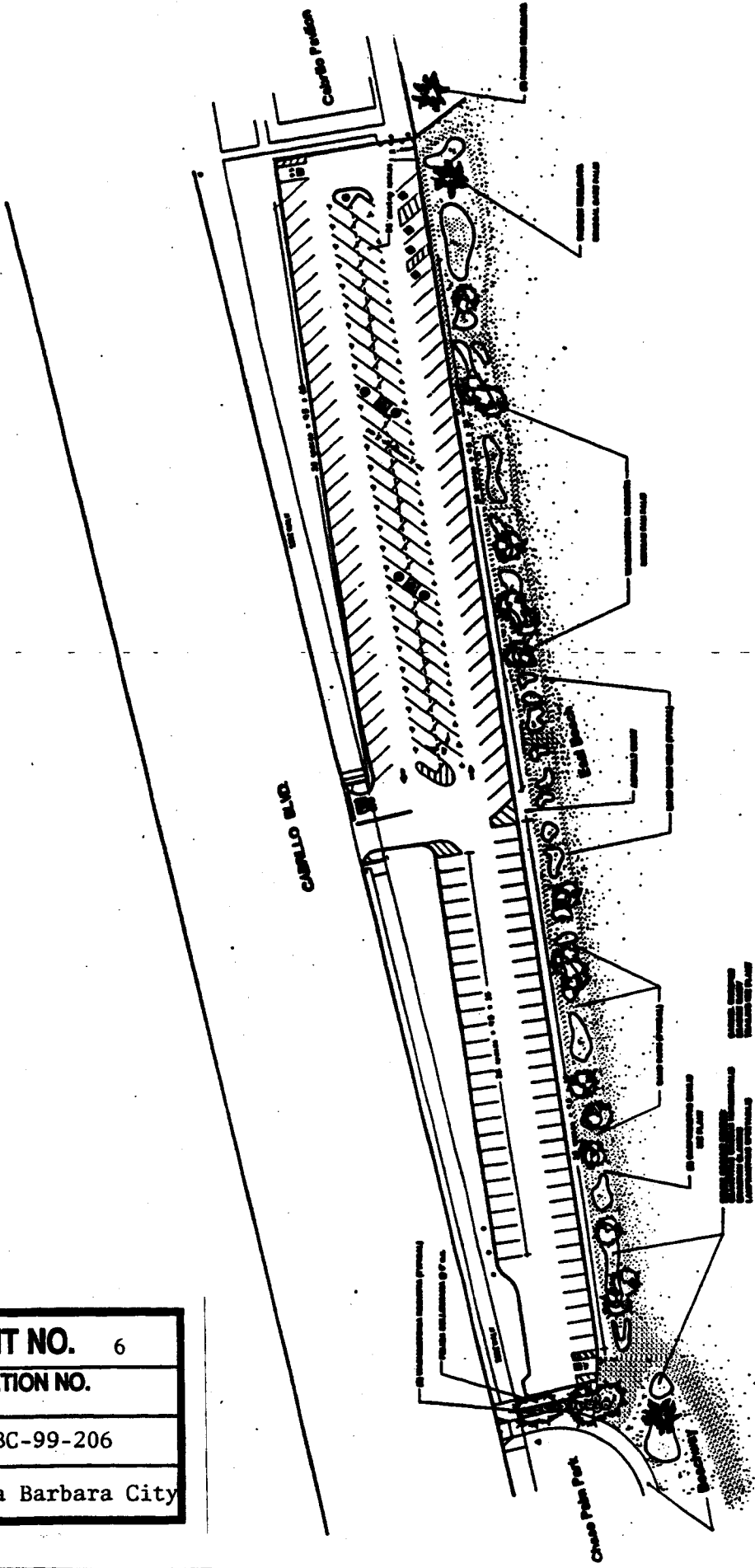


PROJECT NUMBER	DATE
NO. OF SHEETS	DATE
SCALE	SCALE
DATE	DATE



1. Existing 2. Proposed 3. Easement 4. Utility 5. Survey 6. Other	7. Proposed 8. Proposed 9. Proposed 10. Proposed
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11. Proposed 12. Proposed 13. Proposed 14. Proposed 15. Proposed 16. Proposed 17. Proposed 18. Proposed 19. Proposed 20. Proposed
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<b>EXHIBIT NO.</b>	6
<b>APPLICATION NO.</b>	
	A-4-SBC-99-206
	Santa Barbara City



CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

SANTA BARBARA WATERFRONT COALITION  
Dennis Howard 6 Harbor Way #121  
93109 Santa Barbara CA 805 455 4750  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SANTA BARBARA CITY COUNCIL

2. Brief description of development being appealed: CONVERSION OF 15,000 SQUARE FEET  
OF PARKING LOT TO A CONCRETE  
SKATEBOARD PARK

3. Development's location (street address, assessor's parcel no., cross street, etc.): CHASE PALM PARK (BEACH SIDE  
AT INTERSECTION OF GARDEN STREET AND CARRILLO RD.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: ✓
- 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: A-4-SBC-99-206

DATE FILED: 9/9/99

DISTRICT: \_\_\_\_\_

H5: 4/88

EXHIBIT NO. 7
APPLICATION NO.
A-4-SBC-99-206
Santa Barbara City

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: \_\_\_\_\_

7. Local government's file number (if any): \_\_\_\_\_

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:  
TRILLY GOODRICK, SANTA BARBARA PARKS & RECREATION  
DEPARTMENT, POST OFFICE BOX 1990  
SANTA BARBARA, CA 93102-1990

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) SEE ATTACHMENT "A"
- (2) \_\_\_\_\_
- (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.)

SEE ATTACHED "B"

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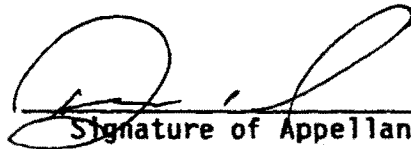
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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal,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

  
\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date 9/2/99

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 \_\_\_\_\_

**RECESS: 5:02 P.M. TO 6:10 P.M.**

**TIME: 6:10 P.M.**

**C. APPLICATION OF BILLY GOODNICK, PARKS PROJECT COORDINATOR, AGENT FOR CITY OF SANTA BARBARA PARKS AND RECREATION DEPARTMENT, 202, 325 AND 1118 E. CABRILLO BOULEVARD, APN 17-191-04, 17-353-01, AND 17-680-12; P-R/S-D-3 PARKS AND RECREATION/COASTAL OVERLAY ZONES. GENERAL PLAN DESIGNATION: OPEN SPACE/BUFFER/PUBLIC PARKING (MST98-0856)**

The project involves construction of a 15,400 square foot skateboard park with 14,600 square foot of skating area, landscaping, and viewing areas to be located at the west end of the existing Chase Palm Parking Lot. The skating surfaces, including ramps, jumps, and bowls, would be constructed of concrete. The facility would also include metal rail skating features. The site would be enclosed by landscaping, plaster walls, and wrought iron fencing. The remainder of the Chase Palm Parking Lot would be restriped and the existing parking lot planters would be reconstructed. The project would also involve restriping the existing City parking lot at East Beach to replace 11 parking spaces displaced at the Chase Palm Parking Lot by the skateboard facility. In addition, six new parallel parking spaces would be provided at the entry driveway to the Chase Palm Park Expansion off Garden Street to meet the parking demand of the skateboard facility. The discretionary approvals required for this project are:

1. A Coastal Development Permit to allow construction of the skateboard facility and related improvements in the appealable jurisdiction of the Coastal Zone (SBMC §28.45.009; CDP98-0082, application accepted April 7, 1999).
2. Findings for development of an Informal Ball Field or Court or Outdoor Game Area in a Community Park in the Coastal Zone as required by the P-R Parks and Recreation Zone (SBMC §28.37.010(C)).

The Planning Commission will consider approval of the Final Mitigated Negative Declaration prepared for the project (ENV98-0576) pursuant to the California Environmental Quality Act Guidelines Section 15074. (LAO)

Project Planner Laurie Owens presented the Staff report and recommendation to approve the project.

Correspondence in support was received from:  
Chris Webb, Youth Council Co-Chair  
Gerrie Fausett, Santa Barbara Junior High School Principal

Correspondence in opposition to a skateboard park at this location was received from:

Martha Clyde, 900 Calle de los Amigos, #D-401  
Jo Neugent, 1815 Pampas Avenue  
Mrs. Rose M. Smith, unlisted address

Richard Potter's letter to the Editor dated July 20, 1999  
 Patricia Brumm, P.O. Box 2224  
 Petition signed by eight individuals: Roberta and Fank Lundstrom, Bev and Ned Pope, Helen and Chuck Owen, and Joyce and Fred Trevillian  
 Frances Sterrett Hammock, 3899 Sterrett Avenue  
 Thomas and Hortensia Boenisch, 5073 San Rodrigo Avenue  
 John Allen, 1210 Cacique Street, #10  
 Dennis Howard's written comments for the record  
 Therese Wolfswinkel, 808 Alston Lane  
 Mirella Z. Olson, 5084 Santa Susana Place  
 B. J. Stapen, 1015 Alameda Padre Serra

Parks Project Coordinator Billy Goodnick gave a visual presentation of the City Council goal, the formation of the Teen Council United Youth Empowered (UYE), the skateboard site selection process and facility site search, and the proposed skating area.

The public hearing was opened at 6:45 p.m.

Speaking in support were:

Jeff Hurley, representing UYE, provided opening introductory comments supporting this particular location.  
 Tony Romasanta, representing the Harbor View Inn  
 Larry Crandell, 137 La Vereda  
 Chaan Omer, 1807 Fernald Point Lane  
 Henry Sarria, 6651 Sueno, #A2  
 Mike Taylor, 4027 Invierno Drive  
 Karen Chapman, of 212 Fire Tree Place and representing the Youth Council (YC), read a letter into the record from Elizabeth Kim, of 428 Valdez Avenue.  
 Autry Liggett, of 336 E. Islay Street  
 Matt Lieberman, 4093 Naranjo Drive  
 Jim Fitzpatrick, of 935 San Andres Street and representing the International Association of Skateboard Company (IASC)  
 Anna Weichselbraun, of 1110 Via Bolzano and representing UYE  
 Duke Sanchez and Karrie Falcon, 4684 Tajo Drive, #B  
 Jeff Pixley, unclear written address  
 Nicole Platt, secretary of the UYE  
 Steve Melkonian, 1435 Pacific  
 Roger Hay, of 305 W. Montecito Street and representing YC  
 Chuck Hay, of 305 W. Montecito Street and representing Beatnik Labs  
 Jon Bartel, no address listed  
 Kirsten Wallerstedt, representing the YC, read a closing statement and requested approval of the project.

Not present when their names were called, but whose slips indicated their support, were:

Daniel Melnick, 116 Miramar Avenue  
 Laini Melnick, 116 Miramar Avenue

Abraham Powell, 1510 W. Mountain Drive  
Isiah Klein, 6873 Fortuna Road  
Jamie Sanitate, 1152 Camino Manadero

Speaking in opposition, citing the inappropriateness of this area, were: Marilyn Loperfido, representing Santa Barbara Art and Craft show, spoke in opposition, citing negative noise, traffic, and parking impacts.

B. J. Stapen, Ted Kenney, and Margo Kenney from the Waterfront Coalition, whose slips indicated their opposition, relinquished their time to enable Mr. Dennis Howard to present his issues.

Dennis Howard, representing the Santa Barbara Coalition, addressed onsite parking impacts and a comparison of total costs per square feet to parking spaces. Fire and safety issues and view-shed impacts were additional negative impacts and cumulative effects discussed by Mr. Howard.

John Granfield, 2250 Varley Street

Barbara Galloway, 945 Ward Drive, #65, mentioned the known drug and alcohol use in this area, citing the inappropriateness of unchaperoned children in this particular area.

John Allen, 1210 Cacique Street, #10

Tony Longo, of 770 Juanita Avenue and a local artist, preferred an alternate location for the skateboard park.

Charlene Kraft, 910 Flora Vista Drive, relinquished her speaker time. Her slip indicated her opposition.

Chair Lowenthal read a letter into the record from Don Hedden, representing the Stearns Wharf Association, supporting Mr. Howard's comments.

The public hearing was closed at 8:17 p.m.

Ms. Hennon discussed the "wye" extension to Stearns Wharf and accessibility and how it relates to the Harbor Master Plan.

City Police Officer Kim Fryslie addressed the success of the Salsipuedes Skateboard Park location, and offered his comments on the proposed location.

Supervising Transportation Planner Rob Dayton commented on transportation and parking issues that were mentioned during the public hearing. Mr. Dayton stated that the parking demand is met.

The Commission discussed:

- Replacement parking.
- Supplied parking and the parking demand.
- The number of parking spaces used adjacent to the Arts and Crafts Show.
- The expansion of the Beachway.
- The number of vacation skaters versus the number of local skaters.
- The historical railroad spur and its relationship to the proposed "wye" extension to Stearns Wharf.
- The proposed landscaping plan.

The following describes the general areas of the Local Coastal Plan that would be violated by this project:

1. **The protected seaward and landward view sheds would be negatively impacted.** The project is in violation of numerous and specific protections included in the local and state planning documents governing development of the area with respect to the need to protect the viewshed from Stearn's Wharf toward the beach and to the seaward as well. Cabrillo Boulevard qualifies as a protected scenic highway, according to the Local Coastal Plan, and the water and land views of this area are specifically protected as well. The document requires (Section 30251, Land Use Control policies on page 133, and the Scenic Highway Element on page 132) maintenance of the natural views, which is in disharmony with a 15,000 square foot concrete facility with fencing. The Local Coastal Plan's objective (page 134) requires the preservation of the view, and promotes less dense, uncrowded development plans.
2. **The area's limited parking and compromised vehicular flow, (presently documented as insufficient and congested), would be demonstrably worsened.** The area is recognized as having extreme congestion from vehicles, and increasing the density and use of the area will irrefutably add to this existing problem. Page 47 of the Local Plan identifies the existing insufficiency of parking, noting that "...Cabrillo Boulevard parking is at or above practical limits."
3. **The "new" parking to be created for the facility is patently insufficient to accommodate the demands of such a facility. Further, reducing the size of the existing spaces (planned to "create" additional spaces for the skate park) will also create more difficulties in a lot that frequently exceeds the eighty percent capacity standard established for the City's parking facilities.** There is substantial evidence that the parking capacity proposed to accommodate the needs of this facility is grossly inadequate. Further, the usefulness of the existing parking lot(s) serving the area will be lessened. The LCP notes parking deficiencies of the area, and requires that adequate off street parking be provided (Policy 4.2 (4)). ✓
4. **The additional noise that will be created by the skate park will negatively impact the area's ambience to a significant degree.** The applicant's consultant's acoustic report does not contemplate either the need to preserve the Art and Crafts Show's ambience, nor does it consider the impact of music that will accompany the skaters.
5. **The planned creation of a wye for Stearn's Wharf to allow for fire and safety vehicle turn around, improved pedestrian ingress and egress, and to preserve and re-create the historic rail siding will be rendered impossible.** The Harbor Master Plan and the Coastal Plan for Santa Barbara include a project to be undertaken this year or next to add a "wye" to the Wharf for safety and other reasons. This plan remains current, and the skate park is proposed to be located exactly on the landward connection for the proposed wye. In the absence of a public process to abandon this improvement, or to contemplate and analyze an alternative, this project cannot proceed. The City has failed to either be consistent in explaining this failing of their proposal (ranging from "there is an alternative, but we can't tell you what" to the design is "infeasible altogether" although no engineering study or public consideration has preceded these pronouncements. The LCP calls for this project; the safety of the wharf and the public is at risk, and it is unacceptable to casually reject or compromise this project without study and public participation.
6. **The project will cause the relatively small area to be both overused and over developed, situations expressly prohibited in local and state planning documents for the Santa Barbara Waterfront area.** All of the planning documents for the area prohibit developing the

parks or open areas in a manner that would result in over-development or unnecessary density. With the development of a 15,000 square foot facility in the center of this highly used area, there is no question that the area would contravene this planning principle. Section 30212.5 of the Local Coastal Plan expressly prohibits "overcrowding or over use of any single area." The document also notes that this particular location is already congested and too densely utilized. Again, Section 30212.5 requires that "...services be distributed to mitigate against the impacts, social and otherwise, of overcrowding."

Each of the above deficiencies is significant and sufficient to warrant the selection of a more appropriate site. In total, they represent an overwhelming combination of negative impacts that will clearly damage an area of Santa Barbara that is cherished by residents and visitors alike. We will, in the course of preparing and presenting our appeal, provide additional documentation in support of our position.





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

EXHIBIT NO. 8
APPLICATION NO.
A-4-SBC-99-206
Santa Barbara City

REPORT DATE: August 20, 1999

TO: Mayor and Councilmembers

FROM: Sandra E. Tripp-Jones, City Administrator *STJ*

SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT CHASE PALM PARK

RECOMMENDATION: That Council:

- A. Hold a public hearing on the appeal of Dennis Howard representing the Santa Barbara Waterfront Coalition; and
- B. Deny the appeal and uphold the Planning Commission approval of the Coastal Development Permit and P-R Parks and Recreation Zone findings for the proposed skateboard park and public parking lot revisions at Chase Palm Park, making the findings in the Council Agenda Report and subject to the conditions of approval in Planning Commission Resolution 056-99.

DISCUSSION: See Attached Pages

- ATTACHMENTS:
1. Planning Commission Staff Report dated 07/22/99
  2. Planning Commission Minutes dated 07/22/99
  3. Letters to Planning Commission from Public
  4. Planning Commission Resolution 056-99
  5. Appeal letter dated July 29, 1999

Note: Project plans are on file at the Mayor and Council offices, City Administrator's office and City Clerk's office

PREPARED BY: Planning Division, DO/EH/LAO *DO/EH/LAO*

APPROVED BY: David D. Davis, Community Development Director *DD*

REVIEWED BY: \_\_\_\_\_ Finance *DM* Attorney

STAFF USE ONLY

TO:

FROM: City Administrator

ACTION TAKEN:

RECEIVED

SEP 13 1999

DIRECTIONS:

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Meeting Date August 24, 1999
Agenda Item No. 25

## Council Agenda Report

### APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT CHASE PALM PARK

August 20, 1999

Page 2

#### DISCUSSION:

##### Project Description

The proposed project would involve construction of a 15,400 square foot skateboard park with 14,600 square foot of skating area, landscaping, and viewing areas to be located at the west end of the existing Chase Palm Parking Lot. The skating surfaces, including ramps, jumps, and bowls, would be constructed of concrete and metal rails and coping. The facility would be available for drop-in use by both skateboarders and in-line skaters and would be open daily during daylight hours only. No night lighting is proposed.

The remainder of the Chase Palm Parking Lot would be restriped and the existing parking lot planters would be reconstructed. The project would also involve restriping the existing City parking lot at East Beach and striping six new parallel parking spaces at the entry driveway to the Chase Palm Park Expansion to replace parking displaced by the skateboard park. This would provide a net addition of six parking spaces to meet the demands of the skateboard facility.

Pedestrian access to the site would be from the sidewalks along Cabrillo Boulevard north of the project site, an existing sidewalk adjacent to, and immediately south of the project site (which would remain) and the Cabrillo Beachway, which is located just south of the project site. The project would also include construction of a path and sidewalk from the sidewalk on Cabrillo Boulevard across the lawn area and along the western edge of realigned parking lot to the entrance of the skateboard facility. An existing path from Cabrillo Boulevard to the parking lot located just east of the proposed new path would be removed and restored to lawn area. Additional project information can be found in the Planning Commission Staff Report for the project (Attachment 1).

##### Environmental Review

Upon receipt of the project application, Staff completed an Initial Study for the project and determined that a Mitigated Negative Declaration should be prepared to analyze the potential environmental impacts of the project pursuant to the requirements of the California Environmental Quality Act (CEQA). The public comment period for the Draft Mitigated Negative Declaration ran from May 13, 1999 to June 3, 1999. Ten comment letters were received from the public, including a letter from the appellant. Further, a comment hearing before the Planning Commission was held on June 3, 1999. Five members of the public and several Planning Commissioners commented on the Draft Mitigated Negative

Council Agenda Report

APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT  
CHASE PALM PARK

August 20, 1999

Page 3

Declaration at the hearing. The comments and the responses to these comments are provided in Exhibit I of the Planning Commission Staff Report (Attachment 1). Areas of concern included aesthetics and views, cultural resources, noise, recreation, transportation, circulation and parking. The Final Mitigated Negative Declaration, provided in Exhibit H of the Planning Commission Staff Report, identified no significant and unavoidable impacts related to the proposed project.

**Planning Commission Review**

On July 22, 1999, the Planning Commission held a public hearing and reviewed the application for the Coastal Development Permit and findings required pursuant to the P-R Parks and Recreation Zone (SBMC § 28.37.010(C.)). At the public hearing, 19 persons spoke in favor and six persons spoke against the application. In addition, written correspondence was received from a number of individuals and groups, the majority of which was against the application. The appellant was present and spoke at the public hearing. The minutes of the Planning Commission hearing are provided in Attachment 2. Public correspondence (other than speaker slips) received at, or immediately prior to, the Planning Commission hearing are provided in Attachment 3, including written comments provided by the appellant.

At the conclusion of the July 22, 1999 public hearing, the Planning Commission unanimously (5-0, Commissioners White and McGuire absent) voted to adopt the Final Mitigated Negative Declaration and approve the project. Attachment 4 is Planning Commission Resolution 056-99 from that hearing. In approving the project, the Planning Commission also recommended that the City Council: (1) keep the temporary skateboard facility open until at least the permanent facility is opened; and (2) direct the Parks and Recreation Department to explore sites for additional skateboard facilities and to discuss with the Santa Barbara School District the potential for creating a permanent skateboard facility at the temporary location. The Planning Commission also required three additional conditions of approval. Condition B places limitations on the times in which special events and competitions could be held at the skateboard facility. Condition C directs the Parks and Recreation Department and the Youth Council to initiate discussions with the Sunday Arts and Crafts Show Advisory Committee so that these groups can work cooperatively on issues of common interest in the future. Condition D-3 directs the Parks and Recreation Department and the Youth Council to review the design of the proposed benches at the Garden Street Public Restrooms and make recommendations as necessary to ensure the benches cannot be used as skating features.

Council Agenda Report

APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT  
CHASE PALM PARK

August 20, 1999

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**Appellant's Position**

On July 29, 1999, an appeal was filed by Mr. Dennis Howard, representing the Santa Barbara Waterfront Coalition (Attachment 5). In summary, the appellant asserts in his letter that the Planning Commission approval violates Harbor Master Plan and Local Coastal Plan requirements pertaining to views, congestion, noise, parking capacity, and mixing of uses. The appellant also asserts that environmental impact of the project was incorrectly assessed and the effect of eliminating a project to improve the safety and ingress/egress to Stearns Wharf was not given sufficient consideration.

**Issues:**

Environmental Review

As noted above, a Mitigated Negative Declaration was prepared for the proposed project and is included as Exhibit H of the Planning Commission Staff Report (Attachment 1). The appellant submitted comments on the Draft Mitigated Negative Declaration during the public comment period. Responses to the appellant's comments and other public comments received are provided in Exhibit I of the Planning Commission Staff Report. The Planning Commission discussed the Mitigated Negative Declaration at the Environmental Hearing on June 3, 1999 and again at the public hearing on July 22, 1999. The major environmental issues discussed in the Mitigated Negative Declaration include:

- > Aesthetics: The Mitigated Negative Declaration concluded that the project would be screened from view from Cabrillo Boulevard by existing and proposed landscaping and would not obstruct views of the ocean.
- > Air Quality: Standard dust control mitigation measures were included to reduce impacts from construction activities.
- > Cultural Resources: The project site is located in the vicinity of a former railroad siding that serviced Stearn's Wharf. Mitigation measures were included for archaeological monitoring during ground-disturbing construction activities to protect any historic resources that might still be present.
- > Noise: A site-specific noise assessment was prepared for the project which concluded that average noise levels adjacent to the skateboard park would increase by less than 3 dBA and maximum noise levels would be less than maximum noise levels from existing traffic on Cabrillo Boulevard. The assessment further concluded that there would not be a substantial

Council Agenda Report

APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT  
CHASE PALM PARK

August 20, 1999

Page 5

increase in noise at the Sunday Arts and Crafts Show as a result of the skateboard facility.

- Solid Waste: The Mitigated Negative Declaration recommended mitigation measures requiring provision of containers for recyclable glass and aluminum, and recycling of construction and demolition materials.
  
- Transportation/Circulation/Parking: The Mitigated Negative Declaration included an analysis prepared by Transportation Division of potential traffic from the proposed skateboard facility. This analysis concluded that traffic capacity impacts to Waterfront area intersections would be less than significant. The Transportation Division also assessed the parking demand of the proposed project. Based on this analysis, which included a review of the parking demand of other similar skateboard facilities, Transportation Division determined that the net increase of six parking spaces (to be provided along the driveway to the Chase Palm Park Expansion off Garden Street) would meet the parking demand of the project.

As part of their actions on July 22, the Planning Commission adopted the Mitigated Negative Declaration, and found, based on the information provided in the Mitigated Negative Declaration and the public comments received, that the project would not have a significant effect on the environment.

Consistency with Local Coastal Program and Harbor Master Plan

To approve a Coastal Development Permit, the Planning Commission or City Council on appeal must find that a project is consistent with the Coastal Act and the City's Local Coastal Program (LCP). Therefore, the Planning Commission Staff Report (Attachment 1) contains a detailed discussion of the project's consistency with the Coastal Act and Local Coastal Program, including policies relating to aesthetics and views, congestion, parking, and land use compatibility. These policies, and the conclusions of the Planning Commission Staff Report regarding the project's consistency with the policies, are summarized below:

- The Coastal Act contains a number of policies pertaining to provision of recreational and visitor-serving uses in the Coastal Zone. The Planning Commission Staff Report concluded that the project appears consistent with those policies because development of a skateboard facility would diversify and enhance recreational uses in the City's Coastal Zone.
  
- The Planning Commission Staff Report concluded that access to the City's Waterfront would be maintained with the proposed

Council Agenda Report

APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT  
CHASE PALM PARK

August 20, 1999

Page 6

project, consistent with Coastal Act Policy 32052 and LCP Policies 3.3 and 11.5, because the project would meet its parking demand and because alternative means to access the Waterfront are available, including the Waterfront shuttle, sidewalks, and the Beachway.

- > The Planning Commission Staff Report also concluded that the project appears be consistent with Coastal Act and LCP policies and guidelines pertaining to aesthetics because the project would not negatively affect existing views of the ocean and would be screened by landscaping, similar to the existing paved parking lot.
- > A discussion of the project's consistency with the Harbor Master Plan (which is a part of the City's LCP) was also included, and in particular, the proposed project's relationship to the proposed secondary access to Stearn's Wharf (also known as the "Wye"). To date, no timeline has been established for construction of the Wye extension, and the project has not been designed or funded. The Staff Report further concluded that the proposed project would not preclude future development of the Wye, since any future design could take into account the presence of the skateboard facility.

The appellant was present at the Planning Commission hearing on July 22 and provided written and oral comments on the issues raised in the appeal (see Attachment 2 Planning Commission minutes and Attachment 3 public comment letters). The Planning Commission, during their deliberations, specifically discussed the proposed restriping of the parking lots, existing use of the parking facilities and the proposed replacement parking. Other concerns raised by the appellant, such as consistency with LCP and Harbor Master Plan policies pertaining to compatibility of the proposed skateboard facility with other uses in the area, and the proposed Stearn's Wharf Wye extension, were also specifically addressed by the Planning Commission during the public hearing. Although one commissioner expressed concerns about the project's potential consistency with the LCP, the Planning Commission voted unanimously to make the findings for the Coastal Development Permit.

**Conclusion and Findings:**

The proposed project would provide a much-needed recreational facility and would also diversify and enhance recreational opportunities for local and visiting youth in the City's Coastal Zone. The facility has been designed to be compatible with the

Council Agenda Report

APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT  
CHASE PALM PARK

August 20, 1999

Page 7

surrounding park and to avoid conflicts with surrounding park uses, including the Sunday Arts and Crafts Show. Both Staff and the Planning Commission have concluded that the project is consistent with the policies of the Local Coastal Program, including the Harbor Master Plan. Therefore, Staff recommends that the City Council deny the appeal and uphold the Planning Commission approval of the Coastal Development Permit and P-R Parks and Recreation Zone findings, making the findings below, and subject to the Conditions of Approval in Planning Commission Resolution 056-99 (Attachment 4).

Environmental Finding:

The City Council has read and considered the Final Mitigated Negative Declaration together with comments received during the public review process. In this agency's independent judgement and analysis, there is no substantial evidence that the project will have a significant effect on the environment.

Findings for the Coastal Development Permit: (SBMC \$28.45.009):

The project is consistent with the policies of the California Coastal Act, all applicable policies of the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The proposed project is consistent with Coastal Act and LCP policies pertaining to recreation because development of a skateboard facility would diversify and enhance recreational uses in the City's Coastal Zone consistent with Coastal Act Policies 30210, 30213, and 30221. Further, access to the City's Waterfront would be maintained consistent with Coastal Act Policy 32052 and LCP Policies 3.3 and 11.5 because the project would meet its parking demand and because alternative means to access the Waterfront are available, including the Waterfront shuttle, sidewalks, and the Beachway. The project is also consistent with Coastal Act and LCP policies and guidelines pertaining to aesthetics because the project would not negatively affect existing views of the ocean and would be screened by landscaping, similar to the existing paved parking lot.

Findings for Approval pursuant to the P-R Zone (SBMC \$28.37.025):

1. The proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors. The City currently does not have permanent facilities for skateboarding and the project would provide a facility in a location that would be accessible to both local and visiting youth.
2. The proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping will

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APPEAL OF PLANNING COMMISSION APPROVAL OF A SKATEBOARD PARK AT  
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be compatible with the character of the neighborhood. The facility would be located in Chase Palm Park, which historically has been used extensively for active recreation. The facility would be open during the same hours as the remainder of Chase Palm Park and would not be lit. The landscaping provided would be compatible with existing landscaping already in place. Existing palms in the parking lot would be relocated within the reconstructed parking lot.

3. The total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties. The facility would utilize only a small portion of Chase Palm Park (approximately 25 percent of the area of the existing parking lot, and approximately 16,000 square feet of the 20-acre Chase Palm Park facility). The project would be approximately 30 to 50 feet from the sidewalk on Cabrillo Boulevard. The proposed project would include a 10 to 20-foot wide landscaped buffer area that would prevent problems with escaped boards and other negative impacts to other park users, including the Sunday Arts and Crafts Show.
4. The intensity of the park use is appropriate and compatible with the character of the neighborhood. The proposed skateboard park would represent a continuation of that historic pattern of recreational use at Chase Palm Park. The proposed project would represent a trade-off between use of the project site as a public parking facility and a recreation facility. Most days during the week, the park area in the vicinity of the site experiences light to moderate use. On Sundays, during operation of the Arts and Crafts Show, the project area is more intensely used, however, the project has been designed to minimize conflicts with the Sunday Arts and Crafts Show.
5. The proposed facilities are compatible with the scenic character of the City. Ocean views are largely obstructed from Cabrillo Boulevard at this location by existing topography and landscaping. The proposed facility would not impede existing views of the ocean and landscaping would be provided to screen views of the facility from Cabrillo Boulevard.
6. Any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. The proposed facility would replace an existing paved parking area and the project would not significantly expand the paved area. The facility's skating structures would be no greater than 5.5 feet above the grade of the sidewalk on Cabrillo Boulevard and would not impede views of the ocean.



**PLANNING COMMISSION CONDITIONS OF APPROVAL**

**CHASE PALM SKATEBOARD PARK**

**JULY 22, 1999**

- A. The development of the Real Property approved by the Planning Commission on July 22, 1999 is limited to the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The improvements shall not result in a net increase in parking spaces south of Cabrillo Boulevard.
- B. The following is subject to the review and approval of the Historic Landmarks Commission (HLC):
1. The Developer shall meet with the City Police Department Crime Analyst to determine how lighting, locking mechanisms, egress and fencing can be designed and installed so as to reduce the potential number of calls for police service from occupants of the Real Property.
  2. The project design shall provide for landscaping sufficient to screen views of the facility from Cabrillo Boulevard, shading of viewing areas, and fencing or other means to adequately enclose the skating area.
- C. The City Parks and Recreation Department shall complete the following prior to the issuance of building permits:
1. A qualified representative for the City Parks and Recreation Department, approved by the City Planning Division, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
  2. Provide a construction schedule including the name and phone number of the Project Environmental Coordinator (PEC) as a contact person to property owners and tenants within 450 feet of the project.
  3. The City Parks and Recreation Department shall contract with a City-approved archaeologist for monitoring of potential sub-surface historic features during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal and ground clearance in the areas identified in the Cultural Resources Study prepared for this site by Compass Rose Archaeological Consultants dated July 27, 1998. The contract shall establish a schedule for monitoring and a report to the City Environmental Analyst on the findings of the monitoring. Contract(s) shall be subject to the review and approval of the Environmental Analyst.
- D. A construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department, Building Division, Planning Division, the Parks and Recreation Department, the Waterfront Department and the Contractor. The following information shall be specified on the construction plans submitted for building permits:
1. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work shall stop

immediately in the area and a City-approved archaeologist retained to evaluate the deposit. The City of Santa Barbara Environmental Analyst shall also be contacted for review of the archaeological find(s).

If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Environmental Analyst.

2. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
3. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
4. Trucks transporting fill material to and from the site shall be covered from the point of origin.
5. The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer.
6. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
  - A. Seeding and watering until grass cover is grown;
  - B. Spreading soil binders;
  - C. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - D. Other methods approved in advance by the Air Pollution Control District.
7. All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
8. Construction activities shall be prohibited Saturdays, Sundays, and holidays and between the hours of 5 p.m. to 8 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.

9. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
10. The applicant shall, to the maximum extent feasible, recycle construction and demolition waste materials.
11. Construction-related truck trips shall not be scheduled during p.m. peak hours (4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
12. Construction parking shall be provided as follows:
  - A. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
  - B. On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited.
  - C. Construction activities shall be scheduled and storage of equipment and materials should be arranged to minimize disruption of the Chase Palm and Cabrillo West parking lots on weekends. A construction staging plan shall be prepared by the applicant and reviewed and approved by the Transportation and Parking Manager prior to issuance of a building permit for the proposed project. To the extent feasible, construction staging and scheduling should be coordinated with other proposed construction projects in the Waterfront area to minimize disruption to surrounding uses.
- E. The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:
  1. The proposed project shall provide containers for collection glass and aluminum recyclable material within the project site. This information shall be shown on the plans submitted for building permits and installed as a part of the proposed project's improvements.
  2. An oil/water separator shall be installed or other Best Management Practices (BMPs) shall be employed to treat parking lot runoff from the project site.
  3. All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____	_____	_____
Property Owner	Date	
_____	_____	_____
Contractor	Date	License No.
_____	_____	_____
Architect	Date	License No.
_____	_____	_____
Engineer	Date	License No.

- F. Prior to opening of the skateboard facility, the parks and Recreation Department shall propose amendments to the City's skateboard ordinance (SBMC 10.06 to limit skateboarding on the south sidewalk along Cabrillo Boulevard. The Parks and Recreation Department shall post signs along Cabrillo Boulevard directing skateboarders not to use the sidewalk and instead to use the Cabrillo Beachway.
- G. Prior to opening the skateboard park, the City Parks and Recreation Department shall work with local school districts to circulate flyers to local schools explaining skateboard park rules and providing a map of legal routes to the skateboard facility. If feasible, the flyer should contain discount coupons for required safety gear.
- H. The City Parks and Recreation Department shall continue to work with the Metropolitan Transit District to explore the possibility of providing free rides on the Downtown/Waterfront Shuttle on Sundays to the skateboard park for persons carrying a skateboard and a helmet.

**NOTICE OF COASTAL DEVELOPMENT PERMIT**

**TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.

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3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

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