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STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Appeal Filed: 12/7/04

49<sup>th</sup> Day: 1/7/05

Staff: S. Hudson *Smith*

Staff Report: 12/22/04

Hearing Date: 1/12/05



## RECORD PACKET COPY STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

**LOCAL GOVERNMENT:** County of Santa Barbara

**LOCAL DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-STB-04-124

**APPLICANT:** Santa Barbara County Public Works Department

**APPELLANTS:** Commissioners Caldwell and Wan; Bruce Murdock; and Surfrider Foundation

**PROJECT LOCATION:** Public Rights-of-Way, Isla Vista, Santa Barbara County

**PROJECT DESCRIPTION:** Implementation of a Managed Parking Program in the community of Isla Vista. The boundaries of the program are depicted in Exhibit 2 and generally include all streets/public road rights-of-way in the community of Isla Vista in Santa Barbara County. The parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) 106 designated coastal access parking spaces; and (3) residential preferential permit parking encompassing all remaining areas. In addition, the program will include the installation of approximately 400-500 new parking restriction street signs to be located in the public right-of-way of the residential and commercial districts and 10-12 new pay stations within the public right-of-way in the commercial district. The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community.

**SUBSTANTIVE FILE DOCUMENTS:** County of Santa Barbara Coastal Development Permit and Revised Staff Report (04CDH-00000-00001, approved 11/9/04); Santa Barbara County Board Agenda Letter regarding Appeals of 04CDH-00000-00001 dated October 28, 2004; Final Revised Negative Declaration for Isla Vista Parking Program by Santa Barbara County Staff dated June 15, 2004); and Resolution 04-247 by Santa Barbara County Board of Supervisors to Establish a Preferential Residential Parking Program, approved September 7, 2004 and Ordinance Nos. 4542 and 4543 to Amend Chapter 23B of the Santa Barbara County Code adding Provisions Relating to Parking Program Requirements, including Isla Vista.

**SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE EXISTS**

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the appellants' assertions that the project is not consistent with the public access and recreation policies of the certified Local Coastal Program (LCP). Motion and resolution can be found on **Page 5**.

The purpose of the preferential residential parking program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the seaside community of Isla Vista. The parking program would accomplish this by restricting the amount, location, duration, and time of day that parking spaces would be available for non-residents. There are approximately 3,000 existing on-street parking spaces in the community, all of which are currently available for public use on a "first-come, first-serve" basis. There are five existing vertical access ways that provide public access from the Del Playa Drive to the sandy beach.

Specifically, parking for non-residents would be restricted to metered pay-parking in the commercial district and 101 designated coastal access parking spaces that would be time-restricted to four-hours per user. Further, 93 of the 101 designated time-limited public access spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public coastal access at all but 8 of the spaces. If the program were implemented, the 101 public coastal access spaces would not be distributed evenly within the community but (as shown on Exhibit 2) would be almost exclusively located on the far west end of the community. Parking for 4 of the 5 existing public access ways that provide access to the beach would be limited to only 4 on-street spaces.

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**EXHIBITS**

- Exhibit 1. Vicinity Map
- Exhibit 2. Parking Program Map
- Exhibit 3. County Approval with Conditions
- Exhibit 4. Commissioner Appeal
- Exhibit 5. Murdock Appeal
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## **I. APPEAL JURISDICTION**

The project is located in Isla Vista, a community of unincorporated Santa Barbara County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara (Adopted November 19, 1982) indicates that a portion of the project area will be located within the appeal jurisdiction for this area, including the entire length of Del Playa Drive which is the first public road paralleling the sea and which provides on-street parking and access to five different vertical public accessways to the sandy beach. In addition, the development approved by the County (in this case, a Parking Management Program) is not designated as a principal permitted use within the subject zoning districts and may, therefore, be appealed to the Commission irrespective of its geographic location within the Coastal Zone (Coastal Act Section 30603[a][4]). Finally, the development also constitutes a major public works project and, therefore, may also be appealed in its entirety to the Commission irrespective of its geographic location within the Coastal Zone (Coastal Act Section 30603[a][5]). As such, the entire project is appealable to the Commission.

### **A. APPEAL PROCEDURES**

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

#### **1. Appeal Areas**

Developments approved by cities or counties may be appealed if they are located within the 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 and lands within 300 feet of the top of the seaward face of a coastal bluff. (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]).

#### **2. Grounds for Appeal**

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])

### **3. Substantial Issue Determination**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. 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. 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. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

### **4. De Novo Permit Hearing**

If a substantial issue is found to exist, the Commission will consider the application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

In this case, if the Commission finds substantial issue, staff anticipates de novo permit consideration by the Commission at a future Commission hearing.

## **B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

On November 9, 2004, the County of Santa Barbara Board of Supervisors approved Coastal Development Permit 04CDH-00000-00001 to implement a Public Works Managed Parking Program with associated signage and pay stations in the public rights-of-way within the community of Isla Vista. The Notice of Final Action for the project was received by Commission staff on December 6, 2004. A ten working day appeal period was set and notice provided beginning December 7, 2004, and extending to December 20, 2004.

An appeal of the County's action was filed by: (1) Bruce Murdock on December 7, 2004; (2) Commissioners Caldwell and Wan on December 17, 2004; and (3) Surfrider Foundation on December 20, 2004, during the appeal period. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeals and

requested that the City provide its administrative record for the permit. The administrative record was received on December 21, 2004.

## II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

**MOTION:** *I move that the Commission determine that Appeal No. A-4-STB-04-218 raises NO substantial issue with respect to the grounds on which the appeals have been filed under § 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local actions will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-STB-04-218 presents a substantial issue with respect to the grounds on which the appeals have been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

On November 9, 2004, the Santa Barbara County Board of Supervisors approved Coastal Development Permit 04CDH-00000-00001 to authorize the County's Department of Public Works to implement a Managed Parking Program in the community of Isla Vista. The boundaries of the program are depicted in Exhibit 2 and generally include all streets/public road rights-of-way in the community of Isla Vista in Santa Barbara County. The parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) 106 designated coastal access parking spaces; and (3) residential preferential permit parking encompassing all remaining areas. In addition, the program will include the installation of approximately 400-500 new parking restriction street signs to be located in the public right-of-way of the residential and commercial districts and 10-12 new pay stations within the public

right-of-way in the commercial district. The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community.

The program would regulate all on-street parking in the community of Isla Vista. Isla Vista is a seaside residential community, approximately ½ square mile in area, located in an unincorporated area of Santa Barbara County immediately west of the University of California, Santa Barbara and immediately east of the Coal Oil Point Natural Reserve. Development in the community is generally characterized as high-density residential within the majority of the program area with some single-family residential neighborhoods and a small commercial "downtown" district. There are approximately 3,000 existing on-street parking spaces in the community, all of which are currently available for public use on a "first-come, first-serve" basis. There are five existing vertical access ways that provide public access from the Del Playa Drive to the sandy beach.

As stated above, the purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. This would be accomplished by restricting the amount, location, duration, and time of day that parking spaces would be available for non-residents. Parking by non-residents would be limited to no more than one hour in the majority of the residential areas and prohibited entirely in the remaining residential areas. Residents would be eligible to purchase parking permits that would exempt them from these parking restrictions. Specifically, parking for non-residents would be restricted to metered pay-parking in the commercial district and 101 parking spaces that would be time-restricted to four-hours per user for public coastal access parking. Further, 93 of the 101 designated time-limited public access spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public coastal access at all but 8 of the spaces. In addition, 5 additional metered parking spaces would be designated for public coastal access use in the commercial district. The program would allow the public (non-residents) to park in the otherwise restricted residential areas on weekend mornings (Saturday and Sunday) between the hours of 5:00 am to 12-noon. The locations of the parking area and their applicable restrictions are depicted on Exhibit 2.

The Coastal Development Permit was approved subject to 9 project specific conditions (see Exhibit 3), including the following: conformance with approved project description; review and approval by Board of Architectural Review of sign and pay station designs; low-intensity/low glare lighting restriction for pay stations; implementation of dust control measures during construction; archaeological and cultural resources; timing/hours of construction activity; monitoring of coastal access parking; installation of signage or use of brochures indicating location of public coastal access parking; and a Water Pollution Control Program.

## **B. LOCAL PERMIT HISTORY**

### Project Approved by Zoning Administrator and Board of Supervisor

On September 13, 2004, the Santa Barbara County Zoning Administrator approved the appealable coastal development permit for the proposed parking program. This decision was appealed to the Board of Supervisors by Bruce Murdock and Surfrider Foundation. On November 9, 2004, the Board of Supervisors approved the coastal development permit upholding the Zoning Administrator's approval of the project and denying the appeals.

### Related Approval of Amendment to County Code

The County's certified LCP does not contain any provisions that specifically address implementation of preferential parking programs within the Coastal Zone. On September 7, 2004, the Board of Supervisors approved and adopted a resolution to establish a preferential residential parking program in the community of Isla Vista. In addition, Ordinance Nos. 4542 and 4543 were approved and adopted by the Board of Supervisors on July 27, 2004 to amend the County's Code (Chapter 23B and 23D) adding Chapter 23B to the County Code authorizing new County wide residential parking programs (including areas within the Coastal Zone) and Chapter 23D which would specifically address the preferential parking program in the community of Isla Vista, which is located entirely within the Coastal Zone. Regardless of the fact that this amendment to the County Code would directly affect public access and recreation within the County's Coastal Zone, no change or amendment to the LCP was proposed by the County or approved by the Commission to incorporate the new ordinance into the County's certified LCP. The Commission notes that institution of a community-wide preferential parking program, as authorized by the above referenced amendment to the County Code and approved by the coastal permit that is the subject of this appeal, would directly affect existing public access and recreation resources in the community and; therefore, in order to ensure consistency and prevent conflict between the provisions of the certified LCP and the County Code, would most appropriately be addressed as an amendment to the LCP.

## **C. APPELLANTS' CONTENTIONS**

The County's action was appealed to the Commission by: (1) Commissioners Caldwell and Wan; (2) Bruce Murdock; and (3) Surfrider Foundation.

The appeal filed by Commissioners Caldwell and Wan is attached as Exhibit 4. The appeal contends that the approved project is not consistent with the policies of the certified LCP with regard to the public access and recreation policies of the certified Santa Barbara County Local Coastal Program (LCP) and applicable policies of the Coastal Act as incorporated by reference into the certified LCP. The Commissioners' appeal alleges that the project is not consistent with Coastal Act policies 30210, 30211,



30212, 30212.5, 30213, 30214, 30223, and 30252 and as incorporated by reference by LUP Policy 1-1; and LUP policies 7-1.

The appeal filed by Bruce Murdock is attached as Exhibit 5. The appellant states that the program is inconsistent with Article II, 35-102A of the LCP with regard to preservation of the character and integrity of the "R1" single-family residential zoned district. The appellant further contends that public parking for coastal access was previously available on an equal basis throughout the community and that the approved Parking Program would effectively concentrate the majority of designated coastal access parking to one neighborhood on the far west side of Isla Vista (zoned for single-family residence development) while relatively few public parking spaces would be provided in the central and eastern portions of the community (neighborhoods developed primarily with multi-family residences). This appellant identified alternatives to the approved project including a two-zone parking program that would redistribute coastal access parking throughout the Isla Vista community or relocating or providing new coastal access parking on adjacent University-owned land at Coal Oil Point Natural Reserve.

The appeal filed by Surfrider Foundation is attached as Exhibit 6. The appeal contends that the parking program will deny maximum coastal access and recreational opportunities to non-residents by eliminating all but 106 parking spaces for public coastal access in non-compliance with Policy 1-1 of the LCP and Sections 30210, 30212.5, and 30213 of the Coastal Act.

## **D. ANALYSIS OF SUBSTANTIAL ISSUE**

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act.

A substantial issue does exist with respect to the grounds on which the appeal has been filed. The approved project is inconsistent with policies of the County of Santa Barbara Local Coastal Program and with the public access policies of Chapter 3 of the Coastal Act for the specific reasons discussed below.

### **1. Public Access and Recreation**

Several of the appellants contend that the project is inconsistent with public access and recreation policies of the County of Santa Barbara Local Coastal Program and with the public access policies of Chapter 3 of the Coastal Act. The appellants cited the policies summarized below in the County LCP and Chapter 3 of the Coastal Act relating to public access and recreation protection.

Policy 1-1: All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Coastal Act Section 30210 states that:

*In carrying out the requirement 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 states:

*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.*

Coastal Act Section 30212(a) states:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30212.5 states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Coastal Act Section 30213 states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Coastal Act Section 30214 states:

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*

**(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.**

**(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.**

**(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.**

**(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.**

Section 30223 of the Coastal Act states:

**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.**

Section 30252 of the Coastal Act states:

**The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.**

Finally, Policy 7-1 of the LUP states, in relevant part, that:

**The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.**

The public possesses ownership interests in tidelands or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access and the provision of access, where applicable, through the regulation of development. To carry out the requirement of Section 4 of Article X of the California Constitution, Section 30210 of the Coastal Act, as incorporated into the certified LCP, requires that

maximum access and recreational opportunities be provided in coastal areas. In addition, Section 30211 of the Coastal Act requires that development not interfere with public access to the sea where acquired through use or legislative authorization. Furthermore, Section 30212 of the Coastal Act, as incorporated in the LCP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. In addition, Section 30214 of the Coastal Act, as incorporated in the LCP, provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc. Finally, LCP Policy 7-1 further highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline."

Coastal access is generally viewed as an issue of physical supply, and is dependent not only on the provision of lateral access (access along a beach) and vertical access (access from an upland street, bluff or public park to the beach), but also the availability of public parking (including on-street parking). In past Commission actions, the Commission has found that the availability of public parking (including on-street parking) constitutes a significant public access and recreation resource and is as important to coastal access as shoreline accessways.

The project that is subject to this appeal involves the establishment of a preferential parking program for private residents. The program would limit on-street parking by non-residents on all public streets within the Isla Vista community. The County's revised staff report for the program dated September 3, 2004, specifically states that "the purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. This would be accomplished by restricting the amount, location, duration, and time of day that parking spaces would be available for non-residents. Parking by non-residents would be limited to no more than one hour in the majority of the residential areas and prohibited entirely in the remaining residential areas. Residents would be eligible to purchase parking permits that would exempt them from these parking restrictions. Specifically, parking for non-residents would be restricted to metered pay-parking in the commercial district and 101 parking spaces that would be time-restricted to four-hours per user for public coastal access parking. Further, 93 of the 101 designated time-limited public access spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public coastal access at all but 8 of the spaces. In addition, 5 additional metered parking spaces would be designated for public coastal access use in the commercial district. The program would allow the public (non-residents) to park in the otherwise restricted residential areas on weekend mornings (Saturday and Sunday) between the hours of 5:00 am to 12-noon. The locations of designated parking areas and their applicable restrictions are depicted on Exhibit 2.

Development in the community is generally characterized as high-density residential for the majority of the program area with some single-family residential neighborhoods and a small commercial "downtown" district. There are approximately 3,000 existing on-street parking spaces in the community, all of which are available for public use. There are five existing vertical access ways that provide public access from the Del Playa Drive to the sandy beach. In general, users of on-street parking in the community include: residents; visitors to the area; customers to stores, shops, and restaurants; employees of businesses; students of the adjacent University; and beachgoers.

The approximately 3,000 on-street parking spaces within the boundaries of the program area are heavily used. A parking survey was conducted by the Santa Barbara County Public Works Department on six separate weekdays over a two-week period in the months of September and October. According to the County's survey, an average of 86-96 percent of on-street parking spaces were occupied at a given time within the study area. The highest percentage rates of occupancy were found to exist on the western end of Isla Vista adjacent to the University and commercial district while significantly lower rates of occupancy (with a corresponding increase in the percentage of vacant spaces) occurred on the eastern end of Isla Vista adjacent to Coal Oil Point Natural Reserve/Devereaux Slough.

Some of the appellants contend that the preferential program is inconsistent with the provisions of the above cited sections of the Coastal Act regarding public access and recreation, which have been included in the County's LCP pursuant to LUP Policy 1-1 and which require the protection of existing public access and public recreation resources in coastal areas. Of particular note, Policy 7-1 of the LUP highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline," however, the stated primary purpose of the parking program is to prioritize parking for the private residents of Isla Vista. Although the parking program would include some provisions for public access, on the whole, it would significantly reduce the amount of existing parking available for public access to the coast.

The appellants raise concerns that the program will result in the loss of existing parking facilities that are currently available for public access and recreation. Currently, all 3,000 on-street parking spaces in the community are available for general public use and coastal access on a "first-come, first-serve" basis. With the exception of metered parking in the commercial district and on-street parking in residential areas on weekend mornings only, the parking program approved by the County would effectively reduce the amount of existing parking spaces currently available for public use in the community to no more than 101 spaces. The loss in the amount of the existing parking spaces available for public coastal access that would result from implementation of the program raises a substantial question regarding the program's consistency with the public access and recreation policies of both the Coastal Act and the LCP.

In addition, some appellants raise concerns that the new restrictions limiting both the duration and the time of day that non-residents would be allowed to park in the program

area would result in a significant impact to the public's ability to access the beach. Currently, the streets where the 101 coastal access spaces would be located are available for 24-hour parking. The program would create new restrictions that would limit the use these spaces to a duration of no more than 4-hours at a time. In addition, 93 of the 101 spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public coastal access at all but 8 of the spaces. The significant reduction in both the duration and time of day that parking would be available for coastal access raises a substantial question regarding the program's consistency with the provision of maximum public access to the sea or the protection of existing public access resources as required by the public access policies of the LCP and Coastal Act.

In addition, all of the appellants have raised concerns regarding the location of the parking spaces that would remain available for public access. If the program were implemented, the 101 public coastal access spaces would not be distributed evenly within the community but (as shown on Exhibit 2) would be almost exclusively located on the far west end of the community. Parking for 4 of the 5 existing public access ways that provide access from Del Playa Drive to the beach would be limited to only 4 on-street spaces. The majority of existing available parking spaces on Del Playa Drive would be effectively restricted to use by residents only. The reduction and relocation of the majority of parking spaces that would remain available for coastal access by non-residents to the western end of the community will not serve to provide maximum public access to the sea or to protect existing public access resources as required by the public access policies of the LCP and Coastal Act.

In addition, some appellants have raised concern that the reduction in the overall number of parking spaces available for public parking in the community will likely result in increased demand and competition for the remaining spaces (including demand and competition by non-coastal access parking users). In response, to this concern, the County's report and staff recommendation to the County's Board of Supervisors dated October 28, 2004, asserts:

***Rather than decreasing coastal access parking, the program creates and reserves dedicated free and low-cost coastal access parking for long-term assurance that coastal access users do not have to compete for certain spaces with other non-coastal access users...Under the program, all designated coastal access spaces are legally reserved only for coastal access users. It is the responsibility of the Sheriff and parking enforcement officers to patrol and enforce coastal access parking restrictions...As discussed in the MND, the mitigation would require the mandatory addition of more spaces and/or implementation of a permit or meter system if the results of monitoring show consistent occupancy rates of 90% or more of the coastal access spaces.***

As approved by the County, a special condition of the permit would require limited monitoring of the coastal access spaces by either the County Public Works Department or the Sheriff's Department four days per month for the first six months and then every two years during the life of the program. However, it is not clear from this condition how such monitoring would ensure that use of the designated "coastal access" spaces would be limited solely for beach access users as opposed to other short-term parking uses

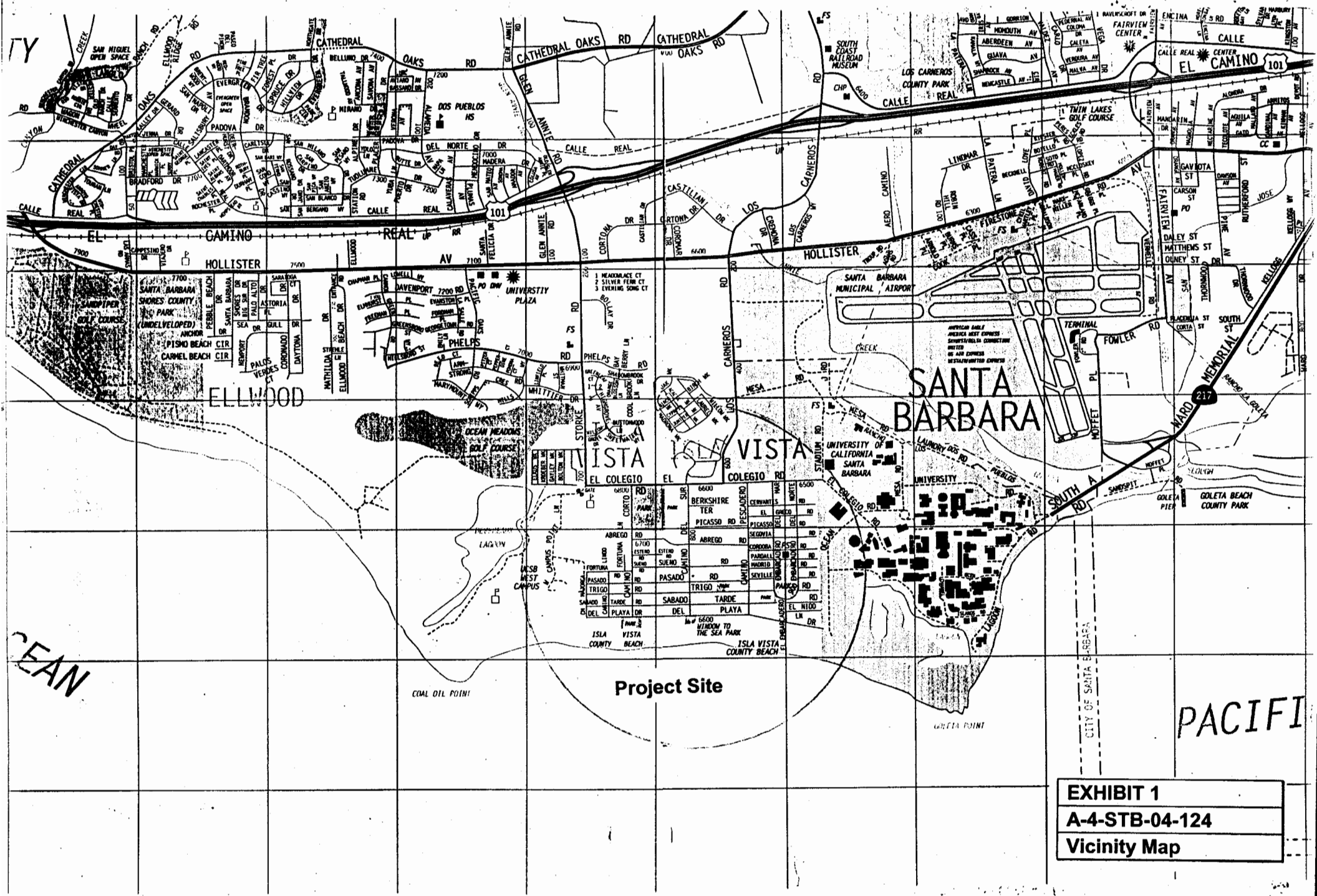
(such as short-term parking by non-resident visitors to the adjacent residences). Further, approved permit conditions contain additional provisions that, in the event that occupancy rate of the coastal access spaces "exceeds 90% on 3 or more days per month, monitoring will continue and Director of Public Works...will implement a metered and/or permit system and/or designate additional coastal access parking..." However, (with the exception of providing additional spaces for public coastal access) implementation of the two other identified "mitigation measures" would actually serve to further reduce the public's ability to park and access the coast inconsistent with the public access and recreation policies of both the Coastal Act and the LCP.

In regards to the appeal by Bruce Murdock, the appellant contends that the program is inconsistent with Article II, 35-102A of the LCP with regard to preservation of the character and integrity of the "R1" single-family residential zoned district because the majority of designated coastal access parking would be limited to the far west side of Isla Vista (zoned for single-family residence development) while relatively few public parking spaces would be provided in the central and eastern portions of the community (neighborhoods developed primarily with multi-family residences). This appellant identified alternatives to the approved project including a two-zone parking program that would redistribute coastal access parking (although not necessarily provide more parking spaces) evenly throughout the Isla Vista community. Currently, on-street public coastal access parking is available in the entire "R1" single-family residential zoned district. In past permit action, the Commission has found that the provision of on-street parking is consistent with residential development; therefore, the designation of parking spaces for public coastal access in such districts does not raise substantial issue with any policy or article of the LCP. However, as previously discussed, the significant reduction and relocation of the majority of the parking spaces that would be available for public coastal access users to the western end of the community will not serve to provide maximum public access to the sea or to protect existing public access resources as required by the public access policies of the LCP and Coastal Act and does raise substantial issue with the public access and recreation policies of the LCP and Coastal Act.

Therefore, for the above reasons, the Commission finds that a substantial issue is raised with respect to the appellants' contentions that the project does not meet provisions of the certified Local Coastal Program or the applicable policies of the Coastal Act regarding protection of public access and recreation.

## **E. CONCLUSION**

The purpose of the substantial issue determination is to review the administrative record and establish whether a substantial question is raised with respect to the appellants' assertions that the project does not conform to the certified LCP and public access policies of the Coastal Act. As described above, the Commission finds that the appellants' contentions do raise substantial issue with regard to the consistency of the approved project with the public access and recreation standards of the certified Local Coastal Program.



**EXHIBIT 1**  
**A-4-STB-04-124**  
**Vicinity Map**





**ISLA VISTA  
PARKING PROGRAM**

**RESIDENTIAL  
TIMED 1 HR  
PARKING**

**COMMERCIAL  
PARKING**

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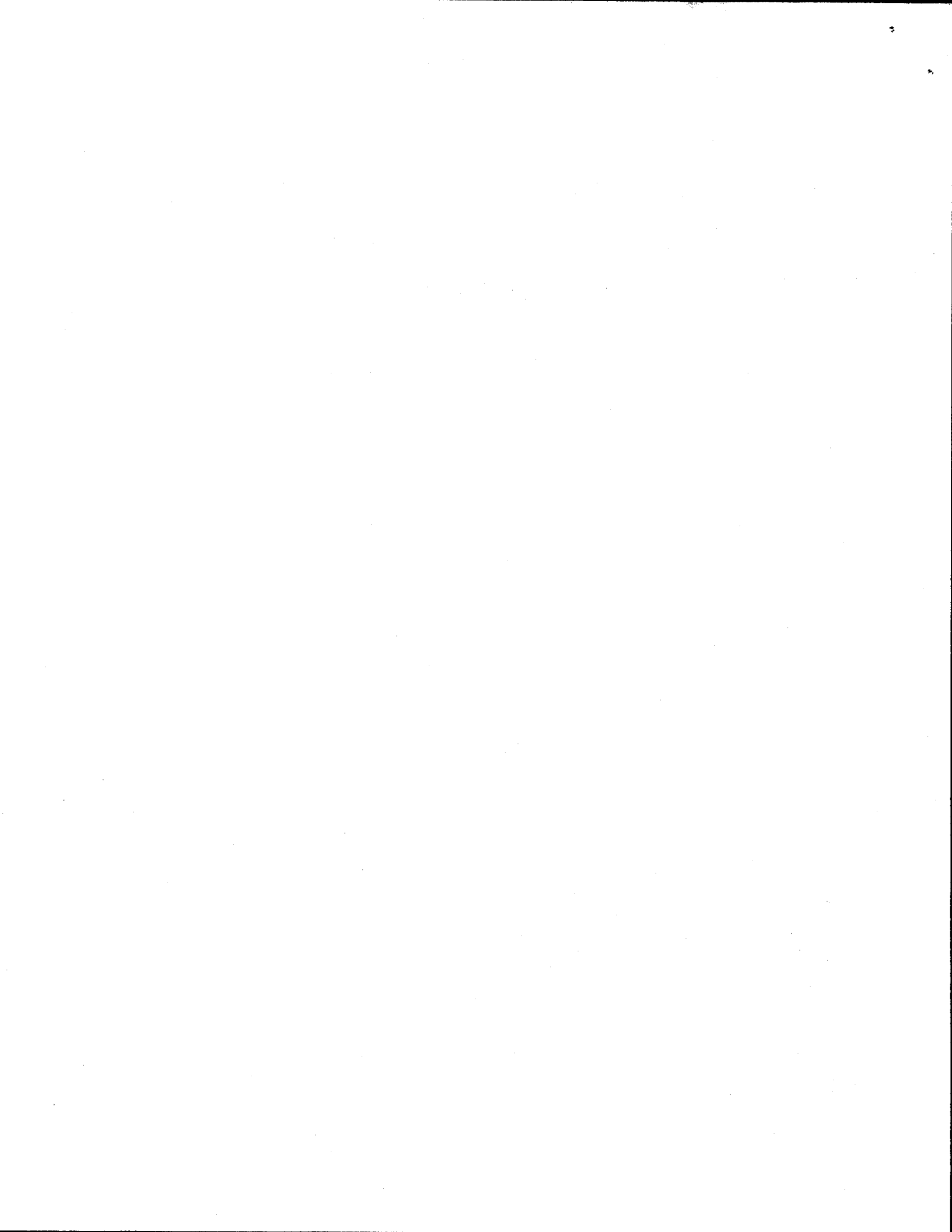
**CA**

**CA**

Exhibit 2

A-4-STB-04-124

Parking Program Map



**CALIFORNIA COASTAL COMMISSION**

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



**APPEAL FROM COASTAL PERMIT DECISION  
 OF LOCAL GOVERNMENT**

**RECEIVED**

DEC 17 2004

**SECTION I. APPELLANT(S)**

**Name, Mailing Address and Telephone Number of Appellant(s)**

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

Chair Meg Caldwell and Commissioner Sara Wan  
 California Coastal Commission  
 45 Fremont Street, #2000  
 San Francisco, CA 94105  
 (415) 904-5200

**SECTION II. DECISION BEING APPEALED**

1. **Name of local government/port:** County of Santa Barbara
2. **Brief Description of development being appealed:** Implementation of a Managed Parking Program in the community of Isla Vista in Santa Barbara County. The parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) 106 designated coastal access parking spaces; and (3) residential preferential permit parking encompassing all remaining areas. In addition, the program will include the installation of approximately 400-500 new parking restriction street signs to be located in the public right-of-way of the residential and commercial districts and 10-12 new pay stations within the public right-of-way in the commercial district. The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community.
3. **Development's location (street address, assessor's parcel no., cross street, etc.):** Public Rights-of-Way, Isla Vista, Santa Barbara County
4. **Description of decision being appealed:**
  - a.  Approval with no special conditions
  - b.  Approval with special conditions
  - c.  Denial

**EXHIBIT 3**

**A-4-STB-04-124**

**Commissioner Appeal**

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.

**5. Decision being appealed was made by:**

- a.  Planning Director/Zoning Administrator
- b.  City Council/Board of Supervisors
- c.  Planning Commission
- d.  Other \_\_\_\_\_

**6. Date of Local Government's decision:** November 9, 2004

**7. Local Government's file number (if any):** Coastal Development Permit 04CDH-00000-00001

**SECTION III. IDENTIFICATION OF OTHER INTERESTED PERSONS**

**Give the names and address of the following parties (Use additional paper if necessary):**

**a. Name and mailing address of permit applicant:**

Santa Barbara County Public Works Department  
Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**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.**

Surfrider Foundation  
PO Box 21703  
Santa Barbara, CA 93121

Bruce Murdock  
6875 Sabado Tarde Rd.  
Isla Vista, CA 93117

**SECTION IV. REASONS SUPPORTING THIS APPEAL**

The project approved by Coastal Development Permit 04CDH-00000-00001 does not conform to the policies and standards set forth in the County's certified Local Coastal Program or the public access and recreation policies of the Coastal Act. The appeal of the County of Santa Barbara's decision to approve a new managed parking program in the community of Isla Vista is based on the following identified grounds:

**Impacts to Public Access and Recreation**

Coastal Development is inconsistent with the following public access and recreation policies of the County of Santa Barbara Local Coastal Program and with the public access policies of Chapter 3 of the Coastal Act:

Policy 1-1: All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Coastal Act Section 30210 states that:

*In carrying out the requirement 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 states:

*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.*

Coastal Act Section 30212(a) states:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30212.5 states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Coastal Act Section 30213 states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Coastal Act Section 30214 states:

**(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:**

**(1) Topographic and geologic site characteristics.**

**(2) The capacity of the site to sustain use and at what level of intensity.**

**(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.**

**(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.**

**(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.**

**(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.**

Section 30223 of the Coastal Act states:

**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.**

Section 30252 of the Coastal Act states:

**The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.**

Finally, Policy 7-1 of the LUP states, in relevant part, that:

**The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.**

The public possesses ownership interests in tidelands or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access and the provision of access, where applicable, through the regulation of development. To carry out the requirement of Section 4 of Article X of the California Constitution, Section 30210 of the Coastal Act, as incorporated into the certified LCP, requires that maximum access and recreational opportunities be provided in coastal areas. In addition, Section 30211 of the Coastal Act requires that development not interfere with public access to the sea where acquired through use or legislative authorization. Furthermore, Section 30212 of the Coastal Act, as incorporated in the LCP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. In addition, Section 30214 of the Coastal Act, as incorporated in the LCP, provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc. Finally, LCP Policy 7-1 further highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline."

Coastal access is generally viewed as an issue of physical supply, and is dependent not only on the provision of lateral access (access along a beach) and vertical access (access from an upland street, bluff or public park to the beach), but also the availability of public parking (including on-street parking). The availability of public parking (including on-street parking) constitutes a significant public access and recreation resource and is as important to coastal access as shoreline accessways.

The project that is subject to this appeal involves the establishment of a preferential parking program for private residents. The program would restrict on-street parking by non-residents on all public streets within the Isla Vista community. The County's revised staff report for the program dated September 3, 2004, specifically states that "the purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. This would be accomplished by restricting the amount, location, duration, and time of day that parking spaces would be available for non-residents. Parking by non-residents would be limited to no more than one hour in the majority of the residential areas and prohibited entirely in the remaining residential areas. Residents would be eligible to purchase parking permits that would exempt them from these parking restrictions. Specifically, parking for non-residents would be restricted to metered pay-parking in the commercial district and 101 parking spaces that would be time-restricted to four-hours per user for public coastal access parking. Further, 93 of the 101 designated time-limited public access spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public

coastal access at all but 8 of the spaces. In addition, 5 additional metered parking spaces would be designated for public coastal access use in the commercial district. The program would allow the public (non-residents) to park in the otherwise restricted residential areas on weekend mornings (Saturday and Sunday) between the hours of 5:00 am to 12:noon.

Development in the community is generally characterized as high-density residential for the majority of the program area with some single-family residential neighborhoods and a small commercial "downtown" district. There are approximately 3,000 existing on-street parking spaces in the community, all of which are available for public use. There are five existing vertical access ways that provide public access from the Del Playa Drive to the sandy beach. In general, users of on-street parking in the community include: residents; visitors to the area; customers to stores, shops, and restaurants; employees of businesses; students of the adjacent University; and beachgoers.

The approximately 3,000 on-street parking spaces within the boundaries of the program area are heavily used. A parking survey was conducted by the Santa Barbara County Public Works Department on six separate weekdays over a two-week period in the months of September and October. According to the County's survey, an average of 86-96 percent of on-street parking spaces were occupied at a given time within the study area. The highest percentage rates of occupancy were found to exist on the western end of Isla Vista adjacent to the University and commercial district while significantly lower rates of occupancy (with a corresponding increase in the percentage of vacant spaces) occurred on the eastern end of Isla Vista adjacent to Coal Oil Point Natural Reserve/Devereaux Slough.

The preferential program is inconsistent with the provisions of the above cited sections of the Coastal Act regarding public access and recreation, which have been included in the County's LCP pursuant to LUP Policy 1-1 and which require the protection of existing public access and public recreation resources in coastal areas. Of particular note, Policy 7-1 of the LUP highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline," however, the stated primary purpose of the parking program is to prioritize parking for the private residents of Isla Vista. Although the parking program would include some provisions for public access, on the whole, it would significantly reduce the amount of existing parking available for public access to the coast.

In addition, the program will result in the loss of existing parking facilities that are currently available for public access and recreation. Currently, all 3,000 on-street parking spaces in the community are available for general public use and coastal access on a "first-come, first-serve" basis. With the exception of metered parking in the commercial district and on-street parking in residential areas on weekend mornings only, the parking program approved by the County would effectively reduce the amount of existing parking spaces currently available for public use in the community to no more than 101 spaces. The loss in the amount of the existing parking spaces available for public coastal access that would result from implementation of the program raises a



substantial question regarding the program's consistency with the public access and recreation policies of both the Coastal Act and the LCP.

Further, the new restrictions limiting both the duration and the time of day that non-residents would be allowed to park in the program area would result in a significant impact to the public's ability to access the beach. Currently, the streets where the 101 coastal access spaces would be located are available for 24-hour parking. The program would create new restrictions that would limit the use these spaces to a duration of no more than 4-hours at a time. In addition, 93 of the 101 spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public coastal access at all but 8 of the spaces. The significant reduction in both the duration and time of day that parking would be available for coastal access raises a substantial question regarding the program's consistency with the provision of maximum public access to the sea or the protection of existing public access resources as required by the public access policies of the LCP and Coastal Act.

In addition, if the program were implemented, the 101 public coastal access spaces would not be distributed evenly within the community but would be almost exclusively located on the far west end of the community. Parking for 4 of the 5 existing public access ways that provide access from Del Playa Drive to the beach would be limited to only 4 on-street spaces. The reduction and relocation of the majority of parking spaces that would remain available for coastal access by non-residents to the western end of the community will not serve to provide maximum public access to the sea or to protect existing public access resources as required by the public access policies of the LCP and Coastal Act.

Further, the reduction in the overall number of parking spaces available for public parking in the community will likely result in increased demand and competition for the remaining spaces (including demand and competition by non-coastal access parking users). In response, to this concern, the County's report and staff recommendation to the County's Board of Supervisors dated October 28, 2004, asserts:

***Rather than decreasing coastal access parking, the program creates and reserves dedicated free and low-cost coastal access parking for long-term assurance that coastal access users do not have to compete for certain spaces with other non-coastal access users...Under the program, all designated coastal access spaces are legally reserved only for coastal access users. It is the responsibility of the Sheriff and parking enforcement officers to patrol and enforce coastal access parking restrictions...As discussed in the MND, the mitigation would require the mandatory addition of more spaces and/or implementation of a permit or meter system if the results of monitoring show consistent occupancy rates of 90% or more of the coastal access spaces.***

As approved by the County, a special condition of the permit would require limited monitoring of the coastal access spaces by either the County Public Works Department or the Sheriff's Department four days per month for the first six months and then every two years during the life of the program. However, it is not clear from this condition how such monitoring would ensure that use of the designated "coastal access" spaces would

be limited solely for beach access users as opposed to other short-term parking uses (such as short-term parking by non-resident visitors to the adjacent residences). Further, approved permit conditions contain additional provisions that, in the event that occupancy rate of the coastal access spaces "exceeds 90% on 3 or more days per month, monitoring will continue and Director of Public Works...will implement a metered and/or permit system and/or designate additional coastal access parking..." However, (with the exception of providing additional spaces for public coastal access) implementation of the two other identified "mitigation measures" would actually serve to further reduce the public's ability to park and access the coast inconsistent with the public access and recreation policies of both the Coastal Act and the LCP.

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.)

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.

Signed: MR Caldwell  
Appellant or Agent

Date: 12/17/04

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DEC 17 2004

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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.)

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.

Signed: *Sam Miller*  
Appellant or Agent

Date: 12/17/04

RECEIVED

DEC 17 2004

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

A-4-STB-04-124

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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 585-1800 FAX (805) 641-1732



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: BRUCE MURDOCK  
Mailing Address: 6875 SABADO TARDE ROAD  
City: ISLA VISTA Zip Code: 93117 Phone: 805 968 0035

SECTION II. Decision Being Appealed

- Name of local/port government:  
SANTA BARBARA COUNTY BD OF SUPERVISORS
- Brief description of development being appealed:  
ISLA VISTA PARKING PERMIT PROGRAM
- Development's location (street address, assessor's parcel no., cross street, etc.):  
ISLA VISTA, CA
- Description of decision being appealed (check one.):  
 Approval; no special conditions  
 Approval with special conditions:  
 Denial

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

TO BE COMPLETED BY COMMISSION:	
APPEAL NO:	_____
DATE FILED:	_____
DISTRICT:	_____

held until FLAN rec'd 12/7/04 SG

EXHIBIT 4
A-4-STB-04-124
Murdock Appeal

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

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 9 NOVEMBER 2004

7. Local government's file number (if any): ITEM 3 ON AGENDA

**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:

COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 E. ANAPAMU ST  
SANTA BARBARA, CA 93101

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) BRUCE MURDOCK  
6875 SABADO TARDE ROAD  
ISLA VISTA, CA 93117

(2) ROBERT KEATS / SURFRIDER FOUNDATION  
ADDRESS UNLISTED  
MONTECITO, CA 93109

police  
Send BIC

(3)

(4)

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE 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.
- 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.)
- This 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.

*PLEASE SEE ATTACHED DOCUMENT*

Date: 15 November 2004

To: California Coastal Commission

From: Bruce Murdock, 6875 Sabado Tarde Road, Isla Vista, 93117

Subject: Isla Vista Parking District. Appeal of one-zone parking district for Isla Vista.

A one-zone parking district for Isla Vista as approved by the Zoning Administrator on 13 September 2004 and appealed to the Santa Barbara County Board of Supervisors for resolution.

The Santa Barbara County Board of Supervisors heard the appeal on 9 November 2004 and denied the appeal.

Two elements of the proposed parking plan, imposed at the last moment without significant public input, form the basis for this appeal.

- 1) The Isla Vista Parking District was originally proposed to be two zones (A & B). Zone A was to have been the multi-unit residential and commercial areas of Isla Vista (SR and C zoned areas). Zone B was to have been the single-family area of west Isla Vista (10-R-1-D zoned), commonly known as "R1".
- 2) Coastal access parking for the Coal Oil Point surfing area was to have been provided in the form of 75 parking spaces located in Isla Vista's R-1 residential area. Public access from Isla Vista to the Coal Oil Point surfing area can be gained only by walking or bicycling eight tenths of a mile over land that is owned by the University of California at Santa Barbara (UCSB). The University provides no public access parking at Coal Oil Point. UCSB owns a road to Coal Oil Point and a private parking lot a hundred yards from the Coal Oil Point surfing area that would provide the most convenient access to Coal Oil Point were it to be at least partially opened to the public.

R1 residents are a minority population who occupy 118 single-family homes as opposed to a total of over 4800 multi-unit living units in the remainder of Isla Vista. Numerous R1 residents spoke with a unified voice at multiple PAC meetings and the meetings held at the Board of Supervisors that a two-zone system protected this minority in its efforts to pursue a single-family lifestyle. R1 residents who attended public meetings throughout a two year period were given every reason by County officials and PAC Board members to believe that Zone B was in place and our minority rights were to be protected. The two zone system would have prevented R1 from being the overflow parking area for the rest of Isla Vista. At the Board of Supervisors meeting where the parking permit program was approved, a surprise one-zone proposal was brought forward by Supervisor Marshall through staff and was quickly approved by the Board.



The single family zoned area of Isla Vista is quite different in character from the rest of Isla Vista. Homes are owner-occupied. Many homes have had the same owners since the 1960's and 1970's. R1 has a single-family restricted overlay district, which was specifically enacted to preserve the character and integrity of this single-family neighborhood (Coastal Zoning Ordinance Article II, Section 35-102A). The stated purpose of this overlay district is to preserve the character of single family residential zones in areas subject to strong high density development pressures and to provide additional on-site parking. (Presumably to keep parked cars from dominating the streets). The remainder of Isla Vista has no such overlay district. Approval of the parking program with no consideration for a separate parking zone for the R1 area west of Camino Corto is inconsistent with the purpose and intent of the SF Single Family Restricted Overlay District and therefore inconsistent with the Article II Coastal Zoning Ordinance. Based on this, Coastal Development Permit findings 2.2.1 and 2.2.3 (as discussed on page A-1 of the staff report) cannot be made.

Moreover, coastal access parking impacts R1 to a tremendously greater degree than the rest of Isla Vista. There are 106 total coastal access parking spaces designated for all of Isla Vista. 85 of those spaces are in R1 (80.2%). R1 includes only 9.1% of the whole Isla Vista land area. On a land area basis, R1 has 40.3 times the coastal access parking density as the rest of Isla Vista.

There are five coastal access portals in IV proper and additionally one on the east end through campus and one at the west end through Devereux. The ocean is enjoyed via access through all these seven portals. Coastal access parking should be evenly distributed among the portals.

There is ample precedent for more than one zone within a parking district. San Francisco, Santa Barbara, and numerous other jurisdictions throughout the state (coastal and otherwise) have multiple parking zones in their parking programs. Isla Vista therefore can have two zones.

There is political baggage between R1 residents and 3<sup>rd</sup> District Supervisor Marshall in whose district Isla Vista resides. The Board of Supervisors deferred to Supervisor Marshall in this matter, and the decision has political undertones that are based upon issues other than those openly discussed at the County-sponsored public meetings. All the coastal access parking is being dumped upon 500 R1 residents who live no closer to the area's 4,000 foot ocean frontage than the other 18,000 residents of Isla Vista. There is no valid reason why a small portion of the land area and a small minority of the population should bear the brunt of coastal access parking for the entire community.

I again appeal the one-zone parking district and believe it to be inconsistent with the Coastal Zoning Ordinance and its required findings. The parking district structure should be put back to the two zones as discussed at length in public and agreed upon throughout the process until the very last moment. I respectfully request that the Coastal Commission review this matter and restore the two zone parking permit program.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

Bruce K. Murdoch  
Signature of Appellant(s) or Authorized Agent

Date: 15 NOVEMBER 2004

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

**Section VI. Agent Authorization**

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

N/A  
Signature of Appellant(s)

Date: N/A

STATE OF CALIFORNIA - THE RESOURCES AGENCY

RECEIVED  
RECEIVED

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 585-1800 FAX (805) 641-1732

DEC 20 2004



CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: SurfRider Foundation, Santa Barbara chapter

Mailing Address: PO Box 21703

City: Santa Barbara

Zip Code: 93121

Phone: 805-899-8111

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Barbara County

2. Brief description of development being appealed:

IV Public works Managed Parking Program

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Idavista, Right of Ways, Santa Barbara Co., 3rd Sp. Dist.

4. Description of decision being appealed (check one.):

Approval; no special conditions

Approval with special conditions:

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.

<b>TO BE COMPLETED BY COMMISSION:</b>	
APPEAL NO:	_____
DATE FILED:	_____
DISTRICT:	_____

<b>EXHIBIT 5</b>
<b>A-4-STB-04-124</b>
<b>SurfRider Appeal</b>

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

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: Nov. 9, 2004

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:

County of Santa Barbara

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) Sabrina Venstus  
171 Pier Ave, Suite 204  
Santa Monica, CA 90405

(2)


(3)

(4)

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**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  
 Kara Kemmer, Chair SURFADER FOUNDATION  
 SB CHAPTER

Date: Dec 18, 2004

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: \_\_\_\_\_

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)****SECTION IV. Reasons Supporting This Appeal****PLEASE 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.
- 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.)
- This 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.

See attached.

Section IV. Reasons Supporting This Appeal

I. THE PLAN IS INCONSISTENT WITH THE COUNTY OF SANTA BARBARA LCP AND THE COASTAL ACT

The plan violates Coastal Act policies §30210 (coastal access and recreation) and §30213 (Lower Cost Visitor and Recreational Facilities)

Policy 1-1 of the LCP incorporates by reference all provisions of the Act. Thus, a violation of any provision of the Act is a *per se* violation of the LCP.

Section 30210 of the Coastal Act states:

"In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access... and recreational opportunities shall be provided for all the people..."

With regard to coastal access and recreational opportunities, the Plan's explicitly stated goal is to: "prioritize spaces for residents and customers through a residential permit parking program and downtown parking meters." (September 3, 2004 Staff Report ["Staff Report"] p. 11). This goal casts doubt upon the Plan's consistency with the LCP because it ignores the Act's stated mandate to provide maximum access and recreational opportunities "for all the people," not just people who reside or consume in the Isla Vista community. (MND p. 27).

The Plan actually seeks to deny maximum access and recreational opportunities to non-residential coast-goers. (MND pp. 2, 19). The Plan would eliminate all but 106 of the approximate 1530 spaces currently available for people who access the coast. Instead, only residents of Isla Vista would be able to use those 1394 parking spaces.<sup>1</sup> Thus, the Plan would reduce existing parking for coastal access and recreation purposes in Isla Vista by at least 90%, resulting in reduced coastal access and recreational opportunities for people who do not reside in Isla Vista. In addition, the proposed 4-hour time limit on the public spaces would not ensure that the spaces would be open for coastal access. Thus, the Plan is inconsistent with the LCP because it violates Section 30210 of the Act.

County Public Works states, "Isla Vista residents, surfers and beachgoers driving from outside locations use the Camino Majorca access point." (MND p. 16). While it may even be true that a majority of residents, and non-residential surfers and beachgoers use the Camino Majorca access point, it does not follow that all such people *only* use Camino Majorca, as the statement erroneously infers. On the

---

<sup>1</sup> According to the County's own estimates, there are currently 3,000 parking spaces in Isla Vista. (MND p. 4) All of these spaces are free and all of the spaces are theoretically available for coastal access users at any given time. There are approximately 5,500 people who reside in the community of Isla Vista. (MND p. 3). Approximately 14% of these residents park on the street. (MND p. 19). Therefore, according to these figures, approximately 770 Isla Vista residents park on the street. Additionally, approximately 700 non-resident UCSB students park in Isla Vista during the day and walk or bike to campus. (MND p. 19). Therefore, according to these figures, Isla Vista residents and non-resident UCSB students fill approximately 1470 of the total 3000 parking spaces at any given time during the day. This leaves a total of 1530 parking spaces remaining for other uses. The County estimates that 86-96% of the 3,000 parking spaces are at capacity at all times (MND p. 19). Therefore, it is reasonable to assume that 86 - 96% of the remaining 1530 parking spaces (at least 1315 spaces) are actually utilized at any given time by those who partake in coastal recreation and access related activities. Reducing coastal access spaces from 1315 to 106 clearly violates the Act.

contrary, it is very likely that residents and non-residents alike use all of Isla Vista's coastal access points at least some of the time.

In reference to the data used to determine parking counts along Camino Majorca, the MND states, "the fourteen counts that were taken indicate a wide range from 5 to 70 parked vehicles with typical numbers ranging from 20-26 and an overall average of 30. Numbers exceeding 65 occurred once during the survey times." (MND p. 16).

First, it is worthwhile to note that the County surveyed parking counts between September 2003 and April 2004 only, and thus failed to survey parking patterns and numbers during the busiest and most popular times of the year for coastal access and recreation purposes – the summer months. Second, Surfrider has provided testimony that at least 100 parking spaces are currently available along Camino Majorca, with additional available spaces along residential streets adjacent to Camino Majorca. At times, especially on weekends during the high season, all of these spaces are filled. In sum, it appears that the County's data does not match the numbers observed by Surfrider's members.

By removing at least 35 existing parking spaces along Camino Majorca and prohibiting parking on adjacent residential streets, in conjunction with removal of most of the rest of the Isla Vista parking spaces available for coastal access users, the Plan will undoubtedly have a significant impact on recreational opportunities. As discussed below, this is true despite the purported mitigation measures proposed by the Plan.

In addition, there is no evidence that the 700 UCSB students who currently park on Isla Vista streets actually use these spaces all day, every day of the week, including weekends. (MND p. 20). In fact, it is very likely that some of the spaces that these students use are freed up for coastal access users at different times of the day, especially on weekends when classes are not in session. Thus, the County's conclusion that "[I]mplementation of the parking program would significantly reduce the estimated 700 average daily UCSB commuters and thereby free up more spaces for residents and reduce the need to drive around in search of parking" may be a valid goal, but the County's solution essentially "throws the baby out with the bathwater" because it sacrifices important coastal access and recreational opportunities which are otherwise guaranteed by the Act for "all the People." There are other options which could solve the problem, and the County should be required to explore them.

Section 30213 of the Coastal Act states:

"Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided."

County Public Works confirms that "there may be a limitation in the total number of on street parking spaces available for coastal access" as a result of the Plan. (MND p. 17). Therefore, the Plan is inconsistent with section 30213 because it fails to protect the existing lower cost visitor facilities – free coastal access parking spaces. The fact that over 1,500 existing free parking spaces available for coastal access and recreation would be removed by the Plan and not replaced with either free or low cost parking spaces, clearly demonstrates the Plan's inconsistency with this policy of the LCP.

The County acknowledges that an unknown number of people who are unable to obtain a residential permit (such as UCSB students) may park in the only free public parking area along Camino Majorca, which could "potentially" create a shortage of coastal access parking. (MND pp. 16-17). The County suggests that this negative impact would be mitigated to a level of insignificance by the



implementation of specified mitigation measures. (MND p. 17) However, an analysis of these mitigation measures suggests such a conclusion is unsupported by the record.

The proposed mitigation measures contemplate "a monitoring system" which will evaluate the need for "metered and/or permit system if the occupancy rates of the coastal access spaces exceed 90% on 3 or more days per month." (MND p. 17) "This monitoring program will ensure that a less than 90% occupancy rate (95 vehicles) in designated coastal access parking areas will be maintained..." (MND p. 17). However, County Public Works does not explain how the monitoring program will ensure this. Furthermore, it is entirely unclear how a "metered and/or permit system" will actually prevent the use of coastal access parking spaces by non-coastal access users. For example, a UCSB student who parks along Camino Majorca and walks or bikes to campus could put money in a meter or obtain a permit for coastal access just as easily as a bona fide coastal access user.

Without an explanation as to how metered or permit parking would prevent non-coastal access users from using the limited free coastal access parking spaces, it is impossible to determine the feasibility and efficacy of the mitigation measures. On the other hand, it is reasonable to assume that despite metered or permit parking for these same spaces at some point in the future, UCSB students will continue to use the only spaces intended for coastal access for school parking instead. Such is not the case now, where students use about 700 existing spaces for school parking and where hundreds more spaces are filled by coastal access and recreational users.

Furthermore, any metering program proposed by the Plan would potentially conflict with section 30213. Currently, visitors to Isla Vista beaches enjoy free recreational facilities; parking meters would not "protect" this low cost activity as required by this provision. The LCP acknowledges this by stating "fees may present barriers to use of public beaches by persons of low and moderate income." LCP § 3.7.5. The Plan does not consider nor analyze the impacts of the proposed fees to the use of public beaches by persons of low and moderate income. Thus, without such an analysis, it is impossible to determine what, if any, mitigation measures could be imposed to ensure any metering program would not render the Plan inconsistent with the LCP.

The plan violates Coastal Act policy §30212.5 (public facilities; distribution), which states:

"Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social or otherwise, of overcrowding or overuse by the public of any single area."

The Plan is inconsistent with section 30212.5 because it seeks to place almost all coastal access parking at the end of Camino Majorca, thereby failing to distribute parking areas throughout "an area" so as to mitigate the impacts caused by overcrowding or overuse by the public of the western-most end of Isla Vista. The Plan contemplates concentrating 61%<sup>2</sup> of all coastal access parking spaces along one roadway, which will result in increased intensity of use by drivers seeking to access the coast, thereby increasing both environmental and social impacts upon this one single area.

Contrary to the finding that the Plan will not result in a concentration of population (MND p. 13), the record demonstrates that the Plan will result in a substantial concentration of coastal access-related parking and population along one road way, Camino Majorca. There appear to be no facts in the record which support the County's finding that this aspect of the Plan will not result in a concentration

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<sup>2</sup> 65 out of 106 total coastal recreation-related spaces provided by the Plan

of population and related impacts that could otherwise be mitigated by distributing coastal access parking areas and facilities throughout Isla Vista.

In fact, it is very likely that by removing the thousand-plus free coastal access parking spaces in Isla Vista, the Plan will result in a concentration of population not only along Camino Majorca, but also at other beaches in the County, such as Goleta to the south. This potential has not been discussed or analyzed by the Plan's drafters. Such indirect and cumulative impacts must be addressed in the environmental document.

## II. THE MND IS INADEQUATE AND THEREFORE VIOLATES CEQA

The environmental document is inadequate on two major grounds. First, in various sections, the MND contains erroneous information and fails to provide evidence in support of its conclusions. These sections include Land Use, Recreation, and Transportation/Circulation. Second, because the evidence in the record suggests that the project may have a significant effect on the environment, an Environmental Impact Report, rather than an MND, should be prepared.

### A) 4.11 Land Use (MND pp. 13-14)

Contrary to the MND's finding, the proposed Plan conflicts with an "applicable land use plan, policy or regulation of an agency with jurisdiction over the project..." (4.11(b)). The MND states, "the project is consistent with all coastal act policies relating to coastal access and recreation." (p. 15). However, as discussed more fully above, the Plan conflicts with the County's LCP in a number of important ways. Therefore, because the Plan is inconsistent with the LCP, preparation of an EIR is required.

### B) 4.14 Recreation (MND pp. 15 - 18)

Contrary to the MND's finding of no significant impact, the Plan would have a "substantial impact on the quality or quantity of existing recreational opportunities..." (4.14(c)). By decreasing the number of existing parking spaces currently available for coastal access and recreational users as discussed above, the Plan would impact the quantity of existing recreational opportunities by at least 90%. The proposed mitigation measures do not reduce this significant impact to a level of insignificance because evidence in the record, taken as a whole, does not support the conclusion that the mitigation measures are feasible.

#### 1) Inefficacy and Infeasibility of Mitigation Measures

The MND states that an unknown number of people who are unable to obtain a residential permit (such as UCSB students) may park in the only free public parking area along Camino Majorca, which could potentially create a shortage of coastal access parking. (pp. 16-17). The MND acknowledges that this is considered a potentially significant impact. (p. 17). The MND then concludes that this potentially significant impact will be reduced to a level of insignificance with the implementation of specified mitigation measures. However, an analysis of these mitigation measures suggests such a conclusion is unsupported by the record.

The proposed related mitigation measures contemplate "a monitoring system" which will evaluate the need for "metered and/or permit system if the occupancy rates of the coastal access spaces exceed 90% on 3 or more days per month." (p. 17) The MND further states that "[t]his monitoring program will ensure that a less than 90% occupancy rate (59 vehicles) in designated coastal access parking areas will

be maintained..." (p. 17). However, the MND does not explain how the monitoring program will ensure this. Furthermore, it is entirely unclear how a "metered and/or permit system" will actually prevent the use of coastal access parking spaces by non-coastal access users. For example, a UCSB student who parks along Camino Majorca and walks or bikes to campus could put money in a meter or obtain a permit for coastal access just as easily as a bona fide coastal access user.

Without an explanation as to how metered or permit parking would prevent non-coastal access users from using the limited free coastal access parking spaces, it is impossible to determine the feasibility and efficacy of the mitigation measures. In other words, the MND's bald assertion that the proposed monitoring system and metered and/or permit system will mitigate significant impacts, does not make it so.

2) Insufficiency of data and lack of evidence to support stated conclusions

The MND states, "the four eastern access points are used primarily by local residents rather than outside users driving from distant locations." (p. 16). There is no evidence to support this contention.

The MND states, "Isla Vista residents, surfers and beachgoers driving from outside locations use the Camino Majorca access point." (p. 16). There is no evidence to support this contention. While it may even be true that a majority of residents, and non-residential surfers and beachgoers use the Camino Majorca access point, it does not follow that all such people *only* use Camino Majorca, as the MND's statement erroneously suggests. On the contrary, it is very likely that residents and non-residents alike use all of Isla Vista's coastal access points at least some of the time. By removing coastal access parking spaces from almost all but one limited area of Isla Vista, the project will impact recreational opportunities and coastal access at other points along Isla Vista's beaches. This potential has not been addressed in the environmental document.

C) 4.15 Transportation/Circulation (MND pp. 18-20)

The MND concludes that the Plan will not have a significant impact on existing parking facilities. (4.15(b), p. 18). As discussed more fully above, this conclusion is not supported by the evidence in the record.

4-STB-04-218

Appeal period start 12/7/04



# County of Santa Barbara Planning and Development

Valentin Alexeeff, Director  
Dianne Meester, Assistant Director

## NOTICE OF FINAL ACTION

RECEIVED

DEC 06 2004

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

November 19, 2004

TO: California Coastal Commission  
Shana Gray  
89 South California Street, Suite 200  
Ventura, California 93001

On November 9, 2004, Santa Barbara County took final action on the appealable development described below:

- Appealable Coastal Development Permit. 04CDH-00000-00001
- Appealable Coastal Development Permit following discretionary case
- Discretionary action on a case

**Project Applicant:**  
County of Santa Barbara  
Public Works Department  
Attn: John McInnes  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-3552

**Property Owner:**  
Same as Applicant

**Project Description:** Request to consider Case No. 04CDH-00000-00001 for a Coastal Development Permit to implement a Public Works Managed Parking Program with associated signage and pay stations under the provisions of Article II for property zoned SR-H, SR-M, R-1, REC, C-2 and PI; and to accept the Mitigated Negative Declaration pursuant to Article 6 of the Guidelines for Implementation of the California Environmental Quality Act.

**Location:** The project involves public rights-of-way within the community of Isla Vista, Third Supervisorial District.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Robert Dostalek, the case planner at (805) 568-2054 if you have any questions regarding the County's action or this notice.

Robert Dostalek, Project Planner

11/19/04

Date

Attachment: Final Action Letter dated November 18, 2004

cc: Case File: 04CDH-00000-00001  
Cintia Mendoza, Hearing Support

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123 East Anapamu Street · Santa Barbara, CA 93101-2058  
Phone: (805) 568-2000 Fax: (805) 568-2030

<b>EXHIBIT 6</b>
<b>A-4-STB-04-124</b>
<b>Final Local Action Notice, Findings, and Conditions of Approval</b>



County of Santa Barbara  
BOARD OF SUPERVISORS

Minute Order

November 09, 2004

Present: Supervisor Schwartz, Supervisor Rose, Supervisor Marshall, Supervisor

Gray and Supervisor Centeno

PLANNING AND DEVELOPMENT

File Reference No. 04-00981

**RE:** HEARING - Consider appeals by Bruce Murdock and the Surfrider Foundation of the Zoning Administrator's Approval of the Public Works Managed Isla Vista Parking Program Coastal Development Permit (04CDH-00000-00001) [Appeal Case Nos. 04APL-00000-00025 & 04APL-00000-00027] involving public rights-of-way within the community of Isla Vista, Third District, as follows: (EST. TIME: 1 HR.)

a) Adopt the required findings for the project (Attachment A - Zoning Administrator Action Letter with Findings and Conditions of Approval dated September 14, 2004);

b) Deny the appeals (Attachments B and C), upholding the Zoning Administrator's decision to accept the Board of Supervisors approved Mitigated Negative Declaration (04NGD-00000-00002) as adequate environmental review for the project and accept the mitigation monitoring program contained in the conditions of approval pursuant to Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act;

c) Approve the project (Case No. 04CDH-00000-00001) subject to the conditions also included as Attachment A (Zoning Administrator Action Letter with Findings and Conditions of Approval dated September 14, 2004).

**COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY**

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Acted on as follows:

Received and filed staff report and conducted public hearing.

a) Adopted with the CEQA findings as revised by the Board of Supervisors at the November 9, 2004 hearing.

b) Denied the appeals (Attachment B and C) finding that the Board of Supervisors prior adoption of the Mitigated Negative Declaration (04NGD-00000-00002) was adequate environmental review for the project and accept the mitigation monitoring program contained in the conditions of approval pursuant to Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act.

c) Approved and directed staff to return with in six month for an update on the approved parking project.

The motion carried unanimously.

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

The Zoning Administrator accepts the Negative Declaration (04NGD-00000-00002) as approved by the Board of Supervisors (with 15162 letter) in conjunction with the Isla Vista Parking Program Initiation Plan, Residential Permit Parking Ordinance and Parking Meter Ordinance. The Negative Declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.

### 2.2 COASTAL DEVELOPMENT PERMIT FINDINGS

Pursuant to Section 35-169.6, a Coastal Development Permit shall only be issued if all of the following findings are made:

*2.2.1 The proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.*

As discussed in section 6.2 and 6.3 of the staff report, the project, as conditioned, conforms to the applicable policies of the Comprehensive Plan, including the Local Coastal Plan and with the applicable provisions of Article II. Therefore, this finding can be made.

*2.2.2 That the proposed development is located on a legally created lot.*

The project would be located within public rights-of-way owned by the County of Santa Barbara and not on privately owned parcels.

*2.2.3 That the subject property is in compliance with all laws, rules, and regulations pertaining to zoning, uses, subdivisions, setbacks, and any other applicable provisions of this article, and such zoning violation fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal no-conforming uses and structures under section 35-160 et seq.*

As discussed in section 6.3 of the staff report, the project is in compliance with all applicable provisions of Article II. There are no known zoning violations within the public right-of-ways. Therefore, this finding can be made.

*2.2.4 The development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.*

The physical development associated with the project is minimal (i.e. signs and pay stations). As discussed in section 6.2 of the staff report, the proposed development would not significantly affect any public view to or along the coast. Therefore, this finding can be made.

*2.2.5 The development is compatible with the established physical scale of the area.*

The proposed structural development consists of approximately 10-12 meter pay stations and 400-500 regulatory/informational signs with maximum heights of approximately five (5) and eight (8) feet, respectively. With the relatively sparse placement of pay

stations and signs profile, the proposed development would be compatible with the urban character of the community. Therefore, this finding can be made.

**2.2.6 *The development is in conformance with the public access and recreation policies of Article II and the coastal land use plan.***

The five existing public coastal access locations within the community would remain open and unobstructed to the public. Additionally, the project includes approximately 106 coastal access parking spaces that have been specifically designated for recreationists who choose to arrive by vehicular means. Therefore, this finding can be made.

## ATTACHMENT C: CONDITIONS OF APPROVAL

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked "Zoning Administrator Hearing Revised Exhibit #1," dated September 13, 2004, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project is a request by the Santa Barbara County Public Works Department for a Coastal Development Permit to authorize the implementation of a managed parking program for public roadways within the community of Isla Vista. The boundaries of the program are depicted in Exhibit 1. The proposed parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) designated coastal access parking, and (3) residential preferential permit parking (RPP) encompassing all other areas.

The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. A three to four month long transition community education program would precede implementation of the parking program.

**New physical development associated with the program would be limited to the following:**

**Installation of Pay Stations:** Ten to twelve pay stations would be installed within public right-of-way in the commercial zone district area. Each station measures approximately two feet by two feet and would be mounted on a pole at eye level approximately five (5) feet off the ground. Each pay station would have a sign and light. Stations would be located in paved or previously disturbed and graded areas along the side of the street. Sidewalks will not be obstructed. Trenching within the right-of-way may be required to provide power to pay stations.

**Installation of Street Signs:** Approximately 400-500 standard street signs would be located in public right-of-way adjacent to the edge of pavement. The number of signs would be the minimum necessary to ensure adequate visibility and to clearly indicate parking regulations; existing sign poles would be used where appropriate. Signs would be spaced approximately 200-250 feet apart. Signs would be approximately 18" by 12" or less in size. The maximum height of the proposed sign posts would be approximately eight (8) feet tall. The exact number, location, size and design of signs will be determined during detail design of the project.

Revised Exhibit 1 depicts the project limits as well as the location of the metered parking zone and the RPP zone, and identifies the location of coastal access parking and meter pay stations.

### **CONDITIONS DERIVED FROM MITIGATION MEASURES CONTAINED IN THE FINAL REVISED ADOPTED NEGATIVE DECLARATION (04NGD-00000-00002):**

2. Street signs and pay stations shall be designed and located in a manner that enhances the visual quality of the streetscape. The design and location shall be compatible with and shall consider enhancement of existing landscape including street trees. **Plan Requirements and Timing:** Prior to issuance of the Coastal Development Permit, sign and pay station design shall be reviewed by P&D and shall receive final approval by the Board of Architectural Review.



3. Lighting for pay stations shall be low intensity, low glare, directed onto the station and shielded. **Plan Requirements and Timing:** Prior to issuance of the Coastal Development Permit, pay station lighting shall receive final approval by the Board of Architectural Review. This requirement shall be included in project plans and specifications.
4. Dust generated by construction activities shall be kept to a minimum with the goal of retaining dust on the site. Dust control measures listed below shall be followed:
  - a. During construction, water trucks and/ or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
  - b. Areas of disturbance shall be minimized. On-site vehicle speeds shall be limited to 15 mph or less.
  - c. Should the importation, exportation, and/ or stockpiling of fill material become necessary, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, or re-vegetation, or the spreading of soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - e. The contractor shall designate a person or persons to monitor the dust control measures and to order increased watering, as necessary, to prevent the transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District (APCD) prior to land use clearance for grading activity.
- Plan Requirements and Timing:** Requirements shall be included in project specifications and shall be adhered to throughout grading and construction activities. **Monitoring:** Public Works construction engineer shall monitor for compliance. APCD inspectors shall respond to nuisance complaints.
5. In the event archaeological remains are encountered during grading, work shall be stopped immediately in the vicinity of the find and redirected until a qualified archaeologist and Native American representative are retained to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines. If human remains are unearthed during construction, no further disturbance shall occur until the County Coroner has made the necessary finding as to origin and disposition. **Plan Requirements and Timing:** This requirement shall be included in project specifications. Public Works shall ensure condition is included in specifications and shall spot check in the field.
6. In order to reduce short-term construction noise impacts to less than significant levels, project construction shall be limited to weekdays between the hours of 8 a.m. and 5 p.m. All construction vehicles and equipment shall contain functioning and properly maintained muffler systems. **Plan Requirements and Timing:** This requirement shall be included in project specifications and shall be adhered to throughout construction. Public Works resident engineer shall ensure compliance.

7. Upon implementation of the parking program, the County Public Works and/or Sheriff's Department shall monitor coastal access parking four days per month including two weekend days between 1 pm and 5 pm and two week days. Monitoring will occur for the first six months and then every two years during the life of the program. If occupancy rates exceed 90% on 3 or more days per month, monitoring will continue and the Director of Public Works, in consultation with Surfriders Foundation and the Isla Vista Association, will implement a metered and/or permit system and/or designate additional coastal access parking along the northern two blocks of Camino Majorca or along Del Playa. The metered and/or permit system may require converting Camino Majorca to a one-way road. **Plan Requirements and Timing:** This measure shall be implemented with the start of the residential parking permit program by County Public Works and/or Sheriff's Department.
8. Street signs and/or brochures shall be installed/available that indicate the location of coastal access parking. **Plan Requirements and Timing:** Public Works shall ensure that signs are installed and/or brochures are made available prior to implementation of the parking program.
9. Prior to construction, the contractor shall be required to prepare a water pollution control program that incorporates control measures for soil stabilization, sediment control, sediment tracking, wind erosion and nonstorm water management. Methods such as the use of silt fences, straw bales and drainage diversion structures shall be used to keep silt and pollutants from entering the ocean. **Plan Requirements and Timing:** Project specifications shall include a requirement for the preparation and implementation of a water pollution control plan. Measures shall be implemented throughout grading and construction. Public Works Resident Engineer shall monitor throughout construction and ensure compliance.

#### STANDARD APPEALABLE CDP CONDITIONS

10. If the Zoning Administrator determines at a noticed public hearing that the permittee is not in compliance with any conditions of this permit pursuant to the provisions of section 35-169.9 of Article II of the Santa Barbara County Code, the Zoning Administrator may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.
11. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
12. The Zoning Administrator's approval of this Appealable CDP shall expire one year from the date of approval or, if appealed, the date of action by the Board of Supervisors or the California Coastal Commission on the appeal, if the permit for use, building or structure permit has not been issued.
13. The use and/or construction of the building or structure, authorized by this approval cannot commence until the Coastal Development Permit and necessary Building Permits have been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied prior to issuance of the Coastal Development Permit must be satisfied. Plans accompanying this Coastal Development Permit shall contain all project conditions.

**SANTA BARBARA COUNTY ZONING ADMINISTRATOR**  
**Revised Staff Report for Isla Vista Public Works Managed Parking Program**

Hearing Date: ~~June 7, 2004~~ September 13, 2004

Staff Report Date: ~~May 28, 2004~~ September 3, 2004

Case No.: 04CDH-00000-00001

Environmental Document: 04NGD-00000-00002 & 15162 Letter

Supervisorial District: Third

Staff: Robert Dostalek

Phone #: (805) 568-2054

**OWNERS:**

County of Santa Barbara (Public Rights-of-Way)

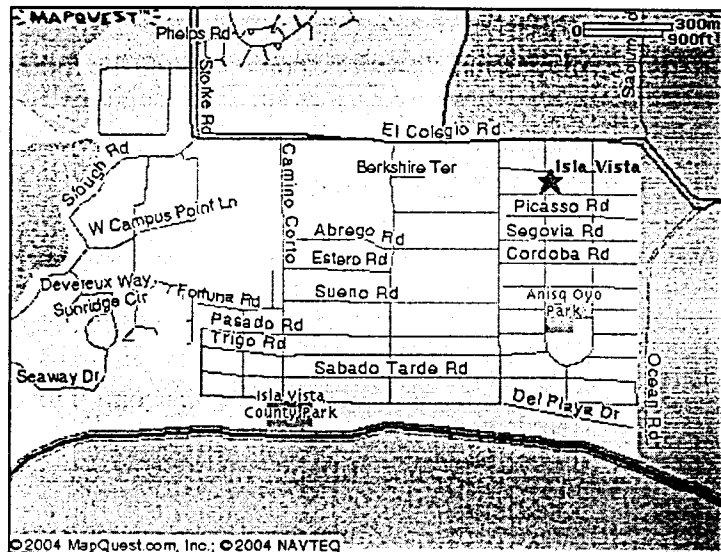
Public Works Department

123 East Anapamu Street

Santa Barbara, CA 93101

John McInnes, Department Project Manager

(805) 568-3552



Project would be located within public rights-of-way throughout the community of Isla Vista Third Supervisorial District.

**1.0 REQUEST**

Hearing on the request of the County of Santa Barbara Public Works Department to consider Case Number 04CDH-00000-00001 for a Coastal Development Permit (CDH) to implement a Public Works Managed Parking Program with associated signage and pay stations under the provisions of Article II for property zoned SR-H, SR-M, R-1, R-2, REC, C-2 and PI; and to accept the Mitigated Negative Declaration pursuant to Article 6 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The project involves public rights-of-way within the community of Isla Vista, Third Supervisorial District.

Application Filed:  
Application Complete:  
Processing Deadline:

December 17, 2003  
January 29, 2004  
60 days from approval of ND

**EXHIBIT 7**  
**A-4-STB-04-124**  
**County of Santa Barbara - Staff Report**

## 2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 04CDH-00000-00001 marked "Officially Accepted, County of Santa Barbara ~~June 7, 2004~~ September 13, 2004 Zoning Administrator Exhibit 1", based upon the project's consistency with the Comprehensive Plan including the Local Coastal Plan and Goleta Community Plan and based on the ability to make the required findings.

The Zoning Administrator's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Accept the Board of Supervisors approved Negative Declaration as adequate environmental review for the project and accept the mitigation monitoring program contained in the conditions of approval.
3. Approve the project subject to the conditions included as Attachment C.

Refer to staff if the Zoning Administrator takes other than the recommended action for appropriate findings and conditions.

## 3.0 JURISDICTION

Pursuant to Section 35-169.5 of the Article II Coastal Zoning Ordinance, the project requires a CDH (Coastal Development Permit with Hearing) because portions of the project are located within the Geographic Appeals Area and the project constitutes a Major Public Works Project. The project is being considered by the Zoning Administrator based upon Section 35-169.5.3 of Article II which states, "The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request."

The Board of Supervisors (BOS) approved the Isla Vista Parking Program Initiation Plan and associated environmental document on June 15, 2004. On July 6, 2004 the BOS approved the introduction of an ordinance amending County Code Chapter 23B regarding the Countywide residential parking program and adding Chapter 23D to the County Code authorizing parking meters in the commercial area of Isla Vista. The BOS adopted the ordinances on July 27, 2004 at the second required reading. The ordinances became effective 30 days from the second reading on August 26, 2004. On September 7, 2004, the BOS will consider the adoption of a resolution establishing a residential permit parking area and coastal access parking areas within the community of Isla Vista.

## 4.0 ISSUE SUMMARY

As discussed in Section 6.6 (*Community Land Use/Design Review*) of this report, the project generated a substantial amount of public interest. The project involved an extensive outreach effort which included numerous public meetings prior to the formulation of the proposed Initiation Plan and ordinances which were heard before the Board of Supervisors at their May 18, 2004 and June 1, 2004 meeting (~~item continued to the June 1, 2004 meeting~~). Many of the comments voiced during public testimony at the May 18, 2004 meeting focused on whether or not the program would maintain the current level of parking availability for coastal access. Comments related to parking costs and whether or not to treat Zones A & B separately were also raised. ~~These comments are under deliberation by the BOS while they consider the proposed Initiation Plan and Ordinances to the Santa Barbara County Code.~~ On May 26, 2004 the Planning Commission reviewed the project's policy consistency with the Comprehensive Plan, including the Local Coastal Plan, pursuant to Government Code Section 65402(a) – *See Section 6.2, Comprehensive Plan Consistency*. The component of the overall project being heard before the Zoning Administrator is for the “follow-up” permit which implements the Initiation Plan and ordinances and authorizes the physical development associated with the project. This Coastal Development Permit request ~~is~~ was designed to closely follow the program as it ~~is~~ was adopted by the BOS (~~Project Specific Condition #10 is included to ensure the Coastal Development Permit is not be issued prior to the effective date of the ordinances adopted by the Board of Supervisors~~). ~~Should the Board of Supervisors revise the proposed ordinances or Final Draft Negative Declaration, staff will advise the Zoning Administrator to any necessary changes required for the Coastal Development Permit.~~ The BOS approved the IV Parking Program Initiation Plan and Final Draft Negative Declaration at the June 15, 2004 BOS meeting with revisions. This staff report has incorporated these revisions with added text represented with an underline and deleted text represented with a strikethrough.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<u>Site Information</u>	
Coastal Plan Designation	Single and Multiple Family Residential ranging from 3.3 to 20 units/acre, General Commercial, Institution/Government Facility and Existing Public or Private Park/Recreation and/or Open Space.
Ordinance, Zoning District	Article II; student residential (SR-H-20-D, SR-M-18-D, SR-M-8-D, 7-R-2-D), single family residential (10-R-1-SF-D), recreation (REC), retail commercial (C-2) and professional/institutional (PI). All residential properties have a Design Control Overlay and the 10-R-1 has a Single Family Restricted Overlay.
Site Size	Isla Vista is approximately 1/2 square mile or 320 acres

<u>Site Information</u>	
Present Use & Development	Isla Vista is a developed urban community. The majority of the of the community area provides housing for students attending UCSB, however, the extreme western end of the community primarily contains single family residential dwellings. A commercial district at the southern loop of Embrcadero Del Mar and Embarcadero Del Norte provides the community with goods and services.
Surrounding Uses/Zoning	<p><i>Designated Land Use:</i>  Community is primarily designated residential at densities of 3.3 to 20 units/acre, commercial, institutional and recreational.</p> <p><i>Zoning:</i>  Primarily student residential (SR-H-20-D, SR-M-18-D, SR-M-8-D, 7-R-2-D), single family residential (10-R-1-SF-D), recreation (REC), retail commercial (C-2) and professional/institutional (PI). All residential properties have a Design Control Overlay and the 10-R-1 has a Single Family Restricted Overlay.</p> <p><i>Land Use Densities:</i>  Current residential densities range from 7 units per acre in the west end to 39 units per acre along Picasso Road.</p>
Access	Access to the local roads within the community are gained via El Colegio Road which runs east to west along the northern limit of the project area. The five (5) coastal access locations within the community would remain open and unobstructed to the public.
Public Services	The proposed project would not result in an increase in demand to public services such as water, sewer, fire protection, etc.

## 5.2 Background Information

Over the last several years, P&D in cooperation with the Isla Vista Project Area Committee (PAC) has been developing the Isla Vista Master Plan. The Master Plan is both a community plan update and an implementation plan for the County Redevelopment Plan. When completed, the Plan will identify specific goals, policies, and development standards for Isla Vista. In addition, the Plan will identify catalyst projects that address improvements to the commercial core, housing, transportation, parking, and infrastructure, community amenities, resulting in improved commercial services and the community's quality of life. Early in the development of the Master Plan it became clear that parking issues in the community needed to be addressed.

This Zoning Administrator staff report was originally prepared prior to the Board of Supervisor's (BOS) final action on the Initiation Plan and associated ordinances. On June 15, 2004 the BOS approved the overall program with design modifications which included the following:

1. One zone for the entire community
2. Annual and monthly permits for the RPP program
3. Unlimited \$3 guest passes for purchase by residents
4. Free parking on weekends (Saturday and Sunday) from 5:00am to noon in the RPP zone west of the centerline of Camino Pescadero (see attached revised Exhibit 1 dated June 28, 2004).
5. 106 dedicated coastal access parking spaces. This is an additional 36 spaces (from the previous total of approximately 70), with four (4) at each of the existing coastal access stairs at Escondido Pass, Camino del Sur, Camino Pescadero and El Embarcadero and 20 at the intersection of Camino Linda/Del Playa.
6. Reduced annual permit rate of \$150/\$95.

Of the six revisions above, only numbers one (1) and five (5) are within the purview of this Coastal Development Permit request. On July 27, 2004 the BOS held the 2<sup>nd</sup> reading of the ordinances associated with the Initiation Plan. On August 26, 2004, 30 days following the second reading, the ordinances officially went into effect.

### **5.3 Project Description**

The proposed project is a request by the Santa Barbara County Public Works Department for a Coastal Development Permit to authorize the implementation of a managed parking program for public roadways within the community of Isla Vista.<sup>+</sup> The boundaries of the program are depicted in revised Exhibit 1 dated June 28, 2004. The proposed parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) designated coastal access parking, and (3) residential preferential permit parking (RPP) encompassing all other areas. One Two separate RPP zones, Zone A and Zone B, bisected by Camino Corte Road, are is proposed.

The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. A three to four month long transition community education program would precede implementation of the parking program.

#### **New physical development associated with the program would be limited to the following:**

Installation of Pay Stations: Ten to twelve pay stations would be installed within public right-of-way in the commercial zone district area. Each station measures approximately two feet by two feet and would

<sup>+</sup> The project also requires the approval of a new County parking meter ordinance (Chapter 23D) and amendments to the existing residential parking permit ordinance (Chapter 23B) by the Board of Supervisors.

be mounted on a pole at eye level approximately five (5) feet off the ground. Each pay station would have a sign and light. Stations would be located in paved or previously disturbed and graded areas along the side of the street. Sidewalks will not be obstructed. Trenching within the right-of-way may be required to provide power to pay stations.

Installation of Street Signs: Approximately 400-500 standard street signs would be located in public rights-of-way adjacent to the edge of pavement. The number of signs would be the minimum necessary to ensure adequate visibility and to clearly indicate parking regulations; existing sign poles would be used where appropriate. Signs would be spaced approximately 200-250 feet apart. Signs would be approximately 18" by 12" or less in size. The maximum height of the proposed sign posts would be approximately eight (8) feet tall. The exact number, location, size and design of signs will be determined during detail design of the project.

Exhibit 1 depicts the project limits as well as the location of the metered parking zone, ~~and~~ the RPP zones, and identifies the location of coastal access parking and meter pay stations.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The Negative Declaration (04NGD-00000-00002) was prepared for the project by the Public Works Department which found that the proposed project could result in potentially significant impacts to aesthetic and recreation resources and could create potentially significant short term construction related noise, air quality, cultural resource and water resource impacts.

The Draft Negative Declaration determined that all potentially significant project impacts could be reduced to less than significant levels through incorporation of the proposed mitigation measures as conditions of approval (see Attachment B). The Final Draft Negative Declaration is included as Attachment B. The County received numerous public comments during its 30 day circulation and environmental hearing. For your reference, these comments have been attached to the Negative Declaration (see Attachment C).

~~The Board of Supervisors (BOS) is~~ was the decision making body for the environmental document which was adopted at the June 15, 2004 meeting. ~~It is anticipated that the BOS will deliberate and take action on the proposed Final Negative Declaration at their scheduled June 1, 2004 meeting. The Zoning Administrator would subsequently accept the document as adequate environmental review for Coastal Development Permit component of the project, if approved. Staff will advise the Zoning Administrator should the BOS revise the Negative Declaration.~~

On June 15, 2004 the BOS adopted the Negative Declaration (04NGD-00000-00002) with revisions. Subsequently, environmental review of the project has been conducted pursuant to Section 15162 of the Guidelines for the Implementation of the California Environmental Quality Act. Section 15162 allows for



the use of a previously prepared Environmental Impact Report (EIR) or Negative Declaration (ND) unless changes are proposed in the project that will require important revisions to the previous environmental document due to the introduction of new significant environmental impacts, substantial changes with respect to the circumstances under which the project is undertaken, or new information that becomes available (see Attachment B).

## 6.2 Comprehensive Plan Consistency

On May 26, 2004 the Planning Commission reviewed the project's policy consistency with the Comprehensive Plan, including the Local Coastal Plan, pursuant to Government Code Section 65402(a). The Commission ultimately determined in a 3-2 vote that the project was consistent with applicable policies. Although arriving at a favorable determination, project specific comments from the Commissioners were forwarded to the Board of Supervisors for deliberation at their June 1, 2004 meeting. The comments, provided by the Commissioners as suggestions intended to potentially improve the project, are as follows:

- a.) Increase Coastal Access parking spaces at east end of Isla Vista;
- b.) Combine Zones A and B;
- c.) Consider suspending 4-hour parking limit in summer and weekends;
- d.) Add additional bluff Coastal Access parking; and
- e.) Reconsider five, 45-min. metered parking spots in Commercial District.

REQUIREMENT	DISCUSSION
<p><b>TRAFFIC/CIRCULATION</b></p> <p><i>Coastal Plan Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan...</i></p> <p><b>Program CIRC-GV-2.5: The County Public Works</b></p>	<p><b>Consistent.</b> The project would not generate the need for any other expanded public or private services or resources since the project involves limited physical development and is not dependent on water, sewer, etc. As discussed in the Proposed Final Negative Declaration, the parking program would not result in additional traffic and after a transition period when UCSB commuters and other non-residents become aware of the new parking regulations and residents become familiar with the RPP zone requirements, a substantial reduction in the number of cars driving around looking for available parking spaces is anticipated. Therefore the project would not negatively affect road capacity or area circulation.</p> <p><b>Consistent.</b> The purpose of the parking program is to</p>

<p><i>Department shall continue to develop programs that encourage the use of alternative modes of transportation including, but not limited to, an updated bicycle plan, park and ride facilities, and an update of the transportation demand management ordinance.</i></p> <p><b>Policy CIRC-GV-3:</b> <i>A determination of project consistency with the standards and policies of this Community Plan Circulation Section shall constitute a determination of consistency with Local Coastal Plan Policy #2-6 and LUDP #4 with regard to roadway and intersection capacity.</i></p> <p><b>Policy CIRC-GV-6:</b> <i>In its long range land use planning efforts, the County shall seek to provide access to retail, commercial, recreational, and educational facilities via transit lines, bikeways and pedestrian trails.</i></p>	<p>prioritize street parking for residents and business patrons, and maintain coastal access parking. Since the proposed program may discourage the use of cars in the community, it is anticipated to be an incentive to use alternative forms of transportation. Excess revenue from the program could be used for transportation related projects, including a car share program and bicycle improvements or additional bike racks. The Initiation Plan includes a list of recommended projects.</p> <p><b>Consistent.</b> The project would not result in additional development that would generate additional traffic. It is therefore consistent with the Circulation Element in terms of roadway and intersection capacity.</p> <p><b>Consistent.</b> One of the goals of the project is to support local businesses by freeing up on-street parking for their patrons. In addition, the Initiation Plan includes a list of transportation related projects where excess revenue from the program may be used, including a car share program, bicycle improvements and enhanced bus service.</p>
<p><b>AIR QUALITY</b></p> <p><b>Policy AQ-GV-3:</b> <i>The County shall implement those land use patterns and transportation programs which will serve to reduce vehicle trips and total vehicle miles traveled.</i></p> <p><b>Policy AQ-GV-1:</b> <i>The County shall impose appropriate restrictions and control measures upon construction activities associated with each future development project, in order to avoid significant deterioration of air quality.</i></p>	<p><b>Consistent.</b> Implementation of the program is intended to reduce the number of non-resident drivers in the community and to reduce cross-town traffic by residents. This reduction in commuter and localized traffic would have a corresponding reduction in air emissions.</p> <p><b>Consistent:</b> The project has been conditioned to require short-term construction activities such as demolition and new construction to comply with Air Pollution Control District standard dust control measures. (Please see Attachment C, condition #2).</p>
<p><b>BIOLOGICAL RESOURCES</b></p> <p><b>DevStd BIO-GV-16.1:</b> <i>All existing "protected trees" shall be protected from damage or removal by development to the maximum extent feasible.</i></p> <p><b>Coastal Act Policy 9-35:</b> <i>Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a</i></p>	<p><b>Consistent.</b> Physical development associated with the program is limited and would not require substantial earth disturbance. No tree removal is proposed and no damage or loss of protected trees is anticipated.</p>

*manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.*

**Policy BIO-GV-18:** *Trees serving as known raptor nesting or key raptor roosting sites shall be preserved to the maximum extent feasible.*

**Coastal Act Policy 9-22:** *Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.*

**Coastal Act Policy 9-23:** *Adjacent development shall be set back a minimum of 50 feet from the trees.*

**Coastal Act Policy 30231:** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**Coastal Act Policy 30240:** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

**HISTORICAL/ARCHAEOLOGICAL RESOURCES**

**Policy HA-GV-1:** *Significant cultural, archaeological and historical resources in the Goleta area shall be protected and preserved to the maximum extent feasible.*

**DevStd HA-GV-1.5:** *In the event that archaeological*

**Consistent:** There are no known raptor nesting or roosting sites where structural development is proposed.

**Consistent.** There are no known butterfly trees within or adjacent to the project.

**Consistent.** The project involves minor development within previously disturbed areas. As such it would not change the direction of water movements or amount of surface water, alter flood waters, expose people or property to water related hazards, change the direction, rate, quantity or quality of groundwater or reduce the amount of water for public water supplies. The project negative declaration includes mitigation measure #8, included as Condition #9 to require the preparation of a water pollution control program that incorporates control measures for soil stabilization, sediment control, sediment tracking, wind erosion and nonstorm water management. Methods such as the use of silt fences, straw bales and drainage diversion structures are required to keep silt and pollutants from entering the ocean.

**Consistent.** Environmentally sensitive habitat areas are located within existing parks and open space areas in the community. Physical development associated with the program is limited to placement of signs and pay stations within previously disturbed areas within road right-of-ways. No impacts to environmentally sensitive habitat areas are anticipated.

**Consistent.** The proposed project is located in a developed urban area and involves minor grading within previously disturbed areas. No significant archaeological resources are known to occur within the project limits.

<p><i>or paleontological remains are uncovered during construction, excavation shall be temporarily suspended and redirected until the provisions of Public Resources Code section 5097.5, 5097.9 et seq. are satisfied.</i></p>	<p>Mitigation measure #4 (Condition #3) includes the standard discovery clause that requires grading to be stopped or redirected in the event that unknown sub-surface resources are encountered during grading consistent with these policies and development standard.</p>
<p><b>NOISE</b></p> <p><i>Policy N-GV-1: Interior noise-sensitive uses (e.g., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected to minimize significant noise impacts.</i></p>	<p><b>Consistent.</b> Project construction would result in short term noise related impacts. Mitigation measure #5 included as Condition #6 would limit construction to weekdays between the hours of 8 a.m. and 5 p.m. to avoid impacts to surrounding sensitive noise receptors (residents) during construction.</p>
<p><b>VISUAL RESOURCES</b></p> <p><i>Policy VIS-GV-6: Outdoor lighting in Goleta shall be designed and placed so as to minimize impacts on neighboring properties and the community in general.</i></p> <p><i>DevStd VIS-GV-6.1: All new development with major outdoor lighting facilities should be illuminated with only fully shielded lighting with low glare design.</i></p> <p><i>Coastal Act Policy 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p>	<p><b>Consistent.</b> Approximately 10-12 meter pay stations would be constructed in the commercial district area at the southern loop of Embarcadero Del Mar and Embarcadero Del Norte. Lighting of the pay stations would be necessary for safety, security and visibility during nighttime hours. Project mitigation measure #2 included as Condition #3 requires lighting for pay stations to be low intensity, low glare and directed onto the station and shielded. Lighting would also be reviewed and approved by the Board of Architectural Review.</p> <p><b>Consistent.</b> Physical project development is limited to the placement of pay stations in the downtown area and standard street signs throughout the community. Implementation of the program would result in placement of approximately 400-500 standard parking regulation signs within the road right-of-way. The number of signs would be the minimum necessary to ensure adequate visibility and to clearly indicate parking regulations; existing sign poles would be used where appropriate. Signs would be spaced approximately 200-250 feet apart with 3 per block likely in the shorter blocks (500 foot long streets east of Camino Pescadero and west of Camino Corto) and 4-6 per block in the longer blocks (1200 foot long streets between Camino Corto and Camino Percadero). Signs of this nature are typically 18" by 12" in size. The County generally follows Caltrans standards regarding sign size and placement, however it is not required. The exact number, location, size and design of signs will be</p>

*Coastal Plan Policy 4-1: Areas within the coastal zone which are now required to obtain approval from the County Board of Architectural Review, because of the requirements of the "D"-Design Supervision Combining Regulations or because they are within the boundaries of Ordinance #453, shall continue to be subject to design review. In addition, developments in all areas designated on the land use plan maps as Commercial, Industrial, or Planned Development and residential structures on bluff top lots shall be required to obtain plan approval from the County BAR.*

*Coastal Plan Policy 4-4: In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*

*Coastal Plan Policy 4-6: Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.*

*DevStd VIS-GV-1.1: Setbacks, landscaping, and structural treatments shall be emphasized along major roadways to help preserve viewsheds and create an aesthetic visual corridor. Parking lots and other impervious surfaces should be placed in side and rear, rather than frontage, areas in all development along roadways.*

*Policy VIS-GV-3: Maintenance and expansion of Goleta's tree population shall be a high priority in the Goleta planning area. The County shall encourage projects which expand onsite and offsite provision of*

determined during detail design of the project. Between 10 and 12 pay stations would be installed in the downtown commercial area. Each pay station measures approximately two feet by two feet and would be mounted on a pole at eye level (approximately five feet off the ground). Each pay station would have a sign and light. Placement of relatively small signs and pay stations throughout the community would not result in the obstruction of any scenic vista or view open to the public.

**Consistent.** The project is subject to review and approval by the Board of Architectural Review. On April 16, 2004 the Board of Architectural Review conceptually reviewed the project and made comments regarding the pay station style and color, and sign design and color. Project mitigation measure #1 included as Condition #2 requires final approval of the sign and pay station design by the Board of Architectural Review prior to issuance of the Coastal Development Permit. While signs could be considered an aesthetically offensive site open to public view, they are commonplace in the public right-of-way and consistent with the urbanized nature of Isla Vista.

**Consistent.** New structures associated with the project include pay stations in the downtown area and standard street signs throughout the community. Project mitigation measure #1 included as Condition #2 requires street signs and pay stations to be designed and located in a manner that enhances the visual quality of the streetscape and that is compatible with and enhances existing landscape including street trees. The number of signs would be the minimum necessary to ensure adequate visibility and to clearly indicate parking regulations; existing sign poles would be used where appropriate. With the condition to require Board of Architectural Review approval for sign design, the project is consistent with these policies

**Consistent.** The Initiation Plan includes a project list that may be funded using revenue generated by the parking program. Street tree planting and downtown landscaping is identified on that project list.

<p><i>appropriate tree plantings, both in terms of quantity and species diversity.</i></p> <p><b>DevStd VIS-GV-6.2:</b> <i>LPS lighting or other alternative methods used for street lighting, parking lot lighting and security lighting should be investigated by the Public Works Department.</i></p>	<p><b>Consistent.</b> Project mitigation #2 included as Condition #3 measures require lighting for pay stations to be low intensity, low glare and directed onto pay stations and shielded. Lighting would also require final approval by the Board of Architectural Review.</p>
<p><b>PARKS, RECREATION AND TRAILS</b></p> <p><b>Policy PRT-GV-1:</b> <i>Diverse outdoor and indoor recreational opportunities shall be encouraged to enhance Goleta's recreational resources and to ensure that current and future recreational needs of residents are met.</i></p>	<p><b>Consistent.</b> The project would maintain existing access to the coast via five coastal access points at Camino Majorca, Escondido Pass east of Camino Corto, Camino Del Sur, Camino Pescadero and south of the El Embarcadero loop. What is now informal parking would be designated as coastal access parking in <del>two</del> <u>seven</u> community locations. <u>A total of approximately 106 designated coastal access parking spaces are proposed.</u> Area 1 along Camino Majorca Road at the western edge of Isla Vista would remain free as undeveloped perpendicular parking in the unpaved area along the west side of the street for approximately 50 to 75 cars for parking up to four hours. An existing bicycle rack and two ADA compliant spaces would be maintained. The paved eastern side of Camino Majorca between Del Playa and Trigo would also be designated as four-hour free coastal access parking for approximately 15 cars. Overnight parking would be prohibited in order to preclude long-term residential parking that could compete with coastal access users. Mitigation measure #6 (Condition #7) is included in the project to ensure that coastal access parking remains at a less than 90% occupancy rate (conservative estimate of 59 vehicles) in designated coastal access parking areas. Area 2: Five metered spaces on the south side of the Embarcadero loop between Trigo Road and El Embarcadero would be designated and enforced as four hour coastal access parking. <u>The other five areas include four parking spaces on the south side of Del Playa near each of the existing coastal access stairs at Escondido Pass, Camino del Sur, Camino Pescadero and El Embarcadero and 20 spaces at the intersection of Camino Lindo and Del Playa (see Exhibit 1). These would all be designated as four-hour free coastal access parking.</u></p>

## COASTAL ACCESS

**Coastal Act Policy 30210:** *In carrying out the requirement 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 Policy 30211:** *Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

**Coastal Act Policy 30212.5:** *Wherever appropriate and feasible, public facilities, including parking areas of facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public or any single area.*

**Coastal Act Policy 30213:** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

**Coastal Act Policy 30214: (a)** *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- 1) *Topographic and geologic site characteristics.*

- 2) *The capacity of the site to sustain use and at what level of intensity.*
- 3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- 4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

**(b)** *It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.*

**(c)** *In carrying out the public access policies of this article,*

**Consistent.** The program seeks to ensure that current and future recreational needs of residents are met. There are currently five coastal access points within the project area that are conspicuously posted at Camino Majorca, Escondido Pass east of Camino Corto, Camino Del Sur, Camino Pescadero and south of the El Embarcadero loop. The project would not preclude access to the coast as all existing stairs and trails would remain open. Coastal access parking would be designated at the west end of Isla Vista along Camino Majorca. Additional coastal access parking would also be designated near each of the existing coastal access stairways and five (5) metered spaces on the south side of the Embarcadero Loop (see revised Exhibit 1 dated June 28, 2004). With project implementation, coastal access parking along Camino Majorca Road would allow for four-hour free coastal access parking, remain free as undeveloped. This designated parking area would allow for perpendicular parking in the unpaved area along the west side of the street, and The Camino Majorca area would accommodate the same number of vehicles that are currently using this property, the lot. These spaces would allow four-hour free coastal access parking. The paved eastern side of Camino Majorca between Del Playa and Trigo and the spaces near each of the five existing coastal access locations would also be designated as four-hour free coastal access parking for approximately ~~45~~ 51 cars. Overnight parking would be prohibited in the spaces west of Camino del Sur in order to preclude long-term residential parking that could compete with coastal access users. The Embarcadero Loop designated coastal access spaces will accommodate 5 cars for parking up to four hours. As discussed in the Proposed Final Negative Declaration for the project, parking counts indicate that the number of spaces proposed along Camino Majorca is adequate to accommodate existing demand during average peak use times (page 18). Project mitigation measure #6 included as Condition #7 is required to ensure that coastal access parking remains at a less than 90% occupancy rate (conservative estimate of approximately ~~59~~ 95 vehicles) in designated coastal access parking areas. Within the first six months of program implementation and monitoring, if occupancy rates exceed 90% on 3 or more days per month, the Director of Public Works, in consultation with Surfriders Foundation and the Isla Vista

*the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

**Coastal Act Policy 30220:** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

**Coastal Plan Policy 7-2:** *For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless: (a) Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline, or (b) Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the land use plan, or (c) Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or (d) The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public's right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed. The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.*

Association, will implement a metered and/or permit system and/or designate additional coastal access parking within the Isla Vista community. Due to high on street occupancy rates at the eastern end of Isla Vista, on street parking for coastal access is seldom available at the eastern beach access points; the majority of users arrive by foot or bicycle. To ensure the public is aware of the coastal access parking locations, project mitigation measure #7 included as Condition #8 is included to require the installation of signs and to have brochures available prior to implementation of the program.

## 6.3 Ordinance Compliance

### 6.3.1 Zoning Administrator (Coastal Zoning Ordinance)

The project complies with the provisions of the Article II Coastal Zoning Ordinance. The creation and regulation of parking would be accessory to the existing commercial and residential uses within the community. The SR-H, SR-M, R-2, R-1, recreation (REC), retail commercial (C-2) and professional/institutional (PI) zone districts all contains general provisions which allow uses accessory and/or complimentary to the permitted uses. The proposed physical development would be located in public rights-of way which would not require adherence to the setback regulations of each respective zone district. The affected zone districts within Isla Vista have maximum allowable heights between 25 and 35 feet. With the proposed pay stations at approximately five (5) feet and the signposts at approximately eight (8) feet, the project complies with the maximum height limits for the zone districts.



### **6.3.2 Board of Supervisors (~~Proposed~~ Adopted Santa Barbara County Code Ordinances)**

The ~~proposed~~ approved parking program includes a new parking meter ordinance adding Chapter 23D to the Santa Barbara County Code. The program also includes a ~~proposed~~ approved amendment to the existing residential parking permit ordinance (Chapter 23B of the Santa Barbara County Code). This Coastal Development Permit would serve to implement the parking program and would authorize the associated physical development. The Coastal Development Permit would match the prescribed actions set forth in the ~~proposed ordinances currently under consideration introduced~~ by the BOS on July 6, 2004. On July 27, 2004 the BOS held the 2<sup>nd</sup> reading of the ordinances associated with the Initiation Plan. On August 26, 2004, 30 days following the second reading, the ordinances officially went into effect. As noted in Section 3.0 above (Jurisdiction), the Board of Supervisors will consider the adoption of a resolution designating within Isla Vista a residential permit parking area and coastal access parking areas on September 7, 2004.

### **6.4 Subdivision/Development Review Committee (SDRC)**

The project involves minimal physical development and ground disturbance, therefore, the project was not formally reviewed by the SDRC.

### **6.5 Board of Architectural Review**

Pursuant to Section 35-184 of the Article II Coastal Zoning Ordinance, the project requires Board of Architectural Review (BAR). On April 16, 2004 the BAR conceptually reviewed the project and made comments regarding the pay station style and color, and sign design and color. The project has been conditioned to require final BAR approval prior to issuance of the Coastal Development Permit.

### **6.6 Community Land Use/Design Review**

During the 8-day public Design Workshop in Spring '02, a parking program for Isla Vista was initially proposed that included parking meters in the downtown and a residential parking permit program. Since that time, the IV PAC has discussed parking at more than 11 separate public meetings and has consistently directed staff to implement the residential parking permit program and the parking meter program. In summer '03 the IV PAC passed a motion recommending the Draft Master Plan to the Board of Supervisors without dissent. Since that time staff has been conducting environmental review on the draft plan, which is scheduled for completion in Summer '04. Planning Commission and Board adoption hearings are planned to begin in Fall '04 and be completed in Winter '05. It is anticipated that the plan will be submitted to the Coastal Commission for their review in mid-FY 04-05.

Over the fall and winter of 2003/2004 an extensive public outreach effort was conducted to provide community interest groups and the general-public with several opportunities to comment on the Parking

Program's design. Two town-hall meetings were held via the IV PAC/GPAC and numerous meetings were conducted with the following interest groups:

- UCSB Associated Students
- Commercial Business Owners In Isla Vista
- Isla Vista Association
- Isla Vista property Owners Association
- Surfrider Foundation (Santa Barbara & Isla Vista Chapters)

On April 14, 2004, the IV PAC/GPAC met to consider the Initiation Plan and voted in favor of recommending that the Board approve the Initiation Plan as ~~summarized below~~ proposed. Approximately 70 individuals attended the PAC/GPAC meeting and approximately half of those provided comment regarding specific details of the program. Most of these comments centered on the cost of permits and the need for alternative forms of transportation and a remote parking lot.

The early BOS meetings in which the Board was discussing the adoption of the Isla Vista Parking Program Initiation Plan also generated considerable public interest. Approximately 55 speakers at the May 18, 2004 meeting and 20 speakers at the June 1, 2004 meeting expressed their opinions on the merits of the project.

Public participation in developing the parking program has been a high priority for the County. A web site was developed and is available to disseminate information about the program that includes summaries of each outreach meeting.

## **7.0 APPEALS PROCEDURE**

The action of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant, an aggrieved person, or two members of the Coastal Commission within ten (10) calendar days of the date of the Zoning Administrator's decision.

### **ATTACHMENTS**

- A. Findings
- B. Final Adopted ND and 15162 Letter
- C. Conditions of Approval
- D. Attachment – Pay Station and Signage Examples
- E. Revised Site/Area Plan dated June 28, 2004

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

The Zoning Administrator accepts the Negative Declaration (04NGD-00000-00002) as approved by the Board of Supervisors (with 15162 letter) in conjunction with the Isla Vista Parking Program Initiation Plan, Residential Permit Parking Ordinance and Parking Meter Ordinance. The Negative Declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.

### **2.2 COASTAL DEVELOPMENT PERMIT FINDINGS**

Pursuant to Section 35-169.6, a Coastal Development Permit shall only be issued if all of the following findings are made:

***2.2.1 The proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.***

As discussed in section 6.2 and 6.3 of the staff report, the project, as conditioned, conforms to the applicable policies of the Comprehensive Plan, including the Local Coastal Plan and with the applicable provisions of Article II. Therefore, this finding can be made.

***2.2.2 That the proposed development is located on a legally created lot.***

The project would be located within public rights-of-way owned by the County of Santa Barbara and not on privately owned parcels.

***2.2.3 That the subject property is in compliance with all laws, rules, and regulations pertaining to zoning, uses, subdivisions, setbacks, and any other applicable provisions of this article, and such zoning violation fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal no-conforming uses and structures under section 35-160 et seq.***

As discussed in section 6.3 of the staff report, the project is in compliance with all applicable provisions of Article II. There are no known zoning violations within the public right-of-ways. Therefore, this finding can be made.

**2.2.4 *The development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.***

The physical development associated with the project is minimal (i.e. signs and pay stations). As discussed in section 6.2 of the staff report, the proposed development would not significantly affect any public view to or along the coast. Therefore, this finding can be made.

**2.2.5 *The development is compatible with the established physical scale of the area.***

The proposed structural development consists of approximately 10-12 meter pay stations and 400-500 regulatory/informational signs with maximum heights of approximately five (5) and eight (8) feet, respectively. With the relatively sparse placement of pay stations and signs profile, the proposed development would be compatible with the urban character of the community. Therefore, this finding can be made.

**2.2.6 *The development is in conformance with the public access and recreation policies of Article II and the coastal land use plan.***

The five existing public coastal access locations within the community would remain open and unobstructed to the public. Additionally, the project includes approximately ~~70~~ 106 coastal access parking spaces that have been specifically designated for recreationists who choose to arrive by vehicular means. Therefore, this finding can be made.

Isla Vista Public Works Managed Parking Program (04CDH-00000-00001)

Hearing Date: ~~June 7, 2004~~ Zoning Administrator

Revised September 13, 2004

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## **ATTACHMENT B: ENVIRONMENTAL DOCUMENT**

~~The Board of Supervisors (BOS) is the decision making body for the environmental document. It is anticipated that the BOS will deliberate and take action on the proposed Final Negative Declaration at their scheduled June 1, 2004 meeting in conjunction with the Isla Vista Parking Program Initiation Plan, Residential Permit Parking Ordinance and Parking Meter Ordinance. The Zoning Administrator would subsequently *accept* the document as adequate environmental review for Coastal Development Permit component of the project, if approved. Staff will advise the Zoning Administrator should the BOS revise the Negative Declaration.~~

15162 Letter and Final Adopted ND

## ATTACHMENT C: CONDITIONS OF APPROVAL

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked "Zoning Administrator Hearing Revised Exhibit #1," dated ~~June 7, 2004~~ September 13, 2004, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project is a request by the Santa Barbara County Public Works Department for a Coastal Development Permit to authorize the implementation of a managed parking program for public roadways within the community of Isla Vista. The boundaries of the program are depicted in Exhibit 1. The proposed parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) designated coastal access parking, and (3) residential preferential permit parking (RPP) encompassing all other areas. ~~Two separate RPP zones, Zone A and Zone B, bisected by Camino Corto Road, are proposed.~~

The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. A three to four month long transition community education program would precede implementation of the parking program.

**New physical development associated with the program would be limited to the following:**

**Installation of Pay Stations:** Ten to twelve pay stations would be installed within public right-of-way in the commercial zone district area. Each station measures approximately two feet by two feet and would be mounted on a pole at eye level approximately five (5) feet off the ground. Each pay station would have a sign and light. Stations would be located in paved or previously disturbed and graded areas along the side of the street. Sidewalks will not be obstructed. Trenching within the right-of-way may be required to provide power to pay stations.

Installation of Street Signs: Approximately 400-500 standard street signs would be located in public right-of-way adjacent to the edge of pavement. The number of signs would be the minimum necessary to ensure adequate visibility and to clearly indicate parking regulations; existing sign poles would be used where appropriate. Signs would be spaced approximately 200-250 feet apart. Signs would be approximately 18" by 12" or less in size. The maximum height of the proposed sign posts would be approximately eight (8) feet tall. The exact number, location, size and design of signs will be determined during detail design of the project.

Revised Exhibit 1 depicts the project limits as well as the location of the metered parking zone and the RPP zones, and identifies the location of coastal access parking and meter pay stations.

**CONDITIONS DERIVED FROM MITIGATION MEASURES CONTAINED IN THE PROPOSED-FINAL REVISED ADOPTED NEGATIVE DECLARATION (04NGD-00000-00002):**

2. Street signs and pay stations shall be designed and located in a manner that enhances the visual quality of the streetscape. The design and location shall be compatible with and shall consider enhancement of existing landscape including street trees. **Plan Requirements and Timing:** Prior to issuance of the Coastal Development Permit, sign and pay station design shall be reviewed by P&D and shall receive final approval by the Board of Architectural Review.
3. Lighting for pay stations shall be low intensity, low glare, directed onto the station and shielded. **Plan Requirements and Timing:** Prior to issuance of the Coastal Development Permit, pay station lighting shall receive final approval by the Board of Architectural Review. This requirement shall be included in project plans and specifications.
4. Dust generated by construction activities shall be kept to a minimum with the goal of retaining dust on the site. Dust control measures listed below shall be followed:
  - a. During construction, water trucks and/ or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
  - b. Areas of disturbance shall be minimized. On-site vehicle speeds shall be limited to 15 mph or less.
  - c. Should the importation, exportation, and/ or stockpiling of fill material become necessary, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil

binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

- d. After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, or re-vegetation, or the spreading of soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- e. The contractor shall designate a person or persons to monitor the dust control measures and to order increased watering, as necessary, to prevent the transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District (APCD) prior to land use clearance for grading activity.

**Plan Requirements and Timing:** Requirements shall be included in project specifications and shall be adhered to throughout grading and construction activities.

**Monitoring:** Public Works construction engineer shall monitor for compliance. APCD inspectors shall respond to nuisance complaints.

5. In the event archaeological remains are encountered during grading, work shall be stopped immediately in the vicinity of the find and redirected until a qualified archaeologist and Native American representative are retained to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines. If human remains are unearthed during construction, no further disturbance shall occur until the County Coroner has made the necessary finding as to origin and disposition. **Plan Requirements and Timing:** This requirement shall be included in project specifications. Public Works shall ensure condition is included in specifications and shall spot check in the field.
6. In order to reduce short-term construction noise impacts to less than significant levels, project construction shall be limited to weekdays between the hours of 8 a.m. and 5 p.m. All construction vehicles and equipment shall contain functioning and properly maintained muffler systems. **Plan Requirements and Timing:** This requirement shall be included in project specifications and shall be adhered to throughout construction. Public Works resident engineer shall ensure compliance.
7. Upon implementation of the parking program, the County Public Works and/or Sheriff's Department shall monitor coastal access parking four days per month including two weekend days between 1 pm and 5 pm and two week days. Monitoring will occur for the first six months and then every two years during the life of the program. If occupancy rates exceed 90% on 3 or more days per month, monitoring will continue and the Director of Public Works, in consultation with Surfriders Foundation and the Isla Vista



Association, will implement a metered and/or permit system and/or designate additional coastal access parking along the northern two blocks of Camino Majorca or along Del Playa. The metered and/or permit system may require converting Camino Majorca to a one-way road. **Plan Requirements and Timing:** This measure shall be implemented with the start of the residential parking permit program by County Public Works and/or Sheriff's Department.

8. Street signs and/or brochures shall be installed/available that indicate the location of coastal access parking. **Plan Requirements and Timing:** Public Works shall ensure that signs are installed and/or brochures are made available prior to implementation of the parking program.
  
9. Prior to construction, the contractor shall be required to prepare a water pollution control program that incorporates control measures for soil stabilization, sediment control, sediment tracking, wind erosion and nonstorm water management. Methods such as the use of silt fences, straw bales and drainage diversion structures shall be used to keep silt and pollutants from entering the ocean. **Plan Requirements and Timing:** Project specifications shall include a requirement for the preparation and implementation of a water pollution control plan. Measures shall be implemented throughout grading and construction. Public Works Resident Engineer shall monitor throughout construction and ensure compliance.

#### **CONDITIONS SPECIFIC TO THIS PROJECT**

- ~~10. Approval of this permit is subject to the Board of Supervisors adoption of the Initiation Plan including the Ordinance amending Chapter 23B of the Santa Barbara County regarding the Residential Permit Parking Program and the Ordinance adding Chapter 23D to the Santa Barbara County Code. The Coastal Development Permit shall not be issued prior to the effective date of the aforementioned ordinances adopted by the Board of Supervisors.~~

#### **STANDARD APPEALABLE CDP CONDITIONS**

- ~~110.~~ If the Zoning Administrator determines at a noticed public hearing that the permittee is not in compliance with any conditions of this permit pursuant to the provisions of section 35-169.9 of Article II of the Santa Barbara County Code, the Zoning Administrator may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.

1211. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
1312. The Zoning Administrator's approval of this Appealable CDP shall expire one year from the date of approval or, if appealed, the date of action by the Board of Supervisors or the California Coastal Commission on the appeal, if the permit for use, building or structure permit has not been issued.
1413. The use and/or construction of the building or structure, authorized by this approval cannot commence until the Coastal Development Permit and necessary Building Permits have been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied prior to issuance of the Coastal Development Permit must be satisfied. Plans accompanying this Coastal Development Permit shall contain all project conditions.

BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION TO ESTABLISH A  
PREFERENTIAL RESIDENTIAL  
PARKING PERMIT AREA IN THE ISLA  
VISTA COMMUNITY; TO ESTABLISH  
PARKING, STOPPING, STANDING  
PROHIBITIONS AND RESTRICTIONS  
WITHIN THE PERMIT AREA; AND TO  
DESIGNATE COASTAL ACCESS  
PARKING.

Resolution No. 04-247

WHEREAS, the unrestricted parking by non-resident vehicles in the unincorporated area of Isla Vista creates a situation in which the streets cannot be used for parking by the residents or their guests and that such unrestricted parking substantially and unreasonably, regularly interferes with the use of a majority of the available public street parking; is a source of other interference with the residential environment and detrimentally affects the public welfare; and

WHEREAS, it is necessary to prohibit or restrict parking by non-resident vehicles in the unincorporated area of Isla Vista, while authorizing the use of parking permits to exempt local area residents and merchants, and the guests of local area residents and merchants from such regulation.

WHEREAS, the parking conditions in the unincorporated area of Isla Vista will not be adversely affected by authorizing parking permits for persons who providing key services to local area residents and merchants.

WHEREAS, it is in the best interest of the County of Santa Barbara to establish parking restrictions and prohibitions in the Isla Vista community, while at the same time establishing a preferential parking permit program to exempt residents, merchants, and their guests and service providers from such restrictions and prohibitions.

WHEREAS, it is in the best interest of the County of Santa Barbara to designate coastal access parking areas in the Isla Vista community;

<b>EXHIBIT 8</b>
<b>A-4-STB-04-124</b>
<b>Amendment to County Code</b>

WHEREAS, the County of Santa Barbara's Department of Public Works, in cooperation with other county departments, has studied and received extensive public comments concerning the parking conditions in Isla Vista and based thereon is recommending establishment of parking restrictions and prohibitions for the Isla Vista area, in the locations and manner described herein;

NOW, THEREFORE, the Board of Supervisors does resolve as follows:

Pursuant to Section 22507 of the California Vehicle Code and County Code Chapter 23B:

- A. A Residential Parking Permit Area shall be established for:
1. All streets east of the centerline of Camino Pescadero and extending as far as the University of California at Santa Barbara campus boundary, but not including areas designated as metered parking pursuant to Section 22508 of the California Vehicle Code and County Code Chapter 23D, or areas designated coastal access parking pursuant to this Resolution and County Code Chapter 23B.
  2. All streets west of the centerline of Camino Pescadero, and extending as far as Camino Corto north of Estero Road, and extending as far as Fortuna Lane, the end of Fortuna Road, and Camino Majorca south of Estero Road, but not including areas designated as coastal access parking pursuant to this resolution and County Code Chapter 23B.
- B. In accordance with the provisions of County Code Chapter 23B, parking permits shall be issued to bone fide residents and merchants of the Parking Permit Area described in section A above, and to persons providing services to such residents and merchants.
- C. The parking of vehicles not displaying a valid residential parking permit or guest permit, and not otherwise exempt under County Code Chapter 23B, §23B-23, shall be prohibited 24 hours a day Monday through Friday, and prohibited between the hours of 12:00 P.M. and 5:00 A.M. Saturday and Sunday, on all streets east of the centerline of Camino Pescadero and extending as far as the University of California at Santa Barbara campus boundary, but not including areas designated as metered parking pursuant to Section 22508 of the California Vehicle Code and County Code Chapter 23D, or areas

designated coastal access parking pursuant to this Resolution and County Code Chapter 23B.

D. The parking of vehicles not displaying a valid residential parking permit or guest permit, and not otherwise exempt under County Code Chapter 23B, §23B-23, shall be restricted to 1-hour parking 24 hours a day Monday through Friday, and restricted to 1-hour parking between the hours of 12:00 P.M. and 5:00 A.M. Saturday and Sunday, on all streets west of the centerline of Camino Pescadero, and extending as far as Camino Corto north of Estero Road, and extending as far as Fortuna Lane and Camino Majorca south of Estero Road, but not including areas designated as coastal access parking pursuant to this Resolution and County Code Chapter 23B.

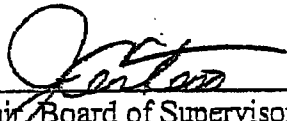
E. Coastal Access Parking.

1. Parking shall be restricted to 4-hours between the hours of 5:00 A.M. and 10:00 P.M., and prohibited between the hours of 10:00 P.M. and 5:00 A.M. everyday in the following areas hereby designated as Coastal Access Parking:
  - a. Camino Lindo south of Sabado Tarde Road (approximately 10 designated spaces);
  - b. Del Playa Drive at Camino Del Sur (approximately 4 designated spaces);
  - c. Del Playa Drive at Camino Lindo (approximately 14 designated spaces); and
  - d. Camino Majorca (approximately 65 designated spaces).
2. Parking shall be restricted to 4-hours, 24 hours a day, everyday in the following areas hereby designated as Coastal Access Parking:
  - a. Del Playa Drive at El Embarcadero (approximately 4 designated spaces); and
  - b. Del Playa Drive at Camino Pescadero (approximately 4 designated spaces).

F. Vehicles displaying a valid residential parking permit or guest permit shall not be exempt from parking restrictions and prohibitions applicable in areas designated Coastal Access Parking.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of September, 2004, by the following vote:

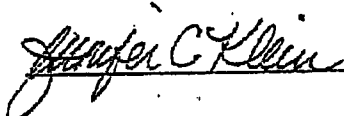
AYES: Supervisors Schwartz, Rose, Marshall, Gray and Centeno  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
Chair, Board of Supervisors  
County of Santa Barbara

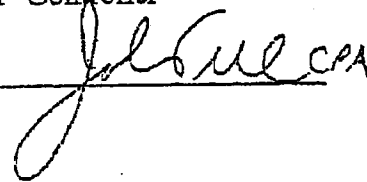
ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By   
\_\_\_\_\_  
Deputy Clerk

Approved as to Form:

  
\_\_\_\_\_  
Deputy County Counsel

Approved as to Form:  
Auditor - Controller

By   
\_\_\_\_\_  
CPA

ORDINANCE NO. 4542

AN ORDINANCE OF THE BOARD OF SUPERVISORS AMENDING CHAPTER 23B OF THE SANTA BARBARA COUNTY CODE BY ADDING PROVISIONS RELATING TO PERMIT PARKING PROGRAM REQUIREMENTS AND DELETING PROVISIONS INCONSISTENT WITH ADDED PROVISIONS.

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 23B, Permit Parking Program, of the Santa Barbara County Code is hereby amended by the following additions and deletions:

**Sec. 23B-1. Authority and Title.**

This chapter is enacted pursuant to authority granted by sections 22507 and 22507.5 of the California Vehicle Code to alleviate serious problems in identified residential areas of the unincorporated area of the county due to motor vehicle congestion, particularly the long term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes.

This chapter shall be known as the permit parking program, and will hereinafter be referred to as this "chapter." (Ord. No. 4152, § 1)

**Sec. 23B-2. Definitions.**

For purposes of this chapter and any implementing resolutions, the following words and phrases shall have the meanings ascribed to them by this section:

- (a) "Director" means the Director of Public Works or his/her designee.
- (b) "Hotel" means a building or group of buildings or portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty consecutive days

including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses.

(c) "Motor vehicle" means a motor vehicle as defined by section 415, or as hereinafter amended, of the California Vehicle Code.

(d) "Park" or "parking" means the standing of a motor vehicle or vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(e) "Permit parking area" means a designated area for which a parking permit is required pursuant to this chapter or any resolution adopted to implement this chapter.

(f) "Permit parking zone" means a permit parking area.

(g) "Permitted vehicle" means a motor vehicle for which a permit has been issued.

(h) "Stop" or "stopping" means any cessation of movement of a motor vehicle or vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device or signal.

(i) "Vehicle" means a vehicle as defined by section 670 of the California Vehicle Code and successor statutes. (Ord. No. 4152, § 1)

#### **Sec. 23B-3. Designation of permit parking area.**

The Santa Barbara County Board of Supervisors (Board of Supervisors) may designate by resolution any area of the unincorporated area of the County of Santa Barbara, which meets the criteria established by this chapter, as a permit parking area wherein the stopping, parking or standing of a motor vehicle or vehicle is prohibited or otherwise restricted. (Ord. No. 4152, § 1)

#### **Sec. 23B-4. Designation of criteria.**

In determining whether to designate an area as a permit parking area or to establish or to modify parking exemptions or restrictions within all or any portion(s) of that area, the Board of Supervisors may consider at least the following criteria:

(a) The extent to which the residents and merchants of an area desire and need permit parking;



(b) The extent to which on-street parking spaces are (1) available for use by motor vehicles and vehicles owned by residents and merchants and their guests, and (2) not occupied by motor vehicles or vehicles owned by other persons;

(c) The size and configuration of the area as it relates to enforcement of parking and traffic regulations and the potential impact of parking and traffic congestion on this and adjacent areas as the result of the establishment of a permit parking area. (Ord. No. 4152, § 1)

**Sec. 23B-5. Initiation, written report, hearing.**

(a) Upon the authorization of the Board of Supervisors, the Santa Barbara County Public Works Department (Public Works Department) shall undertake and hold such surveys, studies or public meetings deemed necessary in order to prepare a written report. The Public Works Department shall thereafter submit a written report to the Board of Supervisors on the establishment of the proposed parking area.

(b) Publication shall be made pursuant to Government Code section 6066 of a notice of a hearing to be held before the Board of Supervisors for the adoption of a resolution establishing a permit parking area pursuant to this chapter, which notification shall include the location where a copy of the written report is available for public inspection ten days before the public hearing.

(c) The designation process and the designation criteria set forth in this chapter shall be used by the Board of Supervisors to modify or terminate a permit parking area. (Ord. No. 4152, § 1)

**Sec. 23B-6. Written report.**

The written report required by section 23B-5, subdivision (a), shall include, but shall not be limited to, the following:

- (a) Boundaries of proposed permit parking area;
- (b) Existing and proposed parking restrictions which may vary within a permit parking area;
- (c) Information generated by surveys, studies and public meetings;
- (d) Information upon which the Board of Supervisors may determine whether the criteria set forth in section 23B-4 of this chapter have been satisfied;
- (e) Any other relevant information. (Ord. No. 4152, § 1)

**Sec. 23B-7. Designation of streets within a permit parking area.**

The Board of Supervisors may, at the time a permit parking area is established or modified, establish parking, stopping, standing prohibitions or restrictions for all or a portion of that area by resolution. (Ord. No. 4152, § 1)

**Sec. 23B-8. Issuance.**

(a) The Director shall issue parking permits. There shall be three categories of parking permits: (1) Annual Residential Permits, (2) Short-term Permits, and (3) Guest Permits. Except for Guest Permits, no more than one permit shall be issued for each vehicle for which application is made. Each permit issued shall reflect by statements thereon or by color thereof, or both, the particular residential parking area for which the permit is issued, the license number of the vehicle for which the permit is issued, and the duration of the permit.

(b) Parking permits may only be issued for use with vehicles, passenger motor vehicles, motor driven cycles, and trucks of three-quarter ton capacity or less. No parking permit may be issued for use by any other vehicles, including but not limited to motor vehicles in excess of three-quarter ton capacity, recreational motor homes, motor vehicles not legally licensed to travel on a public highway, or motor vehicles exceeding seven feet six inches in height or twenty-two feet in length.

(c) Annual or Short-term permits may only be issued to the following:

(1) Persons residing or owning property in the parking permit area, upon showing sufficient evidence of residency status and/or ownership, as determined by the Director; and

(2) Merchants located in the parking permit area, upon showing sufficient evidence of merchant status and location in the parking permit area, as determined by the Director; and

(3) Persons providing services to residents and/or merchants located in the parking permit area, upon showing sufficient evidence of service provider status and operations within the parking permit area, as determined by the Director.<sup>1</sup>

(d) Guest permits may only be issued to the following, for use by their guests:

(1) Persons residing or owning property in the parking permit area upon showing sufficient evidence of residency and/or ownership, as determined by the Director; and

(2) Merchants located in the parking permit area upon showing sufficient evidence of merchant status and location in the parking permit area, as determined by the Director.

#### Sec. 23B-9 Application.

Each application for a parking permit shall contain such information as the Director deems necessary for the proper processing of the application. The application shall also contain a statement to the effect that the applicant agrees that the permit applied for may not be sold or transferred in any manner.

#### Sec. 23B-10 Parking Permits – Categories

The following categories of parking permits shall be available for purchase upon application:

(a) Annual Residential Permits. Permits issued for one year shall be valid from July 1st of the year issued to June 30st of the following year. An annual residential permit that does not indicate the license plate number of the vehicle on which it is displayed shall be invalid.

(b) Short-term Residential Permits.

(1) Monthly Permits. A monthly permit shall only be valid for the month for which it is issued. A monthly permit that does not indicate the license plate number of the vehicle on which it is displayed shall be invalid. A monthly permit that does not indicate the month for which it is issued shall be invalid. Monthly permits may only be issued for use in residential permit areas within one (1) mile of a college or university campus as determined by the Director.

(2) Temporary Permits. The Director may authorize the issuance of temporary parking permits. Temporary parking permits shall not be valid for more than forty-five (45) consecutive days. A qualified person may obtain no more than three (3) temporary permits in any twelve-

month period. Temporary permits may not be issued for use in residential permit areas within one (1) mile of a college or university campus as determined by the Director.

(c) Guest Permits. Residents and merchants of a parking permit area may be issued guest permits for use within the parking permit area by their guests. Owners or operators of hotels located within a residential parking permit area may purchase guest permits for the use of hotel guests. Guest permits shall be valid for 24 consecutive hours from the date and time of permit activation. A guest permit that does not indicate the license plate number of the guest vehicle on which it is displayed shall be invalid.

#### **Sec. 23B-11 Permit Validity.**

(a) A Parking Permit shall be valid for the duration of the term of the permit, except that prior to expiration of the term of the permit, either of the following occurrences shall invalidate the permit:

- (1) A change in ownership of the vehicle for which the permit is issued; or
- (2) A change in residency address by the permittee.

A Parking Permit shall be destroyed by the permittee upon a change in ownership of the vehicle for which it is issued, or upon a change in residency address by the permittee. The permittee shall promptly report such destruction to the Director.

#### **Sec. 23B-12 Low Income Persons.**

The Director shall make parking permits available at a discounted rate to qualified persons that also demonstrate significant financial need. Subject to approval by the Board of Supervisors, the Director shall adopt rules and regulations establishing the evidence necessary to demonstrate significant financial need.

#### **Sec. 13B-13. [Repealed].**

#### **Sec. 23B-14. Exemptions from parking permit restrictions.**

(a) A motor vehicle on which is displayed a valid, unrevoked parking permit as provided for herein is exempt from any prohibitions or restrictions established pursuant to section 23B-3 of this chapter, provided that such motor vehicle is stopped, standing or parked in the permit parking area or portion thereof for which the permit is issued.

(b) A parking permit shall not guarantee the holder thereof to an on-street parking space in the designated permit parking area.

(c) Motor vehicles displaying a valid parking permit will be subject to applicable California Vehicle Code sections and all on-street parking restrictions and limitations, except those restrictions and limitations imposed pursuant to section 23B-3 of this chapter. (Ord. No. 4152, § 1)

#### **Sec. 23B-15. Permit Applications.**

(a) The Director shall develop and adopt the forms for the applications to be submitted for applications for parking permits.

(b) Applications for parking permits shall be submitted to the Director.

(c) The Director shall approve or reject applications for parking permits, and shall issue parking permits authorized by this chapter.

(d) Annual permits may be renewed, if at all, in the manner required by the Director in accord with the rules and regulations that are adopted pursuant to section 23B-17 of this chapter. No permit, other than an Annual Permit, may be renewed. (Ord. No. 4152, § 1)

#### **Sec. 23B-16. Replacement of Permits damaged, lost, or stolen.**

Upon payment of a fee established by the Board of Supervisors by resolution, an annual or short-term parking permit that has been damaged, lost, or stolen may be replaced with a new permit. The damaged, lost, or stolen permit shall be considered void. Use of any such voided permit is prohibited. Guest permits shall not be eligible for replacement due to damage, loss, or theft.

#### **Sec. 23B-17. Fees.**

Fees for implementing this chapter may be established by resolutions by the Board of Supervisors and such fees shall recover the actual costs incurred in the establishment, the

administration, the operation and the enforcement of the parking permit program authorized pursuant to this chapter. (Ord. No. 4152, § 1)

**Sec. 23B-18. Rules and regulations.**

The Director, in consultation with the Sheriff's Department, may adopt rules and regulations consistent with the purposes and provisions of this chapter to facilitate implementation of this chapter, which rules and regulations may include, but need not be limited to, procedures for application, issuance, suspension or revocation of permits, and provision for a limitation on the number of permits that may be issued. The rules and regulations shall be approved by the Board of Supervisors. (Ord. No. 4152, § 1)

**Sec. 23B-19. Posting permit areas.**

Upon adoption by the Board of Supervisors of a resolution designating a residential parking permit area, the Director shall cause appropriate signs to be erected, indicating prominently thereon the parking limitation(s), period(s) of the day for its application, and the fact that motor vehicles with valid permits shall be exempt therefrom.

**Section 23B-20 Revocation for misuse.**

(a) The Director is authorized to revoke a parking permit of any person found to be in violation of any of the provisions of this chapter and, upon the written notification thereof, such person shall surrender the permit to the Director or prove its destruction or disfigurement to the Director's satisfaction.

(b) Any person whose parking permit has been revoked shall not be issued a new permit until the expiration of a period of one year following the date of revocation and until such person has made required application therefore and has paid the fee required for the permit.

**Sec. 23B-21. Violations and enforcement.**

(a) No person shall falsely represent himself/herself as eligible for a parking permit or furnish false information in an application for a parking permit.

(b) No parking permit which has been issued shall thereafter be assigned or transferred and any such assignment or transfer shall be void.

(c) No person shall copy, produce, or create a facsimile or counterfeit parking permit, nor shall any person use or display a facsimile or counterfeit parking permit.

(d) No person shall park or leave standing in a parking permit area a vehicle on which is displayed a parking permit which has been issued pursuant to the provisions of this chapter for a different vehicle.

(e) No person whose parking permit has been revoked shall refuse or fail to surrender the permit to the Director when so requested by the Director in writing.

(f) A violation of this section shall constitute grounds for permit revocation and shall be an infraction punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of this section within one year; and (3) a fine not exceeding five hundred dollars for each additional violation of this section within one year. (Ord. No. 4152, § 1)

**Sec. 23B-22. Towing.**

The Board of Supervisors may, pursuant to section 22651, subdivision (n), of the California Vehicle Code, provide for the towing of motor vehicles and vehicles which violate the prohibitions or restrictions set forth in any resolution establishing a permit parking area. (Ord. No. 4152, § 1)

**Sec. 23B-23. Exemptions.**

The following vehicles shall be exempt from the parking restrictions imposed by this chapter:

(a) A motor vehicle owned or operated under contract to a utility, whether privately or publicly owned, when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated parking permit area.

(b) On approval of the Director and consistent with rules and regulations promulgated by the Director pursuant to Sec. 23B-18 of this Chapter, construction and construction related

equipment otherwise authorized and permitted to park on-street pursuant to all applicable state and local laws.

(c) A motor vehicle identified as owned by or operated under contract to a governmental agency and being used in the course of official government business.

(d) Any authorized emergency vehicle as defined by California Vehicle Code section 165.

(e) Any motor vehicle displaying a permit in conformance with section 23B-14 of this Chapter.



SECTION 2:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the board of supervisors voting for and against the same, in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this 27th day of July, 2004, by the following vote:

AYES: Supervisor's Schwartz, Gray and Centeno

NOES: None

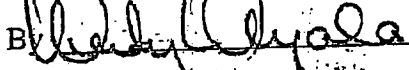
ABSTAIN: None

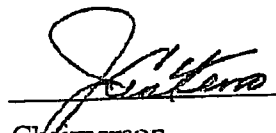
ABSENT: Supervisor's Rose and Marshall

ATTEST:

MICHAEL F. BROWN

CLERK OF THE BOARD

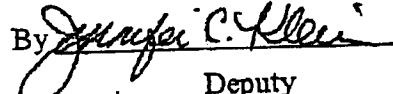
By   
Deputy Clerk

  
Chairperson  
Board of Supervisors of the  
County of Santa Barbara

APPROVED AS TO FORM:

STEPHEN SHANE STARK

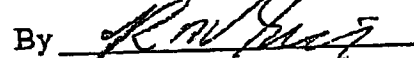
COUNTY COUNSEL

By   
Deputy

APPROVED AS TO ACCOUNTING FORM:

ROBERT W. GEIS

AUDITOR-CONTROLLER

By 

ORDINANCE NO. 4543

AN ORDINANCE ADDING CHAPTER 23D TO THE SANTA BARBARA COUNTY CODE TO AUTHORIZE PARKING METERS IN DESIGNATED LOCATIONS IN THE UNINCORPORATED AREA OF THE COUNTY AND SETTING FEES THEREFORE.

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

The Santa Barbara County Code is hereby amended by adding a new Chapter 23D to read as follows.

**Sec. 23D-1. Authority and Title**

This chapter is enacted pursuant to authority granted by sections 22508 of the California Vehicle Code. This chapter may be referred to as the parking meter program.

**Sec. 23D-2. Definitions.**

"Parking Meter" shall mean any device controlled by the County which is designed, upon the lawful deposit of a fee, to measure in minutes or hours the period of time during which a vehicle may be parked in the parking space for which the fee was deposited, and so constructed or equipped that the same will, upon expiration of the time for which such fee was deposited, indicate such expiration of time. Parking meter shall include pay station devices that control multiple parking spaces.

**Sec. 23D-3. Zones.**

Parking meter zones are hereby established for the following areas:

1. Isla Vista Downtown Commercial Area:
  - A. The Embarcadero Loop: Both sides of Embarcadero Del Mar and Embarcadero Del Norte, bounded by Pardall Road;
  - B. Both sides of Trigo Road, bounded on the east by Embarcadero Del Mar and extending approximately 260 feet to the west;
  - C. The north side of Trigo Road, bounded on the west by Embarcadero Del Norte and extending approximately 260 feet to the east;

- D. The south side of Trigo Road, bounded on the west by Embarcadero Del Norte and extending approximately 180 feet to the east;
- E. Both sides of Seville Road, bounded on the east by Embarcadero Del Mar and extending approximately 240 feet to the west;
- F. Both sides of Seville Road, bounded on the west by Embarcadero Del Norte and extending approximately 150 feet to the east;
- G. Both sides of Madrid Road, bounded on the east by Embarcadero Del Mar and extending approximately 160 feet to the west;
- H. Both sides of Madrid Road, bounded on the west by Embarcadero Del Norte and extending approximately 170 feet to the east;
- I. Both sides of Pardall Road, bounded on the east by Embarcadero Del Mar and extending approximately 260 feet to the west;
- J. The north side of Pardall Road, bounded on the west by Embarcadero Del Norte and extending approximately 330 feet to the east;
- K. The south side of Pardall Road, bounded on the west by Embarcadero Del Norte and extending approximately 250 feet to the east;
- L. Both sides of Pardall Road, bounded on the west by Embarcadero Del Mar and Embarcadero Del Norte on the east;
- M. Both sides of Embarcadero Del Mar, bounded on the south by Pardall Road and extending approximately 170 feet to the north; and
- N. Both sides of Embarcadero Del Norte, bounded on the south by Pardall Road and extending approximately 210 feet to the north.

All measurements are estimated from the center-line of the corresponding street, and are approximations.

**Sec. 23D-4. Hours of Operation.**

The hours of operation shall be from 7:00 AM to 8:00 PM, seven days per week, holidays excluded.

**Sec. 23D-5. Fees.**

Parking meter fees shall be .40 cents per fifteen minutes. The maximum amount of meter time that may be purchased at a time is forty-five (45) minutes, except that parking meter controlled parking spaces reserved for coastal access parking shall allow at least four (4) hours of time to be purchased at a time. Signs shall clearly designate parking meter controlled spaces that are reserved for coastal access parking.

**Sec. 23D-6. Time limits enforced at inoperable meters.**

In the event that a parking meter is rendered inoperable due to mechanical or other failure, the parking space or spaces controlled by that parking meter shall be treated as a forty-five (45) minute parking zone until such time as the parking meter is operational. It is a violation of this Chapter for a vehicle to remain parked in a parking space controlled by an inoperable meter beyond forty-five (45) minutes.

**Sec. 23D-7. Unlawful to extend time beyond limit.**

It is unlawful and a violation of this Chapter for any person to purchase additional time for a parking meter controlled parking space for the purpose of increasing or extending the parking time of any vehicle beyond the maximum amount of meter time that may be purchased.

**Sec. 23D-8. Violations.**

No person shall do any of the following:

1. Fail to pay the parking meter fee immediately after parking a vehicle in a parking meter zone during the parking meter hours of operation.
2. Deposit in a parking meter a defaced coin, slug, foreign object, or counterfeit bill.
3. Pay the parking meter fee by illegal or fraudulent use of a credit card or other means of electronic payment.
3. Deface, injure, or tamper with any part of a parking meter.
4. Deface, injure, or tamper with the parking stall numbers painted on the street
5. Attach any article to a parking meter.

6. Allow a vehicle owned or operated by such person to remain parked in a parking meter controlled parking space after the purchased time has expired. This provision does not apply to the period necessary after initial occupancy of a parking meter controlled parking space for the immediate deposit of the parking meter fee.

7. Park a vehicle across a line or marking designating a parking meter controlled parking space.

8. Allow a vehicle parked by such person to remain in a parking meter controlled parking spot after receipt of a citation for failure to pay the parking meter fee.

**Sec. 23D-9 Evidence.**

The parking of a vehicle in a parking meter controlled parking space for which the purchased time recorded on the parking receipt and recorded by the parking meter has expired shall constitute prima facie evidence that the vehicle has been parked in such space longer than permitted by this section. If there is a discrepancy between the time recorded on the parking receipt and the time recorded by the parking meter, the latter shall control.

**Sec. 23D-10. Defense.**

Mechanical or other failure of a parking meter shall be a defense to a citation for failure to pay the parking meter fee provided that the person cited is not responsible for such failure.

**Sec. 23D-11. Enforcement.**

A violation of this section shall constitute an infraction punishable by a fine not to exceed \$100.

SECTION 2.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the board of supervisors voting for and against the same, in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this 27th day of July, 2004, by the following vote:

AYES: Supervisor's Schwartz, Gray and Centeno

NOES: None

ABSTAIN: None

ABSENT: Supervisor's Rose and Marshall

ATTEST:

MICHAEL F. BROWN

CLERK OF THE BOARD

By Michael F. Brown  
Deputy Clerk

[Signature]  
Chairperson  
Board of Supervisors of the  
County of Santa Barbara

APPROVED AS TO FORM:

APPROVED AS TO ACCOUNTING

FORM:

STEPHEN SHANE STARK  
COUNTY COUNSEL

By [Signature]  
Deputy

ROBERT W. GEIS  
AUDITOR-CONTROLLER

By [Signature]