

CALIFORNIA COASTAL COMMISSION

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



Th20f

ADDENDUM

DATE: May 6, 2019

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th20f, City of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-18-0062-1 (LUP Update), Thursday, May 9, 2019

The purpose of this addendum is to attach and respond to three letters of public correspondence regarding the staff recommendation.

Attached to this addendum are three letters of correspondence from William Rehling on behalf of the organization Accessible Santa Barbara. In part, the letters support the staff recommendation with regard to the proposed policies of the LUP and suggested modifications that seek to improve public coastal access. However, these letters also state that the proposed policies of the LUP, with suggested modifications, are less protective of public coastal access parking than the existing certified LUP, and the letters provide changes to the proposed policies of the LUP for consideration. Staff would note that the proposed policies of the LUP and the suggested modifications are a result of substantial and lengthy coordination between City staff and Commission staff that resulted in a compromise that is protective of public coastal access parking as required by the Chapter 3 policies of the Coastal Act.

Staff would further note that the proposed LUP policies contain greater specificity for the protection of public coastal access parking than the existing certified LUP. Due to the fact that the City provides and manages eleven public parking lots containing over 2,400 public parking spaces that are sited throughout the City's waterfront area, the proposed LUP policies appropriately designate these parking spaces as Key Public Access Parking Areas in order to preserve the existing supply of public access parking within these areas. Proposed Policy 3.1-30 *Preserve Existing Key Public Access Parking* only allows a permanent restriction or reduction of public parking in these areas to occur if the restriction or reduction does not result in a significant adverse impact to public access. Suggested Modification No. 8 to this policy ensures that mitigation requirements for any impacts to public access pursuant to any such restrictions or reductions are clear.

The three public comment letters from Accessible Santa Barbara also assert that existing public parking outside of the Key Public Access Parking Areas is not sufficiently protected pursuant to the proposed policies of the LUP update. However, while there are many policies that protect the Key Public Access Parking Areas, the LUP also contains several policies that protect existing public parking in other areas of the Coastal Zone. Proposed Policy 3.2-29 *Off-Street Parking for New Development and Substantial Redevelopment* ensures that any reduction of off-street

parking requirements for new development and substantial redevelopment that has the potential to adversely impact public access parking is evaluated for such impacts. If the evaluation determines that a reduction to off-street parking requirements has the potential to adversely impact public access parking, the reduction shall not be permitted. In addition, proposed Policies 3.1-15 *Coastal Access Parking* and 3.1-16 *Parking Supply and Management* more broadly require that the City maximize, maintain, and improve coastal access parking throughout the Coastal Zone.

Via E-Mail only

To: Megan Sinkula, CCC
From: William Rehling, Accessible Santa Barbara
Date: May 6, 2019

Dear Megan,

Just supplementing our letters of May 3, 2019, letter and May 4, 2019, with two updates:

First, we have updated our proposed slide which we hope to show the Commission in public comment on Thursday. We made minor adjustments to the highlighting of certain coastal zone streets which provide convenient, free, road shoulder parking serving the Harbor, West Beach, the Wharf, and East Beach -- some of the parking which will no longer be preserved by any policy due to LCP-4-SBC-18-0062's innovation of stating in its coastal visitor parking policies, that their protections only apply to a small fraction of the coastal zone's current road shoulder visitor parking. See attached.

On May 5, 2019, we took a detailed census of these streets and found over 1100 free road-shoulder parking spaces which as shown on the map are all quite conveniently located for coastal visitors. One could quibble over how many parking spaces are offered on a particular block since the City does not paint or otherwise mark individual street parking stalls. However, even if every such question were resolved by reducing the count, it is clear that our estimate of 1,000 parking spaces in our May 4, 2019 letter, was low.

We continue to believe it is essential for Chapter 3 conformity, that the existing LUP's protection of these parking spaces for coastal visitors, *not* be removed by the proposed LUP policies which propose to protect only certain parking spaces designated by the City as "key" and not *any* of these 1,100 (nor most other road shoulder parking throughout the coastal zone).

Second, as we pointed out, the City proposes to replace the clean simplicity of current LUP Policy 11.5 ("All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs") with a proposed Policy 3.1-29 which includes no standard at all.

Today we wish simply to add a comment regarding the impermissible circularity of the City's proposed replacement Policy 3.1-29.

Policy 3.1-29 Off-Street Parking for New Development and Substantial Redevelopment.

A. Parking standards in the Zoning Ordinance are designed to ensure sufficient off-street parking is provided for new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Off-street parking for new development and substantial redevelopment, therefore, shall be consistent with the Zoning Ordinance. (emphasis added).

In place of the clarity of "new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs" (current policy 11.5), proposed Policy 3.1-29 instead sets the policy goal merely as compliance with the Implementation Plan (IP).

This does not articulate a cognizable coastal access policy at all and therefore does not meet the requirements of, nor conform with, Chapter 3 of the Coastal Act. The LUP is the standard of review for the IP. Therefore an LUP policy cannot refer back to the IP as the standard to be met.

As you may know, the City recently created an entirely new zoning ordinance for which it hopes to gain certification despite its wholesale reduction in parking requirements for development. Imagine then, the task of the Commission when asked to evaluate whether the new zoning ordinance's reduction in on-site parking requirements, complies with the LUP. The analysis will be whether the zoning ordinance conforms with the zoning ordinance.

This is not an outcome consistent with Chapter 3 policies.

We are aware that Commission staff previously pointed out this circularity to the City, and asked the City instead to articulate a standard independent of the IP (much as current policy 11.5 achieves). We ask that the Commission not approve a proposed LUP Policy which states as the standard only that new development should supply whatever parking is required by the IP as applied and interpreted by the City.

It is important to note that City staff freely acknowledges that the current Zoning Ordinance does *not* require a development to meet the parking demand it generates. Please see attached hereto a recent letter from

City staff to an applicant, regarding a development in the appealable jurisdiction of the coastal zone.

The letter states:

Staff is supportive of the re-use of the existing building in the Funk Zone and maintaining or proposing uses in the building that are allowed uses in the OC Zone. While *the proposal may be viewed as meeting the parking requirement of the Zoning Ordinance, in order for the Planning Commission to approve the Coastal Development Permit, the Commission must be able to make several findings that the project is supplying adequate parking for the development.* The number of total proposed seats appears very low compared to the overall interior and exterior square footage dedicated to customers.

(Oct. 25, 2018 letter from City to applicant, at 2 (emphasis added)).

Later in the letter, City transportation staff cite to ITE demand studies showing that parking demand at this development will occur at "significantly higher rates than the Zoning Ordinance requires":

2. Parking Demand. LCP Policy 11.5 states that all new development in the waterfront area shall provide adequate off-street parking to fully meet their peak needs.

* * * *

However, when analyzing "peak" parking needs (e.g., Friday and Saturday evening) per LCP Policy 11.5, parking demand studies by the Institute of Traffic Engineers (ITE) show *significantly higher rates than the Zoning Ordinance requires* (up to 0.49 vehicles/seat and 16.4 vehicles/1,000 square feet). Therefore, Transportation Staff believes the peak parking demand will not be met during peak times and that spill over to the already impacted on-street public parking could occur on a consistent basis.

(Oct. 25, 2018 letter at 3-4 (emphasis added)).

Note the City's citation to Policy 11.5 as the reason this development (across the street from the beach on one of the red lined streets in our attached diagram) must provide adequate parking. If the Commission allows the City to jettison current Policy 11.5 in favor of proposed Policy 3.1-29,

and also drop the current protection for road shoulder parking as we previously discussed at length, the City as of May 9, 2019 (it requested immediate effect of the LUP amendments) will drop its request for this project to provide adequate on site parking, and this project will become the first of many suddenly freed from meeting their parking demand due to these LUP changes.

We would likely appeal this particular project (11 Anacapa Street and 29 E. Cabrillo Boulevard) at that point, to bring the Commission's attention, potentially just a few weeks from now, to the immediate consequences of approval of an LUP which does not meet the requirements of nor conform with Chapter 3 coastal access policies. But we believe that both the applicant and the City would argue at that point that our appeal presents no substantial issue, because (1) the new LUP no longer requires parking demand to be met, (2) the new LUP sets the zoning ordinance as the standard for LUP compliance, and (3) the new LUP exempts the impacted free road shoulder parking from consideration, even though it is across the street from the beach, because the parking on this street is not "key."

We ask again that the replacement LUP not be approved until it protects free road shoulder parking for coastal visitors to the same extent as the existing LUP.

Again, thank you for considering our concerns.

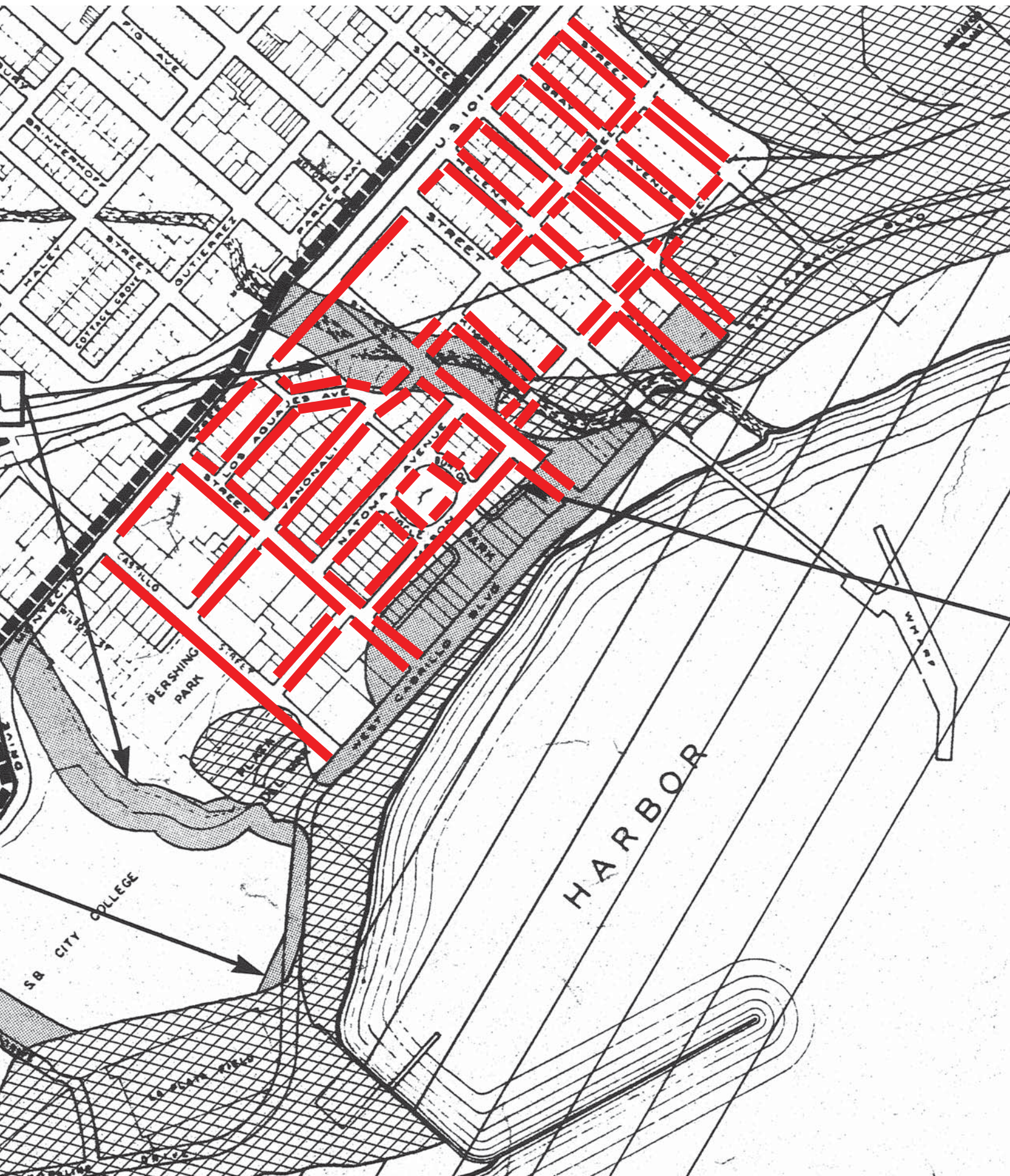
Best regards,

William Rehling
Accessible Santa Barbara
P.O. Box 22013
Santa Barbara CA 93121-2013
(805) 880-4724
AccessibleSB@gmail.com

attachments:

Map of free road shoulder parking no longer to be protected
October 25, 2018, letter from City to development applicant

Convenient, free, road-shoulder parking to be unprotected under new LUP.



THE MARKED STREETS WERE FOUND IN A MAY 5, 2019, CENSUS TO OFFER 1100 FREE, ROAD-SHOULDER PARKING SPACES FOR COASTAL VISITORS.



City of Santa Barbara

Planning Division

30-DAY DEVELOPMENT APPLICATION REVIEW TEAM (DART) COMMENTS – SUBMITTAL #1

October 25, 2018

Ed DeVicente
DMHA
1 N Calle Cesar Chavez
Santa Barbara, Ca 93103

SUBJECT: 11 ANACAPA, MST2017-00009, APN: 033-112-010

Dear Mr. DeVicente:

I. INTRODUCTION

The City received the development application for the subject project for 30-day review on September 25, 2018. The project consists of remodeling and adaptive re-use of the existing 11,201 net square foot warehouse building located at 11 Anacapa Street. The project includes, but is not limited to: conversion of 2,500 net square feet to a restaurant use with outdoor patio; conversion of 1,291 net square feet to retail; demolition of 1,310 net square feet of second floor area; parking lot and accessibility improvements; and a new trash enclosure and transformer. Initially, staff thought the project could qualify for a coastal exemption, but based on feedback from Coastal Commission staff, we have determined that a coastal development permit is required for the change of use. The information reviewed by the DART included plans received September 25, 2018 and updated October 3, 2018, and a coastal development permit application. The project site is zoned OC/SD-3.

The City has 30 days from the date a development application is accepted for processing to determine if the application is "complete" (i.e., contains all of the required information necessary for project analysis and decision). During the 30-day application review period, the development application is forwarded to various City land development departments and divisions for their review, comments, and completeness determination. The City is required to notify a project proponent within the 30-day application review period of its determination as to development application completeness.

If a development application is determined to be "incomplete," the City will specify in writing to the project proponent the additional information required. The application will be placed "on-hold" until the required information is received. Not later than 30 days from receipt of the additional information, the City will again determine if the application is "complete." If the application remains incomplete, the City will again transmit its determination to the project proponent and specify the additional information required. If the City determines the application is "complete," processing will continue. Further processing includes environmental review of the proposed project, analysis for compliance with applicable plans, policies, ordinances, codes, etc., and action on the proposed project application by the appropriate decision-making body(ies).

Also, during the 30-day application review period, I was assigned as the lead contact regarding this project. Any questions or concerns you may have relative to the processing of the development application should be directed to me at (805) 564-5470 or by e-mail at ADebusk@SantaBarbaraCA.gov.

II. REQUIRED DISCRETIONARY APPLICATIONS

You have applied for the following discretionary approvals:

A Coastal Development Permit (CDP2018-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

III. STAFF SUPPORTABILITY

Staff is supportive of the re-use of the existing building in the Funk Zone and maintaining or proposing uses in the building that are allowed uses in the OC Zone. While the proposal may be viewed as meeting the parking requirement of the Zoning Ordinance, in order for the Planning Commission to approve the Coastal Development Permit, the Commission must be able to make several findings that the project is supplying adequate parking for the development. The number of total proposed seats appears very low compared to the overall interior and exterior square footage dedicated to customers. For further detail regarding this concern, see the Transportation Division's comment in the Advisory Section, below.

IV. COMPLETENESS DETERMINATION

The purpose of this letter is to notify you that the development application for the subject project has been deemed "complete," and that further processing of the development application can occur. Descriptions of further processing activities are provided below.

V. ADDITIONAL INFORMATION REQUIRED PRIOR TO PLANNING COMMISSION

Staff has identified the following information as necessary prior to Planning Commission review of the proposed development project.

A. Planning Division

1. The submitted Coastal Development Permit Application must be updated to correspond to the changes to the plans dated October 3, 2018.
2. Copies of plans with the updated square footages must be submitted.

VI. ADVISORY COMMENTS (THIS MAY INCLUDE INFORMATION OR SUBMITTALS THAT WILL BE REQUIRED AT SOME FUTURE DATE)

A. Planning Division

1. **Nonresidential Growth Management Program (GMP).** The project is proposing to demolish non-residential floor area. This demolished floor area credit will remain on the property for future use or transfer, consistent with the City's Growth Management and/or Transfer of Existing Development Rights Ordinances.
2. **Stage Three Drought.** The City's Water Shortage Contingency Plan states that the City Council should consider regulations of water use and suspension of permit approvals during Stage Two and Stage Three Drought Conditions. The

City is currently in a Stage Three Drought Emergency condition, with some water use regulations and development restrictions in effect that restrict how water can be used during the drought. For more information, visit www.SantaBarbaraCA.gov/Drought.

The City Council may consider implementation of additional regulations, depending on future drought conditions.

4. **Coastal Zone NZO Advisory.** On October 1, 2017, the City of Santa Barbara's NEW Zoning Ordinance (Title 30) became effective in all zones outside the Coastal Zone. The City's existing Zoning Ordinance (Title 28) will continue to remain in effect in the Coastal Zone until the New Zoning Ordinance is certified by the Coastal Commission.

B. Water Resources Division

1. Backflow prevention assembly is required for water meter protection.
2. Separate Irrigation meter is required if the irrigated area is 1,000 sf or greater.
3. Recommend separate meters for restaurant and retail space.

C. Transportation Division

1. **Traffic.** Transportation Planning Staff prepared a preliminary traffic analysis of the traffic effects of the proposed development. The City of Santa Barbara's traffic model was used to determine traffic effects using the model's specific traffic generation rates by land use; which vary depending upon use and location. The proposed project is in Model Area 2 with an approximate net new trip generation of 17 AM peak hour trips (PHT) and 27 PM PHT. Distributing these trips to the city grid would not use one percent or more of the intersection capacity at any of the 27 identified future 2030 anticipated impacted intersections. Therefore, the proposal would not constitute a project specific traffic impact.
2. **Parking Demand.** LCP Policy 11.5 states that all new development in the waterfront area shall provide adequate off-street parking to fully meet their peak needs. Further, Coastal Act Policy 30252, states the location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation. The number of seats shown for this size of restaurant is not in line with what we see from typical restaurants ranging in various levels of quality (fast food to fine dining). Further, the parking requirement is the "greater of 4 spaces/1,000 square feet or 1 space per three seats", and should account for all outdoor seating areas. Staff has calculated the outdoor seating area as approximately 1,698 square feet; however, this area has not been included in your parking calculations. Based on a parking requirement of 1/250 square feet of restaurant, the zoning parking requirement would be approximately 17 spaces for the restaurant portion (only 10 spaces are provided) if both the interior area and the deck are counted. If 17 parking spaces were provided, seating would be limited to 30 inside and 21 outside per the Zoning Ordinance.

However, when analyzing “peak” parking needs (e.g., Friday and Saturday evening) per LCP Policy 11.5, parking demand studies by the Institute of Traffic Engineers (ITE) show significantly higher rates than the Zoning Ordinance requires (up to 0.49 vehicles/seat and 16.4 vehicles/1,000 square feet). Therefore, Transportation Staff believes the peak parking demand will not be met during peak times and that spill over to the already impacted on-street public parking could occur on a consistent basis.

Staff finds that 50 interior seats and 30 exterior seats is a reasonable expectation based on the size of the restaurant space. This would result in a demand for 27 parking spaces for the restaurant tenant space.

In order to approve the Coastal Development Permit, the Planning Commission has to make findings that the project is consistent with the City’s Local Coastal Program and with the public access policies of Chapter 3 of the Coastal Act. Staff recommends you provide more information about how you believe the parking demand will be met on-site for all uses. For example, you may analyze how peak parking demands vary between tenants (and may not overlap) based on different land uses and business hours. Alternatively, additional parking resources could be provided.

D. Building & Safety Division

1. Projects submitted for a building permit shall be designed under the requirements of these adopted codes: California Building Code, 2016 Edition; The California Plumbing code, 2016 Edition; The California Electrical Code, 2016 Edition; The California Mechanical Code, 2016 Edition; The California Fire Code, 2016 Edition, The California Energy code, 2016 Edition, and all Amendments as adopted in Santa Barbara City Ordinance 5639.
2. All utilities: power, telephones, cable TV, serving the proposed subdivision (including poles located on subject properties) shall be placed underground as required by City of Santa Barbara Municipal Code Chapter 22.38.
3. SCHOOL FEES: Please note that the Santa Barbara School District will charge fees for the additional square footage that is in excess of the original demolished building sq. footage.
4. Provide a complete code analysis per CBC chapters 5, 6, 7, & 9 for each building indicating the occupancy separations required, fire rating of structural elements, exiting per chapter 10, etc. Provide a complete code analysis clarifying if you intend to go separated or non-separated use, fire sprinklers etc. to clarify the actual and allowable square footage of the building. Walls next to a property line see table 602 for wall fire resistance rating requirements. See table 705.8 for openings allowed in exterior wall based on fire separation distance.
5. Accessibility To Public Buildings, Public Accommodations, Commercial buildings and Public Housing for all accessibility requirements. See Table 11B-208.2 Parking Spaces specify required accessible parking spaces required per this table. See section 11B-206 Accessible routes to clarify accessible routes from site

arrival points and within a site. Provide curb cuts for the accessible route per section 11B-406 Curb ramps, blended transitions and islands.

6. Structural calculations shall be required for any structural changes made to the existing building.
7. Provide plumbing fixtures for this new facility per Table 422.1 Minimum Plumbing Facilities, CPC 2013.
8. See Subchapter 2, California Energy Code Mandatory Requirements for the Manufacture, Construction and Installation of Systems, Equipment and Building Components.
9. See Chapter 5, California Green Building Code 2013 to provide the Nonresidential Mandatory Measure.

VII. FEES

Please be informed that fees are subject to change at a minimum annually. Additionally, any fees required following Planning Commission/Staff Hearing Officer approval will be assessed during the Building Plan Check phase and shall be paid prior to issuance of the building permit. Based on the information submitted, the subject project requires the following additional fees for the following reasons:

A. Planning Division

Following Planning Commission approval:

Plan Check FeeTBD
 LDT Recovery Fee30% of all Planning Fees

B. Transportation Division

Following Planning Commission approval:

Plan Check FeeTBD
 Traffic Trip Generation Analysis.....\$521.00
 Parking Demand Analysis\$521.00

C. Building & Safety Division

Following Planning Commission approval:

Plan Check FeeTBD

VIII. PRELIMINARY CONDITIONS OF APPROVAL

At this time, a list of preliminary conditions of approval has been prepared by your project's Development Application Review Team. Please refer to Attachment 1 for a preliminary list of anticipated conditions of approval for the subject project. In many cases, other conditions of approval will be developed after the application is deemed complete and environmental review has been completed. In general, the conditions shall be satisfied after Planning Commission/Staff Hearing Officer approval, but before any Building or Public Works permits are issued, or during the construction process once the Public Works or Building Permits are issued. The conditions will be finalized at the time the staff report is written.

IX. NEXT STEPS:

The subject development application has been tentatively scheduled for Planning Commission consideration at its hearing on **November 8, 2018**. You will be sent an agenda and legal notice in the mail concerning the hearing date and time. Please note that you will also be required to post the notice on the site in accordance with current noticing requirements.

In order to maintain the hearing date, please provide an updated CDP Application, a reduced (8 1/2"x11") plan set for inclusion in the staff report, and **10** copies of reduced size **scalable** plans for the Planning Commissioners by **October 29, 2018**. An appropriate sheet size would be Arch. B size sheets, or 12"x18". For plans originally presented on Arch. D size sheets, or 24"x36" sheets, this would be 1/2 scale. Plans that cannot be scaled using a standard architectural or engineering scale are not acceptable.

The Planning Commission conducts regular site visits to project sites, generally the Tuesday morning prior to the scheduled hearing date.

X. CONTACTS

The following is a list of the contact personnel for the various City departments and/or divisions working on the processing of your application:

Planning Division, 564-5470, ext. 4552	Allison De Busk, Senior Planner
Fire Department, 564-5702.....	Jim Austin, Fire Inspector III
Engineering Division, 564-5363.....	Adam Hendel, Principal Civil Engineer and Tom Scott, Project Engineer II
Water Resources Division, 564-5406.....	Maggi Heinrich, Water Resources Specialist
Transportation Division, 564-5385.....	Chelsey Swanson, Associate Transportation Planner
Building & Safety Division, 564-5485.....	Christy Foreman, Senior Plans Examiner

XI. CONCLUSIONS/GENERAL COMMENTS

Please review this letter carefully. If you feel it is necessary to meet with staff to discuss the contents of this letter or the subject project, please call me at (805) 564-5470, ext. 4552. Staff from the Planning, Engineering, Water Resources, Transportation, and Building & Safety Divisions and the Fire Department are generally available to meet with applicants on Tuesday afternoons on an as-needed basis. Other meeting times may also be arranged. If you have any questions, please feel free to contact me.

Sincerely,

Allison De Busk

Allison De Busk, Senior Planner

Attachment:

1. Applicable Local Coastal Plan and Coastal Act Policies

30-DAY DEVELOPMENT APPLICATION REVIEW TEAM COMMENTS (#1)
11 ANACAPA ST. (MST2017-00009)
OCTOBER 25, 2018
PAGE 7 OF 7

cc: (without attachments)
Richlor Living Trust, 200 E Carrillo St #200, Santa Barbara, CA 93101
Planning File
Adam Hendel, Principal Civil Engineer
Tom Scott, Project Engineer II
Brad Rahrer, Wastewater Collections System Superintendent
Dan Rowell, Environmental Services Specialist I
Joe Poire, Fire Battalion Chief
Jim Austin, Fire Inspector III
Rob Dayton, Principal Transportation Planner
Chelsey Swanson, Associate Transportation Planner
Christy Foreman, Senior Plans Examiner
Maggi Heinrich, Water Resources Specialist
Jim Rumbley, Associate Planner/Creeks

Via E-Mail only

To: Megan Sinkula, CCC

From: Will Rehling, Accessible Santa Barbara

Date: May 4, 2019

Dear Megan,

I'm following up on our comment letter yesterday (reattached here) with hope I can clarify and provide further information which might help. If I understand the process correctly, you and your colleagues will evaluate our comment letter and decide if it changes anything.

Please also find attached a diagram which is a work in progress that we may turn into a powerpoint slide for someone to show the Commissioners in person on Thursday. We have an important administrative hearing in Santa Barbara Thursday on an accessibility matter---and I myself have to go home to San Francisco between now and then as well. So the schedule is a challenge. But if the Commissioners are asked on May 9 to approve this notion of deeming only a small part of the free road shoulder parking in a coastal zone as worthy of protection by Chapter 3 access policies, then we would like them to have a map such as ours up on the screen, showing what the City's Figure 3.1-2 does not: the current free road shoulder parking which is so convenient for visitors to the Harbor, East and West Beach, and Stearns Wharf, and which would no longer be protected for coastal access under the new LUP.

Before turning to the slide, two preliminary matters:

First, if you agree with our concerns regarding the nonconformity of these proposed amendments with Chapter 3 access policies, then in addition to retaining (under a new number) the currently certified LUP Policy 3.3, as discussed in our letter, then we suggest it may also be important to retain and renumber current LUP Policy 11.5 as well:

Policy 11.5

All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to

fully meet their peak needs. Parking needs for individual developments shall be evaluated on a site-specific basis and at minimum be consistent with City Ordinance requirements.

Stearns Wharf continues to receive "new development" as defined by the Coastal Act and case law interpreting it, so we do suggest retaining that exception.

Second, if you are inclined to recommend deletion of policy 3.1-35 as we suggest, then the parenthetical cross references to it within Policies 3.1-14, 3.1-30, and 3.1-31, would need to be deleted as well.

The parenthetical to be removed from these three policies:

"(see Policy 3.1.35 Locations of Key Public Access Parking Areas)".

Similarly the list of the limited areas meriting protection listed in Policy 3.1-36 (A) (ii) should also be removed:

delete:

The coastal access areas referred to in this policy include: Cliff Drive Overlook, Arroyo Burro Beach Park, Douglas Family Preserve, Mesa Lane Stairs, La Mesa Park, Thousand Steps, Shoreline Park, Leadbetter Beach, Santa Barbara Harbor, West Beach, Stearns Wharf, East Beach, and Andrée Clark Bird Refuge.

So modified, Policy 3.1-36 would also then apply to all coastal zone road shoulder parking and public parking lots.

Our attached diagram, we believe, illustrates our concern about Policy 3.1-14, Policy 3.1-30, Policy 3.1-34, and Policy 3.1-36, with even their mild limits on eliminating or reducing the availability of road shoulder parking, defined only apply to a limited scope -- a small part of the free road shoulder coastal zone parking in Santa Barbara -- with the rest no longer protected by the current policies which are being deleted.

Our concern is especially acute for the street parking serving the Harbor, West Beach, Stearns Wharf, and East Beach, so our diagram focuses on those key streets on which we believe there may be upward of 1,000 parking spaces which will no longer be protected for coastal access by Santa Barbara's LUP. Of course the limited list of parking spaces receiving any Chapter 3- style protection at all under the proposed LUP, excludes the free

road shoulder parking within other neighborhoods in Santa Barbara's coastal zone as well.

The map we used for this slide, is the obsolete post-certification map which was replaced recently. It's black and white which helps provide visual contrast here. The red lines that we have added to the diagram represent free, road shoulder parking within the coastal zone -- all of it within an easy walk to either the Harbor, West Beach, Stearns Wharf, or East Beach. This is parking will no longer be protected for coastal use if the amendments pass on May 9, 2019.

We feel this diagram illustrates a key fact that is just as true in other certified segments around the State: the coastal zone in Santa Barbara is nearly all within a short walk of the ocean. Free, road shoulder parking throughout the coastal zone is a crucial component of coastal access. The red lined streets on our diagram, have currently free, road shoulder parking, all of which is currently protected to facilitate coastal access and use, under the current LUP. All of which would lose that protection under these proposed amendments.

As we wrote in our comment letter, the proposed LUP excludes almost all free road shoulder parking from the policies protecting parking for coastal use, via the novel and precedential tactic of designating a small part of a coastal segment as "key" and then only applying Chapter 3 policies to that "key" area which is even narrower than the appeal jurisdiction.

This is what we feel is so problematic. There is no analytical reason nor statutory authority to limit the reach of Chapter 3's policies to a narrow slice of a coastal zone even slimmer than the appeal jurisdiction, when the whole coastal zone takes only five minutes for many people to traverse on foot from its inland border to the beach, harbor, or pier.

One of our members has volunteered to attempt a count of the free road shoulder parking on the streets we have marked with red lines. We currently estimate that the red lines represent many hundreds of coastal access parking spaces, perhaps one thousand, which in the area covered by our diagram would be over 90% of the free, road shoulder parking currently in use by coastal visitors going to the Harbor, West Beach, Stearns Wharf or East Beach.¹

¹ Only a small number of the free road shoulder parking spaces convenient to the Harbor, the Wharf, and East and West Beach, have been designated "key."

The protective language in Policies 3.1-14, 3.1-30, 3.1-34, and 3.1-36, is really quite ordinary and if proposed in an LUP for an entire coastal zone, would only arguably be sufficient to conform with Chapter 3 policies.

For example, Policy 3.1-14 states that if the City reduces parking requirements for development in the coastal zone by amending the zoning ordinance, that is acceptable, as long as it does not result in "significant increased use" of coastal access parking (such as coastal road shoulder parking or City owned parking lots in the coastal zone).

Policy 3.1-30 states that the City can permanently restrict or eliminate coastal zone street parking, as long as it "does not result in a significant adverse impact to the shoreline and coastal recreation areas."

Policy 3.1-34 limits the blocking or elimination of road shoulder parking by commercial valet parking services serving local businesses-- a routine restriction if applied to an entire coastal zone to prevent displacement of free coastal access parking by valet services.

Policy 3.1-36 limits "permanent reductions or restrictions" of coastal zone public parking.

There is nothing in the above four policies which justifies limiting them to a small fraction of the current free road shoulder parking being used by coastal visitors. These are not heightened restrictions adding extraordinary protections on crucial coastal access parking spaces. These provisions are perhaps not even sufficient to conform with Chapter 3 access policies for general use, since, for example, Policy 3.1-14 is only triggered by a "significant reduction[]" of parking or a "significant increase[]" in use of parking spaces meant for coastal use, and Policy 3.1-30 is only triggered by a "significant adverse impact to public access." Each of these may not allow for analysis of the cumulative effects of multiple developments. Yet, even the barely adequate level of protection of coastal access parking just described, is to be provided, per the above-listed Policies, only to a portion of all coastal zone parking, and only to a tiny portion of the free road shoulder coastal zone parking near the ocean.

If there is an issue with simply deleting Policy 3.1-35 and its revisionist take on the scope of Chapter 3 policies, as we suggested in our letter, then an alternative way to fix the Santa Barbara LUP amendments to bring them into conformity with Chapter 3 policies, could be not to delete 3.1-35 but instead change the language within Policies 3.1-14, 3.1-30, 3.1-31, 3.1-34 and 3.1-36, to extend their scope of protection from just the "Key Public Access Areas," to "Key Public Access Areas and all other coastal road shoulder parking and City parking lots in the coastal zone ."

The effect would be the same as the deletions we propose in our letter. The result would be to restore the protection of Chapter 3 coastal access policies, to all the free road shoulder parking and all the City parking lots within the coastal zone.

If you and your colleagues reject our concerns, and recommend approval of the LUP amendments with just the modifications in the initial staff report, then the Coastal Commission will likely vote to allow this unprecedented bifurcation of the scope of Chapter 3 policies within a single coastal zone. The convenient and free road shoulder parking as shown on our diagram would after next Thursday not even receive the tepid level of protection described by Policies 3.1-14, 3.1-30, 3.1-31, 3.1-34 and 3.1-36.

As we mentioned in our letter, if this tactic is approved by the Commission, of deeming the majority of a coastal zone's convenient, free, road shoulder parking close to the ocean to be irrelevant to coastal access, expendable, essentially exempt from the normal Chapter 3 access policies, then this innovation is sure to be emulated by other coastal jurisdictions wanting their segment also to be free from having to require developments to meet their parking demand on site not on the coastal streets.

Regarding Policy 3.1-31, which we have not yet addressed, please note that while our current draft diagram (attached) shows the road shoulder parking which will no longer protected under the proposed amendments, within our map section there are also three City owned parking lots, which we could have shown on our diagram and which would also be excluded from providing coastal access if Policy 3.1-31 is not also modified. In our letter we suggested modifying Policy 3.1-31 to remove the limitation of the policy to "key" parking lots only. The three City coastal zone parking lots are the "Depot Lot" and the "Pershing Park" lot -- two parking lots with at least 160 spaces each, and the "Helena lot" with about 30 spaces. Each are a short walk from the Harbor or the Wharf or East or West Beach.

We are not simply speculating on the reason for these LUP policy changes. The Helena lot has already been announced to be converted from free to paid parking, as soon as the proposed amendments are approved by the Coastal Commission, because in the City's view, it will be able to do so after Thursday with no further process, for the very reason that the Helena Lot is not listed as "key" and is therefore exempt from Policy 3.1-31.

Likewise, please note also that last week the City Council entertained a proposal by parking staff to install parking pay stations on several of the red-lined streets on our diagram, again specifically claiming that the City is authorized to do so by these LUP amendments. This was the culmination of the "Funk Zone Parking Study" in which the City acknowledged that the free

road shoulder parking spaces on our diagram are severely impacted, but for purposes of the "study"² added in private parking spaces on private lots, and paid parking spaces in City lots, in order to claim an "overall vacancy rate" much higher than the negligible availability of street parking which everyone complains about-- and indeed which prompted the demands for the City "study" in the first place.

Last week's City Council proposal would be the first use of paid parking on City streets anywhere in Santa Barbara. Of course it was significant that the location proposed was on our red lined streets, where almost one hundred free road shoulder parking spaces, a short walk from the beach, were proposed to become paid with the goal of shortening the average turnover (restaurant customers park for shorter durations on average than beach visitors, so anything imposing or encouraging shorter durations would promote the former, at the expense of the latter).

Last week's agenda item was voted down for now, on other grounds. But the City is proceeding with plans to reduce on-site parking requirements dramatically in the coastal zone, especially in the area of the coastal zone which the City has rebranded "the Funk Zone" -- without fear of running up against LUP constraints, again, in anticipation of Commission approval of these amendments which will no longer require the City to consider impacts on the red lined streets.

Which brings us to one last plug for today, to underscore what we mentioned above (but not in our letter of yesterday), regarding retaining currently certified LUP Policy 11.5 (renumbered of course), as the best hope of protecting coastal access while Santa Barbara continues this rush of new development in the form of intensification of use of what seems like every single structure in "the Funk Zone," with, in almost every case, the development deemed exempt from a CDP altogether. If Policy 11.5 is not retained in some manner, these projects will as of Thursday become approvable with no little or on-site parking--and therefore no accessible parking--or just even worse, utterly inaccessible "valet parking" services, all thanks to the proposed deletion of Policy 11.5.

Thank you again and I hope all the above is helpful.

Best regards,
Will Rehling
Accessible Santa Barbara
AccessibleSB@gmail.com

² Really more of a survey by City parking staff than anything like a professional parking consultant study.

Convenient, free, road-shoulder parking to be unprotected under new LUP.



Public Comment of Accessible Santa Barbara
an unincorporated nonprofit association

Honorable Chair and Members of the California Coastal Commission:

Thank you for the opportunity to submit this comment in writing because we will not be represented at the Coastal Commission meeting in Oxnard when this item is considered.

We are pleased with the many references to improving accessibility in the City of Santa Barbara LUP amendments.

However, the most common complaint we have heard in recent years has been the severe shortage of all parking, and therefore accessible parking, in the City's coastal zone. The problem has been made acute by the redevelopment of the portion of the coastal zone that the City has rebranded as "the Funk Zone."

Several of the the proposed LUP amendments have been written to remove existing protection of street parking for coastal visitors.

Furthermore, the City now proposes to delete a key public access policy that has long backstopped Chapter 3 coastal access policies:

Policy 3.3

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

(City of Santa Barbara, currently certified LUP).

Staff has proposed twenty-three suggested modifications. We suggest several more modifications, as necessary for the package of amendments to conform with Chapter 3 coastal access policies. We also propose that current Policy 3.3 be retained (with a new number of course).

The City also proposes an unprecedented bifurcation of coastal access parking into a small number of "key" parking spaces, with the rest no longer to be preserved to any meaningful degree by the LUP. We propose this not occur.

All Coastal Zone Road Shoulder Parking in Santa Barbara is "Key."

The proposed amendments if approved, would mark the first time that the Coastal Commission has approved the bifurcation of coastal zone visitor parking into two tiers with only one deemed worthy of protection. If allowed, this will become a precedent and a model for other communities wanting to redevelop coastal properties in a manner which meets parking demand for private developments, on the coastal zone streets.

We proposed the following suggested modifications as additions to the twenty three proposed by staff. We believe that without these modifications the proposed package of amendments does not conform with Chapter 3 coastal access policies.

Suggested Modification No. 24

Modify each instance of "Key Public Access Parking" to "public access parking." This would include Policy 3.1-14, 3.1-30, 3.1-31, 3.1-34, and 3.1-36. Delete policy 3.1-35. Retain diagram 3.1-2.

Suggested Modification No. 25

Preserve existing policy 3.3, renumbering as policy 3.1-38:

Policy 3.1-38

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

The City has proposed numerous other amendments designed to allow reductions in road shoulder parking for Coastal visitors. Rather than propose deletion of or modification to each one, we propose the addition of policy 3.1-39. This is verbatim, a request commission staff had made to the City, but which was abandoned after the City rejected it.

Suggested Modification No. 26

Policy 3.1-39

On-street Coastal Access Parking. Existing road shoulder parking along public streets available for coastal access and recreation shall not be displaced or adversely impacted. The implementation of restrictions on public parking, which would impede or restrict public access (including but not limited to, the posting of "no parking" signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except as follows: (1) the parking

restriction is necessary to protect public safety, and evidence is provided that demonstrates there is no feasible alternative; (2) a temporary parking restriction is necessary to repair, maintain or upgrade public roads; (3) the parking restriction is removed once the public safety issue is resolved or the temporary road repair/maintenance activities are complete; and (4) mitigation is required for permanent parking restrictions.

Thank you for the opportunity to present these suggested modifications.

Very truly yours,
William Rehling
Accessible Santa Barbara
P.O. Box 22013
Santa Barbara CA 93121-2013
(805) 880-4724
accessiblesb@gmail.com



Accessible SantaBarbara <accessiblesb@gmail.com>

public comment

1 message

Accessible SantaBarbara <accessiblesb@gmail.com>

Fri, May 3, 2019 at 4:59 PM

To: "Sinkula, Megan@Coastal" <megan.sinkula@coastal.ca.gov>

William Rehling
Accessible Santa Barbara
P.O. Box 22013
Santa Barbara CA 93121-2013
(805) 880-4724
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Accessible Santa Barbara comment on Item TH20F May 9 2019.pdf

26K

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