

CALIFORNIA COASTAL COMMISSION

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

Th10b



Appeal Filed: 12/11/19
49th Working Day: 2/24/20
Staff: C. Groves - V
Staff Report: 1/30/20
Hearing Date: 2/13/20

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

APPEAL NUMBER: A-4-SBC-19-0215

APPLICANT: Hannah Beachside, LLC

APPELLANT: Accessible Santa Barbara

LOCAL GOVERNMENT: City of Santa Barbara

LOCAL DECISION: Approval with Conditions of Coastal Development Permit No. CDP2018-00019

PROJECT LOCATION: 11 Anacapa Street, City of Santa Barbara, Santa Barbara County (APN: 033-112-010)

PROJECT DESCRIPTION: Renovation and re-use of an existing 11,201 square foot commercial building, including conversion of 2,500 square feet on the ground floor to restaurant use and 2,100 square feet on the ground floor to retail use; demolition of 1,310 square feet of second floor and mezzanine floor area; construction of a new 1,698 square foot deck for outdoor restaurant seating; reconfiguration of the associated parking lot, and a parking modification to allow for a reduction in the required number of parking spaces from 46 to 32.

STAFF RECOMMENDATION: **No Substantial Issue**

MOTION & RESOLUTION: **Page 6**

NOTE: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The Commission’s role at the “substantial issue” phase of an appeal is to decide whether the appeal of the local government action raises a substantial issue with respect to the grounds on which the appeal was filed, which can include a claim that the approved development is not in conformity with the applicable provisions of the certified Local Coastal Program (LCP) or with the public access policies of the Coastal Act (Pub. Res. Code §§ 30210-14). Staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the subject appeal has been filed. The **motion** and **resolution** for a “no substantial issue” finding are found on **page 6**.

The approved project consists of the renovation and re-use of an existing 11,201 square foot multi-use commercial building and associated parking lot located at 11 Anacapa Street in the City of Santa Barbara, Santa Barbara County (Exhibits 1 & 2). Specific improvements include: converting 2,500 net square feet on the ground floor from warehouse use to restaurant use and 2,100 net square feet on the ground floor from warehouse use to retail use; demolishing 1,310 net square feet of unpermitted second floor and mezzanine floor area; constructing a new 1,698 square foot deck for outdoor restaurant seating; reconfiguring the parking lot, and a parking modification to allow for a reduction in the required number of parking spaces from 46 to 32. As approved, the reconfigured parking lot will have 39 striped spaces and with an additional 15 valet spaces, totaling 54 spaces (Exhibit 3). The subject property will use 32 spaces (17 striped, 15 valet), and the remaining 22 spaces will be used by the adjacent property pursuant to an off-site parking agreement that has been in place since 1970.

The appellant in this case made several assertions, including that the project as approved is inconsistent with the public access policies of both the Coastal Act and the certified City of Santa Barbara LCP. The Coastal Act and LCP prioritize and protect public access to the coast, and require that adequate parking is provided. In its approval of the CDP and parking modification, the City applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact public access or any other coastal resources, and is therefore consistent with the public access and recreation policies of the Coastal Act and the parking policies of the LCP. The parking required for the subject development would all be located off-street on the subject property and therefore would maintain the availability of public parking in the area. The subject valet program would not utilize any on-street or public parking spaces, and there is sufficient space in the new parking lot for loading to be accomplished on-site without using any off-site space. Furthermore, the applicant submitted a project-specific parking demand study demonstrating that the amount of parking provided by the project will meet the anticipated peak parking demand generated by the development. For these reasons, the approved project would not negatively affect any coastal resources, and maximum public access opportunities and adequate parking to serve coastal recreation uses would continue to be provided in the area, consistent with the Coastal Act and LCP.

In summary, the City’s record includes extensive factual evidence and legal support for the City’s findings that the project is consistent with the public access policies and provisions of the Coastal Act and certified LCP. The extent and scope of the development is relatively small, and although the coastal resource at issue in this permit action (public access) is significant, the

approved project in this case is limited and would not adversely impact public access to the coast. In addition, the project does not raise issues of regional or statewide significance, and the City's decision will not have an adverse precedential value for future CDP decisions. Therefore, staff recommends that the Commission find that the appellant's contentions raise no substantial issue with regard to the approved project's consistency with the policies and provisions of the City's certified LCP and the Coastal Act.

Table of Contents

I. APPEAL JURISDICTION AND PROCEDURES	5
A. APPEAL PROCEDURES.....	5
1. Appeal Areas	5
2. Grounds for Appeal	5
3. Substantial Issue Determination	5
4. De Novo Permit Hearing.....	5
B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL	6
II. STAFF RECOMMENDATION FOR NO SUBSTANTIAL ISSUE	6
III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE	6
A. PROJECT DESCRIPTION AND SETTING.....	7
B. APPELLANT’S CONTENTIONS	7
C. ANALYSIS OF SUBSTANTIAL ISSUE.....	8
1. Public Access and Recreation.....	8
2. Factors Considered in Substantial Issue Analysis	14

EXHIBITS

Exhibit 1.	Vicinity Map
Exhibit 2.	Aerial Photograph
Exhibit 3.	Project Plans
Exhibit 4.	Final Local Action Notice for CDP2018-00019
Exhibit 5.	Appeal by Accessible Santa Barbara

I. APPEAL JURISDICTION AND PROCEDURES

A. APPEAL PROCEDURES

The Coastal Act provides that after certification of a local government's Local Coastal Program (LCP), the local government's actions on Coastal Development Permit (CDP) applications for development 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 their CDP 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

Approvals of CDPs by cities or counties may be appealed if the development authorized is to be located within the appealable areas, which include the areas 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 developments that constitute major public works or major energy facilities may also be appealed to the Commission (Coastal Act Section 30603(a)(5)).

In this case, the City's CDP approval is appealable to the Coastal Commission because the project is located within 300 feet of the inland extent of the beach.

2. Grounds for Appeal

The available grounds for an appeal of a local government approval of development are limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the Coastal Act (Coastal Act Section 30603(b)(1)).

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 no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the Commissioners present is required to determine that an appeal raises no substantial issue and that the Commission will therefore not review the CDP *de novo*. If the Commission determines that no substantial issue exists, then the local government's CDP action will be considered final.

4. De Novo Permit Hearing

Should the Commission determine that a substantial issue exists, the Commission will consider the CDP application *de novo*. The applicable test for the Commission to apply in a *de novo* review of the project is whether the proposed development is in conformity with the certified

LCP and, if the development is between the sea and the first public road paralleling the sea, the public access and recreation policies of the Coastal Act (Coastal Act Section 30604(b) & (c)).

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On September 5, 2019, the City of Santa Barbara (City) Planning Commission approved Coastal Development Permit No. CDP2018-00019 with conditions. On September 16, 2019, the project was appealed to the City Council by Anna Marie Gott and Accessible Santa Barbara, separately. The appeals were denied and the permit for the project was approved by the City Council on November 12, 2019.

The City's Notice of Final Action was received by Commission staff on November 25, 2019 (Exhibit 4). Commission staff provided notice of the ten working-day appeal period, which began on November 25, 2019 and ended on December 11, 2019. Accessible Santa Barbara filed an appeal on December 11, 2019, during the Commission's appeal period (Exhibit 5). Commission staff notified the City, the applicant, and all interested parties that were listed on the appeal and requested that the City provide its administrative record for the permit. The administrative record was received on December 19, 2019. Pursuant to Section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which the appeal was filed with the Commission, which would be February 24, 2020.

II. STAFF RECOMMENDATION FOR NO SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-SBC-19-0215 raises NO substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. If the Commission finds **No Substantial Issue**, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-4-SBC-19-0215 does not present a substantial issue with respect to the grounds on which the appeal has 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 NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND SETTING

The subject Coastal Development Permit (CDP) approved by the City of Santa Barbara (City) is for the renovation and re-use of an existing 11,201 square foot warehouse and manufacturing building and associated parking lot located at 11 Anacapa Street in the City of Santa Barbara (Exhibits 1 & 2). Specific improvements include: conversion of 2,500 net square feet on the ground floor from warehouse use to restaurant use and 2,100 net square feet on the ground floor from warehouse use to retail use; demolition of 1,310 net square feet of unpermitted second floor and mezzanine floor area; construction of a new 1,698 square foot deck for outdoor restaurant seating; parking lot reconfiguration; accessibility upgrades; and a new transformer and trash enclosure. As a component of the subject CDP, the City also granted a parking modification to allow for a reduction in the required number of parking spaces from 46 to 32.

The project site is a 0.78-acre lot within a highly developed area of downtown Santa Barbara known as the “Funk Zone” (Exhibit 1). The Funk Zone is the area located between Cabrillo Boulevard and Highway 101, bounded by Garden Street on the east and Mission Creek on the west. Originally characterized by auto shops, fish processing facilities, industrial uses, and warehouses, the Funk Zone has evolved over time with regulatory and economic changes to now include a mix of uses including residences, artist and craftsmen studios, restaurants, wineries, breweries, and small markets. The Funk Zone and nearby Sterns Wharf and East Beach are popular areas for both residents and visitors.

The subject parcel has a land use designation of Coastal-Oriented Commercial/Medium High Residential, and is zoned Ocean-Oriented Commercial/Coastal Overlay Zone (OC/SD-3). The subject parcel is surrounded on all sides by developed lots with various commercial and residential uses (Exhibit 2). Pursuant to the City’s certified Local Coastal Program (LCP), the purpose of the OC/SD-3 zone is to achieve balanced use of the City’s Waterfront and maintain the small scale and local character that is unique to the Waterfront area. Land uses in this zone should maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. This zone is intended to foster a vital, mixed use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities.

The City Planning Commission staff report for the project states, “[o]ver the years, there have been unpermitted changes of use and [unpermitted] additions of floor area without [the required] evaluation of parking. This proposal would clean up those prior unpermitted changes by demolishing floor area and permitting the desired uses.” The unpermitted change of use from warehouse to retail and the addition of a second floor area constitute violations of the LCP and Coastal Act. Approval of the CDP by the Planning Commission, issuance of the CDP, and compliance with the CDP would abate the violations on the property by permitting the change of use after the fact and demolishing the unpermitted second floor addition.

B. APPELLANT’S CONTENTIONS

The City’s final action on the subject CDP was appealed to the Commission by Accessible Santa Barbara on December 11, 2019 (Exhibit 5). The appellant contends that the subject project as approved is inconsistent with the public access policies of the Coastal Act. The appellant also contends that because the approved development constitutes new development, the number of

parking spaces must be calculated for each use approved, and that the City's calculation is incorrect. The appellant further claims that the development does not qualify for a parking modification to allow fewer than the required number of parking spaces. The appellant also claims that the development does not conform to the public access and parking policies of the City's Coastal Land Use Plan (LUP). Lastly, the appellant asserts that the City erred in issuing previous exemptions for development located on the subject site and on an adjacent parcel (29 E. Cabrillo Boulevard), and that the City should have instead issued one or more CDP's for the comprehensive development. The contentions of the appeal are discussed and addressed in greater detail below.

C. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the locally-approved project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellant cited both the public access policies of the Coastal Act and the policies contained in the certified City of Santa Barbara LCP as grounds for appeal.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (§30625(b)(2).) Section 13115(c) of the Commission's regulations provides that the Commission may consider various factors when determining if a local action raises a significant issue, including but not limited to the following five factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and, where applicable, the public access and recreation provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its local coastal program; and
5. Whether the appeal raises only local issue as opposed to those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor. In this case, the Commission determines that the appeal raises no substantial issue with regards to the grounds on which the appeal has been filed, as discussed below.

1. Public Access and Recreation

The appellant asserted that the project, as approved by the City, does not conform to the following policies and provisions of both the Coastal Act and the City's LCP.

Coastal Act Section 30212 states:

(a) 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 accessway 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.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Coastal Act Section 30252 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.

City of Santa Barbara Coastal Land Use Plan Policy 2.1-15 states:

As outlined in Coastal Act Section 30252, the location and amount of new development or substantial redevelopment 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 non-automobile 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, and (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.

City of Santa Barbara Coastal Land Use Plan Policy 3.1-15 states:

Maximize, maintain, improve, and promote efficient use of the parking supply for public access to the shoreline, coastal recreation areas, Stearns Wharf, and the Harbor. Where appropriate and feasible, continue to provide public parking facilities that are distributed throughout the Coastal Zone so as to provide convenient access to the shoreline and to avoid the impacts of overcrowding or overuse of any single area.

City of Santa Barbara Coastal Land Use Plan Policy 3.1-16 states:

Improve parking supply and optimize existing parking resources to ensure adequate parking is available for coastal access and other purposes. The following methods shall be considered, consistent with the protection of coastal resources:

- A. Extend the Central Business District, Parking and Business Improvement Area, and Parking Zones of Benefit where appropriate and feasible to maximize visitor access and parking resources;*
- B. Allow offsite (shared use) private parking facilities for new development and substantial redevelopment to consolidate parking resources where appropriate and feasible;*
- C. Manage public parking supplies to increase visitor access to the Coastal Zone; and*
- D. Amend off-street parking requirements for development.*

City of Santa Barbara Coastal Land Use Plan Policy 3.1-29 states:

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.

B. Zoning modifications to allow reduced off-street parking in the West Beach, Lower State, and East Beach Component Areas shall only be approved if a project specific evaluation of parking demand shows that the reduced parking will provide for the anticipated parking demand generated by the development. In determining parking demand, the following may be considered: proximity to transit facilities; mix of uses in the immediate area; offsite parking agreements; and provisions of a transportation demand management plan where it is demonstrated that the plan's measures will sufficiently reduce the demand for parking.

City of Santa Barbara Implementation Plan Section 28.90.001(N) states:

Whenever the type of use of any existing building is changed to another type of use that requires more parking spaces under this chapter than were required for the prior use, there shall be provided additional permanently maintained parking spaces as required by this chapter for said building and any other existing buildings located on the parcel or parcels. The number of required additional parking spaces under this subsection shall be computed by determining if the number of parking spaces required for the new use is greater than that required for the previous use under this chapter. If there is an increased number of parking spaces required for the new use that increased number of additional parking spaces shall be added to the number of parking spaces required for the prior legal conforming or nonconforming use and the total of these two numbers shall be the number of parking spaces required for the new use.

City of Santa Barbara Implementation Plan Section 28.90.100(I) states:

In any zone, except as provided in subsections J and K of this section, for all office and commercial buildings, one parking space shall be provided for each 250 square feet of net floor area or fraction thereof. For all general industrial uses, one parking space shall be provided for each 500 square feet of net floor area or fraction thereof.

City of Santa Barbara Implementation Plan Section 28.90.100(J) states, in relevant part:

In any zone, for the following uses parking spaces shall be in the following ratios for specific types of use:

13. Manufacturing: one space per 500 square feet. Bicycle parking required.

...

16. Restaurant: the greater of four spaces per 1,000 square feet or one space per three seats. Bicycle parking required.

...

19. Warehousing: one space per 5,000 square feet. Any office or retail space associated therewith must meet the standard office or retail requirements. Bicycle parking required.

City of Santa Barbara Implementation Plan Section 28.92.110 states, in relevant part:

Modifications may be granted by the Planning Commission or Staff Hearing Officer as follows:

A. BY THE PLANNING COMMISSION. The Planning Commission may permit the following:

1. Parking. A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this title and will not cause an increase in the demand for parking space or loading space in the immediate area.

The City-approved project includes the renovation and re-use of an existing 11,201 square foot commercial building, reconfiguration of the associated parking lot, and a parking modification to allow for a reduction in the required number of parking spaces from 46 to 32. As described above, the project site is located within a highly developed area of downtown Santa Barbara known as the “Funk Zone” (Exhibit 1). The Funk Zone and nearby Sterns Wharf and East Beach are popular areas for both residents and visitors.

The subject building currently contains warehouse and manufacturing uses, and pursuant to the City’s Implementation Plan (IP), 5 parking spaces are required for those uses (3 for manufacturing, 2 for warehouse). As described above, the City-approved project would allow for renovation of this building and for new uses including warehouse, manufacturing, restaurant, and retail to be developed. Section 28.90.001(N) of the IP requires that when the type of use of an existing building changes to a type of use that requires more parking, additional parking shall be provided. Based on the parking ratios required pursuant to IP Section 28.90.100, the approved development would require 46 parking spaces (3 for manufacturing, 8 for warehouse, 8 for retail, and 27 for restaurant). As approved, the reconfigured parking lot will have 39 striped spaces and with an additional 15 valet spaces, totaling 54 spaces (Exhibit 3). The subject property will use 32 spaces (17 striped, 15 valet), and the remaining 22 spaces will be used by the adjacent property pursuant to an off-site parking agreement that has been in place since 1970.

As described above, the subject project would provide 32 parking spaces, and thus does not meet the parking requirement of 46 spaces, as defined in the IP. However, Policy 3.1-29 of the LUP and Section 28.92.110 of the IP allow for the approval of a parking modification to reduce the amount of off-street parking if a project specific evaluation of parking demand shows that the reduced parking will provide for the anticipated parking demand generated by the development. In this case, the applicant submitted a project-specific evaluation of the parking demand which showed that the reduced parking (32 spaces) will provide for the anticipated peak parking demand generated by the subject development (31 spaces). Based upon the report submitted by the applicant, it was determined by the City that a reduction in the number of parking spaces would not adversely impact public access.

The appellant contends that the development, as approved, does not conform to Sections 30212 and 30252 of the Coastal Act. Section 30212 requires public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects. In this case, the subject project does qualify as “new development”; however, as depicted on Exhibit 1, it is located landward of the first public road. Additionally, seaward of the first public

road, which in this case is Cabrillo Boulevard, there is an existing public multiuse path that extends for miles along the public beach area in the City, and as such, adequate public access exists nearby. Coastal Act Section 30252 requires new development to maintain and enhance public access to the coast by, among other things, providing adequate parking facilities. The subject parking lot is private and intended only to serve the commercial businesses on site. In approving the subject development, including the parking modification, the City followed the procedures outlined within the policies and provisions of the LCP to ensure that the approved development would maintain public access to the coast by providing adequate on-site parking facilities. Furthermore, within the City there are over 2,400 public parking spaces within 11 parking lots located throughout the waterfront, many of which are in close proximity to the subject development.

The appellant also contends that because the approved development constitutes new development, the number of parking spaces must be calculated for each use approved, and that the City's calculation is incorrect. The appellant further claims that the development does not qualify for a parking modification to allow fewer than the required number of parking spaces. IP Section 28.90.001(N) states that whenever the type of use of an existing building changes to a type of use that requires more parking, that additional parking shall be provided. As described above, because the approved uses would require more parking spaces than the existing uses, the City required that additional parking be provided for the subject development. With regard to the approved parking modification, the LCP includes procedures by which the Planning Commission may grant a parking modification to allow fewer than the required number of parking spaces. The applicant submitted a project-specific evaluation of the parking demand showing that the reduced parking will provide for the anticipated peak parking demand generated by the development. Based on this evidence, the Planning Commission found that the approved 32 parking spaces will provide for the parking demand of the project, and that the reduction in required parking spaces from 46 to 32 will not cause an increase in the demand for parking spaces in the surrounding areas. Thus, in this case, the City correctly approved the parking modification to allow for reduced off-street parking. Furthermore, the subject valet program would not utilize any on-street or public parking spaces, and there is sufficient space in the new parking lot for loading to be accomplished on-site without using any off-site space.

The appellant further asserts that the development as approved does not conform to the public access and parking policies of the LUP, and specifically cites policies 2.1-15, 3.1-15, 3.1-16, and 3.1-29. These LUP policies require that parking supply is maximized, maintained, and improved for public access to the shoreline, and also provide the criteria for when a reduction in the off-street parking requirement may be granted. Within the Funk Zone, there are 530 off-street public parking spaces spread out amongst 4 public parking lots, in addition to 534 on-street public parking spaces. These 1,064 public spaces are all within 0.4 miles of the subject property. The parking required for the subject development would all be located off-street on the subject property and therefore would maintain the availability of public parking in the area. Additionally, the City granted the parking modification pursuant to the policies and provisions of the LCP.

Lastly, the appellant asserts that the City erred in issuing previous exemptions for development located on the subject site and on an adjacent parcel (29 E. Cabrillo Boulevard), and that the City should have instead issued one or more CDP's for the comprehensive development. From 2018-

2019, the City approved four exemptions for the development at 29 E. Cabrillo Boulevard and one exemption for the subject property (11 Anacapa Street). The properties at 11 Anacapa Street (APN 033-112-010) and 29 E. Cabrillo Boulevard (APN 033-112-006) are distinct, and the development on each parcel is subject to independent review. The only connection between the two properties is shared parking: 22 striped spaces in the southerly portion of the parking lot at 11 Anacapa Street are reserved for use by the tenants of 29 E. Cabrillo Boulevard through an off-site parking agreement. This shared parking lot does not mean that all the buildings and uses on the two properties should be considered as one comprehensive development. Four of the five coastal exemptions cited by the appellant concern the development located at 29 E. Cabrillo Boulevard, and are thus not relevant to this appeal. One coastal exemption (PLN2019-00004) was processed in 2019 for the re-striping of the southerly portion of the parking lot at the subject site (11 Anacapa Street). This project was determined to be exempt by the City pursuant to IP Section 28.44.070, which indicates that improvements to any structure other than a single family residence or a public works facility may be exempt from coastal development permit requirements if, among other things, they do not adversely affect public access. The portion of the parking lot that was the subject of this exemption is not proposed to be altered as part of the current CDP. Therefore, the previous exemption issued on the subject property is not relevant to the consistency of the subject CDP with the LCP.

For the reasons discussed above, the Commission finds that the City's action is consistent with the relevant policies of the Coastal Act and the City's LCP relating to public access, recreation, and parking.

2. Factors Considered in Substantial Issue Analysis

The standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the appealable development's conformity to the policies contained in the certified LCP and/or the public access policies of the Coastal Act. In this case, the appellant alleges several inconsistencies between the City's approval and the certified policies of the LCP and public access policies of the Coastal Act.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (§ 30625(b)(2).) Section 13115(c) of the Commission's regulations provides that the Commission may consider various factors when determining if a local action raises a significant issue, including but not limited to the following five factors, which are addressed below.

The first factor in evaluating the issue of whether the appeal raises a substantial issue is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the Coastal Act and certified LCP. In this case, as discussed in detail above, the Commission finds that the City had substantial factual support for its conclusion that the proposed project would not adversely impact public access. The City made the required findings for the approved CDP and parking requirement modification. Additionally, the City's record includes extensive factual evidence and legal support for the City's findings that the project is consistent with all of the applicable public access policies and provisions of the Coastal Act and certified LCP.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. As described above, the scope of the approved development includes the renovation of an existing building, the construction of an outdoor dining patio, and the reconfiguration of a private parking lot. Given that the total affected area is small and consistent with the parking requirements of the LCP, the project is not expected to negatively impact any nearby coastal resources, including public parking and coastal access. Therefore, the Commission finds that the extent and scope of development is not significant and does not warrant a finding of substantial issue.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. The approved development will affect private parking for a multi-use commercial building located within the coastal zone, specifically in an area that is frequently utilized by both visitors and residents. Public access is a significant coastal resource that is accorded maximum protection under both the Coastal Act and the City's LCP. For the reasons discussed above, the approved project would not impede or adversely impact public access to the beach or coastal recreation areas. Maximum public access opportunities and adequate public parking to serve coastal recreation uses would continue to be provided in the area. The project as approved will have no impact on that resource, and it is consistent with the public access policies of the Coastal Act and LCP. Although the coastal resource at issue in this CDP is significant, the project raises no substantial issue with regard to that resource.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for the future interpretation of its LCP. In this case, the Commission finds that the City applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact public access and is therefore consistent with the applicable public access policies. As such, the City's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises issues of regional or statewide significance. While coastal access and public parking are statewide issues, this project is consistent with the policies and provisions of the Coastal Act and LCP, and will not adversely impact public parking or coastal access in the immediate area. Thus the project does not present issues of regional or statewide significance.

In conclusion, the Commission finds that none of the factors listed above, used to evaluate the question of substantial issue, favor a finding that a substantial issue exists. For the reasons discussed above, the Commission finds that the appeal raises no substantial issue with respect to the consistency of the approved development with the policies of the City's certified LCP or the public access policies in Chapter 3 of the Coastal Act. Applying the five factors identified above, the Commission finds the City's record adequately supports its position that the proposed project is consistent with the applicable Coastal Act and LCP policies. In addition, the development is relatively small in scope, would not have a negative effect on significant coastal resources, would not set an adverse precedent for future CDPs, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue with respect to the grounds on which it was filed.

APPENDIX 1

Substantive File Documents

City of Santa Barbara Planning Commission Hearing Package, Project No. PLN2017-00009, dated August 30, 2019; City of Santa Barbara Council Hearing Package, Project No. PLN2017-00009, dated November 12, 2019; City of Santa Barbara Local Coastal Program; Funk Zone Access and Parking Assessment Study, prepared by City of Santa Barbara Public Works Department, dated October 5, 2018; City of Santa Barbara Council Resolution No. 19-088, dated November 12, 2019; City of Santa Barbara Planning Commission Resolution No. 014-19, dated September 5, 2019; Shared Parking Demand Study for the 11 Anacapa Street Mixed-Use Project, prepared by Associated Transportation Engineers, dated June 19, 2019.