

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: February 21, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: March 7, 2006
Placement: Departmental
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If Yes, date from:
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Steve Chase, Deputy Director
568-2520

SUBJECT: Hearing on the Appeals by the Gaviota Coast Conservancy, the Santa Barbara Urban Creeks Council and the Citizens Planning Association of the Planning Commission's Approval of the Gaviota Beach Road and Bridge Replacement [05DVP-00002 & 05CUP-00000-00005], located at Gaviota State Park, Gaviota area, Third Supervisorial District [BOS Appeal Case Nos. 06APL-00000-00003, -00004, -00005]

Recommendation:

That the Board of Supervisors deny the appeals by the Gaviota Coast Conservancy, Urban Creeks Council and Citizens Planning Association and uphold the Planning Commission's January 25, 2006 approval of the Gaviota Beach Road and Bridge Replacement, 05DVP-00000-00002 and 05CUP-00000-00005.

The Board of Supervisors' action should include the following:

1. Adopt the required findings for the project, as specified in the Planning Commission action letter dated January 26, 2006, including CEQA findings;
2. Certify the Environmental Impact Report (05EIR-00000-00007) and adopt the mitigation monitoring program contained in the conditions of approval;
3. Deny the appeal, upholding the Planning Commission's approval of Development Plan 05DVP-00000-00002 and Conditional Use Permit 05CUP-00000-00005;
4. Grant *de novo* approval of the project subject to the conditions included in the Planning Commission's action letter.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Background

On January 25, 2006, the Planning Commission approved by a 4-1 vote the Gaviota Beach Road and bridge project. The project as approved consists of the removal of the existing road and bridge and their replacement with a new road and bridge. Other project components include the excavation and re-shaping of Gaviota Creek, rock armoring of the new road and creek banks, re-location and/or reconstruction of park facilities and restoration of the construction area and adjacent sites. Approximately half of the project is located within the jurisdiction of the County of Santa Barbara and the remainder is located within the original permit jurisdiction of the California Coastal Commission. That portion of the project within the County's jurisdiction requires a Development Plan and a Minor Conditional Use Permit (CUP), as well as a follow-on Coastal Development Permit (CDP). The Planning Commission approved the required permits (05DVP-00000-00002 and 05CUP-00000-00005) at the January 25, 2006 hearing. The Planning Commission also voted at the January 25, 2006 hearing to certify the Environmental Impact Report (05EIR-00000-00007) prepared for the project.

The Planning Commission's approval of the project was based on the findings and conditions set forth in the Planning Commission Action Letter dated January 30, 2006 (included as Attachment A).

The Planning Commission's approval was appealed on February 2, 2006 by Mike Lunsford for the Gaviota Coast Conservancy and on February 6, 2006 by Eddie Harris for the Santa Barbara Urban Creeks Council and Naomi Kovacs for the Citizens Planning Association.

Appellant Issues

The primary concerns of the appellants are that the alternatives analysis provided by the EIR was inadequate and that the project approved by the Planning Commission is not consistent with the policies of the Local Coastal Plan designed to protect environmentally sensitive habitat. These concerns are discussed in the sections below.

Inadequate Alternatives Analysis

The EIR prepared for the project deemed the Causeway Alternative as the environmentally superior alternative, but considered it to be infeasible based on cost. Similarly, the EIR considered another project alternative – the Alternative Bridge Site – to be infeasible based on cost. The appellants consider this analysis of infeasibility to be inadequate and not supported by sufficient documentation.

As stated in the Staff Report, the applicant, Santa Barbara County Public Works Department, provided information that any difference in cost between an alternative project design and/or location

could not be funded by the funding agency (Federal Emergency Management Agency, FEMA) – the difference in cost for the Causeway Alternative, estimated at \$1,000,000, would have to be borne by the County. Further, as stated in the Staff Report, although the California Environmental Quality Act (CEQA) does not allow cost to be considered in the selection and/or discussion of project alternatives, the “economic viability” of a project “may be taken into account when addressing the feasibility of alternatives”.

Inconsistency with the Local Coastal Plan

The appellants consider the proposed project, as currently designed, to be inconsistent with the policies of the Local Coastal Plan that protect wetlands and other environmentally sensitive habitats. In specific, the appellants consider the proposed raised roadbed to be “diking and filling” of protected wetland and maintain that it will permanently alter the surface flow, hydrology and functional capacity of the lower portion of Gaviota Creek. The appellants also disagree with the estimates of, and proposed mitigation for, loss of wetland habitat.

As analyzed in Section 6.2 of the Staff Report (Attachment B), and based on the EIR prepared by the applicant, the project, as conditioned, would be consistent with the policies of the Local Coastal Plan. Based on the EIR prepared for the project, the surface flows, hydrology and functional capacity of Gaviota Creek would be maintained; proposed culverts would facilitate passage of flood flows and preservation of floodplain function; and both the temporary and permanent loss of wetland/riparian and upland habitat would be mitigated as per mitigation ratios required by the California Department of Fish and Game.

Mandates and Service Levels:

Pursuant to Section 35-182.3 of Article II of Chapter 35 of the County Zoning Ordinances, the decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant, an aggrieved person or any two members of the Coastal Commission.

Pursuant to Sections 65355 and 65090 of the California Government Code, a notice shall be published in at least one newspaper of general circulation within the County, at least 10 calendar days prior to the hearing.

Pursuant to Sections 65091 of the California Government Code, notice shall be mailed to the real owners of property within 300 feet of the project, and shall be mailed to the project applicant and local agencies expected to provide essential services, at least 10 calendar days prior to the hearing.

Fiscal and Facilities Impacts:

The costs for processing appeals of land use projects are typically provided through a fixed fee and funds in P&D’s adopted budget. No fees are collected for appeals in the appeals jurisdiction of the Coastal Zone. Planning and Development offsets all costs associated with processing of the appeal,

budgeted in Development Review South Division, in the Permitting and Compliance Program on page D-294 of Planning and Development's 2005-2006 fiscal year budget.

Special Instructions:

Clerk of the Board shall complete noticing in the Santa Barbara News-Press and shall complete the mailed noticing for the project at least 10 calendar days prior to the March 7, 2006 hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

Concurrence: None

Prepared by: Mark Walter, Ph.D., Planner

Attachments:

- A. Planning Commission Action letter, January 30, 2006
- B. Original Staff Report for 05DVP-00000-00002 & 05CUP-00000-00005
- C. Appellant Appeal Letters
- D. Comment Letters Received
- E. Environmental Impact Report (EIR)