



TO: Planning Commission Chair and Members

FROM: Peter Imhof, Planning and Environmental Review Director

CONTACT: Lisa Prasse, Current Planning Manager
Mary Chang, Supervising Senior Planner

SUBJECT: Amendments to the approved Ritz-Carlton Bacara Hotel Development Plan and Coastal Development Permit to allow a replacement public restroom building, use of an electric food truck, and demolition of the existing Beach House and associated site improvements with restoration of the beachfront at 8301 Hollister Avenue; Case No. 16-002-DPAM- CDPAM; APN 79-200-012 and 013.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Open a public hearing to take verbal and written testimony; and
2. After considering the evidence presented during the public hearing, adopt Planning Commission Resolution No. 20- __ entitled "A Resolution of the Planning Commission of the City of Goleta, California, Adopting the Final Mitigated Negative Declaration, Adopting the Mitigation Monitoring And Reporting Program, and Approving the Development Plan Amendment and Coastal Development Permit Amendment (in concept) to allow construction of replacement restroom amenities, use of a food truck, and removal of the existing storm-damaged Ritz-Carlton Bacara Beach House and protective structures located at Haskell's Beach and 8301 Hollister Avenue, Goleta, CA; Case No. 16-002-DPAM-CDPAM; APN 79-200-012 & -013.

PROPERTY OWNER

Ritz-Carlton, Bacara Hotel
Watermark Capital Partners, Lorcan Drew
8301 Hollister Avenue
Goleta CA 93117

AGENT

Stantec
Ginger Anderson
111 East Victoria Street
Santa Barbara, CA 93101

APPLICANT'S REQUEST

Ritz-Carlton, Bacara Hotel has requested approval of Development Plan and Coastal Development Permit Amendments for the construction of a replacement restroom/shower building with supporting infrastructure, use of an electric food truck, retention of the existing sand/dirt beach access, demolition of the existing storm-damaged Beach House, and removal of the temporary revetment once the new beach amenities are constructed. Additionally, the request is to adopt the Final Mitigated Negative Declaration (Final MND) pursuant to California Environmental Quality Act (CEQA) Guidelines § 15074.

PROJECT TIMELINE

<i>Emergency Permit Filed</i>	<i>January 2016</i>
<i>Emergency Permit Extension Approved</i>	<i>June 17, 2016</i>
<i>Project Application Filed:</i>	<i>May 16, 2018</i>
<i>Design Review Board (DRB) Conceptual Reviews (2):</i>	<i>April 9, 2019</i>
	<i>October 8, 2019</i>
<i>Project Deemed Complete:</i>	<i>March 22, 2019</i>
<i>Emergency Permit Extension Approved</i>	<i>August 23, 2019</i>
<i>Revised Project Description Submitted</i>	<i>September 17, 2019</i>
<i>Revised Project Description Submitted</i>	<i>October 23, 2019</i>
<i>Native American Consultation Period Commenced:</i>	<i>May 9, 2019</i>
<i>Native American Consultation Period Completed:</i>	<i>February 19, 2020</i>
<i>Mitigated Negative Declaration Released:</i>	<i>March 3, 2020</i>
<i>Mitigated Negative Declaration Comment Period Closed:</i>	<i>April 1, 2020</i>

JURISDICTION

The Planning Commission has jurisdiction over the requested Development Plan Amendment (DPAM) and Coastal Development Permit Amendment (CDPAM) in concept, pursuant to Sections 35-169, 35-171, and 35-174 of Article II (Coastal Zoning Ordinance) Chapter 35, Goleta Municipal Code. Therefore, the Planning Commission has City discretionary authority over the project request, unless its decision is appealed to the City Council. As the project is located within the Coastal Zone, the Coastal Commission will have coastal development permit jurisdiction over the project.

BACKGROUND

Emergency Permits

Between December 24, 2015 and January 8, 2016, a series of storms and strong wave events during high tides resulted in significant erosion of the dunes and ocean front terrace upon which the existing Beach House is located, exposing the Beach House

foundation. The erosion removed the remaining strip of vegetated dune strand that separated the terrace and the Beach House from the beach. Four short trail access points, two from each of the Beach House picnic areas, were lost. East of the Beach House, erosion had damaged the short ramp that provides emergency vehicle access to the beach and significantly eroded the eastern bluff slope, leaving portions of the existing vehicle trail undercut and hanging up to 10 feet over the remaining beach. This trail formerly was used by vehicles but is now too narrow. A chain link fence has been placed along its eroded edge to protect pedestrians. Figures 4 and 5 in the associated Final MND shows the project site in 2013 prior to the 2015-2016 storm season and demonstrate the changes caused by the storms and the site after installation of the temporary shoreline protection devices, respectively.

The erosion also exposed previously buried oil pipe infrastructure extending from the terrace to the waves. Additionally, portions of the bluff along the hotel's ocean frontage to the west of the Beach House fell onto the beach and the bluff's top edge receded close to the existing, bluff top public trail. Early iterations of this project included relocation of the hotel bluff top trail; however, that component later was removed and is not part of this application.

In January 2016, in order to protect the Beach House from destruction and at the request of the previous hotel ownership, both the City of Goleta and the California Coastal Commission (CCC) issued emergency permits for installation of 190 linear feet of temporary shoreline protection along 190 feet of the eroded beachfront. The temporary shoreline protection includes a revetment, sheeting for additional slope protection, and posted warning signs at the Beach House ocean front pursuant to the City's previous zoning code, adopted as Chapter 35, Article II, Section 35-322.6 and 14 Cal. Code of Regulations Section 13009 (16-002-EMP, 1/8/2016 and CCC EMP# G-4-16-0006, 1/9/2017).

According to the engineering report submitted in support of the emergency permit applications, without installing a feature to buttress the eroded slope, removal of the temporary revetment will create an unsafe condition that could lead to building failure (Campbell Geo, May 18, 2016, Attachment D of Final MND).

Existing Entitlements

County of Santa Barbara: The Bacara Resort Beach House and other public amenities at Haskell's Beach (trails, parking, snack bar, showers, picnic areas, and bathrooms) were originally approved as part of a Development Plan and Coastal Development Permit for the hotel. Providing public access to Haskell's Beach and maintaining the Beach House amenities, along with public access to parking and trails, were requirements of the original entitlements granted by the County of Santa Barbara Board of Supervisors on August 15, 1988. The hotel project was granted a time extension under 86-DP-046-TE01 by the Board of Supervisors on January 7, 1997, with updated project conditions of approval.

California Coastal Commission: In 1997, the California Coastal Commission issued a series of permits to the property owner(s) to construct the Hollister Road extension, the Tecolote Creek bridge, a 7,200 SF maintenance building, site grading and utilities, 400 guest rooms, a 53,350 SF conference center, and 22,400 SF of restaurants, bars, pools, and health clubs.

Existing Conditions of Approval

The hotel Development Plan required the hotel to provide public beach access with 50 parking spaces and a beachside snack bar/restroom/shower facility (86-DP-046: Condition of Approval (COA) #2, January 7, 1997). This condition was satisfied by construction of the existing Beach House, the design of which was approved for construction in October 2000. CCC Special Condition #7 required the provision of an oceanfront picnic area adjacent to the snack bar on the beach and not located on any environmentally sensitive habitat or archaeological resources. CCC Special Condition 10 required a system of interpretive and location signs, which clearly mark public accessways and parking areas, and provide physical and biological information about the site (CCC Permit No. 4-85-343; December 5, 1997). All these items have been constructed and are present on the site.

Since incorporation, the County-approved permits and the site are now under the City's permit authority and the resources and original project conditions of approval are monitored and enforced by the City.

Previous Environmental Review

The existing hotel and ancillary amenities (including the Beach House) were analyzed in the Hyatt Resort and Hotel Final Environmental Impact Report (FEIR) (84-EIR-4) certified by the County Board of Supervisors.¹ The approval and environmental review included the preliminary development plan and the 400-unit Phase I portion of the 524-unit Hyatt Resort and Hotel development. In 1987 and 1998, additional environmental review occurred in a supplemented EIR (84-EIR-4) to incorporate project changes and perform additional technical analysis. The applicable CEQA documents associated with development of the Ritz-Carlton Bacara site are:

Hyatt Resort Hotel Final Environmental Impact Report (FEIR) (84-EIR-4), August 1984
Supplemental Final EIR Hyatt Resort and Hotel (87-EIR-11), November 1987
Supplemental Final EIR Hyatt Resort and Hotel (87-EIR-19), January 1998

DRB Review

The Beach House replacement proposal has been conceptually reviewed by the DRB twice. The first meeting occurred on April 9, 2019 and the second meeting occurred on October 8, 2019. The DRB initially had concerns with the design and scale of the

¹ 84-EIR-4 includes supplemental review that removed a previous project iteration extending north of U.S.101.

proposed structures (first proposal had two buildings – a restroom building and a food service building). As a result of the April 9, 2019 comments from both the DRB and the public, the applicant revised the project to propose the use of on-site food truck instead of a snack bar building and modified the restroom building design based on the comments received. The use of a food truck instead of a building results in less ground disturbance as one less foundation is needed.

The current proposed design incorporates the recommendations made by the DRB. The design changes are consistent with the City's design regulations so that the new building is aesthetically and architecturally cohesive with the other hotel buildings on the property. Copies of the minutes from the April 9, 2019, and October 8, 2019 DRB meetings are provided for reference.

If the Project is approved by the Planning Commission, then the project will return to the DRB for Final Review approval. The MND concluded that final review by DRB (after action on the land use entitlement occurs) will ensure that all the project components (e.g., landscaping, signs, furniture, trash receptacles, lighting, etc.) will be consistent with the City's design standards before the City issues a Land Use Permit for the commencement of construction.

Native American Consultation

The City made a request to the Native American Heritage Commission (NAHC) on April 23, 2019 for the Sacred Lands File related to the project per Public Resources Code section 5097.96 and Native American Contacts list. The City received a response from the NAHC on May 7, 2019 with a Tribal Consultation List. No information regarding the requested Sacred Lands File search was provided in the NAHC response.

On May 9, 2019, the City sent letters inviting consultation to the tribal representatives identified on the list provided by the NAHC as having a traditional and cultural association with the geographic area of the proposed project pursuant to Public Resources Code section 21080.3.1. The City received two requests and held a consultation with one Chumash representative on June 7, 2019 and another on July 9, 2019. The City met with two Chumash representatives at the project site on July 29, 2019. The tribal representatives reviewed and provided input on the Extended Phase 1 Archaeological Report and expressed satisfaction with its analysis and conclusions. The text of the Final MND and mitigation measures identified therein reflect input from tribal representatives. The applicant, City, and Chumash representatives concluded consultation to the satisfaction of the parties on February 19, 2020 (Freddie Romero of the Santa Ynez Band of Chumash Indians, and Julie Tumamait-Stenslie of the Barbareño/Ventureño Band of Chumash Indians (February 19, 2020). In addition to engaging in formal consultation with the tribal leaders of the Santa Ynez and Barbareño/Ventureño Bands, staff sought input from the Barbareño Band of Chumash Indians (BBCI) and Frank Arredondo. Staff met with Mr. Arredondo on March 10, 2020 and with member(s) of the BBCI in July 2019 and on May 1, 2020.

Existing Zoning and General Plan Designations

The City GP/CLUP Land Use Designation for the site is Visitor Serving Commercial and the zoning district is now Visiting Serving Commercial (VS). Prior to the effective date of the new zoning regulations, the zone district applicable to the site was Resort/Visitor Serving Commercial (CV). Since the project application was deemed complete on March 22, 2019 (prior to September 1, 2019 vesting date per the new zoning code regulations), it is subject to the standards, findings, and regulations of the prior Coastal Zoning Ordinance, Article II. The project site under the new zoning designation is consistent with the GP/CLUP and the current hotel use would continue to be an allowed use.

PROJECT LOCATION

The project site is located at 8301 Hollister Avenue in the City of Goleta. The site is approximately 0.6 miles west of the Highway 101 and Cathedral Oaks Road overpass ramps. The project site is an approximately 1.4-acre area located along the shoreline at Haskell's Beach in the Coastal Zone. The site is part of the previously developed 72.73-acre Ritz-Carlton, Bacara Hotel property which was built on this former location of a partially restored and heavily disturbed industrial oil production facility. The hotel is located on Assessor Parcel Number (APN) 079-200-012 and the restroom replacement project is located entirely on APN 079-200-13. See Figure 1 below for the project location.

PROJECT DESCRIPTION

The project consists of the following physical construction components to replace the existing Beach House snack bar and restrooms facilities consistent with the existing hotel conditions of approval (Development Plan No. 86-DP-46 and Coastal Development Permit No. 96-CDP-078). The existing building was compromised by winter storms and high tides in 2016. The project includes:

1. Construction of one, new, 325 square foot, single-story building with four restrooms, a storage room, two exterior showers and drinking fountains. To construct the new restroom building, a 743 SF concrete pad, grading and trenching for utilities will be needed; a 65-foot long masonry retaining wall ranging in height up to a maximum of 3 feet is proposed; and a 60-foot linear concrete drainage ditch and a 200 SF earthen stormwater infiltration basin would be constructed.
2. Use of an electric food truck as a snack bar. A designated 15 x 30-foot parking space with utilities along the western side of the existing emergency turnaround is planned to support the food truck.
3. Emergency access road adjustments include replacement of a 2,020 SF section of existing asphalt, the addition of 253 SF of asphalt to improve the turnaround capacity, and regrading of the earthen beach access ramp.
4. Once the new facilities are open to the public,
 - a. The Beach House would be demolished, utilities removed, and the site graded and restored.

- b. A new east-west segment of the existing public access trail/path with informational signs will be installed along the south edge of the former Beach House building footprint parallel to the ocean.
- c. A movable fence will be installed along the shoreline terrace to accommodate future shoreline changes.
- d. The emergency shoreline protection revetment and sheeting placed by permit (16-002 EMP) will be removed.

Figure 1: Project Location and Vicinity



DISCUSSION

Siting Factors/Siting Exploration

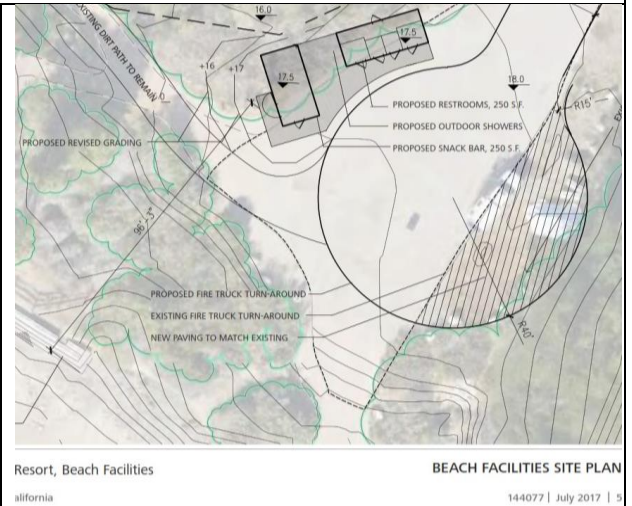
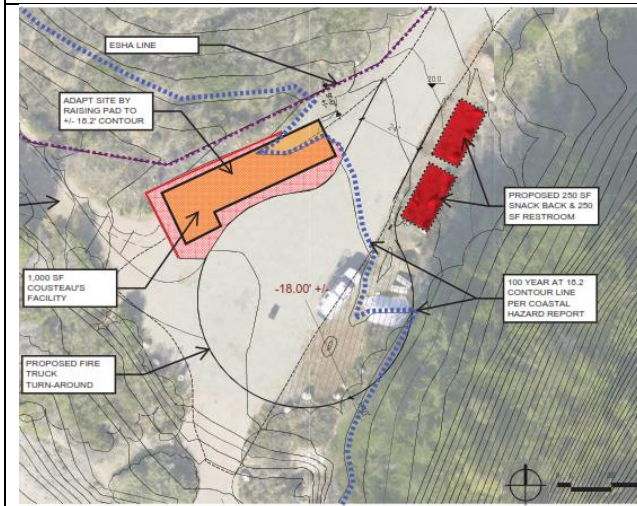
The Bacara Hotel site has many unique and sensitive resources on the site that require careful consideration as changes are made. The property owner would not be making these changes at this time if not for the storm damage that occurred several years ago.

The applicant's permitting team considered multiple locations and building configurations to replace the amenities provided at and by the wave-damaged Beach House. The challenge facing the applicant to find a suitable site has included avoiding documented sensitive resources (biological and archaeological) and recognizing changing shoreline conditions, while balancing the applicable City GP/CLUP and Coastal Act policies and the existing permit conditions. Sites considered included five project locations along the west

side of the emergency access road and three along the east side of the road. As shown in the six example iterations considered in the drawings in Figure 2 below, these locations were deemed either too close to ESHA, known cultural resources, or subject to ocean hazards as shown on the next page below.

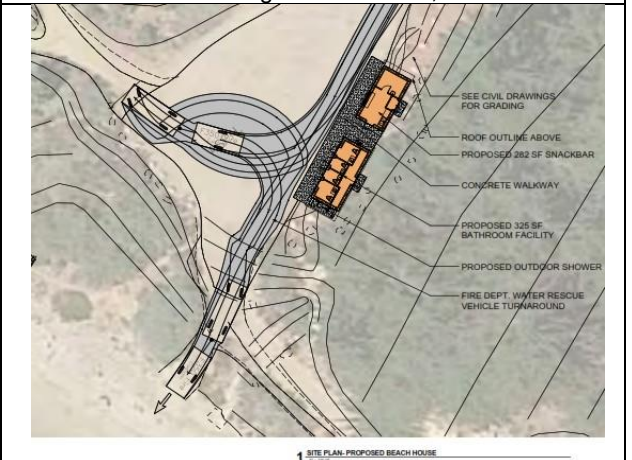
One of the options considered was relocation of the restroom facility to the parking lot adjacent to the tennis courts, but CCC staff did not find such a location consistent with the permit conditions to adequately serve the public (beachgoers). Furthermore, it would impact parking. The proposed project site was selected by the applicant to support recreational amenities for Haskell's Beach after considering all the factors (beachside adjacency, archaeological and biological resources, and ocean hazards/sea level rise considerations).

Figure 2: Beach House Site Options - Infeasibility Factors



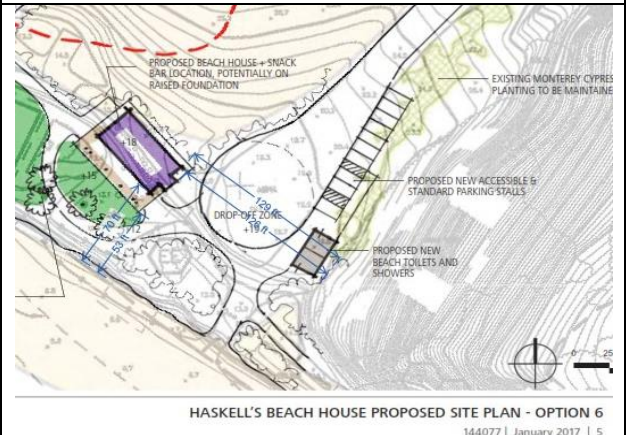
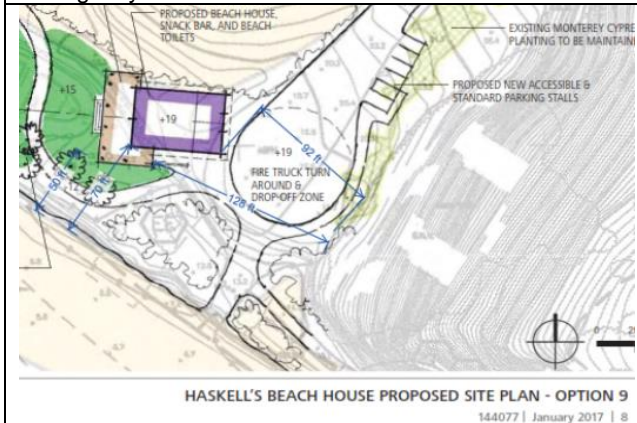
Cultural and Biological Resources, Ocean Hazards

Cultural and Biological Resources, Ocean Hazards



Cultural and Biological Resources, Ocean Hazards, Emergency Access

Cultural and Biological Resources, Ocean Hazards



Cultural and Biological Resources, Ocean Hazards

Cultural and Biological Resources, Ocean Hazards

Sources: Stantec, WATG

Coastal Commission Consultation

The City staff and the applicant team held a meeting with California Coastal Commission (CCC) staff on January 24, 2018 to discuss the project and explore siting options. During the meeting, CCC staff expressed concern regarding biological and cultural resources and the need to find a location that could serve the public using Haskell's Beach while avoiding shoreline changes.

The CCC has continued working with the applicant and has provided comments to the applicant in a series of application incompleteness determination letters outlining necessary project revisions. CCC staff has expressed satisfaction with the proposed location of the replacement restroom/shower building and support for the alternative use of a food truck instead of a snack bar building.

The most recent application incompleteness determination letter from the CCC to the applicant is dated June 26, 2019 and requires that the applicant make no additional project changes except obtaining an "Approval-in-Concept" from the City of Goleta prior to the CCC continuing review of the project. "Approval-in-Concept" encompasses completion of all City CEQA requirements and permit approvals.

As indicated above, the site is designated for Commercial Visitor Serving Land Uses and the proposed project does not change the intensity or nature of the recreational amenities provided on the site. The facilities are sized to avoid resources and in a location that reflects the changing site conditions due to ongoing coastal erosion. The project components are required by the hotel use permits and are accessory and customarily appurtenant to development approved under (86-DP-46 and 97-CDP-078) and would not alter the intent of the prior approvals. Rather, the project is proposed to ensure that the existing hotel will continue to provide recreational public beach access and support facilities as required. Table 1 below compares the existing Beach House to be removed with the current project.

Table 1 Existing and Reduced Projects			
Existing Beach House Building Amenities (2,668 SF Building)		Replacement Food Truck and Restroom Building Amenities (325 SF Building)	
<ul style="list-style-type: none"> ▪ M/W Restrooms – (Mens' - One toilet/One Urinal/One sink; Womens' – Two toilets/ One sink) ▪ Outdoor Showers (2) 258 SF structure ▪ Two Drinking Fountains ▪ Snack Bar Kitchen & Food Prep. Areas Dry & Cold Storage Areas ▪ Ocean Rentals <p>Distance from Beach <5-10 feet</p>		<ul style="list-style-type: none"> ▪ New Restroom Building Four Restrooms - Unisex (Four toilets/Four Sinks) +2 sinks ▪ Outdoor Showers (2) 0 SF No separate structure (-258 SF) ▪ Two Drinking Fountains ▪ Storage Area ▪ New Electric Powered Food Truck Prepared Foods and Cold Storage Parking 30x15 ft. on existing pavement <p>Distance from Beach <175 feet</p>	
Total Structures:	Existing: 2,926 SF	Proposed: 325 SF	Change: -2,601 SF
SF=square feet Source: Stantec			

As highlighted above in Table 1, the new beach restrooms will be 2,601 SF less in area than the existing building. The smaller building in conjunction with the proposed mobile food truck is intended to avoid Native American and biological resources on the site while still providing the same amenities (i.e., a snack bar, showers, drinking fountains) required by the hotel's land use permits. This configuration and location ensures that ancillary beach uses, including access to sanitary restrooms, waste removal, a snack bar and first responder emergency services, are maintained in support of the ongoing public use Haskell's Beach.

General Plan Consistency and Zoning Consistency

The City's General Plan/Coastal Land Use Plan (GP/CLUP) policies LU 9.1 (f -g) and CE 1.7 specifically require that any alteration of the existing hotel development maintain or expand the extent of coastal access facilities while protecting coastal and environmentally sensitive resources. These policies, as well as the original hotel permit conditions of approval, require protection and avoidance of Tribal Cultural Resources and Environmentally Sensitive Habitat Areas (ESHA). As detailed in Section K. Land Use and

Planning of the Final MND (Exhibit 1 of Attachment 1), the project amenities are consistent in support of Haskell's Beach designation as a Regional Open Space (as defined in Policy OS 6.7) and as Pacific shoreline and beach in GP/CLUP Table 3-1 and in Figures 3-1 and 3-2. The project would continue to provide for existing services but would not represent an expansion of services that would increase demand for use of the site. The project is consistent with preservation and management of the existing public beach access, parking, signs, amenities, trails, and bikeway at the site as required in Open Space Element Policies OS 1, OS 2, OS 3, and OS 4.

GP/CPUP Policy CE 1.6 only allows uses or development dependent on and compatible with maintaining such resources within ESHA. GP/CLUP Policy CE 1.7 requires that the new development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Any impacts that cannot be avoided shall be fully mitigated, with priority given to onsite mitigation.

The design of the project results in a reduction of building size for restrooms and use of a food truck instead of construction of another building are consistent with protection of these resources. This includes Policy OS 7, which requires protection of open space for natural resources, public health and safety in open space areas including environmentally sensitive habitat areas (ESHAs), flood and hazard zones, and Policy OS 8 which requires protection of Native American/Paleontological Resources.

A peer review of the Extended Phase I Archaeological report and site survey were completed for the MND that concluded that the shell fragments on the ground surface are not associated with documented tribal cultural resources, or known prehistoric or historic archaeological sites, and that grading and excavating of the site would not have the potential to disturb unknown buried archaeological resources. However, due to the proximity of sensitive resources, project mitigation measures were included for monitoring of the project development and detail action to be taken should unanticipated cultural or tribal resources be discovered. Mitigation requires work to be stopped if a cultural resource is encountered during soil disturbance until the find can be evaluated, including by local Chumash representatives. As designed and with implementation of the mitigation measures, the project is consistent with the Open Space Element policies for cultural resources.

Because the existing site has experienced flooding during storm and tide events at the Pacific Ocean at Haskell's Beach front and the Tecolote Creek mouth, the existing public beach facilities have been damaged and need to be replaced in a safer area. As such, the new building would be located upslope and outside the projected area subject to wave runup throughout the expected 50-year life of the building in keeping with General Plan policies. A peer-reviewed Ocean Hazards Study (Anchor QEA, 2017) was prepared for the project consistent with GP/CLUP Policy SE 2.4 and Policy SE 2.5. These policies require that all structures proposed within 500 feet of the mean high tide line not be subject to shoreline erosion or other hazards for the structure's lifetime or for 50 years. Further, the design and new location of the beach amenities are intended to be consistent

with California Coastal Commission (CCC) Sea Level Rise Policy Guidance by proposing relocation of the facilities away from anticipated wave runup areas during the life of the project (CCC, 2018).

For the reasons discussed above and, in the analysis, and mitigation measures contained in the Final Mitigated Negative Declaration, staff finds that the proposal as designed and sited is the alternative that results in the fewest and least impacts on the site consistent with General Plan Policy CE 1.7.

The proposed restroom building is placed in such a manner to observe all required setbacks and development standards of the C-V zone district. A zoning consistency analysis is provided as Exhibit 4 to Attachment 1. In addition, adequate public services exist to serve the site as the Goleta Water District, Goleta Sanitary District, and Santa Barbara County Fire Department have indicated that the project can be served. Therefore, as located and as currently proposed, the project may be found to be consistent with the GP/CLUP and the Coastal Zoning Ordinance in place at the time the project application was deemed complete on March 22, 2019.

Findings based on DPAM and CDPAM

The DPAM and CDPAM are consistent with the findings of Sections 35-169, 35-171, and 35-174 of the Coastal Zoning Ordinance as the project site has adequate design, size, shape, location, and access to accommodate the density and intensity of the proposed project. In addition, potentially significant environmental effects of the project would be reduced to a less than significant level with the implementation of the Mitigation Measures identified in the project MND. These findings are discussed in more detail in the attached Resolution (Attachment 1).

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project by City staff pursuant to the requirements of CEQA (Pub. Resources Code §§ 21000 et seq.) and released for a 30-day review on March 3, 2020. During the public review period, six comment letters were received. The Final MND has been prepared which incorporates and responds to the substantive comments. The Final MND finds that the proposed project would not have a significant adverse effect on the environment with the implementation of the Environmental Conditions of Approval and Mitigation Measures for the environmental issue areas described below. The Final MND was made available to the public and to Responsible Agencies a minimum of ten (10) day prior to the Planning Commission hearing. The Final MND is included as Exhibit 1 of Attachment 1.

Biological Resources

The Final MND identifies potentially significant impacts in the area of Biological Resources that can be reduced to a level of less than significant with the adoption of three

mitigation measures. The entire hotel property site has extensive biological resources present. The project is located in an area where the least impact is likely to occur and some of the biological impacts will be short lived during construction. Mitigation Measure BIO-1 requires the 1:1 replacement of the approximately 8 Monterey Cypress trees that might be impacted by construction as shown on the plans. The mitigation measures specify the tree size and location for the replacement trees. Mitigation Measure BIO-2 requires a nesting bird survey to be undertaken prior to the commencement of construction and establishment of a 300-foot buffer if an active nest is determined to be present in the area of construction. Mitigation Measures BIO-3 requires biological monitoring, equipment maintenance, and protective fencing of the ESHA during construction. This potentially significant impact would be reduced to less than significant levels with the implementation of Mitigation Measures BIO-1 through BIO-3.

Cultural Resources and Tribal Cultural Resources

The Final MND identifies that there are potentially significant impacts in the areas of Cultural Resources and Tribal Cultural Resources that can be reduced to a level of less than significant with the adoption of four mitigation measures. In regard to Cultural Resources, the impact relates to the sensitivity of the Bacara hotel site for the presence of cultural resources. While the scope of grading activities is minimal to implement this project, the possibility of finding significant cultural resources during earth work activities (foundation work for the new restroom, utility trenching, and removal of the existing Beach House) exists.

As such, mitigation measures are proposed to minimize impacts. These mitigation measures require monitoring by an archaeologist and a Chumash observer during all ground disturbance activities (CUL-1 and CUL-2), additional shovel pit testing if the restroom foundation extends below 6.6 feet deep (CUL-2), preparation of construction monitoring and treatment plan prior to any ground disturbance (CUL-3) and a pre-construction workshop to be held before construction commences (CUL-4). Potentially significant impact on cultural resources/tribal cultural resources would be reduced to a less than significant level with the implementation of Mitigation Measures CUL-1 through CUL-4.

Hazards and Hazardous Materials

The Final MND identifies that there are potentially significant impacts in the area of Hazards and Hazardous Materials that can be reduced to a level of less than significance with the adoption of four mitigation measures. The potential impacts are not the result of the project but are needed based on the site's previous use for oil extraction. Mitigation Measures HAZ 1 – HAZ 2 relate to the potential hazards that might exist in the soil and address safety measures and the removal of legacy oil/gas infrastructure that might be entered during construction and demolition. Mitigation Measure HAZ 3 requires appropriate abate of asbestos if found within the existing Beach House building and Mitigation Measure HAZ 4 requires the installation of Hydrogen Sulfide detection systems as part of the new construction. The potentially significant impacts would be reduced to

less than significant levels with the implementation of Mitigation Measures HAZ-1 through HAZ-4.

Other Topic Areas

The analysis within the Final MND did not lead to a conclusion of impacts in any other topic areas analyzed, primarily because the project would be required to comply with existing standard requirements/conditions of approval that would offset potential issues. For these reasons, the Final MND identifies conditions of approval in the areas of Aesthetics (design review and lighting), Geology/Soils (geotechnical and soils engineering report), Hydrology (stormwater plans, location of washing/fueling of equipment, and deed restriction regarding coastal hazards), Public Services (compliance with Santa Barbara County Fire Department regarding the use of the emergency access road by the food truck), and Transportation (Construction parking plan) that lead to a finding of less than significant in these topic areas.

COMMENTS RECEIVED ON THE DRAFT MND

During the Draft MND public review period, the City received comments from three interested persons, the project applicant's representative, an Elder from the Barbareño Band of Chumash Indians, and the California Department of Conservation. No comments were received from the California Coastal Commission staff on the analysis or the mitigation measures proposed within the MND. The comments are summarized below along with the response provided. All of the comments and the full responses are provided in the Final MND.

- On March 25, 2020, Stantec submitted comments on the content of the Draft MND on behalf of Watermark Partners, the Ritz Carlton Hotel owner. The comments sought clarifications to the project description and expressed a need to revise the impacts discussions, conclusions, change impacts level conclusions, revise and eliminate mitigation measures, and conditions of approval related to biological resources, cultural resources, greenhouse gas, hazards and hazardous materials, and recreation. In response, clarifications were made to the Project Description; Section C, Cultural Resources analysis and Mitigation Measure CUL-2. The changes were made to CEQA Checklist B, item c and Checklist D, item f to reflect the environmental determination.
- On March 28, 2020, Ernestine Ygnacio De Soto, Elder, Barbareño Band of Chumash Indians (BBCI), sent the City an email expressing opposition to the project and a desire to set up a meeting with the City. A telephonic meeting occurred on May 1, 2020 with BBCI members, James Yee, Barbara Lopez, and Ernestine Ygnacio De Soto, City staff, and archeologists Heather McDevitt and Ann Munns. The discussion focused on the information presented in the various reports and the Cultural/Tribal Cultural Resources sections of the MND and the

applicable mitigation measures. The BBCI requested input on the selection of the Chumash monitor and provided suggested names to the applicant's archeologist.

- On March 29, 2020, Barbara Massey, Goleta resident, submitted comments on the merits of the project and the content of Draft MND. The comments express opposition to the proposed project location due to it being within a setback from an Environmentally Sensitive Habitat Area (ESHA) and in proximity to sensitive cultural land, citing public comments by members of the Chumash who attended the City of Goleta Design Review Board (DRB) meetings. The potential for pollution from the food truck parking spot and lack of direct pedestrian connection to the project from the public parking lot and the beach. The commenter expressed that people would use ESHA as a route to the proposed bathroom. The comments provided by Ms. Massey do not affect the analysis or mitigation measures contained within the FMND. The impacts regarding ESHA and sensitive cultural lands are discussed in detail within the FMND, the General Plan consistency analysis (Exhibit 3 to Attachment 1), and in the Discussion section of this staff report.
- On March 31, 2020, Ingeborg E. Cox MD, MPH, Goleta resident submitted comments on the merits of the project and Draft MND in the areas of archaeological impacts, trash, seismic strength of the proposed restroom building, hydrogen sulfide sensors, and trash collection. The comments provided by Dr. Cox do not affect the analysis or mitigation measures contained within the FMND. The building and foundation will be designed to meet the requirements of the California Building Code, which include earthquake safety. Further, Mitigation Measure HAZ-4 addresses Dr. Cox comment regarding hydrogen sulfide (H₂S) monitors and the provision of trash receptacles is provided as a condition of approval. The generation of trash should not be any more than is currently being experienced and the location of the food truck is approximately 90 feet further from the shoreline.
- On April 1, 2020, Victor Cox, Goleta resident, emailed comments to the City regarding the merits of the project and Draft MND regarding known Chumash cultural resources on the project site and the lack of discussion regarding the historic enemy attack on the Ellwood oil and gas production complex formerly located onsite. The comments provided by Mr. Cox do not affect the analysis or the proposed mitigation measures contained in the FMND.
- On April 7, 2020 (after the close of the public review period), Pat Abel, Coastal District Deputy with the California Department of Conservation, submitted a letter advising of the potential presence of two abandoned hydrocarbon wells on the property and of the regulatory requirements related to development adjacent to such wells. The comments provided by Mr. Abel do not change the analysis within the FMND and Condition of Approval 33 has been added in response to this comment.

PUBLIC NOTICE

On April 30, 2020, notice for this hearing was published in the Santa Barbara Independent and mailed to property owners within 1000 feet of the project site and residents within 100' of the site.

CONCLUSION/RECOMMENDATION

The project is consistent with the project site's GP/CLUP Visitor Serving Commercial land use designation and zoning district (VS). The project will continue to provide the required beach-adjacent amenities (restroom, showers, and snack bar) required by the County and CCC conditions of approval associated with the hotel project, which was built on this former location of a partially restored and heavily disturbed industrial oil production facility. After a thorough investigation of options for replacement facilities to serve the beach going hotel and public, the project has been designed in such a manner to have as "light touch" as practical on the land based on the hotel permit and the options considered. The project will be located outside the 50-year wave run up area and to have as minimal impact on sensitive resources as possible. The project will not result in significant effects on the environment with implementation of the Mitigation Measures and standard conditions of approval identified in the project's Final MND. All the required findings for the DPAM and the CDPAM in concept can be made. Based on the analysis and conclusions herein, staff recommends that the Planning Commission adopt the MND and approve the DPAM and CDPAM (in concept as outlined in the Planning Commission Resolution (Attachment 1)).

APPEALS PROCEDURE

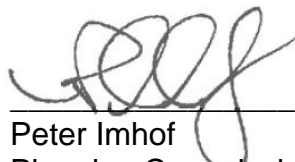
The Planning Commission is the decision-maker on this project relative to the City's jurisdiction. The Planning Commission will be the final City decision-maker on land use entitlement components, unless an appeal is submitted to the City Council. As indicated above, as the project is located within the Coastal Zone, the California Coastal Commission has coastal development permit jurisdiction over the project.

Legal Review By:



Winnie Cai
Assistant City Attorney

Approved By:



Peter Imhof
Planning Commission Secretary

ATTACHMENTS:

1. Planning Commission Resolution No. 20-____
 - Exhibit 1 Final Initial Study/Mitigated Negative Declaration with MMRP
 - Exhibit 2 Conditions of Approval
 - Exhibit 3 General Plan/Coastal Land Use Plan Consistency
 - Exhibit 4 Zoning Ordinance Consistency Analysis
2. DRB Minutes of April 9, 2019 and October 8, 2019
3. Applicant's Project Location Justification
4. Project Plans