

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION

RITZ-CARLTON BACARA BEACH HOUSE REPLACEMENT PROJECT

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RESOLUTION NO. 20 - ____

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 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 Hotel 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.

The Planning Commission of the City of Goleta does resolve as follows:

SECTION 1: *Recitals:* The Planning Commission finds and declares that:

- A. The existing Ritz-Carlton, Bacara Hotel Beach House amenities (restrooms, snack bar, showers etc.) and public access improvements are part of the conditions of approval for the existing Development Plan and Coastal Development Permit approval for the hotel, originally entitlements approved by the County of Santa Barbara (now City of Goleta) and California Coastal Commission between 1988 and 1997. (City of Goleta, 86-DP-46; 97-CDP-078) (California Coastal Commission, CDP-85-343);
- B. The existing Beach House foundation was undermined by the winter storms of 2016. In January 2016, in order to protect the Beach House from destruction and at the request of the previous hotel ownership, both the City 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);
- C. On May 16, 2018, Ritz-Carlton, Bacara Hotel ("Applicant") submitted an application requesting approval of Development Plan Amendment, Coastal Development Permit Amendment and Design Review at 8301 Hollister Avenue, Goleta ("Property") to replace the existing Beach House, which is threatened by coastal erosion (the "Project") as stated in recital A above. The project includes new construction of 325 square footage restroom building with outdoor showers, use of an electric food truck as a snack bar, utilities relocation, improvements to the existing emergency access turnaround and beach access, and removal of the existing Beach House and temporary protective revetment installed under emergency permits once the replacement facilities are operational. The project

has been proposed to maintain consistency with the approved permit requirements;

- D. 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 as a series of application incompleteness 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;
- E. The City staff reviewed a series of development proposals from the applicant and, on March 22, 2019, deemed the project application complete. Since the project application was deemed complete on March 22, 2019 (prior to September 1, 2019 vesting date), it is subject to the standards, findings, and regulations of the prior Coastal Zoning Ordinance. The project site's new zoning is consistent with the GP/CLUP and the current hotel use would continue to be an allowed use under the new zoning;
- F. The most recent application incompleteness letter from the California Coastal Commission to the applicant is dated June 26, 2019 and requires that the applicant provide no additional project changes except obtaining an "Approval-in-Concept" from the City prior to its continuing review of the project;
- G. 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 pursuant to 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 all tribal representatives identified on the Native American Contacts list as having a traditional and cultural association with the geographic area of the proposed project pursuant to Public Resources Code section 21080.3.1;
- H. 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 representatives of two Chumash representatives at the project site on July 29, 2019. The tribal representatives reviewed and provided input on the peer reviewed Extended Phase 1 Archaeological Report and expressed satisfaction with its analysis and conclusions that are reflected in the environmental mitigation measures. The consultation concluded to the satisfaction of the applicant, City, and Chumash representatives' parties on February 19, 2020 (Freddie Romero,

Julie Tumamait-Stenslie, emails February 19, 2020);

- I. The City reviewed the Project's environmental impacts in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA"), the regulations promulgated thereunder (14 California Code of Regulations §§ 15000 *et seq.*, the "CEQA Guidelines"), and the City's Environmental Review Guidelines ("Goleta Guidelines");
- J. After preparing an Initial Study, the Director of Planning and Environmental Review determined that a Mitigated Negative Declaration (MND) should be prepared for the project pursuant to CEQA Guidelines §§ 15063 and 15070;
- K. On March 3, 2020, the City released the Draft MND for a 30-day public review period. The public reviewed period ended on April 1, 2020 and six comments were received;
- L. The substantive comments received that related to the environmental analysis have been incorporated to add clarity within the Final MND. None of the changes warrant recirculation under CEQA. The Final MND has been made available to the public for at least ten (10) calendar days prior to the Planning Commission hearing;
- M. The Final MND for the Ritz-Carlton Bacara Beach House Removal and Replacement Project attached as Exhibit 1 to this Resolution and incorporated by reference, was prepared in full compliance with CEQA, and concluded that the project will not have a significant effect on the environment with mitigation measures; and,
- N. On May 11, 2020, the Planning Commission conducted a duly noticed public hearing at which all interested parties were heard. Further, the Planning Commission considered the entire administrative record including, without limitation, staff reports, and evidence submitted during the public hearing.

SECTION 2 *Factual Findings and Conclusions:* The Planning Commission finds as follows:

- A. The Project site is 1.4 acres in size and occupies a portion of existing hotel property (Assessor's Parcel No. 079-200-012 and -013). The Project site has General Plan Land Use and Zoning designations of Visitor Serving Commercial (VS). The previous Coastal Zoning Ordinance district was Resort/Visitor Serving Commercial (C-V).
- B. Access to the Project site is from Hollister Avenue.
- C. On January 7, 1997, the County of Santa Barbara Board of Supervisors approved

Development Plan 86-DP-046 for the construction of the Hyatt Resort and Hotel. The hotel Development Plan permit 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. California Coastal Commission (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.

D. The Project components are summarized as follows:

1. *Restroom Building and related improvements.* Construction of one new 325 square foot single-story building with four restrooms, a storage room, two exterior showers on the south side of the proposed building and two drinking fountains on the north side of the proposed building. The location of the new restroom facility and associated improvements is located approximately 250 feet to the northeast of the existing Beach House.

As part of the construction of the new restroom building, a 743 SF concrete pad for the building would be constructed along with necessary grading and trenching for new laterals for underground utility connections (electrical, water, sewer, and communications) installed within the emergency access road. These are the same utility lines that currently serve the existing Beach House.

Also, construction of the new building includes the installation of a 65-foot long, low height (few inches to 3 feet high) masonry retaining wall. The purpose of the retaining wall is to drain the restroom building site and protect it from erosion. In addition to the retaining wall, concrete swales are proposed along the retaining wall to direct water runoff to a 200 SF earthen stormwater infiltration basin. The infiltration basin would be located between the proposed building and the hillside immediately to the east of the project site.

Access by users and maintenance personnel would continue to occur via the existing emergency access road and the existing onsite trail network. The building design complies with the Americans with Disabilities Act (ADA) as two of the four restrooms would be wheelchair compatible. Lastly, hotel staff and cart service would be available to all users to provide ADA access to the beach consistent with current operations.

2. *Food Service/Snack Bar.* An electric food truck would be used as a snack bar and available to the public with operating hours and dates consistent with the

existing hotel conditions of approval (86-DP-46), which requires snack bar service remain available to all users (public and hotel guests) weekly, during the summer months, and on all holidays.

A parking space along the western side of the emergency road turnaround has been designated for the food truck. The food truck parking space is approximately 15 x 30 feet in dimension. In addition, an electrical connection for the food truck parking space will be provided. The electrical connection will be underground alongside the western portion of the emergency access road and a new communication line will be installed.

The food truck would be operated by hotel staff at all times when open, and immediately moved or removed as necessary to avoid emergency response vehicles and personnel as needed. The food truck would be stored, stocked, and recharged nightly or when not in use at an existing staging area near the existing hotel kitchen. The applicant will place directional signs on the site for the snack bar and restrooms including hours of operation.

3. *Emergency access road adjustments.* Approximately 2,020 SF of the existing asphalt emergency road adjacent to the proposed restroom building will be replaced to adjust the surface to match the new building grades to allow for property drainage. In addition, another area of 253 SF of asphalt would be added to the southwest corner of the turnaround at the eastern end of the existing pedestrian trail. This is to allow emergency vehicle access and turning to comply with fire department standards.
4. *Utility and communications connections and construction of new connections.* The existing underground utilities (electricity, sewer, water, communications, and fire hydrant) located along the emergency access road and to the Beach House (except the existing reclaimed water line) will be removed. In addition, the existing communication lines between the tennis court and the existing Beach House will be abandoned.

The existing fire hydrant adjacent to the Beach House will be replaced with a new one adjacent to the proposed building and connected to the existing water line. The new fire hydrant would be operational before removal of the current fire hydrant at the Beach House. In addition, new communication lines would be installed alongside the existing utilities located within the exiting emergency access road. Lastly, the existing reclaimed water line will be used to provide irrigation for the restoration planting proposed to occur.

5. *Emergency Beach Access.* The existing earthen emergency vehicle and pedestrian access ramp to the beach to the east of the existing Beach House would be regraded. The ramp would be regularly maintained as part of the project as beach front conditions warrant to ensure continued and uninterrupted

emergency vehicle and public beach access is accommodated as required by the existing permit.

6. *Trail Improvements.* Construction of a new east-west segment of the existing public access trail/path will be located along what is now the south edge of Beach House building footprint and on the valley/marine terrace parallel to the ocean. The new trail/path segment would not be less than 5 feet wide and is proposed to include informational signs installed in two locations. The location of the path would appropriate 2 feet northward of the existing location. The existing split rail wooden fence would be replaced with a movable wooden buck and rail fence. The movable fence design will eliminate the need for installing a fence and allow for the ease of relocation over time as the shoreline changes and retreats. Lastly a small portion of the existing trail/path (169 SF) will be resurfaced with decomposed granite.

7. *Removal of Beach House and Temporary Revetment.* Once the new food truck, restrooms, showers and drinking fountains are open to the public, the existing Beach House building, foundation, and revetment would be demolished and removed. The former building site would be regraded, and the area replanted. Restoration will include planting with native plants. After restoration work is completed, information signage is proposed to be installed. A trail is also proposed to connect to existing trails along the shoreline. The new trail segments would be consistent in materials to existing trail segments.

E. The factual findings and conclusions in this Section are based upon substantial evidence found within the entirety of the administrative record.

SECTION 3: Environmental Assessment for the Project. The Planning Commission makes the following environmental findings:

- A. The City completed a Final MND for the project in accordance with applicable law including, without limitation, CEQA Guidelines §§ 15070, 15071 and 15073; and
- B. The City distributed the Draft MND for public review and comment for a period of 30 days from March 3, 2020 to April 1, 2020 and responded to all comments received in writing by updating the Final MND as appropriate; and
- C. The Final MND and the Mitigation and Monitoring Reporting Program (MMRP) were presented to the Planning Commission, which reviewed the record of the proceedings and considered all information contained in the Final MND and its appendices, the MMRP and the testimony and additional information presented at or before all public hearings in accordance with CEQA Guidelines §15074; and
- D. Pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently

reviewed and analyzed the Final MND prepared for the Project. The Final MND is an accurate and complete statement of the potential environmental impacts of the project. The Final MND was prepared by the City of Goleta Planning and Environmental Review Department and reflects its independent judgment and analysis of the environmental impacts.

SECTION 4: Development Plan Amendment (DPAM) Findings. The Planning Commission makes the following findings pursuant to Sections 35-174.7 of the Coastal Zoning Ordinance:

- A. The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.*

The project is on a 1.4-acre site. The existing and proposed land uses are consistent with the policies in the City of Goleta General Plan/Coastal Land Use Plan, as detailed in Exhibit 3 to this Resolution. The proposed use is allowed under the Visitor Serving Commercial land use designation and the current Zoning Ordinance district, also Visitor Serving Commercial (VS). The project site is located on a legally created lot, and is adequate in size, shape, location and physical characteristics to accommodate the existing uses and new project components. The proposed improvements are customary to the existing development and will not adversely affect the density or intensity of uses on the project site. Therefore, the project site will remain adequate in size, shape, location and physical characteristics to accommodate the density and intensity of the proposed development.

- B. The adverse impacts are mitigated to the maximum extent feasible.*

The project has been fully analyzed in the Final MND as Exhibit 1 to this Resolution. The Final MND identifies potentially significant project-related environmental impacts pertaining to biological resources (the potential to disturb nesting birds, trees, adjacent riparian and coastal habitat, and ESHA), cultural/tribal resources (potential for unanticipated impacts to buried cultural resources), and hazards and hazardous materials (potential to disturb existing buried materials). All of these impacts can be reduced to levels of less than significance with the implementation of mitigation measures identified by Final MND and the project has been mitigated to the maximum extent feasible.

- C. The streets and highways are adequate, and property designed to carry the type and quantity of traffic generated by the proposed use.*

Access to the project site is from Hollister Avenue. The public amenities will not cause additional traffic to be generated as they are ancillary support facilities intended to serve the beachgoers who are frequenting the site currently. No change is planned or is necessary to the streets and highways and public parking

areas and trails that serve the project site as they are adequate and properly designed to support the activities currently generated by existing uses at the project site.

- D. There are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The proposed amenities are already occurring on the site and are served by the above listed services with adequate capacity. The project site will continue to be served by the Santa Barbara County Fire Protection District, Goleta Water District, Goleta West Sanitary District, and Sheriff's Department. The project would result in a net decrease in building area on the project site and would not result in an increased demand for water or wastewater service. The Fire Protection District has indicated that through compliance with Fire Department standard conditions (e.g., keeping food truck out of the way of emergency access vehicles, improvements to the paved emergency access turn-around and grading of the earthen beach access ramp) the project would not result in significant fire protection services impacts. The project would not result in an increase in population at the project site and would not result in an increased demand for Sheriff's Department services;

- E. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

The project would not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood, and will not be incompatible with nearby residential areas as the project is replacing an existing use/building and providing site improvements. The replacement building is smaller in size which would not substantially change the visual character of the site, would not increase the number of people located at the site, and would not result in an increase in existing traffic conditions;

- F. The project is in conformation with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the projects falls with the limited exception allowed under Section 35-161-.7*

The proposed project has a land use that is allowed in the General Plan and Zoning Ordinance which are both designated for Visitor Serving Commercial (VS). The project and project site were chosen with consideration of City GP/CLUP and Coastal Act policies requiring avoidance of documented sensitive biological resources, cultural resources, and shoreline hazards, as well as the hotel permit conditions and the project is thereby consistent with policies as evaluated in Exhibit 3 of this Resolution.

and zoning district regulations as evaluated in Exhibit 3 and Exhibit 4 of this Resolution. The project was evaluated under Article II, Coastal Zoning Ordinance as the project was vested and deemed complete prior to September 1, 2019.

- G. That in designated rural areas, the use is compatible with and subordinate to the scenic, agricultural, and rural character of the area.*

This finding is not applicable as the Bacara property is not in a designated rural area.

- H. The project will not conflict with any easements required for public access through, or public use of a portion of the property.*

The proposed project will not impact or conflict with any the easements that are applicable to the hotel site. The placement of new structure has been sited in such a manner to not impede or affect both recorded/accepted easements and/or existing offers to dedicate on the site.

- I. Additional findings, identified in Division 15 (Montecito Community Plan Overlay District, are required for those parcels identified with the MON overlay zone.*

This finding is not applicable as the property is not located in the Montecito Community Plan Overlay.

SECTION 5: Coastal Development Permit Amendments (CDPAM) Findings. The Planning Commission makes the following findings pursuant to Section 35-169.6 (1) of the Coastal Zoning Ordinance:

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

The new site was chosen with consideration of City GP/CLUP and Coastal Act policies requiring avoidance of documented sensitive biological resources, cultural resources, and shoreline hazards, as well as the hotel permit conditions, and this project is thereby consistent with policies as evaluated in Exhibit 3 of this Resolution.

The project was evaluated under Article II, Coastal Zoning Ordinance as the project was vested and deemed complete prior to September 1, 2019. The project is consistent with applicable zoning requirements for building setbacks, building height, open space/landscape, and parking as described in Exhibit 4 of this Resolution.

B. The proposed development is located on a legally created lot.

The project site is located on a legally created lot that has adequate size, shape, and physical characteristics to continue to accommodate the beach amenities.

C. The property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violations enforcement fees as established from time to time by the [City Council] have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Section 35-160 et. seq.

The proposed project is consistent with zoning requirements and meets setbacks, height, and all applicable provisions. The proposed use is a land use that is allowed in the Visitor Serving Commercial (VS) zoning district as evaluated in Exhibit 4 of this Resolution. Further, there are no known zoning code violations on the project site.

SECTION 6: Actions. The Planning Commission hereby takes the following actions:

- A. Adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) provided as Exhibit 1 to the Resolution, which is incorporated by reference and directs staff to file the Notice of Determination within five (5) business days.
- B. Approve the Development Plan Amendment and Coastal Development Plan Amendment (in concept) Case No. 16-002-DPAM-CDPAM, based on the Findings in the Sections above, and to allow construction of the project subject to the Conditions of Approval attached as Exhibit 2 to this Resolution, and incorporated herein by reference.

SECTION 7: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8 Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent Resolution.

SECTION 10: The City Clerk is directed to mail a copy of this Resolution to Lorcan Drew of Watermark Properties and to any other person requesting a copy.

SECTION 11: This Resolution will become effective immediately upon adoption.

SECTION 12: The City Clerk will certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2020.

BILL SHELOR, CHAIR

ATTEST:

APPROVED AS TO FORM:

DEBORAH LOPEZ
CITY CLERK

WINNIE CAI
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 20 -__ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 11th day of May, 2020 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK