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STAFF REPORT: REGULAR CALENDAR

Map Adoption No.: MA-2017-002

Local Government: City of Santa Barbara

Local Government Staff: Renee Brooke, City Planner
Community Development Department

Location: Coastal Zone area within the City of Santa Barbara, Santa Barbara County.

Map Description: Revised Post LCP Certification Permit and Appeal Jurisdiction Map, prepared by staff to depict the geographic areas where the Commission retains permit authority and where appeals of local government coastal development permit approvals are allowed within the City of Santa Barbara and the City of Santa Barbara – Airport LCP segments.

Staff Recommendation: Approval

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission **approve** the revised map prepared by staff, which show the geographic areas where the Commission retains permit authority pursuant to California Coastal Act Section 30519(b) and where appeals of the City of Santa Barbara coastal development permit actions are allowed pursuant to Coastal Act Section 30603(a)(1) and (2).¹

TABLE OF CONTENTS

I. RECOMMENDED MOTION AND RESOLUTION	3
II. STAFF NOTE	3
III. BACKGROUND	4
IV. FINDINGS AND DECLARATIONS.....	5
A. PREVIOUS CITY OF SANTA BARBARA POST LCP CERTIFICATION MAPS	5
B. STAFF ANALYSIS	6
C. BISECTED PARCELS	11
D. DRAFT MAP REPRODUCTION	11
E. DRAFT MAP LEGEND AND MAP NOTES.....	12

APPENDICES

[Appendix A – List of Substantive File Documents](#)

[Appendix B – Relevant Public Resources Code Sections](#)

[Appendix C – Relevant Code of Regulation Sections](#)

EXHIBITS

[Exhibit 1 – Post LCP Certification Permit and Appeal Jurisdiction Index Map: County of Santa Barbara](#)

[Exhibit 2 – Revised Post LCP Certification Permit and Appeal Jurisdiction Map: City of Santa Barbara](#)

¹ The California Coastal Act is found in the Public Resources Code, sections 30000 *et seq.*

I. RECOMMENDED MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the revised City of Santa Barbara Post LCP Certification Permit and Appeal Jurisdiction Map prepared by staff for MA-2017-002 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the City of Santa Barbara Post LCP Certification Permit and Appeal Jurisdiction (Post Cert.) map and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Map Adoption MA-2017-002 and adopts the findings set forth below on grounds that the revised map depicts the areas where the Commission retains permit authority pursuant to Coastal Act Section 30519(b), and where appeals of City of Santa Barbara coastal development permits are allowed pursuant to Coastal Act Section 30603(a)(1) and (a)(2).

II. STAFF NOTE

Local jurisdictions without adopted Post Cert. maps require map adoption in conjunction with and following Commission actions to certify its Local Coastal Program (LCP).² After the initial adoption, map revisions can be made from time to time to incorporate updates that reflect changing conditions in the Coastal Zone environment upon which the boundaries are based, and to make corrections or refinements including but not limited to those made possible by the use of more accurate data and modern mapping technology. The timing of revisions to a city or county's Post Cert. map is usually coordinated with LCP updates.

The use of geographic information system (GIS) software is presently an integral part of the map adoption, revision, and update process underway throughout the Coastal Zone, and maps that the Commission adopts through these actions will be distributed primarily in digital form in order to allow the widest possible use of consistent, official information.

² The City of Santa Barbara LCP segment was certified by the Commission on 11/12/1986 and the City of Santa Barbara – Airport LCP segment was certified by the Commission on 12/11/1991. The City of Santa Barbara Post LCP Certification Permit and Appeal Jurisdiction map was certified by the Commission on 07/17/1991.

III. BACKGROUND

After the Commission certifies a local government's LCP, permit authority within that jurisdiction is delegated to that local government. However, pursuant to Section 30519(b) of the Coastal Act, the Commission retains permit authority after LCP certification over developments occurring on tidelands, submerged lands, and public trust lands, whether filled or unfilled, lying within the Coastal Zone. The Commission may transfer permit authority to the local government for public trust lands that are determined by the Commission to be filled, developed, and in an area committed to urban uses pursuant to Section 30613 of the Coastal Act.³

In addition to the Commission's retained permit jurisdiction, subsections (a) and (b) of Section 30603 of the Coastal Act define certain areas and types of development for which actions by the local government may be appealed to the Commission. Geographic appeal jurisdiction is retained, for example, on lands within 100 feet of a stream's top of bank or wetlands, lands subject to the public trust that are no longer within the Commission's retained jurisdiction, lands within 300 feet of coastal bluffs, beaches, or the Mean High Tide Line (MHTL), and lands between the sea and the First Public Road (FPR) paralleling the sea.

The Commission's administrative regulations (14 CCR Section 13576) provide that a map, or maps, portraying the areas of continuing Commission permit and appeal jurisdiction be adopted in conjunction with the final LCP certification. An update procedure is also described and provides the basis for revision and re-adoption of maps by the Commission. Within these regulations is implicit the idea that, while the adopted maps should portray the various jurisdiction boundaries as accurately as possible, they remain only a depiction, a cartographic representation and not a static definition of the Commission's jurisdiction, and should not be used on their own without field determination procedures to establish a precise boundary location. Conditions on the ground may change, and thus conditions on the ground control permit and appeal jurisdiction boundary location regardless of how accurate the mapped boundary may be at the time of adoption of this map. This type of scenario warrants revision of the maps using the update procedures.

The Commission continues to develop its GIS capabilities and has created parcel level accuracy GIS data for permit and appeal jurisdiction boundaries covering the City of Santa Barbara. The Commission's district staff and City staff have reviewed the current GIS-based version of the Post Cert. map and refinements have been made to reflect their comments and concerns. The City has reviewed and supports the revised Post Cert. map prepared by staff and included herein as Exhibit 2.

Coastal Zone Boundary

When the Coastal Act was passed in 1976, the Coastal Zone was defined as the area depicted on a set of twenty-one 1: 62,500 scale maps (1 inch equals approx. 1 mile) adopted by the

³ The City of Santa Barbara has not requested that the Commission transfer permit authority pursuant to Section 30613 of the Coastal Act for any filled, former tidelands located within the City limits as part of this map revision. The Commission did however transfer permit jurisdiction for filled, former tidelands to the City as part of two previous Post LCP Certification map adoptions; 1986 and 1991.

legislature. As required by Coastal Act section 30103(b), in March 1977, the Coastal Commission adopted a set of one hundred sixty-one 1: 24,000 scale maps (1 inch equals 2000 feet) that were intended to be a conformed copy of the 1:62,500 scale maps adopted by the legislature. A 1978 Attorney General's opinion (63 Ops.Cal.Atty.Gen.107) confirmed that the maps, rather than the generalized language in the Coastal Act, defined the geographic extent of the Coastal Zone.

The Commission's GIS and Mapping staff has been working in recent years to develop a fully digital cadastral (parcel-level detail) Coastal Zone Boundary.⁴ The resulting product is fully consistent with the hand drawn Coastal Zone Boundary maps adopted by the Commission in March of 1977, but provides a vast improvement over the current (paper-based) 1:24,000 scale Coastal Zone Boundary. The digital version of the line is based on the best available current technology and improves the precision with which boundary determinations may be made.

IV. FINDINGS AND DECLARATIONS

A. PREVIOUS CITY OF SANTA BARBARA POST LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION MAPS

During the late 1970's and early 1980's, the Commission's Mapping program began a project to complete Post Cert. maps for all local governments within or partly within the Coastal Zone. The first effort consisted of producing a set of 161 draft maps using the USGS 7.5 minute quadrangle base (scale 1:24,000 or 1 inch equals 2000 feet), which was completed in 1981. The primary purpose of this project was to provide a consistent, statewide view of the permit and appeal

⁴ The digital version of the Coastal Zone Boundary displayed on Exhibit 1 and 2 and referenced herein is a conformed copy of the official 1:24,000 scale boundary and reflects legislative changes and Coastal Commission minor boundary adjustments made since March 1977. It is displayed for illustrative purposes only.

For CZB segments where a road or railroad right of way, a property boundary or other boundaries such as municipal boundaries, section lines, and land grants control the precise location of the CZB, polylines representing the CZB were created using the most recent version of the County's parcel dataset as a base. With the current, official 1:24,000 scale CZB maps as a reference, segments of CZB were "heads-up" digitized and snapped to vertices in the parcel layer features (parcels, roads, city boundaries, etc.) that control the location of the boundary. The digitizing and snapping were done at a minimum display scale of 1:1000 creating cadastral level accuracy CZB segments intended primarily for use at 1:2000, 1:5,000 and smaller scales.

For CZB segments where a road or railroad right of way, a property boundary or other boundaries such as municipal boundaries, section lines, and land grants do not control the precise location of the CZB, polylines representing the CZB were created using the georeferenced scans of the current adopted version of the 1:24,000 scale CZB maps. Segments of CZB were "heads-up" digitized along the landward edge of the delineated 1:24,000 scale CZB for all areas where the CZB meanders at varying distances from the shoreline, or along, around, adjacent to, or offset from coastal topographic features such as ridgelines, bays, lagoons, and estuaries, to a maximum of five miles inland from the MHTL. The digitizing was done at a minimum display scale of 1:1,000 and each segment was snapped to the segments created in the other process step described above. These various cadastral CZB segments are intended to follow the parcel layer features that form their basis; however, it is understood that they remain cartographic depictions and are therefore not intended to represent a set of surveyed boundaries. They were prepared with all of the care and precision required for creating thematic boundaries and maps intended for use in the planning and regulatory work of the Coastal Commission. The accuracy of the boundary segment locations is ultimately dependent on the accuracy of the parcel layer, USGS quads, and the georeferencing process. The segments of boundary created in this process are not intended to replace or eliminate the potential need for a formal Coastal Zone Boundary determination made by the Commission staff.

boundaries for review by the local government staff, Commission staff, and other interested parties. It was fully anticipated that these maps would be reviewed and revised or refined, as indicated by the map notes and general correspondence sent out with maps for review. The area of the Coastal Zone within the City of Santa Barbara is covered by map sheets 124 and 125, the Goleta and Santa Barbara quadrangles.

Detailed cadastral (parcel) scale Post Cert. maps of the City of Santa Barbara were subsequently adopted by the Commission. The Commission first adopted the Post Cert. map for the City of Santa Barbara (City) LCP segment on November 12, 1986. At that time, the municipal airport was an Area of Deferred Certification (ADC), and the map adoption did not apply to this portion of the City. The Commission reviewed and approved the LCP for the City of Santa Barbara - Airport (Airport) LCP segment in 1991 (certified with suggested modifications June 14, 1991) and subsequently certified the revised City of Santa Barbara Post Cert. map in July, 1991 using a 1:12,000 scale (1 inch equals 1000 feet) base map obtained from the City to include both the City and Airport LCP segments. These maps were approved with provisions for transfer of permit authority to the City in 12 specific areas within the City LCP segment and portions of the municipal airport that were developed with runways, structures, roadways, paved areas, and other areas associated with airport use in the Airport segment of the LCP.

B. STAFF ANALYSIS

The depiction of the Commission's permit and appeal jurisdictions on the City of Santa Barbara Post Cert. map presents no significant areas of controversy affecting the map adoption at this time. Coastal Commission staff has reviewed the revised Post Cert. map and jurisdictional boundaries with City staff and on previous occasions consulted with the staff of the State Lands Commission about the granted tidelands located within the City. The Coastal Commission's retained permit jurisdiction consists entirely of lands seaward of the MHTL and public trust lands or historic tidelands, whether filled or unfilled. Its appeal jurisdiction boundary encompasses lands seaward of the first public road paralleling the sea (FPR). The route of the designated FPR is set forth in the section entitled: **First Public Road Description**. In areas inland of the FPR the appeals jurisdiction may include areas 300 feet from the MHTL, 300 feet from the inland extent of the beach, 300 feet from the top of coastal bluffs, and also 100 feet from the upland boundaries of wetlands and streams.

As mentioned earlier in the **Background** section, while the maps portray the various jurisdiction boundaries as accurately as possible, they remain only a depiction, a cartographic representation, and not a static definition of the Commission's jurisdiction, and should not be used on their own without field determination procedures to establish a precise boundary location. Conditions on the ground may change, and thus conditions on the ground control permit and appeal jurisdiction boundary locations regardless of how accurate the mapped boundary may be at the time of map adoption.

CITY OF SANTA BARBARA LCP SEGMENT

Permit Jurisdiction

Geographically, the Commission's original permit jurisdiction in the City LCP segment includes tidelands, submerged lands, and public trust lands including former tidelands.⁵ The primary sources for determining the Commission's continuing permit jurisdiction in the City LCP segment are: the contemporary USFWS National Wetland Inventory dataset covering this area; vertical and oblique coastal aerial photography; Post Cert. maps 124 and 125; the Goleta and Santa Barbara quadrangles; the map set showing potential public trust lands prepared for the Coastal Commission by the State Lands Commission staff in the late 1970's using, among other sources, tide and submerged land grant documents; historical US Coast Survey (now known as the National Geodetic Survey) topographic maps from the 19th century; and high resolution LiDAR Digital Elevation Model data provided by the City.

Review of the above-referenced primary source materials indicates that the Commission's continuing permit jurisdiction in the City LCP segment exists only on lands lying below the mean high tide line (MHTL), and on potential or historical public trust lands (Exhibit 2). For the purposes of the Post Cert. map proposed for adoption by the Commission for the City, the landward boundary of the Commission's retained permit jurisdiction has been drawn to follow a combination of the tidelands, submerged lands and filled tidelands upon, in and under the Pacific Ocean, the inland extent of the active beach and marine and estuarine intertidal zones as mapped by the US Fish and Wildlife Service in its National Wetlands Inventory (NWI), and as evidenced by high resolution LiDAR and aerial imagery of the City LCP segment.

These maps, photos, and other documents and information were analyzed to establish the public trust component, when that is the controlling permit boundary criterion. Given the complexity involved in precisely mapping public trust boundaries, however, it is evident that the permit boundary delineation on this map may not include all areas subject to the trust. Using the best available data and information sources, Commission staff has made a good faith attempt to map tidelands and potential public trust lands. This is with the understanding that permit jurisdiction boundaries are an extrapolation of the best available data and may be subject to future interpretation and determination if warranted by site specific information. Furthermore, questions regarding the exact location and extent of public trust lands must be referred to the State Lands Commission for determination. Both the Commission staff and City staff recognize that should additional public trust lands be identified in the future, those lands would be part of the Commission's retained permit jurisdiction.

⁵ Tidelands, the first component of the Commission's retained permit jurisdiction, are lands lying between the lines of mean high tide and mean low tide. The Mean High Tide Line (MHTL) is the landward tidelands boundary, an ambulatory boundary that moves with changes in the profile of the shoreline, particularly in sandy beach areas. The MHTL is and has been used by the U.S. Supreme Court, the California Supreme Court, federal and state courts, the state legislature, state regulatory and administrative agencies, and local governments as the boundary between public tidelands and private uplands.

The location of the fluctuating Mean High Tide Line is determined by establishing the intersection of the shore with the plane (elevation) of Mean High Water as calculated by the National Geodetic Survey for a particular location. Surveys can be performed to establish MHTL or tidelands locations. The State Lands Commission, as administrator of California's tidelands, can and does perform such surveys.

As mentioned above, the Commission has the ability to delegate its original permit authority over potential public trust lands to local governments under certain circumstances. Section 30613 of the Coastal Act allows the Commission, after consultation with the State Lands Commission, to make these delegations for areas that are determined to be filled, developed, and in an area committed to urban uses. The Commission approved such a request by the City for areas at Leadbetter Beach, Santa Barbara City College / La Playa Field, the Harbor, Los Banos, Playa del Mar, adjacent to Mission Creek near the State Street / Cabrillo Blvd. intersection, the Sanitation Plant, Fess Parker's Red Lion Inn Hotel Plaza, Palm Park, the East Beach Condos, the Zoological Gardens, and the Clark Estate as provided in Section 30613 of the Coastal Act as part of the City's Post LCP Certification map adoption in 1986. Developments approved by the City in these transferred areas remain within the Commission appeal jurisdiction.

Appeal Jurisdiction

The appeal jurisdiction boundary in the City of Santa Barbara is mapped according to the geographic criteria specified in Section 30603(a) of the Coastal Act, and further defined in the Commission's regulations at 14 CCR Section 13577. The appeal area is shown in Exhibit 2. Along the shoreline of the Pacific Ocean, the appeal jurisdiction boundary is based primarily on the First Public Road paralleling the sea designation, except where the designated road is situated closer than 300 feet inland from the beach, MHTL, or top of the seaward facing bluff. In these locations the appeal jurisdiction boundary is 300 feet from the inland extent of the beach, MHTL, or top of the seaward bluff face, as appropriate, rather than measured from the First Public Road. Stream and wetland based appeal areas are located throughout the city.

As with the permit jurisdiction boundary, the Commission's regulations also provide for appeal boundary revisions from time to time. (*See* 14 CCR § 13576.) Appeal boundary revisions are also intended to incorporate updates and changing conditions in the Coastal Zone environment upon which the boundaries are based, to make corrections, and to make refinements reflecting the use of more accurate data and modern mapping technology. The appeal boundary can shift even though the basis of the boundary remains unchanged.

Stream Appeal Areas

The Coastal Act specifies that, after LCP certification, developments approved by a local government within 100 feet of *any* stream are appealable. (*See* Pub. Res. Code § 30603(a)(2).) 14 CCR Section 13577(a) further specifies boundary determination criteria to be used in mapping stream appeal areas, including not only *how* to determine the appeal boundary location, but also *which* streams to identify and map. The regulation language, crafted in the early 1980's, essentially states that any stream mapped by the USGS on its standard 7.5 minute topographic quadrangle series, ***or any stream identified in a city or county's local coastal program*** should be mapped with an adjacent 100 foot appeal area on either side of the stream top of bank.

In the present day there are several important concerns regarding the use of this nearly thirty-five year old language built into the Commission's mapping regulations. The most important is that the USGS itself has ceased maintaining the quadrangle series of maps and has moved towards the use of more modern digital mapping technology.⁶ Features such as streams depicted on these legacy maps show conditions as they existed 20 to 30 years ago, and do not reflect changes that have occurred naturally or as a result of human activity. Since current conditions on the ground

⁶ For purposes of stream identification, these maps were replaced by the USGS National Hydrography Dataset.

dictate where the stream appeal boundary should be drawn, the USGS quadrangles have now lost much of their intended value as a source of consistent, up to date information regarding streams. Many local governments have identified stream resources as part of developing an LCP for their respective segments of Coastal Zone jurisdiction using more current comprehensive sources of stream data such as the USGS National Hydrography Dataset (NHD) and the National Wetlands Inventory (NWI) that provide overlap with the more outdated USGS streams. Where local governments have integrated NWI and/or NHD into their LCP's, or have otherwise defined and/or identified streams in their LCP's, the Commission can easily map the appropriate stream appeal areas consistent with its regulations.

First Public Road Paralleling the Sea

The language of Title 14 of the California Code of Regulations (CCR) Section 13577(i)(1) is intended to ensure that the designated FPR extends inland around water bodies that are considered the "sea" as defined by Coastal Act Section 30115. The Coastal Commission's regulations provide that in order for a road to qualify as the FPR, it must be a road that "does in fact connect with other public roads providing a continuous public access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline." See 14 CCR Section 13577(i)(1)(E). The appeal jurisdiction boundary, where based on the FPR under 13577(i)(1), is aligned along the inland, or landward, right of way boundary.

The FPR in the City LCP segment is based on a 13577(i)(1) interpretation (broadly described in the **First Public Road Description** below). The Commission finds that the FPR as described herein is consistent with all elements of 14 CCR Section 13577(i)(1) in that it extends inland around water bodies considered the "sea," and does in fact connect with other public roads providing a continuous public access system that generally parallels and follows the shoreline of the sea. All other requirements of 13577(i)(1) are met, in that the first public road is lawfully open to uninterrupted public use and is suitable for such use (subsection (A)), is publicly maintained (subsection (B)), is an improved, all-weather road open to motor vehicle traffic in at least one direction (subsection (D)), and is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes (subsection (D)).

First Public Road Description

The series of roadways and streets listed below and shown as a component of the Commission's appeal jurisdiction boundary on the attached Exhibit 2 constitute the current route of the FPR for purposes of Coastal Act Sections 30600.5, 30601, 30603, and 30115, and all other applicable Coastal Act provisions. This system of coastal roadways and streets is consistent with, and meets the criteria set forth in, 14 CCR Section 13577.

From the western City boundary, the route designated as the FPR in the City of Santa Barbara follows Marina Dr. southeast to Cliff Dr., south, then east along Cliff Dr. to Mesa Ln., south along Mesa Ln. to Borton Dr., west along Borton Dr., to Linda Rd., south along Linda Rd. to Mesa School Ln., east along Mesa School Ln. to Mesa Ln., south along Mesa Ln. to Selrose Ln., west, then south along Selrose Ln. to Medcliff Rd., east along Medcliff Rd. to Mesa Ln., south

along Mesa Ln. to Edgewater Way, southeast along Edgewater Way to Oliver Rd., northeast along Oliver Rd. to Santa Monica Way, southeast, then northwest along Santa Monica Way to Oliver Rd., northeast along Oliver Rd. to Coleman Ave., southeast, then northwest along Coleman Ave. to Oliver Rd., northeast along Oliver Rd. to Elise Way, southeast along Elise Way to Meigs Rd., south along Meigs Rd. to Shoreline Dr., east along Shoreline Dr. to W. Cabrillo Blvd., east along W. Cabrillo Blvd. to E. Cabrillo Blvd., east along E. Cabrillo Blvd. to Channel Dr., east and south along Channel Dr. to Fairway Rd, east along Fairway Rd to Channel Dr., and east along Channel Dr. the southeast extent of the City of Santa Barbara LCP segment boundary.

CITY OF SANTA BARBARA - AIRPORT LCP SEGMENT

Permit Jurisdiction

Geographically, the Commission's original permit jurisdiction in the Airport LCP segment includes tidelands, submerged lands, and public trust lands including former tidelands. The primary sources for determining the Commission's continuing permit jurisdiction in the Airport LCP segment are: the contemporary USFWS National Wetland Inventory dataset covering this area; vertical and oblique coastal aerial photography; Post Cert. maps 124 and 125; the Goleta and Santa Barbara quadrangles; the map set showing potential public trust lands prepared for the Coastal Commission by the State Lands Commission staff in the late 1970's using, among other sources, tide and submerged land grant documents; historical US Coast Survey (now known as the National Geodetic Survey) topographic maps from the 19th century; and high resolution topography (contour) data provided by the City.

Review of the above-referenced primary source materials indicates that the Commission's continuing permit jurisdiction exists only on lands lying below the mean high tide line (MHTL), and on potential or historical public trust lands (Exhibit 2). For the purposes of the Post Cert. map proposed for adoption by the Commission for the City, the landward boundary of the Commission's retained permit jurisdiction has been drawn to follow a combination of the tidelands, submerged lands and filled tidelands upon, in and under the Pacific Ocean, the inland extent of the active beach and marine and estuarine intertidal zones as mapped by the US Fish and Wildlife Service in its National Wetlands Inventory (NWI), and as evidenced by high resolution topography and aerial imagery of the Airport LCP segment.

As discussed previously, Section 30613 of the Coastal Act allows the Commission, after consultation with the State Lands Commission, to delegate its original permit authority over potential public trust lands for areas that are determined to be filled, developed, and in an area committed to urban uses. The Commission approved such a request by the City within the Airport LCP segment as part of its 1991 Post Cert. map adoption for infrastructure associated with and in support of the municipal airport (developed areas with runways, structures, roadways, paved areas, and other areas associated with airport use). Developments approved by the City in these transferred areas remain within the Commission appeal jurisdiction.

Appeal Jurisdiction

The appeal jurisdiction boundary in the Airport LCP Segment is mapped according to the geographic criteria specified in Section 30603(a) of the Coastal Act, and further defined in the Commission's regulations at 14 CCR Section 13577. The appeal area is shown in Exhibit 2.

Along the shoreline of the Pacific Ocean, the appeal jurisdiction boundary is based primarily on the FPR designation, except where the designated road is situated closer than 300 feet inland from the beach, MHTL, or top of the seaward facing bluff. In these locations the appeal jurisdiction boundary is 300 feet from the inland extent of the beach, MHTL, or top of the seaward bluff face, as appropriate, rather than measured from the First Public Road. Stream and wetland based appeal areas are located throughout the Airport LCP Segment.

First Public Road Paralleling the Sea

The FPR in the Airport LCP segment is based on a 13577(i)(1) interpretation (broadly described in the **First Public Road Description** below). The Commission finds that the FPR as described herein is consistent with all elements of 14 CCR Section 13577(i)(1) in that it extends inland around Goleta Slough, the water body considered the “sea” in this area, and does in fact connect with other public roads providing a continuous public access system that generally parallels and follows the shoreline of the sea.

First Public Road Description

The series of roadways and streets listed below and shown as a component of the Commission’s appeal jurisdiction boundary on the attached Exhibit 2 constitute the current route of the FPR for purposes of Coastal Act Sections 30600.5, 30601, 30603, and 30115, and all other applicable Coastal Act provisions. This system of coastal roadways and streets is consistent with, and meets the criteria set forth in, 14 CCR Section 13577.

From the western City boundary bordering the Airport, the route designated as the FPR in the City of Santa Barbara – Airport Segment follows Los Carneros Rd. north to Hollister Ave., east along Hollister Ave. to the eastern City boundary.

C. BISECTED PARCELS

In some areas a parcel is bisected by the appeal jurisdiction boundary. All development proposed within the appeal area defined as appealable is subject to the Commission’s appellate jurisdiction. In addition, if a development is proposed partly on the portion of the parcel that forms the basis for geographic appeal jurisdiction, and partly on the remainder of the parcel, and the Commission finds that the portion of the project within its appeals jurisdiction raises a substantial issue, then it will consider the project *de novo*. The Commission’s *de novo* review is of the entire project approved by the local government, including the development authorized in the permit that is outside the appeals jurisdiction.

D. DRAFT MAP REPRODUCTION

Due to the cost of reproduction, paper copies of the map index sheet (Exhibit 1) and the large scale map sheet (Exhibit 2) are not mailed to Coastal Commissioners and other interested persons who receive the report digitally via the Commission’s public website. Printed copies of Exhibits 1 and 2 are available for review at the City of Santa Barbara Community Development Department and at the Coastal Commission’s offices in San Francisco and Ventura. Full-size maps will also be available for review at the September 14, 2017 Commission meeting in Cambria, CA.

E. DRAFT MAP LEGEND AND MAP NOTES

One of the elements of the Commission’s transition to using GIS technology is the use of standardized base maps, boundary symbols, and map notes. In order to maintain consistency throughout the Coastal Zone, Post LCP Certification Jurisdiction boundaries have been developed using the Coastal Zone portions of the fifteen coastal counties as the basic unit. Accordingly, the Map Legend (Exhibit 1) includes all of the possible types of boundary and area symbols that may occur within any given County, while the Post Cert. map itself will include only those types of jurisdiction found within that area. In addition, the use of coastal counties as the basic geographic unit means that the maps may depict jurisdiction areas outside of the area for which a particular map adoption is occurring. In the case of the Airport LCP segment, areas within the City of Goleta and parcels 073-450-002 and 073-450-001 that are within the City of Santa Barbara city limits but owned by the University of California Santa Barbara (labeled as “NOT A PART” on Exhibit 2), and in the case of the City LCP segment, areas within the County of Santa Barbara and the Montecito area are not affected by the Commission’s action to adopt the Post Cert. map for the City of Santa Barbara.

Appendix A – List of Substantive File Documents

- County of Santa Barbara Post LCP Certification Permit and Appeal Jurisdiction Maps (Goleta and Santa Barbara Quadrangles, scale 1:24,000) California Coastal Commission, 1981.
- Post LCP Certification Permit and Appeal Jurisdiction Map (City of Santa Barbara, cadastral base) California Coastal Commission, 1986.
- Revised Post LCP Certification Permit and Appeal Jurisdiction Map (City of Santa Barbara, cadastral base) California Coastal Commission, 1991.
- Revised County of Santa Barbara Post LCP Certification Permit and Appeal Jurisdiction Maps (Goleta and Santa Barbara Quadrangles, scale 1:24,000) California Coastal Commission, 2004.
- National Wetland Inventory Digital Data, U.S. Fish & Wildlife Service, October 2013.
- City of Santa Barbara, 04/2016. *HillshadeCoastal1ft_linear* LiDAR Digital Elevation Model.
- City of Santa Barbara, 2016. Contours at 1 foot interval with 10' index contours of the Airport LCP segment. Prepared by the Harris Corporation (Geospatial Solutions) under a regional contract by Channel Islands Regional GIS Collaborative (www.cirgis.org).
- County of Santa Barbara, 2004. *Topofcrkbnk.shp*.
- ESRI World Imagery basemap service. Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community.
- California Coastal Records Project, 2010-2016.
- U.S. Geological Survey (USGS) 7.5 Minute Series Topographic Maps, (Goleta Quadrangles), USGS, 1950 (photorevised 1982).
- U.S. Geological Survey (USGS) 7.5 Minute Series Topographic Maps, (Santa Barbara Quadrangles), USGS, 1952 (photorevised 1967).
- Graffy, N. (2010, June 19). Fun Circa 1904. <https://www.edhat.com/site/tidbit.cfm?nid=33526>

Appendix B – Relevant California Public Resources Code Sections

30519 (a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

(c) The commission may, from time to time, recommend to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance, which uses are not permitted by the applicable certified local coastal program. These uses may be listed generally or the commission may recommend specific uses of greater than local importance for consideration by the appropriate local government.

30603 (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

30603.1 (a) In any city and county which so requests, the commission may adjust the inland boundary of the area within which the issuance of coastal development permits may be appealed to the commission pursuant to paragraph (1) of subdivision (a) of Section 30603. Any such adjustment shall be made solely to avoid the circumstance of having the boundary of that area bisect an individual parcel of property. The adjustment may be made landward or seaward, but shall be the minimum distance necessary, consistent with the policies of Chapter 3 (commencing with Section 30200), to avoid bisecting a parcel of property.

(b) If the commission subsequently finds that the circumstances which warranted a boundary adjustment pursuant to subdivision (a) have changed, it may, after notice to the city and county, readjust the boundary so that it is consistent with the changed circumstances. The requirements of subdivision (a) shall apply to any such boundary adjustment.

30613 (a) The provisions of subdivision (b) of Section 30519, subdivision (b) of Section 30600, and subdivision (b) of Section 30610.5, which apply to lands subject to the public trust shall not apply to any lands which may be subject to the public trust but which the commission, after consultation with the State Lands Commission, determines are (1) filled and developed and are (2) located in an area which is committed to urban uses.⁷

(b) No later than 120 days after receiving a request from a local government, the commission shall determine the lands within the jurisdiction of that local government to which the provisions of subdivision (a) apply.

(c) The provisions of this Section shall apply to lands which have been the subject of coastal development permits, local coastal programs, categorical exclusions or urban exclusions, which have previously been approved, authorized, or certified by the commission.

⁷ The Commission retains appeal jurisdiction over developments occurring on any areas transferred to the permit jurisdiction of the local government.)

Appendix C – Relevant California Code of Regulations Sections

§ 13576. Map(s) of Areas of Commission Permit and Appeal Jurisdiction.

(a) In conjunction with final Local Coastal Program certification or the delegation of coastal development permit authority pursuant to Public Resources Code Section 30600.5, whichever occurs first, the Commission shall, after public hearing, adopt a map or maps of the coastal zone of the affected jurisdiction that portrays the areas where the Commission retains permit authority pursuant to Public Resources Code Sections 30603 (a) (1) and (a)(2), or 30600.5 (d). These maps shall be drawn based on the criteria for permit and appeal boundary determinations, set forth in Section 13577 below, and will serve as the official maps of the Commission's permit and appeal jurisdiction. The Commission, in consultation with the local government, shall update these maps from time to time, where changes occur in the conditions on which the adopted maps were based, or where it can be shown that the location of the mapped boundary does not adequately reflect the intended boundary criteria. Revisions of the adopted maps shall be based on precise boundary determinations made using the criteria set forth in Section 13577. The revised maps shall be filed with the affected jurisdiction within 30 days of adoption by the Commission. In addition, each adopted map depicting the permit and appeal jurisdiction shall include the following statement:

"This map has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where permit and appeal jurisdiction is retained by the Commission"

(b) In the case of local governments which have received Commission approval of their Phase III (implementation) Work Program and Budget prior to January 1, 1980, the permit and appeal area maps shall be adopted by the Commission prior to the certification becoming effective pursuant to Section 13547 of the Commission's regulations.

§ 13577. Criteria for Permit and Appeal Jurisdiction Boundary Determinations.

For purposes of Public Resources Code Sections 30519, 30600.5, 30601, 30603, and all other applicable provisions of the Coastal Act of 1976, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:

(a) Streams. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from

the line closest to the stream where riparian vegetation is permanently established. For purposes of this section, channelized streams not having significant habitat value should not be considered.

(b) Wetlands.

(1) Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

(B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

(C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

(2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

(A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and

(B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

(c) Estuaries. Measure 300 feet landward from the mean high tide line of the estuary. For purposes of this section, an estuary shall be defined as a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open

ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

(d) Tidelands. Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.

(e) Submerged Lands. Submerged lands shall be defined as lands which lie below the line of mean low tide.

(f) Public Trust Lands. Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time.

(g) Beaches. Measure 300 feet landward from the inland extent of the beach. The back beach, or dry beach, if it exists, shall be included. The inland extent of the beach shall be determined as follows:

(1) from a distinct linear feature (e.g., a seawall, road, or bluff, etc.);

(2) from the inland edge of the further inland beach berm as determined from historical surveys, aerial photographs, and other records or geological evidence; or

(3) where a beach berm does not exist, from the further point separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence.

(h) Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:

(1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and

(2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

(i) First Public Road Paralleling the Sea.

(1) The "first public road paralleling the sea" means that road nearest to the sea, as defined in Public Resources Code Section 30115, which:

(A) is lawfully open to uninterrupted public use and is suitable for such use;

(B) is publicly maintained;

(C) is an improved, all-weather road open to motor vehicle traffic in at least one direction;

(D) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

(E) does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

When based on a road designated pursuant to this section, the precise boundary of the permit and appeal jurisdiction shall be located along the inland right-of-way of such road.

(2) Whenever no public road can be designated which conforms to all provisions of (i)(1) above, and a public road does exist, which conforms to all provisions of (i)(1) except (i)(1)(v), the effect of designating the first public road paralleling the sea shall be limited to

the following:

(A) all parcels between the Pacific Ocean and such other public road; and

(B) those parcels immediately adjacent of the sea inland of such other public road.

(3) Where the Commission determines that the designation of the "first public road paralleling the sea" results in the inclusion of areas within the permit and appeal jurisdiction where the grounds for an appeal set forth in Public Resources Code Section 30603(b) are not an issue, the Commission may take action to limit the geographic area where developments approved by a local government may be appealed to the Commission, to that area where any such grounds are, in fact, an issue.