

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
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Th20f

DATE: April 25, 2019

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
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Jacqueline Phelps, District Supervisor
Megan Sinkula, Coastal Program Analyst

SUBJECT: City of Santa Barbara Land Use Plan Amendment (No. LCP-4-SBC-18-0062-1) for a comprehensive update of the certified Land Use Plan, for Public Hearing and Commission Action at the May 9, 2019 Commission Meeting in Oxnard.

DESCRIPTION OF THE SUBMITTAL

The City of Santa Barbara (City) is requesting an amendment to the Land Use Plan (LUP) portion of its certified Local Coastal Program (LCP) that consists of a comprehensive update to replace the existing LUP with a new proposed LUP (Exhibit 2) and thirty-three proposed land use designation changes (Exhibit 3). The proposed LUP update contains policies regarding land use and development, public works and energy facilities, Highway 101, and the protection of coastal-dependent and related development, public access, visitor-serving and recreational facilities, biological resources, water quality, scenic resources and visual quality, and cultural resources. In addition, the proposed LUP update contains a detailed policy framework to address coastal hazards, as well as maps of existing land use designations, designated public access sites and parking areas, existing recreation facilities, potential environmentally sensitive habitat areas, minimum required habitat buffers from major creeks, watersheds of major creeks and groundwater basins, scenic resources, potential archaeological resources, shoreline hazards screening areas and the location of the City's coastal bluff edge.

The City submitted LCP Amendment LCP-4-SBC-18-0062-1 to the Commission on August 21, 2018. The amendment submittal was deemed complete on November 7, 2018, after the complete submittal of additional information requested by Commission staff. At the December 14, 2018 hearing, the Commission granted a one-year time extension to act on the subject amendment pursuant to Coastal Act § 30517 and California Code of Regulations, Title 14, § 13535(c), and the one-year time extension will end on December 14, 2019.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, after public hearing, **reject** the City of Santa Barbara's proposed LCP Amendment No. LCP-4-STB-18-0062-1 as submitted, and **certify** the proposed amendment only if modified pursuant to **twenty-three (23) suggested modifications**. The staff recommended suggested modifications are attached as Exhibit 1 of this staff report. The suggested modifications are necessary to ensure that the amendment request meets the requirements of and is consistent with the policies of Chapter Three of the Coastal Act regarding land use and development, marine and land resources, geologic and coastal hazards, shoreline and bluff

development, and public access and recreation. The motions and resolutions to accomplish this recommendation are found on page 11 of this staff report.

The City has submitted a proposed comprehensive update of the LUP portion of the City's certified LCP. The Commission's standard of review for the proposed LUP is the Chapter 3 policies of the Coastal Act. The proposed LUP amendment is intended to entirely replace the existing certified City of Santa Barbara LUP that was certified by the Commission in 1981. Commission staff is recommending denial of the LUP as submitted and approval of the LUP subject to twenty-three (23) suggested modifications that are attached as Exhibit 1 to this staff report. The majority of the suggested modifications are clarifications and refinements to proposed LUP policies. However, there is one new LUP policy and several substantive changes included as suggested modifications that are necessary to ensure the LUP is in conformity with the Chapter 3 policies of the Coastal Act.

The City's Coastal Zone encompasses a total area of three square miles, not including the area of land that contains the Santa Barbara Airport (which is subject to its own certified Land Use Plan). The City's Coastal Zone is comprised of nine component areas that have been designated by the City to include Arroyo Burro, the Mesa, Santa Barbara City College (which is subject to its own certified Public Works Plan), West Beach, Lower State Street area, an industrial area, East Beach, Coast Village, the waterfront beaches area and the Harbor, and the area of land containing Highway 101. Most of the land in the City's Coastal Zone is either dedicated open space or developed, with very little vacant land remaining. Development on the few remaining vacant parcels is often constrained by geologic hazards, shoreline hazards and/or the presence of biological resources.

The City has a 4-mile long coastline, of which approximately seventy percent is in public ownership and used to provide public access to the waterfront area. The western portion of the City's shoreline is lined with steep coastal bluffs (approximately 150-ft. in height), and the predominant land use is single-unit residences. The topography to the east consists of sandy beaches without significant changes in grade. In this portion of the shoreline, there is a mix of uses, including residences (single-unit and multiple-unit dwellings), hotels and motels, Santa Barbara City College, commercial uses, public transportation facilities, light industrial uses, and public service facilities (i.e., wastewater treatment plant, desalination plant, water control infrastructure, fire station). Nearly a third of this land area is designated open space, and public recreation facilities are primarily concentrated along Cabrillo Boulevard and near the Harbor.

Coastal Hazards

The proposed LUP identifies and maps six areas potentially affected by geologic, flood, fire, and shoreline hazards, and applies a specific framework of procedures for evaluating development in these potential hazard areas. The proposed update includes an Interim Shoreline Hazards Screening Areas Map that depicts the six hazard screening areas based upon geographic composition and both existing and future potential shoreline hazards factoring in the effects of sea level rise. The Map is intended to serve as a general screening level evaluation tool to be used to identify shoreline hazards that may impact coastal development. The proposed policies also include procedures for evaluating shoreline hazards and applying shoreline hazard development standards.

Proposed Policies 5.1-33, 5.1-66, 5.1-67, and 5.1-70 require shoreline hazard evaluations and coastal bluff edge development buffer calculations to analyze the effects of an area-specific hazard and the development over the expected life of the development, factoring in the effects of sea level rise. Pursuant to these policies, the required analysis must also consider the risk of hazard with and without

the effects of any existing or new shoreline protective or slope stabilization devices. In these proposed policies, the City added a provision to allow the analysis to consider existing or new shoreline protective or slope stabilization devices for existing public roads providing public access to and along the shoreline and coastal recreation areas. However, without a sea level rise adaptation plan, it is inappropriate to assume that shoreline protective devices will be permitted to protect existing public roads. Other adaptation strategies, such as managed retreat, removal, relocation, and/or beach nourishment techniques may be more appropriate, and this issue will be further analyzed and addressed in the next phase of the LUP update. Therefore, staff is recommending **Suggested Modifications Nos. 16 and 23** to remove this assumption from the analysis for shoreline hazard evaluations and coastal bluff edge development buffer calculations.

Proposed Policy 5.1-36 *Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards* allows for a reduction of coastal bluff face and coastal bluff edge development buffers in circumstances where legally established lots are constrained by geologic hazards and a reasonable use of the property with application of a coastal bluff edge development buffer may not be feasible. In such cases, a reduction of coastal bluff edge development buffer standards can be made to allow a reasonable use of property and avoid a taking of private property. Proposed Policy 5.1-36 specifies that if a reduction of the coastal bluff edge development buffer is allowed, the new development or substantial redevelopment of the site is subject to maximum size limitations. As proposed, the policy would allow a new principal structure that does not exceed the square footage of the existing permitted principal structure(s) on the lot or a 1,200 square foot new principal structure in cases where the existing permitted principal structure(s) is less than 1,200 square feet or there is no existing principal structure(s). In order to address cases where the existing permitted principal structure(s) could occupy a significant development footprint and a new, replacement principal structure would occupy the same significant development footprint without meeting the required coastal bluff edge or bluff face development buffer(s), Commission staff is recommending **Suggested Modification No. 17** to ensure that the size of the new principal structure on such a lot would be the minimum size necessary to provide a reasonable use of property and allow for the largest feasible coastal bluff edge/face development buffer.

Proposed Policy 5.1-44 *Shoreline Protection Device Permitting* sets specific criteria for the allowance of new or substantially redeveloped shoreline protection. As proposed, Policy 5.1-44 limits the permitting of such devices to those necessary to protect public beaches, coastal-dependent uses, existing public structures, and existing principal private structures in danger from shoreline hazards. Although these limitations are consistent with the requirements of Section 30235, the language of the Coastal Act allows the development of new and substantially redeveloped shoreline protective devices to protect public beaches and existing development in danger from *erosion*. Proposed Policy 5.1-44 more broadly allows the development of shoreline protective devices to protect public beaches and existing development from *shoreline hazards*. Although similar, the two terms are not synonymous, and the City's proposed language could permit armoring in situations not allowed under the Coastal Act. In order to align proposed Policy 5.1-44 with the language of Section 30235, staff is recommending **Suggested Modification No. 21** to replace "shoreline hazards" with "erosion."

In addition, proposed Policy 5.1-44 requires all new or substantially redeveloped shoreline protection devices to be designed to eliminate or mitigate adverse impacts on local shoreline sand supply to the maximum extent feasible. Section 30235 requires the design of shoreline protective devices to eliminate or mitigate adverse impacts on local shoreline sand supply without any language regarding the feasibility of eliminating or mitigating these adverse impacts. Although it is often infeasible to eliminate all adverse impacts on local shoreline sand supply when designing shoreline protection

devices, it is always possible to mitigate for these adverse impacts. Therefore, staff is recommending **Suggested Modification No. 21** to delete language regarding feasibility as it relates to eliminating or mitigating the adverse impacts on local shoreline sand supply from shoreline protection.

Public Access

The proposed LUP update provides policies to expand and improve the California Coastal Trail within the City, maintain and maximize lateral and vertical public access to the coast, preserve public access parking, maintain and improve sustainable transportation alternatives, ensure that public coastal access is accessible to persons with special needs, and protect and expand low-cost visitor-serving land uses.

Proposed Policy 3.1-2 *Lateral Access Along the Coast* protects public lateral access along the beach in the bluff area and states that public access opportunities shall be maximized consistent with the parameters enumerated in Section 30210. Although proposed Policy 3.1-2 protects lateral access along the beach in the bluff area, the language of Section 30212 more broadly requires the provision of public access along the coast. Accordingly, staff is recommending **Suggested Modification No. 7** to clarify that lateral access along the beach is a public right and public access opportunities along the coast shall be maximized.

The City is proposing the designation of “Key Public Access Parking Areas” pursuant to the subject LUP update, with the intention of preserving the supply of existing public access parking within these areas. The Key Public Access Parking Areas policies define the primary use of these areas and specify the types of permanent restrictions, alterations and/or reductions in public parking that require an evaluation of impacts to public access to the shoreline and coastal recreation areas. Proposed Policy 3.1-30 only allows a permanent restriction or reduction of public parking in these areas to occur if the restriction or reduction does not result in a significant adverse impact to public access. As proposed, Policy 3.1-30 is unclear as to whether a long-term restriction would be subject to the terms of this policy and what mitigation would be required to avoid a significant adverse impact to public access. Therefore, staff is recommending **Suggested Modification No. 8** to clarify that seasonal restrictions (e.g., a restriction that lasted the duration of the summer season) would be considered a permanent restriction for the purpose of this policy, and any necessary mitigation would require the provision of 1:1 replacement parking or comparable measures (including facilities for non-automobile transportation).

Pursuant to proposed Policy 3.1-36 *Evaluation of Permanent Reductions or Restrictions of Parking in Key Public Access Parking Areas*, if a permanent restriction or reduction of public parking in any Key Public Access Parking Area is proposed, an evaluation of impacts to public access to the shoreline and coastal recreation areas is required. Proposed Policy 3.1-36 provides a comprehensive list of City actions that would be considered a permanent restriction or reduction of public parking in Key Public Access Parking Areas and thus require an evaluation of impacts to public parking. These include new parking agreements or alterations to Key Public Access Parking areas, new parking time regulations that would limit the ability to park at or near a coastal access area to less than four consecutive hours, new parking time regulations that would permit long-term parking (greater than 72 hours), and new substantial increases in hourly parking fees.

As proposed, Policy 3.1-36 does not specify the function of the evaluation in the development review process. In addition, proposed Policy 3.1-36 does not require evaluation of impacts to public access parking when a new time restriction of less than four hours is imposed if the area affected constitutes less than ten percent of the parking serving a certain coastal access area. Due to the large quantity of

public access parking spaces in the waterfront areas, ten percent of such parking areas could result in such a time restriction being placed on hundreds of spaces without any evaluation of potential adverse impacts to public access. The proposed policy also allows for up to a fifty percent increase in parking fees without triggering the need for an evaluation of impacts to public access, which over time, could amount to a significant increase in parking fees in these areas. Accordingly, staff is recommending **Suggested Modification No. 9** to delete language allowing the imposition of new parking time regulations of less than four hours in ten percent of Key Public Access Parking Areas and allowing the fifty percent increase in parking fees to be implemented without an evaluation of impacts to public access. In addition, Suggested Modification No. 9 clarifies that the evaluation is required as part of a coastal review process to determine whether any changes to the Key Public Access Parking Areas has the potential to result in adverse impacts to public access to the shoreline and coastal recreation areas, and if such potential is determined to be present, require the proposed change to be analyzed through the permit process

Often, changes to parking outside of public access parking areas can result in an increased use of public access parking that can overburden public access parking supplies such that they can no longer meet parking demands. In order to avoid adverse impacts to Key Public Access Parking Areas from changes to parking outside of these areas, proposed Policy 3.1-14 *Requirements for New City Parking Programs* proscribes new City programs for management of on-street parking (e.g., preferential parking programs, priced parking), significant reductions in on-street parking, or changes to off-street parking requirements, from resulting in an increased use of Key Public Access Parking Areas. As proposed, Policy 3.1-14 is unclear as to when mitigation for any adverse impacts to Key Public Access Parking Areas would be required. Therefore, staff is recommending **Suggested Modification No. 8** to clarify that changes to parking outside of designated public access parking areas that results in adverse impacts to designated public access parking shall require mitigation as a condition of permit approval.

Environmentally Sensitive Habitat Areas (ESHA)

The proposed LUP update includes many policies and development standards that address the protection of biological resources from potential adverse impacts of new development. The proposed “Potential Vegetation Communities” and “Potential Wildlife and Special Status Species Areas” maps function to identify areas that are likely to contain ESHA and trigger the application of the proposed resource protection policies so as to avoid potential adverse impacts of new development and substantial redevelopment on ESHA. In addition, the proposed LUP update contains policies regarding the protection of coastal waters and ESHA, allowed uses in ESHA and ESHA buffers, required ESHA buffers, mitigation for impacts to ESHA, protection of native trees, vegetation management for fire hazard reduction, fencing and lighting in ESHA, protection of habitat linkages, mosquito abatement, land divisions, beach grooming and the avoidance of species on beaches, bird breeding and nesting, bird safe building standards, habitat restoration, public education regarding the City’s biological resources and how to protect them, and a commitment to updating the standards for ESHA to address the landward migration of habitat due to sea level rise. The proposed policies also contain definitions and procedures for making ESHA determinations, preparing biological evaluations, and performing wetland delineations.

Staff is recommending a suggested modification to proposed Policy 4.1-15 (**Suggested Modification No. 10**) that would increase the minimum required ESHA buffer for oak woodland from 25 feet to 50 feet from the outer edge of tree canopy, except where a 50-ft. buffer is not feasible, in which case the habitat buffer may be reduced to the largest feasible habitat buffer, but in no case less than 25 feet. Pursuant to the requirements of Coastal Act Section 30240, staff ecologist Dr. Jonna Engel has

analyzed the ESHA within the City of Santa Barbara where oak woodlands are present and strongly recommends the requirement of a 50-ft. habitat buffer where feasible.

Staff is also recommending a suggested modification to proposed Policy 4.1-18 (**Suggested Modification No. 11**) that would allow a reduction of ESHA, wetland, and creek habitat buffers on constrained properties in order to facilitate a reasonable use of property. The policy proposes limitations on the size of development on such a constrained lot that cannot meet the applicable buffer from onsite ESHA in order to permit a reasonable use of property. As proposed, the policy would allow a new principal structure that could not exceed the square footage of the existing permitted principal structure(s) on the lot or a 1,200 square foot new principal structure in cases where the existing permitted principal structure(s) is less than 1,200 square feet or there is no existing principal structure. In order to address cases where the existing permitted principal structure(s) could occupy a significant development footprint, Commission staff is recommending **Suggested Modification No. 11** to ensure that the size of the new development on such a lot would be the minimum size necessary to provide a reasonable use of property and allow for the largest feasible ESHA buffer.

In order to prevent any potential adverse impacts on overwintering Western Snowy Plover roosting areas from new development (i.e., temporary events, public restrooms and showers, beach volley ball courts, and other similar minor, at-grade, easily removable recreational equipment), Commission staff is recommending **Suggested Modification No. 12** to Policy 4.1-34. As proposed, this policy would only require City staff and consulting biologists to analyze monitoring data from the past year to determine the number, size, and location of protected roosting areas. The purpose of annual monitoring of roosting areas is to gain an understanding of where these roosting areas are likely to be located, which oftentimes can change from year to year. Accordingly, Dr. Jonna Engel is recommending that monitoring data from all prior years, with the most weight given to the last three years of data, be analyzed to determine the appropriate locations of protected roosting areas.

Land Use and New Development

The LUP update includes policies and provisions to ensure that new development in the Coastal Zone is consistent with the Chapter 3 resource protection policies of the Coastal Act.

In order to ensure that LUP policies take precedence when they are in conflict with policies in any other element of the City's General Plan or regulations, staff is recommending **Suggested Modification No. 4**. This modification adds Policy 1.2-6 *Relationship with the General Plan*, and clarifies that where there is a conflict the LUP provisions take precedence over any other City policies or regulations.

In order to determine when an existing structure is redeveloped to a degree that is considered "substantial redevelopment" or a replacement structure, the City has proposed Policy 2.1-27 *Substantial Redevelopment*. This policy creates two definitions for substantial redevelopment, one for development located in hazardous areas, such as on coastal bluffs or adjacent to creeks, and another for development located in all other areas of the coastal zone. Although proposed Policy 2.1-27 addresses replacement of the structural components of exterior walls and foundation systems, it does not address replacement of the structural elements of the roof or roof framing. It is critical to ensure that all structural alterations are considered when determining if substantial redevelopment is proposed so as to ensure that structures in hazardous and sensitive habitat areas are not completely redeveloped in piecemeal fashion, over time. As such, staff is recommending **Suggested Modification No. 6** to ensure

that if 50% of the structural elements of the roof or roof framing are replaced, structurally altered, or removed, a substantial redevelopment has occurred.

The LUP, if modified as suggested in this report, is in conformity with the Chapter 3 policies of the Coastal Act.

Additional Information: Please contact Megan Sinkula at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 South California Street, Suite 200, Ventura, CA 93001

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EXHIBITS

- Exhibit 1.** Suggested Modifications
- Exhibit 2.** Proposed Land Use Plan
- Exhibit 3.** Map of Proposed Land Use Designation Changes
- Exhibit 4.** List of Proposed Land Use Designation Changes
- Exhibit 5.** New Figure 5.1-2 *Coastal Bluff Edge*
- Exhibit 6.** Vicinity Map
- Exhibit 7.** Santa Barbara City Council Resolution No. 18-059

I. PROCEDURAL OVERVIEW

A. STANDARD OF REVIEW

The Coastal Act provides:

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commending with Section 30200)...(Section 30512(c))

Pursuant to Section 30512(c), the standard of review that the Commission utilizes in reviewing the adequacy of the proposed amendment to the LUP portion of the City's certified LCP is whether the proposed amendment is consistent with the policies of Chapter 3 of the Coastal Act.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in the preparation, approval, certification and amendment of any LCP. On November 11, 2017, a public review "Draft Coastal LUP" was released for a 60-day public review period. The document was made available on the LCP Update webpage and hard copies were made available for review at the Santa Barbara Central Public Library and City Planning Division office. Also on November 11, 2017, a four-hour public open house was held at the Chase Palm Park Center. The document release and open house were publicly noticed via two display ads in The Santa Barbara Independent newspaper, several email notifications, and posters displayed throughout the Coastal Zone. The open house included stations staffed by City staff on topics such as background and history of the Coastal Act and the City's certified LCP, Draft Coastal LUP sections, creeks and ESHAs, shoreline hazards and sea level rise, jurisdictional mapping and parcel information, and coastal development permitting.

City staff made information presentations on the Draft Coastal LUP to the Parks and Recreation Commission, Harbor Commission, and Creeks Advisory Committee in November 2017. The City then conducted seven stakeholder meetings on the draft with local environmental groups, permit planners, architects, and Santa Barbara City College staff.

The City's Planning Commission held two public hearings on March 1, 2018 and June 21, 2018 to consider adoption of the LUP update amendment. Before each of these public hearings, City staff received and responded to written public comments and proposed text and policy changes. On June 21, 2018, the Planning Commission voted to recommend that the City Council approve the LUP update. The City Council adopted the LUP update at a public hearing on August 7, 2018. All hearings were duly noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment was posted in a local newspaper at least ten days prior to the May 2019 Coastal Commission hearing, and individual notices have been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, the City resolution for submittal of the LCP amendment can either require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon Commission approval pursuant

to Public Resources Code Sections 30512, 30513, and 30519. The Santa Barbara City Council's submittal resolution specifies that this amendment shall take effect upon the date it is certified by the Commission. Nevertheless, because this approval is subject to suggested modifications by the Commission (Exhibit 1), if the Commission approves this amendment, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the amendment to become effective (CCR Sections 13544.5 and 13537). Pursuant to Section 13544 of the California Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTION, & RESOLUTION

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL OF THE LUP AMENDMENT AS SUBMITTED

MOTION I:

*I move that the Commission **certify** Land Use Plan Amendment No. LCP-4-SBC-18-0062-1 as submitted by the City of Santa Barbara.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY:

The Commission hereby **denies** certification of the Land Use Plan Amendment No. LCP-4-SBC-18-0062-1 as submitted by the City of Santa Barbara and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. APPROVAL WITH SUGGESTED MODIFICATIONS

MOTION II:

*I move that the Commission **certify** Land Use Plan Amendment No. LCP-4-SBC-18-0062-1, for the City of Santa Barbara if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the Land Use Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** the Land Use Plan Amendment No. LCP-4-SBC-18-0062-1 for the City of Santa Barbara if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

III. FINDINGS FOR DENIAL AS SUBMITTED, & APPROVAL OF THE AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission’s denial of the LCP Amendment as submitted, and approval of the LCP Amendment if modified as indicated in Exhibit 1 (Suggested Modifications) to this staff report. The Commission hereby finds and declares as follows:

A. ENVIRONMENTAL SETTING AND DESCRIPTION OF THE PLAN AREA

The City of Santa Barbara Coastal Zone (Exhibit 6) encompasses a total area of three square miles, not including the area of land that contains the Santa Barbara Airport (which is subject to its own certified Land Use Plan). The City’s Coastal Zone contains a 4-mile long waterfront area, of which approximately seventy percent is in public ownership. In the proposed LUP update, the City has sectioned the Coastal Zone into nine “component areas” that include Arroyo Burro, the Mesa, Santa Barbara City College (which is subject to its own certified Public Works Plan), West Beach, Lower State Street area, an industrial area, East Beach, Coast Village, the waterfront beaches area and the Harbor, and the area of land containing Highway 101. The majority of land in the City’s Coastal Zone is either dedicated open space or developed, with very little vacant land remaining. Proposed development on the few remaining vacant parcels is often constrained by geologic hazards, shoreline hazards, and the presence of biological resources.

The Arroyo Burro component area is comprised of 304 acres and stretches from the City’s westerly boundary, adjacent to Hope Ranch, east to Arroyo Burro Beach (also known as Hendry’s Beach) and Las Positas Road, and extends inland 1,000 yards. Characteristic of this region, and the entire western half of the City’s Coastal Zone, are coastal bluffs that rise abruptly from the beach to a height of approximately 150 feet. Inland from the bluffs’ edge, the elevation continues to slope upward, in some areas steeply, in other areas leveling off as mesas, to a maximum elevation of approximately 500 feet

at the periphery of the Coastal Zone boundary. Arroyo Burro Creek runs through the southeastern portion of this component area between Las Positas Road and the Alan Road tract of single-unit homes. Arroyo Burro County Beach Park is located at the outlet of the creek into the Arroyo Burro Estuary at a natural break in the coastal bluffs. The park provides public space for recreational activities and public access to the beach. The majority of the land use in this area is residential. This component area has very little potential for new residential development as only five vacant parcels currently exist. As development here is typically constrained by steep slopes, coastal bluffs, or creeks, most proposed new development will likely be redevelopment and additions to existing single-unit homes, as well as the proposed development of accessory dwelling units.

The Mesa component area is comprised of 635 acres and spans eastward from Arroyo Burro Beach to the westerly boundary of Santa Barbara City College, and extends inland to Cliff Drive. This area is situated on a mesa atop continuous coastal bluffs that vary in elevation with an average height of 150 feet. Tidepools exist at scattered locations during low tide along the base of the Mesa bluffs. The 70-acre Douglas Family Preserve is located on the western side of the component area. Single-unit homes line the bluffs from the Preserve east to Lighthouse Creek, which runs through the approximate center of this component area and connects with the ocean at a steep break in the coastal bluffs. Single-unit homes line the coastal bluffs east of Lighthouse Creek to Shoreline Park. Shoreline Park occupies 15 acres of the coastal bluffs along Shoreline Drive and provides public recreation areas with views of the ocean, beach, Harbor, and Channel Islands. An existing public access stairway provides public access from Shoreline Park to the beach below. Public beach access from the bluffs is also provided at the Mesa Lane Steps (located at the end of Mesa Lane) and at Thousand Steps (at the end of Santa Cruz Boulevard). The Mesa is primarily small-lot, single-unit residential, with higher density multiple-unit development near the easterly boundary. Higher residential density and neighborhood-serving commercial uses are found north of La Mesa Park along Meigs Road, Elise Way, and Cliff Drive. Parks and Open Space are the dominant land use in this component area, including the Douglas Family Preserve, La Mesa Park, Shoreline Park, and the beach areas below the bluffs. Currently, there are approximately ten vacant parcels and twenty-one parcels that have not developed to their maximum allowed residential density. Most new development is anticipated to be remodeling and additions to existing single-unit homes, with some limited potential for additional office/commercial development through remodeling and additions to existing facilities.

The Santa Barbara City College (SBCC) campus component area encompasses 94 acres and spans eastward from the western edge of SBCC, between Shoreline Drive/Cabrillo Boulevard and Cliff Drive/Montecito Street, to the easterly edge of the campus at Pershing Park. Also included in this component area is an area of apartment units largely inhabited by SBCC students. Arroyo Honda creek flows through the northwestern portion of this component area along the eastern perimeter of the SBCC West Campus and Loma Alta Drive. The SBCC campus land use is designated as Institutional, and the apartments associated with SBCC students are designated as medium high density residential area. The College's certified Public Works Plan regulates development within SBCC. The standard of review for amendments to the Public Works Plan is the policies and provisions of the City's certified LCP.

The West Beach component area encompasses 74 acres of flat area inland of Cabrillo Boulevard that spans eastward from the easterly edge of the SBCC campus at Pershing Park to Chapala Street and then along Mission Creek towards the ocean. This component area contains a mix of uses, including residential, visitor serving, commercial, and recreation land uses. A portion of Mission Creek touches the northeast periphery of this component. There are four major parks in this component area, including Pershing Park, Ambassador Park, Plaza Del Mar, and the Moreton Bay Fig Tree Park. These

parcs provide open space, as well as recreation areas consisting of softball fields, a baseball diamond, and tennis courts. This component area serves as a predominately visitor-serving area, with a number of hotels and motels, and also includes residential development. The northeasterly section allows for single- and multiple-unit dwellings, hotels, and motels. There is also a small commercial area in the northwest portion that includes grocery stores, restaurants, and other businesses. West Beach is considered fully developed, with no vacant properties. However, there are parcels that have not developed to their maximum residential density. Therefore, new residential development could include proposed redevelopment with higher density of units. There is also the potential for a small amount of hotel and commercial infill through the redevelopment of existing buildings.

The Lower State component area encompasses 81 acres of urbanized development within the floodplain of Mission Creek. This area is bordered by Highway 101 to the north, Chapala Street and Mission Creek to the west, Cabrillo Boulevard to the south, and Garden Street to the east. The land uses in this component area consist of transportation related development (i.e., Railroad Depot/Amtrak Station and Greyhound Bus Station), visitor-serving uses (i.e., museum, hotels, commercial retail, restaurant, Funk Zone), offices, warehouses, open yard storage, and light industrial uses, as well as mixed-use and multiple-unit residential development. Mission Creek runs through the southwestern portion of this component area, enters the Mission Creek Lagoon, and discharges into the ocean just east of Stearns Wharf. The Funk Zone is centrally located in this component area, and the designated land uses allow for coastal-dependent and coastal-oriented uses, commercial recreational uses, arts-related uses, restaurants, and small stores. There is potential for new mixed-use, hotel, and multiple-unit residential development in this component area, with two vacant parcels and various parcels that have not been developed to their maximum allowed density.

The Industrial Area component is comprised of 112 low-lying acres that are partially located within an area that was once El Estero estuary, and includes the area south of Highway 101 and north of the railroad tracks, between Garden Street to the west and Milpas Street and Nopalitos Way to the east. Laguna Channel runs through the westerly portion of this component area. Laguna Channel terminates at a pump station and tide gate facility that functions to prevent flooding in this area during high tides and storm events. A large portion of this component area is occupied by public services facilities, including the El Estero Wastewater Treatment Plant, the Charles E. Meyer Desalination Plant, and a Fire Department training facility. The remaining land uses in this component area include manufacturing facilities, building supply firms, open yard storage, a homeless shelter, and general commercial, office, and storage facilities. The area between Calle Cesar Chavez and Milpas Street, north of the railroad tracks, is designated Industrial and allows a wide range of land uses, including general commercial, industrial, and office space. Residential use is prohibited in the Industrial designation, with the exception of a caretaker's unit. West of Calle Cesar Chavez, between the railroad and Highway 101, is designated as Coastal-Oriented Industrial, Institutional, and Industrial. The Coastal-Oriented Industrial area facilitates the provision of coastal-dependent and coastal-related industrial uses in close proximity to the Harbor and Stearns Wharf. No new residential substantial redevelopment is allowed in the areas of this component with the Industrial land use designation. Portions of this component area have the potential for expansion of non-residential square footage, particularly between Calle Cesar Chavez and Milpas Street. New, non-residential development has the potential for remodels and additions to existing structures.

The East Beach component area consists of 244 acres of mixed local- and visitor-serving uses. This area is generally bounded by Highway 101 to the north and Cabrillo Boulevard to the south. South of the railroad tracks, Garden Street marks the westerly boundary; north of the railroad tracks, Nopalitos Way, Milpas Street, and Calle Puerto Vallarta define the westerly boundary. The easterly boundary is

marked by the City limits to the point where Highway 101 and Cabrillo Boulevard meet. The 24-acre Chase Palm Park is located on the far west of this component area and contains the Great Meadow Stage, the Carousel House public event venue, a lagoon, creeks, a playground, and walking paths. East of the Cabrillo Ball Field is the Fess Parker Doubletree Hotel, Cabrillo Park, and several other hotels, motels, and apartment areas north of Cabrillo Boulevard. Sycamore Creek runs through this portion of the Coastal Zone and connects with the ocean at East Beach, where a sandbar creates a small lagoon. Dwight Murphy Ball Field is a publicly owned ball field facility located west of Sycamore Creek. The east side of Sycamore Creek is developed with residential units and a parking area for the Santa Barbara Zoo. While the elevation in this component area is mostly low-lying, it rises to about 65 feet in the area known as “The Child’s Estate,” which is currently the Santa Barbara Zoo. The Zoo overlooks East Beach and the 42-acre Andrée Clark Bird Refuge. The bird refuge features an artificially modified estuary that is currently a shallow lake providing passive recreational opportunities. Southeast of Cabrillo Boulevard, the 23.5-acre Bellosguardo property (formerly known as the Clark Estate) sits atop a coastal bluff on the east side of this component area. The majority of land use in this component area is parks and open space, and the remainder constitutes a mix of hotels, motels, apartments, condominiums, and general commercial development. Commercial and medium-high density residential development is located in the northwestern area, flanking Milpas Street and extending along Cacique Street and a portion of Calle Puerto Vallarta. West of Sycamore Creek, hotels line Cabrillo Boulevard. Apartments and motels are located behind these hotels. East of Sycamore Creek is developed with multiple-unit housing. The potential new development in this area is limited to only one vacant property. Nearly all other residential properties are developed to their maximum potential density. There exists some limited potential for expansion of non-residential development.

The Coast Village component area is 178 acres and is formed by a westerly boundary of Pitos/Salinas/Ocean View Streets, an easterly boundary at Olive Mill Road (corresponding with the eastern City limits), a northern boundary 1,000 yards inland of the shoreline, and the southerly boundary formed by the City limit at Highway 101. The western section of this component area is a residential neighborhood with single- and multiple-unit dwellings, as well as a few mobile homes and RV dwellings. The Montecito Country Club, a private golf course and fitness club, comprises a large portion of this component. The Municipal Tennis Center is located between Highway 101 and Old Coast Highway and is the primary public open space facility in this area. The eastern portion of this component area includes the retail commercial corridor along Coast Village Road. Over half of this component area consists of parks and open space land use, and the remaining land uses are residential, commercial, and mixed-use. Residential use is mostly clustered in the western portion of this component area and includes low, medium, and medium high density land use designations. The portion of this component area that flanks Coast Village Road has commercial and medium density residential land uses. In the Coast Village Road/Coast Village Circle area, there is the potential for continued in-fill of retail, commercial, office, and mixed use, and there is some potential for additional residential development in the western portion of this component area.

The Waterfront Beaches and Harbor component area is comprised of 201 acres and encompasses the land area south of Cabrillo Boulevard to the Pacific Ocean, including Stearns Wharf and the Harbor facilities, stretching from the westerly end of Leadbetter Beach to the easterly end of East Beach. The Waterfront provides active and passive recreational opportunities and public access to the beach and ocean. This component area includes three miles of sandy beaches. Stearns Wharf, the Harbor, and the Harbor breakwater are three of the City’s main visitor-serving areas. Visitor-serving uses in this area include beachfront parks and open spaces, public parking lots and restrooms, Los Baños del Mar Pool, a skateboard park, sand volleyball courts, a multi-use Beachway path, pedestrian paths, Cabrillo Pavillion and Bathhouse, a maritime museum, and a yacht club. Arroyo Hondo, Mission Creek,

Laguna Channel, and Sycamore Creek all connect with the ocean in this component area, and the lagoons at the outlets of Mission Creek and Laguna Channel combine in this area to form one large lagoon. All of the land in this component area is publicly owned, and the primary land use is parks and open space with public open space comprising eighty percent of the land area. The Harbor area and Stearns Wharf have a specific land use designation of “Harbor-Stearns Wharf” to ensure that the Harbor remains a working harbor with visitor-serving and coastal-related uses secondary to coastal-dependent uses. Stearns Wharf consists of a mixture of visitor-serving, coastal-related, and coastal-dependent uses. The only development potential in this component area is renovation or remodeling of existing public facilities or limited improvements to Harbor and Stearns Wharf facilities.

Lastly, the Highway 101 component area includes the Highway 101 right-of-way within the Coastal Zone from northeast of the Castillo Street interchange to Olive Mill Road. Highway 101 is entirely designated as open space.

B. LOCAL COASTAL PLANNING HISTORY

A Land Use Plan is defined as “ the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions” (PRC Section 30108.5).

The Land Use Plan portion of the City of Santa Barbara’s Local Coastal Program was originally certified by the Coastal Commission in 1981, and the Implementation Plan portion was certified in 1986. Since certification, the City’s Land Use Plan has been amended with twelve major amendments and one minor amendment. The subject of this staff report is the proposed Land Use Plan update, which consists of an entirely new Land Use Plan to replace the existing certified Land Use Plan.

In January 2014, the Coastal Commission awarded the City grant funding for a comprehensive update to the LUP portion of the City’s certified LCP. Grant requirements included the initial consideration of the projected effects of sea level rise in the Land Use Plan and development of coastal adaptation strategies. Since 2014, Commission staff has coordinated extensively with City staff on the development of the subject Land Use Plan update. During this coordination, the need for additional data and refined sea level rise modeling to inform adaptation strategies became evident. In addition, Commission staff identified the need for data on existing lower cost visitor-serving accommodations in the City and the development of an approach to address the protection and further development of such accommodations. Accordingly, the City has received subsequent grant funding from the Coastal Commission in 2017 for public outreach and the preparation of a Sea Level Rise Adaptation Plan, as well as an inventory of existing lower cost visitor-serving accommodations. Pursuant to the 2017 grant received by the City, additional sea level rise adaptation policies and development standards and a policy framework for the protection and development of lower cost visitor-serving accommodations will be added as an LCP amendment that is part of a second phase to the subject Land Use Plan update.

C. AMENDMENT DESCRIPTION

The City of Santa Barbara (City) is requesting an amendment to the Land Use Plan (LUP) portion of its certified Local Coastal Program (LCP) that consists of a comprehensive update to replace the existing LUP with a new proposed LUP (Exhibit 2) and thirty-three proposed land use designation changes (Exhibit 3). The proposed LUP update contains policies regarding land use and development,

public works and energy facilities, Highway 101, and the protection of coastal-dependent and related development, public access, visitor-serving and recreational facilities, biological resources, water quality, scenic resources and visual quality, and cultural resources. In addition, the proposed LUP update contains a detailed policy framework to address coastal hazards, and maps of existing land use designations, designated public access sites and parking areas, existing recreation facilities, potential environmentally sensitive habitat areas, minimum required habitat buffers from major creeks, watersheds of major creeks and groundwater basins, scenic resources, potential archaeological resources, shoreline hazards screening areas and the location of the City's coastal bluff edge.

Specifically, the proposed LUP update clarifies development review procedures for additions and alterations to nonconforming development, sets clear thresholds for what constitutes substantial redevelopment, adds policies for the retention and protection of public access parking, adds specific requirements for ESHA determinations and the protection of special status plant and wildlife species, and adds policies to maximize development buffers from sensitive biological resources and limit development within those buffers. In addition, the proposed policies include a framework to address geologic, flood, fire, and shoreline hazards that consists of six distinct shoreline hazard screening areas with development standards customized to the hazards specific to each screening area. This framework proposes to incorporate adaptation measures in new development and substantial redevelopment, to set specific criteria for site specific evaluations of properties within hazard screening areas, to add development standards and limitations on the use of slope stabilization measures, to define the location of the coastal bluff edge and add policies to maximize development buffers from the coastal bluff edge and limit development within those buffers, to identify the expected life of all development, and to limit the use, development, and future reliance upon shoreline protection devices.

D. LAND AND MARINE RESOURCES

1. Coastal Act Provisions

One of the chief objectives of the Coastal Act is the preservation, protection, and enhancement of coastal resources, including land and marine habitats, and water quality. The rare and most ecologically important habitats are protected from development. Section 30240 requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat values. No development, with the exception of any use dependent on the resource, may be allowed within any ESHA. This policy further requires that development in areas adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade ESHA and must be compatible with the continuance of the habitat areas. Finally, development adjacent to parks and recreation areas must be sited and designed to prevent such impacts.

In addition to requiring protection of ESHA, the Coastal Act requires that streams and associated riparian habitat be protected in order to maintain the biological productivity and quality of coastal waters. Section 30231 requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply; protection of existing structures where there is no feasible alternative; or improvement of fish and wildlife habitat.

Marine resources are protected to sustain the biological productivity of coastal waters and to maintain healthy populations of all species of marine organisms. Section 30230 requires that marine resources

be maintained, enhanced, and where feasible restored. Uses of the marine environment must provide for the biological productivity of coastal waters and maintain healthy populations of marine organisms. Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and such actions are restricted to a limited number of allowable uses.

Finally, the Coastal Act requires that the biological productivity and quality of coastal waters be protected. Section 30231 requires the use of means, including managing waste water discharges, controlling runoff, protecting groundwater and surface water, encouraging waste water reclamation, and protecting streams, in order to maintain and enhance water quality.

2. Coastal Act Policies

Section **30107.5** of the Coastal Act states that:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section **30230** of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section **30231** of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section **30233** of the Coastal Act states that:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

(3) *In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

(4) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

(5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

(6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

(7) *Restoration purposes.*

(8) *Nature study, aquaculture, or similar resource dependent activities.*

(b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

(c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where*

feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section **30236** of the Coastal Act states that:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section **30240** of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

3. Introduction and Setting

The City of Santa Barbara coastal zone is largely built out and urban in character. All but a few parcels are developed. Nonetheless, the City still contains natural habitat areas populated by a wide variety of animals and plants. These include estuaries, wetlands, creeks, riparian areas, bluff scrub, coastal sage scrub, perennial grasslands, oak woodland, and western snowy plover nesting habitat. There is potential habitat area for monarch butterflies and white-tailed kites in the coastal zone. The largest undeveloped habitat areas in the coastal zone are under public ownership and preserved as open space and parks. These include the Andrée Clark Bird Refuge, beaches, estuaries, portions of the Santa Barbara City College (SBCC) campus, La Mesa Park, Douglas Family Preserve, and open space lands bordering Arroyo Burro (including the former Veronica Meadows property). There are creeks and their associated riparian habitats that provide important habitat, open space, and wildlife movement corridors.

4. ESHA Definition

The Coastal Act provides a definition of “environmentally sensitive area” as: “Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Section 30107.5).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the

species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Rare species and habitats generally fall within one of two common categories. Rare species or habitats may be globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present, may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, some areas within the plan area may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable."

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the plan area, as in most of urban southern California, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

5. Habitat Determinations

The certified Santa Barbara LUP does not include an ESHA map. The comprehensive LUP update project did not include the preparation of an LUP ESHA map identifying known locations of ESHA within the city. Rather, the proposed LUP includes a Potential Plant Communities Map and a Potential Wildlife and Special Status Species Areas Map. These maps are based on past habitat surveys carried out by city consultants. The maps will be used by City staff to determine when site-specific biological evaluations will be required for new development. Policy 4.1-42 *Biological Evaluations and Wetland Delineations* requires that development proposals within or near an ESHA, wetland, or creek must include a biological evaluation (including a wetland delineation where preliminary assessment indicates the presence or potential for wetland species or indicators) prepared by a qualified biologist that includes detailed site-specific information regarding plant or animal habitat found on the project site. The information provided by the biological evaluation, along with other evidence regarding biological resources on and adjacent to a project site will be used by the City decision maker to make a site specific ESHA, wetland, or creek determination. Policy 4.1-41 *ESHA Determinations* sets forth the process and criteria by which the City will identify the location and extent of habitat meeting the definition of ESHA, wetland, and/or creek. Policy 4.1-40 *Environmentally Sensitive Habitat Areas Defined*, 4.1-39 *Wetlands Defined* and 4.1-38 *Creek Defined* provide the definitions of these three habitat types consistent with the Coastal Act and California Code of Regulations definitions. Policy 4.1-40 *ESHA Determinations* also lists the type of habitats potentially occurring in the coastal zone

area of the City that generally meet the definition of ESHA, including estuaries, wetlands, creeks, riparian, bluff scrub, coastal sage scrub, perennial grasslands, oak woodland, southern foredune, western snowy plover nesting habitat, white-tailed kite nesting and communal roosting habitat, and monarch butterfly roost sites. Any areas that meet the definition of ESHA shall be afforded all of the protections provided for ESHAs in the LUP, whether or not they have been previously identified or mapped. Additionally, Policy 4.1-12 *Alteration and Disturbance of ESHAs, Creeks and/or Wetlands* provides that any area determined to contain ESHA, wetland, or to be a creek cannot be deprived of the protections provided by the LUP for such a habitat type on the basis that habitat has been damaged or eliminated by natural disaster (e.g. landslide, flooding, fire, etc.), or impacted by illegal development or other illegal means, including removal, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.

These LUP policies, as proposed, will ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, in conformity with Sections 30240 of the Coastal Act.

6. Protection of ESHA, Wetlands, and Creeks

The proposed LUP contains many policies that protect sensitive habitats, including ESHA, wetlands, and creeks where they are identified by the City through the process described above. Policy 4.1-1 *City Efforts to Protect and Enhance Environmentally Sensitive Habitat Areas, Wetlands, and Creeks* requires the City to consider restoration of such habitat areas and to provide public education on the importance of habitat protection. Policy 4.1-2 *Sea Level Rise Impacts on ESHAs* provides that, following completion of the Sea Level Rise Adaptation Plan (outlined in Policy 5.1-14 *Sea Level Rise Adaptation Plan*), the City shall update standards for ESHAs, wetlands, and creeks as needed based on the best available science and considering the effects of shoreline development on the landward migration of habitat.

Policy 4.1-3 *Protection of Coastal Waters, Wetlands, and Marine Resources* is an overarching policy that requires that the City protect, maintain, and, where feasible, restore the biological productivity and the quality of coastal waters, creeks, wetlands, estuaries, lakes, and marine resources. Policy 4.1-4 *Protection of ESHAs* states that ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

The LUP establishes that where multiple ESHA, wetland, or creek policies apply to a development, the most protective shall regulate that development. Many of these policies apply equally to ESHA, wetlands and creeks, but several of them only apply to one of these habitat types in order to ensure consistency with Coastal Act policies that require a different level of protection for different habitats. For instance, Section 30236 of the Coastal Act provides for allowable development that includes alterations of streams that would not be allowed in ESHA or wetlands. Policy 4.1-5 *Applicability of Policies* states that: "...to the extent wetland or creek policies specifically allow or regulate uses in wetlands or creeks that would not be allowed in ESHAs, those specific policies take precedence over more general ESHA policies".

These LUP policies, as proposed, will ensure that environmentally sensitive habitat areas, wetlands, streams, and water quality are protected in conformity with the land and marine protection policies of Chapter 3 of the Coastal Act.

Allowable Uses in ESHA

In order to protect ESHA from significant disruption of habitat values consistent with Section 30240 of the Coastal Act, the proposed LUP establishes the uses that may be allowed within ESHA. Policy 4.1-6 *Allowed Uses in Terrestrial ESHAs* provides for resource dependent uses including but not limited to: habitat creation, restoration or enhancement; public accessways or trails; signs; nature study; and education. Fencing necessary for safety, restoration, protection of habitat, or water quality improvement are also allowed provided that they are minimized to the extent feasible. Additionally, fuel modification may be allowed in ESHA only where required by the Fire Department to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas. As described above, there is an existing pattern of development in this largely built out City. It is necessary to allow fuel modification in order to protect existing development from fire hazards. Fuel modification cannot be allowed for new development or redevelopment within ESHA and Policy 4.1-21 *Vegetation Management for Fire Hazard Reduction* requires that fuel modification must be the minimum necessary to meet Fire Department requirements and must avoid or minimize impacts to ESHA.

These LUP policies, as proposed, will ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, in conformity with Sections 30240 of the Coastal Act.

Habitat Buffers

Section 30240 of the Coastal Act requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Section 30240 of the Coastal Act also requires that development adjacent to parks and recreation areas must be sited and designed to prevent impacts. Chapter 3.2 (Visitor Serving and Recreational Facilities) of the LUP addresses development adjacent to parks and recreation areas. Policy 3.2-9 *Development Adjacent to Parks and Recreation Areas* is an overarching policy that requires such development to be sited and designed to prevent impacts that would significantly degrade parks or recreation areas.

Policy 4.1-15 *ESHA, Wetland, and Creek Habitat Buffers* establishes the minimum buffer requirements to be provided between new development or redevelopment and ESHA, wetlands, and creeks. This policy states that: “A habitat buffer shall be required between new development or substantial redevelopment and any ESHA, wetland, or creek and shall be of sufficient size to: protect biological integrity, serve as transitional habitat, provide distance from human disturbances, and avoid hazards from erosion”. The table within this policy provides specific buffer widths for different types of ESHA. Wetlands, including estuaries and lagoons are required to have a minimum 100-foot buffer from the upland edge of the wetland habitat. This buffer standard applies to Arroyo Burro Estuary, Mission Creek Lagoon, Sycamore Creek Estuary, and Andree Clark Bird Refuge.

With regard to creeks, there are three categories of buffer and in each category there is a standard for buffer width based on the top of bank or top edge of the creek or creek canyon and a buffer standard based on the outer edge of riparian canopy. Whichever of the two standards (creek or riparian) is the greatest would apply to new development or redevelopment. Following is a table showing the three categories and the creeks they apply to:

CREEK	BUFFER
Mission Creek <i>Cabrillo Blvd to Coastal Zone Boundary</i>	35 feet from top of bank of the Lower Mission Creek Flood Control Project; or 15 feet from outer edge of riparian vegetation or canopy considered an ESHA
Sycamore Creek <i>Cabrillo Boulevard to Coastal Zone Boundary</i> Laguna Creek <i>Tide gates to Coastal Zone boundary</i> Arroyo Burro <i>Cliff Drive to Coastal Zone Boundary</i>	50 feet from top of bank; or 25 feet from outer edge of riparian vegetation or canopy considered an ESHA
Mesa Creek <i>Confluence with Arroyo Burro Estuary to Coastal Zone boundary</i> Lighthouse Creek <i>Pacific Ocean to Coastal Zone boundary</i> Arroyo Honda <i>Pacific Ocean to Coastal Zone boundary</i>	The top edge of the creek canyon as generally depicted on Figure 4.1-4 Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda shall be considered the outermost edge of the creek buffer; or 25 feet from outer edge of riparian vegetation or canopy considered an ESHA

The proposed LUP Map *Minimum Habitat Buffers for Major Creeks* shows the location of each creek and estuary. Additionally, the proposed LUP Map titled *Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda* generally shows the creek top of bank which is the creek-based ESHA buffer for these creeks. Finally, the LUP includes an appendix in Chapter 8.1 that details the method for the City decision maker to determine the location of the creek top of bank.

Policy 4.1-15 *ESHA, Wetland, and Creek Habitat Buffers* also requires a 100-foot buffer for Monarch Butterfly aggregation sites, a 50-foot buffer for native perennial grasslands, and a minimum buffer of 25 feet for oak woodland, southern coastal bluff scrub, and coastal sage scrub and chaparral ESHA. Should any other type of ESHA be identified, the minimum required habitat buffer will be determined by the decision maker based on site-specific evidence.

Providing a significant distance between new development and ESHA will ensure that removal or thinning of native vegetation within ESHA areas for fuel modification to provide fire protection for new development or redevelopment will be avoided or minimized. Additionally, the transitional “ecotones” between different habitat types are particularly valuable areas with a higher diversity of plants and animals. The provision of adequate buffers around ESHA protects ecotones. Natural vegetation buffers also protect streams and their associated riparian habitats by providing area for infiltration of runoff, minimizing erosion and sedimentation. Finally, natural vegetation buffers minimize the spread of invasive exotic vegetation that tends to supplant native species, from developed areas into sensitive resource areas. In past Commission actions on permits and LCPs, the Commission has typically required that ESHA buffers be at least 100 feet in width in order to avoid significant disruption to habitat values in the ESHA. However, buffers that are less than 100 feet have been

allowed in more constrained urban areas where the existing pattern of development would not allow for larger setbacks. Within the context of this urban planning area and built-out pattern of development, the buffers proposed in this case that are less than 100 feet, with the exception of the proposed oak woodland buffer, are adequate to ensure that the ESHA resources are protected consistent with Section 30240 of the Coastal Act. Further, the proposed buffers were reviewed by the Commission Staff Ecologist, Dr. Jonna Engel, and determined to be adequate within the context of this urban plan area, except for the oak woodland ESHA buffer.

The proposed 25-foot buffer for oak woodland ESHA is not adequate to protect this habitat type from significant disruption, particularly where a wider buffer can feasibly be provided. **Suggested Modification No. 10** is necessary to increase the required minimum habitat buffer between oak woodland ESHA and new development or redevelopment to 50 feet from the outer edge of the tree canopy except where a 50-foot buffer is not feasible, the buffer may be reduced to the largest feasible buffer but in no case less than 25 feet. City staff has stated that most developed parcels adjacent to oak woodland are constrained and it would not be feasible for new development or redevelopment on most of these parcels to provide a 50-foot wide buffer. Additionally, they have stated that where the 50-foot buffer would be feasible, it would in most cases be a wider buffer than that provided on adjacent properties and as such would be unfair for new development or redevelopment to provide a wider buffer. However, it is important to provide the greatest feasible buffer from oak woodland both to protect the individual trees of the woodland and the understory areas as well. Oak trees may be located in hillside or riparian areas and prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, and provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Oak trees may provide nesting or roosting habitat for raptors and other birds that are rare, threatened, endangered, fully protected, or species of special concern. It is critical to such species that the tree habitat be protected. Oak trees are easily damaged. For instance, oaks are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, extending as much as 50 feet beyond the spread of the canopy, although the area nearer the canopy is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Native trees are usually located in areas that have more surface or ground water flow than surrounding areas. However, artificial irrigation associated with development that exceeds the natural amount of water available, or that is introduced during the dry season, can result in adverse impacts to tree health, including early death.

Policy 4.1-17 *Development within Habitat Buffer Areas* establishes what uses may be allowable within ESHA, wetland and creek buffers if they do not result in significant disruption of habitat values. This includes resource dependent uses as well as water quality BMPs, improvements to roads and other public facilities, fuel modification for existing development, limited exterior lighting for safety purposes, and fences, all subject to limitations designed to avoid impacts to ESHA, wetlands, and creeks. Fuel modification may be allowed for new development or redevelopment within habitat buffer where the encroachment into the buffer is minimized, where all feasible mitigation measures have been provided to minimize adverse environmental effects, and the maximum feasible habitat buffer width is provided. Policy 4.1-21 *Vegetation Management for Fire Hazard Reduction* requires that fuel modification must be the minimum necessary to meet Fire Department requirements and must avoid or minimize impacts to ESHA. Policy 4.1-19 *Plantings in ESHAs, Wetlands, Creeks and Habitat Buffers* requires the use of native species appropriate to the habitat type and prohibits the planting of any plant species that is problematic, a noxious weed, or invasive in all ESHAs, wetlands, creeks, and required habitat buffers unless a plant species is necessary for the habitat restoration of a sensitive species (e.g., monarch butterfly).

Policy 4.1-18 *Reduction of ESHA, Wetland, and Creek Habitat Buffers* sets forth the process by which the City decision maker could allow a reduction in the minimum required habitat buffer under certain limited circumstances. This policy states that: “It is the goal of the City to move as many structures as possible outside of minimum required habitat buffers for ESHAs, wetlands, and creeks. However, there may be existing legally established lots that are severely constrained where reasonable use of the property may not be feasible outside of minimum required habitat buffers. This policy addresses the rare cases when a reduction of minimum required habitat buffers may be allowed for new development and substantial redevelopment on severely constrained lots”. For private development, the buffer may only be reduced for construction of a primary structure where it is necessary to allow a reasonable use of a legal parcel, there are special circumstances applicable to the property that make it a severely constrained lot, and the widest feasible habitat buffer is still provided. Policy 4.1-18 establishes that where a habitat buffer is reduced on a parcel, the new development or substantial redevelopment of the site is subject to maximum size limitations. As proposed, the policy would allow a new principal structure not to exceed the square footage of the existing permitted principal structure(s) on the lot or a 1,200 square foot new principal structure in cases where the existing permitted principal structure(s) is less than 1,200 square feet or there is no existing principal structure(s). In order to address cases where the existing permitted principal structure(s) could occupy a significant development footprint and a new, replacement principal structure would occupy the same significant development footprint without meeting the required habitat buffer or where there is a very small constrained parcel, Commission staff is recommending **Suggested Modification No. 11** to ensure that the size of the new principal structure on such a lot would be the minimum size necessary to provide a reasonable use of property and allow for the largest feasible habitat buffer. Policy 4.1-18 also allows a habitat buffer reduction for public development, only if such reduction is necessary for the construction of public works that cannot feasibly be provided outside the required habitat buffer. In all cases, the City must make findings to approve the reduction of habitat buffers, including that: compliance with the buffer standards is maximized through siting and design; other development standards not related to the protection of ESHA, wetlands and creeks have been modified to site the new development as far from the ESHA, wetland, or creek habitat as feasible (e.g., reduction of front yard setback zoning requirements); reduced habitat buffer, in combination with siting, design, or other mitigation measures, will not significantly degrade habitat values; and mitigation measures have been incorporated to avoid, minimize, and/or reduce impacts to ESHA, wetlands and creeks.

These LUP policies, as suggested to be modified, will ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values and that development in areas adjacent to ESHA will be sited and designed to prevent impacts which would significantly degrade ESHA, in conformity with Section 30240 of the Coastal Act.

Wetlands

In addition to protection as ESHA, other policies of the Coastal Act require the protection of wetlands. Section 30231 provides that the biological productivity and the quality of wetlands and estuaries shall be maintained, and where feasible restored to maintain optimum populations of marine organisms. Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where restricted to a limited number of allowable uses.

As described above, the LUP contains habitat protection policies that apply equally to ESHA, wetlands, and creeks, but several of them only apply to one of these habitat types in order to ensure consistency with Coastal Act policies that require a different level of protection for different habitats. Policy 4.1-7 *Diking, Filling, or Dredging of Coastal Waters and Wetlands* lists allowable uses in wetlands or coastal waters. Policy 4.1-8 *Protection of Lagoons and Estuaries* prohibits the breaching or water level management of lagoons and estuaries except in very limited instances in which there is no other feasible method to protect public health and safety or to repair existing structures, there is no feasible less environmentally damaging alternative; and all feasible mitigation measures are implemented to minimize adverse environmental effects. Finally, Policy 4.1-13 *Mitigation of Impacts to ESHAs, Wetlands, and Creeks* establishes that unavoidable permanent impacts to wetlands are allowed by the other policies of the LUP, mitigation in the form of habitat creation and/or restoration shall be required at a minimum 4:1 ratio (area restored to area impacted) for wetland or open water habitat.

These policies, as proposed, will protect wetlands, limit uses allowed in wetlands and coastal waters, and require adequate mitigation for unavoidable impacts that may result from allowable uses, in conformity with Sections 30231 and 30233 of the Coastal Act.

Creeks

In addition to protection as ESHA under Section 30240 of the Coastal Act, streams and associated riparian habitat are protected under additional Coastal Act policies in order to preserve stream function and to maintain the biological productivity and quality of coastal waters. Section 30231 requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Additionally, Section 30236 of the Coastal Act limits the alteration of streams in order to maintain hydrological function, flood control, and minimize erosion and sedimentation.

As previously described, siting and designing new development such that an adequate buffer is provided between development and the outer edge of the canopy of riparian vegetation, or the top of creek bank, or the top edge of the creek canyon, as applicable avoids direct impacts to the habitat area. Natural vegetation buffers also protect riparian habitats by providing area for infiltration of runoff, which filters impurities before the water is introduced to the stream course. Additionally, the infiltration of runoff extends the time between the precipitation event and the peak stream flow, as well as avoiding increases to the amount of peak flow. Therefore, adequate stream buffers minimize cumulative impacts to stream morphology. Further, protecting natural vegetation buffers where runoff can infiltrate reduces the potential for erosion and sedimentation.

As described above, the LUP contains habitat protection policies that apply equally to ESHA, wetlands, and creeks including the provision of habitat buffers and Policy 4.1-9 *Substantial Alteration of Creeks* provides the three limited instances in which creek alteration could be allowable. This policy provides that channelizations, dams, or other substantial alterations of rivers and streams must include the best mitigation measures feasible and are limited to only three purposes: necessary water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; or improvement of fish and wildlife habitat. Policy 4.1-10 *Minimization of Impacts for Creek Projects* states that any allowable alteration of a creek must minimize impacts to coastal resources, including the depletion of groundwater, and shall mitigate unavoidable impacts to the extent feasible. Policy 4.1-10 also requires that non-intrusive bank stabilization methods such as

bioengineering techniques (e.g., revegetation, tree revetment, and native material revetment) shall be used where feasible rather than hard bank solutions such as rip rap or concrete. Policy 4.1-11 *Creek Crossings* states that an alteration of a creek for a road crossing is prohibited except where there is no other feasible way to provide access to public recreation areas or legal development and a clean-span bridge is used. This policy also addresses the replacement of existing bridges and utility crossings of creeks. Policy 4.1-28 *Creek Restoration* states that creeks should be restored where feasible through methods such as removal of existing concrete lining, daylighting reaches of drainages that have been previously under-grounded, removal of fish barriers, laying back steep banks, and planting of native trees and shrubs on stream banks that will not significantly impede creek flows. Finally, Policy 4.1-13 *Mitigation of Impacts to ESHAs, Wetlands, and Creeks* establishes that where unavoidable permanent impacts to creeks are allowed by the other policies of the LUP, mitigation in the form of habitat creation and/or restoration shall be required at a minimum 4:1 ratio (area restored to area impacted) for creekbed habitat.

These policies, as proposed, will protect creeks, avoid impacts to coastal waters and riparian vegetation, and require adequate mitigation for unavoidable impacts that may result from allowable uses, in conformity with Sections 30231, 30236 and 30240 of the Coastal Act.

New Development

New development can adversely impact environmentally sensitive habitat areas, wetlands, and creeks through many means including, but not limited to, grading, landform alteration, vegetation clearance, erosion, sedimentation, runoff, stream siltation, and reduced water percolation. Additionally, wildlife can be impacted by fencing that blocks migration and by artificial night lighting. As described above, the LUP protects habitat values by limiting development within ESHA, wetlands and creeks and by requiring habitat buffers. The LUP also limits grading and landform alteration so as to minimize erosion and sedimentation. Policy 4.3-9 *Minimize Excavation, Grading and Earthwork*, while a visual resource policy, requires that development minimize alteration of natural landforms to ensure that development is subordinate to surrounding natural features such as drainage courses, prominent slopes and hillsides, and bluffs. Another visual policy, Policy 4.3-14 *Minimize Removal of Native Vegetation* requires that development outside of ESHA, wetlands, creeks, and habitat buffers shall minimize removal of non-ESHA native vegetation. Retention of native vegetation also minimizes erosion and sedimentation which protects creeks and water quality.

Native trees (including, but not limited to oak, sycamore, cottonwood, alder, and willow) are an important coastal resource, especially where they are part of a woodland, riparian corridor or other habitat area that is ESHA. Obviously, the removal of a native tree results in the total loss of the habitat and visual resource value of the tree. Encroachments into the protected zone of a native tree can also result in significant adverse impacts. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree. The LUP requires the protection of native trees both where they are part of an area designated ESHA and where individual native trees grow outside of ESHA. Policy 4.1-20 *Native Tree Protection* requires that development be sited and designed to preserve native trees within ESHA, wetlands, and creeks to the extent feasible and to avoid tree removal and encroachment into the protected zone of native trees. Mitigation must be provided for unavoidable impacts to native trees but mitigation cannot substitute for implementation of a feasible project alternative that would avoid such impacts. Policy 4.1-13 *Mitigation of Impacts to ESHAs, Wetlands, and Creeks* requires substantial

impacts or removal to be mitigated with the planting of replacement trees (onsite where feasible) at a minimum 10:1 ratio for oak trees and a minimum 5:1 ratio for all other native trees or other trees providing habitat for sensitive species. Policy 4.3-13 *Tree Protection and Replacement* requires the protection of trees outside of ESHA, wetlands, and creeks which do not themselves constitute ESHA. Such trees are a visual resource and may also provide nesting or roosting habitat for birds or habitat for other wildlife.

Fencing or other barriers can adversely impact the movement of wildlife. Habitat linkages are important to many species as they allow greater access to food sources and a larger gene pool for reproduction. Within ESHA or habitat buffers, the LUP only allows fences or natural barriers where necessary for safety, restoration, protection of habitat, or water quality improvement and provided that they are minimized to the extent feasible. Policy 4.1-22 *Fencing, Walls, and Barriers* requires that where fencing, walls, or other types of barriers are allowed, they shall be wildlife-safe and wildlife-permeable, to the extent feasible. Policy 4.1-24 *Habitat Linkages* provides for the preservation of habitat linkages by requiring development near ESHA, wetlands, and creeks to be designed and constructed to ensure the safe passage of wildlife.

Night lighting of ESHA, wetland or creek areas may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Daily behavioral activities such as sleeping, foraging, eating, moving, and resting occur at different times for different animals such that a single habitat is partitioned into temporal niches regulated by light. Most predators are specifically adapted to hunt under particular light conditions. Introducing artificial night lights to an area will change the ambient setting and can adversely impact animals. Significant adverse impacts include avoidance of the lit area, disorientation, disruption of foraging patterns, increased predation risk, disruption of biological clocks, disruption of reproduction, and disruption of dispersal. In order to minimize lighting impacts, the LUP does not allow exterior lighting in ESHA. Limited exterior lighting for safety purposes may be allowed in habitat buffers. Further, Policy 4.1-23 *Exterior Lighting* requires that any exterior lighting allowed adjacent to ESHAs, wetlands, and creeks shall be: limited to the extent feasible; restricted to low intensity fixtures; shielded; directed to the ground and away from ESHAs, wetlands, and creeks; and cause no light to trespass into habitat areas.

These policies, as proposed, will minimize the potential impacts of new development or redevelopment on ESHA in conformity with Section 30240 of the Coastal Act.

Mitigation and Restoration

As described above, there are many proposed LUP policies that require mitigation of unavoidable impacts to ESHA, wetlands, and creeks. Policy 4.1-13 *Mitigation of Impacts to ESHAs, Wetlands, and Creeks* establishes that habitat creation or restoration must be implemented at a ratio of a minimum of 4:1 (for wetland, open water, or creekbed habitats) or 3:1 (all other ESHAs including riparian ESHAs). Temporary impacts are required to be mitigated at a ratio of 1:1. Policy 4.1-13 also sets forth the minimum requirements for mitigation monitoring. Finally, this policy establishes that all mitigation restoration areas must be restricted from future development and are considered to be ESHA, wetland, or creek as appropriate to the habitat type restored.

Policy 4.1-27 *Restoration of Habitats* states that restoration and enhancement of ESHAs, wetlands, and creeks is encouraged. Finally, Policy 4.1-29 *Vegetation Management for Habitat Restoration* allows vegetation management including removal of non-native vegetation, planting native species

appropriate for the habitat type, weeding, supplemental plantings, and other maintenance measures are allowed in ESHA, wetlands, creeks, and habitat buffers where part of an approved restoration plan.

These LUP policies, as proposed, will ensure that environmentally sensitive habitat areas, wetlands, and streams are protected in conformity with the land and marine protection policies of Chapter 3 of the Coastal Act.

Land Divisions

As described in more detail above, the LUP limits allowable uses in ESHA, wetlands, and creeks, applies buffers to be provided between development and habitat areas, requires avoidance of impacts to habitat and minimization of impacts with mitigation where avoidance is not possible. The LUP does provide for the reduction of certain habitat protection standards in recognition of the existing legal lot configuration and pattern of development in this predominately built-out City, as discussed below. In order to ensure that any new parcels can meet all habitat protection policies, Policy 4.1-31 *Land Divisions* states that land divisions, lot line adjustments, and conditional certificates of compliance legalizing illegally created parcels shall only be permitted if the development area of each parcel, including access roads/driveways and any fuel modification areas necessary to meet Fire Code Defensible Space requirements for structures, is located outside of any ESHA, wetland, creek, or required habitat buffer areas. Additionally, a lot line adjustment could be approved where the new configuration would result in less adverse impacts to ESHAs, wetlands, or creeks than the existing lot configurations.

These LUP policies, as proposed, will ensure that environmentally sensitive habitat areas, wetlands, and streams are protected in conformity with the land and marine protection policies of Chapter 3 of the Coastal Act.

Protection of Birds

Policy 4.1-36 *Bird Breeding and Nesting* prohibits activities that could impact nesting or breeding birds, including tree trimming, tree removal, construction activities, noise, vibration, or lighting during the bird nesting and breeding season unless it is not feasible to avoid that time period. In that case, bird surveys must be undertaken and if nesting or breeding birds are found, activities must not occur until after active nests have been vacated. Additionally, the LUP requires that new development or substantial redevelopment within 100 feet of ESHA, wetlands, creeks, or open space areas must be designed to protect birds. Proposed Policy 4.1-37 *Bird Safe Buildings* details building design, exterior materials, lighting, and window treatments that must be used in these areas to minimize the potential for bird strikes.

These LUP policies, as proposed, will ensure that environmentally sensitive habitat areas, wetlands, and streams are protected in conformity with the land and marine protection policies of Chapter 3 of the Coastal Act.

Beach Habitats

The beaches in the City are heavily used for public access and recreation. There are no developed dune habitats and many beaches are groomed. Nonetheless, as stated in the LUP: “Overwintering western snowy plovers have been documented roosting and foraging on City beaches, primarily in the vicinity of East Beach. East Beach has been designated critical habitat for the western snowy plover by the US

Fish and Wildlife Service due to the presence of overwintering plovers.” The Commission has found that regular grooming at beaches can impact the diversity and abundance of invertebrates, plants, and birds present on sandy beaches and intertidal areas. Grooming and other activities can cause removal of wrack, the tangles of kelp and sea grass that wash up onto beaches and settle in large clumps along the tide line. Wrack is of particular importance for invertebrate, plants, and birds in the intertidal zone of the beach. A diverse macrofauna, including amphipods, isopods, and insects are found in wrack. Regularly groomed beaches also exhibit reduced richness, abundance, and biomass of many species of invertebrates, including crustaceans and insects. Policy 4.1-32 *Beach Grooming and Disturbance of Wrack* requires permitted beach grooming or other activities to avoid the removal of beach wrack, by ensuring that mechanized equipment operates landward of the wrack line on dry sand areas.

Policy 4.1-33 *Avoidance of Sensitive Species on Beaches* requires any development on the beach to avoid impacts to sensitive bird, fish or other species. Policy 4.1-34 *Overwintering Western Snowy Plover Roosting Areas* requires that new development avoid the area used by overwintering western snowy plovers for roosting during the times that the birds would typically be present. The City currently monitors beaches for the presence and location of western snowy plovers. As proposed, this policy would require the determination of roost areas based on the prior year’s monitoring data. However, using the location, size, and number of roosts present only from the previous year is too limited and may not recognize roosting areas that may be located in different areas through the years. In order to better protect roosting western snowy plovers, it is necessary to modify (**Suggested Modification No. 12**) this policy to require the use of all available past monitoring data, with the most weight given to that from the previous three years.

These LUP policies, as suggested to be modified, will ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values and that development in areas adjacent to ESHA will be sited and designed to prevent impacts which would significantly degrade ESHA, in conformity with Section 30240 of the Coastal Act.

Conclusion

Based on the findings above, the Commission finds that the policies of the proposed Land Use Plan relative to environmentally sensitive habitat areas, wetlands, coastal waters and streams, as suggested to be modified, meet the requirements of and are in conformity with Sections 30231, 30233, 30236 and 30240 of the Coastal Act.

7. Water Quality

The Commission recognizes that new development in the City of Santa Barbara has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

New development results in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of land on project sites. The reduction in permeable surface therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. One cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology.

Additionally, runoff from impervious surfaces flows more rapidly, increasing its ability to erode sediment from the undeveloped areas of a site, resulting in increased erosion and sedimentation. Further, pollutants commonly found in runoff associated with new development include: petroleum hydrocarbons such as oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter and organic matter; fertilizers, herbicides, and pesticides from household gardening or more intensive agricultural land use; nutrients from wastewater discharge, animal waste and crop residue; and bacteria and pathogens from wastewater discharge and animal waste.

The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health.

The proposed LUP contains policies to avoid impacts to water quality. Policy 4.2-21 *Biological Productivity and Water Quality* is an overarching policy that requires that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored. Policy 4.2-21 states that water quality must be maintained through means that include the following: minimizing adverse effects of waste water discharges and entrainment; controlling runoff; preventing depletion of ground water supplies and encouraging wastewater reclamation; maintaining natural vegetation buffer areas that protect riparian habitats; and minimizing alteration of natural streams. As described above, creeks and riparian habitats are considered environmentally sensitive habitat areas and the proposed LUP policies requires that these areas be protected by limiting allowable uses, limiting stream alteration, and providing a buffer between creek/riparian habitat and new development and redevelopment. These policies will also protect water quality.

The LUP contains many proposed policies (Policy 4.2-1 through 4.2-9) that indicate the City's intention to improve water quality through supporting and encouraging the enforcement of water quality protection rules and regulations, cooperating with other government agencies to implement best management practices (BMPs), and providing public education on water pollution reduction. Policy 4.2-3 *Continue to Support Creek and Ocean Water Quality Improvement Programs* states that the City will support creek and ocean water quality improvement programs including, but not limited to, the following: creek and ocean water quality monitoring; creek clean-ups; beach clean-ups; water quality regulation enforcement; street sweeping; and larger water quality improvement projects.

The City requires new development to protect water quality through the City's Storm Water Management Program (SWMP), which is reviewed and approved by the Central Coast Regional Water Quality Control Board under California's statewide National Pollutant Discharge Elimination System (NPDES) Phase II Small Municipal Separate Storm Sewer System (MS4) Storm Water Permit. Proposed LUP Policy 4.2-10 *Storm Water Management Program Requirements* details the minimum

requirements of the SWMP. This includes but is not limited to planning, siting, and designing new development and redevelopment to: minimize the transport of pollutants in runoff from the development into coastal waters; maintain or enhance on-site infiltration of runoff where feasible; minimize post-development changes in the site's runoff flow regime; protect and, where feasible, restore hydrologic features; preserve or enhance non-invasive vegetation; reduce runoff and recharge groundwater; minimize the installation of impervious surfaces and, where feasible, increase the area of pervious surfaces in redevelopment. Policy 4.2-10 requires that precedence be given to a Low Impact Development (LID) approach to stormwater management in all development. LID emphasizes preventive Site Design strategies integrated with small-scale, distributed BMPs to reduce polluted runoff and replicate the natural hydrologic balance onsite through infiltration, evapotranspiration, harvesting for later use, detention, or retention of stormwater close to the source. Additional water quality protection requirements apply to "Tier 3" developments, including non-residential development, mixed use development, residential development in the Hillside Design District with 500 sq. ft. or more of new or replaced impervious area, residential development with greater than 4,000 sq. ft. of new or replaced impervious area, parking lots of 10 or more spaces, and public works projects. Policy 4.2-22 Storm Water Management requires that all development shall be planned, sited, and designed to protect the water quality and hydrology of coastal waters in accordance with the requirements of the City's Storm Water Management Program.

Policy 4.2-23 *Minimize Water Quality Impacts During Construction* requires that land disturbance activities of construction (e.g., clearing, grading, and the removal of vegetation), especially in erosive areas, are minimized to prevent erosion or sedimentation. This policy also ensures the implementation of BMPs to minimize the discharge of other pollutants resulting from construction activities (such as paints, solvents, vehicle fluids, asphalt and cement compounds, preservatives from treated wood, trash, and debris) into runoff or coastal waters. Policy 4.2-24 *Revegetation* states that all disturbed areas are required to be revegetated prior to the beginning of the rainy season to minimize erosion and sedimentation.

The LUP contains several policies that address water quality in Santa Barbara Harbor and marine areas. This includes Policy 4.2-12 *Clean Marina Program*, Policy 4.2-13 *Maintain Pump-Out Facilities* Policy 4.2-14 *Prohibit Offshore Dumping*, Policy 4.2-15 *Cruise Ships*, and Policy 4.2-16 *Minimize Aquatic Invasive Species*. These policies will ensure that boating activities will minimize impacts to marine water quality.

With the exception of the Braemar neighborhood and Bellosguardo (formerly known as the Clark Estate) where individual onsite wastewater treatment systems are utilized, the Coastal Zone is served by the City's sanitary sewer system. The LUP contains several policies that address the City's commitment to continue to maintain and upgrade the sewer system to avoid impacts to coastal water quality and to increase reuse of wastewater. These policies are: Policy 4.2-17 *Sewer Upgrades and Maintenance*, Policy 4.2-18 *Maintain an Effective and Efficient Wastewater Treatment Facility*, and Policy 4.2-19 *Wastewater Renovation and Reuse*. Policy 4.2-25 *On-site Wastewater Treatment Systems (OWTS) Standards* requires new development or redevelopment to site and design new OWTS to protect habitat areas and surface waters and to preclude the need for bulkheads, seawalls, or revetments on or adjacent to beaches to protect the OWTS from coastal erosion, flooding, and inundation, initially or as a result of sea level rise.

The policies contained in the LUP, as proposed, provide for the protection and enhancement of water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related

to land development. Therefore, the Commission finds that the LUP meets the requirements of and is in conformity with Sections 30230 and 30231 of the Coastal Act.

8. Conclusion

As described in detail above, the Marine and Land Resource Policies and the Biological Resource Map of the LUP, as suggested to be modified provide for the protection of sensitive land and marine resources. The Commission finds that the Land Use Plan, if modified as suggested, meets the requirements of and is in conformity with the provisions of Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act.

E. PUBLIC ACCESS AND RECREATION

1. Coastal Act Provisions

A broad policy goal of the Coastal Act, and a requirement of the California Constitution identified in Section 30210, is the maximization of coastal access and recreational opportunities consistent with the protection of public rights, private property rights, and coastal resources. Several additional policies contained in the Coastal Act also work to meet this objective. The Coastal Act requires development not to interfere with the public right of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); encourages the provision of lower cost visitor-serving and recreational facilities (Section 30213); addresses the need to regulate the time, place, and manner of public access (30214); requires coastal areas suited for water-oriented recreational activities to be protected (30220); specifies the need to protect ocean front land suitable for recreational use (Section 30221); gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses (Section 30222); requires the protection of upland areas to support coastal recreation, where feasible (Section 30223); and provides that the location and amount of new development should maintain and enhance public access to the coast through various means (Section 30252).

2. Coastal Act Policies

Section **30210** of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section **30211** states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section **30212** states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

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

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

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

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

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

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

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

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

Section **30212.5** states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section **30213** states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The Commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section **30214** states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section **30220** states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section **30221** states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section **30222** states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section **30223** states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section **30252** states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

3. Introduction

Of the approximate four miles of shoreline in the City's Coastal Zone, more than half is in public ownership, including the land and beach between Cabrillo Boulevard and the mean high tide line from the western boundary of Shoreline Park through East Beach. Nearly one third of the land area of the City's Coastal Zone is designated as open space. The approximate three miles of City-owned beach area from Shoreline Park to the coastal bluffs near the eastern City limits consists of a relatively wide sandy beach area with a high level of recreational use. This low-lying area provides direct access to the beach. In the bluff areas, portions of the coastal bluffs are lined with residential development that presents an impediment to direct public beach access. However, there are several public parks along the bluffs and public vertical access ways to the beach from these coastal bluff areas that connect the public with access to the beaches below.

In order to facilitate public access to the beach and recreational areas, the City also provides and manages eleven public parking lots containing over 2,400 public parking spaces that are conveniently sited throughout the City's Waterfront area. Visitor-serving and recreational facilities are primarily concentrated along Cabrillo Boulevard and near the Harbor. The City's public recreational

opportunities include numerous shoreline and bluff-top parks, beaches, open space areas, recreational facilities (e.g., tennis courts, sand volleyball courts, a baseball/soft ball field), the California Coastal Trail network, as well as the Harbor and waterfront area which offers boating, fishing, and watersport activities.

4. California Coastal Trail

The California Coastal Trail (CCT) is a network of interconnected public trails along the California coastline, designed to foster appreciation and stewardship of the scenic and natural resources of the coast and to implement aspects of Coastal Act policies promoting access to the shoreline, maximization of recreational opportunities, and promotion of non-automobile circulation.

The CCT, which has been designated a Millennium Trail by the Governor of California, was officially established by Senate Bill 908. This bill provides for the construction of the CCT along the State's coastline from the Oregon Border to the border with Mexico, to the extent feasible. This bill requires the State Coastal Conservancy, in consultation with the Coastal Commission and the Department of Parks and Recreation, to coordinate in the planning and development of the CCT. SB 908 also requires other agencies, boards, and departments with property interests or regulatory authority in coastal areas to cooperate with the Conservancy, to the extent feasible, in planning and making land available for the trail. This bill also requires the CCT to be developed in a manner that respects property rights, privacy of adjacent property owners and the protection of coastal resources.

The CCT is not limited to a single trail and may be comprised of several distinct trail segments through a coastal jurisdiction. The CCT system can be located on a variety of terrains, including the beach, coastal bluff areas near the edge and on hillsides that provide scenic vantage points, and within road rights-of-way. The types of paths within the system include unpaved footpaths, paved sidewalks, and separated bicycle paths.

Within the City's limits, the CCT consists of lateral access along the beach. There is also a continuous inland alignment (shown on Figure 3.1-1 *Public Access* included in Exhibit 2) that is located on the first public road paralleling the sea, the coastal bluffs where property is in public ownership, and parallel to the shoreline on public sidewalks and bike paths. Segments of the trail are identified with the CCT emblem that has been incorporated onto City signage. The inland segments of the trail provide an alternative to beach access when high tides temporarily inundate the bluff-backed beaches up to the toe of the coastal bluffs.

Proposed Policy 3.1-4 *California Coastal Trail* requires the City to continue, expand, and improve segments of the CCT where feasible. In addition, proposed Policy 3.1-5 *Signage for Coastal Access* requires the provision of coastal access signage to direct visitors and residents to public access parking, beach and coastal bluff access points, and to identify segments of the CCT with the designated emblem.

These LUP policies, as proposed, will ensure that the protection and provision of the CCT meets the requirements of and is in conformity with the public access and recreational policies of Chapter 3 of the Coastal Act.

5. Lateral & Vertical Beach Access

Public access to the shoreline consists of both lateral and vertical access. Lateral public coastal access parallels the shoreline, generally providing access along the beach or coastal bluff top. Vertical public coastal access is located perpendicular to the shoreline, generally providing access from the first public road to the shoreline or coastal bluff top from trails and stairs, and/or streets and parking lots to the beach.

Lateral shoreline access exists along the approximate four mile stretch of the City's coastline, which is comprised of either wide, flat sandy beaches or narrow bluff-backed beaches where lateral access may be limited during high tides.

The City's existing public vertical coastal accessways include the following—

- Arroyo Burro County Beach Park, located between coastal bluffs to the east and west, provides vertical public access to Arroyo Burro Beach and lateral public access along the beach; The beach park portion is owned and managed by Santa Barbara County and has over 200 off-street public parking spaces. Access to this beach is also available from the adjacent Douglas Family Preserve via a trail on the north side of the preserve down a bluff and across Arroyo Burro Creek to the beach.
- Mesa Lane Stairs are located at the end of Mesa Lane near the junction with Edgewater Way. These stairs provide public beach access from the coastal bluffs for pedestrians. On-street public parking is available at this site.
- Thousand Steps (also known as Camino al Mar) provides access from the coastal bluffs to the beach approximately one mile east of Mesa Lane Stairs at the seaward end of Santa Cruz Boulevard near Shoreline Drive. On-street public parking is available at this site.
- Shoreline Park encompasses a 14.6-acre bluff top area and contains multiple paved bluff top walkways along the entire length of the park. A stairway to the beach is located within Shoreline Park approximately one half mile east of Thousand Steps. There is also a trail from the eastern end of Shoreline Park that leads to Leadbetter Beach. Parking is provided by two off-street public parking lots within Shoreline Park that contain 109 public parking spaces, and public on-street parking near the park is also available.

Proposed Policy 3.1-1 *Maximum Public Access* mirrors the exact language of Coastal Act Section 30210 and serves as an overarching public access policy within the LUP update. Consistent with the requirements of Section 4 of Article X of the California Constitution, proposed Policy 3.1-1 states that the City shall provide maximum access and recreational opportunities for all people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Proposed Policy 3.1-2 *Lateral Access Along the Coast* protects public lateral access along the beach in the bluff area and states that public access opportunities shall be maximized consistent with the parameters enumerated in Section 30210. The proposed policy further states that no attempts to prohibit or interfere with the public's lawful use of the beach area shall be allowed. Although proposed Policy 3.1-2 protects lateral access along the beach in the bluff area, the language of Section 30212 more broadly requires the provision of public access along the coast. Accordingly, **Suggested Modification No. 7** is needed to clarify that lateral access along the beach is a public right and public access opportunities *along the coast* shall be maximized.

Proposed Policy 3.1-3 *Vertical Access to the Shoreline* provides for the protection and maintenance of *existing* coastal bluff vertical public accessways to the shoreline. This proposed policy also mirrors the language of Section 30210 by requiring the maximization of public access opportunities that are consistent with the protection of coastal resources, public safety, private property rights, and the public's right to access the shoreline. In furtherance of the City's objective to maximize public access opportunities, proposed Policy 3.1-6 *Public Access Funding* provides that the City will continue to seek funding to develop and improve public access areas. In order to provide *new* public coastal accessways consistent with the directives of Section 30212, proposed Policy 3.1-22 *New Development and Public Access* requires new development and substantial redevelopment to be evaluated for the provision of public access to the shoreline and along the coast unless adequate access exists nearby.

Further, proposed Policy 3.1-21 *Public Access and Development* generally proscribes development from interfering with the public's right to access the sea, consistent with the requirements of Section 30211. This objective is supported by proposed Policy 3.1-23 *Mitigation for Traffic Impacts Affecting Public Access* which requires new development and substantial redevelopment to mitigate any adverse traffic impacts on public access. In addition, proposed Policy 3.1-25 *Minimize Impacts of Temporary Events* requires the management of temporary events to minimize adverse impacts on public access, coastal recreation, and coastal resources.

In order to ensure that new development and substantial redevelopment maintain and maximize public access to the coast, proposed Policy 2.1-15 *Maintenance and Enhancement of Public Access* mirrors the exact language and requirements of Section 30252.

These LUP policies, as suggested to be modified, meet the requirements of and are in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

6. Parking, Transportation, and Accessibility

While the physical supply of access is a primary factor in assuring public access to and along the shoreline and coastal trails, there are a number of other factors which are important components to the provision of maximum public access. These factors include the availability of transit to beaches and parks, the availability of public parking facilities, adequate support facilities such as restrooms, and adequate signage. Locating trailheads, coastal accessways to the beach, and to the various parklands can be a challenge unless there is adequate signage to direct the public to these locations. In addition, signage can reduce conflicts between the public and private property owners near trailheads and parklands. Impacts to any one of these variables may affect the availability or use of the physical supply of access. For example, without adequate parking or alternative transportation, beach and trail users who do not live in the area will experience difficulty getting to the access site. Similarly, a lack of adequate support facilities on a site that is perceived by the public as overcrowded may make a particular beach or trail less desirable for use. In other situations, it may be necessary to balance the provision of support facilities with the need to protect sensitive resources. Therefore, managing coastal access involves managing not only the physical supply of access, but all of the other factors that contribute to ensuring maximum public access to the beach and inland trails.

Public Access Parking

The provision of sufficient and convenient public parking facilities is a critical component to the maximization of public access to the shoreline and coastal recreation areas. Throughout the City's Waterfront area, public parking is distributed via eleven public parking lots with over 2,400 public

parking spaces. In addition, on-street parking is available along much of Cabrillo Boulevard and nearby streets. Along coastal bluffs and beaches to the west, public parking is available in lots at Shoreline Park and Arroyo Burro Beach, and public on-street parking is available to access Shoreline Park, Thousand Steps, Mesa Lane Stairs, and the Douglas Family Preserve. Within the Coastal Zone, the waterfront areas consistently have the greatest parking demand, particularly during summer weekends, holidays, and special events. Overall, the existing public parking supply for access to the City's shoreline and recreation areas is sufficient to meet the current demand.

The City is proposing the designation of "Key Public Access Parking Areas" pursuant to the subject LUP update, with the intention of preserving the supply of existing public access parking within these areas. These areas are shown on Figure 3.1-2 *Key Public Access Parking Areas* (included in Exhibit 2). The Key Public Access Parking Areas policies define the primary use of these areas and specify the types of permanent restrictions, alterations and/or reductions in public parking that require an evaluation of impacts to public access to the shoreline and coastal recreation areas.

Specifically, proposed Policy 3.1-35 *Locations of Key Public Access Parking Areas* describes the locations of all designated Key Public Access Parking Areas, and proposed Policy 3.1-30 *Preserve Existing Key Public Access Parking* requires the preservation of public parking within Key Public Access Parking Areas. Proposed Policy 3.1-30 only allows a permanent restriction or reduction of public parking in these areas to occur if the restriction or reduction does not result in a significant adverse impact to public access. As proposed, Policy 3.1-30 is unclear as to whether a long-term, but not permanent, restriction would be subject to the terms of this policy and what mitigation would be required to avoid a significant adverse impact to public access. Therefore, **Suggested Modification No. 8** is necessary to clarify that seasonal restrictions (e.g., a restriction that lasted the duration of the summer season) would be considered a permanent restriction for the purpose of this policy, and any necessary mitigation would require the provision of 1:1 replacement parking or comparable measures (including facilities for non-automobile transportation).

Proposed Policy 3.1-31 *Public Use of Key Public Access Parking Areas* specifies that Key Public Access Parking Areas shall only be used for public use, temporary events (consistent with the requirements of proposed Policy 3.1-25), Harbor coastal-dependent and Harbor coastal-related uses, existing lease space for visitor-serving uses at the Harbor, and the uses subject to the shared parking agreements detailed below. **Suggested Modification No. 8** to proposed Policy 3.1-31 is needed to make a minor deletion of text within the policy for clarity.

Pursuant to proposed Policy 3.1-36 *Evaluation of Permanent Reductions or Restrictions of Parking in Key Public Access Parking Areas*, if a permanent restriction or reduction of public parking in any Key Public Access Parking Area is proposed, an evaluation of impacts to public access to the shoreline and coastal recreation areas is required. Proposed Policy 3.1-36 provides a comprehensive list of City actions that would be considered a permanent restriction or reduction of public parking in Key Public Access Parking Areas and thus require an evaluation of impacts to public parking. These include new parking agreements or alterations to Key Public Access Parking areas, new parking time regulations that would limit the ability to park at or near a coastal access area to less than four consecutive hours, new parking time regulations that would permit long-term parking (greater than 72 hours), and new substantial increases in hourly parking fees.

As proposed, Policy 3.1-36 does not specify the function of the evaluation in the development review process. In addition, proposed Policy 3.1-36 does not require evaluation of impacts to public access parking when a new time restriction of less than four hours is imposed if the area affected constitutes

less than ten percent of the parking serving a certain coastal access area. Due to the large quantity of public access parking spaces in the waterfront areas, ten percent of such parking areas could result in such a time restriction being placed on hundreds of spaces without any evaluation of potential adverse impacts to public access. The proposed policy also allows for up to a fifty percent increase in parking fees without triggering the need for an evaluation of impacts to public access, which over time, could amount to a significant increase in parking fees in these areas. Accordingly, **Suggested Modification No. 9** is needed to delete language allowing the imposition of new parking time regulations of less than four hours in ten percent of Key Public Access Parking Areas and allowing the fifty percent increase in parking fees to be implemented without an evaluation of impacts to public access. In addition, Suggested Modification No. 9 clarifies that the evaluation is required as part of a coastal review process to determine whether any changes to the Key Public Access Parking Areas has the potential to result in adverse impacts to public access to the shoreline and coastal recreation areas, and if such potential is determined to be present, require the proposed change to be analyzed through the permit process.

Two of the Key Public Access Parking Areas are subject to shared parking agreements for Stearns Wharf and Santa Barbara City College (SBCC). In 1980, before certification of the City's LCP, the Coastal Commission approved a Coastal Development Permit to regulate development on Stearns Wharf to include public open space, ocean-related and dependent uses, recreational opportunities, visitor-serving retail, and restaurants. The permit limited the number of parking spaces on the wharf to support pedestrian use of the wharf and a fee-based parking management program was required to eliminate non-user vehicle circulation on the wharf. The limited wharf parking spaces were allotted to principally serve the two major restaurants originally permitted, and additional off-site parking spaces at the west corner of Cabrillo Boulevard and Garden Street were required for patrons of the wharf and greater waterfront areas.

In addition, the City and SBCC share specific parking resources subject to the terms of a Joint Use Agreement and subsequent Five-Year Supplemental Parking Agreements. The agreements establish fees and seasonal use of the Leadbetter Beach and Harbor West parking lots and SBCC's La Playa West and East parking lots. In order to ensure that shared use of these Key Public Access Parking Areas does not adversely impact public access parking, SBCC began implementing a sustainable transportation incentive program in 2015, which includes shuttle service for off-campus parking, expansion and upgrades to campus bicycle facilities, and car share options. To further ensure that SBCC's use of Key Public Access Parking Areas does not adversely impact public access, the City is proposing Policy 3.1-13 *Santa Barbara City College Parking and Transportation Demand* to coordinate on programs such as increased online and off-campus courses, concurrent enrollment, off-peak class times, additional incentives for use of sustainable transportation and expansion thereof, and maintenance and improvements to existing pedestrian and bicyclist facilities. Also, proposed Policy 3.1-33 *SBCC and City Shared Parking* generally requires the management of shared public parking lots to avoid any adverse impacts to existing public access parking.

Oftentimes, changes to parking outside of public access parking areas can result in an increased use of public access parking that can overburden public access parking supplies such that they can no longer meet parking demands. In order to avoid adverse impacts to Key Public Access Parking Areas from changes to parking outside of these areas, proposed Policy 3.1-14 *Requirements for New City Parking Programs* proscribes new City programs for management of on-street parking (e.g., preferential parking programs, priced parking), significant reductions in on-street parking, or changes to off-street parking requirements from resulting in an increased use of Key Public Access Parking Areas. As proposed, Policy 3.1-14 is unclear as to when mitigation for any adverse impacts to Key Public Access

Parking Areas would be required. Therefore, **Suggested Modification No. 8** is necessary to clarify that changes to parking outside of designated public access parking areas that results in adverse impacts to designated public access parking shall require mitigation as a condition of permit approval.

Proposed Policy 3.1-15 *Coastal Access Parking* serves as an overarching policy directive for the City to maximize, maintain, improve, and promote efficient use of the parking supplies for public access to the shoreline, coastal recreation areas, Stearns Wharf, and the Harbor. Proposed Policy 3.1-16 *Parking Supply and Management* also serves as an overarching policy directive for the City and requires the improvement and optimization of existing parking resources for public access as well as other non-coastal related uses. In addition, proposed Policy 3.1-17 *Public Parking Aesthetics and Signage* serves as a general policy that requires improvement of public parking lots and provision of signage therein. Proposed Policy 3.1-37 *Implementation of Public Access Policies* also serves as a general policy that requires the implementation of the public access policies of the LUP update to balance site-specific characteristics (e.g., topographical and/or geological constraints, capacity to sustain use, fragility of coastal resources), private property rights, and the protection of public access and visual resources.

In order to address circumstances where an applicant proposes a modification to the off-street parking requirements for a proposed new development or substantial redevelopment, proposed Policy 3.1-29 *Off-Street Parking for New Development and Substantial Redevelopment* requires an evaluation of parking demand. In order to allow such a reduction of required off-street parking, the evaluation must demonstrate that the reduced parking will provide for the anticipated parking demand generated by the development. Proposed Policy 3.1-29 allows the evaluation to consider the proximity of the proposed development or substantial redevelopment to existing transit facilities, the mix of uses in the immediate area, any offsite parking agreements, and the provision of a transportation demand management plan where it is demonstrated that the plan's measures will sufficiently reduce the demand for parking. In order to further provide for flexible parking strategies and facilitate off-site parking, proposed Policy 3.1-34 *Valet Parking Program* allows the use of valet parking programs as long as such programs do not utilize Key Public Access Parking Areas for valet operations or vehicle storage.

Proposed Policy 3.1-32 *Ocean-side Public Parking Lots* is intended to preserve and protect public scenic views within the Coastal Zone by prohibiting any further development of parking lots on City-owned property on the ocean-side of Cabrillo Boulevard or Shoreline Drive from the eastern boundary of East Beach on the east, to La Marina Drive on the west.

These LUP policies, as suggested to be modified, meet the requirements of and are in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

Harbor Parking and Circulation

The Harbor is a critical component of the existing available public access and recreational opportunities within the City. In order to support this public access and recreational component, proposed Policy 3.1-11 *Harbor Gateway* encourages the use of the Harbor as a gateway to the Channel Islands National Park, Channel Islands Marine Sanctuary, and regional Marine Protected Areas. Proposed Policies 3.1-18 *Harbor Way Circulation*, 3.1-19 *Long Term Parking in the Harbor Lots*, and 3.1-20 *Stearns Wharf Parking* require the management of parking in the Harbor public parking lots and the Wharf to ensure parking supplies are available for public access and recreational uses.

These LUP policies, as proposed, meet the requirements of and are in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

Sustainable Transportation

The public access section of the proposed LUP update details the City's sustainable transportation alternatives intended to maximize public access to the shoreline and coastal recreation areas and which include transit, bicycling, and pedestrian infrastructure and support facilities.

Transit access is promoted with regular service on the most heavily traveled routes, short headways, and frequent, lower cost Waterfront and Downtown shuttle service. The Santa Barbara Metropolitan Transit District (MTD) is the local transit provider for public transportation services throughout the City and to neighboring jurisdictions. Multiple transit lines serve the Coastal Zone from the Mesa to Coast Village Road, all beginning at the downtown Transit Center. The waterfront and downtown shuttles, operated by MTD and partially funded by the City, provide frequent lower cost service along Cabrillo Boulevard between the Harbor and the Santa Barbara Zoo and along State Street to Downtown. In addition, the Vista Coastal Express provides commuter service between Oxnard, Ventura, Carpinteria, Santa Barbara and, during peak hours, Goleta and the University of California at Santa Barbara; Amtrak provides regional and nationwide rail service from the train station located along lower State Street; and Greyhound provides regional and nationwide bus service with the terminal located adjacent to the train station.

Bicycle access to and along the coast is facilitated by a network of bicycle routes included on most of the major roads parallel and perpendicular to the coast as shown on proposed Figure 3.1-1 *Public Access* (included with Exhibit 2). Bicycle access is facilitated by a network of Class I Bikeways (bike paths separate from automobile traffic), Class II Bikeways (on-street painted bike lanes), and Class III Bikeways (on-street bike routes designated with signage). The multipurpose Beachway path (a shared use facility between bicyclists, pedestrians, and other recreational users) is part of the regional Coast Bicycling Route from Goleta to Carpinteria and the CCT, and is separated from automobile traffic from the Harbor to Andrée Clark Bird Refuge. In addition to the Beachway path, bicycle access along the coast is provided with Class II bike lanes along portions of Cliff Drive, Shoreline Drive, Cabrillo Boulevard, Old Coast Highway, and Coast Village Road. Class II bike lanes are also present on many of the roads from Downtown and inland Santa Barbara neighborhoods to the coast. Class III bike routes are also established in portions of the Coastal Zone.

Walking is encouraged via the California Coastal Trail and supported elsewhere by the provision of pathways within coastal bluff parks, open space trails, pedestrian crossings, benches, and sidewalks throughout the Coastal Zone.

Proposed Policies 3.1-7 *Encourage Sustainable Transportation*, 3.1-8 *Market Sustainable Transportation*, 3.1-9 *Public Transit Facilities and Services*, 3.1-10 *Regional Bikeway Connections*, and 3.1-12 *Water Taxi Service* require the City to support, market, and expand sustainable transportation (i.e., pedestrian, bicycle, water taxi, and transit) to the shoreline, along the coast, and throughout the Coastal Zone.

Consistent with Section 30253(d), proposed Policy 3.1-26 *New Development and Sustainable Transportation* serves as an overarching policy that requires new development and substantial redevelopment to minimize energy consumption and vehicle miles traveled. Proposed Policies 3.1-27 *Maintain, Improve, and Maximize Sustainable Coastal Access* and 3.1-28 *Expansion of the Pedestrian*

Paseo Network contain the specific methods with which to effectuate proposed Policy 3.1-26, including use of dedication, acquisition of property, and/or easements to expand existing public access areas for pedestrians and bicyclists and improve and expand existing pedestrian, bicyclist, and transit facilities.

These LUP policies, as proposed, meet the requirements of and are in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

Accessible Public Access

The City provides public access to coastal areas to persons with special needs through the retrofitting of existing public facilities or when designing new facilities. The City's coastal access and recreational areas provide accessible parking spaces in all public parking lots and accessible restrooms at Plaza del Mar, Pershing Park, Chase Palm Park, and the Harbor. Coastal access for people with limited mobility is facilitated by wide paved walkways and overlooks, such as those at Shoreline Park, that provide panoramic views of the coast. Hard surface sidewalk access is available from the parks to the beach area, and pedestrian crosswalks provide access across Cabrillo Boulevard to the beach. Andrée Clark Bird Refuge has accessible parking and three wooden viewing platforms.

Along the waterfront, the Beachway path is accessible from the Harbor to the Andrée Clark Bird Refuge. Accessible bridges cross the mouths of Mission Creek, Laguna Channel, and Sycamore Creek. All-terrain wheelchairs are available to the public free of charge at East Beach.

Proposed Policy 3.1-24 *Accessible Public Access* requires the provision of public coastal access accommodations in compliance with the Americans with Disabilities Act (ADA) standards for accessible design where topographical and environmental constraints allow. In addition, proposed Policy 3.1-24 requires the City to post conspicuous signage that clearly indicates which coastal access amenities are ADA accessible.

This LUP policy, as proposed, meets the requirements of and is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

Conclusion

The proposed LUP policies related to the protection of public access and recreation, as suggested to be modified, are consistent with Coastal Act Sections 30210, 30211, 30212, 30214, 30220, 30221, 30222, 30223, and 30252 of the Coastal Act. Therefore, based on the above findings, the Commission finds that the policies contained in City of Santa Barbara's LUP update, if modified as suggested, meet the requirements of and are in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act.

7. Visitor and Recreation Serving Uses

The public parklands, trails, public recreational facilities, and public beaches in the City of Santa Barbara serve visitors not only from the immediate region and State but from all over the country and world. The vast majority of the City's visitor-serving and recreational opportunities are concentrated on the coast. Within the Coastal Zone, over 200 acres of land is publicly owned and recreationally used, including local, regional, and open space parks and sports facilities, beach parks, Stearns Wharf, and the Harbor.

Coastal Act Section 30213 requires that lower cost visitor serving recreational facilities shall be protected, encouraged and, where feasible, provided. In addition, Section 30222 stipulates that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. Finally, Section 30223 requires upland areas necessary to support coastal recreation uses to be reserved for such uses, where feasible.

The City currently provides a wide range of low cost visitor-serving recreational opportunities, including passive and active recreation at public beaches, parks, and playgrounds; multiple free annual events (e.g., The Arts and Crafts Show, Fourth of July Sparkle Celebration, Santa Barbara Harbor and Seafood Festival); channel and boat viewing at the Harbor; fishing on Stearns Wharf and the Harbor Breakwater; bicycling and walking along the Beachway path (a multipurpose path along the shoreline); bird watching at the Andrée Clark Bird Refuge; parks, fields, and beaches for sports and active recreation such as soccer, baseball/softball, tennis, and sand volleyball; and viewing of the art galleries and retail shops along State Street, the Funk Zone, and Coast Village Road. The existing inventory of public recreational facilities in the Coastal Zone is provided in greater detail in Table 3.2-1 *Publicly Owned Park and Recreation Areas* and Table 3.2-2 *Publicly Owned Special Facilities* and shown on Figure 3.2-1 *Recreation and Support Facilities* within Exhibit 2 to this staff report.

Proposed Policies 3.2-1 *Beach Volleyball*, 3.2-5 *Range of Recreation Activities*, 3.2-6 *Recreational Facilities*, 3.2-7 *Protect Coastal Recreation*, 3.2-8 *Public Facilities Distribution*, and 3.2-13 *Protection of Public Amenities* require the City to provide public recreational facilities and opportunities consistent with the requirements of Section 30210. Proposed Policy 3.2-2 *Interpretive Signage in Parks* requires the City to continue to provide signage at recreation sites to educate the public regarding coastal resource protection and avoid adverse impacts to coastal resources within or adjacent to public recreation sites, consistent with the biological resource protection policies of the Coastal Act.

In order to prevent any adverse impacts of new development and substantial redevelopment on recreational sites, proposed Policy 3.2-10 *Increased Recreational Demand Evaluation* requires new development and substantial redevelopment to be evaluated for potential new user demand generated by the development and the potential for increased circulation within nearby coastal park and recreation facilities. Furthermore, proposed Policy 3.1-9 *Development Adjacent to Parks and Recreation Areas* requires development adjacent to parks and recreation areas to be sited and designed to prevent impacts that would significantly degrade these areas and to be compatible with the continuance of these areas. If adverse impacts of development are determined to be unavoidable, proposed Policy 3.2-11 *Mitigation of Impacts on Coastal Park and Recreational Facilities* requires new development and substantial redevelopment to provide on-site recreational open space for new users generated by the new development.

Additionally, proposed Policies 3.2-3 *Cruise Ships* and 3.2-16 *Cruise Ships* provide that the scheduling and facilities associated with the high volume of cruise ship guests that make day trips to the City will not adversely impact coastal access or coastal resources.

Lower-Cost Visitor-Serving Accommodations

Lower-cost overnight accommodations are an important component of the Coastal Act's requirements for the provision of lower cost visitor serving facilities and maximization of public access to the coast. Providing and encouraging a portion of overnight accommodations to be available at a lower cost helps to ensure that lower income members of the public, including those that live further from the coast, can stay at the coast. The policies of the proposed LUP update require new hotel and motel development, where feasible, to provide a range of rooms and room prices in order to serve all income ranges. The proposed policies also prohibit removal or conversion of existing lower cost visitor-serving uses and overnight accommodations unless the use will be replaced by a facility offering comparable visitor-serving opportunities.

Within the Coastal Zone, overnight accommodations are in areas zoned for such use, which include the West Beach, lower State Street, East Beach, and Coast Village areas. There are currently thirty-four overnight establishments in the Coastal Zone with an estimated 1,794 rooms. Coastal Zone overnight accommodations represent over half of the City's total inventory of overnight accommodations. The Santa Barbara hotel lodging market is highly seasonal. In the colder winter months, occupancy dips to fifty to sixty percent. Warmer summer months traditionally have occupancies of nearly ninety percent. Occupancies and average room rate are significantly higher on weekends than weekdays. The cost of overnight accommodations varies in the Coastal Zone, with an annual average daily rate ranging from \$100 to \$300. Overnight accommodations are also provided for recreational boaters through the City's mooring and anchoring areas.

Proposed Policy 3.2-12 *Lower Coast Visitor and Recreational Facilities* serves as an overarching policy that mirrors the exact language of Section 30213, including the requirement for the protection, encouragement, and provision of lower cost visitor and recreational facilities and the stated preference for developments that provide public recreational opportunities.

In order to address the need for *new* lower-cost visitor-serving overnight accommodations, proposed Policy 3.2-14 *New Hotel and Motel Development* requires new or substantially redeveloped hotel and motel development to provide a range of rooms and room prices to serve all income ranges, where feasible.

In order to address the need to protect *existing* lower-cost visitor-serving uses and overnight accommodations, proposed Policy 3.2-15 *Preservation of Lower Cost Visitor-Serving Uses* prohibits their removal or conversion unless the use will be replaced by a facility offering comparable visitor-serving opportunities.

During the extensive coordination on the proposed visitor-serving policies of the LUP update, City staff and Commission staff identified the need for additional data on existing lower-cost visitor-serving accommodations in the City in order to provide additional detail to the City's proposed approach to address the protection and further development of such accommodations. In 2017, the City received subsequent grant funding from the Coastal Commission to complete an inventory of existing lower-cost visitor-serving accommodations. Pursuant to the 2017 grant received by the City, additional details shall be added to the proposed policy framework for the protection and development of lower cost visitor-serving accommodations through an LCP amendment that is part of a second phase to the subject Land Use Plan update. Accordingly, proposed Policy 3.2-4 *Lower-Cost Visitor-Serving Accommodations Program* commits the City to developing a detailed program to ensure that lower cost visitor-serving accommodations are protected, encouraged, and where feasible, provided consistent

with Section 30213. Proposed Policy 3.2-4 stipulates that further development of the program will include background research and data collection, special studies (e.g. economic analysis), and public outreach and stakeholder involvement. Further, proposed Policy 3.2-4 states that the program is required to examine the provision of lower-cost visitor-serving accommodations from a City and regional perspective, define lower-cost accommodations, and evaluate the potential for on and off-site replacement and in-lieu fee programs.

8. Conclusion

The proposed LUP policies related to the protection of low cost visitor serving recreational uses, including lower cost overnight accommodations, as proposed, are consistent with Coastal Act Sections 30213, 30222 and 30223 of the Coastal Act. Therefore, based on the above findings, the Commission finds that the policies contained in City of Santa Barbara's LUP update, if modified as suggested, meet the requirements of and are in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act.

F. LAND USE AND DEVELOPMENT

1. Coastal Act Provisions

Coastal Act Section 30220 states that "coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses" and Section 30221 states, in part, that "oceanfront land suitable for recreational use shall be protected for recreational use and development." In addition, Section 30222 states that visitor-serving commercial recreational facilities shall not have priority over coastal-dependent industry, and Section 30255 more generally states that coastal-dependent developments shall have priority over other developments on or near the shoreline. Further, Section 30234 protects facilities serving commercial fishing and recreational boating industries, and Section 30260 states that coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites. Section 30222.5 states that oceanfront land suitable for coastal dependent aquaculture shall be protected and prioritized for such use.

Section 30250 of the Coastal Act requires new residential, commercial, and industrial development to be located within, or in close proximity to, existing developed areas so that new development is sited to avoid adverse impacts on coastal resources and within areas with adequate public services. In addition, Section 30254 of the Coastal Act requires new or expanded public works facilities to be designed and limited to accommodate the needs generated by land uses and development and prioritizes services to coastal dependent land uses, essential public services, industries vital to economic health, public and commercial recreation, and visitor-serving land uses.

Coastal Act Section 30244 requires new development to implement reasonable mitigation measures to address any adverse impacts of the development on archaeological or paleontological resources.

2. Coastal Act Policies

Section **30220** of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section **30221** states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section **30222** states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section **30222.5** states:

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent development or uses.

Section **30234** states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities, shall, where feasible, be designed and located in such a fashion as to not interfere with the needs of the commercial fishing industry.

Section **30244** states, in relevant part:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Section **30250(a)** states, in relevant part:

(a) *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*

Section **30254** states, in relevant part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division...Special districts shall not be formed or expanded except where assessment for, and

provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section **30255** states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. Where appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section **30260** states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this Section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

3. Introduction

A variety of natural features and land uses exist in the City's Coastal Zone. The western portion of the City's shoreline is lined with steep coastal bluffs, and the predominant use is single-unit residences. The terrain to the east is more even, and sandy beaches prevail. In this portion of the shoreline, there is a complex pattern of uses, including residences (single-unit and multiple-unit dwellings), hotels and motels, institutions, commercial uses, public transportation facilities, and light industrial uses. Nearly a third of this land area is designated Open Space. Visitor and recreation facilities are primarily concentrated along Cabrillo Boulevard and near the Harbor.

4. Land Use

A fundamental purpose of the Coastal Act is to assure that new development in the Coastal Zone is consistent with the resource protection policies of Chapter 3 of the Coastal Act. One of the primary Coastal Act mechanisms for achieving this is the implementation of Local Coastal Programs (LCPs), which local governments must submit to the Commission for certification pursuant to Chapter 6 of the Coastal Act. Coastal Act Section 30510 requires that local governments make a specific finding that an LCP submitted to the Commission "is intended to be carried out in a manner fully in conformity with [the Coastal Act]". Importantly, Coastal Act Section 30512(c) further requires that the provisions of an LUP certified by the Commission be in conformity with the policies of Chapter 3. In this case, the City has made a specific finding that that LCP is intended to be carried out in a manner fully in conformity with the Coastal Act. Furthermore, the City has structured the proposed policies pursuant to Chapter 3, and has specifically incorporated the Chapter 3 policies (Sections 30210 through 30265.5) into the LUP as guiding policies through Policy 1.2-1 *Coastal Act*.

Proposed Policy 1.2-2 *Resolution of Policy Conflicts* ensures that where policies of the LUP overlap, the policy which is most protective of coastal resources shall take precedence. In addition to policy conflicts that may arise within the LUP, it is possible that conflicts between the LUP and the City's General Plan or other regulations may also arise; however, the proposed LUP does not contain a policy that addresses this issue. Without such a policy, it would be difficult to ensure that the policy that is the most protective of coastal resources would be effective in any given instance. In order to ensure that LUP policies take precedence when they are in conflict with policies in any other element of the City's General Plan or regulations, **Suggested Modification No. 4** is required. This modification adds Policy 1.2-6 *Relationship with the General Plan*, and clarifies that where there is a conflict, the LUP provisions take precedence over any other City policies or regulations.

Proposed Policy 1.2-3 *Property Takings* serves to clarify that the LCP is not intended, and will not be construed, as authorizing the City to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation. This policy also states that where full adherence to all LCP policies and standards would preclude a reasonable economic use of a lawfully created property as a whole, the City may allow the minimum economic use and development of the property necessary to avoid an unconstitutional taking of private property without just compensation. Property takings are also addressed in other sections of the LUP, including the Biological Resources and Hazards Sections. However, in those sections the term "reasonable use" is utilized, instead of the language proposed in Policy 1.2-3, which is "reasonable economic use" and "economic use". Accordingly, **Suggested Modification No. 3** is needed to modify the language of Policy 1.2-3 in order to ensure that the discussion of property takings within the LUP is internally consistent.

Proposed Policy 1.2-4 *Agreements* clarifies that memorandum of agreements, development agreements, or similar agreements do not replace or supersede any policy or provision of the LUP, and that if any agreement would alter any policy or provision of the LUP, a LCP amendment would be required. Furthermore, proposed Policy 1.2-5 *City Powers* confirms the City's authority to abate nuisances and enforce additional regulations not in conflict with the LCP.

These LUP policies, as suggested to be modified, meet the requirements of and are in conformity with all applicable Chapter 3 policies of the Coastal Act.

City Planning Efforts and Programs

Most of the City's coastal zone is either dedicated open space or developed, with very little vacant land remaining, and the few remaining vacant parcels are often constrained by topography, biological resources, or hazards. Despite the lack of vacant land, the City encourages the development of affordable housing through infill development in areas throughout the City. Proposed Policy 2.1-1 *Increased Density for Affordable Housing* and Policy 2.1-2 *Accessory Dwelling Units* allows the City to approve increased densities beyond those that are established by the underlying land use designation for projects relating to density bonus, inclusionary housing, accessory dwelling units, and lot area modification for affordable housing, so long as such development is found consistent with the policies of the LUP. Additionally, Policy 2.1-3 *Average Unit-Size Density Incentive Program* directs the implementation of measures to incentivize smaller residential unit sizes, residential units closer to transit, services and recreational opportunities, and housing opportunities by allowing reductions to certain zoning standards so long as any zoning standard reduction is found consistent with all applicable policies of the LUP. The City has also proposed to implement nonresidential growth

management measures through Policy 2.1-4 *Sustainability through Nonresidential Growth Management* to match the availability of resources such as water, waste water treatment capacity, and other key infrastructure, utilize transportation capacity efficiently through a traffic management strategy, locate nonresidential development in areas best able to provide sustainable transportation, services, and recreation, and encourage community benefit projects and economic development projects that will enhance the standard of living for City and South Coast residents.

These LUP policies, as proposed, meet the requirements of and are in conformity with Sections 30250 and 30253 and all other applicable Chapter 3 policies of the Coastal Act.

Development Review

Development in the Coastal Zone is reviewed for compliance with the Coastal Act and Local Coastal Program through an exemption, exclusion, or CDP process. Policies in the proposed LUP differentiate development standards for new development versus repair and maintenance, alterations, and additions to existing structures. Additionally, proposed policies 2.1-20 *Accessory Structure*, 2.1-21 *Addition*, 2.1-22 *Alteration*, 2.1-23 *Development*, 2.1-24 *Principal Structure*, and 2.1-26 *Structure* define several of the applicable terms.

Within the City, there are many existing structures that were constructed prior to the adoption of the subject LUP policies. These structures may have been sited and designed in a manner that does not conform to the proposed LUP resource protection policies. In past actions on LCPs, the Commission has typically required policies to assure that if these legal nonconforming structures are substantially rebuilt that they will be brought into compliance with LCP standards. In this case, the LUP includes Policy 2.1-19 *Nonconforming Development* to guide review of coastal permits for legal nonconforming uses or structures. As proposed, Policy 2.1-19 provides that any lawfully established structure or site development that conforms to the requirements under which it was legally established, but does not comply with the policies of the LUP, is considered legal nonconforming. This policy allows for legal nonconforming development to be continued, repaired, and maintained; however, this right would not apply to development deemed a public safety nuisance. Alterations to legal nonconforming development may be permitted provided that the alteration does not increase any existing nonconformity. Furthermore, additions to legal nonconforming development may be permitted if the addition itself conforms with the policies of the LUP. Policy 2.1-19 also contains a provision which indicates that additions to a legal nonconforming structure may be permitted if necessary to comply with the requirements of the Americans with Disabilities Act. However, after the LUP was adopted by the City Council, City staff determined that the portion of this policy relating to additions required to comply with the Americans with Disabilities Act was unclear. In order to respond to City staff's request to clarify this provision, **Suggested Modification No. 5** is required.

Policy 2.1-19 also includes a provision which states that substantial redevelopment is considered new development, and that it must conform to all policies of the LUP. In order to determine when an existing structure is redeveloped to a degree that is considered "substantial redevelopment" or a replacement structure, the City has proposed Policy 2.1-27 *Substantial Redevelopment*. This policy creates two definitions for substantial redevelopment, one for development located in hazardous areas, such as on coastal bluffs or adjacent to creeks, and another for development located in all other areas of the Coastal Zone.

Policy 2.1-27 states that a substantial redevelopment occurs when more than 50% of the structural components of exterior walls or more than 50% of the foundation system is replaced, structurally

altered, or removed. For development such as decks and staircases, substantial redevelopment occurs when more than 50% of either lineal feet or area is replaced, structurally altered, or removed. These criteria are consistent with the requirements of California Code of Regulations Section 13252(b), which states that, at a minimum, improvements and alterations that result in replacement of 50% or more of the existing structure shall be considered a replacement structure and treated as new development/substantial redevelopment. Although proposed Policy 2.1-27 addresses replacement of the structural components of exterior walls and foundation systems, it does not address replacement of the structural elements of the roof or roof framing. It is critical to ensure that all structural alterations are considered when determining if substantial redevelopment is proposed so as to ensure that structures in hazardous and sensitive habitat areas are not completely redeveloped in piecemeal fashion, over time. As such, **Suggested Modification No. 6** is required to ensure that if 50% of the structural elements of the roof or roof framing are replaced, structurally altered, or removed, a substantial redevelopment has occurred.

Additionally, the LCP must clearly define the threshold of improvements that constitute repair and maintenance. If non-exempt improvements or repair and maintenance fall short of the definition of redevelopment, a landowner could maintain the existing structure for its remaining life and make any improvements that meet current LCP and Coastal Act standards. The whole structure need not be brought up to current standards so long as the improvements do not increase the structure's non-conformity with hazard or other LCP policies. The City has proposed Policy 2.1-25 *Repair and Maintenance*, which states that routine actions that preserve a development in its permitted configuration and condition qualify as repair and maintenance. This policy also defines activities that do not constitute repair and maintenance, such as additions or alterations to any structure, replacement to a level that qualifies as substantial redevelopment, changes in site development, a substitution of or a change to a nonconforming use, or an increase in area occupied by a nonconforming use.

Consistent with the Coastal Act Section 30250(a), proposed Policy 2.1-16 *Siting New Development* requires that new development is located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Furthermore, proposed Policy 2.1-8 *Land Divisions* ensures that land divisions, including lot line adjustments and conditional certificates of compliance, are designed to minimize risks to life and property and impacts to coastal resources. This policy also requires that the land division shall only be approved if the parcel created is consistent with the maximum densities designated by the LUP. Lastly, Policy 2.1-28 *Other Development Standards* specifies that where new development is constrained on a parcel, zoning modifications to general development standards (e.g., setbacks) should be considered first where necessary to meet required coastal resource protection policies.

These LUP policies, as suggested to be modified, meet the requirements of and are in conformity with Section 30250 and all other applicable Chapter 3 policies of the Coastal Act.

Land Use and Proposed Land Use Designation Changes

In order to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LUP to designate the appropriate type, location, density, and intensity for different kinds of development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access,

recreation, land and marine resources, and scenic and visual quality. The Land Use Plan (LUP) provides parameters for new development within the City. As described in proposed Policy 2.1-17 *Land Use Categories and Map Designations*, Figure 2.1-1 *Local Coastal Program Land Use Map* depicts the land use designation for each parcel and is intended to provide a graphic representation of policies' relation to the location, type, density, and intensity of all land uses in the Coastal Zone.

As described previously, the City of Santa Barbara coastal zone is largely built out and urban in character. All but a few parcels are developed. The existing certified LUP establishes the location, density, and intensity of land uses and ensures that certain types of uses are given priority consistent with the Chapter 3 policies of the Coastal Act. While the subject amendment is a comprehensive update of the LUP, most land use designations will not be changed. However, the City is proposing land use designation changes for several parcel as summarized on the chart below and listed in Exhibit 4.

Assessor's Parcel Nos.	Existing Land Use Designation	Proposed Land Use Designation
047-091-037	Undesignated	Residential (Max 1 du/ac)
045-081-023, 045-083-02	Residential (5 du/ac)	Medium Density Residential (Max 12 du/ac)
045-015-008 (part.), 045-015-014, 045-015-015, 045-015-017	Commercial	Medium Density Residential (Max 12 du/acre)
045-360-CA1, 045-360-001 through -008	Commercial	Office/Medium Density Residential (Max 12 du/acre)
045-110-012	Recreational/Open Space	Institutional
Multiple	Residential (1 du/acre)	Residential (Max 3 du/acre)
047-010-009, 047-010-064 (part.)	Undesignated	Parks/Open Space
Multiple	Residential (1 du/acre)	Residential (Max 3 du/acre)
045-250-008	Residential (12 du/acre)	Medium High Density Residential (Max 27 du/acre)
047-092-014 through -017, and 047-092-018 (part.)	Residential/Open Space	Residential (Max 1 du/acre)
Multiple	Residential (12 du/acre)	Medium High Density Residential (Max 27 du/acre)
033-010-013 (part.)	Recreational/Open Space	Commercial/Medium High Residential (Max 27 du/acre)
033-032-007	Commercial	Hotel and Residential (Max 27 du/acre)
033-031-022 (part.)	Commercial	Hotel and Residential (Max 27 du/acre)
033-022-020	Hotel and Residential	Commercial/Medium High Residential (Max 27 du/acre)
Multiple	Commercial	Residential (Max 5 du/acre)
017-010-074, 017-113-020 (part.)	Major Public and Institutional	Coastal-Oriented Industrial
045-250-013 (part.)	Harbor Commercial	Parks/Open Space
033-120-026	Major Public and Institution	Parks/Open Space

Multiple	Residential (12 du/acre)	Medium High Density Residential (Max 27 du/acre)
NA-ROW	Undesignated	Parks/Open Space
NA-ROW	Commercial	Parks/Open Space
017-680-009	Recreational/Open Space	Hotel and Related Commerce II
017-010-074, 017-113-020 (part.)	Major Public and Institutional	Coastal-Oriented Industrial
033-102-002 (part.)	Hotel and Residential	Hotel and Related Commerce I
033-031-022 (part.), 033-032-008 and -009	Commercial	Hotel and Residential (Max 27 du/acre)
033-031-023	Commercial	Hotel and Related Commerce I
015-271-031 (part.)	Undesignated	Residential (Max 12 du/acre)
Multiple	Undesignated	Residential (Max 5 du/acre)
015-211-009, 015-280-014 (part.)	Undesignated	Parks/Open Space
NA-ROW	Undesignated	Parks/Open Space
Multiple	Residential (12 du/acre)	Medium High Density Residential (Max 27 du/acre)
017-322-001	Hotel and Residential	Medium High Density Residential (Max 27 du/acre)

A currently undesignated 1.11 acre vacant parcel (APN 047-091037) in the Braemar Park Tract (within the Arroyo Burro component area) is proposed to be designated as Residential (maximum 1 dwelling unit/acre). This parcel was annexed from Santa Barbara County to the City in 1997, and the proposed land use designation is consistent with surrounding existing land uses.

Multiple parcels also located in the Braemar Park Tract that are currently designated as Residential (maximum 1 dwelling unit/acre) are proposed to be re-designated to Residential (maximum 3 dwelling units/acre). This land use designation change is proposed to match the land use designation with the certified underlying zone designation.

Five parcels (APNs 047-092-014 through 018 (partial)) on the coastal bluffs west of Arroyo Burro Beach that are currently designated as Recreational/Open Space are proposed to be re-designated to Residential (maximum 1 dwelling unit/acre). These parcels are currently developed with single-family residential dwellings, and the land use designation change is proposed to match the land use designation with the certified underlying zone designation and existing development on the ground.

Two parcels (APNs 045-081-023 and 045-083-002) located on the Mesa near Oliver Road and currently designated as Residential (5 dwelling units/acre) are proposed to be re-designated to Medium Density Residential (maximum 12 dwelling units/acre). These parcels are currently developed with two-unit residential dwellings, and the land use designation change is proposed to match the land use designation with the certified underlying zone designation and existing development on the ground.

Four parcels (APNs 045-015-008 (partial), -014, -015, and -017) located on the Mesa off of Elise Way and currently designated as Commercial are proposed to be re-designated to Medium Density Residential (maximum 12 dwelling units/acre). These parcels are currently developed with two-unit residential dwellings and multi-unit apartment residences at varying densities. The land use

designation change is proposed to match the land use designation with the certified underlying zone designation and existing development on the ground.

Nine parcels (APNs 045-360-CA1 and -001 through -008) located on the Mesa adjacent to Cliff Drive and Lighthouse Road and currently designated as Commercial are proposed to be re-designated to Office/Medium Density Residential (maximum 12 dwelling units/acre). These parcels are currently developed with a mix of condominium residential units and office space use. The land use designation change is proposed to match the land use designation with the certified underlying zone designation and existing development on the ground.

Multiple parcels located on the Mesa south of Cliff Drive and east of Lighthouse Road along El Faro Road and currently designated as Commercial are proposed to be re-designated to Residential (maximum 5 dwelling units/acre). These parcels are currently developed with single-family residential dwellings. The land use designation change is proposed to match the land use designation with the certified underlying zone designation and existing development on the ground.

A parcel (APN 033-022-020) located in West Beach between Castillo Street and West Montecito Street and currently designated as Hotel and Residential is proposed to be re-designated to Commercial/Medium High Density Residential (maximum 27 dwelling units/acre). This parcel is currently developed and contains a gas station. The land use designation change is proposed to correct a mapping error, and match the land use designation with the certified underlying zone designation and existing development on the ground.

Four parcels (APNs 003-031-022 (partial), 033-032-008 through -009, and 033-032-007) located in West Beach near Bath Street and West Montecito Street and designated as Commercial are proposed to be re-designated to Hotel and Residential (maximum 27 dwelling units/acre). Two of these parcels are developed with single-family dwelling units, and the remaining two parcels are developed with multi-unit residential developments. The Hotel and Residential land use designation is proposed for consistency with the surrounding land use designations, which are either Commercial/Medium High Residential or Hotel and Residential. The proposed land use designation change is consistent with the certified underlying zone designation and the existing development on the ground.

A portion of a parcel (APN 033-010-013) located within the railroad right-of-way (owned by Southern Pacific Railroad) and west of Depot Park and designated as Recreational/Open Space is proposed to be re-designated to Commercial/Medium High Residential (maximum 27 dwelling units/acre). This parcel is developed with train tracks and includes a portion of Mission Creek. Given the existing land use of the parcel and the biological resources present, the proposed land use designation change will not affect the density, intensity, or use of land. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

A parcel (APN 017-680-009) located in East Beach at Calle Cesar Chavez and Cabrillo Boulevard and designated as Recreational/Open Space is proposed to be re-designated as Hotel and Related Commerce II (maximum 27 dwelling units/acre). This parcel is currently vacant, but the parcel is currently proposed for development of a hotel. In 1994, the Coastal Commission certified a coastal development permit (CDP) and an amendment to the City's LCP for hotel development on the parcels in the Park Plaza Specific Plan area. However, the land use designation for this parcel was not amended as part of the LCP amendment. Therefore, the land use designation change is proposed to match the land use designation with the certified underlying zone designation, the certified LCP amendment, and the approved CDP.

A parcel (APN 017-322-001) located in East Beach near Por La Mar Drive and designated as Hotel and Residential is proposed to be re-designated as Medium High Density Residential (maximum 27 dwelling units/acre). This parcel is currently developed with an automotive repair business. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

Multiple parcels located to the west of SBCC (bound by SBCC, Shoreline Drive, and Cliff Drive), north of and adjacent to SBCC, in the Coast Village component areas north of Highway 101 (bound by Park Place, Old Coast Highway, Salinas Street, and Pitos Street), and in the East Beach component areas south of Highway 101 (bound by Ninos Drive, Por La Mar Circle and East Cabrillo Boulevard) and designated as Residential (maximum 12 dwelling units/acre) are proposed to be re-designated as Medium High Density Residential (maximum 27 dwelling units/acre). The existing development on these parcels consists of single-family residential dwellings, and multi-unit apartments and condominiums. The proposed land use designation change is consistent with the existing density and intensity of development on the ground.

Multiple parcels, including one (APN 015-271-031 (partial)) off of Lou Dillon Lane in the Coast Village component area and multiple parcels between Scenic Drive and Harbor View Drive, which currently have no land use designation, are proposed to be designated as Residential. The parcel in the Coast Village component area is proposed to be designated a maximum residential density of 12 dwelling units/acre, and the multiple parcels between Scenic Drive and Harbor View Drive are proposed to be designated a maximum residential density of 5 dwelling units/acre. Existing development on these parcels consists of multi-unit apartments and single-family dwellings. The land use designation change is proposed to correct a mapping error, and match the land use designation with the certified underlying zone designation and existing development on the ground.

Two parcels (APNs 047-010-009 and -064 (partial)) located near Arroyo Burro and Las Positas Road do not currently have a land use designation and are proposed to be designated as Parks/Open Space. These two parcels are vacant and part of the Veronica Meadows annexation. The City is proposing the Parks/Open space land use designation to retain the two properties as undeveloped, open space and to implement creek restoration plans onsite.

A parcel (APN 045-110-012) located on the Mesa off Shoreline Drive and designated as Recreation/Open Space is proposed to be re-designated as Institutional. This parcel is currently developed as a U.S. Government Coast Guard facility, and the proposed land use designation would allow for public facilities development on the site consistent with existing on the ground development.

A parcel (APN 033-120-026) located on the SBCC campus within the field portion of La Playa Stadium and a portion of the adjacent parking lot and designated as Major Public and Institutional is proposed to be re-designated as Parks/Open Space. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

A parcel (APN 045-250-013 (partial)) located within the Harbor and designated as Harbor Commercial is proposed to be re-designated as Parks/Open Space. This parcel is currently developed with a parking lot and parkway area. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

A parcel (APN 033-031-023) located adjacent to Castillo Street in West Beach and designated as Commercial is proposed to be re-designated as Hotel and Related Commerce I. This parcel is currently

developed with multi-unit residences. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

A portion of a parcel (APN 033-102-002) located between Chapala Street and West Mason Street and designated as Hotel and Residential is proposed to be re-designated to Hotel and Related Commerce I. The parcel is currently developed with a hotel. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

Two parcels (APNs 017-010-074 and 017-113-020 (partial)) located along the Southern Pacific railroad corridor near Chase Palm Park and designated as Major Public and Institutional are proposed to be re-designated as Coastal-Oriented Industrial. These two parcels contain wetland and environmentally sensitive habitat area and are developed with railroad tracks. The land use designation change is proposed to match the land use designation with the certified underlying zone designation.

An area that does not have an assessor's parcel number due to its location in the right-of-way adjacent to Highway 101 is designated as Commercial and proposed to be re-designated as Parks/Open Space. The area is currently developed with railroad tracks and the highway right-of-way. This area does not have an underlying zone designation; however, the proposed land use designation change would be consistent with the existing land use designations for highway right-of-way areas surrounding the subject area.

Two parcels (APNs 015-211-009 and 015-280-014 (partial)) located at the northern boundary of the Coastal Zone adjacent to the Montecito Country Club do not have a land use designation and are proposed to be designated as Parks/Open Space. The land use designation change is proposed to correct a mapping error.

An area that does not have an assessor's parcel number due to its location in the Southern Pacific railroad corridor and right-of-way adjacent to Highway 101 does not have a land use designation and is proposed to be designated as Parks/Open Space. The area is currently developed with railroad tracks and the highway right-of-way. Portions of this area have a zoning classification of Park and Recreation and portions of this area do not have an underlying zone designation. The land use designation change is proposed to align the land use designation with the Parks and Recreation certified zone designation.

The Commission finds that the land use designation changes, as proposed, meet the requirements of and conform to the provisions of the Chapter 3 policies of the Coastal Act.

5. Coastal Dependent Land Uses

The Coastal Act provides that coastal-dependent developments, including coastal-dependent industry, coastal-related developments, and coastal recreational uses, shall have priority over other developments on or near the shoreline. Generally, coastal-dependent development or use is considered as any development or use that requires a site on or adjacent to the sea to be able to function at all. Coastal-related development includes any use that is dependent on a coastal-dependent development or use. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Coastal-dependent and coastal-related uses in the City (as shown on Figure 2.2-1 *Harbor and Stearns Wharf* included as Exhibit 2) are located at the Harbor and Stearns Wharf, the El Estero Wastewater Treatment Plant, and the Charles E. Meyer Desalination Plant.

The Harbor contains four marinas with 1,143 slips. Of those slips, forty-two are exclusively designated for commercial fishing. Due to high demand, the Harbor slips are usually fully occupied. The open water free anchorage east of Stearns Wharf provides additional space when demand is high. Offshore of East Beach, the City provides forty-four permanent mooring spaces for permitted vessels. West of the permitted mooring area, visitors unable to find room in the Harbor, or not wishing to pay the Harbor's daily slip fees, can anchor in a seasonal anchoring area (between April 1 to October 31) within 300 feet of Stearns Wharf. This seasonal anchoring area can accommodate up to forty-five boats and is conveniently sited in close proximity to Harbor facilities. East of the permitted mooring area, year-round anchoring is allowed for permanent, temporary, or visiting vessels. In addition, dry boat storage facilities are also provided at the Harbor and in other locations in the City.

Coastal-related uses at the Harbor include a Santa Barbara Maritime Museum, a retail dive gear shop, and coastal-related offices (e.g., Santa Barbara Fish Market headquarters). Boater amenities include mini-marts, postal services, restrooms, and shower facilities.

Stearns Wharf is Santa Barbara's most popular tourist destination, attracting one million pedestrians and 250,000 cars annually. Development on Stearns Wharf is governed by a Coastal Development Permit issued by the Commission in 1980 and described in the Public Access and Recreation Section of this report. The subject permit limits the number and types of businesses and development of structures on the Wharf to establish an appropriate balance of public open space, coastal-dependent and related uses, recreation, and visitor-serving retail and restaurants. The Wharf currently contains seventeen businesses including restaurants, the Sea Center, gift and retail shops, a bait and tackle shop, and a water taxi service between the Harbor and the Wharf. The Wharf also provides a popular location for recreational fishing.

Several of the proposed policies address the priority and retention of coastal-dependent uses, coastal-related uses, and low cost visitor-serving uses at the Harbor and Stearns Wharf. These include Policies 2.1-7 *Priority of Coastal Dependent Developments*, 2.1-8 *Promote Coastal-Dependent and Related Industrial Uses*, 2.2-1 *Harbor Development*, 2.2-2 *Harbor Operations*, 2.2-6 *Harbor Commercial Area Uses*, 2.2-7 *Harbor Commercial Area Policies*, 2.2-8 *Harbor Commercial (HC) Zone Area Uses Review*, 2.2-9 *Protection of Harbor Commercial Fishing and Recreational Boating Facilities*, 2.2-17 *Stearns Wharf Use*, 2.2-18 *Harbor Area Policies*, and 2.2-19 *Stearns Wharf Development*. In addition, proposed Policies 2.2-3 *Harbor Support Uses*, 2.2-4 *Restrooms*, 2.2-10 *Services for Fishing Industry*, 2.2-11 *Services for Berthed and Visiting Vessels*, and 2.2-16 *Small Watercraft Protected Area* ensure that adequate support uses are available to serve coastal-dependent and coastal-related uses.

The proposed policies of the LUP update also address the prioritization of coastal recreational land uses, consistent with the requirements of Section 30221 of the Coastal Act. Specifically, proposed Policies 2.1-10 *Public Land for Recreation*, 2.1-11 *Water-Oriented Recreation*, 2.1-12 *Protection of Oceanfront Lands for Recreation*, 2.1-13 *Priority of Recreational Facilities*, 2.1-14 *Protection of Upland Areas for Recreation*, and 2.2-5 *Sandspit Surfing* require the protection of oceanfront land and upland areas for public recreational uses.

In addition, proposed policy 2.1-9 *Aquaculture* mirrors the exact language of Section 30222.5 of the Coastal Act and requires oceanfront lands suitable for aquaculture to be protected and prioritized for such coastal dependent land use.

Proposed Policies 2.2-12 *Variety of Berthing Opportunities*, 2.2-13 *Offshore Moorings and Anchorages*, and 2.2-15 *Dry Boat Storage* collectively require the protection and enhancement of facilities and services for berthed and visiting vessels. In order to ensure that boat storage areas are actively used and available for visiting vessels, proposed Policy 2.2-14 *Operable Vessels* requires moored and docked vessels to be operable.

Lastly, proposed Policy 2.2-20 *Stearns Wharf Pedestrian Access* requires new development and substantial redevelopment to protect the pedestrian environment on Stearns Wharf.

The Commission finds that the coastal-dependent and related development policies of the Land Use Plan, as proposed, meet the requirements of and conform with Sections 30220, 30221, 30222, 3022.5, 30234, 30255, and 30260 of the Coastal Act.

6. Cultural Resources

Cultural resources reveal the history of activities, technological developments, and traditions of past and present cultures, and link current and former inhabitants of an area. Archaeological resources have been discovered in the City of Santa Barbara over time, and these resources have demonstrated a history of cultural activities spanning over 9,000 years. The indigenous populations encountered by the Spanish along the Santa Barbara Channel coastline in the late 1700s were the Barbareño Chumash.

New development on natural sites or additional development on natural areas of developed sites can damage or destroy archaeological resources. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived is lost. If a project is not properly monitored and managed during construction activities, archaeological resources can be degraded or destroyed. Section 30244 of the Coastal Act requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid, and if avoidance is infeasible, minimize adverse impacts to these cultural resources.

Areas of sensitivity for unknown *pre-historic* archaeological resources are located primarily along coastal bluffs, the coastline, Arroyo Burro, Arroyo Honda, Lighthouse, Mission, and Sycamore Creeks, along other tributaries and drainages, the margins of the Laguna Channel estuary, and the Andrée Clark Bird Refuge. Areas of sensitivity for unknown *historic* archaeological resources are in an area bounded roughly by the bluff edge comprising the eastern boundary of SBCC to Garden Street and in the East Beach neighborhood. Santa Barbara's Coastal Zone also contains one known archaeological (and State Landmark) site known as Burton Mound, which was once a part of a larger Chumash Indian village. Little currently remains of the ancient mound, and apartment developments now occupy the site. Also within Santa Barbara's Coastal Zone is one locally designated archaeological Site of Merit known as the Chumash Barbareño "village of undetermined size" located near the intersection of Castillo Street and West Cabrillo Boulevard.

There is only one known location of any paleontological significance in the City's Coastal Zone, and this site is located on property administered by SBCC pursuant to its certified Public Works Plan. The remainder of the Coastal Zone, and the inland portions of the City, are of low sensitivity for paleontological resources.

The LUP update proposes policies to address the protection of archaeological and paleontological resources which include a methodology for the identification of resources and evaluation of potential adverse impacts (proposed Policies 4.4-7 *Archaeological Resources Evaluation Requirement* and 4.4-

12 *Archaeological Resources Evaluations*), development standards to require avoidance and minimization of adverse impacts (proposed Policies 4.4-5 *Avoid Adverse Impacts to Important Paleontological and Important or Unique Archaeological Resources* and 4.4-8 *In-situ Preservation and Avoidance Preferred*), Native American consultation requirements (proposed Policy 4.4-6 *Native American Consultation Requirement*), and mitigation measures if adverse impacts cannot feasibly be avoided (proposed Policies 4.4-9 *Mitigation if In-Situ Preservation or Avoidance is not Feasible* and 4.4-11 *Condition of Approval—Discovery of Paleontological Resources*). Lastly, if a City-Qualified Archaeologist determines there is a likelihood of uncovering or otherwise disturbing unknown subsurface archaeological resources, monitoring requirements are applied as a condition of Coastal Development Permit approval pursuant to proposed Policy 4.4-10 *Condition of Approval—Monitoring Requirement*.

The City's Archaeological Resources Sensitivity Map (Figure 4.4-1 included in Exhibit 2) covers the Coastal Zone and indicates areas of known and suspected sites of archaeological significance. The mapped locations are purposely vague in order to protect these cultural resources from unauthorized removal or destruction. Development proposed in an area known or suspected to contain archaeological resources, or identified as archaeologically sensitive on the City of Santa Barbara's Archaeological Resources Sensitivity Map, is evaluated to identify the potential for archaeological resources at the site and whether the proposed development may potentially have adverse impacts on those resources. Pursuant to the proposed LUP policies, development is required to be sited and designed to preserve resources in-situ or avoid archaeological resources if feasible, and if not feasible, then sited and designed to reduce impacts to the extent feasible. When development is proposed in any area known or suspected to contain significant paleontological resources, a condition of approval of the Coastal Development Permit is applied that requires evaluation of the nature and importance of any discovered paleontological resources and mitigation of any adverse impacts.

Proposed Policy 4.4-1 *Preserve, Protect and Enhance Cultural Resources* serves as an overarching policy to require the preservation, protection, and enhancement of the City's cultural resources. In furtherance of Policy 4.4-1, proposed Policy 4.4-2 *Prohibit Disturbing or Destroying Archaeological Resources* prohibits any unauthorized collecting, destruction, or disturbance of archaeological resources, and proposed Policy 4.4-3 *Increase the Visibility of Chumash History and Culture* supports the enhancement of the City's cultural resources through public displays of Chumash arts, culture, and history.

In order to protect cultural resources from damage when making land-use decisions, proposed Policy 4.4-4 *Paleontological and Archaeological Resource Consideration and Protection* requires project alternatives and conditions offering the most protection feasible to be implemented.

The Commission finds that the archaeological and paleontological policies of the Land Use Plan, as proposed, meet the requirements of and conform with Section 30244 of the Coastal Act.

7. Public Services and Facilities

Section 30250 of the Coastal Act requires new residential, commercial, and industrial development to be located within, or in close proximity to, existing developed areas so that new development is sited to avoid adverse impacts on coastal resources and within areas with adequate public services. Section 30254 of the Coastal Act requires new or expanded public works facilities to be designed and limited to accommodate the needs generated by land uses and development and prioritizes services to coastal

dependent land uses, essential public services, industries vital to economic health, public and commercial recreation, and visitor-serving land uses.

Water Use

The City operates a public water supply system that serves all of the properties within the Coastal Zone, and the potable water supply portfolio includes local reservoirs, groundwater from City production wells, the State Water Project, a conservation program, and desalination. A separate Tertiary Treatment facility supplies treated and recycled wastewater, primarily for irrigation of landscaping to offset the need to utilize potable water.

Within the Coastal Zone, public works facilities for water supply and distribution include the Tertiary Treatment Facility for recycled water and the Charles E. Meyer Desalination facility. There are no public reservoirs or public groundwater production wells within the Coastal Zone. There are three existing private water wells in the Coastal Zone; however, construction of new private water wells is prohibited on properties connected to the City's water supply system or on properties that are located within five hundred feet of a feasible connection to the water supply system.

The City is proposing policies that require new water facilities (and public works facilities, generally) to be sited and designed to protect coastal resources and sized appropriately to accommodate certified land uses (Policies 6.1-5 *New Public Works Facilities Capacity*, 6.1-7 *Public Works Facilities for New Development*, and 6.1-8 *Public Works Facilities Siting*); require development review to analyze whether adequate water supplies exist to serve existing and new development, including during multiple-year drought conditions (Policy 6.1-6 *Sufficient Wastewater Capacity/Water Supply for New Development*); and continue to implement water conservation as a key component of water supply management (Policies 6.1-1 *Water Conservation*, 6.1-2 *Water Reuse for Landscaping*, and 6.1-10 *Minimize Water Use*). In addition, the proposed policies require the inclusion of desalination as a permanent part of the City's water supply portfolio (Policy 6.1-11 *Maintain Desalination Component of Water Supply*) and the management groundwater to prevent the depletion of groundwater levels and degradation of groundwater quality (6.1-3 *Groundwater Basins*). These policies are consistent with the requirements of Section 30250 to site new development within areas with adequate public services and to avoid adverse impacts of new development on coastal resources.

The City's Coastal Zone is mostly built out, and adequate water is supplied to meet demand. The City has consistently met and exceeded the State's water use reduction targets and mandated conservation standards. Additional infill development is anticipated based upon existing land use designations and zoning and would create an incremental increase in citywide water demand by the year 2030. However, the small increase in water demand is not predicted to significantly impact existing City supplies due to implemented offsets to the effects of new development, such as substantially lower water use in new development (due to requirements for water-efficient plumbing fixtures and landscaping), continuing water conservation measures, and long-term efficiency improvements with redevelopment from updated plumbing codes and appliance standards.

Public Facilities and Services

Proposed Policy 2.1-5 *Public Facilities* requires zoning ordinances that address public facilities and infrastructure to require such permitted uses to be located on publicly owned land where appropriate.

In order to achieve consistency with Section 30254, proposed Policy 2.1-6 *Reserve Capacities for Higher-Priority Land Uses* prioritizes the future allocation of public services if existing or planned public works facilities can accommodate only a limited amount of new development. Specifically, Policy 2.1-6 requires public works services to coastal-dependent land use, essential public services, and basic industries vital to the economic health of the region, public recreation, commercial recreation, and visitor-serving land uses to take precedence over residential, general commercial, light industrial, and other lower-priority land uses within the Coastal Zone.

Proposed Policy 6.1-9 *Abandonment Provisions* requires existing public works and energy facilities that are proposed for abandonment to create an abandonment plan if there is any potential for abandonment of the facility to adversely impact ESHA, wetlands, creeks, and/or coastal waters. The required abandonment plan must address measures to be taken once the facility is no longer in use to ensure that coastal resources are protected.

Proposed Policies 6.1-12 *Utility Pipelines Design and Routing* and 6.1-13 *Utility Pipeline Construction* address requirements for the siting, design and construction of utility pipelines (e.g., natural gas, water, and wastewater pipelines) in order to avoid impacts to coastal resources to the maximum extent feasible.

Proposed Policy 6.1-4 *Energy Efficiency and Conservation* serves as a general policy that requires a reduction in the rate of carbon emission generated within the City through implementation of citywide energy efficiency projects, promotion of energy conservation, facilitation of renewable energy technologies, and conversion of existing City operations to renewable energy sources.

Hazardous Substances

Consistent with the requirements of Section 30232 to protect against the spillage of hazardous substances, proposed Policy 6.1-14 *Hazardous Substances* ensures that the development review process will evaluate the potential for adverse impacts to coastal resources from the transport of hazardous substances and require the minimization of the use of hazardous substances and the production of hazardous waste.

Highway 101

U.S. Route 101 (Highway 101) is a major transportation corridor that enters the City's Coastal Zone at Mission Creek and extends to Olive Mill Road. Several undercrossings of Highway 101 connect the City to the coast, including Castillo Street, State Street, Garden Street, Calle Cesar Chavez, Quarantina Street, Milpas Street, Cacique Street, and Cabrillo Boulevard. In addition, a pedestrian-only undercrossing is provided at Butterfly Lane.

In order to preserve the visual resources of the City, proposed Policies 6.2-1 *Scenic Quality*, 6.2-2 *Highway Structures Appearance*, 6.2-4 *Regional Coordination*, 6.2-11 *View Protection*, 6.2-12 *Landscape Plans Requirement*, 6.2-16 *Preserve and Restore Historic Appearance of Highway 101*, 6.2-13 *Minimize Sound Barriers*, 6.2-14 *New Highway Structures*, 6.2-17 *Historic Sensitivity*, 6.2-19 *Historic Context of Cabrillo Boulevard Interchange*, 6.2-20 *Minimize Changes to C.C. Park Watering Trough and Fountain*, and 6.2-28 *Landscape Plan Requirements* address methods to preserve and improve upon the historic appearance of the highway and compatibility of the highway with surrounding development, requirements for the use of landscaping as a screening tool, and protections for views of the mountains and ocean from the highway. Proposed Policy 6.2-15 *Minimize Lighting*

requires minimization of lighting such that only light necessary for general safety is allowed in order to reduce any potential for conflicts of use between highway development and nearby land uses, and proposed Policy 6.2-18 *Historic Resource Impact Avoidance* requires highway development to avoid impacts to historic resources.

Proposed Policy 6.2-3 *Improved Signage* requires the City to work with Caltrans to improve directional signage along Highway 101 to better facilitate public access to the coast. To further facilitate public access, proposed Policies 6.2-21 *Pedestrian and Bicycle Access*, 6.2-22 *Butterfly Lane Undercrossing*, 6.2-23 *Existing Public Access*, 6.2-24 *Provide Functional Pedestrian Access*, 6.2-25 *Interchange Construction and/or Modification*, 6.2-26 *Sustainable Transportation Improvements*, 6.2-27 *Requirement for a Project Alternative Study*, and 6.2-29 *Project Alternatives Study Requirements* contain requirements for the protection, improvement, and expansion of existing pedestrian and bicycle access to coastal areas and the incorporation of sustainable transportation improvements into the design of new highway development.

Any new development of Highway 101, pursuant to proposed Policies 6.2-5 *Highway 101 Projects Consistency with Coastal LUP*, 6.2-6 *Address Transportation Disruptions*, and 6.2-7 *Address Impacts to Recreation* is required to be consistent with the policies and provisions of the LUP update, address any potential for transportation disruptions through a Traffic Management Plan, and address any adverse impacts to public recreation.

In order to prevent any adverse impacts to creeks within the Coastal Zone from Highway 101 development, proposed Policies 6.2-8 *Creek Corridor Protection* and 6.2-9 *Creek Pollutant Protection* require the siting and design of such development to avoid creek corridors and protect from non-point source pollutants and accidental spills of toxic materials. In addition, proposed Policy 6.2-10 *Toxic Material Cleanup* requires Caltrans to prepare an emergency response and cleanup plan for any highway development within the vicinity of streams or creeks.

The Commission finds that the public services and facilities policies, as proposed, meet the requirements of and conforms to the provisions of Sections 30250 and 30254 and all other applicable Chapter 3 policies of the Coastal Act.

8. Conclusion

As described in detail above, the Land Use Plan provides for the location and design of new development to prioritize coastal dependent development and uses, and minimize impacts, both individual and cumulative, on coastal resources, including cultural resources. In order to ensure that new development is located in areas able to accommodate it, as required by Section 30250 of the Coastal Act, the LUP designates the appropriate location, density, and intensity for different kinds of development. Such designations take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. The cultural resource policies of the LUP provide for the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts. The Commission finds that the Land Use Plan, if modified as suggested, meets the requirements of and conforms to the provisions of Sections 30220, 30221, 30222, 30222.5, 30234, 30244, 30250(a), 30255, 30254, and 30260 and all other applicable Chapter 3 policies of the Coastal Act.

G. SCENIC AND VISUAL RESOURCES

1. Coastal Act Provisions

One of the primary objectives of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. New development must minimize the alteration of natural landforms. This policy also requires that development is sited and designed to be visually compatible with the character of surrounding areas. Where feasible, development shall include measures to restore and enhance visual quality in visually degraded areas.

2. Coastal Act Policies

Section **30251** of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

3. Introduction

Public views of the Santa Ynez Mountain ridgelines and foothills, the Pacific Ocean and Channel Islands, beaches, the Harbor and Stearns Wharf, and numerous creeks, parks and open space areas are available throughout the Coastal Zone of the City. Public bluff top vista points at Braemar Vista Point, Douglas Family Preserve, along Oliver Road, La Mesa Park, and near the Coast Guard Lighthouse provide views of the beach, ocean, and other scenic resources.

The proposed policies of the LUP update address scenic resources identification (see Figure 4.3-1 included in Exhibit 2) and methods for evaluation of impacts, as well as development standards to minimize scenic resource impacts and protect the visual quality of the Coastal Zone.

4. Scenic and Visual Resource Identification

Proposed Policy 4.3-27 *Public Scenic Views and Scenic Resources Identification* defines public scenic views and identifies the locations of public scenic views inside and outside of the Coastal Zone. Proposed Policy 4.3-28 *View Corridor* provides a definition for view corridor to be used in interpretation and application of the proposed visual resource protection policies of the LUP update.

5. New Development

The policies of the LUP require that new development avoid and minimize adverse impacts to the scenic resource areas identified pursuant to proposed Policy 4.3-27. Proposed Policies 4.3-1 *Enhance Visual Quality* and 4.3-2 *Restore and Enhance Visually Degraded Areas* are intended to serve as overarching directives for the restoration of visually degraded areas. In addition, proposed Policy 4.3-

17 *Scenic Highways and Corridors* serves as a general policy that requires the preservation, protection, and enhancement of scenic highways and corridors.

Pursuant to proposed Policy 4.3-3 *Design Review*, all development in the Coastal Zone is subject to design review by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board, as applicable. Proposed Policy 4.3-4 *Visual Evaluation Requirement* requires a site-specific visual evaluation to be conducted for all new development and substantial redevelopment that has the potential to adversely impact scenic resources or public scenic views; proposed Policy 4.3-29 *Visual Evaluation Requirement* provides details regarding the analysis required in site-specific visual evaluations.

Proposed Policies 4.3-5 *Protection of Scenic Resources and Public Scenic Views*, 4.3-6 *Obstruction of Scenic View Corridors*, 4.3-7 *Compatible Development*, and 4.3-8 *Mitigating Impacts to Visual Resources* require development to be sited and designed to avoid impacts to visual resources, and where there is no feasible alternative that can avoid impacts to visual resources, requires selection of an alternative that would result in the least adverse impacts to visual resources. Further, Policies 4.3-5 and 4.3-8 provides a list of potential mitigation measures to further minimize any adverse impacts of the development on visual resources. Proposed Policies 4.3-16 *Accessory Walls and Fencing* requires accessory walls and fencing to be sited and designed to protect scenic views and visual resources.

Proposed Policies 4.3-9 *Minimize Excavation, Grading and Earthwork*, 4.3-10 *Landscape Cut and Fill Slopes*, 4.3-11 *Landscape Plans Required*, 4.3-12 *Screen Parking Facilities*, 4.3-14 *Minimize Removal of Native Vegetation*, and 4.3-15 *High Fire Area Fuel Modification to be Minimized* require new development and substantial redevelopment to protect visual resources by minimizing the alteration of natural landforms and grading, minimizing the thinning and/or removal of vegetation, and utilizing landscaping to maintain the character of an area without obstructing visual resources. In addition, proposed Policy 4.3-11 requires all applications for new development and substantial redevelopment to include a landscape plan that implements water conservation methods.

Proposed Policy 4.3-18 *Coastal Bluff Top Development* requires development on bluff tops to be designed and sited to protect and minimize the alteration of natural landforms and to preserve the visual quality of shoreline bluffs. Pursuant to Policy 4.3-18, additional coastal bluff top development setbacks may be required to protect visual resources. Proposed Policy 4.3-19 *Sea Walls, Other Protection Devices, and Fences on Beaches and Coastal Bluffs* also protects the scenic quality of coastal bluffs and public scenic views by requiring shoreline protection to be sited and designed to blend in with the surrounding land form characteristics.

Night Lighting

Although the City of Santa Barbara constitutes a built out, urban environment, the proposed LUP update contains two policies to minimize light pollution. Specifically, proposed Policy 4.3-20 *Open Space Night Sky Preservation* requires exterior lighting, with the exception of traffic lights, navigational lights, and other similar safety lighting, to minimize all forms of light pollution (i.e., light trespass, glare and sky glow). Further, Policy 4.3-20 requires exterior lighting associated with development adjacent to beaches and open space areas to be restricted to low-intensity features that use the best available visor technology and shielding to minimize light spill and direct lighting downward and use the best available technology and a lighting spectrum designed to minimize lighting impacts on wildlife and habitat areas. In addition, proposed Policy 4.3-21 *Lighting Outdoor Recreational Courts* prohibits the lighting of outdoor recreational courts in all residential zones of the City.

Tree Protection

Mature trees represent an important component of the biological and visual resources of the City. Accordingly, proposed Policy 4.3-13 *Tree Protection and Replacement* requires trees that constitute ESHA to be fully protected consistent with the biological resource protection policies of Section 4.1 of the LUP update. Proposed Policy 4.3-13 also requires new development to be sited and designed to protect mature trees (i.e., trees four inches in diameter or greater at four feet six inches above grade in height) and requires incorporation of mature trees into project design. Where removal of a mature tree cannot be avoided, proposed Policy 4.3-13 further requires mitigation and specifies the replacement ratios which are contingent upon the type of tree removed, lot size, and size and expected survival rate of any replacement trees.

6. Signage and Public Infrastructure

Proposed Policies 4.3-22 *Signs*, 4.3-23 *Sign Placement*, and 4.3-24 *Billboards* provide requirements for signage that prohibit billboards in all areas of the City and ensure sign design and placement is visually compatible with surrounding areas, protect public scenic views, and prevent obstruction of public scenic views.

Proposed Policy 4.3-25 *Underground Utility Service* requires new development and substantial redevelopment to underground on-site utilities where feasible. In order to further reduce any adverse impacts of public services infrastructure, proposed Policy 4.3-26 *Telecommunication Facilities* requires the development of telecommunication facilities to minimize adverse impacts to visual resources through design, screening using landscaping and/or camouflage methods, and co-location or undergrounding where feasible.

7. Conclusion

Based on the provisions above, the Commission finds that the Scenic and Visual Resource protection policies contained in the proposed LUP, as proposed, meet the requirements of and are in conformity with Section 30251 of the Coastal Act.

H. HAZARDS AND BLUFF AND SHORELINE DEVELOPMENT

1. Coastal Act Provisions

Section 30233 of the Coastal Act provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and such development is restricted to a limited number of allowable uses. Section 30235 allows the construction of shoreline protective devices where public beaches or existing structures are threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply. Pursuant to Section 30253, development is required to be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs.

2. Coastal Act Policies

Section **30233** states, in relevant part:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- 1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
 - 2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
 - 3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
 - 4) *Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - 5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
 - 6) *Restoration purposes.*
 - 7) *Nature study, aquaculture, or similar resource-dependent activities.*
- (b) *Dredging and spoils dispersal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*
- (c) *In addition to other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*
- (d) *Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section **30235** states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section **30253** of the Coastal Act states that:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

3. Introduction

The Coastal Act recognizes that development along the California coast can be affected by a wide variety of coastal hazards, ranging from strong storms and wave uprush to erosion, landslides, and liquefaction. Accordingly, the Act places a strong emphasis on minimizing risks associated with such hazards, ensuring stability for development over time, and avoiding adverse impacts to natural processes and coastal resources. The Act also recognizes that shoreline-altering development can cause significant adverse impacts to coastal resources such as sand supply and ecology, public access, coastal views, natural landforms, and shoreline processes. Therefore, the Coastal Act only allows shoreline protective devices that cause adverse resource impacts when necessary to protect existing structures, coastal-dependent uses, or public beaches in danger from erosion, subject to impact avoidance and mitigation.

Citywide, the City of Santa Barbara is vulnerable to hazards that include geologic, erosion, flooding, wildfire, and shoreline hazards. The City's shoreline is comprised of beaches, backshore areas, and coastal bluffs. Hazards present along the shoreline include beach erosion, coastal bluff erosion, coastal bluff slope failure, coastal flooding from the ocean, and wave impacts. The shoreline is particularly vulnerable to storm hazards. Wave action from coastal storms accelerates erosion of beaches and coastal bluffs, saturation of the ground from rain and coastal flooding can create landslides, wave runup can damage the shoreline, and high water and storm events can lead to extensive flooding. Current sea level rise modeling completed for the City of Santa Barbara and County of Santa Barbara demonstrates that rising sea levels will cause inundation (when dry land becomes permanently submerged) to move inland and a greater frequency of coastal flooding and wave impacts. In addition, beach and coastal bluff erosion is anticipated to be significantly accelerated, adding to the inland extent of impacts.

The proposed LUP update identifies and maps six areas potentially affected by geologic, flood, fire, and shoreline hazards, and applies a specific framework of procedures for evaluating development in these potential hazard areas. The proposed update includes an Interim Shoreline Hazards Screening

Areas Map that depicts the six hazard screening areas based upon geographic composition and both existing and future potential shoreline hazards factoring in the effects of sea level rise. The Map is intended to serve as a general screening level evaluation tool to be used to identify shoreline hazards that may impact coastal development. The proposed policies also include procedures for evaluating shoreline hazards and applying shoreline hazard development standards. The Map and associated policies are proposed as an interim policy framework until the City completes the next phase of the Land Use Plan update that will be based upon a sea level rise adaptation plan.

4. General Development

The proposed LUP update contains a policy that supports City planning efforts and programs for promoting community resilience. In addition, the LUP update proposes Policy 5.1-18 *Hazard Risk Reduction* which mirrors the requirements of Coastal Act Section 30253. Specifically, this policy requires new development and substantial redevelopment to minimize risks to life and property from high geologic, flood, and fire hazards, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over the expected life of the development and factoring in the effects of sea level rise.

Proposed Policies 5.1-51 through 5.1-61 provide definitions for beach, beach erosion, coastal bluff, coastal bluff edge, coastal bluff erosion, coastal flooding, the expected life of a development, shoreline protection device, shoreline hazards, slope stabilization device, and wave impacts. The proposed definitions are intended to be utilized in conjunction with the proposed policies and development standards to provide clarity when interpreting such policies and development standards.

These LUP policies, as proposed, will ensure risks to life and property from hazards will be minimized, in conformity with Section 30253 of the Coastal Act.

Sea Level Rise

The proposed LUP update contains several policies to anticipate and address the impacts of sea level rise. Policy 5.1-13 *Monitoring, Data Collection, and Analysis of Sea Level Rise* requires the City to monitor, assess, and inform the public and City decision-makers about the effects of sea level rise on coastal resources, coastal access, public infrastructure and facilities, and existing development in order to inform decisions on adaptation planning. This policy contains a detailed list of ways in which the City will effectuate the monitoring and assessments of the effects of sea level rise.

The proposed LUP update also includes Policy 5.1-17 *Educate Public on Sea Level Rise Hazards* which requires the City to educate the public on the effects of sea level rise and shoreline hazards and support legislation to include the risks of sea level rise and shoreline hazards on real estate disclosures for the sale of property.

In order to create the proposed policy framework to address coastal hazards, including identification of potential hazards areas and the requirements to avoid and minimize adverse impacts resulting from such hazards, the City utilized sea level rise data developed by the United States Geological Survey (CoSMoS 3.0), the National Research Council's 2012 guidance document entitled "Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future", and the Coastal Commission's guidance document entitled "Residential Design Guidelines." During coordination between Commission staff and City staff on the subject LUP update, the need for additional data and refined sea level rise modeling to inform adaptation strategies became evident. In 2017, the

Commission offered the City additional grant funding for public outreach and the preparation of a Sea Level Rise Adaptation Plan. Pursuant to the 2017 grant agreement between the Commission and the City, additional sea level rise adaptation policies and development standards will be added as a LCP amendment that is part of a second phase to the subject Land Use Plan update. Accordingly, proposed Policy 5.1-14 *Sea Level Rise Adaptation Plan* requires the City to develop a comprehensive Sea Level Rise Adaptation Plan that utilizes best available science, identifies the City's vulnerability to sea level rise (i.e., vulnerability of areas, structures, facilities, and coastal resources), and analyzes the feasibility, economic impacts, costs, and environmental consequences of a range of adaptation strategies. The Adaptation Plan is required to establish baseline conditions and analyze multiple sea level rise scenarios, including high projections for sea level rise based upon state guidance. Importantly, the Adaptation Plan must also include a timeline for a phased implementation of the plan with action triggers.

In conjunction with Policy 5.1-14 *Sea Level Rise Adaptation Plan*, the City is proposing Policy 5.1-15 *Implementation of SLR Adaptation Plan* to require the use of the Adaptation Plan created pursuant to Policy 5.1-14 to develop policies, programs, and development standards to implement the chosen sea level rise adaptation strategies. Proposed Policy 5.1-15 requires these policies, programs, and development standards to be incorporated into the LUP through a future LCP amendment.

The proposed LUP update also contains Policy 5.1-19 *Adaptation in Development* which serves as an overarching policy to require new development and substantial redevelopment to consider the expected life of proposed development, using the best available science and factoring in the effects of sea level rise, in order to incorporate the appropriate adaptation measures in the location, siting, and design of structures. However, this proposed policy does not include language regarding the intended purpose of the policy, and pursuant to the requirements of Coastal Act Section 30253, **Suggested Modification No. 13** is needed to clarify that these adaptation measures minimize hazards and protect coastal resources for the life of the development.

These LUP policies, as suggested to be modified, will ensure risks to life and property from hazards will be minimized, in conformity with Section 30253 of the Coastal Act.

5. Geologic Hazards

The LUP also contains policies designed to ensure that new development minimizes risks to life and property in areas of high geologic hazard. Proposed Policy 5.1-20 *Avoid or Minimize the Effects of High Geologic Hazards* is an overarching policy that requires all new development and substantial redevelopment in areas of high geologic hazards to adhere to recommendations provided in any requisite site specific geologic evaluation. In addition and consistent with the requirements of Section 30253, new development and substantial redevelopment are required to be sited, designed, constructed, and operated to minimize risks to life and property from geologic hazard, to assure stability and structural integrity, and to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over the development's expected life and factoring in the effects of sea level rise.

Proposed Policy 5.1-21 *Avoid Development on Slopes Greater than 30%* requires the avoidance of siting development that includes grading on any slopes greater than thirty percent, and where avoidance is infeasible, minimizing any such development. Proposed Policy 5.1-22 *Slope Failure Areas* requires new development and substantial redevelopment to avoid areas subject to slope failure

to the extent feasible. Where avoidance is not feasible, Policy 5.1-22 requires the minimization of development and the incorporation of design and construction methods to minimize slope failure risk.

Proposed Policy 5.1-23 *Slope Stabilization and Protection* limits the use of slope stabilization devices and geotechnical mitigation measures to only those circumstances where alternate techniques to protect development (i.e., siting of development (e.g. setbacks), use of deep-rooted vegetation, control of site drainage, erosion control measures, relocation/demolition of threatened existing development) are infeasible or determined to be more damaging to coastal resources. If proposed slope stabilization measures and/or geotechnical measures are determined to be allowable, proposed Policy 5.1-23 requires the design and construction to assure stability and structural integrity, including meeting an adequate factor of safety (1.5 static conditions; 1.1 pseudostatic conditions) for the expected life of the structure and factoring in the effects of sea level rise. Proposed Policy 5.1-23 further requires slope stabilization devices and geotechnical measures to be designed to be the least environmentally damaging alternative, minimize landform alteration, avoid impacts to public access, and be visually compatible with the surrounding natural environment to the maximum extent feasible. Lastly, proposed Policy 5.1-23 requires the incorporation of mitigation measures into the design and construction of the slope stabilization project to minimize adverse impacts to coastal resources and restricts the use of temporary slope stabilization methods.

Proposed Policy 5.1-24 *Fault Rupture Setbacks and Safety Measures* prohibits the placement of new habitable structures across or within fifty feet of active fault lines, and requires the utilization of safety measures for utility infrastructure (e.g., water, sewer, gas pipelines) that cannot feasibly avoid crossing active fault lines.

Proposed Policy 5.1-62 *Geologic Hazard Evaluations* specifies the requirements for determining whether a geologic hazards evaluation for new development and substantial redevelopment located in areas potentially subject to high geologic hazards is needed. The policy proposes that the City Environmental Analyst shall consider the requirements to determine whether a hazard evaluation shall be completed for a proposed development, and if such evaluation is deemed necessary, the Analyst will also determine the scope of the analysis and the adequacy of any submitted reports prior to consideration of a Coastal Development Permit for the proposed development. Further, proposed Policy 5.1-62 requires the site-specific geologic hazards evaluation to be prepared by a qualified California licensed professional and sets forth a list of what components the evaluation must include.

In order to make a minor revision to the geologic hazards policies to correct the misspelling of the term pseudostatic within the proposed LUP update, **Suggested Modification No. 1** is necessary to replace “psuedostatic” where it is found throughout the document with “pseudostatic.”

These LUP policies, as suggested to be modified, will ensure risks to life and property in areas of geologic hazard will be minimized, in conformity with Section 30253 of the Coastal Act.

6. Shoreline and Bluff Development

Beaches, dunes, and coastal bluffs are some of the most valued recreational and ecological resources of the Coastal Zone, and the Coastal Act places a high priority on preserving such ocean and recreation values. These shoreline resources are subject to coastal erosion, and with projected sea level rise, erosion is expected to intensify in the future. Sea level rise is also expected to cause the loss of coastal wetlands, permanent or periodic inundation of low-lying areas, an increase in coastal flooding, and salt water intrusion into water systems. Structures located along bluffs susceptible to erosion and in areas

that already flood during high tides will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure sited along the shoreline.

An additional source of erosion that can accelerate coastal bluff retreat is the addition of water from development along the coastal bluffs, which includes the planting and watering of landscaping, the leaking of underground pipes, and the presence of unmaintained drain pipes overhanging the bluffs. Other development that can increase coastal bluff retreat includes increasing the weight placed on or near the bluff edge with structures, fill, and swimming pools, as well as the presence or introduction of heavy non-native plants with shallow root systems.

Measures to address bluff and beach erosion, including slope stabilization and shoreline protection devices, can have significant adverse impacts on coastal resources. Such adverse impacts include, but are not limited to, direct loss of sandy and rocky intertidal areas critical to the marine ecosystem, interruption of natural shoreline processes that can cause erosion of on-site and off-site areas, impedance of public access as a result of the structure's physical occupation of the beach, and degradation of scenic and visual resources.

Slope stabilization devices on coastal bluffs include constructed features such as retaining walls, sheet pile walls, buttresses, rip-rap, soldier piles, rock bolts, and gunite covering used to stabilize slopes. Slope stabilization devices influenced by or designed to prevent impacts from waves and ocean currents are considered shoreline protection devices. While slope stabilization devices can mitigate slope instability, they can also cause other problems and have adverse effects. Similar to shoreline protection devices, slope stabilization devices prevent coastal bluffs from naturally eroding, but normally only in the location of the device. Slope erosion continues to occur around the device, devices weaken over time, or events occur that the device was not engineered to withstand, all of which eventually can result in gradual or catastrophic failure. These devices also prevent the coastal bluffs and shoreline behind the beach from naturally eroding, which reduces the natural supply of sand and other sediment to the beach and ultimately results in reduced beach widths. Other problems and negative effects of slope stabilization devices include visual impacts. Over time these devices may become exposed or deteriorate to the point that they degrade scenic resources or disintegrate and litter coastal bluff faces and beaches. For these reasons, the proposed LUP policies limit when slope protection devices are allowed and how they should be designed to minimize adverse impacts.

One of the main functions of a shoreline protective device, such as a seawall or revetment, is the protection of the property or structures landward of the protective device. While these devices are often effective in protecting the landward development, they do nothing to protect the beach seaward of the revetment. These devices often create adverse effects on the nearby beach, which ultimately cause additional adverse effects on the availability of public access to and along the beach. Scouring and beach erosion resulting from wave action on a seawall or rock revetment will translate into a loss of beach sand at an accelerated rate. The resultant sand loss will be greater during high tide and winter season conditions than would otherwise occur if the beach were unaltered. In addition, as wave run-up strikes the face of the protective device and is deflected seaward, wave energy is concentrated at the face of the wall and ocean conditions along the beach will become more turbulent than would otherwise occur along an unarmored beach. The increase in turbulent ocean conditions along the beach will accelerate displacement of beach sand where the device is constructed over time.

Shoreline development on private property, if not properly designed to minimize adverse effects, may result in encroachment on lands subject to the public trust over time, as the shoreline retreats under or

around a structure. This will have the effect of physically excluding the public from public trust lands or otherwise impeding public use of those lands. Shoreline development on private property also has the potential to interfere with natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas, cause overcrowding or congestion of such tideland or beach areas, and create visual or psychological interference with public access to public tideland areas. Public shoreline development, such as structures within the beach parks in the plan area, also has the potential to result in the loss of beach width.

Section 30253 of the Coastal Act requires that new development be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs. Section 30235 of the Coastal Act allows the construction of shoreline protective devices where public beaches, coastal-dependent uses, or existing structures are threatened from erosion and when such devices are designed to eliminate or mitigate impacts on shoreline sand supply.

There are approximately four miles of coastal bluffs along the City's coastline, including the bluffs at the western City limits from Hope Ranch to Arroyo Burro Beach, the bluffs along the Mesa from Douglas Family Preserve to Shoreline Park at Leadbetter Point, and the bluffs at the eastern City limits adjacent to Bellosguardo (formerly known as the Clark Estate). Coastal bluffs that were historically subject to marine erosion prior to construction of the Harbor are located in an area east of Shoreline Park and west of Pershing Park.

Most of the privately owned parcels along the coastal bluffs are developed with single-family homes that were mainly constructed shortly after World War II. Current setbacks from the coastal bluff edge vary, with some primary structures located on the coastal bluff face, some adjacent to the coastal bluff edge, and others set back up to fifty feet. Generally, the proposed policies for coastal bluff development include procedures for identifying the coastal bluff edge on a specific parcel and a map of the coastal bluff edge, as well as updated procedures for calculating the coastal bluff edge development buffer. Also included are policies specifically outlining allowed development on the coastal bluff face, allowed development within the coastal bluff edge development buffer, conditions for development in coastal erosion hazard areas, and a process to undertake if certain development standards cannot feasibly be met. Due to the updated coastal bluff edge determination and delineation (Exhibit 4), some coastal bluff structures will become nonconforming development, if the LUP update is certified, due to their location on the coastal bluff face.

Shoreline Hazards

The proposed LUP update contains several policies that address shoreline hazards. Proposed Policy 5.1-43 *Shoreline Hazards Avoidance Preferred* serves as an overarching policy to address shoreline hazards and development at risk from shoreline hazards. This policy requires avoidance of shoreline hazards through removal, relocation, and siting of structures. If avoidance is infeasible, the proposed policy requires other techniques to be employed to minimize hazards and avoid the use of shoreline protective devices, such as vegetative planting, dune creation and restoration, and beach nourishment.

Proposed Policy 5.1-2 *Tsunami Response Plans* requires that the City participate in local and regional efforts to develop, implement, and update tsunami response plans and evacuation routes, and proposed Policy 5.1-9 *Regional Coordination on Beach and Coastal Bluff Erosion* requires that the City participate in local and regional coordination on beach management strategies to protect and restore

natural sand transport. Proposed Policy 5.1-8 *Sewer Line Erosion* requires the identification, prioritization, and relocation of sewer lines threatened by erosion.

The proposed LUP update also includes policies that address ongoing permitted development undertaken by the City to dredge the Harbor entrance channel and other areas as necessary to maintain navigational channels within the Harbor and continue beach nourishment and dredged sediment management to protect the shoreline from erosion and eliminate the need for shoreline protection devices. Proposed Policy 5.1-50 *Harbor Structures and Sand Movement* requires development in the City's Harbor to be designed to avoid adverse impacts on the movement of sand to the extent feasible. In addition, Proposed Policy 5.1-12 *Laguna Channel Tide Gate and Pump Station Facility Maintenance and Improvement* requires the City to prioritize the maintenance and improvement of the Laguna Channel Tide Gate and Pump Station Facility to preserve its function as a flood prevention device.

Proposed Policy 5.1-16 *Update Shoreline Hazards Maps* requires that the City update the proposed shoreline hazard maps to incorporate new sea level rise science, monitoring results, and information on coastal conditions.

These LUP policies, as proposed, will ensure risks to life and property in areas of shoreline hazards will be minimized and establish criteria for harbor dredging and beach nourishment, in conformity with Sections 30233 and 30253 of the Coastal Act.

Shoreline Development

To ensure consistency with policies 30235 and 30253 of the Coastal Act, the policies contained in the Land Use Plan are intended to ensure that new development minimizes impacts from hazards as well as impacts to coastal resources, including public access and recreation.

Proposed Policy 5.1-25 *Tsunami (Seismic Sea Waves) and Seiche Permit Conditions* provides that conditions of coastal development permits for new development and substantial redevelopment in areas designated as a tsunami hazard zone or a seiche hazard area require owners to acknowledge the hazards, assume the risk of injury and damage from such hazards, and waive any claim of damage or liability against the City for injury or damage from such hazards. Proposed Policy 5.1-25 also requires such owners to remove all recoverable debris associated with the permitted development from the beach and the ocean and lawfully dispose of the material in an approved disposal site. Lastly, Policy 5.1-25 requires owners to record deed restrictions that reflect these permit conditions.

Proposed Policy 5.1-47 *Legal Title* requires applicants for proposed development on a beach or along the shoreline to demonstrate that they possess adequate legal title to the underlying property. This requirement includes that the applicant must demonstrate that the development either will not be constructed on public trust tidelands or that the applicants have received appropriate legal authorization from the City or State Lands Commission (whichever is the trustee for the subject land) to undertake development in accordance with public trust principles.

The LUP Update also contains proposed Policy 5.1-29 *Interim Shoreline Hazards Screening Areas Map* which describes the six proposed hazards screening areas (as shown in proposed Figure 5.1-1 *Interim Shoreline Hazards Screening Areas* within Exhibit 2) and explains how the interim shoreline screening areas are intended to be used in the interim period between certification of the subject LUP update and certification of the next phase of the LUP update (that will be based upon the sea level rise

adaptation plan). These six mapped areas are potentially subject to existing and future shoreline hazards that include beach erosion, coastal bluff erosion, coastal bluff slope failure or instability, coastal flooding, and wave impacts. The proposed Map depicts areas potentially impacted from shoreline hazards resulting from 150 centimeters of sea level rise with a 100-year storm event and is intended to provide a screening-level tool for proposed development sites where site-specific technical evaluations may be required and where development standards pertaining to shoreline hazard areas may be applied.

Proposed Policy 5.1-29 designates the six hazards screening areas as follows—(1) Potential Shoreline Hazards Screening Area 1 as the City-owned low-lying beach and backshore areas, (2) Potential Shoreline Hazards Screening Area 2 as the bluff-backed beaches area, (3) Potential Shoreline Hazards Screening Area 3 as the coastal bluff-faces area, (4) Potential Shoreline Hazards Screening Area 4 as the coastal bluff-tops area, (5) Potential Shoreline Hazards Screening Area 5 as the Stearns Wharf and Harbor area, and (6) Potential Shoreline Hazards Screening Area 6 as the inland coastal flooding area.

Proposed Policies 5.1-30, 5.1-31, 5.1-32, 5.1-33, 5.1-34, and 5.1-35 provide the development standards specific to each of the six hazards screening areas, including a list of allowable development specific to each area. All new development and substantial redevelopment in these areas is required to be sited outside areas subject to shoreline hazards to the maximum feasible extent and designed to minimize impacts resulting from shoreline hazards. Further, all new development and substantial redevelopment must meet the requirements of Section 30253 to assure stability and structural integrity, neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. These requirements are applicable over the expected life of the development and must factor in the effects of sea level rise.

Proposed Policy 5.1-63 *Shoreline Hazards Evaluations* requires new development, substantial redevelopment, and repairs and alterations of existing structures that require foundation work or substantial grading in the potential shoreline hazards screening areas one through five (as listed above), or in areas otherwise subject to beach erosion, coastal bluff erosion, coastal bluff slope failure, and/or wave impacts, to complete a shoreline hazard evaluation. The proposed policy provides a list of minor development that would not trigger the need for a shoreline hazard evaluation. The policy states that the City Environmental Analyst shall consider the requirements to determine whether a shoreline hazard evaluation shall be completed for a proposed development, and if such evaluation is deemed necessary, the Analyst will also determine the scope of the analysis and the adequacy of any submitted reports prior to consideration of a Coastal Development Permit for the proposed development. Further, proposed Policy 5.1-63 sets forth a list of the general requirements that the evaluation must include.

Proposed Policy 5.1-63 is followed by Policies 5.1-64, 5.1-65, 5.1-66, 5.1-67, and 5.1-68 that lay out the specific requirements for shoreline hazard evaluations particular to hazard screening areas one through five. Policies 5.1-64 *Potential Shoreline Hazards Screening Area 1 (City-Owned Low-Lying Beach and Backshore Areas) Evaluations for New Development and Substantial Redevelopment*, 5.1-65 *Potential Shoreline Hazards Screening Area 2 (Bluff-Backed Beaches) Evaluations for New Development and Substantial Redevelopment*, and 5.1-68 *Potential Shoreline Hazards Screening Area 5 (Stearns Wharf and Harbor) Evaluations for New Development and Substantial Redevelopment* require evaluations to analyze the effects of the area-specific hazard and the development over the expected life of the project, factoring in the effects of sea level rise and with and without the effects of any existing or new shoreline protective devices. In these proposed policies, the City added a provision to allow the analysis to consider existing or new shoreline protective devices for existing public roads providing public access to and along the shoreline and coastal recreation areas. However, without a sea

level rise adaptation plan, it is inappropriate to assume that shoreline protective devices will be permitted to protect existing public roads. Other adaptation strategies, such as managed retreat, removal, relocation, and/or beach nourishment techniques may be more appropriate. This issue will be further analyzed and addressed in the next phase of the LUP update. Accordingly, **Suggested Modification No. 23** is needed to remove this assumption from the analysis for shoreline hazard evaluations.

Coastal development permits for new development and substantial redevelopment located in the potential shoreline hazards screening areas listed above (including areas not depicted on the Map that are otherwise subject to shoreline hazards) are subject to the conditions of proposed Policy 5.1-42 *Conditions for Development in Shoreline Hazard Areas on the Interim Shoreline Hazards Screening Areas Map*. These proposed conditions require removal of the development by property owners if any government agency has ordered that the development is not to be occupied or is deemed unsafe due to the effects of a shoreline hazard. Further, this proposed policy requires removal of all recoverable debris associated with the development if portions of the development fall onto the bluff face or beach. In addition, the proposed conditions prohibit the construction of new or substantial redevelopment of existing slope stabilization and/or shoreline protection devices to protect the new development or substantial redevelopment from any shoreline hazard. The proposed conditions also limit the coastal development permit to only that time period that the land underlying the development is under the ownership of the applicant or successor in interest and require the owner to acknowledge that the development site and public services to the site (e.g., utilities, roads) may be subject to shoreline hazards and may not be maintained in perpetuity. The applicant must also assume the risk of injury and damage from hazards and waive any such claim of damage or liability against the City. Lastly, the proposed policy includes a condition that requires the applicant to record a deed restriction reflecting all coastal development permit conditions placed upon the development. **Suggested Modification No. 20** makes a minor clarification to proposed Policy 5.1-42 to state that the applicant is waiving any claim of damage or liability for injury or damages from shoreline hazards against *the approving entity*, which may be the City or the Coastal Commission in the event a coastal development permit is appealed to the Commission.

These LUP policies, as suggested to be modified, will ensure risks to life and property in areas of shoreline hazards will be minimized, in conformity with Sections 30235 and 30253 of the Coastal Act.

Shoreline Protection Devices

Proposed Policy 5.1-44 *Shoreline Protection Device Permitting* sets specific criteria for the allowance of new or substantially redeveloped shoreline protection. Specifically, proposed Policy 5.1-44 states that development at risk from shoreline hazards must first apply avoidance measures (i.e., relocation or removal of the at risk structure, beach nourishment, dune creation or restoration) before consideration will be given as to whether a new or substantially redeveloped shoreline protective device shall be permitted. Proposed Policy 5.1-44 also limits the permitting of such devices to those necessary to protect public beaches, coastal-dependent uses, existing public structures, and existing principal private structures in danger from shoreline hazards. Although these limitations are consistent with the requirements of Section 30235, the language of the Coastal Act allows the development of new and substantially redeveloped shoreline protective devices to protect public beaches and existing development in danger from *erosion*. Proposed Policy 5.1-44 more broadly allows the development of shoreline protective devices to protect public beaches and existing development from shoreline hazards. Although similar, the two terms are not synonymous, and the City's proposed language could permit armoring in situations not allowed under the Coastal Act. In order to align proposed Policy 5.1-

44 with the language of Section 30235, **Suggested Modification No. 21** is necessary to replace “shoreline hazards” with “erosion.”

In addition, proposed Policy 5.1-44 requires all new or substantially redeveloped shoreline protection devices to be sited as far landward as feasible, be designed to factor in the effects of sea level rise and have the smallest feasible footprint, minimize alterations of natural landforms and natural shoreline processes to the maximum extent feasible, and be designed to eliminate or mitigate adverse impacts on local shoreline sand supply to the maximum extent feasible. Section 30235 of the Coastal Act requires the design of shoreline protection devices to eliminate or mitigate adverse impacts on local shoreline sand supply without any language regarding the feasibility of eliminating or mitigating these adverse impacts. Although it is often infeasible to eliminate all adverse impacts on local shoreline sand supply when designing shoreline protection devices, it is always possible to mitigate for these adverse impacts. Accordingly, **Suggested Modification No. 21** is necessary to delete the language regarding feasibility as it relates to eliminating or mitigating the adverse impacts on local shoreline sand supply from shoreline protection.

Proposed Policy 5.1-44 includes a footnote that attempts to clarify the City’s interpretation of the definition of “existing structures.” The City has requested deletion of this footnote, as the definition of existing structures will be addressed in the development of the City’s sea level rise adaptation plan during the next phase of the LUP update. Accordingly, **Suggested Modification No. 21** is necessary to require deletion of the subject footnote.

Lastly, proposed Policy 5.1-44 requires all new or substantially redeveloped shoreline protection devices to avoid encroachment upon any beach area that impedes lateral public access (or require mitigation if avoidance is infeasible) and avoid adverse impacts on vertical public beach access.

Proposed Policy 5.1-72 *Shoreline Protection Device Evaluation Requirements* sets informational requirements that the applicant must fulfill as part of any application for installation of a new, or modification to an existing, shoreline protection device. These proposed informational requirements include a description of the structure in danger and the associated hazard(s), a detailed site-specific evaluation prepared by a California licensed professional, a site map showing all easements, deed restrictions or Offers to Dedicate and/or any other dedications for public access or open space (including all relevant documentation), and if the project involves development on public trust lands, a review by the appropriate trustee to the public trust lands. The proposed policy includes a list of requirements for the site-specific evaluation, which are intended to analyze the effects of the shoreline protective device over the expected life of the project and factoring in the effects of sea level rise.

Proposed Policy 5.1-45 *Conditions of Approval for Shoreline Protection Devices for Private Development* sets forth the conditions required for approval of coastal development permits for new or substantially redeveloped shoreline protection devices that protect private development. Specifically, these conditions require removal of shoreline protection devices in the event that the structure or use requiring protection is removed, substantially redeveloped, or no longer exists. Proposed Policy 5.1-45 requires any mitigation necessary to address adverse impacts to public access and shoreline sand supply, and limits the permit term to a maximum of twenty years. In addition, proposed Policy 5.1-45 requires all adverse impacts to be monitored periodically and required mitigation adjusted accordingly as necessary to address the adverse impacts. Lastly, the conditions require the applicant to record a deed restriction reflecting all permit conditions.

Proposed Policy 5.1-46 *Conditions of Approval for Shoreline Protection Devices for Public Development* sets forth the conditions required for approval of coastal development permits for new or substantially redeveloped shoreline protection devices that protect public development. Specifically, these conditions require removal of shoreline protection devices in the event that the structure, public beach, or use requiring protection is removed or no longer exists. Proposed Policy 5.1-46 requires any mitigation necessary to address adverse impacts to public access and shoreline sand supply, and requires all adverse impacts to be monitored periodically and reevaluation of the design and necessity of the structure to take place when the structure is substantially redeveloped.

These LUP policies, if modified as suggested, will ensure risks to life and property in areas of shoreline hazards will be minimized and will only allow for shoreline protective devices where necessary to protect public beaches, coastal-dependent uses, existing public structures, and existing principal private structures in danger from erosion and where designed to eliminate or mitigate adverse impacts on local shoreline sand supply, in conformity with Sections 30235 and 30253 of the Coastal Act.

Bluff Development

Proposed Policies 5.1-69 *Location of Coastal Bluff Edge* and 5.1-70 *Coastal Bluff Edge Development Buffer Calculation* provide the methodology for determining the location of the coastal bluff edge to be used in interpretation of the policies of the LUP update and for analyzing site-specific coastal bluff edge development buffers when siting development. The location of the coastal bluff edge has been mapped by the City and is provided in Figure 5.1-2 *Coastal Bluff Edge* as part of the proposed LUP update (included in Exhibit 2). Policy 5.1-69 requires the City to update this map pursuant to best available information and on the ground conditions, and provides a process for addressing any substantial inaccuracy between on the ground conditions (determined by a site-specific analysis of the proposed development site) and the coastal bluff edge map. Pursuant to Policy 5.1-70, the coastal bluff edge development buffer is calculated by (1) identifying the coastal bluff edge consistent with proposed Policy 5.1-69, (2) determining a slope stability buffer, (3) determining the coastal bluff erosion buffer, and (4) determining the development buffer based upon the calculations completed in steps one through three. Proposed Policy 5.1-70 contains details on how to perform these calculations, and generally requires development to be set back from the coastal bluff edge a sufficient distance to ensure slope stability, ensure the development is not endangered by erosion, and to avoid any reliance upon existing or new slope and shoreline protective devices over the life of the structure.

Proposed Policy 5.1-36 *Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards* allows for the reduction of coastal bluff face and coastal bluff edge development buffers in circumstances where legally established lots are constrained by geologic hazards and a reasonable use of the property with application of a coastal bluff edge development buffer may not be feasible. In such cases, a reduction of coastal bluff edge development buffer standards can be made to allow a reasonable use of property and avoid a taking of private property. As proposed, if such a reduction is granted, the scope and footprint of new development must be limited and the City is required to make the following permit findings—compliance with the buffer standards is maximized; the new development is sited as far inland as feasible; other development standards not related to the avoidance of hazards and the protection of ESHA have been modified to site the new development as far inland as feasible (e.g., reduction of front yard setback zoning requirements); the new development is designed and constructed to assure stability and structural integrity for the expected life of the structure and factoring in the effects of sea level rise; the new development will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area for the

expected life of the development and factoring in the effects of sea level rise; and the new development shall not rely on existing or new shoreline protective devices for the life of the structure.

Proposed Policy 5.1-36 specifies that if a reduction of the coastal bluff edge development buffer is allowed, the new development or substantial redevelopment of the site is subject to maximum size limitations. As proposed, the policy would allow a new principal structure that does not exceed the square footage of the existing permitted principal structure(s) on the lot or a 1,200 square foot new principal structure in cases where the existing permitted principal structure(s) is less than 1,200 square feet or there is no existing principal structure(s). In order to address cases where the existing permitted principal structure(s) could occupy a significant development footprint and a new, replacement principal structure would occupy the same significant development footprint without meeting the required coastal bluff edge or bluff face development buffer(s), **Suggested Modification No. 17** will ensure that the size of the new principal structure on such a lot would be the minimum size necessary to provide a reasonable use of property and allow for the largest feasible coastal bluff edge/face development buffer. In addition, Suggested Modification No. 17 makes minor revisions to the proposed footnote to the policy to clarify that a takings analysis (pursuant to proposed LUP Policy 1.2-3) is required for circumstances in which new development or substantial redevelopment on blufftop or bluff face parcels require a shoreline protection device that is inconsistent with the requirements of the proposed LUP update (specifically, proposed Policy 5.1-44 *Shoreline Protection Device Permitting*).

Proposed Policy 5.1-37 *Sea Ledge Lane* creates an exception to the coastal bluff face development buffer requirements for existing development along Sea Ledge Lane due to their location on a coastal bluff face. **Suggested Modification No. 18** also makes the same minor revisions to the proposed footnote in this policy as in proposed Policy 5.1-36 (described directly above).

Proposed Policy 5.1-71 *Historic Coastal Bluff Edge* addresses a historic coastal bluff that is located east of Shoreline Park and west of Pershing Park and is shown on Figure 5.1-2 *Coastal Bluff Edge* (Exhibit 4). This historic coastal bluff meets the California Code of Regulations Section 13577(h)(1) definition of a coastal bluff that is used to establish the appeal jurisdiction for Coastal Development Permits. This definition of a coastal bluff includes bluffs that historically (generally within the last 200 years) have been subject to marine erosion. This particular historic coastal bluff edge area in the City was subject to marine erosion prior to the construction of the Harbor in the 1920s. The proposed policy framework for addressing development on bluffs is intended to apply to bluffs that currently experience marine erosion, and as such, the historic coastal bluff area is not subject to the bluff development policies of the proposed LUP update. In addition, the historic coastal bluff edge was inadvertently not included on proposed Figure 5.1-2 *Coastal Bluff Edge*, and therefore **Suggested Modification No. 2** replaces Figure 5.1-2 *Coastal Bluff Edge* that was part of the LCP amendment submittal with a new Figure 5.1-2 *Coastal Bluff Edge* (Exhibit 4) that includes the historic coastal bluff edge line.

Proposed Policy 3.1-32 *Development Standards for Potential Shoreline Hazards Screening Area 3 (Coastal Bluff Faces) on the Interim Shoreline Hazards Screening Areas Map* includes a footnote that attempts to clarify the City's interpretation of the definition of "existing structures." The City has requested deletion of this footnote, as the definition of existing structures will be addressed in the development of the City's sea level rise adaptation plan during the next phase of the LUP update. Accordingly, **Suggested Modification No. 15** is necessary to require deletion of the subject footnote.

Proposed Policies 5.1-33 *Development Standards for Potential Shoreline Hazards Screening Area 1 4 (Coastal Bluff-Tops) on the Interim Shoreline Hazards Screening Areas Map*, 5.1-66 *Potential*

Shoreline Hazards Screening Area 3 (Coastal Bluff Faces) Evaluations for New Development and Substantial Redevelopment, 5.1-67 Potential Shoreline Hazards Screening Area 4 (Coastal Bluff-Tops) Evaluations for New Development and Substantial Redevelopment, and 5.1-70 Coastal Bluff Edge Development Buffer Calculation require shoreline hazard evaluations and coastal bluff edge development buffer calculations to analyze the effects of the area-specific hazard and the development over the expected life of the project, factoring in the effects of sea level rise. The analysis required in these reports also must consider the risk of hazard with and without the effects of any existing or new shoreline protective or slope stabilization devices. In these proposed policies, the City added a provision to allow the analysis to consider existing or new shoreline protective or slope stabilization devices for existing public roads providing public access to and along the shoreline and coastal recreation areas. However, without a sea level rise adaptation plan, it is inappropriate to assume that shoreline protective devices will be permitted to protect existing public roads. Other adaptation strategies, such as managed retreat, removal, relocation, and/or beach nourishment techniques may be more appropriate. This issue will be further analyzed and addressed in the next phase of the LUP update. Accordingly, **Suggested Modifications Nos. 16** and **23** are needed to remove this assumption from the analysis for shoreline hazard evaluations and coastal bluff edge development buffer calculations.

In addition, Policy 5.1-33 *Development Standards for Potential Shoreline Hazards Screening Area 4 (Coastal Bluff-Tops) on the Interim Shoreline Hazards Screening Areas Map* allows the substantial redevelopment, alteration, and/or relocation of existing public structures and public parking lots on coastal bluff tops where no inland siting alternative is feasible and provided that there is no net increase in overall development area. As proposed, Policy 5.1-33 allows relocation to be to a site that “has the same or a smaller threat of erosion.” In order to achieve consistency with Section 30253 by minimizing risk to life and property in areas of high geologic hazard and assuring structural stability and integrity, **Suggested Modification No. 16** also modifies the language to only allow relocation to a site that has a smaller threat of erosion.

Proposed Policy 5.1-38 *Landscaping, Watering, Weight, and Drainage on Coastal Bluff Faces and Coastal Bluff Edge Development Buffers* requires development, including landscaping and other minor improvements, to be located and designed to prevent an increase in water percolation or excessive weight placed on coastal bluff faces and within coastal bluff edge development buffers. This proposed policy also requires avoidance of drainage over the coastal bluff edge, requires new plantings on coastal bluff faces and within coastal bluff edge development buffers to consist exclusively of native, drought tolerant vegetation, and restricts watering methods. Proposed Policy 5.1-39 *Drainage Systems on Lots Containing Coastal Bluff Faces and Coastal Bluff Edge Development Buffers* similarly regulates drainage systems on bluff faces and within coastal bluff edge development buffers. Proposed Policy 5.1-39 requires the phasing out of existing drainage pipes on coastal bluff faces and landward routing of runoff for new development or substantial redevelopment where feasible. For circumstances in which the landward siting of drainage systems is not feasible, proposed Policy 5.1-39 sets specific criteria that must be met to allow for new drainage systems on coastal bluff faces and provides development standards to avoid and minimize adverse impacts to coastal resources.

Proposed Policy 5.1-40 *Private Bluff Accessways* further limits development on coastal bluff faces by prohibiting the development of new private beach accessways, requiring the phasing out of existing, lawfully established private beach accessways, and the removal of existing, unpermitted private beach accessways. Proposed Policy 5.1-41 further protects coastal bluff faces by prohibiting the unauthorized disposal of material onto coastal bluff faces and beaches.

These LUP policies, as suggested to be modified, will ensure risks to life and property in areas of bluff and shoreline hazards will be minimized and will establish criteria for consideration of shoreline protection devices, in conformity with Sections 30235 and 30253 of the Coastal Act.

7. Fire Hazards

Section 30253 of the Coastal Act also requires that new development minimize the risks to life and property in areas of high fire hazard.

The proposed Land Use Plan update contains policies that require the implementation of programs for fire hazard risk reduction and evacuation route evaluations, public water system improvements for firefighting, and the use of private water supplies for firefighting.

Proposed Policy 5.1-26 *Avoid or Minimize the Effects of High Fire Hazard* requires new development and substantial redevelopment to include appropriate site layout, structure design and materials, fire detection and suppression equipment, landscaping and maintenance thereof, road access and fire vehicle turnaround, road capacity for evacuation (if new roads are proposed), and water supply to avoid or minimize risks to life and property from fire hazard. Proposed Policy 5.1-27 *Defensible Space Requirements* provides that existing structures, new development, and substantial redevelopment in high fire hazard areas must provide defensible space as required by the Fire Department, and the proposed policy further requires fuel modification and brush clearance techniques to minimize impacts to native vegetation, protect environmentally sensitive habitat areas consistent with the proposed policies of the biological resources section, and minimize erosion, runoff, and sedimentation to the maximum feasible extent.

These LUP policies, as proposed, will ensure risks to life and property in areas of fire hazard will be minimized, in conformity with Section 30253 of the Coastal Act.

8. Flood Hazards

The proposed Land Use Plan update contains a policy requiring a regular update of floodplain mapping in coordination with the Federal Emergency Management Agency, as well as public education on flood hazards to ensure that the public is informed of the risks and LUP policies associated with flooding.

In addition, and consistent with the requirements of Section 30253, proposed Policy 5.1-28 *Minimize the Effects of High Flood Hazard* requires new development and substantial redevelopment to avoid high flood hazards where feasible. Proposed Policy 5.1-28 further specifies that where avoidance of high flood hazards cannot feasibly be achieved, minimization of flood risk is required through increasing the elevation of structures, restricting basements or habitable floor area below grade, restricting grading, restricting fencing or yard enclosures that cause water to pond, and utilizing flood proof materials. Proposed Policy 5.1-28 also prohibits new development and substantial redevelopment from creating or contributing significantly to downstream flooding, erosion, geologic instability, or destruction of the development site or surrounding area. The requirements of proposed Policy 5.1-28 apply for the expected life of the development and must factor in the effects of sea level rise.

Lastly, **Suggested Modifications Nos. 5, 14, 15, 16, 17, 18, 19, 22, and 23** make minor clarifications to Policies 2.1-19, 5.1-23, 5.1-32, 5.1-33, 5.1-38, 5.1-46, 5.1-64, 5.1-65, 5.1-66, 5.1-67, and 5.1-68 requested by the City.

These LUP policies, as suggested to be modified, will ensure risks to life and property in areas of flood hazard will be minimized, in conformity with Section 30253 of the Coastal Act.

9. Conclusion

Based on the findings above, the Commission finds that the policies of the proposed Land Use Plan relative to hazards, bluff development, and shoreline development, as suggested to be modified, meet the requirements of and are in conformity with Sections 30233, 30235 and 30253 of the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the Public Resources Code (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with the adoption of a Local Coastal Program (LCP). Instead, certification of an LCP by the Coastal Commission is subject to the requirements of CEQA. The Coastal Commission's regulatory program involving the preparation, approval and certification of local coastal programs has been certified by the Natural Resources Agency under Public Resources Code Section 21080.5 as the functional equivalent of CEQA review. As a result of this certification, the Coastal Commission is exempt from the requirement of preparing an EIR in connection with a local coastal program. However, pursuant to CEQA and the Commission's regulations (see 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A), which requires, among other things, that the Commission not approve or adopt an LCP "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment."

As set forth above, the Commission finds that the City of Santa Barbara's LUP amendment, if modified pursuant to the Commission's suggested modifications, will conform with the policies in Chapter 3 of the Coastal Act. The Commission further finds that, for the reasons discussed in this report, there are no feasible alternatives or additional mitigation measures that would substantially lessen any significant adverse impact on the environment from approval of the LUP with suggested modifications. Accordingly, the proposed LCP amendment, if modified as suggested, is consistent with CEQA.