

## **CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



# **F9a**

**A-4-SBC-21-0021 (CITY OF SANTA BARBARA)**

**JUNE 11, 2021**

### **EXHIBITS**

#### **Table of Contents**

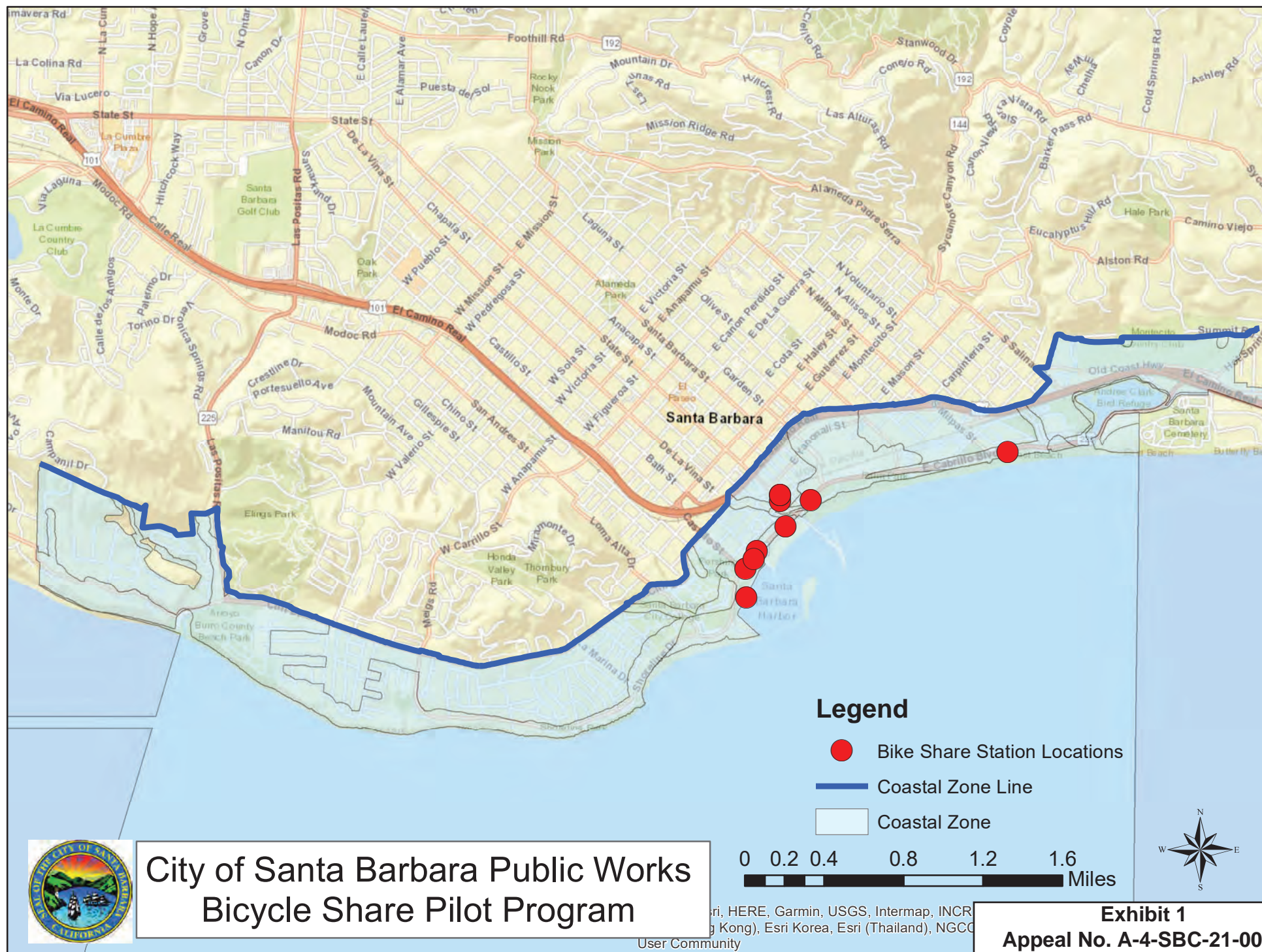
**[EXHIBIT 1 - PROPOSED BIKE STATION LOCATIONS](#)**

**[EXHIBIT 2 - VISUAL SIMULATIONS](#)**

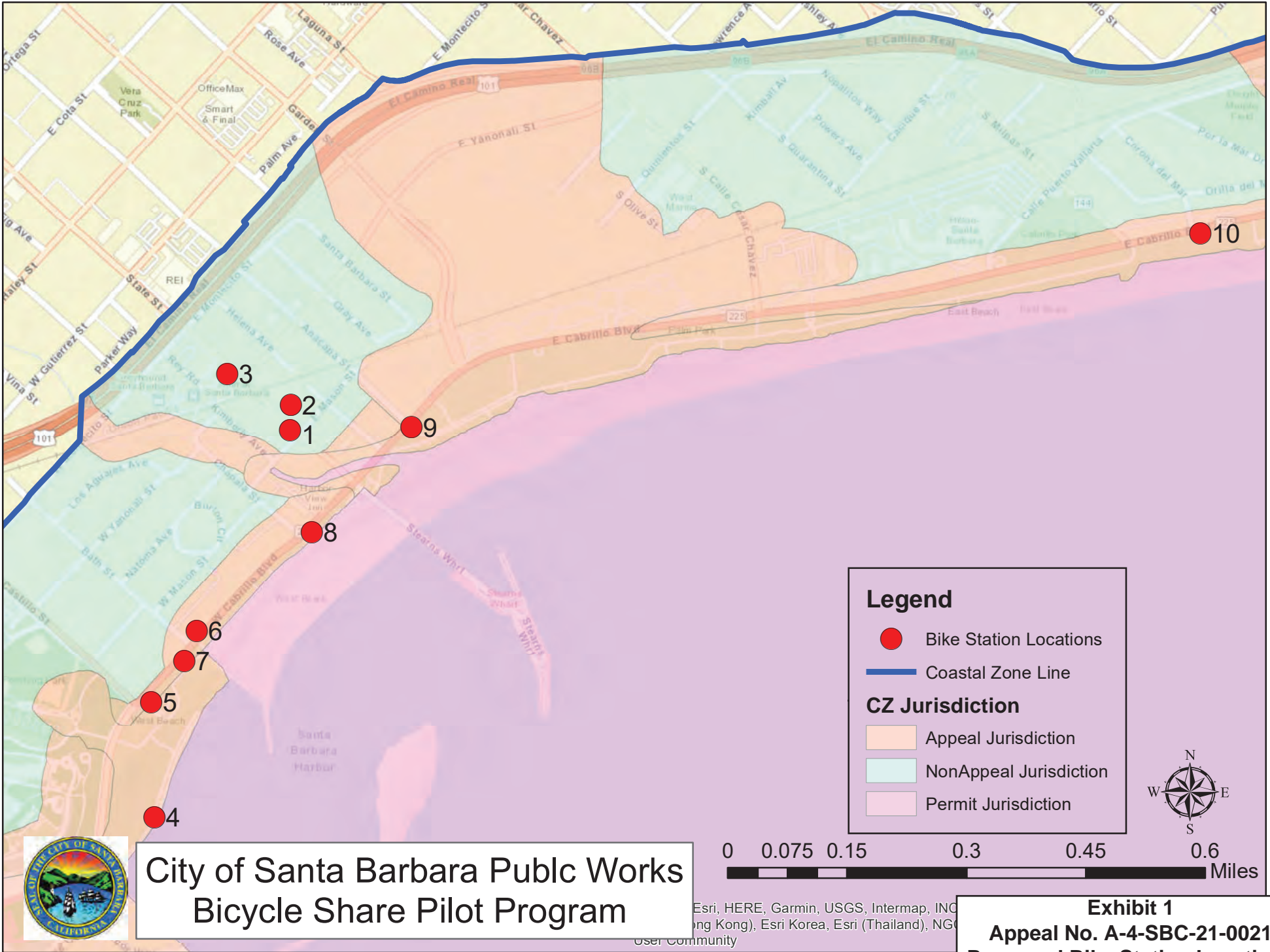
**[EXHIBIT 3 - STATION DIMENSIONS](#)**

**[EXHIBIT 4 - FINAL LOCAL ACTION NOTICE FOR CDP2020-00017](#)**

**[EXHIBIT 5 - APPEAL BY ANNA MARIE GOTT](#)**







**WATERFRONT: EXAMPLE 1.0 STATION**



**Exhibit 2**  
**Appeal No. A-4-SBC-21-0021**  
**Visual Simulations**  
**Page 1 of 2**



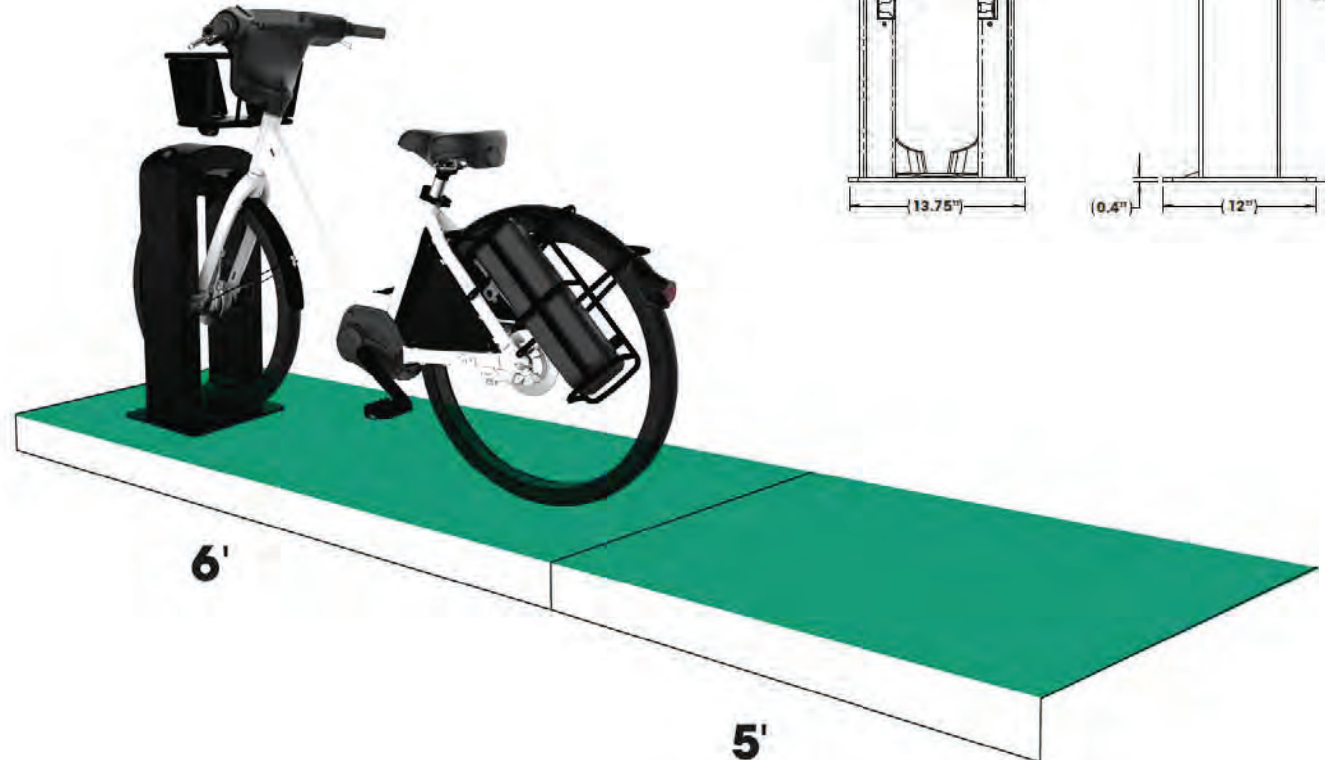
## STATE STREET: EXAMPLE STATIONS



### 3.0 STATION - INSTALL DIMENSIONS

#### STATION DEPTH:

- Single-sided stations must have at least 6' of space (this includes a 6" front tire overhang) plus a 5' back-up zone totaling 11'
- Double-sided stations must have at least 8'6" of space plus a recommended 5' back-up zone on each side totaling 16'6"

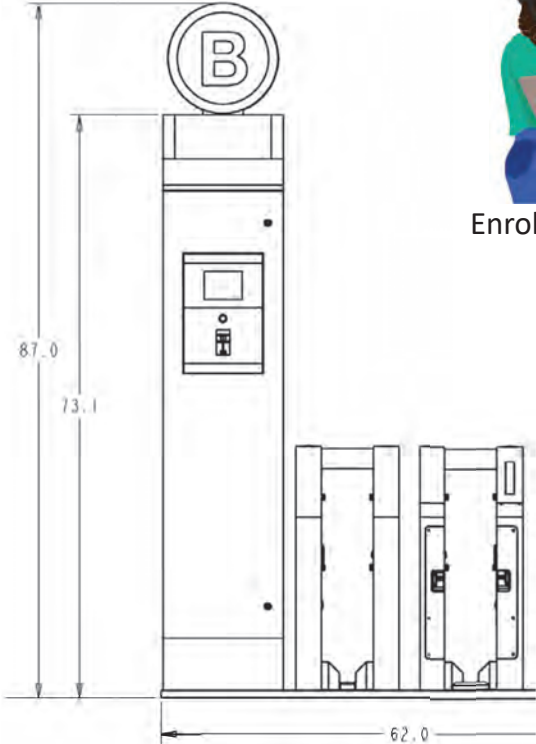


#### 3.0 DIMENSIONS

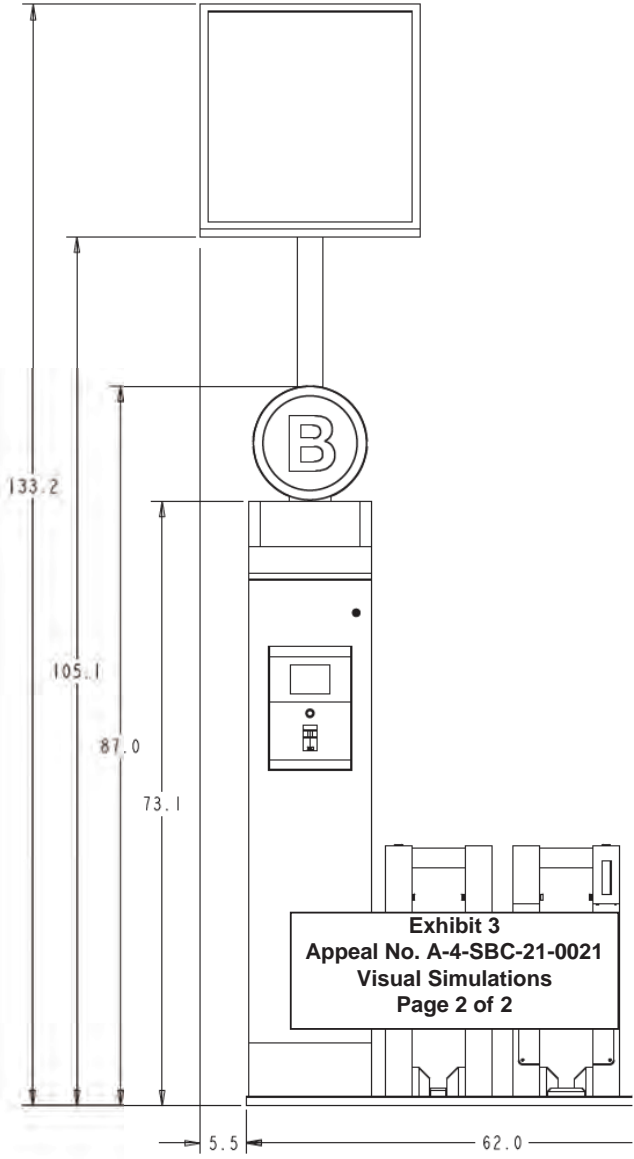
Exhibit 3  
Appeal No. A-4-SBC-21-0021  
Station Dimensions  
Page 1 of 2

VINYL WRAPPED 1.0 STATION WITH KIOSK (AND ENROLLMENT KIOSK)

Dimensions in Inches



Enrollment Kiosk is ~9' tall





# City of Santa Barbara California

## NOTICE OF FINAL ACTION CITY OF SANTA BARBARA COASTAL DEVELOPMENT PERMIT

**Date:** February 9, 2021

**Application Number:** PLN2020-00547

**Coastal Number:** CDP2020-00017

**Name of Applicant:** Robert J. Dayton, Transportation Planning & Parking Manager For City Of Santa Barbara

**Name of Owner:** City Of Santa Barbara

**Project Address:** Coastal Zone City Right-Of-Way and City-Owned Parcels

**Project Location:** City of Santa Barbara Coastal Zone, County of Santa Barbara

**APN Number:** N/A

**Project Description:** In partnership with the City's permitted bicycle share operator, BCycle, the Public Works Department, Transportation Planning Division, is seeking a Coastal Development Permit to construct bicycle share docks and kiosks in the Appealable and Non-appealable jurisdictions of the Coastal Zone as part of the City's Bicycle Share Pilot Program. The bicycle share system, when complete, would involve the installation of approximately 500 docks City-wide that serve a fleet of approximately 250 pedal-assist electric bicycles. The installation of bicycle share docks and kiosks in the Downtown and Waterfront neighborhoods, some of which are located in the Coastal Zone, would establish the "core" of the bicycle share system, which would then expand to other neighborhoods as demand and usage increase. The portion of the project located in the Coastal Zone requires a Coastal Development Permit to install the bicycle share stations. The Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for locations to change over time based on bicycle share demand.

This is to inform you that on November 19, 2020, the Planning Commission of the City of Santa Barbara approved an application for a Coastal Development Permit for the project listed above, and on February 2, 2021, the Santa Barbara City Council upheld that approval on appeal. The project is located in the Appealable and Non-Appealable jurisdictions of the City's Coastal Zone.

**The final Council decision is based on the following findings and conditions:**

On February 2, 2021, after consideration of all the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council Members, the City Council voted unanimously to deny the appeal and uphold the decision of the Planning Commission adopting Resolution No. 010-20 (hereinafter the "Resolution"). The Resolution No. 010-20 includes findings and conditions supporting approval of the Coastal Development by the Planning Commission, and as upheld and subsequently adopted by the City Council (see Sections I and II of the Resolution.).

**The Coastal Development Permit is subject to the following conditions:**

On February 2, 2021, the City Council adopted the conditions set forth in the Resolution, and additionally, by way of motion slightly modified Condition II.A.5 of the Resolution to remove reference to the third kiosk at "central Cabrillo Boulevard near State Street. As adopted and subsequently amended by unanimous motion of the City,



Condition II.A.5 provides that only “[a] maximum of two kiosks will be allowed in the coastal zone, strategically spaced along East Cabrillo Boulevard with one at each location within in East Beach area and West Beach area.”

**The Coastal Development Permit is subject to the following time limitations:**

A Coastal Development Permit expires two years from the date of issuance, unless the use has commenced or an extension has been granted. Once the use has commenced, the Coastal Development Permit is valid for a three-year Pilot Program, and a new Coastal Development permit will be required for the permanent Bicycle Share Program

**The Coastal Development Permit may be appealed as follows:**

The decision of the City Council regarding the outcome of this application may be appealed to the California Coastal Commission. An appeal may be filed with the Coastal Commission by two members of the Coastal Commission, or an aggrieved party or who had first pursued appeal to the City Council. An appeal must be filed in the office of the Coastal Commission not later than 5:00 PM of the tenth working day following receipt by the Coastal Commission of this notice. If you have any questions or comments regarding this matter, contact Pilar Plummer, Assistant Planner, at (805) 564-5470, extension 4451.

**Attachments:**

1. Planning Commission Resolution No. 010-20
2. Reduced site plan
3. Vicinity Map
4. Council Agenda Report dated February 2, 2021



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 010-20 COASTAL ZONE CITY RIGHT-OF-WAY COASTAL DEVELOPMENT PERMIT NOVEMBER 19, 2020

#### **APPLICATION OF ROBERT J. DAYTON, TRANSPORTATION PLANNING & PARKING MANAGER FOR CITY OF SANTA BARBARA, OWNER OF COASTAL ZONE CITY RIGHT-OF- WAY, APN: N/A (CITY RIGHT-OF-WAY), ZONE: VARIOUS; (PLN2020-00547)**

In partnership with the City's permitted bicycle share operator, BCycle, the Public Works Department's Transportation Planning Division is seeking a Coastal Development Permit to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Appealable and Non-appealable jurisdictions of the Coastal Zone as part of City Council's Bicycle Share Pilot Program (Program). A number of proposed bike share station sites in the Waterfront and Downtown neighborhoods are located within the Coastal Zone. These station locations are critical to the success of the pilot Program. While locations of specific bicycle share stations are identified in the proposal, the Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for station locations to change over time based on bike share demand. The project was reviewed by the Architectural Board of Review under PLN2020-00386 and Historic Landmarks Commission under PLN2020-00378.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, three people appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 12, 2020
2. Project Plans
3. Correspondence received:
  - a. Allied Neighborhoods Association, Santa Barbara CA
  - b. Nancy Mullholland, Santa Barbara CA
  - c. Paulina Conn, Santa Barbara CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application, making the following findings and determinations:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it provides sustainable active transportation options which can enhance connectivity to the regional bicycling network and increase access to the shoreline and coast, as described in Sections VII and VIII of the Staff Report.
2. The project is consistent with all applicable policies of the City's Coastal Land Use Plan, all applicable implementing guidelines, and all applicable

ATTACHMENT 1

**Exhibit 4**  
**Appeal No. A-4-SBC-21-0021**  
**Final Local Action Notice**  
**Page 3 of 14**

it encourages sustainable transportation and enhances bicycling and sustainable coastal access throughout the coastal zone, as described in Section VII of the Staff Report.

II. Said approval is subject to the following conditions:

- A. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 19, 2020 is limited to bike share stations within the Coastal Zone located within City right-of-way or on City-owned property, for an approximate three-year bike share Pilot Program as determined by the City Council. Station locations shall not be located in an Environmentally Sensitive Habitat Area and shall not involve any tree removal. Existing trees shall be preserved and protected prior to and during any bike station installation. Following the three-year Pilot Program, the applicant shall return to the Planning Commission for a new coastal development permit.

In addition, the following shall be a part of the project approval:

1. Relocate Location 5 (Cabrillo/Castillo) due to potential conflicts with trees and associated birds.
  2. Where possible, locate the docking stations on the mountain side of Cabrillo Boulevard.
  3. Kiosks shall be the “Enrollment Kiosk” with a maximum height of approximately nine feet.
  4. Do not install any kiosks on the ocean side of Cabrillo Boulevard.
  5. A maximum of three kiosks may be allowed in the coastal zone, strategically spaced along Cabrillo Boulevard with one at each location within East Beach area, central Cabrillo Boulevard near State Street, and West Beach area.
  6. Kiosks shall be installed as discretely as possible.
- B. **Requirements Prior to Construction.** BCycle shall submit the following, or evidence of completion of the following, for review and approval by the Public Works Department prior to installation of any bike share station.
1. Location map, rack type and final dimensions of bike share parking area. The existing sidewalks through zone shall also be dimensioned. Typical installation details for the proposed location.
  2. All installations must be as approved by the Public Works Department.
- C. **Prior to Final Inspection by Public Works Inspector.** Prior to final inspection by Public Works Inspector, BCycle shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.
- D. **General Conditions.**
1. Approval Limitations.



- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All bike share station locations shall be located substantially as shown on the plans approved by the Planning Commission, or in other locations depending upon demand and in accordance with the Planning Commission's conditions of approval. Public Works Department shall work with the Community Development Department, Planning Division on other future locations within the coastal zone with similar documentation provided for the known locations to ensure locations remain consistent with project approval.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

III. Said approval is subject to the following time Limits:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. The use has commenced, which in this case means that the Permittee has operational bike share locations in the Coastal Zone approved and inspected by the Public Works Department.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 19th day of November, 2020 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Lodge and Bonderson) ABSTAIN: 0 ABSENT: 1 (Reed)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Heidi Reidel, Planning Technician I

11/19/2020  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** February 2, 2021

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of The Planning Commission's Approval Of A Coastal Development Permit For Bicycle Share Stations In The Coastal Zone

**RECOMMENDATION:** That Council:

- A. Consider the appeal of Anna Marie Gott of the Planning Commission's approval of a Coastal Development Permit for Bicycle Share Stations in the Coastal Zone; and
- B. Deny the appeal and make the necessary findings, including findings required by Sections 15301 and 15300.2 of the CEQA Guidelines, to uphold the Planning Commission's decision to approve a programmatic Coastal Development Permit for bike share docks and three registration kiosks in the Coastal Zone.

### **EXECUTIVE SUMMARY:**

On November 19, 2020, the Planning Commission approved the application for a programmatic Coastal Development Permit (CDP) to install bike share docks and three registration kiosks in the Appealable and Non-Appealable jurisdiction of the City's Coastal Zone as part of the City's Bicycle Share Pilot Program. The Planning Commission's approval of a programmatic CDP gives City staff and the permitted bike share operator, BCycle, the flexibility to add and remove bike share docks within the Coastal Zone based on ridership demand.

On November 30, 2020, Anna Marie Gott, filed an appeal of the Planning Commission's approval, asserting that the project conflicts and is not consistent with the requirements of the Coastal Act, the City's Certified Local Coastal Program, and all applicable implementing guidelines (Attachment 1 – Appellant Letter).



## **DISCUSSION:**

### Project Description

In partnership with the City's permitted bike share operator, BCycle, City staff is seeking to install bike share stations (groupings of docks and/or kiosks) as part of the City's Bicycle Share Pilot Program. The bike share system, when complete, would involve the installation of approximately 500 docks City-wide that serve a fleet of approximately 250 pedal-assist electric bikes. The installation of bike share stations in the Downtown and Waterfront neighborhoods, some of which are located in the Coastal Zone, would establish the "core" of the bike share system, which would then expand to other neighborhoods as demand and usage increase (Attachment 2 – Project Plans). The portion of the project located in the Coastal Zone requires a Coastal Development Permit (CDP) to install the bike share stations. This CDP has been proposed as a programmatic CDP in order to allow flexibility in location based on ridership demand.

### Background

Bike share implementation is referenced in the General Plan and has been a community-requested public service for several years. In May 2019, City Council directed City staff to move forward with development of a Bicycle Share Pilot Program, and to allow a permitted operator to provide self-service rental bikes in the City of Santa Barbara for a maximum of three years. In December 2019, BCycle was selected and issued a permit for operation in the City of Santa Barbara.

During August and September 2020, staff presented the bike share docking system to the Architectural Board of Review (ABR) and the Historic Landmarks Commission (HLC). The ABR granted Project Design Approval and Final Approval on August 24, 2020. Staff presented the project to HLC on August 5, 2020, September 3, 2020, and September 16, 2020, at which point the HLC denied approval of the bike share docking system.

In response to feedback from the HLC, staff returned to City Council on October 20, 2020, with a temporary approach for docking locations along the State Street Promenade. Council supported staff's recommendation to implement bike share docks temporarily along the Promenade, and agreed that the timeline for the docks and development of the Bicycle Share Pilot Program (a three-year duration) should dovetail with the timeline for the Interim phase of the State Street Promenade. In addition, given the temporary nature of the pilot program, Council found that public interest in the program supersedes the need for HLC review of the bike share stations during the pilot period. At the end of the three-year pilot period, and after additional information has been obtained through the development and monitoring of the program, a more permanent program design would require HLC review and approval.

On November 19, 2020, the Planning Commission reviewed the request for a programmatic CDP to install bike share docks within the appealable and non-appealable jurisdictions of the Coastal Zone. Ten example locations were presented to the Planning Commission, nearly all of which fall within the public right-of-way, except for two sites on City Waterfront-owned property. In addition to the bike docks, kiosks were proposed, which allow the public to sign up for the program. The Planning C

approve the CDP to allow the pilot project, with amended Conditions of Approval. A new CDP would be required at the end of the three-year pilot program if the City determines the program should become permanent.

#### Appeal Issues

On November 30, 2020, Anna Marie Gott filed an appeal of the Planning Commission's approval of the CDP, asserting that the project conflicts with and is not consistent with the requirements of the Coastal Act, the City's Certified Local Coastal Program, and all applicable implementing guidelines within the General Plan and Municipal Code (Attachment 1 – Appellant Letter). Specific appeal issues and responses are identified below.

1. *City Council's decision to prohibit HLC review of the project for locations in El Pueblo Viejo Landmark District (EPV) is inconsistent with the City's certified LUP policies.*

The HLC reviewed the project on three occasions. On October 20, 2020, the City Council voted unanimously that the public interest does not require review by the HLC of bicycle docking stations during the three-year duration of the pilot program. Section 817 of the City Charter leaves to the City Council's discretion whether or not review by the HLC is necessary. In addition, Santa Barbara Municipal Code (SBMC) §22.22.140.B states that review by the HLC is required unless City Council deems that said review would not be in the public interest. This is consistent with policy 4.3-3 of the City's Coastal Land Use Plan (LUP). The appellant references CLUP Policy 1.2-2, which is not applicable, as it pertains to policy conflicts within the Coastal LUP, not the City Charter or Municipal Code. In addition, LUP Policy 1.2-6 is referenced, which states that policies of the Coastal LUP shall take precedence over policies in the City's General Plan. Council's decision to waive HLC review is irrelevant to the CDP, as the Planning Commission must make its own findings related to visual resources and aesthetics in accordance with LUP policies 4.3-5 and 4.3-6, which require development to be sited and designed to avoid impacts on scenic resources and public scenic views and to be visually compatible with surrounding development. The Planning Commission was able to make the required findings, with added conditions, in approving the CDP.

2. *The project is inconsistent with policies of the California Coastal Act, all applicable policies of the City's Local Coastal Plan, and all implementing guidelines within the General Plan and Municipal Code.*

As the project requires a CDP, the project must be found consistent with the California Coastal Act and the City's Local Coastal Program (LCP), which implements the California Coastal Act. The Planning Commission staff report, dated November 12, 2020 (Attachment 3), included consistency analysis with the LCP and California Coastal Act. Specifically, the project is consistent with Coastal LUP Policy 3.1-7 to "encourage use of sustainable transportation (i.e., pedestrian, bicycle, and transit) to the shoreline, along the coast, and throughout the Coastal Zone" and Policy 3.1-27 which provides the example of "[i]mproving and providing additional bicycling and walking routes and facilities such as public bicycle racks and l

seating and resting areas for pedestrians.” The project is consistent with Coastal Act Policy, per Public Resources Code §30250, as the project is within entirely developed areas, and per Public Resources Code §30251, as the proposal consists of minimal infrastructure and therefore would be visually compatible with the character of the area and would not significantly impact views to or along the ocean or scenic coastal areas (Attachment 4 – Applicable Local Coastal Program and Coastal Act Policies). The Planning Commission added conditions of approval to ensure consistency with this policy (Attachment 5 – Planning Commission Minutes and Resolution). Additionally, the project is consistent with LUP and Coastal Act policies to provide recreational opportunities for the public.

3. *The Planning Commission did not evaluate each site in the CDP.*

Staff requested a programmatic CDP for the pilot program to allow for flexibility in the installation, removal, and relocation of bike stations based on ridership demand as the bike share system fluctuates. Ten example locations were presented to the Planning Commission, nearly all within the public right-of-way, except for two locations on City Waterfront-owned property. The Planning Commission evaluated the locations presented, offered feedback on some of those specific locations, and provided general guidance in the form of revised conditions of approval for the location of bike docks and kiosks.

4. *The Planning Commission could not properly evaluate unknown bike station locations.*

Determining locations of bike docks requires assessing potential consumer demand. Once installed, and for the success of the pilot program, BCycle needs the ability to adjust, add, or subtract locations based on the real bike share system demand. The Planning Commission approved the programmatic CDP, allowing for location flexibility, subject to conditions of approval that affect future locations.

All locations would comply with the City's Access and Parking Design Standards and Bicycle and Pedestrian Master Plans. None of the locations would be located within sensitive habitat or biologically sensitive areas, as specified in the conditions of approval (Attachment 5 – Planning Commission Minutes and Resolution).

5. *The Planning Commission did not ensure that a Design Review body would evaluate and approve each site.*

The three-year pilot project was reviewed and granted approval by the Architectural Board of Review on August 24, 2020, for locations outside of El Pueblo Viejo Landmark District. At the time of the approval, the ABR found that the Compatibility Analysis Criteria were generally met, and cited that the “colors and profiles are clean and well built in appearance and fit in with the Downtown area, and the scale of the bike racks is appropriate and minimal in size.” ABR did not review specific locations in the coastal zone, as those locations have yet to be determined. However, they did provide approval of the equipment in general. As discussed in the first appeal point, City Council determined that HLC review is not required for the three-year period of the pilot program.



6. *The Planning Commission did not ensure public scenic views and resources or public corridors were preserved, enhanced, protected, or identified.*

The appellant contends that the project was evaluated without site-specific visuals illustrating the bike share docks, with signs, in real world conditions. The plans provided to the Planning Commission included specifications and visuals of the bike share docks and kiosks.

The Planning Commission included conditions of approval specific to the protection of the City's scenic and public views, such as limiting the type of kiosk to only the approximately nine-foot-tall registration kiosk, limiting the number of kiosks within the Coastal Zone to three, and strategically spacing kiosk sites along Cabrillo Boulevard with one at each location within East Beach area, central Cabrillo Boulevard near State Street, and West Beach area. The Planning Commission also required that docking stations be installed on the mountain side of Cabrillo Boulevard where possible, and that no kiosks be installed on the ocean side of Cabrillo Boulevard. In addition, the Planning Commission conditioned that the kiosks shall be installed as discretely as possible. In adding these conditions, Planning Commission was essentially implementing LUP policy 4.3-29, which allows for project alternatives that result in the fewest adverse impacts to public scenic views of scenic resources. Planning Commission agreed with staff's analysis that the proposal consists of minimal infrastructure and would therefore be visually compatible with the character of the area and would not significantly impact views of, or along, the ocean or scenic coastal areas, consistent with Coastal Act and LUP Policies.

7. *The Planning Commission did not ask to see visuals of other operating bike share programs, or attempt to re-site locations in order to avoid potential visual blight.*

There is no requirement that Planning Commission request to see visuals of other operating bike share programs. The Planning Commission did review each of the example locations presented, and accepted that location flexibility is needed for the pilot program, given that it depends on ridership demand. In addition, the Planning Commission required the relocation of one of the example locations, and revised conditions of approval included restrictions that impact future locations. The primary concern noted within this appeal point is related to the bike share docks being visible. As this is a pilot program, visibility of the docks is critical to potential success; however, as noted in other appeal points, the Planning Commission included restrictions within their approval to minimize installations on the ocean side of Cabrillo Boulevard.

The appellant additionally cites two LUP policies related to screening and landscaping, which are not applicable, as this project involves only installation of prefabricated bike share docks and kiosks.

8. *The Planning Commission did not condition its approval on the review and approval of each site by the Harbor Commission prior to Design Review and Approval by the HLC.*

The Waterfront Department is supportive of the Bicycle Share Pilot Program, as it will provide a clean transportation alternative linking popular destinations to other key

areas in the city, and increases coastal access for residents and tourists alike. Initial site locations identified in the Harbor vicinity were vetted with Waterfront staff. Future siting decisions at the Harbor during the pilot program would require approval by the Waterfront Director. After the Planning Commission's action, the Harbor Commission submitted a letter to the City Council, dated January 25, 2021, expressing concerns with the project.

The appellant additionally cites that the project is inconsistent with LUP Policy 2.2-18. However, the project meets criteria C of policy 2.2-18: "Provide recreational and visitor-serving opportunities for the enjoyment of the general public." The project involves infrastructure that encourages recreational and general public-serving opportunities by way of sustainable active transportation within the regional bicycling network, and access to shoreline and coast.

9. *The Planning Commission denied due process rights of the public, property owners and residents as the programmatic CDP allows for the installation of bike docks, kiosks, and signage at unknown locations in the Coastal Zone.*

The appellant contends that the public is denied due process as the programmatic CDP allows for installation of the bike share docks at unknown locations in the Coastal Zone. As the project involves the Coastal Zone in its entirety (including the Mesa and Coast Village Road area), a display ad was published, and a mailed notice was sent to interested parties and neighborhood groups/organizations. Per the City's Zoning Ordinance, when a notice must otherwise be sent to more than 1,000 owners, the City may provide a display advertisement in the newspaper in lieu of mailed notice. All bike share docks would be installed within City-owned property or right-of-way.

10. *The Planning Commission approved the CDP without a mailed notice.*

As noted above, a display ad was published for the project and interested parties and groups were sent a mailed notice, consistent with city and California Government Code noticing requirements.

11. *The Planning Commission decision is counter to the General Plan Environmental Resources Element.*

The appellant contends that the Planning Commission approved the CDP counter to the General Plan's Environmental Resources Element. The General Plan is not part of the implementation plan for the LCP, and is not relevant to Planning Commission's review of the CDP.

12. *The programmatic CDP does not require future public hearings of currently unknown stations locations.*

The programmatic CDP gives the City and the permitted bike share operator, BCycle, the flexibility to add and remove bike share docks and kiosks within the Coastal Zone based on ridership demand. Subject to the conditions of approval for the CDP, the permit life sunsets at the end of the three-year period of the pilot program. Future hearings would be required for a permanent program, provided that the pilot program proves effective and City Council directs a permanent program to be implemented.

## **STANDARD FOR REVIEW:**

### Coastal Development Permit

If the City Council chooses to uphold the Planning Commission's approval of the project and deny the appeal, staff recommends making the following findings:

1. The project is consistent with the policies of the California Coastal Act, because it provides sustainable active transportation options that can enhance connectivity to the regional bicycling network and increase access to the shoreline and coast, as described in Section VI and VIII of the Planning Commission Staff Report dated November 12, 2020.
2. The project is consistent with all applicable policies of the City's Coastal Land Use Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because the project encourages sustainable transportation and enhances bicycling and sustainable coastal access throughout the coastal zone, as described in Section VII of the Planning Commission Staff Report dated November 12, 2020.

The Planning Commission Resolution (Attachment 5) outlines the Planning Commission's findings in support of the CDP.

If City Council cannot make the above findings then Council may uphold the appeal and state the reasons why the findings cannot be made.

### Environmental Review

The bike share docking stations qualify for an exemption under the California Environmental Quality Act (CEQA) per Guidelines Section 15301 Existing Facilities, which allows for the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Section 15301 (c) identifies existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes as examples of appropriate improvements that can qualify for this exemption.

Additionally, the project would not result in any cumulative impacts, have any significant effects, result in damage to scenic resources, or be located on a hazardous waste site; therefore, none of the exceptions (per Guidelines Section 15300.2) to use of a categorical exemption apply to the project.

If City Council upholds the appeal and denies the project, then CEQA findings are not required pursuant to CEQA Guidelines Section 15270 (Projects Which Are Disapproved).



**BUDGET/FINANCIAL INFORMATION:**

Bike share operation and docking infrastructure is the responsibility of BCycle. Operator fees set by the City are intended to offset management costs, but not costs associated with aesthetic changes. At the end of the three-year pilot program period, the fees and required City resources to continue the program will be re-evaluated.

**SUSTAINABILITY IMPACT:**

As mentioned in the Circulation Element, an effective bike share program can increase personal mobility, potentially reduce air pollution and greenhouse gas emissions, reduce parking demand, and decrease the overall cost of transportation to individuals. It may help in the City's sustainability goals of emissions and traffic congestion reductions.

- ATTACHMENT(S):**
1. Appellant Letter, Dated November 30, 2020, with Exhibits
  2. Project Plans
  3. Planning Commission Staff Report, Dated November 12, 2020
  4. Applicable Local Coastal Program and Coastal Act Policies
  5. Planning Commission Minutes and Resolution, Dated November 19, 2020
  6. Appellant's Supplemental Letter and Additional Documents, Received January 19, 2021 (letter dated January 26, 2021)
  7. Documents Submitted by Appellant on January 26, 2021

**PREPARED BY:** Pilar Plummer, Assistant Planner

**SUBMITTED BY:** Rebecca Bjork, Interim Community Development Director

**APPROVED BY:** City Administrator's Office

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 S. CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001-4508  
(805) 585-1800  
SOUTHCENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Central Coast

Appeal Number:

A-4-SBC-21-0021

Date Filed:

3/9/2021

Appellant Name(s):

Anna Marie Gott**APPELLANTS**

4-SBC-21-0160 (aka CDP2020-00017 / PLN2020-00547)

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted **ONLY** at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Central Coast district office, the email address is [SouthCentralCoast@coastal.ca.gov](mailto:SouthCentralCoast@coastal.ca.gov). An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Exhibit 5  
Appeal No. A-4-SBC-21-0021  
Appeal Form  
Page 1 of 20

Appeal of local CDP decision

Page 2

1. Appellant information<sup>1</sup>

Name: Anna Marie Gott

Mailing address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

How did you participate in the local CDP application and decision-making process?

Did not participate

Submitted comment

Testified at hearing

Other

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the City Council of the City of Santa Barbara.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.



## Page 3

Date of local government CDP decision: \_\_\_\_\_

[illegible]

3 Very few local CDP denials are appealable, and those that are also require ~~submittal of an appeal fee~~.  
Please see the [appeal information sheet](#) for more information.

3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:

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<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

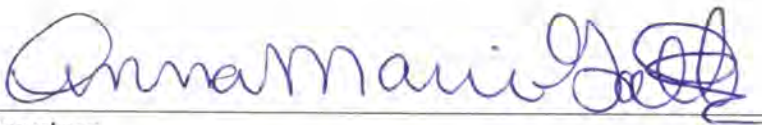
**Appeal of local CDP decision**

**Page 5**

**5. Appellant certifications<sup>5</sup>**

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Anna Marie Gott

  
Signature

Date of Signature 3/9/21

**5. Representative authorization<sup>6</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

## 2. LOCAL CDP DECISION BEING APPEALED

The approved Coastal Development Permit (CDP) the City terms as a “*programmatic*” CDP authorizes City Staff and the permitted commercial bike share operator, BCycle, to install and then move, add or remove bike share docks (grouping of docks are docking stations) and kiosks anywhere in the appealable and non-appealable Coastal Zone.

Descriptions and site locations for the proposed project differed at each public hearing, in Staff Reports, presentations, internally at the City and in the Notice of Final Action to the Coastal Commission. The publicly noticed public hearings occurred at Planning Commission and the appeal at City Council.

Locations have been called: proposed and various with the City termed “*programmatic*” CDP allowing the locations to be determined and approved at a later date by City Staff and BCycle without further public hearings.

The number of bike docks proposed in the Coastal Zone ranged from being unspecified to limiting the number of bike docks to 150-200 or stating BCycle’s citywide permit of 500.

The public notice for the appeal to City Council stated that the appeal was of a Bike Share Program in the Coastal Zone and provided no other description of the project. Neither the Architectural Board of Review of Historic Landmarks Commission hearings were publicly noticed. The public notice for the Planning Commission hearing is the same as the project description found in the Planning Commission Resolution No. 010-20, but the site locations are primarily not proposed or planned in any neighborhoods:

In partnership with the City’s permitted bicycle share operator, BCycle, the Public Works Department’s Transportation Planning Division is seeking a Coastal Development Permit to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Appealable and Non-appealable jurisdictions of the Coastal Zone as part of City Council’s Bicycle Share Pilot Program (Program). A number of proposed bike share station sites in the Waterfront and Downtown neighborhoods are located within the Coastal Zone. These station locations are critical to the success of the pilot Program. While locations of specific bicycle share stations are identified in the proposal, the Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for station locations to change over time based on bike share demand. The project was reviewed by the Architectural Board of Review under PLN2020-00386 and Historic Landmarks Commission under PLN2020-00378.

See Notice of Final Action to the Coastal Commission and Exhibit A:

- City Council Appeal Notice
- Planning Commission Hearing Notice
- Planning Commission Internal PLN# PLN2020-00547
- Architectural Board of Review Internal PLN# PLN2020-00386
- Historic Landmarks Commission Internal PLN# PLN2020-00378





# City of Santa Barbara

City Clerk's Office

[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

## PUBLIC NOTICE City of Santa Barbara

Tel: (805) 564-5309

Fax: (805) 897-2623

City Hall  
735 Anacapa Street  
Santa Barbara, CA  
93101

PO Box 1990  
Santa Barbara, CA  
93102-1990

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Barbara will conduct a Public Hearing on Tuesday, January 26, 2021, during the afternoon session of the meeting which begins at 2:00 p.m. in the Council Chamber, City Hall, 735 Anacapa Street, Santa Barbara. The hearing is to consider the appeal filed by Anna Marie Gott of the Planning Commission's decision to grant a Coastal Development Permit for Bicycle Share Stations in the Coastal Zone.

If the City Council approves the project on appeal, then it is appealable to the California Coastal Commission under California Public Resources Code §30603(a) and SBMC §28.44.200. If you challenge the Council's action on the appeal of the Planning Commission's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

You are invited to attend this public hearing and address your verbal comments to the City Council. Written comments are also welcome up to the time of the hearing, and should be addressed to the City Council via the City Clerk's Office by sending them electronically to [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov). In order to promote social distancing and prioritize the public's health and well-being, the city council currently holds all meetings electronically. As a public health and safety precaution, the council chambers will not be open to the general public. Councilmembers and the public may participate electronically.

On Thursday, January 21, 2021, an Agenda with all items to be heard on Tuesday, January 26, 2021, including the public hearing to consider this appeal, will be available online at [www.SantaBarbaraCA.gov/CAP](http://www.SantaBarbaraCA.gov/CAP). The Agenda includes instructions for participation in the meeting. If you wish to participate in the public hearing, please follow the instructions on the posted Agenda.



Robert Stough  
Deputy City Clerk  
January 13, 2021



City of Santa Barbara  
Community Development Department  
PO Box 1990  
Santa Barbara, CA 93102-1990

## EXHIBIT A

### **NOTICE OF A PUBLIC HEARING: PLANNING COMMISSION (PC)**

**DATE:** THURSDAY, NOVEMBER 19, 2020 **MEETING BEGINS AT:** 1:00 PM

**LOCATION:** THIS MEETING WILL BE CONDUCTED ELECTRONICALLY AS DESCRIBED BELOW

**PROJECT LOCATION:** COASTAL ZONE CITY RIGHT-OF-WAY, **ZONE:** VARIOUS, **LAND USE DESIGNATION:** VARIOUS, **APN:** N/A (CITY RIGHT-OF-WAY), PLN2020-00547, **APPLICANT/OWNER:** ROBERT J. DAYTON, TRANSPORTATION PLANNING & PARKING MANAGER/ CITY OF SANTA BARBARA

**PROJECT DESCRIPTION:** In partnership with the City's permitted bicycle share operator, BCycle, the Public Works Department's Transportation Planning Division is seeking a Coastal Development Permit from the City's Planning Commission to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Appealable and Non-appealable jurisdictions of the Coastal Zone as part of City Council's Bicycle Share Pilot Share Program (Program). A number of proposed bike share station sites in the Waterfront and Downtown neighborhoods are located within the Coastal Zone. These station locations are critical to the success of the pilot program. While locations of specific bicycle share stations are identified in the proposal, the Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for station locations to change over time based on bike share demand. The project was reviewed by the Architectural Board of Review and Historic Landmarks Commission under PLN2020-00378.

**FOR MORE INFORMATION CONTACT:** Pilar Plummer, Assistant Planner, (805) 564-5470, ext. 2687, [PPlummer@SantaBarbaraCA.gov](mailto:PPlummer@SantaBarbaraCA.gov)

**Exhibit 5**  
**Appeal No. A-4-SBC-21-0021**  
**Appeal Form**  
**Page 8 of 20**



PLN2020-00547

APN#031-160-015

630 GARDEN St

## Description of Application

This project is the first phase of bike share implementation in Santa Barbara. When complete, the project will involve the installation of 500 bike share "docks", which will serve 250 electric-assist bikes in a public bike share system. **Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will help to serve walk-up customers.** These docks and bike share "stations" (groupings of docks) will be located in the furniture zone, adjacent to other street fixtures like light poles, newspaper stands, planters and street trees, and existing hitching post bike parking. Along State St, and in the Downtown area, these stations will generally consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage areas, this dock number may increase to accommodate more users.

## Owners

Name	Address
CITY OF SANTA BARBARA	735 ANACAPA ST
Primary? Y	SANTA BARBARA, CA 93101
Email:	Phone:

## Contacts

Contact Type	Name/Business Name	Address
<i>Applicant</i>	Samuel Furtner	
Primary? N	City of Santa Barbara	
	Phone1:8058972669	
	Phone 2:	,
	Phone 3:	Email: SFurtner@SantaBarbaraCa.gov

### *Business Name*

Primary? N	BCycle LLC	
	Phone1:8056954061	
	Phone 2:	,
	Phone 3:8589453700	Email: jesse_rosenberg@bcycle.com

## Case Conditions

12/3/2020 Planning - Planning Commission or Staff  
Hearing Officer Conditions on File

Parcel Tag

Date Printed: 3/6/2021

**Exhibit 5**  
**Appeal No. A-4-SBC-21-0021**  
**Appeal Form**  
**Page 9 of 20**



PLN2020-00386

APN#031-160-015

630 GARDEN St

## Description of Application

This project is the first phase of bike share implementation in Santa Barbara. When complete, the project will involve the installation of 500 bike share "docks", which will serve 250 electric-assist bikes in a public bike share system. Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will help to serve walk-up customers. These docks and bike share "stations" (groupings of docks) will be located in the furniture zone, adjacent to other street fixtures like light poles, newspaper stands, planters and street trees, and existing hitching post bike parking. Along State St, and in the Downtown area, these stations will generally consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage areas, this dock number may increase to accommodate more users.

## Owners

Name	Address
CITY OF SANTA BARBARA	735 ANACAPA ST
Primary? Y	SANTA BARBARA, CA 93101
Email:	Phone:

## Contacts

Contact Type	Name/Business Name	Address
<i>Applicant</i>	Samuel Furtner	
Primary? Y	City of Santa Barbara	
	Phone1:8058972669	
	Phone 2:	,
	Phone 3:	Email: SFurtner@SantaBarbaraCa.gov

### *Business Name*

Primary? N	BCycle LLC	
	Phone1:9204782191	
	Phone 2:	,
	Phone 3:	Email: mramaker@bcycle.com

### *Owner*

Primary? N	City of Santa Barbara
	Phone1:8055645390





PLN2020-00378

APN#031-160-015

630 GARDEN St

## Description of Application

In partnership with the City permitted bike share operator, BCycle, the Public Works Department is proposing the first phase of the Pilot Bike Share Program. When complete, the project will involve the installation of 500 bike share docks, which will serve 250 electric-assist bikes in a public bike share system. Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will be installed to help serve walk-up customers. These docks and bike share "stations" (grouping of docks) will be located in the furniture zone, adjacent to other street fixtures including: light poles, newspaper stands, planters and street trees, and existing bike hitching posts. Along State Street and in the Downtown area, these stations will consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage area, this dock number may increase to accommodate additional users.

## Owners

Name	Address
CITY OF SANTA BARBARA	735 ANACAPA ST
Primary? Y	SANTA BARBARA, CA 93101
Email:	Phone:

## Contacts

Contact Type	Name/Business Name	Address
<i>Applicant</i>	Samuel Furtner	
Primary? N	City of Santa Barbara	
	Phone1:8058972669	
	Phone 2:	,
	Phone 3:	Email: SFurtner@SantaBarbaraCa.gov

### *Owner*

Primary? N	City of Santa Barbara	
	Phone1:8055645390	
	Phone 2:	,
	Phone 3:	Email: RDayton@SantaBarbaraCA.gov

### *Business Name*

Primary? N	BCycle LLC
	Phone1:9204782191

# EXHIBIT B

## SUPPLEMENTAL INFORMATION

**RE: Public Records Request, “Partnership”, Decision Limited to “Color”, Project Descriptions (ABR, HLC, PLN# & PC), Correct Motions by City Council at Appeal Hearing:**

The Coastal Commission and Staff should be made aware:

1. On February 10, 2021 I made a public records request for all emails and letter sent to the City Council for the appeal heard by the City Council on February 2, 2021. On February 22, 2021 I received a response. On February 28, 2021 I informed the City that the response was incomplete. I have informed the City that at least 3 individuals sent emails to the City Council individually or collectively and their letters were not included in the response. Neither I or the Coastal Commission would know the issues raised or who the interested parties are without these records which are incomplete as of this date.
2. This is not a public works project. Developing a bike share system is a goal. The City of Santa Barbara does not have a “partnership” with BCycle and the City does not have a bike share program it has a permitting mechanism for a commercial bike share business. Currently, BCycle is the true applicant of this CDP and it is the only commercial business permitted to operate in the City of Santa Barbara. As such, BCycle is solely responsible for: obtaining permits, operating, installing and maintaining the e-bikes, kiosks and docking stations, not the City of Santa Barbara.
3. The HLC and ABR were told by the City Staff that their purview of the projects presented to them was “color” and not site location which is inconsistent to the Coastal Act (Policy: Section 30251), the Implementation Plan and SBMC’s 22.22.145, 22.68.045, 22.22.140, 22.68.045 and 22.68.090. The HLC denied the project while the ABR approved the project which had one proposed location in their jurisdiction with required review by the Harbor Commission (HC). That did not happen until the week before the appeal was heard at City Council. At that meeting the HC voted to send a letter to the City Council voicing substantial safety concerns for pedestrians and e-bikes on the same shared path (the Beachway described in the Local Coastal Plan), the 17MPH rate that BCycle bikes can travel up to, as well as enforcement and the free use of public land for private profit.
4. There are two different Project Descriptions included in the notice sent to the Coastal Commission. Neither adequately describe the project that was discussed verbally during the appeal or hearings. For instance, the number of bike dock locations or even the number of bike docks or kiosks the applicant, BCycle, estimates it will install in the Coastal Zone is disclosed. Instead, the Project Description for the project (PLN2020-00547) either omits any estimate or states the total number of bike docks BCycle is permitted to install per their operating permit (500) and RFP during a 3-year pilot program. Additionally, the bike share Project Descriptions noticed for public hearing for the Architectural Board of Review (ABR) (PLN2020-00386) and the Historic Landmarks Commission (HLC)

# EXHIBIT B

## SUPPLEMENTAL INFORMATION

(PLN2020-00378), as well as the internal PLN# for this project (PLN2020-00547) all describe the project as:

- a. *“Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will help to serve walk-up customers.”*
5. On October 20, 2020 the City Council removed the HLC’s purview of e-bikes from the State Street *“promenade”* (Gutierrez to Sola) under the City Charter (Section 817 (c)) leaving all other areas of the HLC’s purview intact. The City Council does not have a mechanism to override a decision by the ABR or HLC unless an appeal is filed.
6. The motions adopted by the City Council on February 2, 2021 were misrepresented in the notice received by the Coastal Commission. While the Minutes from the appeal hearing are not available the motions are transcribed below with a link to the motion. The motions adopted are as follows:
  - a. **MOTION #1:** *“To deny the appeal, to make the required findings and to uphold the Planning Commissions approval of the programmatic Coastal Development Permit subject to the conditions of approval in the Planning Commission Resolution No. 010-20, to include the...request for an annual report and for staff to take into consideration the comments made today during the discussion, minus the kiosk provision.”*
    - i. Jordan/O. Gutierrez, unanimous vote. (4:39:40 to 4:41:18)
    - ii. <https://santabarbaraca.open.media/sessions/161504?embedInPoint=16780&embedOutPoint=16878&shareMethod=link>
  - b. **MOTION #2:** *“For staff to work to place the kiosks to the left and right of State Street on Cabrillo Blvd on the side of the street that the Applicant, Staff and vendor feel is best suited as given councilmembers comments. The reasoning is equity for low-income users of the bike share program.”*
    - i. Jordan/Murillo, 6/1, Sneddon dissenting. (4:42:51 to 4:43:54)
    - ii. <https://santabarbaraca.open.media/sessions/161504?embedInPoint=16971&embedOutPoint=17030&shareMethod=link>
7. **MOTION #1** eliminated the provisions related to the placement of kiosks (Conditions II.A.4 and II.A.5) in Resolution No. 0110-20.
8. Council instructed City Staff to make decisions related to the CDP based upon the Councils comments which were not memorialized in the Resolution and are directional in nature. They were as follows:
  - a. Due to concerns raised with the placement of docks in close proximity to existing bike rental businesses Councilmembers requested that staff be sensitive install docks and to not install bike docks too close to them.
  - b. Allow no more than 6 docking stations grouped together.
  - c. Where staff has determined that there is not a safety concern bike docks may be installed in the street.

### 3. IDENTIFICATION OF INTERESTED PERSONS

Unfortunately, a public records request for the email correspondence regarding this project, which would identify other interested persons, has not been properly fulfilled by the City of Santa Barbara as of this date. Therefore, I intend to provide a supplemental attachment of interested persons at a later date.

Meanwhile, the interested parties I have identified are listed below.

Alicia Drew  
Wheel of Fun  
24 E Mason St.  
Santa Barbara, CA 93101  
info@wheelfunrentalssb.com

Harbor Commission  
C/O John Stedman  
Waterfront Administration Office  
132-A Harbor Way  
Santa Barbara, CA 93109

Allied Neighborhoods Association  
c/o Mary Turley  
907 Isleta Ave.  
Santa Barbara, CA 93109  
Contacts@sb-allied.org

Mary Louise Days  
2833 Puesta del Sol Rd.  
Santa Barbara, CA 93105  
mldays@cox.net  
805-687-2957

Bonnie Donovan  
315 Bath St.  
Santa Barbara, CA 93101  
bcd5thbrat@cox.net

Paulina Conn  
2612 Foothill Rd.  
Santa Barbara, CA 93105  
805.682.5183  
pconnt43@cox.net

Christine Neuhauser  
936 E Canon Perdido St.  
Santa Barbara, CA, 93103  
christineneuhauser@yahoo.com

Sheila Lodge  
1303 Las Alturas Rd.  
Santa Barbara, CA 93103

Citizens Planning Association  
C/O Mary Ellen Brooks  
916 Anacapa St.  
Santa Barbara, CA 93101  
citizensplanningsb@gmail.com  
805.966.3979

Sue Melnor  
412 Loma Alta Dr.  
805.963.5023  
Santa Barbara, CA 93109

Elizabeth R. Cramer  
PO Box 40166  
Santa Barbara, CA 93140  
betsrc@gmail.com  
805-560-0965



#### 4) GROUNDS FOR THIS APPEAL

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

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I am appealing the February 2, 2021 decision by the Santa Barbara City Council to deny the appeal I filed for a *“programmatic”* Coastal Development Permit (CDP) for the Bicycle Share Station project in the Coastal Zone (PLN2020-00547/CDP2020-00017). The Local Coastal Plan (LCP) Policies the City cited during review and issuance of the CDP were: Policy 3.1-7 Encourage Sustainable Transportation, and Policy 3.1-27 Maintain, Improve, and Maximize Sustainable Coastal Access, while two Public Resources Codes (§30250 and §30251) were cited for being consistent with Coastal Act. No other LCP Policies or Coastal Act Sections were cited in the evaluation for the issuance of the CDP. The development, as described and approved, does not conform to the City's LCP or the Coastal Act public access provisions as detailed below.

The City of Santa Barbara's LCP is comprised of a Coastal Land Use Plan (LUP) which was certified by the California Coastal Commission (CCC) in 2019 and an Implementation Plan (IP) that was originally certified in 1986. Neither the LCP, IP or Coastal Act define, describe, or permit a *“programmatic”* Coastal Development Permit (CDP) which is what the Applicant is requesting. Additionally, allowing a local government to permit a *“programmatic”* CDP would not only be precedent setting and of statewide significance, but it would result in problematic outcomes, and be an egregious violation of the Coastal Act and the LCP. Why? Unknown locations are being permitted for development, a proper analysis cannot be conducted of unknown locations, and the public would be prevented from *“fully participat[ing] in decisions affecting coastal planning”* if future locations were permitted as requested.

In order to better frame the reasons, the approved *“programmatic”* CDP is inconsistent with the LCP and public access provisions of the Coastal Act the following must to be kept in mind in evaluating the approved permit:

- The applicant is requesting a *“programmatic”* CDP that if approved, would give City Staff and the true Applicant and permitted commercial bike share operator, BCycle, sole decision-making powers *“to move, add, or remove dock[ing] stations as needs ebb and flow.”* Additionally, the public would be unable to *“fully participate in decisions affecting coastal planning,”* as there would be no neighborhood or public outreach or consensus on site locations, configurations, size, or discussion of public access

needs, as it relates to this commercial development of the public right of way which is inconsistent with the Coastal Act (Section 30006 and 30251) and in some cases the LCP (Policies: 4.3-5, 4.3-6, 4.3-27, and 4.3-28).

- Giving City Staff and BCycle sole decision-making authority to issue CDPs is a bad policy decision. It has the real and demonstrated potential to permit locations that would not otherwise have been permitted, because the public was not allowed to participate in the location decision-making process prior to a hearing, have their site-specific concerns addressed, or ensure that a proper analysis be conducted.
- An example of a site that was removed as a proposed location prior to review by the Planning Commission hearing was the placement of a bike docking station directly in front of Ambassador Park which was shown to the Architectural Board of Review but not the Planning Commission or the Historic Landmarks Commission which had purview of the location. This park is not only a scenic and historic resource, but a California Historic Landmark, and is identified in Figure 4.3-1 of the LCP as a key public view.
- It would be inconsistent with the LCP (Policies: 1.2-2, 4.3-5, 4.3-6, 4.3-27, and 4.3-28) to permit development without identifying public, scenic and historical resources, view corridors, or requiring that development avoid impacts or to obstruct public views.
- It would be inconsistent with the Coastal Act (Section: 30251) not to “*protect...a resource of public importance*” nor “*protect views to and along the ocean and scenic coastal areas*”.
- Public participation of the proposed commercial development would eliminate or mitigate the inconsistencies of the Coastal Act and LCP noted and illustrated above.
- Approval of a “*programmatic*” CDP would allow a CDP to be issued for an unknown location, without identifying the exact location, dimensions, configuration of bike dock/stations (i.e. whether each dock/station location is parallel, perpendicular or angled), the number of bike docks at each location, the number of bike docks or kiosks in the Coastal Zone, and without providing visuals of the site that illustrate bikes docked in docks or the streetscape. This would be inconsistent with the Coastal Act (Sections: 30251) nor is it consistent of the LCP (Policies: 1.2—2, 4.3-29, 4.3-3, 4.3-7, 4.3-8, 4.3-5, and 4.3-27).
  - Santa Barbara has many coastal, scenic, key public, and historic resources protected under the Coastal Act (Section 30251). As such, it requires both a protective and balanced approach to development that would take into account these resources along with the economic benefits Santa Barbara enjoys due to its carefully cultivated visual aesthetics which is recognized as a key driver of the economy. These factors make it imperative that LCP Policy 1.2-2, which states the most protective policy of resources “*shall take precedence*” is not minimized or disregarded and that locations receive the full analysis as specified by the LCP (4.3-29, 4.3-3, 4.3-7, 4.3-8, 4.3-5, and 4.3-27).

Additionally, special emphasis should be placed on requiring alternate locations in much of the Coastal Zone along the Waterfront, as well as prohibiting the issuances of a “*programmatic*” CDP that does not identify a location and also excludes public participation which is not consistent with the Coastal Act (Section 30006).

- The negative impacts of a poorly sited docking station or kiosk can be easily avoided by resiting locations to side streets, as public safety allows, and within public parking lots without negatively affecting parking and engaging the public on locations which the City has failed to do.
- Approving a “*programmatic*” CDP without any public review of unknown sites or any location without fully protecting, maintaining, maximizing, or considering public access or needs, or the incremental demand or effects or safety concerns of the public or need to regulate or mitigate is inconsistent with the Coastal Act (Sections: 30001.5 b and c, 30105.5, 30214 a (2), and 30210, 30250, 30252 and 30214) and the LCP (Policies: 2-1-15, 2-1-16, 2.2-20, 3.1-27 f and i, 3.1-37 A (i), and 3.2-10).
  - Giving City Staff and BCycle sole decision-making authority to issue CDPs is a bad policy decision. It has the real and demonstrated potential to permit locations that would not otherwise have been permitted, because the public was not allowed to participate in the location decision-making process prior to a hearing, have their site-specific concerns addressed or ensure that a proper analysis be conducted.
  - An example of a location that was removed as a location for a biking station after the Planning Commission approved the “*programmatic*” CDP is the Amtrak Station. This location would have eliminated a bus turn out on State St. and failed to maintain or maximize public access to the coast.
  - Converting this bus turn out would have eliminated public access at a key location in the transit system, which has already been severely reduced due to the elimination of the Waterfront and Downtown shuttle service. Additionally, neither the MTD, public input or the reduction in public access was considered before or during any hearing on this “*programmatic*” CDP. This is inconsistent with the Coastal Act (Sections: 30001.5 b and c, 30105.5, 30214 a (2), and 30210, 30252 and 30214) and the LUP (Policies: 2-1-15, 2-1-16, 2.2-20, 3.1-27 f and i, 3.1-37 A (i), and 3.2-10) which require analysis of specific locations, including an analysis of public access as it relates to maximizing, maintaining, reducing, impeding, or eliminating public access.
  - Finally, had the public and the MTD representatives been able to “*fully participate*” in vetting the proposed locations prior a public hearing this location would not have been proposed and then subsequently removed due the City’s failure to conduct proper outreach.
- Permitting development that has a negative or cumulative effect on public access, is not evaluated for potential user demand, or where public safety is a concern is not consistent with the Coastal Act (Sections: 30001.5, 30105.5, 30210, 30214 a (2), 30200 A and B) or the LCP (Policies: 1.2-2, 1.2-6, 3.1-27, f and I, 3.1-37 A (ii), and

3.2-10). Why? The City and CCC have a duty to analyze the effects of past, current and probable future projects on public access. They also have a duty to maintain or enhance public access instead of permitting development that would have the effect of reducing or impeding some members of the public due to public safety issues with the volume and behavior of bicyclists using City sidewalks and the Beachway.

- The City is well aware of the numerous reports from the public of pedestrian and bicyclist conflicts on sidewalks and the Beachway, which is the shared multi-use pathway that runs along the Waterfront adjacent to Cabrillo Blvd. City Council and Staff and Commissions at the Planning and Harbor Commission know of, or have received reports of, increasing public concern related to public safety and pedestrian public access. Reports have included the increased number of bicyclists on sidewalks and the Beachway, the number of, collisions, and speed of all types of bikes, but especially the speed of e-bikes the City has permitted for use in the City which travel up to 17MPH.
- Besides the increasing number of complaints, news articles and knowledge that some pedestrians are no longer accessing the Beachway, the fact that the bike share permit is for up to 250 e-bikes with the roll out focused on the Downtown and Waterfront/Funk Zone, which ensures increased conflicts and e-bikes on the Beachway, no action was taken to protect known or foreseeable public safety issues.
- The Coastal Act (Section: 30214 a (2), and 30210) LCP Policy 3.1-27 allows the City to *“regulate the time, place, and manner of public access depending on the facts and circumstances including, but not limited to”* the capacity and intensification of use as well as public safety concerns. Unfortunately, the City did not evaluate, choose to regulate as a condition of approval or prohibit e-bikes on the Beachway, on State St. or the Waterfront which it could have done in order to protect public safety, or improve or maximize public access within the Coastal Zone which is inconsistent with the LUP (Policies: 1.2-2, 1.2-6, 3.1-27, f and I, 3.1-37 A (ii), and 3.2-10) and which other cities like New Port Beach have chosen to do.
  - It should be noted that recently the City of New Port Beach placed an 8MPH speed limit on the oceanfront boardwalk located on the Balboa Peninsula with the New Port Beach Police Department strictly enforcing the speed limit. .
- Bike docks are affixed to the ground and are 30 inches in height by 13.75 inches in width alone. However, a docked bike increases the mass, size, bulk and scale and creates a larger visual impact than the structure itself. The dimensions of a single docked bike is 6 feet in length, by 28 inches in width, by 44 inches in height. Bike stations with bikes are significant in mass, size, bulk and scale when compared to a bike dock. Enrollment kiosks are ~9 feet in height without solar panels by ~30 inches in width and ~2 feet taller with solar panels. It is inconsistent with the Coastal Act (Section 30251) to permit development that is not *“sited and designed to protect public views”*, nor is it consistent with the LCP (Policies: 4.3-29, 4.3-3, 4.3-7, 4.3-8, 4.3-5, and



4.3-27) to not to require a “*site-specific visual evaluation*”, or to “*avoid impacts to scenic*” and coastal resources.

- Cumulatively the mass, size, bulk and scale of a bike station, with an unknown number of bikes, with or without a kiosk, does not maintain, enhance or protect the highly public scenic views of the Coastal Zone enumerated in the LCP (Policies: 4.3-1, 4.3-29) or the Coastal Act (Sections: 30251. Instead, these sensitive public views and the adjacent access points can be visually degraded while public access can be reduced if bike stations and kiosks are not properly sited or the CDP is not properly conditioned.

With the above stated it should be noted that the CCC or its Staff have required bike share programs in the cities of: Santa Cruz (CP18-0003, CP18-0004, CP18-0005, CP18-0006, and CP-0013), Los Angeles (5-17-0500-W), and Santa Monica (5-15-0616-W) to comply with noticing, review, a specific location, site plans, that they meet site specific visual requirements, when it either granted waivers for a bike share program, or when CDPs were heard by the Coastal Commission on appeal. Additionally, the terms of approval of the aforementioned bike share programs were limited to the locations proposed and contained a revocation clause for locations added without approval which this CDP lacks. For this reason, it makes is incomprehensible that the CCC would allow the issuances of a CDP where locations, proper analysis or public participation is entirely lacking when this CDP is not only precedent setting but of statewide concern.

Finally, the terms and conditions of this “*programmatic*” CDP are not sufficient to protect public safety, access or our coastal or scenic resources and briefly mentioned above. The following conditions of approval should be considered by the CCC:

- Require BCycle to offer non-electric bikes rentals, reduce the rates to City residents and/or expand the low-income bracket rates from 200% of Average Medium Income (AMI) to 80% (AMI). (The rates for this commercial bike share business are to my knowledge the highest in the State and perhaps the nation and lower-income residents of the City should have more access to this bike share immediately due to the loss of MTD routes in the Coastal Zone transportation needs.)
- Require a defined outreach operational plan for lower income residents.
- Require that bike dock locations be located in public parking facilities in order to meet the state Coastal Act and LUP polices or the issues raised above.
- Require wayfinding signs to direct residents and tourists to bike dock locations to increase public access for those without smart phones.
- Require that bike dock stations be located near transit stops to ensure that bikes will be available for transit riders to connect them to their final destination.
- Limit the speed limit of e-bikes to 8MPH on the Beachway.
- Limit access to the Beachway during peak tourists season or at minimum on weekends and holidays.

- Prohibit any installation of a docking station location that would impede, eliminate or reduce public access.
- Prohibit the installation of any docking station or kiosk without a location and public hearing on the issuance of the CDP.
- Require that paper maps be made readily available so that any member of the public without a smart phone can readily locate a bike station and kiosk and required that maps be available in English and Spanish.
- Require fair compensation for use of the public property for commercial benefit.
- Require that bike docks be made available for the use of the public rather than the exclusive use of the users of the bike share business.
- Require that at least 1/3 of bike docks be located in residential neighborhoods rather than primarily in commercial corridors.
- Limit the number of bike docks to 150 in the Coastal Zone as 2017 South Coast Bike Share Feasibility Report recommends. (This the minimum recommended.)
- Limit the number of bike dock stations to no more than 6 bikes to minimize siting impacts and visual requirements related to historic, coastal and scenic resource.
- Prohibit kiosks on the oceanside of Cabrillo Blvd. unless they are installed in the public parking lots and screened and/or installed inside the public parking lot and not sidewalks or parkways.