

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
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Appeal Filed: 3/9/21
 49th Working Day: 5/18/21
 Staff: M. Kubran - V
 Staff Report: 5/20/21
 Hearing Date: 6/11/21

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

APPEAL NUMBER: A-4-SBC-21-0021

APPLICANT: City of Santa Barbara

APPELLANT: Anna Marie Gott

LOCAL GOVERNMENT: City of Santa Barbara

LOCAL DECISION: Approval with Conditions of Coastal Development
 Permit No. CDP2020-00017

PROJECT LOCATION: Waterfront Neighborhood, City of Santa Barbara,
 Santa Barbara County

PROJECT DESCRIPTION: Implementation of a three-year, city-wide electric bike
 share pilot program, including installation of
 approximately 166 bike docks and two enrollment
 kiosks within existing developed areas in the Coastal
 Zone portion of the City.

STAFF RECOMMENDATION: **No Substantial Issue**

MOTION & RESOLUTION: **Pages 6-7**

NOTE: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The Commission's role at the "substantial issue" phase of an appeal is to decide whether the appeal of the local government action raises a substantial issue with

respect to the grounds on which the appeal was filed, which can include a claim that the approved development is not in conformity with the applicable provisions of the certified Local Coastal Program (LCP) or with the public access policies of the Coastal Act (Pub. Res. Code §§ 30210-14). Staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the subject appeal has been filed. The **motion** and **resolution** for a “no substantial issue” finding are found on **pages 6-7**.

The approved project is for a bicycle share program that involves installation of approximately 166 bicycle docks and two enrollment kiosks in the coastal zone portion of the City that would serve a fleet of approximately 250 pedal-assist electric bicycles available for rent City-wide. The bicycle share program was approved as a pilot program for three years and is intended to provide point to point access to destinations throughout the City’s Downtown and Waterfront neighborhoods. Only the Waterfront neighborhood is within the Commission’s appeal jurisdiction; therefore, only the development located within the Waterfront neighborhood is subject to this appeal. All docks and kiosks would be located within City rights-of-way and on City-owned parcels, specifically on existing sidewalks in the “street furniture” zone where bike racks, signage, and landscaping are typically installed. However, the approved CDP would allow the City’s Public Works Department, in partnership with the City’s permitted bicycle share program operator, to relocate, add, or remove bicycle docks and kiosks, within the City rights-of-way and on City-owned parcels, based on ridership and demand. Additionally, the City has indicated that bike stations would not be located in parking lots or in on-street parking areas and would therefore not remove or displace any existing vehicle parking. At the end of the three-year pilot period, City staff and the City’s Transportation and Circulation Committee will evaluate the program’s usage to determine if a more permanent program should be implemented. A new CDP would be required to extend the program beyond the three-year term authorized by the approved project.

The appellant in this case made several assertions, including that the approved project is inconsistent with the public access policies of both the Coastal Act and the certified City of Santa Barbara LCP as well as the visual resources policies of the City’s LCP. The Coastal Act and LCP prioritize and protect public access to the coast. The City’s certified LCP also requires development to avoid, or minimize if avoidance is infeasible, impacts to scenic resources and public scenic views. In its approval of the subject CDP, the City applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact public access, visual resources, or any other coastal resources, and is therefore consistent with the public access and recreation policies of the Coastal Act and the visual resources policies of the LCP. The bike docks and kiosks would be located in existing developed areas on sidewalks and parkways where bike racks and other street furniture are typically installed. The City also conditioned the permit to limit the number of kiosks installed in the coastal zone to a maximum of two and required the kiosks to be installed on the inland side of Cabrillo Boulevard, which runs parallel to the coast. Further, the City’s approval requires bike docks to be installed on the inland side of Cabrillo Boulevard where possible, and the City conditioned the permit to not allow the development to be sited in environmentally sensitive habitat areas or require the

removal of any trees. For these reasons, the approved project would not negatively affect any coastal resources and would maximize public access opportunities consistent with the Coastal Act and LCP.

In summary, the City's findings that the project is consistent with the visual resources policies of the certified LCP and the public access policies and provisions of the Coastal Act and certified LCP, and its approval of the project for those reasons, is based on sufficient factual evidence and legal support. The extent and scope of the development is relatively small, and although the coastal resources at issue in this permit action (public access and public ocean views) are significant, the approved project in this case is limited and would not adversely impact public access to the coast or views of the ocean. In addition, the project does not raise issues of regional or statewide significance, and the City's decision will not have an adverse precedential value for future interpretation of its LCP. With these factors in mind, staff believes that on balance this appeal does not raise a substantial issue. Accordingly, staff recommends that the Commission find that the appellant's contentions raise no substantial issue with regard to the approved project's consistency with the policies and provisions of the City's certified LCP and the public access policies of Coastal Act.

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EXHIBITS

<u>Exhibit 1</u>	<u>Proposed Locations</u>
<u>Exhibit 2</u>	<u>Visual Simulations</u>
<u>Exhibit 3</u>	<u>Station Dimensions</u>
<u>Exhibit 4</u>	<u>Final Local Action Notice for CDP2020-00017</u>
<u>Exhibit 5</u>	<u>Appeal by Anna Marie Gott</u>

I. APPEAL JURISDICTION AND PROCEDURES

A. APPEAL PROCEDURES

The Coastal Act provides that after certification of a local government's Local Coastal Program (LCP), the local government's actions on Coastal Development Permit (CDP) applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their CDP actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Approvals of CDPs by cities or counties may be appealed if the development authorized is to be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea; within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater; on state tidelands; or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff (Coastal Act Section 30603(a)). Any developments that constitute major public works or major energy facilities may also be appealed to the Commission (Coastal Act Section 30603(a)(5)).

In this case, the City's CDP approval is appealable to the Coastal Commission because portions of the project are located between the first public road and the sea or within 300 feet of the inland extent of the beach.

2. Grounds for Appeal

The available grounds for an appeal of a local government approval of development are limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the Coastal Act (Coastal Act Section 30603(b)(1)).

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the Commissioners present is required to determine that an appeal raises no substantial issue and that the Commission will therefore not review the CDP *de novo*. If the Commission determines that no substantial issue exists, then the local government's CDP action will be considered final.

4. De Novo Permit Hearing

Should the Commission determine that a substantial issue exists, the Commission will consider the CDP application de novo. The applicable test for the Commission to apply in a de novo review of the project is whether the proposed development is in conformity with the certified LCP and, if the development is between the sea and the first public road paralleling the sea, the public access and recreation policies of the Coastal Act (Coastal Act Section 30604(b) & (c)). If a de novo hearing is held, testimony may be taken from all interested persons.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On November 19, 2020, the City of Santa Barbara (City) Planning Commission approved Coastal Development Permit No. CDP2020-00017 with conditions. On November 30, 2020, the project was appealed to the City Council by Anna Marie Gott, who is also the appellant here. The appeal was denied and the permit for the project was approved by the City Council on February 2, 2021.

The City's Notice of Final Action was received by Commission staff on February 23, 2021 ([Exhibit 4](#)). Commission staff provided notice of the ten working-day appeal period, which began on February 23, 2021 and ended on March 9, 2021. Gott filed an appeal on March 9, 2021, during the Commission's appeal period ([Exhibit 5](#)). Commission staff notified the City, the applicant, and all interested parties that were listed on the appeal and requested that the City provide its administrative record for the permit. The administrative record was received on March 16, 2021. Pursuant to Section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which the appeal was filed with the Commission, which would be May 18, 2021; however, according to Section 30625(a), the applicant can waive that time limit. On May 6, 2021, prior to expiration of the 49-working day deadline for Commission action, the applicant waived its right to a hearing within 49 working days.

II. STAFF RECOMMENDATION FOR NO SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-SBC-21-0021 raises NO substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. If the Commission finds **No Substantial Issue**, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-4-SBC-21-0021 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The subject Coastal Development Permit (CDP) approved by the City of Santa Barbara (City) is for a city-wide bicycle share program that would involve installation of bicycle docks and enrollment kiosks in the Downtown and Waterfront neighborhoods of the City. When complete, the project would consist of approximately 500 bicycle docks City-wide that would serve a fleet of approximately 250 pedal-assist electric bicycles available for rent. While the approved project encompasses both the Downtown and Waterfront neighborhoods, only the City's Waterfront neighborhood is within the Commission's appeal jurisdiction. The approved CDP would allow the City's Public Works Department, in partnership with the City's permitted bicycle share program operator, to relocate, add, or remove bicycle docks and kiosks based on ridership and demand. The applicant anticipates that approximately one-third or 166 of the bike docks will be installed in both the appealable and non-appealable areas of the coastal zone. All docks and kiosks would be located within City rights-of-way and on City-owned parcels, specifically on existing sidewalks in the "street furniture" zone where bike racks, signage, and landscaping are typically installed. Visual simulations of proposed locations are shown in [Exhibit 2](#).

Each bike dock station would typically consist of a minimum of two docks and a maximum of six to eight docks. Each dock holds one bicycle. The height of each dock is approximately 30 inches, while the height of the bicycles themselves are approximately 44 inches. The height of each enrollment kiosk, which allow for members of the public to sign up for the bicycle share program, would be a maximum height of 9 feet or 11 feet with a solar panel, and the maximum width of each kiosk is approximately 30 inches. The City approved a maximum of two kiosks in the coastal zone.

The bicycle share program was approved as a pilot program for three years and is intended to provide point to point service for its users (i.e., provide transportation between locations that are too far to walk but too short to drive). The approved program is not intended to replace existing commercial bike rentals that are typically used for leisure and recreation, although the approved bikes could be used for such activities as well. At the end of the pilot program, City staff and the City's Transportation and Circulation Committee will evaluate the program's usage and whether the program offset carbon emissions during the three-year period. This data will be used to determine whether a more permanent program should be implemented. A new CDP

would be required to extend the program beyond the three-year pilot period approved by the City and on appeal here.

B. APPELLANT'S CONTENTIONS

The City's final action on the subject CDP was appealed to the Commission by Anna Marie Gott on March 9, 2021 ([Exhibit 5](#)). The appellant contends that the project as approved is inconsistent with the visual and public access policies of the City's Land Use Plan and the public access policies of the Coastal Act because it would allow the bicycle docking stations to be moved without noticing or public participation, which could result in impacts to public access and visual resources. The contentions of the appeal are discussed and addressed in greater detail below.

C. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the locally-approved project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellant cited both the public access policies of the Coastal Act and the policies contained in the certified City of Santa Barbara LCP as grounds for appeal.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (§30625(b)(2).) Section 13115(c) of the Commission's regulations provides that the Commission may consider various factors when determining if a local action raises a significant issue, including but not limited to the following five factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and, where applicable, the public access and recreation provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its local coastal program; and
5. Whether the appeal raises only local issue as opposed to those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor. In this case, the Commission determines that the appeal raises no substantial issue with regards to the grounds on which the appeal has been filed, as discussed below.

1. Public Access and Recreation

The appellant asserts that the project, as approved by the City, does not conform to the following policies and provisions of both the Coastal Act and the City's LCP.

Coastal Act Section 30210 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.

Coastal Act Section 30214 states, in relevant part:

(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:

...

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

City of Santa Barbara Coastal Land Use Plan Policy 1.2-2 states:

Resolution of Policy Conflicts. Where policies within the Coastal LUP overlap, the policy which is most protective of resources, i.e., land, water, air, etc., shall take precedence.

City of Santa Barbara Coastal Land Use Plan Policy 2.1-15 states:

Maintenance and Enhancement of Public Access. As outlined in Coastal Act Section 30252, the location and amount of new development or substantial redevelopment 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, and (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.

City of Santa Barbara Coastal Land Use Plan Policy 2.1-16 states:

Siting of New Development. As outlined in Coastal Act Section 30250(a), new and substantially redeveloped residential, commercial, or industrial development, except as otherwise provided in the Coastal LUP, 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.

City of Santa Barbara Coastal Land Use Plan Policy 2.2-20 states:

Accessory Structure. An accessory structure is a subordinate structure, used only as incidental to the main or principal structure on the same lot. Examples of residential accessory structures include, but are not limited to, carports, garages, decks, patios, storage sheds, and swimming pools.

City of Santa Barbara Coastal Land Use Plan Policy 3.1-7 states:

Encourage Sustainable Transportation. Encourage use of sustainable transportation, (i.e., pedestrian, bicycle, and transit) to the shoreline, along the coast, and throughout the Coastal Zone.

City of Santa Barbara Coastal Land Use Plan Policy 3.1-27 states, in relevant part:

Maintain, Improve, and Maximize Sustainable Coastal Access. New development and substantial redevelopment shall maintain and, where appropriate and feasible, improve and maximize safe walking, bicycling, and transit use to and within the Coastal Zone, consistent with the protection of coastal resources, through such methods as:

- A. Using dedication, acquisition of property or easements, and other applicable methods to connect bicyclists and pedestrians to public parking areas and points of interest;
- B. Improving and providing additional bicycling and walking routes and facilities such as public bicycle racks and lockers for bicyclists and seating and resting areas for pedestrians;
- C. Improving sustainable transportation connections from existing public parking lots to the Coastal zone;
- D. Working with Metropolitan Transit District (MTD), or other appropriate transit agencies, to maximize use of transit by improving bus and shuttle service, routes, turnouts, and shelters;
- E. Working with commuter rail operators to improve rail service;
- F. Improving the Beachway path to increase safety for all users;
- G. Improving street lighting to provide safe pedestrian access along pedestrian corridors, especially between State Street, Stearns Wharf, the Harbor, and visitor-serving accommodations;
- H. Converting excess vehicle capacity at the State Street underpass of Highway 101 to a more pedestrian-and bicyclist friendly space; and

- I. Improving and maximizing safe walking, cycling, and transit use to and within the Coastal Zone at Santa Barbara City College.

City of Santa Barbara Coastal Land Use Plan Policy 3.1-37 states, in relevant part:

Implementation of Public Access Policies. As outlined in Coastal Act Section 30214, the following shall be considered when implementing the public access policies of the Coastal LUP:

- A. The public access policies of the Coastal LUP 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:
 - i. Topographic and geologic site characteristics;
 - ii. The capacity of the site to sustain use and at what level of intensity;
 - iii. 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; and
 - iv. 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 City that the public access policies of the Coastal Act and the Coastal LUP 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 the Coastal LUP 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; and
- C. In carrying out the public access policies of the Coastal LUP the City 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.

City of Santa Barbara Coastal Land Use Plan Policy 3.2-10 states:

Increased Recreational Demand Evaluation. New development and substantial redevelopment shall be evaluated for potential new user demand generated by the development and associated circulation impacts on nearby coastal park and recreation facilities.

The appellant contends that the approved development does not conform to the public access policies of the Coastal Act and policies of the certified LUP listed above because it allows for bike dock locations to be added or moved without public review of the potential new locations, which could result in safety concerns and public access impacts. In the subject case, the approved CDP does allow for bike dock locations to be added, moved, or removed. The City proposed seven bike dock locations within the Commission's appeal jurisdiction, all of which are located in the City's Waterfront neighborhood. Most of these proposed bike dock locations are along and adjacent to Cabrillo Boulevard which runs parallel to the shoreline. Whether the City moves, removes, or adds bike dock locations in the Waterfront neighborhood will depend on usage and demand. However, the approved CDP limits the number of bicycle docks installed during the three-year term of the permit to a maximum of 500 bike docks City-wide, and the City anticipates approximately one-third or 166 of the bike docks will be installed in the Waterfront neighborhood and adjacent areas in the coastal zone. While the subject CDP provides flexibility to change the bike dock locations, all bike dock stations would be located in the "furniture zone" on existing sidewalks and parkways in City rights-of-way and on City-owned property. Therefore, staff believes that it is unlikely that the bike stations will lead to public access impacts, particularly because placement of other street furniture, including bicycle hitching posts, in these areas has not created public access issues. Additionally, the City has indicated that bike stations would not be located in parking lots or in on-street parking areas and would therefore not remove or displace any existing vehicular parking. Further, the City approved the subject project for three years during which the City would monitor the program and gather data to determine the public's use of the program. If the program is determined to be effective in providing point to point access and offsetting carbon emissions, and the City decides to extend the program, a new CDP will be required. Once the City has evaluated the project, more details regarding the parameters for the bike station locations can be provided in the long-term permit. Additionally, if it is determined that there were public access issues during the pilot program, such issues would also be addressed in the long-term permit.

The appellant also contends that the approved project has public safety implications in that it would increase conflicts between pedestrians and bicyclists on sidewalks and the multi-use path that runs along the waterfront parallel to the shoreline. Class-II bicycle lanes, which are designated lanes for bicyclists adjacent to automobile lanes, currently exist within the City on the major roads perpendicular and parallel to the coast. More specifically, a Class-II bicycle lane exists on either side of State Street, which is the main street through the City's Downtown neighborhood that connects the shoreline to areas well inland of the coastal zone, and a Class-II bicycle lane also exists on the inland (north) side of Cabrillo Boulevard. These designated lanes allow for bicyclists to circulate to and within the different neighborhoods without having to ride on the sidewalks or in automobile traffic. Further, it will remain illegal to ride bicycles on the sidewalk pursuant to Section 10.52.030 of the Santa Barbara Municipal Code. This prohibition is not affected by the approved project. Additionally, the multi-use path along the waterfront, also known as the Beachway, serves both pedestrians and bicyclists. This pathway is part of the California Coastal Trail as well as the regional Coast Bicycling Route from Carpinteria to Goleta. The approved bike share program would

provide access to shared bikes for visitors and residents to use the City's existing bicycling infrastructure.

The sidewalks in the Waterfront neighborhood, particularly along Cabrillo Boulevard, typically range in width between ten and twenty feet in order to accommodate the large amount of pedestrian traffic that is typical in these areas. As stated above, the bike dock stations will be located in the "furniture zone" on existing sidewalks and outside of the "pedestrian zone" where pedestrians typically walk. The design standards for the bike dock stations require an approximately 6-foot length for each dock and parked bicycle ([Exhibit 3](#)). Due to the large width of the sidewalks in the Waterfront neighborhood, the bike docks can be easily accommodated in the "furniture zone" without impacting pedestrian through traffic. Furthermore, since the bike dock stations would be located adjacent to bike lanes and bike paths, conflicts between bicyclists and pedestrians is not expected to increase, as bicyclists renting the subject electric bicycles will use the existing bicycling infrastructure.

The program is also intended to provide an alternative to walking and driving. This alternative mode of transportation is intended to make travel between destinations more convenient by decreasing travel time for pedestrians and eliminating the need to find vehicle parking. Additionally, one of the goals of the program is to reduce vehicle traffic, which may in turn reduce travel time for drivers. Therefore, providing this additional mode of transportation for visitors and residents maximizes public access to the shoreline and coast and increases the recreational opportunities for visitors and residents alike consistent with the public access policies of the Coastal Act and the certified LUP.

The appellant further contends that due to the maximum speed of the subject e-bikes, which is 17 miles per hour, conflicts between bicyclists and pedestrians will increase, especially along the Beachway. However, the 17 miles per hour speed is a maximum, and users can travel on the e-bikes at lower speeds. Moreover, non-electric bicycles can also travel at speeds of 17 miles per hour or greater, and e-bike users currently travel on the existing Class-II bike lanes and Beachway path. Therefore, conflicts between pedestrians and bicyclists is not expected to increase as a result of the maximum speed of the e-bikes.

The appellant also asserts that the City's approval is inconsistent with LUP Policy 1.2-2, which requires that where policies within the LUP overlap, the policy that is most protective of coastal resources shall take precedence, as well as Policy 2.2-20, which requires accessory structures to be subordinate to the main or principle structure on the same lot. As discussed in detail above, the subject project would provide increased public access and recreational opportunities to the coast. Further, while the specific locations of the bike docks can be moved, for the reasons stated above the potential impacts of the project were analyzed during the CDP process and the City found that the project was consistent with the public access policies of the LCP, including 3.1-7, which encourages sustainable transportation, and 3.1-27, which requires maintaining and, where feasible and appropriate, improving walking, bicycling, and transit in the Coastal Zone through different means. The project, as conditioned by the City, is

consistent with the applicable access and recreation policies so there is no conflict between policies that needs to be resolved through the application of Policy 1.2-2. Therefore, Policy 1.2-2 does not apply to this project. Similarly, the approved development does not constitute accessory structures and Policy 2.2-20 also does not apply to the subject project. Lastly, the appellant's grounds for appeal cites Coastal Act policies¹ that are not the standard of review, and as such, have not been included in this report. However, the appellant's claims with regards to those policies are addressed above.

For the reasons discussed above, the Commission finds that the project, as approved by the City of Santa Barbara, does not raise a substantial issue with respect to the consistency with the public access and recreation policies of the Coastal Act and certified LCP.

2. Scenic and Visual Resources

City of Santa Barbara Coastal Land Use Policy 4.3-1 states:

Enhance Visual Quality. Encourage and assist, where possible, creative public and private efforts to restore the scenic beauty of visually degraded areas of the City's Coastal Zone.

City of Santa Barbara Coastal Land Use Policy 4.3-3 states:

Design Review. Development in the Coastal Zone shall be reviewed by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board in accordance with established rules and procedures, as applicable. If any of the rules, procedures, or actions of these design review boards/commissions conflict with the policies of the Coastal LUP, the policies of the Coastal LUP shall take precedence.

City of Santa Barbara Coastal Land Use Policy 4.3-5 states:

Protection of Scenic Resources and Public Scenic Views. Development shall be sited and designed to avoid impacts to scenic resources and public scenic views. If there is no feasible alternative that can avoid impacts to scenic resources or public scenic views, then the alternative that would result in the least adverse impact to scenic resources and public scenic views that would not result in additional adverse impacts to other coastal resources shall be required. Methods to mitigate impacts could include, but not be limited to: siting development in the least visible portion of the site, managing building orientation, breaking up the mass of new structures, designing structures to blend into the natural setting, restricting the building maximum size, reducing maximum height standards, clustering building sites and development, requiring a view corridor, eliminating accessory structures not requisite to the primary use, minimizing grading,

¹ §30001.5(b), §30001.5(c), §30105.5, §30200

minimizing removal of native vegetation, incorporating landscape elements or screening, incorporating additional or increased setbacks, stepping the height of buildings so that the heights of building elements are lower closer to public viewing areas and increase with distance from the public viewing area. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to visual resources, public scenic views, or public viewing areas.

City of Santa Barbara Coastal Land Use Policy 4.3-6 states:

Obstruction of Scenic View Corridors. Development shall not obstruct public scenic view corridors of scenic resources, including those of the ocean viewed from the shoreline and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

City of Santa Barbara Coastal Land Use Policy 4.3-7 states:

Compatible Development. Development shall be sited and designed to be visually compatible with the character of surrounding areas and where appropriate, protect the unique characteristics of areas that are popular visitor destination points for recreational uses.

City of Santa Barbara Coastal Land Use Policy 4.3-8 states:

Mitigating Impacts to Visual Resources. Avoidance of impacts to visual resources through site selection and design alternatives, if feasible, is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts, shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures. When landscaping is required to screen the development, it shall be maintained for the life of the development for that purpose.

City of Santa Barbara Coastal Land Use Policy 4.3-27 states:

Public Scenic Views and Scenic Resources Identification. Public scenic views are defined as views of scenic resources as viewed from public areas, such as Cabrillo Boulevard, Shoreline Drive, Cliff Drive, Meigs Road, Coast Village Road, Highway 101, public bluff top vista points, trails, beaches, and parklands. Public scenic views may be framed (view corridor), wide angle, or panoramic. Scenic resources are generally shown on Figure 4.3-1 Scenic Resources and include, but are not limited to, the following:

Areas inside the Coastal Zone of the City:

- A. Pacific Ocean;
- B. Coastal Bluffs & Shoreline;
- C. Creeks, Estuaries, Lagoons, and Riparian Areas;
- D. Stearns Wharf;

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- E. Harbor;
- F. Douglas Family Preserve;
- G. Montecito Country Club;
- H. Andree Clark Bird Refuge;
- I. Bellosguardo (formerly known as the Clark Estate);
- J. Santa Barbara Zoo;
- K. Parks;
- L. Historic Structures, Sites, and Trees important for their visual quality; and
- M. Landscaping and structures that are contributing resources to Scenic Highways and Routes (Potential State Scenic Highway – Highway 101 and Potential City Scenic Routes – Cabrillo Boulevard and Shoreline Drive).

Areas outside the Coastal Zone of the City:

- A. Pacific Ocean;
- B. Channel Islands;
- C. Foothills-Rivera; and
- D. Santa Ynez Mountains.

Figure 4.3-1 Scenic Resources is intended to be a general planning tool. Any scenic resource not designated on Figure 4.3-1 Scenic Resources that meets the definition of a scenic resource as specified above shall also be subject to the scenic and visual policies herein.

City of Santa Barbara Coastal Land Use Plan Policy 4.3-28 states:

View Corridor. A narrow view framed on both sides by existing development (including landscaping), large enough to provide a sense of contrast between the urban area in the foreground and important visual resources in the background.

City of Santa Barbara Coastal Land Use Plan Policy 4.3-29 states:

Visual Evaluation Requirement. Site-specific visual evaluations shall include an analysis of all feasible siting or design alternatives that would minimize significant impacts to public scenic views of scenic resources. The alternatives analysis shall identify through such means as visual simulations, three-dimensional massing models, perspective drawings, rendered streetscape elevations, and/or story poles and flagging. If there is no feasible alternative to avoid impacts to public scenic views of scenic resources, then the alternative that would result in the least adverse impacts to public scenic views of scenic resources that would not result in additional adverse impacts to other coastal resources shall be required.

The appellant asserts that the local government's action is inconsistent with the visual policies of the City's Land Use Plan (LUP), specifically policies 4.3-1, 4.3-3, 4.3-5, 4.3-7, 4.3-8, 4.3-27, and 4.3-29, as well as Coastal Act Section 30251 which is incorporated into the LUP, because it allows the bike docks and kiosks to be moved or added to locations other than the example locations proposed by the applicant ([Exhibit 1](#)). The

appellant contends that without knowing the specific locations of where bike docks and kiosks may be located, sensitive public views can be visually degraded if the bike docks and kiosks are not properly sited or if impacts are not properly mitigated. As stated above, the CDP allows for bike docks to be added, moved, or removed based on ridership and demand during the subject three-year pilot program. However, while the specific locations of the bike docks may change, the bike docks and kiosks would only be installed within the “street furniture” zone on existing sidewalks and parkways, adjacent to streets and other developed areas, within City rights-of-way or on City owned property. The “furniture zone” is the area on sidewalks where bike racks, signs, and landscaping are typically installed. Therefore, the addition of the bike docks and kiosks to these areas would be consistent with the existing character at each location. Further, the City required the docking stations to be located on the inland side of Cabrillo Boulevard where possible and prohibited the kiosks from being located on the ocean side of Cabrillo Boulevard. Additionally, the City’s final decision approved a maximum of two kiosks in the coastal zone. The City also required that the approved project not be located within environmentally sensitive habitat areas or involve any tree removal. Therefore, the locations where bike docks and kiosks can be sited is consistent with the visual resources policies of the City’s LUP.

The appellant also asserts that the cumulative mass, size, bulk, and scale of a bike station with an unknown number of bike docks and with or without a kiosk would not maintain, enhance, or protect the scenic views of the coastal zone and would be inconsistent with LUP Policies 4.3-1 and 4.3-29. Currently, the proposed locations include a maximum of eight bike docks, which would result in a maximum of eight e-bikes parked at a particular location at any given time. Because the applicant proposed a flexible project description for the short-term pilot program, neither a maximum number of bike docks at each location nor a maximum number of stations located in the coastal zone was included as a condition of the CDP or parameter of the project description. However, as stated above, the City anticipates that approximately one-third or 166 bike docks would be located in the coastal zone. The City has also already started the bike share program in inland areas and has installed a maximum of six bike docks at each station location. The City has indicated that a maximum of six bike docks per station will be installed at each location in the Waterfront neighborhood as well and that the City intends to limit the number of bike docks at each station to ensure that the stations are subordinate to the character of the area. Additionally, each bike dock is approximately 2.5 feet tall while each bicycle is approximately 3.5 feet tall, and the area of a bike dock station that has eight docks would be approximately 20 feet long by 6 feet wide. The kiosks are 9 feet tall, and if a solar panel is attached, the total height of a kiosk would be 11 feet. The width of a kiosk is 2.5 feet. Therefore, due to the minimal height and width of the bike docks and kiosks as well as the requirement to locate kiosks, and bike docks where possible, on the inland side of Cabrillo Boulevard, the bike stations would not block views to the ocean or other scenic resources in the coastal zone. Further, because the bike docks would be located in existing developed areas, are a maximum of 2.5 feet tall or 3.5 feet tall when bikes are parked, and would take up a maximum area of 180 square feet, the bike dock stations would be subordinate in character to the surrounding area.

Therefore, for the reasons discussed above, the Commission finds that the project, as approved by the City of Santa Barbara, does not raise a substantial issue with respect to the consistency with the visual resource policies of the certified LCP.

3. Factors Considered in Substantial Issue Analysis

The standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the appealable development's conformity to the policies contained in the certified LCP and/or the public access policies of the Coastal Act. In this case, the appellant alleges several inconsistencies between the City's approval and the certified policies of the LCP and public access policies of the Coastal Act.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (Section 30625(b)(2).) Section 13115(c) of the Commission's regulations provides that the Commission may consider various factors when determining if a local action raises a significant issue, including but not limited to the following five factors, which are addressed below.

The first factor in evaluating the issue of whether the appeal raises a substantial issue is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the Coastal Act and certified LCP. In this case, as discussed in detail above, the Commission finds that the City had substantial factual support for its conclusion that the proposed project would not adversely impact public access and visual resources. The City made the required findings for the approved CDP, and the City's record includes substantial factual evidence and legal support for the City's findings that the project is consistent with all of the applicable public access policies and provisions of the Coastal Act and certified LCP and the visual resource policies of the LCP. This factor weighs heavily against finding substantial issue.

The second factor is the extent and scope of the development as approved. As described above, the scope of the approved development includes the installation of bike docks and kiosks as part of a pilot bike share program. Although the bike stations will be installed City-wide, the total affected area in the coastal zone is small and would be subordinate to the character at each location. Further, the intent of the program is to maximize access to and along the coast. Therefore, the Commission finds that the extent and scope of development is not significant and weighs against finding substantial issue.

The third factor is the significance of coastal resources affected by the decision. Public access is a significant coastal resource that is accorded maximum protection under both the Coastal Act and the City's LCP. Visual resources and public scenic views are also significant resources protected by the City's LCP. Therefore, this factor weighs in favor of finding substantial issue (even if the project is unlikely to have an adverse impact on these significant coastal resources).

The fourth factor is the precedential value of the local government's decision for the future interpretation of its LCP. In this case, the Commission finds that the City applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact public access or visual resources and is therefore consistent with the applicable policies. The City's analysis did not resolve any ambiguities or otherwise create new precedent in how its LCP is interpreted. Additionally, the approved CDP is for a limited term, and a new CDP would be required in order to permanently extend the bike share program. As such, the City's decision will not have a large precedential effect on future interpretation of the City's LCP and this factor weighs against finding substantial issue.

The final factor is whether the appeal raises issues of regional or statewide significance. This project is for a local e-bike program and does not raise regional or statewide issues, much less significant ones. Thus, this factor also weighs against finding substantial issue.

In conclusion, the Commission finds that, taken together, the above factors do not support finding that a substantial issue exists. Applying the five factors identified above, the Commission finds that the following factors weigh against finding substantial issue: first, the City's record adequately supports its position that the proposed project is consistent with the applicable Coastal Act and LCP policies; second, the extent and scope of the development is not significant; fourth, the local government's decision will not have a large precedential effect on future interpretation of the City's LCP; and fifth, it does not raise regional or statewide issues, much less significant ones. Although significant coastal resources are affected by the decision, as described in the third factor, this is outweighed by the other four factors. Therefore, as discussed above, the Commission finds that the appeal raises no substantial issue with respect to the consistency of the approved development with the policies of the City's certified LCP or the public access policies in Chapter 3 of the Coastal Act.

APPENDIX A

Substantive File Documents

City of Santa Barbara Planning Commission Hearing Package, Project No. PLN2020-00547, dated November 19, 2020; City of Santa Barbara Council Hearing Package, Project No. PLN2020-00547, dated February 2, 2020; City of Santa Barbara Local Coastal Program; Bike Share Coastal Development Permit Application, dated October 20, 2020; City of Santa Barbara Planning Commission Resolution No. 010-20, dated November 19, 2020; South Coast Bike Share Feasibility Report, prepared by Jack Ucciferri, Yi Wen, Rick Thomas, dated May 2017.