



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** September 12, 2013  
**AGENDA DATE:** September 19, 2013  
**PROJECT NAME:** 2013 Safety Element Update / Draft General Plan Amendment 01-2013: Recommendations to Council  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 4569  
 John Ledbetter, Principal Planner *John Ledbetter*  
 Elizabeth Limón, Project Planner *Elizabeth Limón*

### I. PROPOSAL

Amend the General Plan to incorporate a new, updated Safety Element. The proposed Safety Element (Exhibit A) will replace, relocate, revise or delete these sections of the Santa Barbara General Plan:

- Replace the 2011 Safety and Public Services Element (including the 1979 Seismic Safety and Safety Element)
- Relocate, revise or delete other 2011 General Plan safety-related policies and actions as described in Exhibit B.

The 2013 Safety Element represents a continuation of City policy with respect to hazards and community preparedness. Unlike some other parts of the General Plan, the Safety Element policies are largely procedural. The policies describe the City's current building and development review and permitting practices as we implement federal, state and local regulations. The element contains very few "Possible Implementation Actions to be Considered" since, for the most part, our hazard reduction regulations are up to date and consistent with federal and state law. The future actions to be considered generally relate to staying current with regulatory changes, community resilience, climate change adaptation, and public education and awareness efforts related to safety.

### II. BACKGROUND

The City's General Plan Seismic Safety and Safety Element document has not been comprehensively updated since the original adoption (1979). In 2010-2011, the City applied for and received Disaster Recovery Initiative (DRI) funds to prepare the Safety Element Update. The funds were allocated in response to recent wildfire disaster declarations (Gap and Tea fires).

State requirements previously identified separate Seismic Safety and Safety Element which are now combined as a Safety Element with a seismic safety component. Similarly, the 2011 General Plan included a Safety and Public Services Element. The proposed 2013 Safety Element continues that policy direction and contains a public services component as it relates to Safety Element issues.

Following City Council direction on May 22, 2012, the City entered into a contract with Rodriguez Consulting Inc. to prepare the Safety Element Update. The focus of the Safety Element is hazard avoidance through updated hazards information and policies for new development. In addition to supporting project permitting and environmental review processes for public facilities and private development, the hazards information will be useful for other ongoing City service operations including emergency preparedness, public safety response and community resiliency planning.

### **III. DISCUSSION**

The Draft Safety Element was released for public review in April, 2013. The public comment period closed on June 6, 2013. The City Planning Commission held a public hearing and discussion on May 23, 2013. The minutes of the discussion meeting are provided as Exhibit C.

The Planning Commission also received written comment letters from Dall & Associates (May 22, 2013), the Environmental Defense Center and Steve Johnson. All three were distributed to the Planning Commission prior to the meeting on May 23, 2013. Additionally, Planning Staff received input individually from HLC Commissioner Judy Orias and Planning Commissioner Sheila Lodge prior to the meeting. Subsequently, the City received additional comment letters from Dall and Associates (June 6, 2013) and the Santa Barbara Association of Realtors (June 6, 2013). Having not been previously distributed to the Planning Commission, these later letters are attached as Exhibits D and E respectively.

Click here to see the [proposed Safety Element Update \(September 2013\)](#). In response to Planning Commission and public comments and additional staff input, the policy section of the document (pages 55 – 67) has been refined as described below. The Safety Element description of coastal bluff retreat (pages 27 – 29) has also been revised. The remainder of the Safety Element and Technical Background Report has not been changed from the April 2013 draft. Exceptions include enlarging some maps, minor text changes in response to comments, and correcting typographical errors.

## **LOCAL COASTAL PROGRAM HAZARDS SECTION UPDATE**

### **Coastal Commission Review**

A draft Hazards Section, the Local Coastal Program (LCP) equivalent of the Safety Element, was submitted to the local Coastal Commission office on May 3, 2013 for their early review, in hopes of incorporating Commission staff comments into this draft of the Safety Element. Extensive comments were received on June 26, 2013, which went well beyond the scope of the Safety Element as drafted. As a result, the Hazards section of the LCP will not be included as part of the Safety Element currently under review.

Given that the existing LCP has not been updated since it was originally certified in 1982, Commission staff has strongly encouraged the City to undertake a comprehensive update of the LCP. City staff has been working with the Commission staff to initiate this effort, including applying for grant funding. Hazards, along with land use and cultural resources, will be the first LCP sections to be updated. The

exact approach for this effort will depend on the potential grant award which will be decided around November 2013.

Citywide policies in the Safety Element will be considered for general City policy direction to help inform application of existing LCP policies when decisions are made for development citywide, including in the Coastal Zone. However, until an update to the LCP is certified by the Coastal Commission, existing City LCP policies apply as a basis for issuing Coastal Development Permits.

### **Response to Comments**

This staff report and exhibits describe how comments have been incorporated into the revised September 2013 Safety Element. Explanations are provided for comments that were not incorporated / did not result in changes to the element.

### ***Coast Bluff terminology***

The April 2013 Draft Safety Element used various terms interchangeably when describing and discussing sea cliffs and bluff top development. The September 2013 Proposed Safety Element has clarified these descriptions. Exhibit F is an illustration of coastal bluff components. Adjustments have been made in the Safety Element text and in particular the policy section to be consistent with California Coastal terminology and the attached illustration.

### ***Dall & Associates Letters***

Exhibit D is copy of the second comment letter from Dall & Associates received on June 6, 2013. Page one of the Dall letter finds it “regrettable” that the Safety Element Update was not shown in a ~~strikeout~~ / underline format from the 1979 Safety Element. This is not a required step and was not done because of the age/date of the original document. However, Exhibit B is a status of existing City of Santa Barbara hazard-related policies. This chart lists existing policies from 2011 General Plan and the 1979 Seismic Safety/Safety Element. The table shows that close to 70 policies and recommendations from these sources have been carried over into the 2013 Safety Element.

Page one of the letter also states that Dall & Associates represents a private landowner on the Mesa with a pending development review application. Much of the letter asks for parcel or area specific details to be added to the General Plan. Staff finds these changes to be too specific for the Safety Element. However, much of the detailed information being requested regarding issues such as landslide history, specific bluff height information and bluff retreat rates are addressed during the City’s development / environmental review and coastal permitting process. This includes, on a project by project basis, detailed site-specific soils and engineering studies based on the general policy direction of the General Plan.

Page two of the letter describes a “multiplicity of undefined terms” in the April 2013 Draft Safety Element related to coastal bluffs. As described above, staff has improved the coastal bluff section of the Safety Element discussion and policy section.

Page 6 (section 7) suggests additional topics that should be included in the Safety Element. These topics are beyond the scope of the current Safety Element work program. Page 6 (section 8) describes suggested revisions to Safety Element policies.

- 8(a) requests consistent terminology when addressing coastal bluffs. **Suggested revisions made.**
- 8(b) requests changes to the Slope Failure policy. **This policy has been revised (see policy S17).**
- 8(c-h) requests changes to the Sea Cliff retreat policy section. **The entire Coastal Bluff Development policy section has been refined (see policies 23-32). Some, but not all of Mr. Dall's requests are addressed in the new section.**
- 8(i-m) comments are noted. **No changes have been made.**

Section 9 addresses issues and suggested changes in the Safety Element Technical Background Report. Staff has not incorporated any of these changes into the element as they are, for the most part, too area or parcel specific for the General Plan.

#### ***Environment Defense Center Letter (May 22, 2013)***

Exhibit G is a copy of the letter from the Environmental Defense Center (EDC) received on May 22, 2013. This letter was distributed to the Planning Commission in May but is provided again in this packet. The EDC letter specifically addressed the Draft LCP Amendment Hazards Section. The LCP Hazards Section has been put on hold pending the comprehensive LCP update. However, as appropriate, the EDC LCP comments have been incorporated into the policy section of the 2013 Safety Element.

The EDC letter (page 2) recommended adding a timeframe (by 2015) for completion of the adaptation guidelines. Establishing workload and work program priorities is done by City Council during the budget process. The date was not added to the adaptation guidelines (S10.1 in September Safety Element). However, the City Council actions of the 2011 General Plan and the 2012 Climate Action Plan included timeframes for adaptation guidelines work program.

The EDC letter (pages 4-5) suggested changes to Vegetation Management Practices (formerly S28.1). These changes have been incorporated into the revised strategy S41.1.

The EDC letter (page 5) suggested changes to Flood Hazards – Local Drainage Impacts (formerly S32). These changes have been incorporated into the new local drainage impacts strategy S47 (last sentence).

The EDC letter (pages 5-6) suggested four new implementation strategies for the Safety Element Hazardous Material Section. The EDC suggest strategy 38.1 has been added to the Safety Element as policy S59 to address remediation priorities on City-owned land.

The EDC suggested strategy 38.2 related to the El Estero Wetlands enforcement case has not been added to the Safety Element. The restoration of El Estero Wetlands is an active City Public Works

project. As this project is underway, it is not necessary to have a Safety Element implementation strategy. Establishing a project completion year of 2014 is a City workload issue that is best addressed during the City budget process.

The EDC suggested strategy 38.3 regarding polluted runoff has been added as new policy S60. The EDC suggested strategy 38.4 regarding sewer lines has been edited to be a more general policy statement and added as policy S61.

***Steve Johnson Comments - Hazards Related to Air Quality near Highway 101  
(via email May 4, 2013)***

The City's General Plan contains eight Elements. Not all General Plan policy topics are addressed in the Safety Element. City air resources policies have long been addressed with the General Plan Conservation Element. The 2011 General Plan Update included a reorganization of the plan. At that time, air resources, along with other Conservation Element topics were included in the reorganized Environmental Resources Element, not the Safety Element.

The issue of air pollutant emissions near Highway 101 was addressed as part of the 2011 General Plan Update. The City Council adopted air quality policy ER7 – Highway 101 setback as an interim policy to limit the establishment of additional sensitive receptors within 250 feet of Highway 101 until planned State regulations reduce vehicle exhaust pollutant emission levels, particularly diesel particulates. In 2012, City council adopted a Resolution implementing Policy ER7. Addressing air quality policies in the Environmental Resources Element rather than the Safety Element of the General Plan in no way diminishes the importance of the topic.

The adopted interim policy was based on a study of the issue for the City by air quality consultants (Air Quality Report City of Santa Barbara, Illingworth & Rodkin, February 2009) and analysis in the City's Final Environmental Impact Report for the General Plan Update (September 2010). The author of the Air Quality Report, James Reyff, has responded to Mr. Johnson's issue about the report. There was an error in a text notation, not in the modeling. The report text incorrectly referenced traffic volume modeling input as representing 10% of daily traffic volume. The modeling for this study in fact used average hourly traffic volumes over the entire day, which was the correct input because traffic occurs all hours of the day on Highway 101, and the study was modeling for average emission exposure levels. The study was a general citywide analysis and modeling was designed to be conservative, including assumptions for future traffic and future air quality regulations. The 250-foot setback area identified is also conservative and should not be larger based on the modeling analysis.

The issue of establishing a Highway 101 setback residential development moratorium due to air quality concerns was addressed in the 2011 General Plan Update and is a current project / special study. Questions regarding the air quality modeling and conclusions drawn in the 2011 General Plan EIR will be clarified during that process. Public discussion at the Planning Commission and Council Ordinance Committee are expected to begin in the coming months.

***Santa Barbara Association of Realtors Letter (June 6, 2013)***

Exhibit XX is a letter from the Santa Barbara Association of Realtors (SBAOR). Many of the SBAOR questions have to do with whether the Safety Element has the potential to affect property rights and values. The 2013 Safety Element contains a new opening goal regarding public safety. It states that one of the primary goals of the element is to “protect life, property and public well-being from natural and human-caused hazards.”

Regarding climate change adaptation, the SBAOR questions why a project applicant should have to provide information about the useful life of new structures. This policy has been revised and is currently S10. The proposed policy does not require projects to provide information regarding the expected useful life of new structures. The Safety Element continues to use the long-standing City policy assumption of 75 years as a reasonable estimate of a proposed structure’s useful life only for the purpose of evaluating the potential effects of certain hazards such as sea level rise and coastal bluff retreat.

SBAOR had several questions about the maps referenced in policy S6.1 Information Resources (currently S8). In particular, whether the maps are available to the public. The types of maps referred to by this policy include the maps depicting potential hazard areas and severity, and are included in Appendix A of the Safety Element. Informing homeowners and the public in general of the potential for geologic, fire, flood and other hazards is a primary goal of the Safety Element.

Page 2 of the SBAOR letter posed several questions related to S14.2 Fault Setbacks (now S11a). This policy requires that site specific fault investigations be conducted if a project would be located within a designated fault zone (Safety Element Appendix A, Figure 6). Safety Element Appendix A (page 93) and the City’s *Geology and Geohazards Master Environmental Assessment, Technical Report and Evaluation Guidelines* (2009) indicate that minor improvements and certain residential projects are generally exempt from the fault investigation requirements. Examples of “Minor Projects” include accessory structures (swimming pool, garage addition, storage sheds); single family residences with prior acceptable geologic studies; small additions or alterations to existing structures (not exceeding 50% of existing value); or conversions of apartments to condominiums.

The SBAOR posed questions about the policies related to unreinforced masonry buildings and seismic strengthening. Both of these policies refer to programs that are currently in place. These are not new programs.

Regarding Sea Cliff Retreat policies (now coastal bluff), SBAOR questioned whether the requirements would apply to new construction only or remodels as well. The proposed policy requirements to minimize health and safety impacts resulting from the retreat of coastal bluffs generally apply to proposed new development, but several proposed policies will also apply to existing development. All applications for new development, or modifications to existing development located on ocean bluffs will be evaluated on a case-by-case basis using the policy guidance. With respect to the potential for transfer of development rights from constrained sites, the 2011 General Plan has a possible implementation measure to be considered LG6.6. Part of LG6.6 specifically identifies the need to

develop a Transfer of Development Rights (or densities) program that would allow the transfer of residential density from properties with severe site constraints to sites near public transit.

The SBAOR questioned how the improper vegetation strategy (S20.3) would be implemented. Since this is current City practice during the development review process, it is now policy S28. This policy requirement is enacted during the review of proposed development and coastal permitting process. The benefits and potential impacts of removing and planting new vegetation are evaluated on a case-by-case basis.

Regarding development of the bluff face (formerly S21, now S30), the SBAOR questioned whether this was for new and/or existing staircases and whether private staircases are affected. The policy would apply to new staircases that provide public access. Repairs to existing staircases would be evaluated and permitted on a case-by-case basis. Private beach access facilities also have the potential to result in substantial safety and slope stability impacts. A policy pertaining to private access facilities is provided by S20.3 (now S32).

The evacuation routes policy has been revised and is now S34. It would be unlikely that a small remodel would create conditions that would substantially interfere with existing access routes. However, “remodels” that substantially increase the occupancy capability of a structure would be evaluated for compliance with these policy requirements. Short-term procedures to minimize potential evacuation-related impacts during high risk periods may be current City practice. The purpose of this policy is to provide a methodology for minimizing long-term impacts.

Private water supplies for firefighting (now S45) is current practice. It is not anticipated that financial assistance would be provided. Providing on-site water storage would not affect water rates.

#### ***Other Comments and Responses by Topic Area***

Other comments and questions received have been grouped into the following topic areas: Fire, Building & Safety and other/miscellaneous. Responses to fire related comments are provided as Exhibit H. Responses to Building and Safety related comments and issues are provided in Exhibit I.

#### **ENVIRONMENTAL REVIEW**

An Addendum to Program Environmental Impact Report for the 2011 General Plan Update (SCH 2009011031) has been prepared. The addendum is included in the Safety Element Technical Background Report. The addendum finds that the 2013 Safety Element and LCP Hazards Section would result in no changes to the impacts of the General Plan Update as identified in the Program EIR.

#### **VI. NEXT STEPS**

Planning Commission recommendations will be forwarded to City Council for review and approval. Adoption of the Safety Element Update is expected by the end of the year.

**VI. RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the City Council adopt the 2013 Safety Element Update (GPA 1-2013 as described on page 1).

Exhibits:

- A. Proposed 2013 Safety Element (September 2013)
- B. Status of Existing Hazard-Related Policies Chart
- C. Planning Commission Meeting Minutes (May 23, 2013)
- D. Dall & Associates Letter (June 6, 2013)
- E. Santa Barbara Association of Realtors Letter (June 6, 2013)
- F. Coastal Bluff Illustration
- G. Environmental Defense Center Letter (May 22, 2013)
- H. Responses to Comments – Fire Related (September 12, 2013)
- I. Responses to Comments – Building & Safety related (September 12, 2013)



# City of Santa Barbara California

Exhibit A: The Proposed 2013 Safety Element has been distributed separately.

A copy of the Proposed 2013 Safety Element is available for viewing at:

- 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.
- The Central Public Library at 40 E. Anapamu Street,
- The Eastside Branch Library at 1102 Montecito Street,
- The Montecito Branch Library at 1469 East Valley Road; and
- Online at  
[http://www.santabarbaraca.gov/Resident/Major Planning Efforts/Safety Element Update/](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Safety_Element_Update/)



# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
1979 Seismic Safety/Safety Element Policies  
(9/3/13)

POLICY	STATUS	REASON FOR STATUS CHANGE
<b>2011 General Plan - Safety and Public Services Element Goals and Policies</b>		
Goal – Present and Future Service Needs	Moved to Economy & Fiscal Health Element	
Goal – Safety and Preparedness	Incorporated into proposed Goal regarding Community Resilience	
PS1 City Services and Facilities	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS1.1 Service and Facility Performance	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2 Financing Capital Improvements	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.1 Fees	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.2 Bonds	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.3 Impacts to City-Wide Services	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.4 Timing	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS3 Planning for Climate Change Adaptation	completed	Policy provides requirement for the Climate Action Plan, which has been completed
PS4 Long-Term Water Supply Plan	Moved to Environmental Resources Element	Not applicable to Safety Element
PS5 Analysis of Water Savings	Moved to Environmental Resources Element	Not applicable to Safety Element
PS6 Water Conservation Program	Moved to Environmental Resources Element	Not applicable to Safety Element
PS7 Regional Cooperation on Water Supply Reliability	Moved to Environmental Resources Element	Not applicable to Safety Element
PS8 Solid Waste Management Programs	Moved to Environmental Resources Element	Not applicable to Safety Element
PS9 Hazardous Materials Exposure	Similar policy requirements provided by proposed Policy S56	Not applicable to Safety Element
PS9.1 Household Hazardous Material and Waste	Retained as proposed Policy S6a	
PS9.2 Electromagnetic Field Development Setbacks	Retained as proposed Policy S61	
PS9.3 Monitor Electromagnetic Field Study	Retained as proposed Policy S61.a	
PS9.4 Hazardous Materials Exposure Vapor Barrier Study	Similar policy requirement may be facilitated by proposed Policy 62	

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

## 2011 General Plan Policies 1979 Seismic Safety/Safety Element Policies (9/3/13)

PS10 Bluff Retreat	replaced	Policy requirements to consider effects of climate change on bluff retreat are included in proposed Policy 24b.
PS10.1 Sea Cliff Retreat Formula	Replaced	Safety Element has complied with the requirements of this policy. See Appendix B.
PS10.2 Sea Cliff Development Guidelines	Revised as proposed Policies S23a, S24b, S23b and S29, respectively.	
PS10.3 Shoreline Management Plan	Retained as Policy S54	
PS11 Emergency Workforce	Retained as Policy S3	
PS11.1 City Disaster Service Workers	Retained as Policy S4	
PS12 Consideration of People with Disabilities	Retained as Policy S2 with minor revisions	
PS13 Fire Prevention and Creek Restoration	Requirements of this policy incorporated into proposed Policy S41	
PS14 Water System Improvements for Fire Fighting	Retained as Policy S44 with minor wording changes	
PS15 Private Water Supplies for Fire Fighting	Retained as Policy S45 with minor revision	
<b>1979 Seismic Safety/Safety Element</b>		
<b>GENERAL POLICY REQUIREMENTS</b>		
Enforce existing standards to reduce risk	replaced	Proposed Policies S9 and S12b have similar requirements.
Evaluate compatibility of development with geologic risk	replaced	Proposed Policy S9 has similar requirements.
Provide increased safety for critical uses	replaced	Proposed Policies S9 and S12a have similar requirements.
Prohibit critical uses in active or potentially active fault zones, unless no other suitable sites are available	replaced	Proposed Policy S9 has similar requirements

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

Improve seismic safety in schools and increase public awareness	replaced	Proposed Policy S12a has similar critical facility requirements. Proposed Community Resilience policies address efforts to increase public awareness.
Improve inter-jurisdictional cooperation	replaced	Proposed Policy S1 has similar requirements.
Advocate for improved earthquake insurance	completed	Earthquake insurance is available in California.
<b>FAULT DISPLACEMENT RECOMMENDATIONS</b>		
No. 1 (conduct additional fault studies in Santa Barbara)	replaced	Proposed Policy S11a requires site-specific evaluations.
No. 2 (conduct additional fault studies)	replaced	Proposed Policy S11a requires site-specific evaluations.
No. 3 (activity classifications of local faults)	completed	Additional fault evaluations have been conducted. <i>Geo and Geo Hazards MEA</i> provides fault site-specific evaluation requirements.
No. 4 (investigate location of faults near Sheffield Reservoir)	omitted	The reservoir has been removed and this policy is no longer required.
No. 5 (encourage geologic investigations by agencies and others)	omitted	This policy is no longer required.
No.6 (provide appropriate setbacks from active faults)	replaced	Proposed Policy S11a has similar requirements. <i>Geo and Geo Hazards MEA</i> also provides fault evaluation requirements.
<b>GROUND SHAKING RECOMMENDATIONS</b>		
No. 1 (encourage studies by agencies and others)	replaced	Site-specific investigations are building

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2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

		code requirements and required by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 2 (require site specific investigations)	replaced	Site-specific investigations are building code requirements and require by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 3 (earthquake insurance)	omitted	Earthquake insurance is available in California.
No. 4 (design utilities to resist ground shaking)	replaced	Project-specific investigations are building code requirements and required by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides project-specific requirements.
No. 5 (safety equipment to resist ground shaking)	omitted	Building code requirement.
No. 6 (lateral bracing for mobile homes)	omitted	Building code requirement.
<b>STRUCTURAL HAZARDS RECOMMENDATIONS</b>		
No. 1 (conduct surveys of potentially unsafe buildings)	replaced	Surveys to identify unreinforced masonry buildings have been conducted. Also address by proposed Policies S12c and S12.1.
No.2 (building code review)	replaced	Proposed Policy S12b has similar requirements.
No. 3 (include seismic safety requirements in planning)	replaced	Site-specific investigations are building

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

requirements. Conduct site-specific studies)		code requirements and required by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
<b>LIQUEFACTION RECOMMENDATIONS</b>		
No. 1 (conduct liquefaction evaluations)	replaced	Requirements of this policy are addressed by building code requirements and proposed Policy S13.
No. 2 (prepare format for liquefaction evaluation reports)	omitted	State regulations and <i>Geo and Geo Hazards MEA</i> specify report preparation requirements.
No. 3 (liquefaction reports may be peer reviewed)	replaced	State regulations and <i>Geo and Geo Hazards MEA</i> specify report preparation requirements. Proposed Policy S9 indicates peer review may be required.
<b>TSUNAMI RECOMMENDATIONS</b>		
No. 1 (review evacuation plans)	completed	Evacuation routes have been established by the City's Tsunami Response Plan.
No. 2 (conduct evacuation drills for affected City Departments)	completed	The City's Tsunami Response Plan establishes similar requirements.
No. 3 (update City Disaster Contingency Plan as needed)	completed	City OES updates the Emergency Operations Plan on a regular basis.
No. 4 (public education)	completed	Public education programs are implemented by OES and TsunamiReady program.

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

No. 5 (develop warning systems for boat owners)	completed	This policy is no longer required.
<b>SEICHE RECOMMENDATIONS</b>		
No. 1 (consider hazard in areas near water bodies)	replaced	Proposed Policy S16 has similar requirements.
No. 2 (implement appropriate actions near Lauro Reservoir)	replaced	Proposed Policy S16 has similar requirements.
<b>LANDSLIDE RECOMMENDATIONS</b>		
No. 1 (conduct investigations for development in risk areas)	replaced	Proposed Policies S9 and S17 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 2 (grading in landslide areas to be designed and supervised qualified soils engineer)	replaced	Proposed Policies S9 and S17 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 3 (peer review of geologic reports in hazard areas)	replaced	Proposed Policy S9 has similar requirements.
<b>HIGH GROUNDWATER RECOMMENDATIONS</b>		
No. 1 (conduct appropriate studies in potential hazard areas)	replaced	Proposed Policy S22 has similar requirements.
<b>EXPANSIVE SOIL/SOIL CREEP</b>		
No. 1 (conduct appropriate investigations)	replaced	Proposed Policies S9 and S20 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 2 (conduct investigations in high risk areas)	replaced	Proposed Policies S9 and S20 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
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 (9/3/13)

		specific requirements.
<b>EROSION RECOMMENDATIONS</b>		
No. 1 (implement erosion control)	replaced	Proposed Policies S18 and S19 have similar requirements. Other City (Storm Water Management Plan), State and Federal (NPDES) regulations now address erosion impacts.
No. 2 (implement erosion control)	replaced	Proposed Policies S18 and S19 have similar requirements. Other City (Storm Water Management Plan), State and Federal (NPDES) regulations now address erosion impacts.
<b>SEACLIFF RETREAT RECOMMENDATIONS</b>		
No. 1 (Provide sufficient setback distance. Potential hazard areas shown on seacliff maps based on formula)	replaced	Proposed Policies S23, S24 and S25 have similar and more detailed requirements.
No. 2 (Minimize application of water to seacliff)	replaced	Proposed Policy S26 has similar and more detailed requirements.
No. 3 (Minimize actions that can accelerate erosion)	Revised	Proposed Policies S27, S28, S31 and S32 have similar requirements.
No. 4 (Evaluate the proposed use of cliff protection measures)	replaced	Proposed Policy S29 has similar and more detailed requirements.
<b>FIRE HAZARD RECOMMENDATIONS</b>		
No. 1 (reduce hazards in high fire hazard zones consistent with regulations)	replaced	The requirements of this policy have been superseded by City ordinance requirements. Proposed Policies S37 and S39 also have similar requirements.

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

No. 2 (average road gradient standard)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 3 (provide roadway turnouts in high fire hazard areas)	replaced	Proposed Policy S36 has similar requirements.
No. 4 (provide fire hydrants at specified intervals)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 5 (enforce building requirements)	replaced	Proposed Policy S43 has similar requirements.
No. 6 (encourage homeowners to provide supplemental water for fire suppression)	revised	Proposed Policy S45 has similar requirements.
No. 7 (encourage USFS to conduct vegetation management near City limits)	replaced	Proposed Policy S33d has similar requirements.
No. 8 (encourage orchard planting as a fuel break)	replaced	Proposed Policy S33 provides more effective fuel reduction requirements.
No. 9 (implement fuel management programs)	replaced	Proposed Policy S33 provides more effective fuel reduction requirements.
No. 10 (implement minimum brush clearance requirements)	replaced	Proposed Policy S39 provides similar requirements.
No. 11 (if necessary, amend City ordinances to require use of fire resistant landscaping)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 12 (promote planting of fire resistant plants)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 13 (revise fire hazard maps periodically)	completed	Fire hazard maps were updated by the

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
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 (9/3/13)

No. 14 (provide adequate emergency access)	replaced	Wildland Fire Plan. Proposed Policies S34 and S35 have similar requirements.
<b>FLOODING RECOMMENDATIONS</b>		
No. 1 (establish creek setbacks)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 2 (conduct studies for Mission and Arroyo Burro Creeks)	completed	This policy is no longer required.
No. 3 (comply with Santa Barbara County Flood Control requirements)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 4 (development to not reduce the water carrying capacity of streams)	Superseded and revised	The requirements of this policy are superseded by City ordinance requirements. Proposed Policy S46 has similar requirements.
No. 5 (remove hazards from flood areas)	omitted	This policy is no longer required.
<b>DISASTER PREPAREDNESS RECOMMENDATIONS</b>		
No. 1 (conduct regional disaster drills)	replaced	On-going disaster coordination conducted by City OES. Proposed Policy S1 has similar requirements.
No. 2 (establish community programs to assist in disaster recovery)	completed	OES conducts citizen training.
No. 3 (evaluate adequacy of emergency response facilities)	replaced	Proposed Policy S6.2 has similar requirements.
No. 4 (evaluate adequacy of emergency communications)	replaced	Proposed Policy 6.2 has similar requirements.
No. 5 (coordination with regional utility and	replaced	Proposed Policy S6.2 has similar

**STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES**

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

transportation providers)		requirements.
No. 6 (implement education programs)	replaced	Proposed Policy S6.2 has similar requirements.
No. 7 (develop education programs)	replaced	Proposed Policy S5 has similar requirements.
No. 8 (Update the City's Disaster Plan)	omitted	OES updates the Emergency Operations Plan on a regular basis.



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION SPECIAL MEETING MINUTES

MAY 23, 2013

#### **CALL TO ORDER:**

Chair Jordan called the meeting to order at 12:01 P.M.

#### **I. ROLL CALL**

Chair Mike Jordan, Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

#### **STAFF PRESENT:**

Bettie Weiss, City Planner  
John Ledbetter, Principal Planner  
N. Scott Vincent, Assistant City Attorney  
Lonnie Cassidy, Building Inspector/Plan Check Supervisor  
Yolanda McGlinchey, Emergency Services Manager  
Beatriz Gularte, Project Planner  
Elizabeth Limón, Project Planner  
Adam Nares, GIS Technician  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of May 2, 2013

#### **MOTION: Lodge/Bartlett**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz) Absent: 0

2. Resolution 008-13  
3425 Sea Ledge Lane

#### **MOTION: Pujo/Thompson**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz) Absent:

EXHIBIT C

3. Draft Minutes of May 9, 2013

**MOTION: Lodge/Schwartz**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Commissioner Pujó abstained from Item 3.b..

B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

C. Announcements and appeals.

John Ledbetter, Principal Planner, announced that the June 6, 2013 Planning Commission meeting would be cancelled. The next regularly scheduled meeting of the Planning Commission will be June 13, 2013.

D. Comments from members of the public pertaining to items not on this agenda.

Chair Jordan opened the public hearing at 12:07 P.M. and, with no one wishing to speak, closed the hearing.

**III. RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 12:07 P.M.**

**CHANGES TO THE CITY'S ZONING AND GENERAL PLAN MAPS**

In December 2011, the City adopted the updated General Plan. An important Phase 1 General Plan implementation program is amending the citywide zoning map. The Zoning Map amendments are necessary primarily to: address parcels with inconsistency between the existing zoning and the new General Plan map in terms of designations and residential densities, and parcels bisected by different zoning designations.

Additional amendments are proposed to the recently adopted General Plan Map as part of the recommended rezones, either to make the zone consistent with the General Plan or because the existing land uses or zone designations call for a particular General Plan designation.

The Planning Commission held a public hearing to receive public input and formalize their recommendations to the City Council on proposed citywide zoning and General Plan map amendments. The amendments will then be considered for adoption by the City Council at a future meeting.

Case Planner: Beatriz Gularte, Project Planner  
Email: BGularte@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4556.

Beatriz Gularte, Project Planner, gave the Staff presentation.

Chair Jordan opened the public hearing at 12:25 P.M., and with no one wishing to speak, the public hearing was closed.

**MOTION: Thompson/Bartlett** **Assigned Resolution No. 009-13**  
Recommended to City Council approval of the City's Sectional Zoning Map and General Plan Map Amendments as outlined in the Staff Report, dated May 16, 2013.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jordan called for a recess at 1:05 P.M. and reconvened the meeting at 1:12 P.M.

**IV. DISCUSSION ITEM**

**ACTUAL TIME: 1:12 P.M.**

**DRAFT SAFETY ELEMENT UPDATE & LOCAL COASTAL PROGRAM HAZARDS SECTION UPDATE**

The proposed 2013 Safety Element provides a comprehensive update to the Seismic Safety/Safety Element of the General Plan and the Hazards Section of the Local Coastal Program (LCP). The element includes updated information and maps describing natural and human-caused hazards in the City including geologic, seismic, fire, flooding and hazardous materials hazards as well as public services as they relate to safety. The element describes current and future City actions being taken to reduce hazard-related risk and to respond to emergency situations through updated goals, policies and implementation actions.

The City of Santa Barbara invites public comment on the Draft Safety Element and LCP (Hazards Section) Amendment. The public comment period is from May 6 – June 6, 2013. The Draft Safety Element, Technical Background Report and the LCP Hazards Section Amendment documents are available on the City web site at: [http://www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Safety\\_Element\\_Update/](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Safety_Element_Update/). As part of the public review period for the draft documents, the City Planning Commission will hold today's hearing to receive public comments.

Case Planner: Elizabeth Limón, Project Planner  
Email: [ELimon@SantaBarbaraCA.gov](mailto:ELimon@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 4569.

Elizabeth Limón, Project Planner, gave the Staff presentation. Steve Rodriguez, Rodriguez Consulting, Inc.; Lonnie Cassidy, Building Inspector/Plan Check Supervisor; and Yolanda McGlinchey, Emergency Services Manager, were available to respond to any Commission questions.

Chair Jordan opened the public hearing at 1:29 P.M.

Steven Johnson submitted written comments and commented that the Safety Element did not address air quality near Highway 101 and asked that air quality be acknowledged in the final Safety Element.

With no one else wishing to speak, the public hearing was closed at 1:32 P.M.  
Planning Commission comments included:

- Commissioner Pujo suggested inclusion of waterfront/rescue operations and their role in emergency planning.
- Commissioners Pujo and Schwartz would like to see helicopter safety issues, beyond airport area, addressed.
- Commissioner Jordan suggested addressing drinking water quality post-fire. Would like to see a percentage of City employees be CERT trained. Would like to see children/seniors as specific class needing recovery assistance. Would like to see rapid changes in technology incorporated and recognized.
- Commissioner Thompson suggested inclusion of residential home owners associations and ham radio operators in the post-disaster agency contact list.
- Commissioner Bartlett would like shipping safety acknowledged, such as potential freighters, cruise ships, or disasters. Anticipate new challenges such as panga boats.

The Planning Commission appreciated the discussion and looked forward to future workshops.

V. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 2:52 P.M.**

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meeting held on May 15, 2013.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on Historic Landmarks Commission meetings of May 8 and 22, 2013.

b. Commissioner Schwartz stated that she and Commissioner Pujo will attend the Transportation and Circulation Committee meeting this evening.

c. Commissioner Schwartz reported on attending County Council's Brown Act Training.

d. Commissioner Campanella reported on activities coming up at Garden Court, 1116 De la Vina Street.

- e. Commissioner Jordan reported on the Santa Barbara County Association of Governments (SBCAG) meeting he attended with Commissioner Pujo.

**VI. ADJOURNMENT**

Chair Jordan adjourned the meeting at 2:59 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary



# **DALL & ASSOCIATES**

By Electronic Mail

June 6, 2013

Ms. Elizabeth Limon  
City of Santa Barbara  
Community Development Department  
630 Garden Street  
Santa Barbara, California 93101

## **SUBJECT: PUBLIC HEARING DRAFT GENERAL PLAN SAFETY ELEMENT**

Dear Ms. Limon,

Thank you for this opportunity to comment on the draft Safety Element update (SEU, April, 2013), a mandatory element of the City of Santa Barbara (City) General Plan, which by law must be based on solid data (facts), protect constitutional rights for the use of private property and access to State tidelands, and comprise a clear, integrated, internally consistent, and compatible set of goals, objectives, policies, implementing actions, standards, and diagrams (graphics) to guide the City during its planning horizon (timeline) within the entirety of its geographical jurisdiction. For those areas of the City within the delineated coastal zone, the General Plan and the Safety Element, in particular (among others), must also be consistent with the applicable provisions of the California Coastal Act.

At the outset, it is noteworthy - and regrettable - that the City has presented the draft SEU as though it were a new document, without (at least in electronic form) posting a copy of the existing adopted precursor Element in the standard format (strikeouts and underlining) by which the reader can readily compare the adopted and proposed iterations, and thus readily identify proposed additions, deletions, or continued component parts.

This firm represents the Emprise Trust, the private owner of the nearly half-acre (19,732 sf) parcel at 1925 El Camino de la Luz, to which the recently updated General Plan (2011) and the pending further Safety Element update, in such form and at such time as when adopted, apply. Our client's parcel was developed with a two-story single family residence between 1955 and 1978, when, together with seven adjacent parcels to the west and east,<sup>1</sup> the parcel was impacted by the anthropogenically reactivated (from upgradient public and private sources of water, rather than marine erosion) "El Camino de la Luz landslide" that occurred between February 11-14, 1978, and the house was destroyed. The parcel was subsequently further impacted by public and private grading

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<sup>1</sup> These parcels are located at 2001, 1937, 1933, 1927, 1921, 1909, and 1903 El Camino de la Luz.

## DALL & ASSOCIATES

(1978, 1984, and between 1986-1993) between elevations 60-130 feet.<sup>2</sup> Our client's proposed residential reuse, conservation, and dedicated public beach access of the parcel -- as informed by the City's adopted General Plan, Local Coastal Program, Municipal Code, California Coastal Act, and a comprehensive suite of technical studies - is presently in City regulatory review. The following comments address specific provisions in the draft Safety Element that would affect the condition and the proposed sustainable and substantial investment-backed economic use of our client's parcel.

1. Multiplicity of Undefined Terms. The draft Safety Element update (draft SEU) indicates that "approximately four miles of coastal bluffs" occur within the City,<sup>3</sup> and then utilizes a plethora of undefined terms - including (but not limited to) "bluff(s)," "bluff face," "coastal bluffs," "cliffs," "ocean bluffs," "sea cliffs," "sea cliff height," "shoreline," "waterfront," and "coastal storms" to variously characterize and provide for their conservation, development, and use. Moreover, as further discussed below in the context of draft SEU Appendix "B", the draft SEU remarkably and erroneously proposes that the City General Plan rely on an unadopted Coastal Commission staff characterization of the critical term "bluff edge," when an adopted Coastal Commission regulation, with the force of law, dispositively defines this term.<sup>4</sup>

Both private property owners' and the City's ability to implement the SEU requires clarity (rather than widespread ambiguity, including through the use of undefined related words) of the key term "coastal bluff," and the SEU should therefore be accordingly revised for internal terminological consistency and definitional clarity based on the adopted State regulation, as well as to conform to ER24.3.

2. Facticity: Height of Coastal Bluffs. The draft SEU states that "The height of the sea cliffs gradually decrease from west to east, with cliffs of about 150 feet located in the Douglas Preserve area; 100 feet in the West Mesa neighborhood; and about 50 feet

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<sup>2</sup> All references to elevations are in feet above Mean lower Low Water (MLWW), unless otherwise noted. In approving the coastal development permit in 1984 for post-landslide restoration grading at 1927, 1933, 1927, and 2001 El Camino de la Luz, adjacent on the west to our client's parcel, the Coastal Commission plainly distinguished between the coastal bluff, along the back beach, and the landslide impacted coastal bluff top and (head)scarp. (CDP 4-84-17, Doolittle *et al.*)

<sup>3</sup> Draft SEU, page 28.

<sup>4</sup> In adopting the General Plan update (2011), the City Council added Implementing Action ER24.3, "Site-Specific Coastal Bluff Analysis," which provides that any mapped illustration, description of, or reference to, a 'coastal bluff' in the Plan Santa Barbara planning, background, or environmental documents is not a conclusive determination that such a feature now exists, or has historically existed, on a parcel, but rather a prima facie requirement for site-specific professional analysis of the location of a "coastal bluff" on that parcel. The term "coastal bluff" is a California coastal program jurisdictional and related regulatory term of art that was defined by the Coastal Commission as part of the post-Local Coastal Program certification permit and appeal jurisdiction regulations at Title 14, California Code of Regulations section 13577(h). Exh. 2 contains the definition that has been in place since 1981.

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along Shoreline Park in the east Mesa neighborhood.”<sup>5</sup> However, neither the draft SEU nor any other adopted General Plan (or Local Coastal Program) component contains any topography, or reference to topography, that supports the contention of 100 feet high sea cliffs (or cliffs or coastal bluffs) generally occurring along the West Mesa, and the generalization is in error as it applies to the area of our client’s parcel and adjacent landslide-impacted parcels.

At our client’s parcel, the City’s own topographic survey of its post-1978 landslide grading depicts no pre-landslide or manufactured scarp that constitutes a coastal bluff anywhere within the grading envelope that extends between elevations near 60 feet and 126 feet (likely at Mean Sea Level datum elevations).

In granting and inspecting the City grading permit to Doolittle in reliance on CDP 4-84-17, the City was both informed and agreed that Doolittle would lower the Coastal Commission-determined coastal bluff (edge) at 2001-1927 El Camino de la Luz to a height near 50 feet, not 100 feet.<sup>6</sup>

The current (2011) topographic survey map prepared by our client’s geotechnical consultant (Cotton, Shires & Associates), as well as the City’s own preceding aerial topographic maps (1965, 1997) also depict no elevated (“upper riser”) coastal bluff scarp at the 100 foot, or any higher, elevation on the parcel.

The draft SEU thus requires clarification of the generalized coastal bluff (cliff, seacliff) elevation within the area of our client’s parcel and the adjacent parcels (1921 through 2001 El Camino de la Luz) that were impacted, respectively, by the City’s (1978) and Doolittle’s (1984) grading, to provide (recommended wording for paragraph 1, sentence 2, page 28 is underlined):

“The height of the coastal bluffs gradually decrease from west to east ... [reference to Douglas Family Preserve area omitted]; 100 feet in the West Mesa neighborhood, except where the 1978 El Camino de la Luz landslide and subsequent repair grading reduced the height to near 50 feet, and ... [reference to Shoreline Park omitted].”

3. Historic Landslides. The draft SEU at page 28, paragraph 2, references “several large landslides” in the area of the Santa Barbara “ocean bluffs,” and provides as examples the 1978 El Camino de la Luz and 2008 Shoreline Park landslides, but altogether omits both the other mapped landslides in the coastal zone and in inland parts of the City.

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<sup>5</sup> Draft SEU, page 28.

<sup>6</sup> To avoid creating a north-south scarp along the 1927-1925 El Camino de la Luz property line, Doolittle with the City’s assent excavated a transition slope on the westerly part of our client’s parcel in 1984 between elevations near 50 and 93 feet.

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To avoid ambiguity and misunderstanding, the draft SEU should contain a complete list, and correct map(s), of the landslides that have occurred in the City during historic times.

4. Sea-Cliff Coastal Bluff Retreat Rates. The draft SEU at page 28, paragraphs 3-5, continues the terminological multiplicity with regard to the temporal-spatial location of the shoreline escarpments (i.e., the coastal bluffs), provides a partial summary of coastal bluff retreat rate data, identifies an expected 10-20 feet retreat during the next 20 years, 45-90 feet by 2100, and a "theoretical" retreat for "planning purposes only" that extends over 500 feet inland from the current coastal bluff (edge) along parts of El Camino de la Luz, but by reference to the 75-Year Sea Cliff Retreat Zone (Figure 14) in draft SEU Appendix "A" omits most of the area landward of the illustratively shown 1978 El Camino de la Luz landslide.

First, as recommended in part (1), above, the relevant nomenclature for the shoreline escarpment(s) in the SEU requires clarity and internal consistency, i.e., "coastal bluff," including in these paragraphs.

Second, as the City's own consultants have noted, coastal bluff positions are a function of both episodic events and long-term cumulations of variable marine, atmospheric, chemical, and anthropogenic processes or actions. Average annualized long-term retreat rates are thus only that, and the entire range of the analysis, with their assumptions and caveats (limitations), should be presented in summary here for the SEU to reflect the variations in retreat rates depending on subarea geology, surface and subsurface sub-watershed hydrology (including infiltration and exfiltration from horticultural irrigation, public and private drainage systems, and other proximate public and private infrastructure), and shoreline exposure to wave attack during superrelavated water conditions, among others.

Third, given that there is data for the historic and projected long-term coastal bluff position in the shoreline area between Oliver Road and the City's "Lighthouse Creek" drainage channel, the draft SEU should with greater subarea specificity characterize the range of potential coastal bluff retreat in this area, as well as elsewhere to landward of the MHTL (shoreline).

Fourth, theoretical coastal bluff retreat rates or lines over the next 75 years based on notably preliminary and incomplete scenarios regarding eustatic (global) sea level on its face are incongruent with fact-based general planning, the State's own advisory sea level rise projections, data regarding local (subarea) tectonic uplift rates (e.g., at the West Mesa), and the current state of modeling for the response by different geologic formations to, e.g., acidified nearshore ocean waters. The hypothetical 75-year "sea cliff" retreat lines should therefore be omitted from the draft SEU (including further because the summary statement at draft SEU page 29 that "If sea cliff retreat rates were to increase as projected, Santa Barbara could experience up to 80 to 160 feet of

## DALL & ASSOCIATES

erosion landward of the present cliff edge by the year 2010” is on its face inconsistent with the mapped 75-year retreat line depicted on Appendix “A,” Figure 14).<sup>7</sup>

5. Anticipatory Terminology. The draft SEU variously and seemingly interchangeably uses such concepts as “projections,” “scenarios,” “predictions,” “expectations,” and “reasonable expectations” without clarity as to their meaning, or import for the data and status and trends analysis on which they are based.

For clarity and internal consistency, the draft SEU should be carefully reviewed and clarified to utilize these, and any other, anticipatory terms only as their respective authors have constructed (defined) them, rather than in any haphazard manner.

6. Bluff Edge. The draft SEU, at page 29, presents the location of the “bluff edge” as a specified alternative basis, to the Appendix A, Figure 14 75-year sea cliff retreat line, for determination of whether a “sea cliff retreat determination” (analysis) is required as part of a development project application in the subject are(s). In the process, the draft SEU imports via draft SEU Appendix “B” Coastal Commission staff geologist Mark Johnsson’s 2003 conference paper to define the term “bluff edge” and set forth a series of coastal bluff stability, setback, and other development criteria as “requirements” or “Guidelines” of the California Coastal Commission.<sup>8</sup>

While the Coastal Commission staff geologist has provided a service by compiling and publishing his interpretation of a body of information that relates to coastal bluff stability and proximate uses, even a cursory reading of Appendix “B” indicates that the conference paper is neither an adopted regulatory standard nor an adopted guideline of the Coastal Commission. In fact, the Coastal Commission in 2003 declined to enact the paper as either a regulation, to supersede the existing definition of “coastal bluff” and “bluff edge” at 14 CCR 13577(h), or as a guideline.

The draft SEU should therefore (a) set forth the adopted regulation definition of “coastal bluff” and “bluff edge” as the applicable standard(s) for their site-specific determination; and (b) if the City wishes, for lack of another reference guide, provide a citation (or an electronic link) in the SEU to the Coastal Commission staff geologist’s paper, in addition, e.g., to other relevant publications by other State of California agencies with geologic and geotechnical expertise that relates to coastal landform stability.

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<sup>7</sup> To be clear: the draft SEU should contain a standardized clear basis that triggers the site or project specific requirement for a coastal bluff retreat analysis; however, the incomplete, inconsistent, and factually unsupported retreat line depicted on App. A, Figure 14 lacks the foundation to serve that function.

<sup>8</sup> The draft SEU refers to the conference paper as a Coastal Commission “Guideline” in Implementation Action 19.1, at page 60. Draft SEU Appendix A, at page 126, contains a brief “common definition” description of the concept of a “bluff edge,” but refers to Appendix B for additional guidance.

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7. Matters not Addressed in the draft SEU. The draft SEU omits the following potentially significant safety issues, which it should be amended to address:

a. The adequacy of streets (including, but not limited to, the pavement, curbs, gutters, drain inlets, and other public infrastructure in El Camino de la Luz) to serve as stormwater drains to handle peak rainfall events during the General Plan/SEU planning horizon (timeline).

b. The adequacy of "Lighthouse Creek" drainage to serve as the storm drain collector system east to Cliff Drive for the developed subwatershed that discharges to the drainage, without hydrologic infiltration, along the drainage meanders, to and through the Monterey Formation (or soil horizons above it) that daylight in or near the coastal bluff west of the drainage discharge to the Pacific Ocean.

c. The potential effects of flanking erosion along the coastal bluffs, during the planning horizon of the General Plan/SEU, on adjacent parcels.

d. The effect(s) of impoundment in the City's Santa Ynez River water supply reservoir system, during the General Plan/Safety Element planning horizon and cumulatively, of beach sand grain particles on the sand budget the Santa Barbara littoral cell, and thereby the width and height of sandy beaches along the West Mesa coastal bluff(s) and other reaches of the City shoreline.

e. The potential for, and effects of, infiltration to, and exfiltration from, existing City utility trenches, pipes, and infrastructure crossings on (e.g., Monterey Formation) landform stability and flooding during extended peak rainfall events (e.g., El Niño storm years), including in conjunction with the design seismic event(s).

## 8. Goals, Policies and Possible Implementation Actions.

a. Generally. The headings and references to shoreline escarpments (bluffs, cliffs, etc.) should be revised to conform to the internally clear and consistent terminology recommended in part 1 of this letter.

b. S10. Slope Failure. (Page 58) Policy S10 is both vague and internally inconsistent in that it both "discourage(s) new development" in areas with recent or historic substantial slope movement, without defining what constitutes such development, and encourages development (without limitation as to kind) in areas with elevated risk of slope failure to "incorporate design and construction techniques that minimize slope failure risk to the extent feasible." The latter provision is a paraphrase of the adopted Municipal Code "Environmental and Construction Policy" Title 22 provisions that apply to our client's parcel and its residential reuse. The former provision appears to be surplusage in light of recent case law, and should be deleted. Notably, had this policy been extant in the General Plan in 1978, the City would have been unable to grade the buttress on our client's parcel for the Mesa Trunk Line Sewer, an integral component of

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the City's wastewater infrastructure that is located along or near the 1978 landslide headscarp.

c. S18. Sea Cliff Retreat. (Page 59) (1) What is the City's threshold (definition) of "substantially increased erosion" of a sea cliff by (from) a habitable building? The term, without definition, is ambiguous and hence not capable of objective implementation? (2) What is the basis for the City's limiting the scope of this policy to habitable buildings, rather than any structure, or development generally? (3) What does "a minimum of 75 years" mean? The term, without temporal specification, is ambiguous and hence not capable of objective implementation.

d. S19.1. Structure setback from bluff edge. (Page 60) As noted above, the document contained in draft SEU Appendix "B" is not a Coastal Commission guideline.

e. S20. Sea Cliff Retreat. (Page 60) The second sentence, while laudable in its overall objective that changing physical conditions relating to climate change be considered as a part of a project's comprehensive safety analysis, lacks requisite specificity for implementation: e.g., what does the phrase "potential effects of climate change" mean?

f. S20.1. Sea Cliff Development Guidelines (Page 60). (1) As used in subpart (a), what do "Bluff setbacks," "adequate," "long-term erosion and slope stability issues" mean? The terms require definition (thresholds), specificity, and, as noted above, consistent terminology, to be capable of objective implementation. (2) In subpart (b), what does "development on top of a cliff" mean? Again, definition, specificity, and consistent terminology are needed to render this concept applicable in implementation practice. (3) In subpart (c), as above, what does "minimum of 75 years" mean? (4) Also in subpart (c), what are the City's standards (criteria) for approving (or not) a site specific historical coastal bluff (sea cliff) location (retreat) analysis? (5) In subpart (d), page 61, how do the criteria (limitations) on shoreline protective structures comply with Coastal Act sections 30235 and 30625(c), and with applicable case law?

g. S20.3. Minimize sea cliff impacts (pages 61-62). In subpart (a), Improper Access, what does the phrase "if new paths are created on coastal bluffs" mean?

h. S21. Development on Bluff Face. (Page 62). What does the term, which is not defined in the draft SEU, "bluff face" mean?

i. S35. Global Climate Change. (Page 65). What does the term "monitor, assess, and adapt to changes in stream and coastal flooding characteristics that may occur due to global climate change induced rise in sea level" mean?

j. S35.1: SB Harbor Tide Gauge (Page 65). (1) In subpart (a), is the NOAA tide gauge now at the breakwater, rather than at the southerly end of the main harbor pier? (2) In subpart (b), the objective for quantified controls to measure coastal bluff location changes over decades by transects is laudable, but local history teaches that

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monuments need to be firmly and permanently set (not in the potential retreat area), protected against removal or overpaving, and their coordinates accurately obtained. (3) Similarly, the proposal for beach transects in subpart (c) is laudable, but should be extended to also include transects at 500 feet intervals west of Leadbetter Beach along the West Mesa beaches.

k. S35.2 SLR studies (Page 65). The purpose of these laudable SLR studies should be to inform, rather than “support,” adaptation planning and implementation.

l. S35.3. SLR Adaptation Coordination (Page 66). : The proposed coordination with private property owners is laudable, but why limit to the “waterfront,” rather than include all property owners along the City’s shoreline?

m. S44, City Services and Facilities. Page 67. Public service infrastructure should be built, maintained, enhanced, and operated for compatibility (“coexistence” is redundant) with surrounding land uses and landforms (e.g., be non-destructive of the Monterey Formation).

### 9. Appendix A, Safety Element Technical Background Report.

a. In the last line on paragraph 4, page 113, after “changes in drainage patterns,” recommend inserting:

“overflow of street stormwater drainage systems, exfiltration from utility line trenches, and”

before “or broken water/sewer lines.”

b. In paragraph 6 (Hazard Area 4), third line from the bottom, on page 114, the reference to “coastal bluffs” is factually incomplete, and therefore inaccurate, to serve as the characterization of the area of the 1978 El Camino de la Luz landslide, which the City’s own files, the record in CDP 4-84-17 (Doolittle), as well as the Cotton, Shires & Associates geotechnical report on 1925 El Camino de la Luz (2012) indicate extended upslope (landward) from the coastal bluff to the Doolittle-, Coastal Commission- and Cotton, Shires-distinguished landslide headscarp near the City’s Mesa Trunk line Sewer trench and pipe and, at 1925 El Camino de la Luz, near the excavated and filled (1955) split-level building pad and base of the two downward sloping driveways from El Camino de la Luz that serve 1919, 1921, 1925 and 1927 El Camino de la Luz.

c. The Slope Failure Hazard Zone map, Figures 13, and the 75-Year Seacliff Retreat Zone map, Figure 14, are at a scale and resolution that render them substantially illegible, and therefore require production at a higher quality to serve just as functional illustrations of the subject matters shown and noted on them. In addition, as noted above, Figure 14 is based on technically insufficient data and analysis, and also

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contains the unexplicated data gap in the area of our client's parcel (although such a gap is not present on the mapping from which Figure 14 was derived).

d. The characterization of destabilization of coastal bluffs and their adjacent hillside landforms in paragraph 3, page 119 omits both part of what Appendix A previously includes (see comment 9(a), above), as well as our recommended clarification. For internal consistency, the characterization should either be verbatim the same, or reference the first characterization in subsequent related discussions, without restating it.

e. The characterization of coastal bluff (sea cliff) heights in paragraph 4, page 119 should, for accuracy, be conformed to our recommendation in comment 2, above.

f. The characterization of the "probable cause" for the activation of the February 11-14, 1978 El Camino de la Luz Landslide in paragraph 1 on page 120 is incomplete, thereon informationally misleading, and should be corrected to comport (e.g.) with the reports by Weaver (1978), Cotton, Shires and Associates (2012), and Dall & Associates (summarized in the 1925 El Camino de la Luz Residential Reuse Project Consistency Analysis, 2013).

g. The discussion of the 75-Year Seacliff Retreat Line, as depicted on Appendix A, Figure 14, in paragraph 2 at page 121 as a "theoretical bluff retreat area for planning purposes only" is, among other things, contradicted by the draft SEU's of that line to serve as the criterion for mandatory preparation of site-specific coastal bluff (seacliff) retreat rate analysis. This discussion and Figure 14, in that form, should be deleted from the draft SEU and Appendix A.

h. The discussion of eustatic (global) atmospheric warming due to increased GHG concentrations and the role of associated sea level rise in likely accelerating coastal bluff (sea cliff) retreat is much too oversimplified, given conditions in the eastern Pacific Ocean off North America at present and during the planning horizon of the General Plan (2011) and draft SEU. This section should be rewritten to accurately reflect the state of current information (and uncertainties). An example occurs on the second to the last line of this paragraph, where the draft SEU characterizes an "average sea level rise" at the Santa Barbara Harbor gauge as "1.25 mm/yr," without indicating that the rate given by NOAA is  $1.25\text{mm} \pm 1.82\text{mm}$ , the period is a discontinuous 17 years between 1973 and 2006, and that NOAA has posted further data for that gauge through 2012 that differs from the 1973-2006 data set and averaging (and smoothing).

i. At page 126, in paragraph 2, the draft SEU identifies Coastal Act section 30253 as being in the "CCR" (California Code of Regulations), when it is Division 20 in the Public Resources Code.

j. At page 127, in paragraph 1, the draft SEU references an undefined "additional factor of safety" for location of a coastal bluff top structure in relation to the coastal bluff (sea

## DALL & ASSOCIATES

cliff) retreat rate over the economic life of the structure. For lack of definition (Appendix B is also imprecise), this term ambiguous and hence incapable of objective implementation, and thus should either be specified or be deleted from the draft SEU.

k. The Santa Barbara Area Watersheds map, at Figure 23, is of a very low resolution, hence not readily legible, but appears to omit the City's "Lighthouse Creek" drainage watershed, although it is referenced in paragraph 3 on page 165 as an "other drainage." The omission should be corrected.

10. Appendix B. Establishing Development Setbacks from Coastal Bluffs. As noted above, this document is an uncodified and unadopted compilation of the Coastal Commission staff geologist's presentation at a conference. By contrast, the Coastal Commission has adopted the definition of the coastal program, term of art "coastal bluff," and its subset term "coastal bluff edge," at Title 14, Calif. Code of Regulations sec. 13577(h). Exhibit 1 contains that regulation, which is clear on its face, in full. We recommend that the City incorporate it into the draft SEU as Appendix B, and make the related changes in reference. For informational purposes, if the City were to deem it necessary, the SEU could contain an embedded reference and electronic link to a copy of the staff geologist's paper, when posted to the General Plan web site.

Please call or email the undersigned if you have any question/s regarding these comments.

Please send me an electronic and a printed copy of any revised or next iteration of the SEU, as well as a copy of all comment letters (other than this one) received on the April, 2013 draft SEU.

Thank you.

Sincerely yours,

DALL & ASSOCIATES  
Consultant to the Emprise Trust  
by:

*Norbert H. Dall*

Norbert H. Dall  
Partner

cc: Client  
Stephanie D. Dall, Partner, D&A

Exhibit 1: attached

## **DALL & ASSOCIATES**

EXHIBIT 1: DEFINITION OF "COASTAL BLUFF" AND "BLUFF EDGE", in Title 14, Cal. Code of Regs sec. 13577(h).

Title 14 California Code of Regulations, California Coastal Commission, § 13577.  
Criteria for Permit and Appeal Jurisdiction Boundary Determinations.

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

(a) Streams. [Omitted]

(b) Wetlands. [Omitted]

(c) Estuaries. [Omitted]

(d) Tidelands. [Omitted]

(e) Submerged Lands. [Omitted]

(f) Public Trust Lands. [Omitted]

(g) Beaches. [Omitted]

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

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

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

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

## **DALL & ASSOCIATES**

of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

(i) First Public Road Paralleling the Sea. [Omitted]

Note: Authority cited: Sections 30501 and 30620.6, Public Resources Code. Reference: Sections 30519 and 30603, Public Resources Code.

END OF DOCUMENT



Santa Barbara Association of REALTORS®

June 6, 2013

Elizabeth Limon  
PO Box 1990  
Santa Barbara, CA 93102

Re: Draft 2013 Safety Element Update General Plan Amendment & Local Coastal Program Hazards Section Update

Dear Ms. Limon,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,100 REALTORS® and our mission includes promoting home ownership as well as protecting private property rights. While reviewing the Draft Safety Element, we noticed that dispersed throughout the document, incentives or transfer development rights are mentioned. We applaud you for using the “carrot” approach as opposed to the “stick” approach since property owners are more receptive to incentives and they have enough mandates restricting their private property rights.

There are several implementation actions that provoked questions and comments. Below are the implementation actions with our questions/comments:

**S4.1 Climate Change Adaptation.** New public and private development or substantial redevelopment or reuse projects shall estimate the useful life of proposed structures, and, in conjunction with available information about established hazard potential attributable to climate change, incorporate adaptation measures in the design, siting, and location of the structures.

- Throughout the document, 75 years is considered the average useful life of a structure. Why does a project need to provide additional information about the useful life of the proposed structures? Isn't this just creating more unnecessary work for a project?

**S6.1 Information Resources.** Maps depicting areas that have been or may be affected by natural and human-caused hazards should be maintained by the City. These maps may be updated from time to time when new information regarding the location or severity of hazards becomes available.

- Are there already maps like this in existence? Are these maps available to the public? Based upon this information, is a proposal such as the “Blue Line” being considered?
- Our concern with mapping of this type is that it will inadvertently lead to potential red lining and decrease property values.

**S14.2 Fault Setbacks.** Structures for human occupancy should typically be setback 50 feet from the location of a fault. This setback distance may be increased or decreased based on the recommendations of the site-specific fault evaluation that was conducted to determine the location of the fault.

- Do these structures include remodels or just new construction? If someone can't build on their property, will transfer development rights be invoked? What happens to structures that are currently on fault lines?

## EXHIBIT E

Santa Barbara Association of REALTORS® | 1415 Chapala Street | Santa Barbara, CA 93101  
(805) 963-3787 | (805) 966-9664 FAX | [www.sbaor.com](http://www.sbaor.com)



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S14.5 Unreinforced Masonry Buildings. Implement existing building retrofit programs that address structural deficiencies in existing buildings that have the potential to result in significant safety hazards during earthquakes.

S14.6 Seismic Strengthening. Promote and implement a prescriptive seismic strengthening program to reduce the potential for damage to existing structures that do not meet current building code requirements.

- How will the existing building retrofit and prescriptive seismic strengthening programs be implemented? Will this be done through permits or will you be checking every property in the city? Will there be incentives to encourage the retrofitting of unreinforced masonry buildings?

S18 Sea Cliff Retreat. Buildings intended for human occupancy shall be designed and located so that erosion of the sea cliff will not be substantially increased by the project; and the building will not be adversely affected by sea cliff retreat for a minimum period of 75 years, the typical useful life of a new building.

- Do these structures include remodels or just new construction? If someone can't build on their property, will transfer development rights be invoked? What happens to structures that are currently on sea cliffs? Will there be a reduction in setbacks (front, side, back) to accommodate structures that fall under this implementation action?

S20.3c Improper Vegetation. Where feasible, existing non-native vegetation that requires large amounts of water, such as ice plant and annual grass, should be replaced with native vegetation.

- How will this be implemented? Will this be promoted through an educational outreach or will it be part of a formal permitting process?

S21 Development of the Bluff Face. With the exception of drainage systems identified in Implementation Action S19.2, no development shall be permitted on the bluff face except for engineered staircases or access ways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.

- Does this implementation action only refer to new staircases? What about existing staircases? Do the engineered staircases include private staircases? Will repairs of private staircases be allowed?
- It is important to note that private bluff staircases and access ways are part of a land owner's private property and therefore the only way that any government entity can take them is through negotiations with the private property owner or through eminent domain. Also these private staircases and access ways are used for public safety and without these staircases many communities and individuals on the beaches would not be able to receive the proper medical, fire, or police response in a timely manner.

S22.1 Impacts to Evacuation Routes. Development projects located in the Extreme Foothill and Foothill High Fire Hazard Zones shall be evaluated to determine if the project would have the potential to result in a significant emergency evacuation impact. A project would result in a significant evacuation impact if it would result in either of the following conditions:

- a. Physically interfere with evacuation capabilities....
- b. Substantially reduce evacuation capacity in the project area....



- Do these projects include remodels or just new construction? If someone can't build on their property, will transfer development rights be invoked? What happens to structures that are currently within these areas?
- SBAOR is a proponent of health and safety and as such we suggest that you look to other cities that implement procedures pertaining to evacuation routes that only take effect during extremely high fire danger days.

S30 Private Water Supplies for Fire Fighting. Encourage and assist homeowners in High Fire Hazard Areas to install their own emergency water supplies to support firefighting operations. Assistance could include expedited permit review.

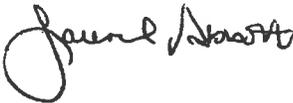
- Could assistance also include financial assistance? Would this change the water usage rates or procurement of water from the leading water agency?

S36b Future Inundation. Restricting rebuilding when structures are substantially damaged by sea level rise inundation and coastal storms.

- If someone can't build on their property, will transfer development rights be invoked?

Thank you for taking the time to read our concerns and questions and taking them under advisement.

Sincerely,



Laurel Abbott  
President





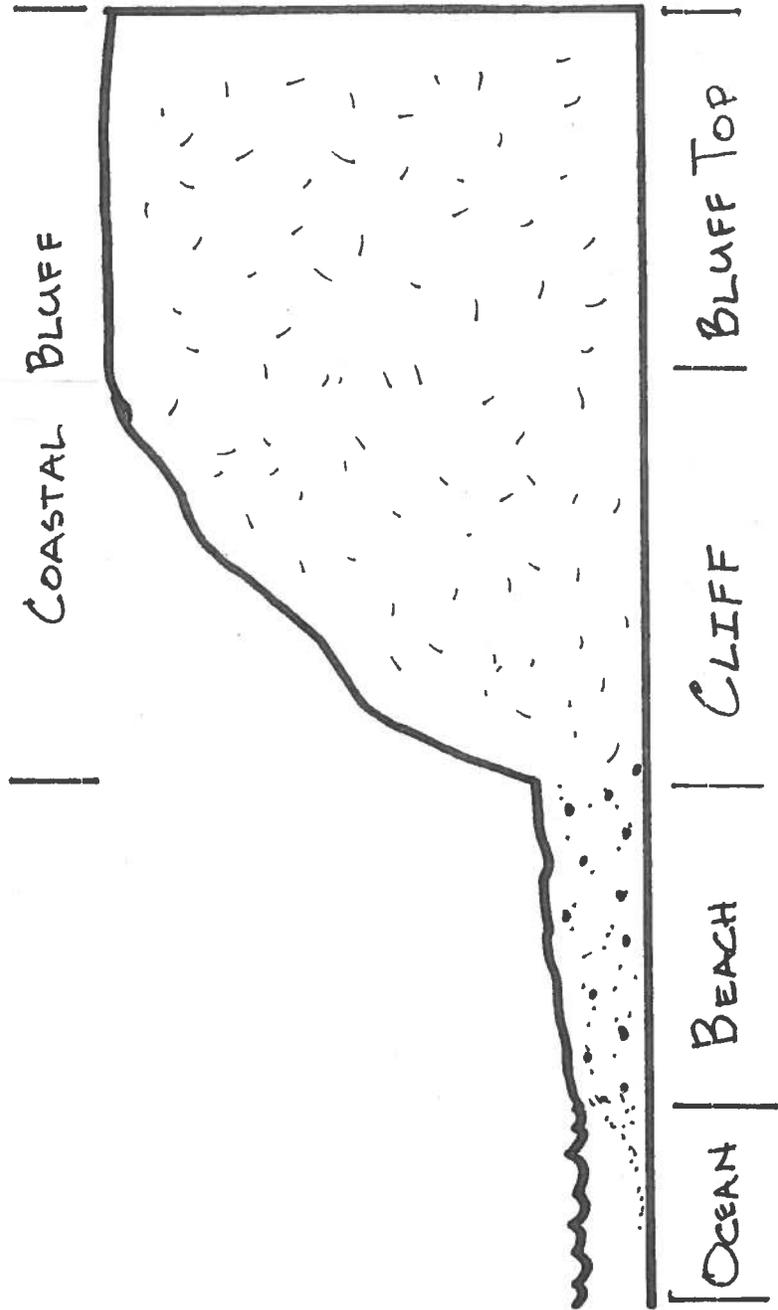


EXHIBIT F





**environmental**  
**DEFENSE CENTER**

May 22, 2013

John Ledbetter, Principal Planner  
City of Santa Barbara  
Community Development Department  
630 Garden Street  
Santa Barbara, CA 93101

**Re: City of Santa Barbara Draft 2013 Local Coastal Plan Amendment  
Hazards Section**

Dear Mr. Ledbetter:

The Environmental Defense Center (EDC) submits this letter regarding the City of Santa Barbara's 2013 Draft Safety Element Update and Local Coastal Plan (LCP) Amendment on behalf of Santa Barbara Urban Creeks Council (SBUCC). EDC is a non-profit public interest environmental law firm which protects and enhances the environment through education, advocacy and legal action. SBUCC safeguards and restores creeks and watersheds in the Santa Barbara area. The comments below focus on the Draft 2013 LCP Amendment "New Hazards Section" and are intended to help the City develop an update which complies with the Coastal Act, addresses public safety and environmental concerns, and is responsive to the impacts of anthropogenic climate change.

**INTRODUCTION**

In order to be certified by the California Coastal Commission (CCC), the LCP must be consistent with Chapter 3 of the Coastal Act.<sup>1</sup> The Coastal Act includes effective and important regulations for protecting streams, wetlands and sensitive habitats and for maintaining and improving water quality.<sup>2</sup>

The LCP is also important for protecting public safety in the Coastal Zone, and it has great potential to concurrently help the City protect and enhance environmental resources as necessitated by the Coastal Act.

Finally, this and future amendments to the City's LCP can better incorporate discussions of and responses to the impacts posed by global climate change. For example,

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<sup>1</sup> PRC Section 30512(c).

<sup>2</sup> PRC Sections 20231, 30236, 30233 and 30240.

coastal erosion and sea water intrusion are two significant issues facing the City of Santa Barbara.

The following comments regarding "Existing Policies" and "Possible Implementation Actions to be Considered" are presented as recommended additions and changes.

## **EMERGENCY RESPONSE PLANNING**

Policies S4.2 and S5.2 should be amended as follows:

S4.2. Adaptation Guidelines. By 2015, the City shall prepare adaptation guidelines for development projects, and to the extent of information available to the City, provide information about potential climate change hazards to developers.

....

S5.2 Plan process. Conduct the resilience planning process as a broad, cross-sector effort in coordination with the South Coast to engage public and institutional involvement, including:

- Public safety agencies
- Neighborhood groups
- Businesses, non-profit groups, and other non-governmental entities
- Health care facilities and practitioners (e.g., hospital, clinics)
- Relief supplies and volunteers (e.g., Red Cross, DRI)
- Hotels and Institutional facilities (e.g., schools; churches, retirement facilities, Fairgrounds) . . . .

## **GEOLOGIC AND SEISMIC HAZARDS**

Policy S19.2 should be amended as follows:

All new development of bluff top land shall have drainage systems carrying run-off away from the bluff to the nearest public street. In areas where the landform makes landward conveyance impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems may be permitted if:

- a. They are sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;
- b. The owner of the subject property allows for the permanent drainage of those parcels through his/her property;
- c. The drainage system is designed to be minimally visible on the bluff face and to remain minimally visible for 75 years.

- d. The drainage system is designed and constructed to operate properly with only minimal maintenance requirements.
- e. The drainage is designed to be effective for 75 years or longer, or is required to be replaced periodically to adapt to bluff erosion.

Policies S20.1 and S20.2 should be amended as follows:

S20.1 Sea Cliff Development Guidelines. The following guidelines shall be used for development on sea cliffs. . . (e) for proposed new structures which may become threatened by bluff erosion, coastal development permit conditions shall require demolition by owners in the event failure due to future bluff erosion is deemed imminent by the City.

S20.2 Shoreline Management Plan. Develop a comprehensive Shoreline Management Plan to identify, manage and to the extent feasible, mitigate or reduce climate change-induced sea level rise impacts upon public facilities, natural areas, and private property along the City Shoreline. The City should continue coordination with local and regional entities such as the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), the County, other South Coast cities, and UCSB to manage coastal issues including . . . (e) Relocation of potentially threatened structures inland.

## **FIRE HAZARDS**

As recently noted by the CCC, vegetation removal pursuant to the City's Wildland Fire Plan requires coastal development permits and analysis of consistency with coastal policies for habitat protection.<sup>3</sup> As currently drafted, the proposed LCP amendment is not consistent with Coastal Act section 30240, which requires that environmentally sensitive habitat areas (ESHA) "shall be protected against any significant disruption of habitat values . . . ."

For example, Policy S24.0 "Vegetation Management" does not require protection of ESHA, and a recent project demonstrated that "vegetation management" activities occur without adequate safeguards for ESHA. The August 2012 Santa Barbara City Fire Department vegetation clearing project along Arroyo Burro Creek at 601 Las Positas demonstrated that vegetation maintenance in ESHA has occurred without adequate safeguards for ESHA. For instance, some of the nests that were supposed to be flagged and avoided were destroyed. Pampas grass that was supposed to be eradicated was targeted by the masticator sending seeds throughout the ESHA; the seed heads were not bagged and removed. Policy S24.0 should be amended to ensure that necessary fire projects can be implemented in a way which complies with state law and protects public safety and the City's natural resources.

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<sup>3</sup> California Coastal Commission letter to John Ledbetter, City of Santa Barbara, May 8, 2013.

Vegetation management programs to reduce fire fuel loads, as well as project-related landscape and maintenance plans, shall protect and preserve ESHA, and balance fire risk reduction benefits with possible aesthetic, habitat and erosion impacts. Impacts that have the potential to result from fuel management activities shall be avoided or reduced to the maximum extent possible, and shall comply with California PRC Section 30240.

The City has been advised by the CCC to seek certification of the Wildland Fire Plan as part of an LCP update.<sup>4</sup> This will help facilitate future public safety projects while ensuring consistency with the Coastal Act's habitat protection requirements. Incorporation of the City's Wildland Fire Plan would be appropriate in the context of proposed LCP Policy S25.0 "Fire Hazard Risk Reduction." Implementation Strategy S25.1 "Wildfire Risk Reduction" refers to the City's Plan as follows: "Continue to implement risk reduction measures identified by the Wildland Fire Plan."

SBUCC appreciates Policy S28.0 "Fire Prevention and Creek Restoration": "Coordinate fire prevention and vegetation management activities with creek and riparian resource protection by developing and implementing Best Management Practices for vegetation/fuel management operations conducted within and adjacent to creek corridors." However, the "vegetation management" project discussed above was implemented pursuant to supposed Best Management Practices (BMPs), but the BMPs were not adequate to protect ESHA, and were not fully adhered to.

For example, some BMPs were changed through an internal City process which resulted in use of a masticator instead of hand-clearing. We believe this substantially increased the project's impacts to the ESHA, including effects on a rare species' nests, and also increased impacts of invasive non-native plant seed dispersal such as pampas grass. We believe that through cooperation and dialogue, we can develop appropriate policies for vegetation management and achieve a safer and ecologically productive environment.

Policy S28.1 should be amended as follows:

S28.1 Vegetation Management Practices. Guidelines should be developed for conducting fuel management activities in creek areas. At minimum, the guidelines should include the following parameters:

- a. Describe whether conditions ~~that~~ may warrant vegetation management activities within or adjacent to creek banks.
- b. Avoid wetlands and riparian habitats except within defensible spaces around inhabited structures. Provide standard ~~and site-specific~~ measures to protect ~~minimize impacts to~~ wetland and riparian habitat.
- c. Avoid impacts to nests of migratory birds and special-status species.  
Develop sStandards for when vegetation management operations may be

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<sup>4</sup> California Coastal Commission letter to John Ledbetter, City of Santa Barbara, May 8, 2013.

conducted in order to minimize the potential for impacts to nesting birds and sensitive species.

d. Requirements to prepare site-specific evaluations/vegetation management. Avoid Draft plans for fuel management operations that are planned to occur within or adjacent to sensitive habitat areas, unless within defensible spaces.

e. Requirements regarding when a Streambed Alteration Agreement (Fish and Game Code 1601) from the California Department of Fish and Wildlife and a Coastal Development Permit are is required prior to the implementation of the vegetation management work.

f. Standard mitigation measures to be implemented if planned vegetation management operations would have the potential to result in significant direct or indirect impacts to sensitive habitat, species or water quality.

g. If, after careful consideration of need and environmental effects including biological, erosion, and water quality impacts, clearing may be necessary in or near creeks and habitats, hand clearing shall be utilized to the greatest extent feasible.

## FLOOD HAZARDS

Policy S.32.0 should be amended as follows:

S32.0 Localized Drainage Impacts. New public and private development or substantial redevelopment or reuse projects located in areas outside a designated 100-year floodplain, but in areas known to have experienced repeated property damage to due to poor storm water drainage, shall not contribute to existing drainage impacts by substantially increasing runoff volume or flow rates, or displacing runoff onto adjacent properties. Vegetation removal projects shall not contribute to existing drainage impacts by substantially increasing runoff volume or flow rates.

## HAZARDOUS MATERIALS

We recommend the addition of four Implementation Strategies to ensure that public safety and the environment are protected from hazardous materials:

Implementation Strategy S38.1. The City shall prioritize remediation of contaminated soils and groundwater in areas adjacent to creeks, wetlands and the coastlines subject to climate change induced coastal erosion and seawater intrusion.

Implementation Strategy S38.2. By 2014, the City shall begin soil remediation and restore the El Estero Wetlands subject to Army Corps of Engineers enforcement case File No. 1999-15728-PMG.

Implementation Strategy S38.3. The City shall reduce health hazards associated with polluted runoff, including runoff which contains harmful bacteria and or viruses.

Implementation Strategy S38.4. The City shall support relocation of sewer lines which may be threatened by erosion, including the sewer line which runs through City land within Goleta Beach County Park.

## CONCLUSION

In closing, SBUCC wishes to work with the City to ensure that the proposed LCP amendment ensures public safety while complying with the Coastal Act and protecting clean water, sensitive wildlife habitats and other important environmental resources.

Sincerely,

Brian Trautwein,  
Environmental Analyst / Watershed Program Coordinator

cc: Melissa Ahrens, California Coastal Commission  
Eddie Harris, Santa Barbara Urban Creeks Council

**Safety Element Update – Responding to Comments**  
**Questions / Issues (black text) - Fire**  
**Staff Response (blue text)**  
September 12, 2013

Electric gates - Is there a plan for accessing properties with electric gates during evacuations when there is a power outage?

**Staff response:** The City's first approach is through public education. Homeowners are asked to leave gates open in the event of a wildfire because of power outages. Some gates have a release mechanism that opens the gate in the event the power goes off. Lastly, if all else fails then the gate is forced open if time allows.

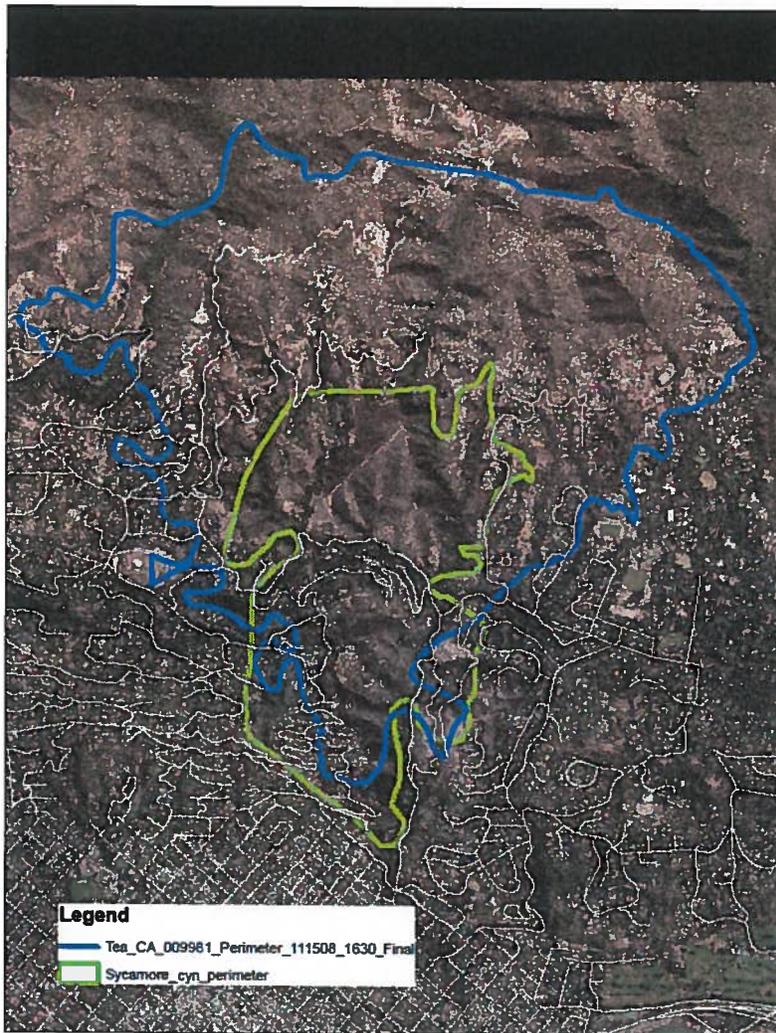
Wildland Fire Hazards - Revised wording has been suggested for the first paragraph under Wildland Fire Hazards as follows:

~~“Wildland fires are a natural process and plants native to chaparral habitats exhibit many diverse adaptations to survive fire that can have ecological benefits to the long term vitality of chaparral and other types of habitat.”~~

**Staff response:** The Safety Element and Technical Background Report text has been changed to reflect the above suggestion.

Recent Wildfires Map - The Sycamore Canyon Fire and Tea Fire areas should include a cross-hatch area to show areas of overlap. Wasn't Sycamore Canyon Fire much larger than the brown area shown on the Safety Element map?

**Staff Response:** Comment is correct. The Safety Element Wildfires Map does not accurately show the overlay of the Tea and the Sycamore Canyon fires. Attached is a general picture to show actual fire perimeters of both for information. Staff is still working on revising the Safety Element map to show the overlap of the 2 fires by using transparency or cross. Or by outlining the fire areas not color fill.



**Jesuita Fire Duration** – The Safety Element states that the “Tea Fire was not controlled until November 17, 2008. When was the 2009 Jesuita Fire was controlled and what was the duration?

**Staff response:** The Jesuita Fire started on May 5, 2009 and was controlled on May 22, 2009.

**Evacuation Routes** – Does emergency response include posting officers at key intersections to direct traffic when possible? Is this ever possible? Is this a feasible suggestion?

**Staff response:** The current Wildland Fire Evacuation Plan outlines specific “traffic control points” for posting officers at key intersections. Depending on the number of available officers and the movement of the fire these change. Redeployment occurs in real time as impacted areas change.

**Private Water Supplies for Fire Fighting.** Does Fire Department know where private pools are located? Should a voluntary survey / inventory be done?

**Staff response:** The Fire Department, Wildland Pre-Fire Plans have private pool locations within the high fire hazard area based on aerial photo imagery. No survey is necessary.

The following additional strategies were suggested (from CPA GPU recommendations):

Strengthen standards for existing and new development in high fire hazard areas:

**Staff response:** The standards for development in high fire hazard areas are pursuant to the California Fire Code and California Building Code as adopted and amended in the Municipal Code. The standards applied are already among the more stringent in the state.

Capture roof runoff for reuse; require use of cisterns; require runoff retention on-site and employ methods to slow release of water to help maintain live fuel moistures in safe range.

**Staff response:** Although the Fire Department does not discourage water conservation practices, mandatory requirements for devices such as runoff retention and cisterns are more appropriate as water resource or environmental policies. Cisterns (in the form of 10,000 gallon water tanks) are required in some areas but are of limited use in firefighting and are not allowed as landscape irrigation.

Provide appropriate Fire Department connections to cisterns, and require that cisterns be kept full during fire season to give fire companies augmented water sources during major fires.

**Staff response:** City water infrastructure is generally adequate for the purposes of fire protection. The exception is in the limited areas of Fire Zone II, where such reservoirs are already required. The minimum size of the required water supply is 10,000 gallons, which can pose site placement problems. Note that where on-site water supplies are required, Fire Department connections are also part of that requirement and *the designated water supply is for fire protection only and for no other purpose*. The applicant may choose to install a larger tank but may tap only the level above 10,000 gallons for purposes other than firefighting.

Prohibit further encroachment into dangerous fire environments where types of fuels, steepness of topography, hydrology, soil types and risks posed to environmental resources prevent emergency responders from providing safety.

**Staff response:** This suggestion encompasses political and philosophical ideas in areas of expertise that are well beyond the scope of the fire code and Safety Element. While we have studied theories of "occupant load control" and bans on development in high fire hazard areas (i.e. Cova; MIT 2008) the overall land use planning aspects of private property development in the wildland urban interface areas are not the purview of the fire service alone. While we would expect to be part of the public discourse if such a ban were proposed, the Safety Element is probably too broad to include the kind of detail required by such a proposal.

The fire code does address development in the high fire hazard areas, including access, fireflow and defensible space. The Fire Department may prohibit development of an individual parcel if the applicant can't meet those specific requirements.



## Safety Element Update – Responding to Comments

### Questions / Issues (black text) - Building & Safety

#### Staff Response (blue text)

September 12, 2013

#### Flood Insurance Rate Maps (FIRM)

Safety Element page 65 (S33) says to coordinate with FEMA to update FIRM floodplain boundaries for Special Flood Hazard Areas such as the Mission and Sycamore Creek drainages and Area A near El Estero. Should this be broader? Are there other areas that need updating? Las Positas? Everywhere?

**Staff response:** The Las Positas Valley FIRM maps were updated in September 2005 which included Arroyo Burro and San Roque creeks. The Las Positas Valley map revision was completed in September 2005 and no new work is proposed at this time. The FIRM map revision also included digitizing all of the FIRM maps in the County. FEMA has been in the process of revising the Sycamore creek, the upper Mission creeks and are A (near El Estero) for over four years with no definite date for release. This is why these specific areas are called out in S33 (now S48).

#### Unreinforced Masonry (URM) Buildings

The City did a comprehensive mandatory retrofit program for Downtown. Did it include all buildings? Page 22, last sentence: The City has also implemented programs to reduce hazards associated with the presence of unreinforced masonry buildings, which present a high risk of collapse during strong earthquakes.” Do we know how many or the extent of the problem? Are there other areas / neighborhoods in the City with unreinforced masonry buildings that have not been retro-fitted? Do we have any idea how many? Do we have a program planned to address them?

**Staff response:** The City identified over 250 URM building which were seismically improved in the 1990's. Most of them were located along State Street in the Downtown and Waterfront areas. Occasionally, a URM building is found during the development review or building permit process. When identified, these building are required to be retrofitted only for collapse prevention. If the building is modified structurally by more than 10%, it is required to be upgraded to the current codes for seismic demand.

#### California Building Code Update

Safety Element policy (was S27, now S43) addresses periodic building code updates. Is the City required to update our code annually to be consistent with State Building Code? The policy makes it sound optional

**Staff response:** The California Building Code is revised formally every three years and amended with addendum and revisions between cycles. Building departments of every city and county are required to enforce all the provisions of the California Building Code as well as other rules and regulations. “As appropriate” has been deleted from the Safety Element Building Code Update policy (S43).

#### Alquist-Priolo Designated Earthquake Fault Zones

The Safety Element states there are currently none of these fault zones in the City. Please confirm this is correct.

**Staff Response:** The City has no know faults of this type recorded.