ADDENDUM FOR PLANNING COMMISSION STAFF REPORT DATED FEBRUARY 15, 2018 FOR THE GENERAL PLAN MAP AMENDMENT AND LOCAL PROGRAM AMENDMENT (MST2018-00070) INCLUDING THE 2018 PLANNING COMMISSION REVIEW DRAFT COASTAL LAND USE PLAN

This Addendum contains additional comment letters received between January 12th and February 26th, topical responses to those comment letters, corrections to the February 15, 2018 Planning Commission Staff Report, and additional changes proposed to the 2018 Planning Commission Review Draft Coastal Land Use Plan.

Comment Letters

Two comment letters were received between January 12th and February 26th. One from U.S. Fish and Wildlife Service and one from Suzanne Elledge Planning & Permitting and are attached as Exhibit A to this Addendum. Topical responses to the comments are contained in Exhibit B to this Addendum.

Planning Commission Staff Report Corrections

The Planning Commission Staff Report, page 11, incorrectly cites that seven comment letters were received. Six letters were received on or before January 11th. Letters were also received from the Creeks Advisory Committee and from the Harbor Commission after January 11th due to their meeting schedules.

Appendix G, City Response to Comments Received by January 11, 2018, on the Public Review Draft Coastal LUP (November 2017) should have also included the text changes to pages 1.3-1 and 1.3-2 in response to Sheila Lodge’s comments that were included in the 2018 Planning Commission Review Draft Coastal LUP.

Changes to the 2018 Planning Commission Draft Coastal LUP

The following are changes to the 2018 Planning Commission Review Draft Coastal Land Use Plan included as Exhibit B to the February 15, 2018 Planning Commission Staff Report. In addition to the changes described below, Commissioners Wiscomb and Lodge have provided staff with numerous text and figure edits that generally provide clarifications or corrections. These text and figure edits will be incorporated into the 2018 Council Review Draft Coastal LUP.

Chapter 1.2 Santa Barbara’s Local Coastal Program

Text Section

The following text is added to page 1.2-4 under Coastal LUP Organization and Interpretation to clarify how findings should be made on coastal development permits:

A coastal development permit can only be approved if the development is consistent with the City’s Local Coastal Program, including the Coastal LUP and the City’s Implementation Plan (Zoning Ordinance and other implementing guidelines). Where needed, relevant Coastal Act policies, including all of the public access and recreation policies of Chapter 3 of the Coastal Act, have been incorporated as policies of this
Coastal LUP. While the other portions of the Coastal Act provide guidance on the interpretation of Coastal LUP policies, findings of consistency with all of the policies of the Coastal Act are not required for the City to issue coastal development permits within the City’s permitting jurisdiction.

Chapter 2.1 Land Use & Development

City Plans and Programs Policy Section

The following policies are added to ensure all the public access and recreation policies of the Coastal Act are included as policies of the Coastal LUP:

Policy 2.1-New1. Water-Oriented Recreation. As outlined in Coastal Act Section 30220, coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Policy 2.1-New2. Protection of Oceanfront Lands for Recreation. As outlined in Coastal Act Section 30221, oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Policy 2.1-New3. Protection of Upland Areas for Recreation. As outlined in Coastal Act Section 30223, upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Development Review Policy Section

Policy 2.1-16 is changed as follows to clarify that additions are considered new development subject to all the policies of the Coastal LUP and to address repairs and alterations that arise out of the building permit process:

Policy 2.1-16 Nonconforming Development. The following apply to development that is nonconforming with relation to the policies of this Coastal LUP:

a. Any lawfully established structure or site development that conforms to the requirements under which it was legally established, but does not comply with any policy of the Coastal LUP, shall be considered legal nonconforming;

b. Legal nonconforming structures or site developments may be continued, repaired, and maintained as long as these activities do not rise to the level of substantial redevelopment;

c. The right to continue does not apply to legal nonconforming structures and site development deemed to be a public nuisance because of health or safety conditions, as determined by the Chief Building Official;

d. Alterations to a legal nonconforming structure or site development within the existing development footprint may be permitted provided that the alteration does not increase any existing nonconformity and is not considered a substantial redevelopment;

e. Additions are considered new development and must conform to all policies of the Coastal LUP. Additions to a legal nonconforming structure may be permitted if the addition conforms with the policies of this Coastal LUP (e.g., is located outside required buffer areas) and provided that any alterations to the legal nonconforming development needed to develop the addition conform to subsection d.
above. If the addition would result in alternations or repairs to the legal nonconforming structure to a level considered substantial redevelopment, then the addition and the substantially redeveloped legal nonconforming structure would both be considered new development and must conform to the all policies of the Coastal LUP pursuant to subsection f. below does not increase any existing nonconformity.

f. Substantial redevelopment is considered new development and must conform to all policies of the Coastal LUP; and

g. Alterations or addition to a legal nonconforming development may be permitted as may be reasonably necessary to comply with any lawful order of any public authority, such as seismic safety requirements, the American with Disabilities Act, or a Notice and Order of the Building Official, made in the interest of the public health, welfare, or safety; and

h. Repairs and alterations to legal nonconforming structures that are required in order to conform to building code requirements, geotechnical reports, or other City Ordinances shall be considered part of the overall project reviewed through the coastal development permit process. If additional repairs, alterations, or other development not previously considered as part of the coastal development permit arises as a result of permitting process subsequent to review of the coastal development permit (building permit or other), the additional development shall be required to undergo further coastal development permit processing.

Definition and Procedures Policy Section

Policy 2.1-24 is changed as follows to clarify that the calculation of substantial development pertains to structural elements only:

Policy 2.1-24 Substantial Redevelopment. A substantial redevelopment is defined as follows:

a. Areas Not within: Potential Shoreline Hazards Screening Areas 1 (City-Owned Low Lying Beach and Backshore Areas), 2 (Bluff Backed Beaches), 3 (Coastal Bluff Faces), 4 (Coastal Bluff faces), and 5 (Stearns Wharf and Harbor) on Figure 5.1-1 Interim Shoreline Hazards Screening Areas; 35’ of the top of bank of Mission Creek; 50’ of the top of bank of Arroyo Burro, Sycamore Creek, or Laguna Channel; and the canyon on both sides of Arroyo Honda, Mesa Creek, or Lighthouse Creek as generally depicted on Figure 4.1-4 Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda.

i. A substantial redevelopment occurs when a structure is either completely demolished or at least two of the three conditions below take place within any five-year period:

a. More than 50 percent of the structural elements of the roof or roof framing is replaced, structurally altered, or removed;

b. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure; and/or

c. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar
element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.

ii. Fences, patios, decks, staircases, or similar structures, shall be considered to be substantially redeveloped when more than 50 percent of either the lineal feet or area of the structure is replaced, structurally altered, or removed.

b. Areas within: Potential Shoreline Hazards Screening Areas 1 (City-Owned Low Lying Beach and Backshore Areas), 2 (Bluff Backed Beaches), 3 (Coastal Bluff Faces), 4 (Coastal Bluff faces), and 5 (Stearns Wharf and Harbor) on Figure 5.1-1 Interim Shoreline Hazards Screening Areas; 35’ of the top of the bank of Mission Creek; 50’ of the top of bank of Arroyo Burro, Sycamore Creek, or Laguna Channel; and the canyon on both sides of Arroyo Honda, Mesa Creek, or Lighthouse Creek as generally depicted on Figure 4.1-4 Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda.

i. A substantial redevelopment occurs when either of the two conditions below cumulatively take place following the date of certification of the Coastal LUP:

a. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure, or

b. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.

ii. Fences, patios, decks, staircases, or similar structures shall be considered to be substantially redeveloped when more than 50 percent of either the lineal feet or area of the structure is replaced, structurally altered, or removed cumulatively following the date of certification of the Coastal LUP.

c. The calculation for determining what percentage of a wall has been replaced, structurally altered, or removed will be based on a horizontal measurement of the perimeter exterior wall removed between the structure’s footings and the structure’s ceiling. The calculation for determining what percentage of the roof or foundation system has been replaced, structurally altered, or removed will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element.

Chapter 2.2 Coastal-Dependent & Related Development

Development Review Policy Section

In response to verbal comments from Commissioner Lodge Policy 2.2-20 is changed as follows:
Policy 2.2-20  Stearns Wharf Pedestrian Access. Stearns Wharf was designed to be and continues to be primarily a pedestrian environment, and vehicles on the Wharf shall be secondary to pedestrians. The protection and ease of pedestrian access shall be reviewed in all applications for new development and substantial redevelopment on the Wharf. The existing perimeter public walkway shall be maintained to provide maximum public viewing opportunities of the Harbor and shoreline, break up the massing of the structures on the Wharf, and to provide quiet and intimate settings for the public to move outside of the main flow of pedestrian traffic on the Wharf.

Chapter 3.1 Public Access

Definitions and Procedures Policy Section

The following policy is added to ensure all the public access and recreation policies of the Coastal Act are included as policies of the Coastal LUP:

Policy 3.1-New1 Implementation of Public Access Policies. As outlined in Coastal Act Section 30214, the following shall be considered when implementing the public access policies of this Coastal LUP:

a. The public access policies of this Coastal LUP shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
   i. Topographic and geologic site characteristics;
   ii. The capacity of the site to sustain use and at what level of intensity;
   iii. The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; and
   iv. The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

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

c. In carrying out the public access policies of this Coastal LUP the City shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.
Chapter 4.1 Biological Resources

Text Section

In response to comments received by USFWS (February 9, 2018), text on page 4.1-8 is changed under Special-Status Species & Other Wildlife as follows:

Twenty-seven plant species and 30 wildlife species that are federally or state listed as rare, threatened, or endangered currently have the potential to occur in the City of Santa Barbara, according to the California Natural Diversity Database, although this list is updated frequently and subject to change. Within the City’s Coastal Zone, plant species of note include the cliff aster (Malacothrix saxatilis) and Davidson’s salt scale (Atriplex serranana var. davidsonii), which have the potential to occur in the vicinity of Arroyo Burro Beach and estuary. Segments of Arroyo Burro and Mission and Sycamore Creeks support aquatic habitat that is important for the federally threatened southern steelhead trout (Oncorhynchus mykiss). The federally endangered tidewater goby (Eucyclogobius newberryi) resides year-round in brackish water at the mouths of Arroyo Burro, Mission Creek, Laguna Channel, and Sycamore Creek, and can occur in the Andréé Clark Bird Refuge and the outflow lagoon for the Refuge near Cabrillo Boulevard. The U.S. Fish and Wildlife Service (USFWS) has designated the estuaries at Arroyo Burro, Mission Creek, and Laguna Channel as critical habitat for the tidewater goby. According to USFWS, critical habitats are specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. The southwestern pond turtle (Clemmys marmorata), a California Species of Concern, has the potential to occur in Laguna Channel, Sycamore Creek, Arroyo Burro, El Estero Drainage, the Andréé Clark Bird Refuge, and other locations. Threatened western snowy plovers (Charadrius alexandrinus nivosus) forage and roost along waterfront beaches East Beach. USFWS has designated West Beach and East Beach as critical habitat for overwintering western snowy plovers. The federally and state endangered California least tern and bank swallow (Riparia riparia) also have been found near the Harbor and the Andréé Clark Bird Refuge. Monarch butterfly (Danaus plexippus) roost in eucalyptus groves at the Douglas Family Preserve, La Mesa Park, and adjacent to the Arroyo Honda valley.

Figures

In response to comments received by USFWS (February 9, 2018), Figure 4.2-2 Potential Vegetation Communities, has been amended to map the critical habitat areas for tidewater goby (estuaries of Arroyo Burro, Mission Creek, and Laguna Channel) and western snowy plover (West Beach and East Beach) (see Exhibit C).

Chapter 4.3 Scenic Resources & Visual Quality

Definitions and Procedures Policy Section

Policy 4.3-27 is changed as follows to add public bluff top vista points as a public area from where to view scenic resources.

Policy 4.3-27 Public Scenic Views and Scenic Resources Identification. Public scenic views are defined as views of scenic resources as viewed from public areas, such as Cabrillo Boulevard, Shoreline Drive, Cliff Drive, Meigs Road, Coast Village Road, and Highway 101, public bluff top vista points, trails, beaches, and parklands. Scenic resources are generally shown on Figure 4.3-1 Scenic Resources and include, but are not limited to, the following:

Areas inside the Coastal Zone of the City:

a. Pacific Ocean;
b. Coastal Bluffs & Shoreline;
c. Creeks, Estuaries, Lagoons, and Riparian Areas;
d. Stearns Wharf;
e. Harbor;
f. Douglas Family Preserve;
g. Montecito Country Club;
h. Andrée Clark Bird Refuge;
i. Bellosguardo (formerly known as the Clark Estate);
j. Santa Barbara Zoo;
k. Parks;
l. Historic Structures, Sites, and Trees important for their visual quality; and
m. Landscaping and structures that are contributing resources to Scenic Highways and Routes (Potential State Scenic Highway—Highway 101 and Potential City Scenic Routes—Cabrillo Boulevard and Shoreline Drive).

Areas outside the Coastal Zone of the City:

a. Pacific Ocean;
b. Channel Islands;
c. Foothills-Riviera; and
d. Santa Ynez Mountains.

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

Chapter 5.1 Coastal Hazards & Adaptation

Development Review Policy Section

Policy 5.1-32 is changed as follows to clarify that the list of minor development allowed within the Coastal Bluff Edge Development Buffer is meant to be a definitive list of items. The changes below also fix a formatting error between Policy 5.1-32 and 5.1-33. The last portion of Policy 5.1-32 was mistakenly shown to be part of Policy 5.1-33.

Policy 5.1-32 Development Standards for Potential Shoreline Hazards Screening Area 4 (Coastal Bluff-Tops) on the Interim Shoreline Hazards Screening Areas Map.

a. New development and substantial redevelopment shall be designed and sited to minimize impacts of coastal bluff erosion and coastal bluff slope failure to life and property; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over the expected life of the development, factoring in the effects of sea level rise.

b. Except for allowed development outlined in subsection c. below, new development and substantial redevelopment shall be sited landward of a Coastal Bluff Edge Development Buffer. The Coastal Bluff Edge Development Buffer shall be of sufficient size so as to ensure that new development and substantial redevelopment will not be threatened by erosion or slope instability, will not require the use of
existing or new slope stabilization devices (except existing devices protecting public roads), and will not require the use of existing or new shoreline protective devices (except existing devices protecting public roads) over its expected life, factoring in the effects of sea level rise. Policy 5.1-68 Coastal Bluff Edge Development Buffer Calculation provides a detailed methodology for site-specific analysis of Coastal Bluff Edge Development Buffers.

c. New development and substantial redevelopment within Coastal Bluff Edge Development Buffers shall be limited to:

i. Development allowed on coastal bluff faces pursuant to Policy 5.1-31 Development Standards For Potential Shoreline Hazards Screening Area 3 (Coastal Bluff Faces) on the Interim Shoreline Hazards Screening Areas Map;

ii. Landscaping and other plantings consistent with Policy 5.1-37 Landscaping, Watering, Weight, and Drainage on Coastal Bluff Faces and Coastal Bluff Edge Development Buffers; and

iii. Minor, easily removable (without the use of mechanized equipment), non-habitable structures and improvements such as including patios (wood, pavers, stone, brick, tile, etc.) no more than 10 inches above grade, walkways, lighting for public safety purposes, fences limited to 42” in height, or vegetation barriers, if they are found to conform to the following:

a. Shall be located at least 10 feet from the coastal bluff edge (fences or other vegetation barriers for safety purposes could be located as close as 5 feet from the bluff edge if there is no other feasible option on the site);

b. Shall require an evaluation by a qualified California licensed professional (e.g., Professional Geologist, Engineering Geologist, Geotechnical Engineer, or Civil Engineer, as applicable) that shows that the improvement will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area;

c. Shall be designed to be visually compatible with the surrounding area;

d. Shall be subject to the conditions listed in Policy 5.1-41 Conditions for Development in Shoreline Hazard Areas on the Interim Shoreline Hazards Screening Areas Map and additional conditions of approval that:

i. Require proper maintenance of the improvements so that they do not become a safety issue or begin to affect erosion, geologic instability, or destruction of the site or surrounding area;

ii. Require that no mechanized construction equipment is used for installation or removal;

iii. Require removal of the minor improvements when erosion reaches less than 5 feet from the improvements or if the improvements are otherwise deemed unusable or unsafe due to imminent threat of damage or destruction from geologic stability, erosion, flooding, wave impact hazards, or other hazards associated with development on a coastal bluff or beach; and

iv. Limit the approval of the minor improvements to a maximum 20 years from the issuance of the Coastal Development Permit. When the permit term ends, the minor improvements shall be removed unless re-
evaluation of the site shows the minor improvements still meet the standards and conditions listed above and a new Coastal Development Permit is approved to retain the minor improvements.

v. If compliance with subsection a. and b. above would prohibit a reasonable use of a lawfully created lot, Policy 5.1-35 Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards or Policy 5.1-36 Sea Ledge Lane may apply.

Policy 5.1-33 If compliance with subsection a. and b. above would prohibit a reasonable use of a lawfully created lot, Policy 5.1-35 Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards or Policy 5.1-36 Sea Ledge Lane may apply. Development Standards for Potential Shoreline Hazards Screening Area 5 (Stearns Wharf and Harbor) on the Interim Shoreline Hazards Screening Areas Map. New development and substantial redevelopment shall be sited and designed to minimize impacts of beach erosion, coastal flooding, and wave impacts to life and property; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over the expected life of the development, factoring in the effects of sea level rise. See additional policies addressing uses in this Area in Chapter 2.1 Land Use & Development and Chapter 2.2 Coastal-Dependent & Related Development.

Definitions and Procedures Policy Section

The titles of Policies 5.1-62 through 5.1-66 are changed to include the addition of “for New Development and Substantial Redevelopment” to clarify that these evaluation requirements are for new development and substantial redevelopment. An example of this change is shown in the title of Policy 5.1-62 below. Evaluation procedures for repairs and alterations highly depend on the nature of the repair and would be determined by the Environmental Analyst on a case by case basis.

Policy 5.1-62 Potential Shoreline Hazards Screening Area 1 (City-Owned Low-Lying Beach and Backshore Areas) Evaluations for New Development and Substantial Redevelopment.

EXHIBITS

A. Comments Received between January 12, 2018 and February 26, 2018 on the 2018 Planning Commission Review Draft Coastal LUP
B. City Response to Comments Received between January 12, 2018 and February 26, 2018 on the 2018 Planning Commission Review Draft Coastal LUP
C. Figure 4.1-2 Potential Wildlife And Special Status Species Areas
Comments Received between January 12, 2018 and February 26, 2018 on the 2018 Planning Commission Review Draft Coastal LUP
City of Santa Barbara Planning Staff
Planning Division
City of Santa Barbara
P.O. Box 1990
Santa Barbara, California 93102-1990

Subject: Notice of Availability of City of Santa Barbara’s Draft Coastal Land Use Plan,
Santa Barbara County, California

Dear City of Santa Barbara Planning Staff:

We reviewed your notice of availability (notice), dated January 10, 2018 and received in our
office on January 17, 2018, for the subject plan. We also reviewed the plan itself which we
understand is being updated to modernize the existing 1981 Coastal Land Use Plan and to
implement standards that clarify the coastal development review process. The new draft Coastal
Land Use Plan (draft LUP) carries forward policies that already exist in other City of Santa
Barbara (City) planning documents and regulations. New policies document criteria and
interpretations, clarify development standards for complicated topics such as development near
coastal bluffs and creeks, and addresses new and emerging issues for the City such as sea level
rise.

The mission of the U.S. Fish and Wildlife Service (Service) is working with others to conserve,
protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the
American people. To assist in meeting this mandate, the Service provides comments on public
notices issued for projects that may have an effect on those resources, especially federally-listed
plants and wildlife. The Service’s responsibilities also include administering the Endangered
Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally
listed endangered or threatened wildlife species. “Take” is defined at Section 3(19) of the Act to
mean “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt
to engage in any such conduct.” The Act provides for civil and criminal penalties for the unlawful
taking of listed wildlife species. Such taking may be authorized by the Service in two ways:
through interagency consultation for projects with Federal involvement pursuant to section 7, or
through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

The draft LUP does not acknowledge the fact that critical habitat has been designated within the
plan area for the federally threatened western snowy plover (Charadrius nivosus nivosus) or
federally endangered tidewater goby (Eucyclogobius newberryi). As such, it diminishes the
importance of these areas for these species. Critical habitat for western snowy plover (Unit CA-35) was designated at East Beach on June 5, 2012 (76 FR 16046) and consists of 65.2 acres. Unit CA-35 was designated on East Beach because it supports important wintering habitat for the species and contains the features that are essential for the conservation of the species. East Beach is a known winter roost for western snowy plovers. Disturbance of wintering western snowy plovers and its habitat may cause individuals to move more frequently than they would under natural conditions and result in energy expenditures that could affect the ability of the individual to survive harsh conditions.

Critical habitat for the tidewater goby (Sub Unit SB-11 Mission Creek-Laguna Channel) was designated at Mission Creek and the Laguna Channel on February 6, 2013 (78 Federal Register (FR) 8746) and consists of 7 acres. Sub Unit SB-11 was designated because the population of tidewater goby in this Sub Unit is likely a source population, which is important in maintaining metapopulation dynamics, and hence the long-term viability for the species in this region. This Sub Unit supports the recovery of the tidewater goby population along this portion of the coast and helps facilitate colonization of currently unoccupied locations. Furthermore, critical habitat for tidewater goby (Sub Unit SB-10 Arroyo Burro) was designated at Arroyo Burro on February 6, 2013 (78 FR8746) and consists of 3 acres. Sub Unit SB-10 was designated because provides habitat for the species, allows for connectivity between tidewater goby source populations from nearby units, supports gene flow, and provides for metapopulation dynamics.

Lastly, tidewater goby are known to occur in the Andree Clark Bird Refuge outflow lagoon near Cabrillo Boulevard. Tidewater gobies were first reported in the Andree Clark Bird Refuge outflow lagoon on the beach side of Cabrillo Boulevard (separated from the lake by a closed weir) in 1993 and 1995 (Ambrose 1995).

Therefore, we recommend that the City recognize the aforementioned critical habitat units within the City’s LUP so that it is clear to the public how important these areas are to the western snowy plover and the tidewater goby, as well as, other sensitive native species. The status of tidewater goby in Andree Clark Lagoon on East Beach should also be recognized in the LUP as it could inform project planning at this location. If you have any questions regarding this matter, please contact Chris Dellith of my staff at (805) 677-3308 or via electronic mail at chris_dellith@fws.gov.

Sincerely,

[Signature]

Stephen P. Henry
Field Supervisor
LITERATURE CITED

Prepared for County of Santa Barbara.
26 February 2018

City of Santa Barbara
Planning Commission
c/o City of Santa Barbara Planning Division
630 Garden Street
Santa Barbara, CA  93101

Sent via email: PCSecretary@SantaBarbaraCA.gov

RE: City of Santa Barbara, Draft Coastal Land Use Plan

Dear Planning Commissioners:

Thank you for this opportunity to provide our comments on the City of Santa Barbara’s Draft Coastal Land Use Plan. Our office participated in the open house held on November 11, 2017 in addition to subsequent overviews of the Draft Plan presented by City staff in December 2017 and January 2018. We look forward to a robust discussion of the updated Coastal policies at the March 1st Planning Commission hearing.

Our comments are focused on the following topics:

Chapter 2 Land Use & Development

Policy 2.1 – 16 Non-Conforming Development and Policy 2.1-24 Substantial Redevelopment

The policies associated with non-conforming development do not specify whether structures damaged or partially destroyed by fire, flood, earthquake, etc., will be subject to the definitions regarding “substantial redevelopment” in order to repair and maintain these non-conforming developments. Please clarify.

Additionally, please clarify whether a roof replacement or a wall replacement that does not include a structural component is not within the definition of substantial redevelopment.
Chapter 3 Public Access & Recreation

Chapter 3.1 Public Access

We understand that maintaining and promoting public access for all visitors to the Coastal Zone is one of the central goals of the Coastal Act, including the availability of public parking. The Draft Plan provides in-depth analysis of public access within the Coastal Zone and Santa Barbara’s Waterfront, noting that there are eleven public parking lots containing over 2,400 public parking spaces.

As the Draft Plan further notes, the recommended policies regarding extending the Central Business District (CBD), the Parking and Business Improvement Area, (PBIA) and Parking Zones of Benefit into the Coastal Zone have been identified in the Circulation Element of the City’s General Plan for decades. Policy 3.1-14 Parking Supply and Management has long been anticipated and we strongly encourage the Planning Commission to support the policies and recommend implementation.

We concur with City staff that the existing public parking supplies can be managed such that visitor access to the Coastal Zone will be improved. Additionally, the success in implementing Policy 3.1-14 is directly linked to the policies associated with Sustainable Transportation and therefore we also urge the Planning Commission to support the Parking Zone of Benefit to include further expansion of the MTD Shuttle route through the Funk Zone, infrastructure improvements to improve circulation, enhance the experience for both pedestrians and bicyclists, and wayfinding signage, to name a few.

As a suggestion, it may be fruitful for the City to host or sponsor a design charrette to consider solutions for parking, circulation and pedestrian safety in the funk zone. We were involved in a design charrette hosted by the Central Coast American Planning Association and attended by citizens, planners and some design professionals, that focused on that activity as a sample exercise, and were impressed with many of the ideas that came about during that engagement.

Chapter 4 Coastal Resource Protection

Chapter 4.4 Cultural Resources

We appreciate the clear guidelines in this section and the inclusion of the requirements for consultations. We did find figure 4.4-1 somewhat difficult to digest (e.g. El Estero “brown zone” appears not to be enclosed, it was difficult to make out the borders of other zones due to overlapping). Perhaps dividing the map into two (2) figures would allow for a closer view, or consider an alternative way of demarcating the zones.
In general, we are supportive of the language in this section and the focus on the impacts from potential sea level rise. However, we strongly recommend that the City attempt to obtain feedback from local geologists on important coastal bluff issues such as these which will impact future development projects for the foreseeable future.

While we support the City and Coastal Commission’s goals of minimizing impacts to life safety and visual resources, we believe these goals can be accomplished while still allowing for certain structures within the Coastal Edge Development Buffers.

We believe Policy 5.1.32.c.iii (Development Standards for Coastal Bluff-Tops) can be amended to provide further clarity to homeowners and the public about what type of development can be located within the buffer, and that the City should consider allowing minor structures where it can be demonstrated that the development will not have a deleterious effect on bluff stability, life safety and visual resources. These structures can be important for quiet enjoyment of property for parcels adjacent to bluff tops with little or no yard outside of the bluff setback.

For example, a garden pavilion, pergola, can likely be shown to have negligible impacts on bluff stability and life safety, while being virtually invisible. We wonder what public interests are being served by preventing this type of development?

The terms “minor” and “easily removable” are not particularly well defined in the Draft LCP. The purpose of being easily removable is such that a property owner can respond in short order to a situation where perhaps a bluff failure has caused the bluff to come within 5’ of the proposed structure, or has reduced bluff stability such that the structure could be removed. It seems reasonable to us that if an owner can hire a work crew to remove the at-risk structure in a single day, then that meets the intent of the policy without being overly restrictive as to the type of allowable development.

The term “minor” is also subject to debate, and therefore we suggest more specific guidelines. In an online review of other LCPs in California, we found several ideas that the City might consider using or adapting.

- The [City of San Clemente](#) only requires a bluff setback for accessory structures requiring a foundation. This also addresses the ‘easily removable’ aspect.
- The [City of Encinitas](#) allows minor accessory structures with within 5’ of the bluff and defines minor accessory structures as those requiring no City approval or permit, including a building or grading permit.
- The [City of Ventura](#) has a variance process for allowing development within 25’ of the bluff edge.
- The [City of Malibu](#) LCP states, “ancillary structures such as decks, patios and walkways that do not require structural foundations may extend into the setback area to a minimum distance of 15’ from the bluff edge.”

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Exhibit A

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We offer the attached suggested redline of Policy 5.1.32c.iii to further define “minor” and “easily removable” and to allow existing concrete patios where those patios conform to the other development standards of the policy.

We appreciate the opportunity to submit our comments as part of Draft Coastal LUP comment hearing and your time to review and consider our comments.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

Steve Welton, AICP  Patricia Allen, AICP
Senior Planner            Senior Planner
Minor Structures within the Bluff Setback
Policy 5.1.32.c.iii

iii. Minor\(^1\), easily removable\(^2\) non-habitable structures and other minor improvements such as patios (wood, pavers, stone, brick, tile, etc.\(^3\)) no more than 10 inches above grade, walkways, lighting for public safety purposes, fences limited to 42” in height, or vegetation barriers, if they are found to conform to the following:

- Shall be located at least 10 feet from the coastal bluff edge (fences or other vegetation barriers for safety purposes could be located as close as 5 feet from the bluff edge if there is no other feasible option on the site);
- Shall require an evaluation by a qualified California licensed professional (e.g., Professional Geologist, Engineering Geologist, Geotechnical Engineer, or Civil Engineer, as applicable) that shows that the improvement will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area;
- Shall be designed to be visually compatible with the surrounding area;
- Shall be subject to the conditions listed in Policy 5.1-41 Conditions for Development in Shoreline Hazard Areas on the Interim Shoreline Hazards Screening Areas Map and additional conditions of approval that:
  - Require proper maintenance of the improvements so that they do not become a safety issue or begin to affect erosion, geologic instability, or destruction of the site or surrounding area;
  - Require that no mechanized construction equipment is used for installation or removal;
  - iii. Require removal of the minor improvements when erosion reaches less than 5 feet from the improvements or if the improvements are otherwise deemed unusable or unsafe due to imminent threat of damage or destruction from geologic stability, erosion, flooding, wave impact hazards, or other hazards associated with development on a coastal bluff or beach; and
  - iv. Limit the approval of the minor improvements to a maximum 20 years from the issuance of the Coastal Development Permit. When the permit term ends, the minor improvements shall be removed unless reevaluation of the site shows the minor improvements still meet the standards and conditions listed above and a new Coastal Development Permit is approved to retain the minor improvements.

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1 Minor non-habitable structures are defined as those that do not have a foundation and do not require a building permit.
2 Easily removable structures are defined as structures that can be removed (by a 2-3 person work crew) in a single work day (cumulatively, for all structures), without the use of mechanized equipment.
3 Concrete patios existing prior to 2018 may be permitted, subject to compliance with the remainder of the criteria.
City of Santa Barbara’s LCP Update
City Response to Comments Received between January 12, 2018 and February 26, 2018 on the 2018 Planning Commission Review Draft Coastal LUP

Chapter 2.1 Land Use and Development

- The policies associated with non-conforming development do not specify whether structures damaged or partially destroyed by fire, flood, earthquake, etc., will be subject to the definitions regarding substantial redevelopment in order to repair and maintain these non-conforming developments.

Response: Projects that involve replacement and repair to existing nonconforming structures following a natural disaster may be exempt from a coastal development permit pursuant to Section 28.44.070 of the City’s Municipal Code depending on the scope of the development proposed. This includes the exemption included in Section 28.44.070.I that reads as follows:

28.44.070.I REPLACEMENT OF EXISTING STRUCTURES DESTROYED BY NATURAL DISASTER EXEMPTION. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this Subsection I, the term:

1. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

2. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

3. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Those projects that do not meet the requirements for exemptions outlined in Municipal Code Section 28.44.070 would require coastal development permits. Those projects that require coastal development would be subject to all of the policies of the Draft Coastal LUP, including the definition of substantial redevelopment and policies requiring that substantially redeveloped structures meet all the policies of the Coastal LUP.

- Please clarify whether a roof replacement or a wall replacement that does not include a structural component is not within the definition of substantial redevelopment.

Response: The definition of substantial redevelopment for roofs and walls was intended to pertain only to structural elements or framing. Policy 2.1-24 has been amended to clarify...
this intent and to ensure consistency with how the issue is addressed in the New Zoning Ordinance.

Chapter 3.1 Public Access

- **Support for Policy 3.1-14, which includes measures for parking supply and management. Suggestion for the City to host or sponsor a design charrette to consider solutions for parking, circulation, and pedestrian safety in the funk zone.**

Response: Comments noted. This Draft Coastal LUP contains policies that focus on parking, sustainable transportation, circulation, and pedestrian uses only as they relate to the Coastal Act protections for public access to the shoreline and coastal recreation. Consideration of specific future changes to parking, circulation, and pedestrian safety in the funk zone are outside the scope of this current work effort.

Chapter 4.1 Biological Resources

- **The draft LUP does not acknowledge the fact that critical habitat has been designated within the plan area for the federally endangered tidewater goby and federally threatened western snowy plover. Critical habitat areas for western snowy plover and tidewater goby within the City’s jurisdiction should be mapped and discussed in the Draft Coastal LUP. The document should also note that tidewater goby has also been found in the Andree Clark Bird Refuge outflow lagoon near Cabrillo Boulevard.**

Response: In response to comments from the USFWS, text to Chapter 4.1 has been added to discuss the critical habitat designations for western snowy plover and tidewater goby and to add the outflow lagoon of the Andree Clark Bird Refuge as a place where tidewater goby has been found. In addition, these critical habitat designations have been added to Figure 4.1-2 which shows areas of potential importance for wildlife (see Exhibit C).

In order to fully respond to this comment, and others regarding western snowy plover critical habitat areas, City staff had several additional conversations with USFWS and CCC staff since January 11th. Through these conversations it was clarified by both agencies that the critical habitat designation for the western snowy plover on West Beach and East Beach does not mean these areas should automatically be considered Environmentally Sensitive Habitat Areas (ESHAs) and designating any area ESHA would depend on the activities of the birds on the ground at these locations. If western snowy plover were to regularly nest in an area, then that would be considered ESHA. However, the foraging and roosting habitat contained currently to an area of East Beach would not be considered ESHA at this time. Western snowy plover have not been found on West Beach recently and this area would also currently not be considered an ESHA.

Regardless of the ESHA determination, however, the Draft Coastal LUP contains several policies that protect development from impacting western snowy plover and its habitat pursuant to the mandates of the Federal Endangered Species Act. Policy 4.1-32 protects the intertidal area and 10 feet from the wrack line from disturbance from beach grooming and other activities. Policy 4.1-33 requires management measures to avoid impacts to western snowy plover including monitoring. Further, Policy 4.1-34 prohibits new development such as temporary events and beach volleyball courts in the areas used for roosting by the western snowy plover during the overwintering season.
Chapter 4.4 Cultural Resources

- Support for the clear guidelines in the section. It is difficult to make out the borders of zones in Figure 4.4-1.

Response: Figure 4.4-1 will be revised for the 2018 Council Review Draft Coastal Land Use Plan so that Archaeological Resources Sensitivity Areas borders are more clearly depicted.

Chapter 5.1 Hazards

- Suggestion for defining “minor” and “easily removable” in Policy 5.1-32 as it relates to minor development allowed in coastal bluff edge development buffers. Request to allow within the coastal bluff edge development buffer minor structures such as a garden pavilion, pergola, and replacement of existing concrete patios, where it can be demonstrated that the development will not have a deleterious effect on bluff stability, life safety, and visual resources.

Response: Policy 5.1-32 was modified in the 2018 Planning Commission Review Draft Coastal LUP to further clarify that “easily removable” means that it can be removed without mechanized equipment. Additionally, Policy 5.1-32 has been changed to clarify the intent to define a specific list of minor development types that may be allowed in the Coastal Bluff Edge Development Buffer. While not clear in the original version, it was not the intent to have an open ended category of minor development to be interpreted later. Given that it is now a specific list, it is not necessary to further define “minor” or “easily removable.”

City staff is not recommending that the list of minor development allowed within the Coastal Bluff Edge Development Buffers be expanded to include structures such as garden pavilions or pergolas or replacement of existing legal concrete patios. While these structures may not degrade slope stability, they are harder to remove, often require some kind of foundation, can be visually obtrusive, are more likely to be perceived as ‘permanent”, and further encourage use of an area that is subject to bluff failure and erosion hazards.

The policies in the Draft Coastal LUP were designed with the goals to retain beaches wide enough for lateral access along the beach and to keep the natural quality of the coastal bluffs and bluff backed beaches. In order to achieve these goals, it is important to discourage development near the coastal bluff edge that could prevent the coastal bluffs from naturally eroding or which could otherwise decrease beach widths. In addition, there have been problems in the past with landowners not removing development imminently threatened by bluff erosion and slope failure, leading to situations where the development falls onto the coastal bluff face and/or beach. This problem can be seen along many of the bluffs and bluff backed beaches west of Leadbetter Beach all the way to Sea Ledge Lane where large chunks of concrete from old patios can be found on the beach and remnants of fallen structures, fences, retaining walls, patios, and other debris have fallen onto coastal bluff faces.

Policy 5.1-32 in the Draft Coastal LUP attempts to balance the desire of home owners to use the area next to the coastal bluff for scenic viewing with the goal to limit the amount of new development in areas subject to coastal bluff failure and erosion. In discussions with CCC staff on this issue, they have expressed a desire to keep as much development as
possible outside the coastal bluff edge development buffer, particularly in light of new information on sea level rise.
FIGURE 4.1-2 POTENTIAL WILDLIFE AND SPECIAL STATUS SPECIES AREAS

The shoreline data may not accurately represent the dynamic shoreline environment and the critical habitat areas are expected to extend to the water’s edge.

Note: This map depicts a representation of potential locations of areas important to wildlife or sensitive species within the City’s Coastal Zone. The maps are to be used by planners and the public as a screening tool to help evaluate the types of site specific biological studies that may be necessary for development projects. The maps take a conservative look at potential habitat areas and, as such, it is possible that field review of a particular project site could show no evidence of mapped or suspected resources. Conversely, it is also possible that there could be occurrences of biological resources on specific project sites that do not appear on this map.

Sources: City of Santa Barbara MEA (Master Environmental Assessment) Biology Map 3 - Special Wildlife Areas and Biology Map 4 - Special Interest Plants and Wildlife, prepared by URS Corp. (March 2008); and U.S. Fish & Wildlife Service Environmental Conservation Online System (ECOS) Threatened & Endangered Species Active Critical Habitat Report (September 12, 2017)