ADDENDUM DATE:  June 18, 2018
AGENDA DATE:  June 21, 2018
PROJECT:  General Plan Map Amendment and Local Coastal Program Amendment
TO:  Planning Commission
FROM:  Planning Division, (805) 564-5470
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DISCUSSION

This Addendum to the Planning Commission’s June 6, 2018 staff report contains responses (organized by general topic) to the comment letters contained in Exhibit F of the June 6, 2018 Planning Commission Staff Report (see Attachment), and proposed text changes to the June 5, 2018 Review Draft LCP Coastal Land Use Plan (LUP).

In addition, several additional reference documents related to the LCP Amendment have been posted on the LCP website (http://www.santabarbaraca.gov/LCP) since release of the June 6, 2018 staff report. These materials include scanned versions of the original 1980 LCP Land Use Plan Maps and a digitized map showing amendments to the 1980 LCP Land Use Plan Maps certified to date.

As of the date of this Addendum, no additional comment letters have been received on the General Plan Map Amendment or Local Coastal Program Amendment since June 6, 2018.

Proposed Revisions to the June 5, 2018 Review Draft Coastal Land Use Plan

The following are proposed revisions to the June 5, 2018 Review Draft Coastal LUP, which was included as Exhibit B to the June 6, 2018 Planning Commission Staff Report.

Chapter 5.1 Coastal Hazards & Adaptation

Development Review Policy Section

Policy 5.1-33 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:

Policy 5.1-33 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 those necessary to protect existing public roads), and will not require the use of existing or new shoreline protective devices (except for existing public roads providing public access to and along the shoreline and coastal recreation areas) over its expected life, factoring in the effects of sea level rise. Policy 5.1-670 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 5.1-32 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 5.1-38 Landscaping, Watering, Weight, and Drainage on Coastal Bluff Faces and Coastal Bluff Edge Development Buffers;

iii. Substantial redevelopment, alteration, or relocation of existing public structures and public parking lots where no inland siting alternative is feasible and provided there is no net increase in overall development area. Relocation shall be to a site that has the same or smaller threat of erosion. Any needed shoreline protection shall be consistent with the policies of this Coastal LUP, including Policy 5.1-44 Shoreline Protection Device Permitting; and

iv. Minor structures and improvements that are easily removable (without the use of mechanized equipment) and non-habitable, including: Patios (constructed of wood, pavers, stone, brick, tile, or similar material) no more than 10 inches above grade, walkways, lighting for public safety purposes, fences limited to 42” in height, and vegetation barriers, if they are minor improvements, easily removable (without the use of mechanized equipment), and 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 5.1-42 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;

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; and

v. If compliance with subsection A., B., and C. above would prohibit a reasonable use of a lawfully created lot, Policy 5.1-36 Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards or Policy 5.1-37 Sea Ledge Lane may apply.

Policy 5.1-37 is changed as follows to reduce the number of parcels subject to the policy. The policy is meant to address the parcels on Sea Ledge Lane that are entirely located on the bluff face. Those parcels that have substantial land above the coastal bluff edge have been removed from the policy. Another parcel entirely encompassing the beach area has also been removed.

**Policy 5.1-37  Sea Ledge Lane.**

A. All existing single-unit residential developments on the following parcels on Sea Ledge Lane (APN 047-082-002 through 047-082-012) are considered non-conforming with respect to Policy 5.1-32 Development Standards for Potential Shoreline Hazards Screening Area 3 (Coastal Bluff Faces) on the Interim Shoreline Hazards Screening Areas Map due to its location on a coastal bluff face:

i. APN 047-082-003 (3511 Sea Ledge Lane);
ii. APN 047-082-004 (3501 Sea Ledge Lane);
iii. APN 047-082-005 (3443 Sea Ledge Lane);
iv. APN 047-082-006 (3433 Sea Ledge Lane);
v. APN 047-082-007 (3429 Sea Ledge Lane);
vi. APN 047-082-009 (3427 Sea Ledge Lane);

i. APN 047-082-010 (3407 Sea Ledge Lane); and

ii. APN 047-082-012 (3425 Sea Ledge Lane);
B. Maintenance, repair, additions, alterations, and substantial redevelopment on the parcels listed under subsection A. shall be processed according to Policy 2.1-19 Nonconforming Development.

C. New or substantially redeveloped residential developments on Sea Ledge Lane the parcels listed under subsection A. may only be allowed if all of the findings contained in Policy 5.1-36 Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards can be met. In addition, any new development or substantial redevelopment shall be located as close to Sea Ledge Lane as feasible, except for APN 047-082-002 (3410 Sea Ledge Lane), where any new development or substantial redevelopment shall be located as close to Cliff Drive as feasible.

ATTACHMENT

1. Topical Response to Comments Received between March 1, 2018 and June 18, 2018 on the General Plan Map Amendment and Local Coastal Program Amendment (MST2018-00070)

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1 Any new development and substantial redevelopment necessitating shoreline protection devices inconsistent with Policy 5.1-44 Shoreline Protection Device Permitting does not adhere to the policies of this Coastal LUP, and any reasonable use or property takings analysis pursuant to Policy 1.2-3 Property Takings for those projects would be conducted on a case-by-case basis independent of any provision of this policy.
City of Santa Barbara’s LCP Update

Topical Response to Comments Received between March 1, 2018 and June 18, 2018 on the General Plan Map Amendment and Local Coastal Program Amendment (MST2018-00070)

June 18, 2018

The following are topical responses from City staff to public comments received between March 1 and June 6, 2018 (included as Exhibit F to the June 6, 2018 Planning Commission Staff Report). As of the date of this Addendum, no additional comment letters have been received since June 6, 2018. Please note that the discussion below uses the policy numbers from the June 5, 2018 Review Draft Coastal Land Use Plan (LUP). However, some comment letters refer to previous versions of the Draft Coastal LUP which had different policy numbering.

Comments on Chapter 2.1 Land Use and Development of the Draft Coastal LUP

- **Comment Topic:** Policy 2.1-3 Average Unit-Size Density Incentive Program should be changed to also encourage housing opportunities for moderate income categories in addition to middle and upper-middle income categories consistent with previous City direction.

  **City Staff Response:** Policy 2.1-3 Average Unit-Size Density Incentive Program was modified in the June 5, 2018 Review Draft Coastal LUP to include “moderate income categories” in the list of encouraged housing opportunities.

Comments on Chapter 5.1 Coastal Hazards and Adaptation of the Draft Coastal LUP

- **Comment Topic:** Subsection C.iv. of Policy 5.1-33 Development Standards for Potential Shoreline Hazards Screening Area 4 (Coastal Bluff-Tops) should allow other minor, uninhabitable, and easily removable structures and improvements within the Coastal Bluff Edge Development Buffer besides just patios, fencing, lighting, or vegetation barriers. Examples of structures and improvements that commenters would want allowed within the buffer include trellises, pergolas, shade structures, benches, arbors, and other unenclosed garden features.

  **City Staff Response:** City staff consulted with California Coastal Commission (CCC) staff on this issue and both City and CCC staff are not currently recommending that the list of minor development allowed with the Coastal Bluff Edge Development Buffers be expanded to include structures such as pergolas, shade structures, etc. The Coastal Bluff Edge Development Buffer is an area that is subject to bluff failure and erosion hazards. In the past, the City has seen a lot of development located in this buffer area eventually fail and end up on the beach, coastal bluff face, or undercut and hanging over the coastal bluff edge. While ideally there would be no structures located in the Coastal Bluff Edge.
Development Buffer for these reasons, staff has recommended limited safety and patio improvements in this area that could very easily be removed in an attempt to strike a balance between protection of the beach and bluff and homeowners desires to utilize their property. While structures such as pergolas may not degrade slope stability, they are harder to remove, can require some kind of foundation, can be visually obtrusive, are more likely to be perceived as “permanent,” and further encourage use of an areas that is subject to geologic hazards.

- **Comment Topic:** The Draft Coastal LUP does not correctly depict the coastal bluff edge (as defined in California Code of Regulations Section 13577) for a specific property. Draft Coastal LUP policies requiring a LCP Amendment to correct errors in the depiction of bluff edge are too arduous, costly, and time intensive.

**City Staff Response:** The coastal bluff edge described in Policy 5.1-69 Location of Coastal Bluff Edge and Figure 5.1-2 Coastal Bluff Edge of the Draft Coastal Land Use Plan is only applicable for the purpose of establishing consistency with the policies of the Draft Coastal LUP. Any coastal bluff edge determination used for the purposes of establishing coastal permit or appeal jurisdiction should rely on the CCC approved Post LCP Certification Permit and Appeal Jurisdiction Map and the associated references to the Coastal Act and California Code of Regulations (including Section 13577) found on that map. However, the coastal bluff edge line depicted on Figure 5.1-2 Coastal Bluff Edge of the Draft Coastal LUP is identical to the line that was used by CCC staff to update the City’s Post Certification Permit and Appeal Jurisdiction Map adopted by the CCC on September 24, 2017. The CCC staff report addendum for this map (item TH8B, Map Adoption MA-2017-002 for the September 14, 2017 Commission meeting) describes the development of the coastal bluff edge line as follows:

> ...Survey level field work for the entire City's bluffs is prohibitively expensive and not practicable. Staff used the best available digital sources including high resolution LiDAR Digital Elevation Model data provided by the City, surveyed bluff data from Environmental Science Associates, and aerial imagery to map the approximate bluff edge...

Policy 5.1-69 Location of Coastal Bluff Edge in the Draft Coastal LUP acknowledges that site specific survey information may show inaccuracies in the topography shown on Figure 5.1-2 Coastal Bluff Edge due to changed conditions (such as a coastal bluff failure) or errors in the underlying LiDAR data used to develop the figure. Furthermore, this policy outlines a procedure to determine an alternate coastal bluff edge location when site specific survey information demonstrates substantial inaccuracies in the topography depicted on Figure 5.1-2 Coastal Bluff Edge. An LCP amendment is only required by this policy if an alternate coastal bluff edge location is proposed that is greater than 20 feet seaward from the coastal bluff edge line depicted on that figure. Given the high resolution and accuracy of the LiDAR Digital Elevation Model data used to develop Figure 5.1-2 Coastal Bluff Edge, it is unlikely that there are substantial inaccuracies in the topography depicted on this figure that would call for the remapping of the coastal bluff edge line. In addition, inaccuracies on Figure 5.1-2 Coastal Bluff Edge related to changed conditions, such as coastal bluff erosion and failure, are likely to move the coastal bluff edge landward, not
seaward. As a result, a proposed alternate coastal bluff edge location that is greater than 20 feet seaward of the bluff edge line depicted on Figure 5.1-2 Coastal Bluff Edge is less likely to be the result of erroneous topographic data or changed conditions and more likely to represent a change in the policy direction of the Coastal LUP and, therefore, would require an LCP Amendment to be approved.

Please note that Policy 5.1-69 Location of Coastal Bluff Edge included in the June 5, 2018 Review Draft Coastal LUP has been modified from previously distributed versions of the Draft Coastal LUP.

Other Comments

- **Comment Topic:** The figures in the Draft Coastal LUP and associated land use maps do not accurately show the Coastal Zone boundary.

  **City Staff Response:** The Coastal Zone boundary shown on figures in the Draft Coastal LUP, associated LCP Land Use Map, and General Plan Map for Inland Areas should not be used to determine permit and appeal jurisdiction. The Post LCP Certification Permit and Appeal Jurisdiction Map and associated procedures outlined on that map should be used to assess any jurisdiction or appeals decisions related to the exact location of the Coastal Zone boundary. Notes to this affect have been added to all figures in the Draft Coastal LUP that include the Coastal Zone boundary. Staff note, though, that the Coastal Zone boundary shown on these figures is identical to the line depicted on the current Post LCP Certification Permit and Appeal Jurisdiction Map (September 14, 2017).

- **Comment topic:** The figures in the Draft Coastal LUP incorrectly depict the location of the beach, and/or the location of the mean high tide line incorrectly at a specific property. This incorrect depiction could result in impacts related to property ownership and jurisdiction.

  **City Staff Response:** The maps and figures in the Draft Coastal LUP are to be used to interpret the policies of the Draft Coastal LUP. They were developed utilizing the best information available given the scale and scope of the maps which depict large areas of the City. They are not intended to be used to determine ownership or permit or appeal jurisdiction for any specific property. See the notes on the figures and maps for various sources of information used to develop each map.

- **Comment Topic:** The City’s LCP should cover the areas offshore of the mean high tide line that are within the City’s corporate jurisdiction.

  **City Staff Response:** The City is the trustee for some State granted tidelands seaward of the mean high tide line in the City. However, the City’s coastal development permitting authority pursuant to the Coastal Act does not extend into these offshore areas. Rather, areas seaward of the mean high tide line (and other various submerged lands and historic tidelands shown on the Post LCP Certification Permit and Appeal Jurisdiction Map) are under the retained coastal development permit jurisdiction of the CCC. As such, the LCP for the City does not need to cover these offshore areas. That said, the LCP does contain policies addressing potential impacts to offshore areas from development occurring on land.
within the City’s coastal development permitting jurisdiction (e.g. water quality protection policies, etc.).

In October 2016, City staff requested that CCC staff comment on whether the areas offshore of the City need to be included in the Draft Coastal LUP. In an email dated October 19, 2016 from Megan Sinkula, Coastal Program Analyst at the CCC, responded in part:

*I was able to discuss the issue of the areas (jurisdictions) that the LCP should cover with our attorney, Erin Chalmers. The short answer is that the Commission believes the City is not required to have its LCP address tidelands or other areas over which the Commission has retained permitting jurisdiction, per 30519(b). This has been the Commission’s longstanding position, and, as evidence of this, the Commission previously certified the City’s LCP that does not cover these areas. Additionally, 30500(a) requires local jurisdictions to prepare LCPs for areas within their “jurisdiction.” The Commission interprets this to mean that local governments must prepare LCPs for areas within the permitting jurisdiction granted to them by the Coastal Act, rather than that the LCP must cover the entire geographic/political jurisdiction.*

- **Comment Topic:** Various comments on how policies of the Draft Coastal LUP would affect or potentially result in no feasible building envelope, no potential use on, or a taking on a specific property.

  **City Staff Response:** Any project or parcel level analysis of consistency with the LCP, feasibility of development or use of property, or any issue of property takings associated with any particular parcel is beyond the scope of the current work effort.

- **Comment Topic:** The LCP Amendment is not described or shown in enough detail to maximize public understanding of the amendment.

  **City Staff Response:** The Planning Commission staff report dated June 6, 2018 contains additional details about the proposed General Plan Map Amendment and LCP Amendment to further encourage public understanding of the amendments.

- **Comment Topic:** The LCP Amendment has not been properly noticed pursuant to the California Code of Regulations.

  **City Staff Response:** The Planning Commission staff report dated June 6, 2018 describes the noticing that has occurred for the for the General Plan Map Amendment and LCP Amendment pursuant to local regulations and the California Code of Regulations. Additional details are on file at the City’s Community Development Department offices.