Comments received after March 1, 2018 on the Draft Coastal LUP
To: City of Santa Barbara  
   LCP Update staff (Debra Andaloro, Rosie Dyste, Timmy Bolton)  

Re: Update to the LCP, Policy 2.1 - 3 (Average Unit Density Incentive Program)  

There is a problem with Policy 2.1 - 3, as written. The policy in its entirety reads:  

Policy 2.1-3. Average Unit-Size Density Incentive Program. Implement measures that incentivize smaller residential unit sizes; residential units closer to transit, services and recreational opportunities; and housing opportunities for middle and upper-middle income categories by allowing reductions to certain zoning standards in order to encourage development that is consistent with these goals. In the Coastal Zone, any zoning standard reduction shall be found consistent with all applicable policies of the Coastal LUP. (We have bolded "middle and upper-middle income categories", for purposes of discussion.)  

Allied Neighborhoods Association was very surprised to hear during public comment by Shannon Betchev (Executive Administrator of the Coastal Housing Coalition), at the March 1, 2018 Planning Commission meeting, that she said "We trust this language will remain to eliminate potential confusion about the need for the program to address other income categories."  

As a policy document, the LCP Update language would be inconsistent with policy language of our current AUD. There the term used is workforce, but not putting specific income categories in the policy language. During the evolution of our existing AUD program (non-coastal) it has been widely acknowledged that the Moderate Income AMI category is also workforce (as are folks in the lower income category, below Moderate, we would add).  

Additionally, the current LCP language would also be at odds with the current direction of our existing AUD program, which has included numerous discussions of the "missing middle" (this Moderate Income AMI category),
and also the recommendation from the Housing Task Force for a small inclusionary housing requirement.

**We request the policy language in Policy 2.1-3 be changed.** Language using the term workforce would be appropriate (with no mention of specific income categories). Suggested language could be, "...housing opportunities for our workforce..."

Thank you.

Allied Neighborhoods Association

cc: City Council
Dear Mayor & City Council Members,

March 29, 2018

My wife, Fay, and I own a home at 1539 Shoreline Drive. We wish to express our serious concern with some of the proposed policies of the Local Coastal Plan regarding bluff top development.

Our home, like many others in our neighborhood, does not have a front yard, just a driveway leading to our garage (see the accompanying photo). There is no usable open space in that portion of our property. Our entire usable open yard lies between our home and the bluff facing south under constant, all day sunshine. This is common on Shoreline Drive. What we understand to be the “coastal bluff erosion buffer” (Policy 5.1-68) encompasses nearly our entire backyard, as is true with many other homes east and west of us.

As a result, under the proposed policies (Policy 5.1-32), we and our neighbors would be prohibited from enjoying the shade afforded by a minor, simple, non-habitable structure in our backyard such as a trellis or pergola even if that structure is:

- Unroofed, and without a foundation
- Easily and quickly removed (by hand tools), if necessary
- Proven (by a City-approved geologist) not to impact bluff stability and with appropriate drainage that captures run-off and directs it to the beach
- Visually compatible with the neighborhood and does not obscure public views
We urge the Council to direct Staff to work with the Coastal Commission to draft revised policy language that allows simple shade structures such as a trellis or pergola that do not endanger the bluff.

The City could require
- A Notice to Property Owner recorded on the title that the owner is financially responsible for removing a shade structure if and when it becomes potentially unsafe or within a certain distance from the bluff.
- Performance bond for full cost of removal.

Thank you for your consideration of this matter.

David Bisno
Fay Bisno
David and Fay Bisno
1539 Shoreline Drive
Santa Barbara, CA 93109

David Bisno, M.D.

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March 29th, 2018

Mayor & City Council
P.O. Box 1990
Santa Barbara CA 93102_1990
SBCityCouncil@SantaBarbara.gov

Regarding: Draft Local Coastal Plan (LCP)

Dear Madam Mayor and members of the Council,

We are Santa Barbara residents on the cliffside of Shoreline Drive writing to you to urge you to direct Staff to work with the coastal commission to revise the draft Local Coastal Plan (Policy 5.1 -32) to allow minor shade structures such as a trellis or Pergola within the coastal bluff top setback that are:

- Visually compatible with the surrounding area
- Not a threat to bluff stability
- Easily removed if necessary
- Potentially helpful to stabilizing the inherent flooding and erosion concerns inherent to our land

Those of us who live along the cliffside are hyper-vigilant in ensuring that our property line does not erode. I can not see how MORE laws policing our freedom to enjoy what is rightfully ours will help stoke our own vigilance in any way. When it comes to shade structures that can withstand the wind and provide shade for our enjoyment this decision SHOULD be guided with less rigidity and more respect for our rights as homeowners.

Sincerely,

Juliet Wilkins and Brian Norling
1645 Shoreline Drive
S.B. CA 93109
Dear Debra,

We would like to submit the following suggested revision to a portion of Policy 5.1-32c.iii for the consideration of City Council at their upcoming hearing on April 24th.

*Minor structures and improvements that are easily removable (without the use of mechanized equipment) and non-habitable, including patios no more than 10” above grade (constructed of wood, paves, stone, brick, tile or similar material), unenclosed garden features (e.g. trellis, bench, arbor), walkways, lighting for public safety purposes, fencing limited to 42” in height, or vegetation barriers, if they are found to conform to the following:*

A redlined and a clean version are attached for convenience. I can also send a word document if that is convenient for you.

We believe this minor change to allow unenclosed garden structures with the setback, with the requirements which the remainder of the policy entails with regards to bluff safety and erosion, will allow for the quiet enjoyment of private property without a significant impact on the bluff or other protected resources. We think this will be of particular use for blufftop properties where there is no usable front yard for recreation purposes.

Thank you,

**Steve Welton, AICP**  
Senior Planner  
(805) 966-2758 x111
By Electronic Mail

April 23, 2018

COUNCIL AGENDA ITEM 17
APRIL 24, 2018

Hon. Cathy Murillo, Mayor
And Members of Council
City of Santa Barbara
City Hall
Santa Barbara, California 93101
Attn.: Ms. Sarah Gorman, City Clerk’s Office

SUBJECT: LCP LAND USE PLAN UPDATE

This firm represents the Emprise Trust, owner of the shoreline and bluff top parcel at 1925 El Camino de la Luz. Our Client respectfully requests, for the reasons discussed below, that Council continue the public hearing on, and defer action to adopt, the 372-page “City Council Draft Local Coastal Program Coastal Land Use Plan, April, 2018” (the “draft LUP”) until it is corrected, clarified, completed, and properly noticed, consistent with the Coastal Act (Div. 20, Public Resources Code [PRC]) and the regulations that implement it.

Pursuant to the Coastal Act, the draft LUP constitutes an amendment to the 287-page Coastal Commission-certified City Local Coastal Program land use plan, which the City styled as its “Local Coastal Plan”.¹ Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513. (Pub. Res. Code sec. 30514(b).) An amendment to a land use plan, like the City “Local Coastal Plan”, must be sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Pub. Res. Code sec. 30108.5), and thus must identify the provisions in the certified document that the draft LUP proposes to amend, whether by revision, substitution, or augmentation.

Among other errors and omissions, the draft LUP (April, 2018) before Council:

(1) Does not specifically identify (e.g., in mark-up [strike-out and underline] format) the numerous proposed policy, “procedural policy”, map, and discursive text changes to the certified Local Coastal Plan, either within the document or in a companion document,

¹ The reference is to the certified Local Coastal Plan that the City has posted to its web site. That document omits the certified land use map, as well as several appendices in the certified document.
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And Members of Council  
City of Santa Barbara  
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which precludes the required maximum public understanding of the draft LUP and makes comparative analysis of the two documents cumbersome and time-consuming.

(2) Relies on a terrestrial (landward) coastal zone boundary that exceeds in multiple locations the controlling Coastal Zone Boundary Map, and thereby would invalidly subject parcels, or parts of parcels, outside the coastal zone to the controls of the draft LUP. We have previously identified such locations in our comments (incorporated herein by reference) on the City-Coastal Commission coordinated revisions, in 2017, to the Coastal Commission’s City of Santa Barbara Post-LCP Certification Permit and Appeal Jurisdiction map.

(3) Presents an undefined mapped seaward jurisdictional boundary in Figure 2.1-1 that invalidly omits nearly half of the City’s corporate jurisdiction in the coastal zone.²

(4) Provides arbitrary operative terms and mapped boundaries (e.g., as they relate to coastal bluffs, coastal bluff faces, coastal bluff edges, and coastal bluff top areas), which purport - without the requisite analysis pursuant to the controlling regulation at 14 CCR 13577(h) - to locate the coastal bluff edge on our Client’s property at or near its east-west property line with adjacent 1927 ECDLL and in the City’s manufactured 1978 trunk line sewer fill buttress grading envelope. Application of these coastal bluff boundaries, as depicted and described in the draft LUP, would eliminate any feasible building envelope for a single family residence on 1925 ECDLL.

(5) Purports to take acknowledged private property on the back beach (e.g., our Client’s parcel, which extends 30+ feet across the back beach to the Mean High Tide Line, and below the Mesa bluffs generally) for public recreational use, inconsistent with the Coastal Act (Pub. Res. Code sec. 30010), and without due process and compensation.

² The Santa Barbara County Surveyor’s “City of Santa Barbara” map (http://surveyor. countyofsfb.org/downloads/cities/City_of_Santa_Barbara.pdf, 2017) depicts the City municipal (corporate) boundaries, which extend in part to three nautical miles offshore the Mesa, along a line that is congruent with the seaward edge of the coastal zone boundary (Pub. Res. Code sec. 30103). The legislature’s reservation of post-LCP certification coastal development permit jurisdiction over tidelands and submerged lands to the Coastal Commission (Pub. Res. Code sec. 30519) does not supersede the City’s obligation pursuant to Pub. Res. Code sec. 30500(a) to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. Notably, the City has also not requested the Coastal Commission to prepare a geographically segmented Local Coastal Program for the City’s jurisdiction to seaward of the undefined southerly draft LUP boundary.
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(6) Is dated “April, 2018” on its cover page, and as such has not been noticed and available to our Client, this firm, and the public generally, for the required minimum six weeks prior to April 24, 2018, as required by the Coastal Commission regulation that implements Pub. Res. Code sec. 30006 and 30504 (14 CCR 13515).

(7) Was noticed for Council hearing and action on April 16, 2018, which notice date violates the minimum ten day notice requirement (14 CCR 13515) prior to the scheduled Council hearing and action on the draft LUP. Coastal Commission regulation 13515 implements the Coastal Act specific provision for maximum public participation opportunities during LCP amendments\(^3\) and the generally applicable provision for the widest opportunity for understanding and public participation in Coastal Act implementation.\(^4\)

Further, the draft LUP specifically would:

(8) Effectively render residential reuse of our Client’s nearly half-acre property infeasible, by a combination of unsupported and erroneous mapping of the coastal bluff edge and coastal bluff face, and an arbitrary 1,200 square foot limitation on house size.\(^5\)

\(^3\) “During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate.” (Pub. Res. Code sec. 30503.)

\(^4\) “The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.” (Pub. Res. Code sec. 30006.)

\(^5\) The draft LUP land use map, in Figure 2.1-1, also erroneously depicts the southerly property line of our Client’s property. Between 1956-1978, the parcel was developed with a split-level, two-story, 2,200 square foot house, two-car carport, and appurtenances. In February, 1978, the City co-activated ECDLL landslide demolished the house and appurtenances. Shortly thereafter, the City installed berms in its ECDLL right-of-way to prevent renewed discharge of water from its ECDLL storm drain to the landslide-impacted and other properties along the street, including adjacent to 1925 ECDLL. In September, 1978, the City graded our Client’s parcel to obtain fill borrow material, construct an earthen fill buttress for the City’s trunkline sewer trench and pipe (that bisect the property) to near elevation 130 feet (MLLW), bulldozed landslide structural debris into a thinly covered fill envelope and horticultural lemonade berry shrubs to its base, and performed other hydromodifications. (See, e.g., Cotton Shires & Associates, Preliminary Geotechnical Investigation, 1925 ECDLL, 2012, and supplemental memoranda thereto (2015, 2016, 2017); Cotton Shires & Associates, Hydrology Report, 1925
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(9) Impose extraordinary and costly delays on a single-family residence project that would be caught up in the draft LUP’s site-specific coastal bluff edge/face specification charade, by requiring the affected lot owner to process an amendment to the LUP to correct errors (now known) in the coastal bluff edge/face mapping presented in the draft LUP, prior to City action on the requisite coastal development permit. Processing of a property-specific LUP amendment through local government and the Coastal Commission, to effective certification, typically requires more than one year and often multiple years, and the outcome of the expensive process is uncertain.

(10) Effectively render such LUP amendment impossible, by setting forth coastal bluff determination criteria that are, in parts, inconsistent with the Coastal Act and its implementing regulations.

For these reasons our Client respectfully requests that Council defer action on the April, 2018 draft LUP until such time as:

(a) The errors and omissions in it have been corrected in a manner consistent with the Coastal Act and its implementing regulations; and,

(b) Proper public notices of draft LUP availability and Council hearing have been provided.

Our Client reserves the right to supplement this comment letter on the draft LUP with a technical memorandum that further specifies the errors and omissions in the draft LUP.

Thank you for your consideration.

Sincerely yours,

DALL & ASSCIATES

By:

Norbert H. Dall  
Partner

c: Client
   Joseph Liebman, Esq.
   Steven Kaufmann, Esq.
   Richard Monk, Esq.
   Ms. Stephanie D. Dall, Partner, Dall & Associates
   Ms. Debra Andaloro, Principal Planner, City Planning Division
   Ms. Megan Sinkula, Coastal Analyst, California