



1.2 SANTA BARBARA'S LOCAL COASTAL PROGRAM

PHOTO: SANTA BARBARA'S COASTAL BLUFFS

1981 COASTAL LAND USE PLAN & 1986 COASTAL IMPLEMENTATION PLAN

The Coastal Land Use Plan (LUP) of Santa Barbara's Local Coastal Program (LCP) was originally certified by the Coastal Commission in 1981. As the first application of the Coastal Act in the City of Santa Barbara, the original LUP included assessments of coastal resources and identified and addressed key coastal issues. The LUP incorporated existing City General Plan policies and established new coastal-specific policies. Several of these new policies required subsequent implementation actions, including establishment of new land use designations and zone district changes for certain areas.

The Coastal Implementation Plan (IP) of the LCP was certified by the Coastal Commission in 1986. The 1986 IP provided a series of zoning changes and Municipal Code amendments directed by the LUP. Those zone districts and ordinance provisions in the Coastal Zone that were not amended by the 1986 IP continued to be defined by the 1980 Zoning Ordinance and Zoning Map.

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LCP Amendments

Since original certification in 1981 through 2015, there have been 29 amendments to the LCP. Major amendments over that period include the Harbor Master Plan, policies addressing development of Highway 101, and establishment of the Ocean-Oriented Commercial land use designation. The approved Highway 101 policies are included in Chapter 6.2 *Highway 101*, and the Ocean-Oriented Commercial land use designation is discussed further in Chapter 2.1 *Land Use & Development*.

Harbor Master Plan

The Harbor Master Plan (HMP) was prepared in the 1990s and certified by the Coastal Commission in 1996 as an appendix to the 1981 LUP.



SANTA BARBARA COASTAL ZONE

The goals of the HMP were to provide for both primary ocean-dependent¹ uses, such as commercial fishing to maintain the existing “working harbor” nature of the area and recreational boating, and for secondary uses, such as coastal-related and visitor-serving uses. A Needs Assessment was prepared prior to completion of the HMP. Specific recommendations from the Needs Assessment were incorporated as policies and actions in the HMP, and the majority of the improvements identified in the HMP have been completed. The portions of the approved Harbor Master Plan that are still applicable for issuance of coastal development permits in the Coastal Zone are incorporated as policies into this Coastal LUP.

Major Public Improvements Since 1986

Since the original LCP certification, major public improvements were completed in the Coastal Zone, including parks and open space acquisitions and expansions, creek restoration projects, and public access improvements.

¹ The City’s 1981 Local Coastal Plan and 1996 Harbor Master Plan, and other plans/reports certified by the California Coastal Commission, use the terms “ocean-dependent” and “ocean-related.” With the certification of this Coastal LUP, the terms have been changed to “coastal-dependent” and “coastal-related.”

Parks and open space acquisitions and expansions include public acquisition of the Wilcox Property parcels (now Douglas Family Preserve) and a portion of lower Arroyo Burro corridor (formerly Veronica Meadows project area), and expansion of Chase Palm Park north of Cabrillo Boulevard.

Creek projects include the Arroyo Burro Estuary and Mesa Creek restoration project, which included daylighting a section of Mesa Creek, fish passage enhancements, estuary expansion, and new trails and a pedestrian bridge for access to the Douglas Family Preserve. Construction of the Lower Mission Creek Flood Control project began in 2009.

Significant public access improvements were also completed during this period. These improvements include:

- Highway 101 undercrossings and interchange projects.
- Local street extensions and widening.
- Significant new sidewalks.
- The multipurpose Beachway path.
- New and improved bike lanes and bike parking.
- Inexpensive and frequent shuttle and bus service.
- Many new public parking lots.
- Cliff Drive roundabout.
- Significant rehabilitation and upgrade of the historic Railroad Depot and associated buildings, including a new Greyhound Bus Station.

OTHER COASTAL LAND USE PLANS

The City of Santa Barbara's Coastal Zone includes both the Santa Barbara Airport and Santa Barbara City College, which are not subject to this Coastal LUP. Santa Barbara City College is governed by a Coastal Commission-certified Public Works Plan, known as its Long Range Development Plan (LRDP), that serves as its physical development and land use plan. Every revision to Santa Barbara City College's LRDP must be consistent with the City's certified Coastal LUP policies. The Santa Barbara Airport is regulated by a separate segment of the LCP that includes a Coastal Land Use Plan certified in 1982 and amended in 2003. The Airport LCP was effectively certified by the Coastal Commission in 1991.

COASTAL LAND USE PLAN UPDATE

In January 2014, the City was awarded grant funding from the California Coastal Commission (CCC) for a comprehensive update to the LCP, including both the Coastal LUP and a targeted portion of the IP. Grant requirements included the initial consideration of the projected effects of sea level rise in the Coastal LUP and development of coastal adaptation strategies. Due to data delays and various complexities surrounding sea level rise modeling and adaption strategies, the City received subsequent grant funding in 2017

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for public outreach and to prepare a Sea Level Rise Adaptation Plan. Subsequent sea level rise adaptation policies and development standards will be considered in the future as an amendment to the Coastal LUP.

This comprehensively updated Coastal LUP was developed in direct consultation with CCC staff, an interdepartmental City staff team, and a subcommittee comprised of members of the City's Planning Commission, Parks and Recreation Commission, and Harbor Commission. The City conducted significant public outreach for the Coastal LUP, including a 60-day public comment period and ten public outreach meetings.

A summary of key City adoption and CCC certification dates for this Coastal LUP are found below:

March 1 and June 21, 2018	The Planning Commission reviewed the Coastal LUP and recommended that City Council adopt the plan.
August 7, 2018	The City Council adopted the Coastal LUP and directed staff to submit the plan to the CCC for certification.
May 9, 2019	The CCC certified the Coastal LUP with suggested modifications.
July 16, 2019	The Planning Commission reviewed the CCC's suggested modifications to the Coastal LUP and recommended that City Council accept them.
June 20, 2019	The City Council adopted a resolution accepting the CCC's suggested modifications to the Coastal LUP.
August 9, 2019	The CCC confirmed that the City's actions to accept the suggested modifications were legally adequate and subsequently filed a Notice of Certification with the Secretary of the State of California Resources Agency, thereby finalizing certification of the Coastal LUP.

COASTAL LUP ORGANIZATION AND INTERPRETATION

The Coastal LUP is structured around the coastal resources and Coastal Act policies specific to the City of Santa Barbara and is organized into five sections:

- Land Use & Development.
- Public Access & Recreation.
- Coastal Resource Protection.
- Coastal Hazards & Adaptation.

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- Public Services & Facilities.

The Coastal Act addresses additional land uses that are not applicable to the City's Coastal Zone and therefore are not discussed in this Coastal LUP, including agriculture, forestry, and mining.

Each section of the Coastal LUP is further divided into chapters that address specific topics and begin with the Coastal Act policies that are germane to the topic, relevant to the City, and serve as guidance for the Coastal LUP. The Coastal Act policies are followed by text providing background information and the Coastal LUP policies relating to the topic. The Coastal LUP policies are divided into three categories:

1. "City Planning Efforts & Programs," which include policies to be implemented by the City, either as City initiatives, through regulations, or other City programs;
2. "Development Review Policies" that provide standards for the review of development proposals through a coastal development permit process; and
3. "Definitions & Procedures" that provide detailed guidance in the interpretation of terms and procedures to be taken in the development review process.

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 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.

Where the City finds it necessary to require development proposals to include project alternatives and/or mitigation measures to ensure compliance with LCP requirements, such alternatives or mitigation measures shall be included as conditions/exactions of the approved coastal development permit. Such conditions/exactions must have a logical nexus with impacts caused by the proposed development and the magnitude of the condition/exaction must be roughly proportional in nature and extent to the impacts of the proposed development.

SANTA BARBARA'S LOCAL COASTAL PROGRAM POLICIES

DEVELOPMENT REVIEW POLICIES

Policy 1.2-1 Coastal Act. The Chapter 3 policies of the Coastal Act (Sections 30210 through 30265.5) provide the guiding policies of the Coastal Land Use Plan (LUP).

Policy 1.2-2 Resolution of Policy Conflicts. Where policies within the Coastal LUP overlap, the policy which is most protective of resources, i.e., land, water, air, etc., shall take precedence.

Policy 1.2-3 Property Takings.

- A. The Local Coastal Program (LCP) is not intended, and shall not be construed as authorizing the City acting pursuant to the LCP or the Coastal Act, to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation therefore. The LCP and Coastal Act are not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.
- B. Where full adherence to all LCP policies and standards would preclude a reasonable use of a lawfully created property as a whole, the City may allow the minimum use and development of the property necessary to avoid an unconstitutional taking of private property without just compensation. An applicant who requests such a takings override must provide, as part of any coastal development permit application, evidence sufficient to support its request and to make the findings required pursuant to subsection C. below. There is no taking that needs to be avoided if the proposed development constitutes a nuisance or is otherwise prohibited pursuant to other background principles of property law (e.g., public trust doctrine). Continued use of an existing structure, including with any permissible repair and maintenance, may provide a reasonable use. If development is allowed pursuant to this policy, it must be consistent with all policies and standards of the LCP to the maximum extent feasible.

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- C. A Coastal Development Permit that allows a deviation from a policy or standard of the LCP to provide a reasonable use of property may be approved or conditionally approved only if the City makes the following findings:
- i. Based on detailed economic, ownership, and land use information provided by the applicant, as well as any other relevant evidence, each use allowed by the policies and standards of the LCP would not provide reasonable use of the applicant's lawfully created property;
 - ii. Application of the policies and/or standards of the LCP would unreasonably interfere with the applicant's reasonable investment-backed expectations;
 - iii. The use proposed by the applicant is consistent with the City's Zoning Ordinance;
 - iv. The use and development design, siting, and size are the minimum necessary to avoid a taking;
 - v. The project is the least environmentally damaging feasible alternative and is consistent with all policies and standards of the LCP other than the provisions for which the deviation is requested; and
 - vi. The development will not be a public nuisance or violate other background principles of the state's law of property (e.g., public trust doctrine). If it would violate any such background principle of the state's law of property, the development shall be denied.
- D. The City's Zoning Ordinance should be amended to incorporate the findings listed above for coastal development permits that involve a takings override.

Policy 1.2-4 Agreements. Memorandums of Agreements, Development Agreements, or other similar agreements shall not replace or supersede any policy or provision of the Coastal LUP. If the agreement would alter any policy or provision of the Coastal LUP, it shall require a Local Coastal Program amendment prior to implementation.

Policy 1.2-5 City Powers. No provision of the Local Coastal Program or the Coastal Act is a limitation on any of the following:

- A. On the power of the City to declare, prohibit, and abate nuisances;
- B. On the right of any person to maintain an appropriate action for relief against a private nuisance or for any other private relief; or
- C. Except as otherwise limited by state law, on the power of the City to adopt and enforce additional regulations, not in conflict with the Local Coastal Program or the Coastal Act, imposing further conditions, restrictions, or limitations with respect to any land or

water use or other activity which might adversely affect the resources of the coastal zone.

Policy 1.2-6 Relationship with General Plan. Where there are conflicts between the policies set forth in the Coastal LUP and those set forth in any other element in the City's General Plan or regulations, the policies of the Coastal LUP shall take precedence.