

13-CONSISTENCY ANALYSIS (INTERNAL CONSISTENCY WITH LCP AND CCA CHAPTER 3)

CONTENTS

Internal consistency with LCP

The proposed Coastal LUP repeals the existing certified Coastal LUP and Land Use Map(s) in their entirety.

There are a number of LCP Implementation Plan (IP) Amendments that will be processed with the New Zoning Ordinance (NZO)¹ The NZO-related LCP Amendment submittal to the CCC is planned to occur in 2019, after minor clean-up amendments to the NZO are reviewed and approved by City Council.

Other proposed LCP IP Amendments to be processed following certification of the proposed *Coastal LUP* include repealing guidelines and memos that are no longer applicable to the LCP, changing the Coastal Overlay Zone (S-D-3) to reflect current administrative practices, and changing zoning designations for consistency with the approved LCP Land Use Map (these are explained in Application Materials #16).

The SLR Adaptation Plan and Lower-Cost Overnight Accommodations Study currently underway and anticipated for completion in spring 2019, will likely result in recommendations for amended or new policies in the Visitor-Serving & Recreational Facilities and Coastal Hazards chapters of the proposed *Coastal LUP*. If so, the amended or new policies would be reviewed, locally approved, and submitted for certification as an LCP Amendment to the CCC.

Consistency with Chapter 3 is discussed in Application Materials #13A.

¹ The NZO (Santa Barbara Municipal Code Title 30) was approved by City Council in July 2017 and became effective outside of the Coastal Zone on October 1, 2017.

CITY OF SANTA BARBARA COASTAL LUP—CONSISTENCY ANALYSIS WITH COASTAL ACT

EXECUTIVE SUMMARY

The following is a summary of the proposed Coastal LUP that was adopted by City Council on August 7, 2018 (Coastal LUP)'s consistency with the California Coastal Act (CCA). Issue areas are organized by chapters contained in the proposed Coastal LUP.

INTRODUCTION

CHAPTER 1.1: THE COASTAL ACT

Relevant CCA Policies

Section 30001.5. (1) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(2) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(3) Maximize public access to and along the coast and maximize recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(4) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(5) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Section 30108.6. *"Local coastal program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.*

Section 30603. (1) *Developments approved by the local government between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;*

(2) *Developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and public trust lands; within 100 feet of any wetland, estuary, or stream; or within 300 feet of the top of the seaward face of any coastal bluff;*

(3) *Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area;...*

(4) *[Not applicable to City]... and*

(5) Any development which constitutes a major public works project or a major energy facility.

CCA Consistency

This chapter of the proposed Coastal LUP provides background information on CCA, including describing the history, goals, policies, and regulatory framework of the CCA, and how it relates to a local jurisdiction.

There are no Coastal LUP policies in this chapter.

CHAPTER 1.2: SANTA BARBARA'S LOCAL COASTAL PROGRAM

Relevant CCA Policies

Chapter 3 (Sections 30210 through 30265.5).

CCA Consistency

This chapter of the proposed Coastal LUP describes the existing certified LCP and its relationship to other coastal plans, the Coastal LUP update, and the organization of the Coastal LUP. The City has two certified LCPs: a main LCP that covers all portions of the Coastal Zone in the CDP permitting jurisdiction of the City besides the Airport and Goleta Slough area and a separate LCP for the Airport and Goleta Slough that is not the subject of this LCP Amendment. The City of Santa Barbara's Coastal Zone also includes Santa Barbara City College which is governed by a CCC certified Public Works Plan (known as its Long Range Development Plan or LRDP). According to the CCA, the Santa Barbara City College Public Works Plan must be consistent with the City's certified Coastal LUP.

New policies in this chapter also describe the relationship of the Coastal LUP to the CCA, other state and federal laws, and other agreements. This chapter also includes a new detailed policy addressing situations when full adherence to all LCP policies and standards may preclude a reasonable economic use of a lawfully created property. While the City has always had the ability to address situations of property takings in this way, the existing Coastal LUP provides limited direction on this issue. The new property takings policy provides detailed findings and procedures a project must adhere to in order to obtain a coastal development permit that allows a deviation from a policy of the LCP in order to provide a reasonable economic use of property.

Key Coastal LUP policies in this chapter include:

- Policy 1.2-3 *Property Takings*, which establishes a criteria to allow deviations from LCP regulations when full adherence would preclude a reasonable economic use of a lawfully created property.

CHAPTER 1.3: SANTA BARBARA'S COASTAL ZONE

Relevant CCA Policies

NA

CCA Consistency

This chapter of the proposed Coastal LUP describes the physical characteristics of the City's Coastal Zone and provides a history of the specific actions that lead to the City obtaining 4.2 miles of public waterfront. This chapter also includes descriptions and maps of the entire Coastal Zone divided into smaller Component Areas.

There are no Coastal LUP policies in this chapter.

COASTAL LAND USES

CHAPTER 2.1: LAND USE & DEVELOPMENT

Relevant CCA Policies

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

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.*

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.*

Section 30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30222.5. *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30250. *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close*

proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253. New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to

the coastal-dependent uses they support.

CCA Consistency

This chapter of the proposed Coastal LUP includes land use designations and broad land use policies of the City, including policies that encourage coastal dependent uses, visitor serving uses, recreational and open space uses, affordable housing, sustainable growth management, etc. It also includes terms and procedures to be used during review of any development project and policies addressing nonconforming development.

This chapter also includes a reduced-scale version of the LCP Land Use Map (Figure 2.1-1 *LCP Land Use Map*), which features land use designations that are compatible with CCA policies that encourage and protect visitor-serving uses (e.g., hotels, motels, parks, and Stearns Wharf), beach access and recreational uses, and coastal-dependent and related uses (e.g., the City's working Harbor) as higher priority land uses in the Coastal Zone. Approximately 70% of the City's shoreline is in public ownership. This high degree of publicly owned land seaward of the first public road along the shoreline is very unique to the City of Santa Barbara. The City also maintains a full working harbor that provides commercial and recreational boating opportunities and low cost options. Maintenance and improvement of these unique public coastal assets remain very high priorities for the City.

While an LCP is not required to include housing policies and programs per CCA Section 30500.1, this chapter includes general housing policies that are consistent with policy direction in the City's *2011 General Plan*. These policies are focused on encouraging infill residential development to address the City's work and housing imbalance and minimize energy consumption and vehicle miles traveled, while still protecting coastal resources. Much more detailed zoning regulations to implement these general housing policies are included in the City's New Zoning Ordinance that will be the subject of a future LCP Amendment.

This chapter establishes definitions and procedures for the CDP review process that are not in the existing LUP. These definitions are for terms such as Development, Repair and Maintenance, and Principal Structure that are consistent with the New Zoning Ordinance (NZO)¹. This chapter also includes new policies that address alterations, repairs, and additions to legal nonconforming structures. New policies also define when a structure is redeveloped to a point that it is considered "substantial redevelopment" that must conform to all the policies of the Coastal LUP pertaining to new development, including required habitat and bluff buffers. A structure is substantially redeveloped if it is altered at level of 50% or more. A detailed method of calculating the 50% is presented that matches a similar definition of substantial redevelopment contained in the City's New Zoning

¹ The NZO (Santa Barbara Municipal Code Title 30) was approved by City Council in July 2017 and became effective outside of the Coastal Zone on October 1, 2017.

Ordinance currently in use outside the Coastal Zone. Projects located in areas subject to potential shoreline erosion hazards, wave impact hazards, and/or erosion hazards from creeks are subject to a stricter definition of substantial redevelopment in order to achieve conformance with the hazard-related policies of the Coastal LUP as soon as possible. This stricter definition includes consideration of all cumulative repairs and alterations to a structure over an indefinite period of time and ensures that any structural improvements over 50% to the foundation or exterior walls would constitute substantial redevelopment.

Key Coastal LUP policies in this chapter include:

- Policies 2.1-2 *Accessory Dwelling Units*, 2.1-3 *Average Unit-Size Density Incentive Program*, and 2.1-4 *Sustainability through Nonresidential Growth Management*, which establish a policy framework for sustainable residential and nonresidential growth.
- Policy 2.1-19 *Nonconforming Development*, which establishes permissible alterations and additions to nonconforming development.
- Policy 2.1-27 *Substantial Redevelopment*, which establishes a criteria to determine when alterations or improvements are considered substantial redevelopment and subject to all provisions of the LCP. This policy includes a stricter standard in bluff and beach erosion areas and creek buffers to move development out of hazardous areas.

CHAPTER 2.2: COASTAL-DEPENDENT & RELATED DEVELOPMENT

Relevant CCA Policies

Section 30222.5. *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Section 30224. *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Section 30234.5. *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Section 30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division,*

coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30260. *Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.*

CCA Consistency

This chapter of the proposed Coastal LUP includes policies that prioritize coastal dependent and coastal related development, with a primarily focus on the Harbor and Stearns Wharf because these are the City's primary commercial and recreational oriented coastal-dependent and coastal-related development areas. The policies update and incorporate the *1996 Harbor Master Plan* policies that are still applicable for issuance of CDPs, and do not change current procedures or practices for the Harbor and Stearns Wharf facilities or uses, except as described in Chapter 3.1 *Public Access* for Key Public Access Parking Areas.

Key Coastal LUP policies in this chapter include:

- Policy 2.2-18 *Harbor Area Policies* - describes the types of development allowed in the Harbor.

PUBLIC ACCESS & RECREATION

CHAPTER 3.1: PUBLIC ACCESS

Relevant CCA Policies

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely*

affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212(c). *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30214. (a) *The public access policies of this article 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:*

(1) *Topographic and geologic site characteristics.*

(2) *The capacity of the site to sustain use and at what level of intensity.*

(3) *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.*

(4) *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 Legislature that the public access policies of this article 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 section 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.*

(c) *In carrying out the public access policies of this article, the commission and any other responsible public agency 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.*

Section 30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30253. *New development shall... minimize energy consumption and vehicle miles traveled.*

Article X, Section 4 of the California Constitution reads as follows:

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

Section 30500(a). ...Each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

Section 30604(c). Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

CCA Consistency

As discussed above, the City's Coastal Zone provides a uniquely high level of publicly owned shoreline that provides substantial public access to the shoreline, open space along the shoreline, several City-owned public coastal bluff stairways to the beach, a complete California Coastal Trail, and numerous public coastal recreational opportunities. Additionally, the close proximity of a number of public parking lots, parking along Cabrillo Blvd and other major public roads, and a full transit network that includes full bus service, pedestrian walkways, and bikeways from all portions of the City also allows for easy and inexpensive public access to the shoreline. This chapter of the proposed Coastal LUP includes policies that maintain maximum public access to and along the coast, consistent with the City's longstanding commitment to providing and protecting these resources. This chapter also updates and incorporates the Coastal Zone portion of the certified 1998 Circulation Element policies, which support a transportation system that achieves equality of convenience and choice among all modes of transportation, including increasing walking, bicycling, and transit as sustainable transportation modes.

New policies in this chapter designate and preserve "Key Public Access Parking Areas," which are public parking lots and on-street parking areas that are shown on Figure 3.1-2 *Key Public Access Parking Areas* and are critical to providing public access to the shoreline, coastal recreation areas, Stearns Wharf, and the Harbor. The Key Public Access Parking Areas are protected with policies that strictly limit parking regulations, changes in prices of parking, or elimination of parking unless a robust analysis demonstrates that there would be no substantial adverse impacts to public access to the shoreline or coastal recreational areas. New policies also ensure that new development provide sufficient off-street parking and that any on-street parking programs outside the Key Public Access Parking Areas (such as preferential parking programs) do not result in a significant increased use of a Key Public Access Parking Area.

This chapter has policies that require that new development and substantial redevelopment be evaluated for provision of public access to the shoreline and along the coast, except where adequate access exists nearby. Public access is fully provided from Leadbetter Beach to East Beach. Between Leadbetter Beach and the western City limits, there are three public access stairways to the beach from the coastal bluffs and free public parking and beach access at Arroyo Burro Beach. While these access points provide regular access points along the shoreline, the City has investigated the possibility of additional public access trails or stairways to the beach over the years, including during the development of the 1981 LUP. However, many new access points have been deemed infeasible due to geologic and coastal resource issues including highly eroded areas, known landslides, and the presence of sensitive habitat. Policies in this chapter acknowledge that with the advent of sea level rise, beach access points may change in the City. Policies are included in this chapter that address that potential change and require evaluation of adequate public access in new development projects in the future.

All of the public access and recreation policies in Chapter 3 of the CCA are repeated as policies of the Draft Coastal LUP.

Key Coastal LUP policies in this chapter include:

- Policy 3.1-14—Specifies requirements for new City on-street parking programs (e.g. preferential parking, priced parking, etc.).
- Policy 3.1-29—Provides the standard for off-street parking for new development and substantial redevelopment.
- Policies 3.1-30 and -35—Preserves public parking in existing Key Public Access Parking Areas, specifies public use parameters, and lists the locations of Key Public Access Parking Areas, as shown on Figure 3.1-2 on page 17.

CHAPTER 3.2: VISITOR-SERVING & RECREATIONAL FACILITIES

Relevant CCA Policies

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving

facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

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.*

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.*

Section 30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30250(c). *Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Section 30252. *The location and amount of new development should maintain and enhance public access to the coast by... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30253. *New development shall... (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30254. *...Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

CCA Consistency

This chapter of the proposed Coastal LUP includes policies to protect, encourage, and, where feasible, provide lower cost overnight accommodations and recreational facilities. The policies support the City's extensive variety of public and private recreational opportunities, much of which are available at low or no cost.

Visitor-serving and recreational facilities are an important part of the character and economy of Santa Barbara. This chapter in the Coastal LUP emphasizes protecting and encouraging lower-cost recreation and overnight accommodations to ensure that lower income members of the public, including those who live further inland, can afford to recreate and/or stay at the coast. Similar to the *Recreation* and *Visitor-Serving Commercial Uses* chapters of the existing Coastal LUP, the policies in the Coastal LUP continue the City's commitment to protecting recreational facilities and coastal areas for ocean- and water-oriented recreational use. One change since the 1980s is the visitation of cruise ships to the City in the off-season (September through June) and, correspondingly, the Coastal LUP includes several new policies regarding cruise ships in order to minimize impacts on coastal access and coastal resources. Policies in the Coastal LUP relating to lower-cost overnight accommodations are the same as in the existing Coastal LUP but are considered interim until a separate work effort is completed to determine how best to preserve existing and encourage new lower-cost overnight accommodations (described in Council Agenda Report Attachment 12).

As previously noted, all the Chapter 3 policies relating to public access and recreation in the CCA are repeated as policies of the Coastal LUP.

Key Coastal LUP policies in this chapter include:

- Policy 3.2-4—Requires the City to develop a program to ensure lower cost visitor-serving accommodations are protected via a Lower-Cost Overnight Accommodations Study and subsequent LCP Amendment. Lower cost visitor and recreational facilities policies from the 1981 Coastal LUP are included and considered interim until the LCP Amendment is certified by the CCC.

COASTAL RESOURCES PROTECTION

CHAPTER 4.1: BIOLOGICAL RESOURCES

Relevant CCA Policies

Section 30107.5. *“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30121. *“Wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into

coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236. *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30607.1. *Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.*

CCA Consistency

The Coastal Act protects and limits development in especially rare or valuable habitats, including environmentally sensitive habitat areas (ESHAs), creeks, and wetlands. In addition, the Coastal Act provides that new development must protect the biological productivity and quality of coastal waters (offshore ocean and marine intertidal areas), streams, wetlands, estuaries, and lakes. This chapter of the proposed Coastal LUP achieves consistency these goals through: 1) providing detailed methods for identification of ESHAs and wetlands; 2) establishing new numeric minimum development buffers to protect biological resources; 3) restricting allowed uses within and adjacent to protected biological resources; and 4) providing development standards and management techniques to avoid impacts to biological resources. In addition, Chapter 4.2 *Water Quality* provides policies to protect water quality and prevent polluted runoff from entering coastal waters, streams, wetlands, estuaries, and lakes.

The existing Coastal LUP's *Water and Marine Environments* chapter includes only a few policies for general protection of biotic resources, creeks, and the Andree Clark Bird Refuge. In contrast, the policies of the proposed Coastal LUP provide new detailed development standards and numeric habitat buffers so that property owners, staff, City decision-makers, the CCC, and the public know what to expect in that regard, to provide consistency and expediency in the review of CDPs at the local and state level, and to minimize appeals to the CCC.

This chapter contains new policies that provide detailed guidance on which habitats constitute ESHAs (e.g., riparian areas, creeks, wetlands, oak woodlands, and estuaries), how to determine the top of bank of creeks, and how wetlands are defined by the CCA. These policies have been developed in close coordination with CCC biological staff. New policies also outline allowed uses within creeks, wetlands, and ESHAs that expand upon those contained in the CCA. Restoration is an allowed use and encouraged in creeks, wetlands, ESHAs, and habitat buffers.

The City's existing 1986 LCP Implementation Plan includes creek guidelines (Local Coastal Plan Phase III – Implementation Creek Guidelines) that require minimum buffers of 25 feet from the top of bank of Mission Creek and Laguna Creek (called the Central Drainage Channel). Buffers for all other creeks are currently determined on a case-by-case basis. This existing process has led to a high degree of uncertainty and delays in the permitting process. The proposed Coastal LUP, therefore, contains numeric minimum habitat buffers for all the major creeks, wetlands, and ESHAs in the City's Coastal Zone. New policies in this chapter also outline allowed uses and management measures (e.g., appropriate landscaping) within habitat buffers.

The minimum required habitat buffers address creek erosion hazards and protect ESHAs, consistent with the mandates of the CCA. The size of the buffers are much larger than those in the existing Implementation Creek Guidelines; however, the required buffers also consider the fact that the City is an urban landscape with limited options for moving existing structures significantly away from creeks and habitats. The new minimum numeric habitat buffers are intended to be achievable on the majority of properties, while maximizing buffer distances to the extent feasible. The Coastal Zone portions of the creeks and habitats in the City are particularly urbanized with smaller developed lots compared to the landward portions of the City. The proposed buffers are reflective of this condition with a 100' buffer required for estuaries and wetlands, 50' buffer required from most major creeks, a 25' buffer from riparian vegetation on most major creeks, and a 35' buffer required from the top of bank of the highly developed portion of Mission Creek in the Coastal Zone. Buffers from oak woodland are consistent with those required for riparian areas given that all of the City's oak woodlands in the Coastal Zone are associated with riparian habitats bordered by urban development or are fully preserved as open space (e.g. the Douglas Family Preserve and Veronica Meadows). While CCC staff in the past have suggested different buffers for oak woodlands and riparian areas, City staff is not supportive of this approach as this would lead to lengthy discussions over whether a given oak woodland is riparian vegetation or an upland oak woodland.

This chapter also contains new policies that address very limited situations where the required minimum habitat buffers cannot be met on severely constrained lots. In these situations, new development is very limited, no expansion of existing development area or building area is allowed, and technical studies are required to make findings that the proposed development will not be impacted from erosion and will not result in any significant impacts to sensitive habitats.

This chapter also includes new policies to protect birds, wildlife, and beach habitats. New policies limit activities in areas used regularly by roosting western snowy plover and in the intertidal areas of the beach. New policies also address beach grooming and sediment management.

Key Coastal LUP policies in this chapter include:

- Policy 4.1-6 through 4.1-9—Specifies allowed uses in terrestrial ESHAs, coastal waters, wetlands, and creeks.
- Policy 4.1-15—Provides numeric minimum required ESHA, wetland, and creek habitat buffers.
- Figures 4.1-3 and -4, and Appendix 8.1—Delineates numeric habitat buffers to creeks and how to determine top of bank.
- Policy 4.1-17—Specifies allowed uses in habitat buffer areas.
- Policy 4.1-18—Provides standards to reduce habitat buffer areas for severely constrained lots.
- Policy 4.1-33 and -34—Requires that certain types of new development avoid Western Snowy Plover's roosting and foraging habitat.
- Policies 4.1-41 and -42—States how to determine ESHA and technical evaluation/report requirements.

CHAPTER 4.2: WATER QUALITY

Relevant CCA Policies

Section 30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

CCA Consistency

The Coastal Act provides that development must protect the biological productivity and quality of coastal waters (offshore ocean and marine intertidal areas), streams, wetlands, estuaries, and lakes. This chapter of the proposed Coastal LUP is consistent with these goals through 1) identifying impaired water bodies and sources of water quality problems;

2) providing policies that identify City planning efforts and programs aimed at protecting water quality, including storm water management programs; and 3) providing development standards and management techniques to avoid water quality impacts and prevent polluted runoff from entering coastal waters, streams, wetlands, estuaries, and lakes. This chapter also addresses management of the harbor and other marine areas, wastewater facilities, and best management practices. Chapter 4.1 *Biological Resources* addresses policy and development standards for environmentally sensitive habitat areas, wetlands, estuaries, open coastal waters, and creeks, including required habitat buffers to these resources.

The City of Santa Barbara is one of the most committed cities to water quality protection. The entire mission of the City's Creeks Division is to improve creek and ocean water quality. A City imposed 2% transient occupancy tax was enacted in 2001 with all proceeds going to the Creeks Division to help achieve this mission. Since 2001 this has generated millions of dollars spent entirely on improving creek and ocean water quality. A key component of the City's water quality protection and improvement program has been the creation of a robust and unique Storm Water Management Program (SWMP). This program has included development of a 435-page Storm Water BMP Guidance Manual for use by applicants. The Creeks Division also has staff that are entirely dedicated to implementing and enforcing the City's storm water management program.

The City of Santa Barbara's Coastal Zone is largely built-out with very few remaining vacant lots. Most development activity involves small redevelopment of already developed sites, with some net increases in square footage. Annualized, development in the Coastal Zone has been less than five residential units per year, and approximately 3,400 square feet of floor area per year. General storm water management required in other LCPs and by RWACB and SWQCB only address storm water management for projects of large sizes (e.g. projects creating 5 or more residential units, developments that create and/or replaces a cumulative site total of 10,000 square feet or more of impervious surface area, etc.). These types and sizes of projects do not regularly occur in the City's Coastal Zone. If the City were to use the types and sizes of projects generally required by the State, very few development projects would be subject to storm water management requirements.

The City, therefore, voluntarily developed the current Storm Water Management Program that requires much smaller redevelopment projects (such as single unit residential and minor commercial developments) to implement best management practices for storm water. The storm water requirements for these projects are scaled to be feasible and appropriate to the much smaller size of the projects captured in the program. The program also incentivizes reductions in impermeable and hardscape development. The City has seen measurable positive results for creek and ocean water quality since implementing the current SWMP. The policies of the Draft Coastal LUP, therefore, require development to adhere to the current SWMP and require that the program continue to provide equal to higher levels of water quality protection in the future.

Key Coastal LUP policies in this chapter include:

- Policies 4.2-10 and -22—Requires SWMP to be consistent with outlined standards and all development to be consistent with SWMP.

CHAPTER 4.3: SCENIC RESOURCES & VISUAL QUALITY

Relevant CCA Policies

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30253. *New development shall... where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

CCA Consistency

Consistent with the Coastal Act's directives to site and design development to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas, the Coastal LUP addresses: 1) scenic resources identification and methods for evaluation of impacts; and 2) development standards to minimize scenic resource impacts and protect visual quality of the Coastal Zone.

There are no areas that currently meet the Coastal Act Section 30253 definition of special communities and neighborhoods.

This chapter of the proposed Coastal LUP includes policies to continue existing City policy and protocols for protecting public scenic views and important visual resources and ensuring design compatibility. The Coastal LUP builds upon these policies by providing more detailed development review criteria for projects near or directly impacting scenic resources. Policies and a map in this chapter identify important scenic resources and key public locations to view these scenic resources. Detailed policies in this section also address vegetation and tree removal and landscaping in areas not considered ESHA (which are covered by policies in Chapter 5.1). Other policies address lighting, telecommunication facilities, and scenic highways.

Key Coastal LUP policies in this chapter include:

- Figure 4.3-1—The Scenic Resources figure is an existing map that's been updated.

- Policy 4.3-27—Defines scenic resources and public scenic viewing areas.
- 4.3-4 and –28—Requires visual evaluations and provides requirements for the evaluation.

CHAPTER 4.4: CULTURAL RESOURCES

Relevant CCA Policies

Section 30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

CCA Consistency

This chapter of the proposed Coastal LUP includes policies to continue existing policy and protocols for protecting archaeological and paleontological resources while providing more detailed development review criteria for projects within or near these resources consistent with the Coastal Act policies related to Cultural Resources.

This chapter includes policies that follow the City’s existing robust Master Environmental Assessment protocols for evaluation of development and protection of archaeological and paleontological resources. As part of the City’s Master Environmental Assessment Guidelines for Archaeological Resources developed in 2002, the City inventoried and mapped areas of potential archaeological resources. Depending on which sensitivity zone the project is located in and whether the project is proposing grading or other disturbance activities, full archaeological assessments are required and reviewed by the City’s Historic Landmark Commission. If resources are found, avoidance and other mitigations are required consistent with federal, state, and local regulations. The policies in the Coastal LUP follow this same structure and implement the protocols of the Master Environmental Assessment.

COASTAL HAZARDS & ADAPTATION

CHAPTER 5.1: COASTAL HAZARDS

Relevant CCA Policies

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

(4) *Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

(5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

(6) *Restoration purposes.*

(7) *Nature study, aquaculture, or similar resource-dependent activities.*

(b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*

(c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*

(d) *Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section 30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

Section 30253. *New development shall do all of the following:*

(a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

(b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

(c) *Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*

(d) *Minimize energy consumption and vehicle miles traveled.*

(e) *Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

This chapter of the proposed Coastal LUP includes policies to address all hazards including geologic, seismic, erosion, flooding, wildfire, and shoreline hazards. The geologic, seismic, erosion, flooding, and wildfire hazards present throughout the City are addressed by policies that are carried over from the City's 2013 Safety Element and established protocols for evaluating proposed development in hazard areas. There is a strong emphasis in this chapter on shoreline hazards (bluff erosion and failure, beach erosion, coastal flooding, and wave impacts) and shoreline protection. New policies require completion of a Sea Level Rise Adaptation Plan that had already begun and will result in a separate future LCP Amendment (described in Council Agenda Report Attachment 12). New policies in the Coastal LUP consider the potential for increased shoreline hazards due to sea level rise and are considered "interim" until the Sea Level Rise Adaptation Plan is complete.

Santa Barbara's coastal bluffs and beaches are subject to beach erosion, coastal bluff erosion, coastal bluff slope failure, coastal flooding, and wave impacts that may substantially increase in the coming years due to the effects of projected sea level rise. There are many existing homes, park and waterfront structures, and businesses along the shoreline that are important to the community. Slope and shoreline protection devices (retaining walls, gunite, sea walls, rock revetments, etc.) can effectively mitigate slope instability and wave damage in the immediate vicinity of a protection device. However, erosion continues to occur around these protection devices and they weaken over time, often failing during large storm events. These devices also prevent the coastal bluffs and shoreline behind the beach from naturally eroding, which reduces sand supply and beach widths. In order to preserve the scenic and walkable nature of the beaches and coastal bluffs and to minimize the risks of slope failures and erosion, the existing Coastal LUP requires new development to be set back from the shoreline and severely limits the use of shoreline protection devices. The Coastal LUP continues this long-standing policy direction and includes significantly more detailed policies and development standards for shoreline hazards.

New policies in the Coastal LUP identify areas of the coast potentially subject to beach erosion, coastal bluff erosion, coastal bluff slope failure, coastal flooding, and wave impacts now and in the future, factoring in the effects of sea level rise through the year 2100. The Interim Shoreline Hazards Screening Areas Map (Figure 5.1-1 *Interim Shoreline Hazards Screening Areas*) illustrates these areas and provides a visual tool to initially assess (i.e., screen) the potential for existing and future development to be subject to shoreline hazards. This visual tool and related policies factor in sea level rise data developed by the United States Geological Survey (CoSMoS 3.0) and used in the National Research Council's 2012 document "Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future." New policies then provide direction on the need for technical studies and development standards in these potential shoreline hazard areas, including detailed policies for calculating coastal bluff edge development buffers.

Determining a specific location for the coastal bluff edge has been challenging under the existing Coastal LUP. Identifying the bluff edge on a case-by-case basis, in response to

development proposed on bluff top properties, can be particularly difficult. In September 2017, the CCC approved an updated Post LCP Certification Jurisdiction and Appeal Map for the City. As part of developing this new map, CCC staff consulted with City staff to identify a coastal bluff edge line that meets the definition in Section 13577(h) of the California Code of Regulations. This bluff edge line is based on high resolution LiDAR Digital Elevation Model data obtained in 2016 and aerial imagery from 2015 and was developed in consultation with City staff, CCC mapping staff, and CCC staff geologists.

Figure 5.1-2 *Coastal Bluff Edge* of the Coastal LUP identifies the coastal bluff edge that was used to develop the updated Post LCP Certification Jurisdiction and Appeal Map for the City. New policies in the Coastal LUP direct the use of this mapped coastal bluff edge line for the purposes of applying policies of the Coastal LUP, unless site-specific survey data demonstrates that Figure 5.1-2 *Coastal Bluff Edge* is incorrect either due to inaccuracies in the LiDAR data or due to changed conditions on the ground (e.g., coastal bluff failures). If a development proposal includes identification of an alternate coastal bluff edge line that is substantially seaward of the bluff edge line shown on Figure 5.1-2 *Coastal Bluff Edge*, an LCP Amendment would be required, in addition to a CDP.

The Coastal LUP provides detailed allowed uses on bluff faces and coastal bluff edge development buffers. New policies also address redevelopment and situations where minimum required buffers cannot be met on severely constrained lots.

New policies also limit the use of slope and shoreline protection devices. Policies in the Draft Coastal *LUP* expressly prohibit shoreline protection for any new development (except coastal dependent uses) approved after the date of certification of the proposed *Coastal LUP* and for any existing secondary structures. Additionally, policies in this chapter require that in order for shoreline protection devices to be approved for threatened existing principle structures, it must be demonstrated that the existing principle structure cannot feasibly be moved landward to avoid the need for shoreline protection.

Key Coastal LUP policies in this chapter include:

- Policies 5.1-14 and -15 — Requires the City to complete a Sea Level Rise Adaptation Plan and process a LCP Amendment. Policies included in the 2018 City Council Review Coastal LUP are considered interim.
- Figure 5.1-1 – Identifies six “Shoreline Hazard Screening Areas” potentially subject to bluff erosion, beach erosion, wave impacts, and coastal flooding factoring in sea level rise to the year 2100.
- Figure 5.1-2 and Policy 5.1-67 – Maps Coastal Bluff Edge and develop procedures for determining bluff edge when there are changed conditions on a specific property.
- Policies 5.1-29 through 5.1-34 – Provides development standards for each Shoreline Hazard Screening Area
- Policies 5.1-29 through 5.1-34; 5.1-41 through 5.1-45 – Provides strict limitations on the use of shoreline protection devices and slope protection devices.

- Policy 5.1-35 and 5.1-36 – Provides policies for severely constrained coastal bluff top residential lots. Allows reduced coastal bluff edge development buffers if no shoreline protection device needed and other specific conditions are met.
- Policies 5.1-61 through 5.1-68 – Provides technical report requirements and procedures for Shoreline Hazard Screening Areas.

PUBLIC SERVICES AND FACILITIES

CHAPTER 6.1: PUBLIC WORKS & ENERGY FACILITIES AND CHAPTER 6.2: HIGHWAY 101

Relevant CCA Policies

Section 30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Section 30233(a). *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities...

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines...

Section 30250. *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

Section 30253. *New development shall... minimize energy consumption and vehicle miles traveled.*

Section 30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

CCA Consistency

The Coastal Act contains policies (Article 7 Industrial Development) that specifically address oil and gas and other industrial development, separate from public works facilities. Article 7 contains a provision (Coastal Act Section 30260) to allow coastal-dependent industrial facilities that are not otherwise consistent with the Coastal Act as long as (a) alternative locations are infeasible or more environmentally damaging, (b) to deny the project would adversely affect the public's welfare, and (c) adverse environmental effects are mitigated to the maximum extent feasible. The Coastal LUP does not include policies for coastal-dependent industrial or other industrial facilities, such as tankers, refineries, petrochemical facilities, and thermal electric generating plants, because there are no such facilities now within the City limits, and no new facilities could be permitted based on existing land use and zoning. Furthermore, the City's Charter prohibits drilling for oil, gas, or other hydrocarbon substances within City limits, including the offshore portion of the Tidelands Grant.

This chapter of the proposed Coastal LUP includes policies to address public water, wastewater, and energy facilities and continues the City's existing water and energy conservation programs and that that carry forward the City's 1994 LCP Amendment for policies related to the Highway 101 corridor, with updates.

The policies in the *Public Works & Energy Facilities* chapter of the Coastal LUP support the City's water conservation programs, long term water supply plans, energy efficiency programs, and ensure adequate public facilities for development. Adequacy of public services such as water and wastewater was a central topic of the certified Final Environmental Impact Report and Addenda for the 2011 General Plan. This FEIR covers the development scenarios envisioned in the Coastal LUP. This FEIR found public facilities, such as water and wastewater, to be adequate for the amount of development envisioned in in the 2011 General Plan.

Highway 101 is a major transportation corridor in the Coastal Zone. In 1994 an LCP Amendment was certified to add policies to the existing Coastal LUP to ensure any projects constructed within the City's portion of the Highway 101 corridor protect and enhance existing recreational, visitor-serving, public access, scenic, and historic resources. The existing policies from the 1994 LCP Amendment are compiled, updated, and carried forward in the *Highway 101* chapter of the Coastal LUP.

Key Coastal LUP policies in this chapter include:

- Policy 6.1-10 *Minimize Water Use* - requires new development and substantial redevelopment to incorporate best available water conservation practices into development plans.