



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** General Plan Safety Element Update

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2013 Safety Element Update to the General Plan and Making Environmental Findings Pursuant to the California Environmental Quality Act.

### **EXECUTIVE SUMMARY**

On November 12, 2013, the City Council held a public hearing on the adoption of the 2013 Safety Element Update (SEU). Prior to the meeting, the Council received comment letters from two law firms: Richard Watson Gershon and Hollister & Brace. Both letters were dated November 8, 2013. Attorney Richard Monk attended the meeting and addressed the Council regarding the concerns expressed in the two letters.

The Council Agenda Report provides responses to the two letters from November 8, 2013. The Council Resolution to adopt the Safety Element has been updated to reflect the responses.

### **DISCUSSION:**

Both of the letters received on November 8, 2013 stated that the law firms represent Emprise Trust, the owner of a parcel at 1925 El Camino de la Luz in the City of Santa Barbara. The Emprise Trust is proposing to develop the parcel with a new 3,101 square foot (net), 3-story, single family residence with an attached two-car garage. The project is in the appealable jurisdiction of the Coastal Zone. The project site was subject to a landslide in 1978 which destroyed a home which existed on the site. The Emprise Trust submitted a City Pre-Application Review Team (PRT) application on June 10, 2013. The City issued a PRT comment letter on August 9, 2013.

Given the volume and detail of the comments in the two letters, Staff recommended, and Council concurred, that the item be continued to the December 10, 2013 Council meeting so that a comprehensive staff response could be prepared in response to the

points made in the letters. The staff comments have been summarized into the following topic areas:

- California Coastal Act and the California Code of Regulations
- Coastal Bluff Description and Illustration
- Policy Consistency
- Sequence of Updating Local Coastal Program (LCP) Hazards Section and General Plan Safety Element
- Discouraging Development on Landslide Impacted Parcels (Proposed Policy S17)
- Grading on Slopes Greater than 30% (Proposed Policy S18)
- Other El Camino de la Luz and Site Specific Suggested Revisions

At the November 12, 2013 Council meeting, questions were also raised as to the Safety Element policy direction regarding Wildfire Defensible Space and Seismic Policy Related to Soft-Story Construction. This Council Agenda Report provides the City's responses to comments and the recommended changes to the Safety Element and the adopting Council Resolution.

### **California Coastal Act and the Coastal Commission Code of Regulations**

Both comment letters from Emprise Trust object to the Safety Element Appendix B. Appendix B is a 2003 Coastal Commission Staff Memorandum prepared by a Coastal Commission staff geologist on the subject of the technicalities of "establishing development setbacks from coastal bluffs." Both letters request that the Commission's 2003 memo and references to it, be removed from the City Safety Element and replaced with a reference to the California Code of Regulations. Staff disagrees with this request since there is no apparent conflict between Commission Regulations and the 2003 Coastal Commission staff memo.

The California Coastal Act was approved by the voters of the State in 1976 and the requirements of the Act were codified into the State Public Resources Code, Division 20. In addition, the California Code of Regulations for the Coastal Commission includes detailed provisions for the implementation of the Coastal Act. The Emprise Trust comment letters specifically refer to California Code of Regulations Section 13577(h) which describes the "Criteria for Permit and Appeal Jurisdiction Boundary Determinations." Subsection (h) contains a "coastal bluff" definition as well as criteria for determining the bluff edge or upper termination of a bluff and is provided as Attachment 1.

As acknowledged in the comment letters, even within the required context of Commission regulation §13577(h), applying the coastal bluff definition and bluff edge criteria is very complex. In 2003, a Coastal Commission Staff Geologist prepared a memorandum regarding "establishing development setbacks from coastal bluffs as required by the Coast Act and regulation §13577(h)." The memo is provided as an

attachment to the Safety Element to clarify the analytical and technical procedures undertaken by Coastal Commission staff in evaluating proposed development setbacks.

The Commission memo specifically states:

“This methodology does not represent a formal policy or position of the Coastal Commission. In fact, there may be other appropriate methodologies to establish development setbacks, and the Commission has the discretion to base a decision on any method that it finds technically and legally valid. Further, as new techniques and information become available, these methodologies may change. Nevertheless, the type of analysis outlined here represents the current analytical process carried out by Coastal Commission staff in evaluating proposals for new development on the California coast, and in recommending action upon those proposals to the Commission. The Commission then makes its decision on a case-by-case basis, based up the site specific evidence related to the particular development proposal.”

This Coastal Commission Staff memorandum and attached manuscript are included as Appendix B to the Safety Element. This Coastal Commission Staff memorandum is also included as a resource for siting development to avoid hazards in the California Coastal Commission LCP Update Guide Section 8 Coastal Hazards Pages 6-8 (Attachment 2). The memorandum is expressly referenced in the City Safety Element Policy S25 (shown below). The comment letters from Emprise Trust object to an “un-adopted” Coastal Commission Staff memorandum being included in a City policy. Staff disagrees because this memorandum describes how the Commission and Commission staff evaluate new development in terms of its proximity to a coastal bluff. Applicable projects are obviously subject to Coastal Act and California Code of Regulations requirements. The Safety Element policy provides further guidance on analysis methods for applying the Coastal Act and Code provisions for City projects. The City’s policy would establish that the analysis include the most recent methodology used by Coastal Commission staff. This guidance is clearly within the purview of City Council’s legislative discretion. As can be seen from the quote above, the memorandum is intended to help implement the Coastal Act Section 30253 [and Commission Regulation section 13577(h)] that states “New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard “

Consequently, Staff proposes the following clarifying change to Policy S25 to incorporate reference to the Coastal Act and Regulations in determining the location of the bluff edge and development setbacks from the bluff edge.

S25. **Structural Setback from the Bluff Edge for Slope Stability.** Bluff edge setbacks shall be adequate to address long-term erosion and slope stability issues. The required development setback from the bluff edge shall be determined in accordance with the Coastal Act, associated California Code of Regulations provisions, Coastal Commission guidelines, and by an

analysis that includes the most recent methodology used by California Coastal Commission staff. The California Coastal Commission memorandum entitled Establishing development setbacks from coastal bluffs (2003) is provided in Appendix B of the Safety Element Technical Background Report. Factors to be considered include determining bluff edge, slope stability/ factor of safety and long-term bluff retreat both generally and on a case by case basis. Modifications to the prescribed setback calculation methodology and setbacks may be approved by the City to reflect site-specific geological conditions.

### **Coastal Bluff Description and Illustration**

The November 8, 2013 Emprise Trust comment letters disagree with the City's description and terms for coastal bluff areas on page 27 of the Safety Element. In particular, the letters request that the following paragraph be deleted from the Safety Element. Staff disagrees and does not recommend any significant changes to this portion of the proposed Safety Element. The paragraph accurately represents how the Safety Element describes coastal bluff areas with one exception. To further clarify terms, staff recommends that the following changes as shown below to Safety Element page 27:

“Coastal bluff retreat is an erosion- and landslide-related hazard that affects the bluffs located along the City's coast. In the Safety Element, the terms “sea cliff,” “cliff,” and “bluff” are used to describe the topographic feature located between the beach and the adjacent upland area. Typically, however, “cliff” or “bluff face” is used to describe the vertical or sloping area, and “bluff top” is used to describe the upland area landward of the coastal bluff edge. The “bluff edge” is the location from which bluff top setbacks are measured. The sloping cliff and adjacent upland area are collectively referred to as the “coastal bluff.”

The Emprise Trust comment letters also request that a diagram illustrating parts of a coastal bluff that was provided as Exhibit F to the September 2013 City Planning Commission Staff Report be removed from the record. The comment letters assert that the coastal bluff top area landward of the bluff edge should not be considered part of the coastal bluff. Staff disagrees. The Exhibit diagram is a simplified illustration of a typical bluff and is not a part of the Safety Element. The Safety Element provides a description on page 27. The Coastal Commission Regulation states in Section 13577(h): “Coastal Bluffs. Measure 300 feet landward and seaward from the bluff line or edge. ...”

### **Policy Consistency**

Both Emprise Trust comment letters also argue that adopting the Safety Element will create policy inconsistencies within the General Plan and between the General Plan and our certified Local Coastal Program (LCP). Again, Staff disagrees because, other than claiming an “inconsistency” in a conclusionary and unsupported manner, no specific reference to any language inconsistency is actually identified in these letters.

For example, with respect to creating internal inconsistencies within the General Plan, the comment letters highlight General Plan Environmental Resources Element Policy ER24.3 adopted in 2011. This policy states:

“Site-Specific Coastal Bluff Analysis. Any mapped illustration, description of, or reference to, a “coastal bluff” in the Plan Santa Barbara planning, background, or environmental documents should trigger the requirement for professional site-specific coastal bluff location analysis as part of the application for development on a parcel, rather than to be a conclusive determination that a “coastal bluff” now exists, or at any time during the historic record has existed, on that parcel.”

This policy was included in the 2011 General Plan in response to a request from an Emprise Trust representative who made this request in 2011 prior to the Council’s final approval of the General Plan. Staff readily agrees that “professional site-specific coastal bluff location analysis” should be done as part of the development on any coastal bluff parcel, and this has, in fact, long been City policy and practice. The proposed 2013 Safety Element is consistent with ER24.3 and also emphasizes the necessity for site-specific analysis on a case by case basis. Safety Element Appendix B provides additional information regarding methodologies for performing the site-specific analysis for each application. Clearly, there is no inconsistency between the ER24.3 and the Safety Element as the letters claim.

Similarly, the Emprise Trust comment letters assert that the City’s Safety Element will create inconsistencies between the City General Plan and the City’s Certified LCP Hazards policies. The City’s certified LCP includes these policies:

Policy 8.1 addresses drainage systems and states:

“All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are:

- (1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel’s property lines;
- (2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property;
- (3) the drainage system is designed to be minimally visible on the bluff face.”

Policy 8.2 describes development limitation on the bluff face and states:

“With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research

or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach (emphasis added).

These certified LCP policies, supplemented by site-specific technical and scientific analysis, studies and evidence will continue to be the standard for review of any Coastal Development Permits in the City until a new LCP is certified. Policy 8.2 addresses development on the bluff face and not the upland coastal bluff top area. Again, as staff sees it, nothing in the 2013 Safety Element is “inconsistent” with the existing, certified LCP policies. In fact, Safety Element Policy S26 and S30 are substantially similar to LCP Policy 8.1 and 8.2 respectively.

### **Prepare LCP Hazard Section Update Prior to Adopting General Plan Safety Element**

At the Council meeting on November 12, 2013, attorney Richard Monk addressed the City Council and requested that the coastal bluff discussion and policies be removed from the proposed City General Plan Safety Element. He asked that the coastal bluff policies be incorporated into an updated LCP Hazards Section Amendment and subsequently certified by the Coastal Commission prior to putting them in the Safety Element.

As described in the Council Agenda Report for the November 12, 2013 Council meeting, the original work plan was to update the LCP Hazards Section concurrently with the Safety Element Update. Given the Safety Element grant deadline, that proved to be infeasible based on Coastal Commission staff’s extensive preliminary comments. However, it is very common for a city to process sequential Coastal Act plan amendments in order to ultimately provide for policy consistency.

A comprehensive update of the City’s LCP is an active Planning Division project albeit in the very early stages. The Safety Element coastal bluff policies will be processed as part of the comprehensive LCP Amendment and certification process. The Coastal Commission may request modifications to the coastal bluff policies at that time. If this proves to be the case, once the comprehensive LCP Update process is certified, the City will concurrently process any necessary amendments to the Safety Element and other General Plan elements to maintain policy consistency between the General Plan and certified LCP.

### **Discouraging Development of Landslide Impacted Parcels (SEU Policy S17)**

Page 15 of the Hollister & Brace letter asserts that “carefully designed and implemented development of a landslide-impacted parcel” may provide many public benefits and should be encouraged, not discouraged. The letter requests adding text to SEU Policy 17 on slope failure to encourage, rather than discourage this type of development.

Safety Element policy S17 states:

**S17 Slope Failure.** Discourage new development in areas where substantial slope movement has occurred in recent or historic times. New development in areas with high or moderate slope failure risk shall incorporate design and construction techniques that lessen slope failure risk to the extent feasible. Addressing slope stability issues may include measures such as avoidance of the hazardous area; removal of unstable material; engineered grading; drainage control; use of deep-rooted, drought-tolerant vegetation; use of use of slope retaining walls, and foundation support incorporating reinforced concrete piers.

Staff does not agree with the proposed replacement language stating that carefully designed development and improvements should be encouraged on landslide-impacted parcels as is suggested on page 15 of the Hollister & Brace letter.

### **Grading on Slopes Greater Than 30% Should Not Be Permitted (SEU Policy S18)**

Pages 15-16 of the Hollister and Brace letter requests that Policy S18 be qualified with respect to permitting grading on steep slopes. SEU Policy S18 states:

“To minimize the potential for hazards such as severe erosion and landslides, grading on slopes greater that 30% should not be permitted.”

This policy is very consistent with the longstanding City Visual Resources Policy 2.1 in the General Plan Conservation Element. The City has extensive experience implementing policies of this type regarding grading on steep slopes. The policy states that grading “should” not be permitted rather than “shall” not be permitted. This allows flexibility based on site specific constraints and conditions.

In addition, in staff’s opinion, Safety Element Policy S18 is fully consistent with the requirements of the Coastal Act Section 30253, which states that:

“New development shall:

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

(2) 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 conditions along bluff and cliffs.”

### **Other El Camino de la Luz and Site Specific Concerns**

Sections II and III (pages 2-16) of the Hollister & Brace letter also present background information and analysis regarding the specific 1925 El Camino de la Luz development proposal which has been submitted to the City and the City's Pre-Application Review Team (PRT) letter (August 9, 2013). The Hollister & Brace letter concludes (page 16) by stating that there is no evidence to support the Safety Element Update's characterization of the coastal bluff, the staff PRT letter determination of the subject parcel's bluff edge location, or the conclusion that the Emprise Trust application is inconsistent with existing LCP policy 8.2.

The residential project proposed at 1925 El Camino de la Luz is in the early stages of the City's development, design, environmental review and coastal development permit (CDP) process. When a formal application is submitted for the El Camino de la Luz project, Staff will be further reviewing the bluff edge and setback location.

Page 1 PRT letter (Top of Bluff / Bluff Edge Determination) states that both City and California Coastal Commission staff believe that the bluff edge is located further inland than the one shown on the applicant's site plan. The PRT letter states: "In order to fully understand how the proposed determination of bluff edge was made, please describe, specifically, how it meets the California Code of Regulations definition of bluff edge."

Page 2 of the PRT letter states: "Given staff's position that the actual bluff edge is located inland of the proposed residence location, the project as proposed would be in conflict with the City's Local Coastal Plan (LCP) Policy 8.2."

To repeat, these issues will be resolved during the development / environmental review and Coastal Development Permit (CDP) process. This process includes public hearings, detailed environmental review of the project under CEQA and the Coastal Act, and Planning Commission review and approval or denial of the project. The property is located in the appealable jurisdiction of the City's Coastal Zone so these issues may ultimately be determined by the California Coastal Commission either way. In short, these project-specific issues are outside the scope of the General Plan Safety Element Update.

### **Wildland Interface / High Fire Hazard Area and Defensible Space Requirements**

During the City Council discussion of the Safety Element on November 12, 2013, Councilmember White questioned whether the 150 foot maximum defensible space requirements in the extreme foothill areas are enough. Since the meeting, Fire Department Staff has provided additional information. Fire Department Staff agrees that defensible space is an important component, but in the balance of fire safety, topographical, biological and geological concerns we believe that we have a workable standard that is more stringent than most of the state.

Staff recommends adding the following additional text to the Safety Element Technical Appendix A, Defensible Space Requirements (page 157) to provide additional important information about defensible space requirements.

The City of Santa Barbara takes a comprehensive approach to wildland mitigation measures in the wildland urban interface areas, particularly in the Foothill and Extreme Foothill zones, through a combination of public education, road clearance, vegetation management projects and defensible space.

State law, under Public Resources Code (PRC) section 4291, requires homeowners in high fire hazard areas to thin flammable vegetation up to 100 feet around structures in two zones to provide “defensible space.” The City adopts and amends the California Fire Code by local ordinance and in that document establishes greater distance for defensible space than the PRC. The adopting ordinance is based upon local climatic, topographical and geological findings that allow for more stringent requirements than are applied at the state level. Chapter 49 of that code contains 37 local amendments, 11 of which amend the defensible space Chapter 4907.

Section 4907.2 addresses distance requirements, including 150 feet throughout the extreme Foothill Zone. Additional clearance requirements may extend the required clearance up to 300 feet, depending on slope, under Section 4907.7. This gives the Fire Code Official discretion based on individual circumstances. In addition, sections are added that address chimney clearance, overhanging trees, vines and climbing ornamentals, roof debris and fire safe landscaping. Vegetated roofs – also known as “green roofs”, are not allowed in the high fire hazard areas of the City, and that section was added based on defensible space concerns. These extraordinary measures, based in part on the Santa Barbara Wildland Fire Plan, balance the fire safety aspects of the wildland urban interface with the protection of biological resources and geological concerns such as erosion control.

## **Seismic Policies**

At the November 12, 2013 meeting, Council also questioned whether the Safety Element was creating new policy with respect to soft-story construction and seismic safety. The topic has been in the news recently as the City of Los Angeles is considering taking new steps to address this seismic safety issue. Soft-story construction refers to multi-story wooden buildings built over carports or garages with few internal walls. This type of construction has a high risk of collapsing during a large earthquake event, as was seen in the Loma Prieta earthquake in Northern California and in the 1994 Northridge earthquake.

Retrofitting these buildings is costly and controversial. However, an important first step is to conduct an inventory of these buildings in the City. In particular, it is important to

know how many residential units are vulnerable. Housing Element Goal 2 calls for the conservation and improvement of the City's housing stock. The Housing Element identifies over 27 strategies to conserve and improve existing housing stock.

Staff recommends that an Implementation Action (S12.2) be added to under SEU S12 Ground Shaking on page 58 of the Safety Element.

Conduct a citywide inventory of soft-story buildings. These are buildings that were constructed prior to modern seismic safety building codes and that have inadequate seismic support on the ground floor.

## **ENVIRONMENTAL REVIEW**

Staff reviewed the proposed Safety Element revisions discussed above, and concluded that the EIR Addendum (Appendix C of the Safety Element dated April 20, 2013) remains adequate for the revised project.

## **SUSTAINABILITY IMPACT:**

The Safety Element Update furthers the City's Sustainability goals by emphasizing community resilience and the importance of preparing for disasters and emergencies at the local level.

**ATTACHMENTS:**

1. California Code of Regulations Section 13577(h)
2. Local Coastal Program Update Guide Part I – Section 8.  
Coastal Hazards – Pages 6-8

**PREPARED BY:** Elizabeth Limón, Project Planner

**SUBMITTED BY:** Paul Casey, Assistant City Administrator / Community Development Director

**APPROVED BY:** City Administrator's Office

**California Code of Regulations Section 13577(h)*****13577. Criteria for Permit and Appeal Jurisdiction Boundary Determinations.***

(h) Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:

(1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and

(2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

requirement to minimize hazards. You should consider policies where each new parcel would have at least the minimum developable area, consistent with the zone district, outside of any high hazard area. A sample policy, such as one from the adopted suggested modifications of the Solana Beach LUP, could be:

- **Revised Findings on City of Solana Beach LCP Land Use Plan**, pg. 29, at: <http://documents.coastal.ca.gov/reports/2012/6/Th24a-6-2012.pdf>

*Policy 4.10 Land divisions, including lot line adjustments, shall be prohibited unless all proposed parcels can be demonstrated to be safe from flooding, erosion, fire and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.*

#### ◆ **Siting Development to Avoid Hazards/Setbacks**

A critical element of every LCP is the designation of appropriate review and setback criteria for bluff, cliff, and beach level development. Siting criteria help to carry out Coastal Act requirements in Section 30253. You should consider LUP policies that avoid locating new development in hazardous areas where feasible. Where locating development to completely avoid hazardous areas is not feasible, policies should provide siting standards to minimize the exposure of new development to geologic, flood and fire hazards. These policies should include any additional exposure to flooding and erosion due to sea level rise.

Your LCP should require a setback that assures that the structure will be stable for its economic life without the need for shoreline protective devices that alter the natural landform. The Commission in recent actions has generally defined the economic life of a structure as 75 to 100 years. This lifespan could potentially vary, though, if the development included specific provisions for its removal from the hazard zone at the end of the specified economic life or when it became endangered. For development along coastal bluffs or cliffs, both slope stability and erosion should be part of the analysis.

The relative stability of a slope can be calculated quantitatively by a slope stability analysis, in which the forces tending to resist a potential landslide are divided by the forces tending to drive a potential landslide. The industry standard for a “stable” site is that this quotient, called a factor of safety, be at least 1.5 in the static condition, and 1.1 to 1.2 under seismic conditions. The factor of safety generally increases with distance from the bluff edge, so the point at which the factor of safety reaches 1.5 constitutes a minimum setback for existing conditions and without considering erosion.

Most coastal bluffs are steadily retreating due to erosion, impacts from storm waves and effects from sea level rise. In order to assure that the site will still

have a 1.5 factor of safety at the end of its economic life, the amount of bluff retreat expected over its life must be added to the initial setback.

Sea level rise should be incorporated into the erosion rate used in the factor of safety analysis. It is clear that future erosion rates are likely to be higher than historic rates; but, there is no fully accepted approach for estimating future bluff erosion with sea level rise. One approach used in the past has been to use the high range of historic erosion rates to represent future erosion rates. A more process-based method is to correlate future erosion rates with the increased frequency of wave impacts. This approach was used in the Pacific Institute study of sea level rise and is documented as part of their report:

- **The Impacts of Sea-Level Rise on the California Coast, at:**  
[http://www.pacinst.org/reports/sea\\_level\\_rise](http://www.pacinst.org/reports/sea_level_rise)

Your LCP should require a site analysis for bluff-top development to determine the present-day setback needed to minimize hazards. The factor of safety against sliding that is typically used to show that a development is stable is 1.5. To find the total setback needed, add to that figure the predicted bluff retreat for the expected life of the project, such as 100 years of bluff erosion. The Coastal Commission's staff geologist presented a memo on the topic to the Coastal Commission:

- **Establishing development setbacks from coastal bluffs, at:**  
<http://www.coastal.ca.gov/W-11.5-2mm3.pdf>

For examples of LUP policies on bluff setbacks, see the suggested modifications to the City of Solana Beach LUP, the City of Laguna Beach LUP and from the San Luis Obispo County LUP for the Estero Area:

- **Laguna Beach General Plan Land Use Element, beginning on p. 7-20, at:** <http://documents.coastal.ca.gov/reports/2012/5/W13a-5-2012-a1.pdf>
- **San Luis Obispo County Local Coastal Program Major Amendment No. 2-04 (Part 2) Estero Area Plan, at:**  
<http://documents.coastal.ca.gov/reports/2008/7/Th16a-7-2008.pdf>
- **County of San Luis Obispo Estero Area Plan, Ch. 7 Planning Area Standards, at:**  
<http://www.slocounty.ca.gov/Assets/PL/Area+Plans/Estero+Area+Plan.pdf>
- **Revised Findings on City of Solana Beach LCP Land Use Plan, suggested modifications on Hazards beginning on p. 22, at:**  
<http://documents.coastal.ca.gov/reports/2012/6/Th24a-6-2012.pdf>

The examples from the City of Solana Beach and the City of Laguna Beach include bluff setback policies that address sea level rise. For example this one from the City of Solana Beach:

*Policy 4.27: ...The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also*

*acceleration of bluff retreat made possible by continued and accelerated sea level rise, future increase in storm or El Niño events, the presence of clean sands and their potential effect on the pattern of erosion at the site, and any known site-specific conditions...*

It is also important to include setback policies that distinguish accessory structures, to allow their easy removal or relocation.

Additional guidance specific to evaluating sea level rise may be considered by the Commission in the near future.



# Proposed General Plan Safety Element Update

CITY COUNCIL ADOPTION

December 10, 2013



# 2013 Safety Element Goals

- ◆ Public Safety
- ◆ Community Resilience
- ◆ Hazard Risk Reduction



# Hazard Risk Reduction Policies

- Development Review
- Geologic and Seismic Hazards
- Coastal Bluff Development
- Fire Hazards
- Flood Hazards
- Coastal Flooding & Inundation
- Hazardous Materials
- Public Safety



# Council Review

- Public Hearing Held November 12, 2013
- Two Comment Letters Submitted
- Council Discussion and Questions
- Item Continued to December 10, 2013



# Comment Letters

- Both Law Firms Represent Emprise Trust
- Bluff Top Property Takings
- Coastal Bluff Determination
- Coastal Bluff Regulation
- Internal Inconsistency – Policy Conflicts
- Additional Hollister & Brace Letter Sent December 6, 2013



# Response to Comments

- ◆ Written Response in Council Agenda Report
- ◆ Staff Proposes Two Changes:
  - Add Text to Bluff Edge Policy S25
    - (Item 1, page 2, Council Resolution)
  - Add Text to Coastal Bluff Description
    - (Item 2, page 2, Council Resolution)



# Response To Council

- ◆ High Fire Area Defensible Space Requirements
  - Staff Proposes Additional Text in Safety Element
    - (Item 3, page 3, Council Resolution)
  
- ◆ Seismic Policies
  - Staff Proposes New Implementation Action S12.2
    - (Item 4, page 3. Council Resolution)



# Today's Recommendations

- ◆ That the City Council:
  - Review Responses to Comments in CAR
  - Review Proposed Changes to the Safety Element Update, and
  - Adopt Revised Resolution and Findings Incorporating the 2013 Safety Element Update into the General Plan