



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: March 19, 2019
Placement: Administrative
Estimated Time: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Dianne M. Black, Director, Planning and Development
(805) 568-2086
Contact Info: Jeff Wilson, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: California Coastal Commission Conditional Certification of an Amendment to the Local Coastal Program – Highway 101 HOV: Carpinteria to Santa Barbara (Case Nos. 17GPA-00000-00003 and 18ORD-00000-00004), First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

Staff recommends that the Board of Supervisors take the following actions:

- a) Adopt a revised resolution acknowledging receipt of the California Coastal Commission's resolution of conditional certification with the suggested modification, accepting and agreeing to the modification, agreeing to issue Coastal Development Permits for the total area included in the conditionally certified Local Coastal Program; and adopting the Local Coastal Program Amendment with the suggested modification (Attachment 2);
- b) Determine that the Board of Supervisors' action is not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9. The County relied upon CEQA Guidelines Section 15265 for CEQA review of Case Nos. 17GPA-00000-00003 and 18ORD-00000-00004; and
- d) Direct the Planning and Development Department to transmit the adopted resolution to the Executive Director of the California Coastal Commission.

Summary Text:

The purpose of this Board Letter is to correct a minor wording issue that was discovered with a Resolution recently adopted by your Board at your February 5, 2019 hearing.

On August 14, 2018, the Santa Barbara County Board of Supervisors adopted Resolution No. 18-199 submitting the Coastal Land Use Plan (Resolution No. 18-174) and ordinances (Ordinance Nos. 5050 and

5053) to the California Coastal Commission as an amendment to the County's Local Coastal Program (LCP). On December 14, 2018, the Coastal Commission certified the amendment to the LCP with one suggested modification, which was supported by staff. The one suggested modification revises the language associated with the Via Real coastal trail enhancements in the Coastal Land Use Plan Policy 7-32 to provide a more accurate project description of the improvements along this section of Via Real. The modification is presented in Attachment 1 (Coastal Commission letter dated January 4, 2019).

Your Board adopted a resolution acknowledging receipt of, and accepting and agreeing to, the California Coastal Commission's resolution of conditional certification with the suggested modification on February 5, 2019. However, after the Board hearing, staff was notified by the Coastal Commission that a revision in wording was needed in the Resolution. In order for the Resolution to be accepted by the Coastal Commission, the Resolution should be revised on page 2, Item No. 2 to state the following (changes shown in strikethrough and underline format):

The Board of Supervisors acknowledges receipt of the California Coastal Commission's resolution of conditional certification with one suggested modification and accepts and agrees to the modification through amendment of the ~~Implementation Program (Coastal Zoning Ordinance)~~ Coastal Land Use Plan as required in Section 13544(a) of the California Coastal Commission's Administrative Regulations and agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program consistent with the suggested modification that the Coastal Commission certified.

As discussed in the prior Board Letter, if the Board of Supervisors accepts the modifications by adopting the revised resolution (Attachment 2), the Coastal Commission's Executive Director will take several steps leading to final certification of the LCP amendment. Following receipt of the resolution the Coastal Commission's Executive Director will make a determination that the County's action is legally adequate to satisfy any specific requirements set forth in the Coastal Commission's certification order and report this determination to the Coastal Commission at its next regularly scheduled public meeting. If the Coastal Commission does not object to the Executive Director's determination, then notice of the certification will be filed with the Secretary of the Resources Agency and the certification will be deemed final and effective. If, for some reason, a majority of the Coastal Commission members do not agree with the Executive Director's determination, and find that the County's action does not conform to the provisions of the Coastal Commission's action to certify the amendment to the County's Local Coastal Program, then the Coastal Commission will review the County's action in a subsequent public hearing as if it were a re-submittal.

Background:

Please refer to Attachment 3 for a detailed summary of the project, discussion of the Coastal Commission's one suggested modification, and environmental review for the project.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs for processing this application, including completing the Coastal Commission certification process, are fully reimbursed by the applicant per the Planning and Development Department's adopted fee schedule. This work is funded in the Planning and Development Department Permitting Budget Program, as shown on page D-289 of the Fiscal Year 2018-19 budget.

Special Instructions:

The Clerk of the Board shall provide a copy of the executed resolution and the minute order to P&D, attention: David Villalobos.

Planning and Development will transmit the Resolution to the Coastal Commission and other interested parties.

Attachments:

1. January 4, 2019 Coastal Commission Conditional Certification Letter, Santa Barbara County Local Coastal Program Amendment Case No. LCP-4-STB-18-0071-2 Part A (Highway 101 HOV: Carpinteria to Santa Barbara) including Modification Language
2. Board of Supervisors Resolution Accepting the Coastal Commission's Conditional Certification of the Local Coastal Program Amendment with Modifications
3. Board of Supervisors Agenda Letter, February 5, 2019, Item A-10

Authored by:

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