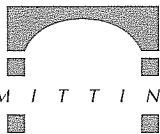


S U Z A N N E  E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

26 July 2010

Board of Supervisors
105 E. Anapamu Street, Room 407
Santa Barbara CA, 93101
Attn: Michael Allen, Chief Deputy Clerk of the Board

Subject: California Coastal Commission Staff Recommended Modifications to County Land Use and Development Code

Dear Chair Wolf and Supervisors of the Board,

At your last hearing it was disclosed that, contrary to their previous positions with County staff, the Coastal Commission staff had become interested in negotiating. Unfortunately, there is reason to believe that these last minute concessions by the Coastal Commission staff are part of a time-honored tactic of submitting an outrageous proposal, paring the proposal in response to the expected opposition and appearing to compromise, while actually obtaining the initial goal.

In this case, it was easy for the Coastal Commission staff to reluctantly give in on a few of their more egregious recommendations but hold on to what they really want: to implement their questionable interpretation of the Coastal Act and assign a single Principally Permitted use to each zone. In doing this, virtually every discretionary decision in the Coastal Zone will have the Coastal Commission as the ultimate arbiter.

County Staff's presentation of the impact on the Appeals Jurisdiction was perhaps not understood. Under the current code, the Appeals Jurisdiction in Montecito, Isla Vista and Carpinteria is typically about 300' from the ocean. With the proposed changes, the de facto appeals area will include all of unincorporated Carpinteria and Isla Vista, and virtually all of Montecito south of Highway 101. This is a significant amount of area, much of it well inland, in which the County will no longer have the final say on local land use matters.

It has been suggested by some that the County should be sympathetic to the Coastal Commission because they need to address the whole of California Coast. Thus, our County should accept some of their recommendations that seem heavy-handed to us because they reflect issues that the Coastal Commission faces in other jurisdictions.

However, this is untrue. The County and most jurisdictions have spent significant time and resources creating a specific Local Coastal Plan. Santa Barbara County should not be forced to give up the right to at least consider approving uses such as churches, schools, charity institutions and family day care in certain zones. The Coastal Commission has always had and retains the ability to appeal approval of a CUP in the appeals jurisdiction. Prohibiting schools outright in any zone is contrary to our county's long standing policy of allowing them in all zones once they are evaluated and approved by the County decision-maker at a noticed public hearing.

Some have said that there has been adequate public participation on this matter. This shows a disturbing lack of understanding for the standard requirements of public participation. There is a significant difference between being informed of a change and participating in it. The general public has been provided with zero opportunity to participate in workshops with the Coastal Commission which gave no notice of the scope of their changes until dropping 300+ pages on the County's doorstep mere weeks before a scheduled hearing on a purported streamlining act. Thankfully, County staff was aware of the magnitude of the changes and refused to move forward immediately.

County planning staff made some effort to provide for public participation by placing the item on the MPC, PC and Ag Advisory board agendas but staff has not had time to conduct adequate outreach to landowners and County residents who by and large are completely unaware of these proposed amendments. The Planning Advisory Committees would have been completely unaware of this item had they not been advised by some local planning professionals. Fortunately, the PACs had just enough time to ask County staff to make a presentation on the changes. As you heard in your most recent hearing, the Gaviota PAC was alarmed and dismayed with the proposed changes which they feel will undermine their efforts. Still, public outreach does not simply mean advising a few committees, and any suggestion that our community has had an adequate opportunity to participate in the decision making is simply untrue.

We stand by our original recommendations and we are concerned that the Board will feel some sense of accomplishment or feel that a compromise has been achieved with these recent concessions.

However, the truth of the matter is that the County is being duped into handing over local control in vast areas of Districts 1 and 3 by the staff of an unelected and remote commission. Coastal Commission staff has made wholesale changes of our local zoning code without any public workshops and with virtually no outreach to affected constituents.

Finally, we wish to correct the record in one regard. On July 7th, we submitted a joint letter to the Board of Supervisors that was signed by 41 concerned local land use professionals. It was intimated in the last public hearing that this group represented "the developers". We can tell you candidly that nobody has paid for our time to prepare and represent these comments to your Board. We have intimate knowledge and a deep respect for a fair and transparent permit process. Our motivation in expressing our collective concern is to inform you and assist you in gaining a better understanding of the potential consequences of these amendments based on our many years of professional experience upholding planning policies and regulations.

One of Supervisor Carbajal's recent suggestions was to ask that the Coastal Commission accept the streamlined ordinance as it was originally proposed by the County, with the understanding that the County would initiate workshops to discuss the proposed modifications with its constituents as other Coastal projects move forward. We think this is wholly appropriate as it will implement the long awaited streamlined LUDC and will allow the County to benefit from the input of those persons who have the most vested interest and sensitivity to coastal properties. We urge you to follow Supervisor Carbajal's suggestion.

This solution is not a "loss" for the Coastal Commission. It simply slows down the process so that it works as it should, with public input, while allowing important projects like the IV Master Plan, design guidelines and the hardship exemptions for time extensions to move forward.

Sincerely,

Trish Allen, AICP

Ginger Andersen, AICP

Joseph Andrulaitis, AIA

Sydney Baumgartner

Lisa Bodrogi

Michael A. Caccese

Brian Cearnal, AIA

Anne Coates

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Mark DelaGarza

Owen Dell

Suzanne Elledge

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Robert T. Flowers

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