




**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Board of Supervisors

FROM: Glenn Russell, Ph.D. Director 

DATE: June 14, 2016

RE: California Coastal Commission's Conditional Certification of an Amendment to the Local Coastal Program Regarding the 2013 General Package Ordinance Amendments, Board Hearing on June 21, 2016

At your June 21 hearing your board will consider the above referenced item originally continued from your May 3rd hearing and then continued again from your June 7th hearing.

You have received several comment letters on this item that indicates there is confusion and misinformation concerning the Coastal Commission's suggested modifications to code sections that address allowed structural alterations to legal nonconforming structures. These suggested modifications pertain to Subsection 1(a) of Section 35-162 of Article II, the Coastal Zoning Ordinance. The suggested modifications are found on Page 4 of your Board Letter, subsections c) and d). Some background information will help to clarify the issue.

A few years ago, based on discussions that we had, first with the Montecito Planning Commission and then with the County Planning Commission, we were directed to change our regulations concerning legal nonconforming structures that were not historically landmarked. At that time, only historical landmarks were allowed to be structurally altered (subsection c) on pages 3-4 of your staff report). There was concern that there were quite a few older legal nonconforming structures in our communities that were not historic landmarks for which structural repairs were not allowed. It was further suggested that we allow owners of such residential structures to maintain these valuable buildings by allowing structural repairs. In response, staff drafted a new section of code (subsection d) on page 4 of your staff report (not including the underlined language proposed to be added by the Coastal Commission). Staff recommended approval of this new code section and it was adopted by your Board. It is currently in effect throughout the County except for the Coastal Zone. Your Board also adopted the new code language for the Coastal Zone, but in order to be effective, it required certification of a Local Coastal Plan (LCP) Amendment by the Coastal Commission. This certification process took a few years, but the certified code language has now been returned for Board action. Staff is recommending acceptance of Coastal Commission certification of the LCP, including the Suggested Modifications.

The Coastal Commission Suggested Modifications that are causing confusion are found as underlined text in subsections c) and d) on page 4 of the Board Letter. These Suggested Modifications indicate that such work on legal non-conforming structures shall be prohibited if the nonconforming structure or structural alterations are inconsistent with any coastal resource protection policies of the LCP. This is simply a restatement of existing law and changes nothing. Currently, any structural alterations to a structure in the Coastal Zone requires approval of a Coastal Development Permit, which may only be approved if it conforms to all policies in the LCP, including coastal resource protection policies.

At this time your Board has only two choices; accept the certified LCP Amendment with the suggested modifications or reject it. Should your Board reject the certified LCP, we would not only lose the changes to the code that give owners the ability to make structural alterations to legal nonconforming structures that are not historic landmarks, but we would also lose all of the other code changes that your Board previously approved that are part of this LCP amendment. I continue to recommend that the Board accept the Coastal Commission's suggested modifications.