



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 and Development
Department No.: 053
For Agenda Of: December 11, 2018
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: Yes
If Yes, date from: November 6, 2018
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Dianne M. Black, Director, Planning and Development
Director(s) (805) 568-2086
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning
(805) 568-2072

SUBJECT: Coastal Resiliency Project Local Coastal Program Amendment

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors (Board) consider a resolution amending the Coastal Land Use Plan (Case No. 17GPA-00000-00004), and an ordinance amending Article II, of Chapter 35, Zoning, of the County Code (Case No. 17ORD-00000-00015), of the Local Coastal Program (LCP), to prepare for, mitigate, and respond to threats resulting from current and reasonably foreseeable future sea level rise and coastal hazards.

The Board's action should include the following:

- a) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings (Attachment 1).
- b) Determine that this project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15265, as reflected in the findings for approval (Attachment 2).
- c) Adopt a resolution (Case No. 17GPA-00000-00004): (1) amending Chapter 3, The Resource Protection and Development Policies; Appendix A, Definitions; and Appendix C, References, of the Coastal Land Use Plan, and (2) adding a new Appendix J, Sea Level Rise Coastal Hazard Screening Areas Map, to the Coastal Land Use Plan (Attachment 3).
- d) Adopt an ordinance (Case No. 17ORD-00000-00015): (1) amending Division 1, In General; Division 2, Definitions; Division 3, Development Standards; Division 5, Overlay Districts; Division 7, General Regulations; Division 9, Oil and Gas Facilities; Division 10,

Nonconforming Structures and Uses; and Division 11, Permit Procedures; of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code; and (2) adding a new Appendix I, Technical Guidelines for Preparation of a Coastal Hazard Report, to Article II, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 4).

Summary Text:

The Board of Supervisors reviewed the draft LCP amendment on November 6, 2018, and requested the following six revisions to the Coastal Land Use Plan and Article II, Coastal Zoning Ordinance:

1. Use the high sea level rise scenario for coastal hazard analysis, development permitting, and land division processes.
2. Proposed Policy 3-7: Change the reporting requirement from ten to five years.
3. Proposed Policy 3-10: Add language to specify that the most restrictive standard shall take precedence when there is a conflict between this policy and coastal hazard policies in community plans and existing ordinances.
4. Proposed Policy 3-20: Include State Route 217.
5. Proposed Policy 3-22: Change all incidences of “should” to “shall.”
6. Proposed Article II, Section 35-154.3: Add a requirement that specific findings under Public Resources Code Section 30260 shall be made when obtaining a permit for coastal dependent industry development.

In addition, based on Board discussion, but not included in the motion, staff added proposed text to Coastal Land Use Plan Section 3.3.2 (Planning Issues) and the proposed Article II Appendix I (Technical Guidelines for Preparation of a Coastal Hazard Report) to clarify that a qualified professional (e.g., geologist) may evaluate some proposed developments in potential coastal hazard areas north of Highway 101 based on a site visit and short site visit report rather than a complete Coastal Hazard Report.

Staff made the requested revisions and additional text amendments and are presenting the proposed LCP amendment to the Board for adoption.

Background:

1.0 Proposed LCP Amendment

The Board of Supervisors reviewed the proposed LCP amendment on November 6, 2018. The following subsections summarize the Board’s direction to staff to revise proposed policies and development standards. In this LCP amendment, staff also proposes additional text that may reduce the coastal hazards evaluation and report standards for some properties north of Highway 101, as the Board requested. The November 6, 2018, Board Agenda Letter (Attachment 5) contains additional details on the project and history.

1.1 Coastal Land Use Plan Amendment Revisions

As directed by the Board, staff made the following five revisions to the Coastal Land Use Plan:

1. High Sea Level Rise Scenario. The Board directed staff to revise the Sea Level Rise Coastal Hazard Screening Area Maps and relevant policies and development standards to require use of the high sea level rise scenario rather than the medium sea level rise scenario. Staff made the following revisions:

- Modified Coastal Land Use Plan Appendix J (Sea Level Rise Coastal Hazard Screening Areas Map) to show the high sea level rise scenario instead of the medium scenario.
- Deleted Appendix K since it became redundant after the Screening Area Maps in Appendix J were modified to show the high sea level rise scenario.
- Modified text in Section 3.3.2 (Planning Issues, “Coastal Hazards Exacerbated by Sea Level Rise” and “Sea Level Rise Coastal Hazard Screening Areas Map”) regarding use of the high sea level rise scenario to analyze potential hazards to development, and to reference the Screening Areas Map in Appendix J.
- Modified Policies 3-1, 3-6, 3-8, 3-9, 3-14, and 6-20 to require use of the high sea level rise scenario for coastal hazard analysis, development permitting, and land division processes.
- Modified Article II, Sections 35-67A.1 through 35-67A.4, Section 35-130.3, and Appendix I (Technical Guidelines for Preparation of a Coastal Hazard Report) to require use of the high sea level rise scenario and Appendix J, in accordance with Coastal Land Use Plan policy changes.

2. Sea Level Rise Reporting. The Board directed staff to modify the reporting requirement in proposed Policy 3-7 from ten- to five-year intervals as follows (revision in bold text):

Policy 3-7: The County shall monitor sea level rise using the best available science, compare modeled projections against measurable changes in sea level, and report the results to the Board of Supervisors every **10 five** years, or sooner as necessary to incorporate new sea level rise science and information on coastal conditions. The County shall update the Sea Level Rise Coastal Hazards Screening Areas Maps and sea level rise scenario standards if monitoring demonstrates a significant difference between modeled projections and measurable changes in sea level rise.

The County may act on a Coastal Development Permit application in compliance with LCP policies and standards, even if the Sea Level Rise Coastal Hazards Screening Areas Maps need an update, but have not been updated as of the time of action on the Coastal Development Permit application.

3. Anticipated Life of Development. The Board directed staff to modify proposed Policy 3-10 to clarify that the most restrictive standard shall be used when there are conflicts between this policy and community plan policies or ordinance standards. The proposed change is as follows (bold text):

Policy 3-10: Coastal hazard setbacks shall be determined based upon the anticipated life of development. The anticipated life of development shall be defined as follows:

- a. Temporary structures, or moveable or expendable construction (e.g., trails, boardwalks, bike racks, playgrounds): 5 years
- b. Ancillary development or amenity structures (e.g., shoreline restrooms, parking lots): 25 years.
- c. Mobile homes: 30 years.
- d. Residential or commercial structures, accessory dwelling units, or manufactured homes: 75 years.
- e. Critical infrastructure (e.g., emergency medical facilities, bridges, water treatment plants): 100 years.

Notwithstanding Policy 1-3, where there are conflicts between this policy and coastal hazard setback policies or other provisions set forth in any community plans and/or existing ordinance, the most restrictive standard using the longest anticipated life of development or hazard analysis timeframe shall take precedence.

4. **State Route 217.** The Board directed staff to modify proposed Policy 3-20 to include State Route 217, which is susceptible to future threats from sea level rise. Staff proposes the following revision (bold text):

Policy 3-20: The County shall consult and coordinate with the California Department of Transportation to protect public access to the coast and to minimize adverse impacts of sea level rise on U.S. Highway 101 and **State Route 217**. Areas that will become regularly inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise shall be identified. A combination of structural and non-structural measures to protect public access and use of Highway 101 and **State Route 217** shall be considered with a preference towards non-structural solutions, unless the structural solutions are less environmentally damaging.

5. **Union Pacific Railroad.** The Board directed staff to modify proposed Policy 3-22 to change all incidences of “shall” to “should.” Staff modified proposed Policy 3-22 (bold text) as follows:

Policy 3-22: The County shall consult and coordinate with the Union Pacific Railroad to protect public access to the coast and to minimize current and future threats from sea level rise and coastal hazards on regional railway lines. Areas that will become regularly inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise ~~should~~ **shall** be identified. A combination of structural and non-structural measures to protect local and regional access and use of railway transportation ~~should~~ **shall** be considered with a preference towards non-structural solutions, unless the structural solutions are less environmentally damaging.

1.2 Coastal Zoning Ordinance (Article II) Amendment Revision

The Board also directed staff to make the following change to Section 35-154.3 (Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development) to require findings under Public Resources Code Section 30260 (shown in underlined text):

3. Processing. No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits), and with the specific findings required by Public Resources Code Section 30260. In addition to the other information required under Section 35-174 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application . . .

Staff revised the Coastal Land Use Plan amendment (Attachment 3) and Article II, Coastal Zoning Ordinance amendment (Attachment 4) to include the Board’s November 6, 2018, revisions.

1.3 Properties North of Highway 101

In addition to the specific revisions directed by the Board, staff added proposed text to Coastal Land Use Plan Section 3.3.2 (Planning Issues, “Sea Level Rise Coastal Hazard Screening Areas Map” subsection) and to Article II, Appendix I (Technical Guidelines for Preparation of a Coastal Hazard Report. The proposed text supplements related language presented to the Board on November 6, 2018, regarding site visit reports. The proposed text was not part of the Board’s motion but was discussed at the hearing.

The proposed Coastal Land Use Plan text explains that the sea level rise model results are not detailed enough to precisely predict hazards at specific sites. Features such as Highway 101 were modeled as topographical features, not necessarily as barriers to sea level rise for properties north of the freeway.

The proposed text in the Technical Guidelines (Section 3 in proposed Appendix I to Article II) would require an initial site visit by a qualified professional when development is proposed north of Highway 101 in the coastal hazard screening areas. The site visit would result in a site visit report. If the qualified professional determines that the proposed development would not be subject to coastal hazards over its anticipated life, the qualified professional would submit a site visit report rather than a comprehensive and more expensive site-specific Coastal Hazard Report.

The County Planning Commission reviewed the proposed Technical Guidelines text as part of their August 29, 2018, recommendation to the Board. Coastal Commission staff subsequently disagreed with the proposed text, so County staff removed a portion of the text and modified the remainder as a compromise. County staff has now included the entirety of the originally proposed text for the Board’s consideration, to supplement related text in the Technical Guidelines. The proposed text clearly describes a site visit report process for properties located north of U.S. Highway 101 in the coastal hazard screening areas.

2.0 Environmental Review

State CEQA Guidelines Section 15265 (Adoption of Coastal Plans and Programs) exempts local government activities and approvals involving the preparation and adoption of LCP amendments. As stated in Section 15265, “CEQA shall apply to the certification of a local coastal program ... by the California Coastal Commission” and the burden of CEQA compliance is shifted “from the local agency ... to the California Coastal Commission.”

The Coastal Land Use Plan and Article II amendments proposed under the Coastal Resiliency Project affect portions of the county located within the Coastal Zone and constitute an amendment to the County’s Local Coastal Program. The Coastal Commission must certify the LCP amendment before it can go into effect. Therefore, the proposed amendments to the Coastal Land Use Plan and Article II are

statutorily exempt from CEQA under State CEQA Guidelines Section 15265. Please see the Notice of Exemption (Attachment 2) for additional details on the CEQA exemption determination.

Fiscal and Facilities Impacts: Budgeted: Yes

Fiscal Analysis:

The fiscal analysis for the Coastal Resiliency Project is in the Board of Supervisors Board Agenda Letter from the November 6, 2018, hearing (Attachment 5).

Special Instructions:

The Clerk of the Board shall provide a copy of the minute order and signed resolution and ordinance to the Planning and Development Department, attention David Villalobos.

Attachments:

1. Findings for Approval
2. CEQA Notice of Exemption
3. Board of Supervisors Resolution Amending the Coastal Land Use Plan (Case No. 17GPA-00000-00004)
4. Board of Supervisors Ordinance Amending the Coastal Zoning Ordinance (Case. No. 17ORD-00000-00015)
5. Board of Supervisors Board Agenda Letter, November 6, 2018

Selena Evilsizor, AICP, Senior Planner, Long Range Planning Division