



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: February 5, 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) Receive the California Coastal Commission's conditional certification with one suggested modification of an amendment to the County's Local Coastal Program (Coastal Commission Case No. LCP-4-STB-18-0071-2-Part A) (Attachment 1);
- b) Adopt a 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);
- c) 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:

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. 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 discussed further in the Background section below and is presented in Attachment 1 (Coastal Commission letter dated January 4, 2019).

Staff recommends that the Board of Supervisors accept the Coastal Commission's conditional certification of the LCP amendment with the suggested modification. The suggested modification revises the project description, at the request of the County, to allow for a feasible Via Real pathway. Specifically, the Via Real project would consist of an Americans with Disabilities Act (ADA) accessible pathway on the ocean side of the road and buffered Class II bicycles lanes on both sides of the road. The project would also maintain the existing equestrian/pedestrian path on the landward side of the road.

The Coastal Commission's conditional certification will expire on June 14, 2019, unless prior to that date the Board of Supervisors accepts the one suggested modification. The Board of Supervisors may choose to accept or reject the suggested modification.

If the Board of Supervisors accepts the modifications by adopting the attached 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.

While staff recommends that the Board of Supervisors accept the suggested modification, the Board has the following options if it does not accept the suggested modification:

- Adopt amendments to the suggested modification and resubmit the amended Highway 101 HOV: Carpinteria to Santa Barbara LCP Amendment for certification.
- Reject the modification without adopting any amendments to the suggested modification and request that the Coastal Commission not certify the Highway 101 HOV: Carpinteria to Santa Barbara LCP Amendment.
- Allow the Coastal Commission's conditional certification with the suggested modification to expire by taking no action prior to June 14, 2019.

Background:

A. Project Recap

On July 3, 2018, the Board of Supervisors adopted a resolution amending the Coastal Land Use Plan and an ordinance to amend Article II, the Coastal Zoning Ordinance. On August 14, 2018, the Board of Supervisors reconsidered Case No. 18ORD-00000-00004, which the Board adopted on July 3, 2018, to amend Article II, the Coastal Zoning Ordinance, to include the Transportation Corridor Wetland Overlay District map as it relates to the Highway 101 Local Coastal Program Amendment.

The adopted Coastal Land Use Plan and ordinances include the following:

- Resolution No. 18-174 (Case No. 17GPA-00000-00003), amending the Coastal Land Use Plan by adding and modifying wetland protection and recreation policies.
- Ordinance No. 5053 (Case No. 18ORD-00000-00004) amending Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code to establish a Transportation Corridor Wetland Overlay District, which includes the Transportation Corridor Wetland Overlay District map.

The Coastal Commission must certify the Highway 101 HOV: Carpinteria to Santa Barbara Coastal Land Use Plan and ordinance as an amendment to the County's LCP before the changes become effective.

B. Coastal Commission Suggested Modification

Prior to the Coastal Commission hearing on December 14, 2018, Public Works staff conducted additional feasibility studies for the proposed public access projects and found that the proposed multi-use pathway on Via Real as originally envisioned is not feasible due to the overall footprint and location of existing utilities. As a result, the County requested that the Coastal Commission change this portion of the project to allow for a modified proposal consistent with the intent of the originally proposed project. In order to allow for this change, the County suggested revised language for proposed Policy 7-32 that is consistent with the public access policies of the Coastal Act and the existing policies in the LCP.

The modification, as conditionally certified by the Coastal Commission, revises the description for the Via Real project, as requested by the County, by:

- Updating the title of the Via Real project to "Via Real Coastal Trail Enhancements: Greenwell to North Padaro Lane Interchange"; and,
- Modifying the description of the project to state that the project would add buffered Class II bike lanes, an ADA accessible pathway on the oceanside of the roadway, and would maintain the equestrian/pedestrian trail on the mountainside of the roadway to enhance the California Coastal Trail.

The Coastal Commission's modified language serves to refine Policy 7-32 of the Coastal Land Use Plan to correctly describe the Via Real project associated with the Highway 101: Carpinteria to Santa Barbara LCP Amendment. As a result, staff recommends that the Board of Supervisors accept the Coastal Commission's conditional certification of the LCP amendment with the suggested modification. Additional information regarding the Coastal Commission's action can be found on its archived meeting agenda website for December 2018 at <https://www.coastal.ca.gov/meetings/agenda/#/2018/12>.

C. Environmental Review

The Board of Supervisors' action to accept the Coastal Commission's conditional certification with the one suggested modification is not subject to CEQA pursuant to Public Resources Code Section 21080.9. In approving the Highway 101 LCP Amendment on July 3, 2018, the County determined that the adoption of this ordinance is exempt from CEQA pursuant to Section 15265 of the CEQA Guidelines.

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

Authored by:

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