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30 June 2010

County of Santa Barbara
Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

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

Chair Wolf and Supervisors,

I am writing in regard to the California Coastal Commission (CCC) staff's recommended modifications to the Santa Barbara County Land Use and Development Code (LUDC). As the owner of a bluff top residence on More Ranch Road, I am especially concerned about the modifications related to coastal bluffs in proposed Modification # 21.

This proposed modification addresses two bluff top development issues, structures in the bluff setback and access stairways from the bluff to the beach. The CCC's recommendations would require that minor improvements allowed within the required bluff setback shall not have structural foundations and in no case shall any structures be sited closer than 15 feet from the bluff edge. This would include fences and patios. Any structures that are threatened by erosion must be removed or relocated landward.

This modification also requires that new stairways on coastal bluffs shall be prohibited with the exception of new stairways for providing public access. This would render our existing stairway a "legal nonconforming" stairway. As a nonconforming structure, if the stairway was damaged to the extent of 75 percent or more of the replacement cost at the time of damage it may not be reconstructed.

My specific concerns include the following:

- In our case, this modification denies us the right to repair a legally constructed stairway and improvements that cost tens of thousands of dollars to engineer and construct. These improvements were recently permitted in 2005.

- The modification will likely encourage illegal, unpermitted, and unsafe development that will be potentially more damaging to bluffs.

- There is no regard for the purpose that existing improvements may serve (safety, for example) and the potential advantages to rebuilding legally permitted improvements in place.

- I believe it would be wiser, more equitable, and more reasonable to continue to review proposals for bluff top improvements on a case-by-case basis, based on the merits, potential impacts, and engineering recommendations of each respective proposal.

- Stairways, whether private or public, provide an essential means of access to bluffs and beaches for emergency responders. The proposed change will negatively impact the long term ability to access bluffs and beaches by public safety agency personnel.

- The CCC is essentially stating that potential impacts from public staircases are acceptable and impacts from private staircases are unacceptable. While I understand the Coastal Commission's mandate to provide for public access to the State's coastline, this is an arbitrary distinction.

I am deeply troubled by the CCC's assertion that these modifications represent "clarifications". The CCC is proposing to significantly change the interpretation of Coastal policy that has been consistently applied in Santa Barbara for several decades. Many property owners have relied upon the integrity of the County's interpretation of policies relating to stairways and have spent significant amounts of money to engineer and build compliant stairways. I sincerely hope that the County does not accept the CCC's revisionist changes.

I appreciate your consideration of my comments.

Sincerely,
SMF for (STEVEN M. FORT)
AUTHORIZED AGENT FOR -
Ron Caird
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