



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: Set Hearing on May 3, 2016
for May 17, 2016
Placement: Departmental
Estimated Tme: 30 minutes on 5/17/16
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director Glenn Russell, Ph.D., Director, Planning and Development
(805) 568-2085
Contact Info: Matthew Schneider, Deputy Director, Long Range Planning
(805) 568-2072

SUBJECT: California Coastal Commission's conditional certification of an amendment to the Local Coastal Program regarding the Summerland Community Plan Update, First Supervisorial District.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

On May 3, 2016, set a hearing for May 17, 2016 to consider the California Coastal Commission's conditional certification of an amendment to the Local Coastal Program regarding the Summerland Community Plan Update.

On May 17, 2016, your Board's action should include the following:

- a) Receive notice of the California Coastal Commission's conditional certification of an amendment to the County's Local Coastal Program (Coastal Commission Case No. LCP-4-STB-14-0836-2-Part C Summerland Community Plan Update) with eight (8) suggested modification (Attachment 1);
- b) Adopt a Resolution acknowledging receipt of the California Coastal Commission's conditional certification with modifications, accepting and agreeing to the modifications, 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 modifications (Attachment 2);
- c) Determine that the Board's action is not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9. The County relied upon the Summerland Community Plan Final Supplemental Environmental Impact Report (certified May 6, 2014) for

CEQA review of Case Nos. 14GPA-00000-00001, 14GPA-00000-00002, 14ORD-00000-00001, and 14ORD-00000-00002, Summerland Community Plan Update; and,

- d) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the California Coastal Commission.

1. Background.

On May 6, 2014, the Santa Barbara County Board of Supervisors adopted the Summerland Community Plan Update, including:

- Resolution No. 14-119 (Case No. 14GPA-00000-00002) that amended the Coastal Land Use Plan,
- Ordinance No. 4887 (Case No. 14ORD-00000-00002) that amended Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code,
- Resolution No. 14-120 that rescinded the 1992 Board of Architectural Guidelines for Summerland and adopted the Summerland Community Plan Residential Design Guidelines and the Summerland Community Plan Commercial Design Guidelines.

Cumulatively, these actions implement the update of the Summerland Community Plan. The Summerland Community Plan Update includes updates to the Introduction, Community Development and Visual Aesthetics sections, and a revised Transportation, Circulation, and Parking section of the Summerland Community Plan. The Update also includes amendments to the Article II Coastal Zoning ordinance to implement policies, development standards and actions of the revisions to the Summerland Community Plan. Lastly, the update includes new Summerland Community Plan Residential Design Guidelines and Summerland Community Plan Commercial Design Guidelines.

On June 17, 2014, the Santa Barbara County Board of Supervisors, by Resolution No. 14-146, submitted Ordinance No. 4884 to the Coastal Commission as a proposed amendment to the County's certified Local Coastal Program.

The Coastal Commission considered this amendment at their March 11, 2016 hearing and conditionally certified the amendment with eight (8) suggested modification as shown beginning on page 3 of Attachment 1 (Coastal Commission letter dated March 16, 2016). The suggested modifications are also discussed in the following analysis section of this Board letter. The Coastal Commission's conditional certification will expire on September 11, 2016, six months following the date of the Coastal Commission's action on March 11, 2016, unless prior to that date your Board acts to accept the modification.

Your Board may choose to accept or reject the suggested modifications. If your Board chooses to accept the modifications, then following receipt of a Board resolution acknowledging and accepting the Coastal Commission's suggested modifications, 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. However, if a majority of the Coastal Commission members object to 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.

Once the amendment receives final certification from the Coastal Commission, the amendment as modified will become effective and will be incorporated into the County's certified Local Coastal

Program.

If your Board decides to not accept the suggested modification, then your Board has the following options:

- Adopt amendments to the suggested modifications and re-submit the Summerland Community Plan Update Amendments for certification.
- Reject the modifications without adopting any amendments to the suggested modifications and request that the Coastal Commission not certify the proposed amendment to the Local Coastal Program.
- Let the Coastal Commission's conditional certification with the suggested modifications expire by taking no action prior to September 11, 2016.

2. Recommendation.

The Planning and Development Department reviewed the Coastal Commission's suggested modifications and, based on the analysis contained in the following section, recommends that your Board approve the attached Resolution (Attachment 2) acknowledging receipt of the Coastal Commission's certification with the suggested modifications and adopting the Local Coastal Program Amendment with the suggested modifications.

3. Analysis.

SUGGESTED MODIFICATIONS TO THE LAND USE PLAN

The County's proposed and approved amendment language to the certified Land Use Plan is shown in straight type. Language approved by the Commission to be modified is shown in strikeout and underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

Suggested Modification No. 1

New proposed Policy CIRC-S-17 in Chapter II (Community Development Super Element), Section G (Transportation, Circulation, and Parking) on Page 41 of the Summerland Community Plan Update regarding public road right-of-way (ROW) abandonments shall be modified as follows:

Policy CIRC-S-17: Priority use of excess public road right-of-way (ROW) shall be for enhancing public parking, pedestrian and bicyclist circulation, trails and coastal access potential, or other public benefits consistent with the Summerland Community Plan. All ROW abandonment requests shall be subject to coastal development permit requirements in accordance with Section 35-169 of the County's Coastal Zoning Ordinance. Public Works and Planning and Development shall review all ROW abandonment requests to determine if a public use or benefit currently exists or is potentially available within the ROW. If a public use or benefit is identified, abandonment of the ROW may only occur if an equal public use or benefit is provided, such as a dedicated easement ~~is dedicated~~ that would achieve the same public benefit.

Suggested Modification No. 4

New proposed Policy CIRC-S-18 in Chapter II (Community Development Super Element), Section G (Transportation, Circulation, and Parking) on Page 41 of the Summerland Community Plan Update regarding public road right-of-way (ROW) encroachments shall be modified as follows:

Policy CIRC-S-18: Existing authorized landscape and hardscape within the public roadways and ROW are functionally and aesthetically valuable to the community and shall be protected and maintained for public use. Permitted encroachments shall not compromise public safety; block sight distances; impede existing or planned pathways, trails, and bikeways; or obstruct on-street parking areas or travel lanes. Encroachments shall be subject to coastal development permit requirements in accordance with Section 35-169 of the County's Coastal Zoning Ordinance and a Public Works encroachment permit and may only be approved if a clear zone from the curb face and/or edge of pavement to the proposed encroachment is preserved for a minimum distance of seven feet and the clear zone is improved by the property owner as feasible for on-street parking or bicycle and pedestrian passage. The County shall not authorize encroachments that would preclude adequate sight distance or safe pedestrian access or parking where it currently exists or is potentially available within the public road ROW.

Discussion (Suggested Modifications No. 1 and No. 4):

The existing certified SCP prohibits public road ROW encroachments and abandonments, but the proposed SCP Update amendment would permit them subject to specific policies and standards regarding traffic safety and aesthetics. Regarding abandonments, the SCP Update would allow beneficial public use of abandoned areas and prioritize using excess ROWs to enhance public parking, pedestrian and bicyclist circulation, trails and coastal access potential, or other public benefits. Because encroachments and abandonments of public ROWs in the coastal zone can adversely affect public access opportunities available through on-street parking or pedestrian access, public access must be a criteria used when considering ROW abandonment requests. If such abandonments are permitted, mitigation is needed to ensure the maintenance of public access.

In order to approve a Coastal Development Permit for ROW encroachments or abandonments the County must first find, in addition to other required findings, that the proposed development is consistent with the applicable policies of the County's Comprehensive Plan including the Coastal Land Use Plan. These policies include coastal resource protection policies that address public access, visual resources, and shoreline processes and development. The added language approved by the Coastal Commission as suggested modifications serves to clarify that ROW encroachments or abandonments meet the definition of development under the Coastal Act and a Coastal Development Permit is required. Staff concurs and recommends the Board of Supervisors accept suggested modifications No. 1 and No. 4.

Suggested Modification No. 2

The following shall be added in Chapter II (Community Development Super Element), Section G (Transportation, Circulation, and Parking) on Page 41 of the Summerland Community Plan Update in order to include a requirement of the existing plan (pursuant to LCP Amendment No. 1-03-B) that was inadvertently omitted from the proposed Summerland Community Plan Update:

Action CIRC-S-17.2: In the case of a portion of the Morris Place ROW and a portion of the West Finney Street ROW adjacent to Assessor Parcel No. 005-240-001 and Assessor Parcel No. 005-240-002, as shown in Exhibit 7 of the California Coastal Commission Staff Report for Santa Barbara County LCP Amendment No. 1-03-B, ROW abandonment may occur in exchange for equal public access benefits which shall include all of the following: improving two beach access trails within the Summerland Community Plan Area, providing a minimum of 40 public coastal parking spaces along Wallace Avenue, and installing instructional access signage along Wallace Avenue. As a condition of rezoning a portion of the Morris Place ROW and a portion of the West Finney Street ROW from recreational and open space use to residential use, the property owner(s) shall sign a written agreement acknowledging and agreeing that new development (including any modification of trees such as trimming or limbing, grading, and fences) shall be prohibited in the designated exclusion area as shown on Exhibit 7 referenced above. However, under limited circumstances, trees may be modified in the designated exclusion area for the protection of life and safety consistent with fire department requirements as allowed in Action BIO-S-6.6. The existing stairways may remain. The designated exclusion area requirement shall run with the land and all present and future owners shall be subject to the prohibition of additional development.

Suggested Modification No. 3

New proposed Action CIRC-S-15.1 in Chapter II (Community Development Super Element), Section G (Transportation, Circulation, and Parking) on Page 40 of the Summerland Community Plan Update shall be modified as follows:

Action CIRC-S-15.1: The County shall improve two beach access trails within the Summerland Community Plan Area, provide a minimum of 40 public coastal parking spaces along Wallace Avenue, and install instructional access signage along Wallace Avenue. Additionally, the County shall study the feasibility of improving beach access and parking along Wallace Avenue, including, but not limited to, the following:

- ~~D~~developing a trail adjacent to the Union Pacific Railroad tracks, which would tie into Padaro Lane and the City of Carpinteria planned bicycle route to the south, as depicted in Figure 15 (Parks, Recreation, and Trails/Open Space); ~~and~~
- ~~Relocating the sidewalk from the south side of Wallace Avenue to the north side to avoid future bluff erosion impacts.~~

Discussion (Suggested Modifications No. 2 and No. 3):

In 2005, the Coastal Commission certified an amendment to the Summerland Community Plan (LCP Amendment No. MAJ-J-1-03-B) that included the abandonment and rezoning of two County rights-of-way at Finney Street and a portion of Morris Place in order to resolve an existing encroachment of private residential development on County owned property. As part of the approval, the Coastal Commission imposed conditions to mitigate the impacts of changing public property to private property, including, in part, the requirement to develop a minimum of 40 public parking spaces along Wallace Avenue and improve two beach access trails and instructional access signage along Wallace

Avenue. On February 8, 2005 the Board of Supervisors took action to acknowledge the Coastal Commission action and accept the suggested modifications (Resolution No. 05-035).

However, the language of existing SCP Policy CIRC-S-18, which requires the public access and parking improvements, was inadvertently omitted from the proposed Summerland Community Plan Update by the County. Additionally, the proposed Summerland Community Plan Update includes renumbering and combining of several policies and actions, including existing Policy CIRC-S-18. Since Policy CIRC-S-18 was renumbered, the Coastal Commission approved as a suggested modification the addition of new Action CIRC-S-17.2 and Action CIRC-S-15.1 to re-state the public access and parking improvements required by certified LCP Amendment MAJ-1-03-B in 2005.

Suggested Modification No. 5

Action CIRC-S-20.4 in Chapter II (Community Development Super Element), Section G (Transportation, Circulation, and Parking) on Page 42 of the Summerland Community Plan Update shall be modified as follows:

Action CIRC-S-20.4: The County shall consider locations appropriate for additional parking restrictions within the Summerland Plan Area, including time-limited or prohibited parking, prohibited parking during certain hours, and/or no overnight parking for the purpose of occupancy, sleeping, or camping, including, but not limited to, campers, trailers, and semi-trailers. The implementation of restrictions on public parking along public streets with the potential to impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, and physical barriers) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where such parking restrictions are proposed they shall be subject to a coastal development permit in accordance with Section 35-169 of the County’s Coastal Zoning Ordinance. Where such public parking restrictions impede or restrict public access to beaches, trails, or parklands, adequate mitigation must be provided to offset the impacts – e.g., an equivalent number of public parking spaces shall be provided as mitigation any parking spaces lost, and replacement public parking spaces shall be located within the closest feasible proximity to the spaces lost.

Discussion:

The SCP Update amendment includes new, expanded circulation goals to support safe ingress and egress, multimodal connections, and roadway character considerations for the urban and rural areas. The new policies also promote the installation of “complete streets” facilities, traffic calming devices, and multimodal transportation improvements. The SCP Update amendment also includes additional policies to increase community connections to the shoreline, facilitate multimodal access to the beach, and provide adequate and safe beach access and parking. Consistent with the existing certified SCP, the proposed SCP Update requires adequate parking for existing and new development and uses in Summerland. Proposed SCP Action CIRC-S-20.4 states that the County shall consider locations appropriate for additional parking restriction within the plan area, including time-limited or prohibited parking, prohibited parking during certain hours, and/or no overnight parking for the purpose of occupancy, sleeping, or camping, including, but not limited to, campers, trailers, and semi-trailers.

Action CIRC-S-20.4 is a future action item which generally describes potential parking restrictions that could be considered in the future. Any future action to pursue additional parking restrictions would require the County to make findings that the parking restrictions are consistent with the applicable policies of the County's Comprehensive Plan including the Coastal Land Use Plan. Therefore, the added language approved by the Coastal Commission as suggested modifications does not add any new requirements and only serves to clarify the existing requirement to ensure potential parking restrictions will not adversely impact public coastal access.

Suggested Modification No. 6

The following paragraphs on Page 14 of the Summerland Community Plan Update within Chapter I (Introduction), Section F (Existing County Plans and Policies), Subpart 1 (Coastal Land Use Plan) shall be modified as follows:

Hillside and Watershed Protection (Policies 3-13 to 3-22): Protection of hillsides and watersheds is necessary to minimize risks to life and property from flooding, slope failure, and landslides; ensure biological productivity; protect groundwater resources; and preserve scenic values. These ten policies address the long-term preservation of the biological productivity of streams and wetlands, protection of visual resources, and the prevention of hazards to life and property. Policies 3-13 through 3-22 apply to all construction and development, including major vegetation removal and grading that involves the movement of earth in excess of 50 cubic yards, including grading for agricultural and non- agricultural purposes.

Seawalls and Shoreline Structures (Policies 3-1 to 3-3): These three policies prohibit new seawalls unless there are no other less environmentally damaging alternatives for protection of existing principal structures (Policy 3-1); permit construction that may alter natural shoreline processes only when designed to eliminate or mitigate adverse impacts on sand supply and lateral beach access (Policy 3-2); and prohibit permanent above-ground structures on the dry sandy beach except facilities necessary for public health and safety, or where such a restriction would cause the inverse condemnation of the parcel by the County (Policy 3-3).

Discussion:

The added language approved by the Coastal Commission as a suggested modification only serves to clarify the described community plan policies and does not add any new requirements.

Suggested Modification No. 7

Correct figure numbers and references in the proposed Summerland Community Plan Update to reflect that Figure 5a is the "Urban Grid and Commercial Core Sub-Areas" Map, Figure 16a is the updated "Summerland Roadway Classification" Map, Figure 16b is the "Urban Grid and Commercial Core Sub-Areas" Map (which is also Figure 5a), and Figure 21 is the updated "Bike Route Map."

Discussion:

The added language approved by the Coastal Commission as a suggested modification only serves to correct community plan figure numbers and references, and does not add any new LCP requirements.

SUGGESTED MODIFICATION TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

The County's proposed and approved amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language approved by the Commission to be modified is shown in ~~strikeout~~ and underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

Suggested Modification No. 8

Proposed Subsection 2.f of Section 35-191.5 of the Coastal Zoning Ordinance amendment shall be modified as follows:

- f. **Transfer of floor area.** Except in the Urban Grid, up to one-half of the maximum allowed floor area of a principal dwelling may be transferred to an existing or new principal dwelling as follows:
- 1) **Elimination of potential subdivision.** The maximum allowed floor area on a lot that may be subdivided in compliance with all applicable provisions of the LCP and with the applicable zone in effect as of [effective date of this Ordinance] may be increased in compliance with the following and Subsection 2.f.(3), below:
 - (i) A Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot in perpetuity.
 - (ii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed for a lot that is equal in size to the minimum lot size required in compliance with the applicable zone in effect as of [effective date of this Ordinance].
 - 2) **Elimination of existing lot.** The maximum allowed floor area on a lot that cannot be subdivided in compliance with all applicable provisions of the LCP and with the applicable zone in effect as of [effective date of this Ordinance] may be increased in compliance with the following and Subsection 2.f.(3), below:
 - (i) The lot is contiguous to a lot that cannot be subdivided in compliance with the applicable zone in effect as of [effective date of this Ordinance].
 - (ii) A voluntary merger of the two lots and an Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot in perpetuity.
 - (iii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed on either of the lots that are the subject of the voluntary merger.
 - 3) In no event shall the maximum allowed floor area as adjusted in compliance with Subsections 2.f. (1) or 2.f. (2) above exceed:
 - (i) 12,000 square feet on lots with a lot area (net) of less than 20 acres.
 - (ii) 15,000 square feet on lots with a lot area (net) of 20 acres or greater.

Discussion:

In order to approve a Coastal Development Permit, the Department must first find, in addition to other required findings, that the proposed development is consistent with the applicable policies of the County's Comprehensive Plan including the Coastal Land Use Plan. These policies include coastal resource protection policies that address agricultural productivity, bluff top development, environmentally sensitive habitat areas, public access, visual resources, and shoreline processes and development. Therefore, the added language approved by the Coastal Commission as a suggested modification only serves to clarify the existing situation and does not add any new LCP requirement.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Long Range Planning Budget Program on page D-295 of the adopted Planning and Development Department's budget for fiscal years 2015 - 2017. There are no facilities impacts at this time. Any future facilities impacts would be addressed during the review of individual development projects that may result from this ordinance amendment.

Special Instructions:

1. Clerk of the Board will transmit to the Planning and Development Department (attention David Lackie) a minute order of the hearing, and a signed resolution (Attachment 2).
2. Planning and Development will transmit the Resolution to the Coastal Commission and other interested parties.

Attachments:

1. March 16, 2016 Coastal Commission Certification Letter, Santa Barbara Local Coastal Program Amendment Coastal Commission Case No. LCP-4-STB-14-0836-2-Part C (Summerland Community Plan Update).
2. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications.

Authored by:

David Lackie, Supervising Planner (805) 568-2023