

# County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director  
Dianne Black, Assistant Director



Date: November 3, 2017

To: Board of Supervisors

From: Glenn S. Russell, Ph.D., Director, Planning and Development

Subject: California Coastal Commission Certification of an Amendment to the Local Coastal Program – Eastern Goleta Valley Community Plan  
Staircases on Coastal Bluff Faces

A handwritten signature in blue ink, appearing to read 'Glenn S. Russell', is written over the 'From:' line of the memo.

On November 7, 2017, the Board of Supervisors will review and consider accepting the Coastal Commission's certification of the Eastern Goleta Valley Community Plan (EGVCP) and accompanying Coastal Zoning Ordinance (CZO) amendments as they apply to the Coastal Zone (Coastal Commission Case No. LCP-4-STB-17-0048-1). The Coastal Commission certified the plan and zoning ordinance amendments subject to 13 suggested modifications. A letter from the Coastal Commission dated August 18, 2017, contains the suggested modifications. (See Attachment 1 of the Board of Supervisors agenda letter for November 7, 2017.)

Coastal Land Use Plan Policy 3-7 and CZO Section 35-67.5 currently allow engineered staircases on coastal bluff faces to provide public or private beach access. However, Modification No. 9 would only allow staircases on bluff faces in the EGVCP area that provide public beach access. Modification No. 9 states, "[n]o development shall be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access ..." As a result, existing staircases on bluff faces within the EGVCP area that only provide private beach access would become "nonconforming uses."

The County recently received questions and comments regarding Modification No. 9 from some property owners that are concerned the new policy would prohibit them from repairing and maintaining existing staircases on bluff faces that only provide private beach access. In summary, the CZO would allow property owners to repair, maintain, and restore such staircases subject to certain limitations.

Division 10 of the CZO contains regulations for nonconforming uses. In summary, nonconforming uses may continue until they are removed (CZO Section 35-160). Such staircases may also be repaired and maintained provided they are not "... enlarged, extended, reconstructed, moved or structurally altered ..." (CZO Sections 35-160 and 35-161). Repair and maintenance activities may or may not

require a Coastal Development Permit depending on the structure, methods, and site specific conditions (CZO Section 35-169.2 and CZO Appendix C).

Division 10 of the CZO also contains standards for restoration and continuation of nonconforming uses in structures damaged by fire, flood, earthquake, or other natural disaster. In cases where the extent of damage is less than 75 percent, the structure (e.g., staircase) may be "... restored to the same or less size and in the same general footprint location ..." (CZO 35-161.5.a.2). In cases where the extent of damage is 75 percent or more, "... the nonconforming use shall be discontinued ... unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the building, structure, or other development should restoration of the nonconforming use be denied" (CZO 35-161.5.a.1).

Staircases on bluff faces are within the Coastal Commission appeals jurisdiction. Therefore, the Coastal Commission could appeal the County's final action on any Coastal Development Permit for the repair, maintenance, or restoration of any nonconforming use.