

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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March 16, 2016

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

**RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-14-0836-2-
Part C (Summerland Community Plan Update)**

Dear Honorable Chair Adam and Supervisors:

On March 11, 2016 the Coastal Commission approved LCP Amendment LCP-4-STB-14-0836-2-Part C with eight (8) suggested modifications. The Commission's resolution of certification is contained in the staff report dated February 18, 2016. The suggested modifications, as approved by the Commission on March 11, 2016, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with one suggested modification *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local

government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "D. Christensen", with a long horizontal flourish extending to the right.

By: Deanna Christensen
Supervising Coastal Program Analyst

Cc: Noel Langle, Santa Barbara County Planning and Development Department

Final Suggested Modifications
LCP Amendment 4-STB-14-0836-2-Part C
(Summerland Community Plan Update)

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 ~~double-strikeout~~ and double 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. 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:

- ~~• 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.~~

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.

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.

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).

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.”

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 ~~double strikeout~~ and double 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.