

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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July 20, 2018

Das Williams, 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-18-0039-1-Part A (Like-for-Like Rebuild Ordinance)

Dear Honorable Chair Williams and Supervisors:

On July 11, 2018 the Coastal Commission approved LCP Amendment LCP-4-STB-18-0039-1-Part A with one (1) suggested modification. The Commission's resolution of certification is contained in the staff report dated June 21, 2018. The suggested modifications, as approved by the Commission on July 11, 2018, 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



By: Megan Sirkula
Coastal Program Analyst

Cc: Tess Harris, Santa Barbara County Planning and Development Department

**Final Suggested Modifications
LCP Amendment 4-STB-18-0039-1-Part A
(Like-for-Like Rebuild Ordinance)**

SUGGESTED MODIFICATIONS 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.

SUGGESTED MODIFICATION NO. 1

Section 35-51C. De Minimis Waiver of Coastal Development Permit.

A. General Requirements for De Minimis Waiver. If a structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the lot on which the replaced or restored structure would be located, and is not otherwise exempt pursuant to Section 35.51B, Exemptions from Planning Permit Requirements, the Director may waive the requirement for a Coastal Development Permit through a De Minimis Coastal Development Permit Waiver to replace or restore the structure(s) on the same lot in compliance with this Section, upon a determination that the development meets all of the following criteria and procedural requirements. Such decision is not locally appealable.

1. **No Adverse Coastal Resource Impacts.** The development has no potential for adverse effects, either individually or cumulatively, on coastal resources;
2. **Local Coastal Program Consistency.** The development is consistent with the certified Santa Barbara County Local Coastal Program, including the resource protection policies, as applicable;
 - a. The replaced or restored structure may be relocated on the lot if the Director, in consultation with the Flood Control District, determines the relocation to be necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure otherwise complies with this Chapter and with the applicable policies of the Local Coastal Program~~Coastal Land Use Plan~~.
 - b. The restored or replaced structure shall not exceed the floor area of the damaged or destroyed structure by more than 10 percent. Notwithstanding the height measurement methodology contained in Section 35-127.A, the height of the replaced or restored structure (as measured from the post-

event grade to peak roof height) may exceed the height of the destroyed or damaged structure by more than 10 percent if the Director, in consultation with the Flood Control District, determines the change in the finished floor elevation to be necessary to comply with the base flood elevation that exists for the lot after the debris flow or other catastrophic event, as long as the structure otherwise complies with this Chapter and with the applicable policies of the Local Coastal Program~~Coastal Land Use Plan~~. In no case shall the height of the structure, as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas, exceed the equivalent height of the damaged or destroyed structure by more than 10 percent. The height of the structure, as measured from post-event grade, shall not exceed the height limit of the applicable zone.

1) For the purposes of this Subsection A.2.b, post-event grade is defined as the existing grade on the lot at the time of application submittal.

c. The restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is eligible to receive a De Minimis Waiver but requires Design Review, the structure shall receive preliminary and final design review approval before the Director waives the requirement for a Coastal Development Permit through a De Minimis Coastal Development Permit Waiver.

3. **Not Appealable to the California Coastal Commission.** The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission (For development appealable to the Coastal Commission, see Section 35-169.4(2)).
4. **Posting of Public Notice.** At the time the application is submitted, public notice of the proposed De Minimis Waiver for a Coastal Development Permit shall be conspicuously posted at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street. The notice shall remain onsite until the effective date of the De Minimis Waiver.
5. **Director Determination.** The Director shall provide a notice of determination of the De Minimis Waiver determination to all known interested parties, including the Executive Director of the Coastal Commission at least ten days prior to the waiver determination being reported to the Board of Supervisors.

- 6. Effective Date of Waiver.** After the expiration of the ten-day noticing period, Upon receipt of notice of a De Minimis Waiver determination by the Director, the ~~County Coastal Commission~~ staff shall report the De Minimis Waiver to the Board of Supervisors Coastal Commission at the next regularly scheduled hearing meeting. If, after consideration of the waiver and any public objections to it ~~the Coastal Commission requests at this meeting that the waiver not be effective,~~ the Board of Supervisors requests that the waiver not be effective, then the applicant shall be advised that a Coastal Development Permit is required for the development. Otherwise, the waiver is effective immediately after the Board of Supervisors hearing Coastal Commission meeting.
- 7. Waiver Expiration.** A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not commenced pursuant to a valid Grading and/or Building Permit, as applicable, within five years of the effective date of the waiver. If expired, a Coastal Development Permit or another waiver shall be required for the replaced or restored structure.