



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: 10/17/2017
Placement: Set Hearing for
11/7/2017
Estimated Time: 45 min on 11/7/2017
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn S. Russell, Ph.D., Director, Planning and Development
Director(s) (805) 568-2085
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning
(805) 568-2072
SUBJECT: California Coastal Commission Certification of an Amendment to the Local
Coastal Program – Eastern Goleta Valley Community Plan
Second Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

On October 17, 2017, staff recommends that the Board of Supervisors set a hearing for November 7, 2017, to consider accepting the California Coastal Commission's certification with modifications of an amendment to the County's Local Coastal Program regarding the Eastern Goleta Valley Community Plan.

On November 7, 2017, staff recommends that the Board of Supervisors take the following actions:

- a) Receive the California Coastal Commission's certification with 13 suggested modifications of an amendment to the County's Local Coastal Program (Coastal Commission Case No. LCP-4-STB-17-0048-1 Eastern Goleta Valley Community Plan) (Attachment 1);
- b) Adopt a resolution acknowledging receipt of the California Coastal Commission's certification with suggested modifications, accepting and agreeing to the modifications, agreeing to issue Coastal Development Permits for the total area included in the certified Local Coastal Program, and adopting the Local Coastal Program Amendment with the suggested modifications (Attachment 2);
- c) Determine that the Board of Supervisors' action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15265 (Attachment 3); and

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

Refer back to staff if the Board of Supervisors takes other than the recommended actions.

Summary Text:

On December 8, 2015, the Santa Barbara County Board of Supervisors adopted Resolution No. 15-311 submitting the Eastern Goleta Valley Community Plan (EGVCP) to the California Coastal Commission as an amendment to the County's Local Coastal Program (LCP). On August 10, 2017, the Coastal Commission certified the amendment to the LCP with 13 suggested modifications. The 13 suggested modifications are presented in Attachment 1 (Coastal Commission letter dated August 18, 2017). Additional information regarding the Coastal Commission's action can be found on its archived meeting agenda website for August 2017 at <https://www.coastal.ca.gov/meetings/mtgpast.html>.

Staff testified to the Coastal Commission regarding one of the suggested modifications. The County raised the same policy issue in 2006 when it requested the Coastal Commission to certify the new Land Use and Development Code (LUDC), which intended to combine the inland and coastal zoning ordinances as a part of the zoning ordinance reformatting project. More specifically, pursuant to Modification No. 9, the Coastal Commission revised Policy GEO-EGV-1.1 to limit new development on coastal bluff faces solely to staircases or accessways for *public* access; it states that "[n]o development shall be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access..." During the County's effort to certify the LUDC, a similar prohibition on new staircases for private beach access was one of several major issues that led the Board of Supervisors on February 1, 2011, to reject the Coastal Commission's certification of the LUDC with modifications. P&D staff raised this issue with (1) Coastal Commission staff during meetings prior to the Coastal Commission hearing on August 10, 2017, at which the Coastal Commission considered the amendment to the County's LCP, and (2) the Coastal Commission at its August 10, 2017, hearing. Nonetheless, the Coastal Commission certified the modification due to regional and statewide concerns regarding the protection of coastal bluff resources on balance with public coastal access. P&D staff recommends that the Board of Supervisors accept the Coastal Commission's certification of the LCP amendment with the suggested modifications for three reasons. First, despite the limitation on development on a coastal bluff face, on balance, the modified LCP amendment meets the majority of the objectives of the EGVCP. Second, this modification would clarify the rules for the development of staircases on bluffs. Finally, all bluff staircases are appealable to the Coastal Commission, as bluffs are located within the Coastal Commission's appeal jurisdiction. The Coastal Commission has made it clear that they would appeal and deny any (private) staircase approved by the County if the staircase did not provide public beach access.

The Coastal Commission's certification will expire on February 10, 2018, unless prior to that date the Board of Supervisors accepts the 13 suggested modifications. The Board of Supervisors may choose to accept or reject the suggested modifications.

If the Board of Supervisors accepts the modifications by adopting the attached resolution (Attachment 2), the Coastal Commission's Executive Director will take several steps leading to final certification of the LCP amendment. Once the LCP amendment receives final certification, the amendment, as modified, becomes effective, and P&D staff will incorporate the amendment into the County's LCP.

The Board of Supervisors has the following options if it does not accept the suggested modifications:

- Adopt amendments to the suggested modifications and submit the amended EGVCP for certification.

- Reject the modifications without adopting any amendments to the suggested modifications and request that the Coastal Commission not certify the EGVCP.
- Allow the Coastal Commission's certification with the suggested modifications to expire by taking no action prior to February 10, 2018.

Background:

A. Project Recap

On October 20, 2015, the Board of Supervisors adopted the EGVCP, completing a seven-year community planning process to update the 1993 Goleta Community Plan for the Eastern Goleta Valley. The EGVCP includes the following:

- Resolution No. 15-279 (Case No. 14GPA-00000-00018), amending the Coastal Land Use Plan to update land use maps and incorporate the EGVCP into the Coastal Land Use Plan.
- Ordinance No. 4942 (Case No. 13ORD-00000-00011), amending the text of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, to implement the EGVCP within the Coastal Zone.
- Ordinance No. 4943 (Case No. 15RZN-00000-00004), amending the zoning maps of Article II for the coastal portion of the EGVCP.

In addition, the Board of Supervisors adopted the Eastern Goleta Valley Residential Design Guidelines (Resolution No. 06-368, Case No. 06MIS-00000-00008) on November 21, 2006. The EGVCP and the Residential Design Guidelines can be found at:

<http://longrange.sbcountyplanning.org/planareas/goleta/goleta.php>.

The EGVCP has been in effect in the Inland Area for nearly two years, and the Residential Design Guidelines have been in effect in the Inland Area for 10 years. However, the Coastal Commission must certify the EGVCP and the Residential Design Guidelines as an amendment to the County's LCP before the County can implement them in the Coastal Zone.

B. Coastal Commission Suggested Modifications

Prior to the Coastal Commission hearing on August 10, 2017, P&D staff reviewed the suggested modifications and discussed them with Coastal Commission staff on several occasions. As a result of this collaborative effort and to address P&D staff's concerns, Coastal Commission staff revised several modifications, and withdrew several other modifications that were included in Coastal Commission staff's original recommendation.

The Coastal Commission certified the LCP amendment regarding the EGVCP with 13 suggested modifications, which include the following:

- New text in the EGVCP labeling policies as "COASTAL" or "INLAND" (Modification Nos. 1 and 11).
- Five new policies (Modification Nos. 2, 8, and 9, grouped by issue area and addressing general land use, water resources, biological resources, and hydrology).
- Revisions to 40 individual policies, development standards, programs, and actions (Modification Nos. 3, 4, 5, 6, 7, 8, and 9, grouped by issue area and addressing More Mesa, vegetation management, recreation and public access, wastewater management, circulation, groundwater resources, biological resources, hydrology, and geology). Modification No. 9 includes revisions

to Policy ECO-EGV-5.2 that modify how the County defines Environmentally Sensitive Habitat for the Coastal Zone of Eastern Goleta Valley.

- Addition of a note to all maps that depict the Coastal Zone Boundary (Modification No. 10).
- Additional text regarding trees and vegetation in the Eastern Goleta Valley Residential Design Guidelines (Modification No. 12).
- Procedures in Article II to implement an economically viable use determination, similar to procedures certified for coastal Toro Canyon (Modification No. 13).

Most of the Coastal Commission's modified language serves to clarify and refine EGVCP policies within the Coastal Zone and furthers consistency with Coastal Act. However, the Coastal Commission added a new policy and ordinance requirement and modified another policy to ensure conformity with the Coastal Act. These include:

- First, Modification No. 2 adds new Policy EGV-1.5 (COASTAL) to the EGVCP and Modification No. 13 amends Article II to establish a process to make an economically viable use determination if an applicant asserts that the implementation of the policies and standards of the LCP or EGVCP would preclude a "reasonable use" of property and constitute a taking of property. The policy and ordinance language are nearly identical to corresponding requirements set forth in the Toro Canyon Plan in the Coastal Zone. P&D has not processed any applications for economically viable use determinations since the provisions in the coastal portion of the Toro Canyon Plan took effect on December 9, 2004.
- Second, as discussed under "Summary Text" above, the Coastal Commission revised Policy GEO-EGV-1.1 to clarify that "[n]o development shall be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access..." potentially raising anew one of several major issues that led the Board of Supervisors on February 1, 2011, to reject the Coastal Commission's certification of the LUDC with modifications. Although this issue may once again be of concern to the Board of Supervisors, P&D staff recommends accepting this modification to complete the planning process for the Eastern Goleta Valley. This modification would affect bluff top parcels adjacent to the ocean in Hope Ranch, east of More Mesa, and west of More Mesa. Few applications have been submitted in the past for new staircases to the beach in these areas, and the Coastal Commission would likely appeal and deny any County approvals of new staircases for private use only.

In sum, as the Coastal Commission's modifications to the EGVCP LCP amendment serve to clarify and refine EGVCP policies within the Coastal Zone and further consistency with the Coastal Act, P&D staff recommends that the Board of Supervisors accept the Coastal Commission's certification of the LCP amendment with the suggested modifications.

C. Environmental Review

The Board of Supervisors' action to accept the Coastal Commission's certification with the 13 suggested modifications is exempt from further environmental review pursuant to CEQA Guidelines Section 15265 (Attachment 3). Section 15265 is a statutory exemption that states CEQA does not apply to activities and approvals by a local government to adopt a local coastal program. In approving the EGVCP as a whole, which covers both inland and coastal areas of the Eastern Goleta Valley, the County relied upon the EGVCP Final Environmental Impact Report for environmental review, which the Board of Supervisors certified on October 20, 2015.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding for the current work effort (to complete the Coastal Commission certification process for the EGVCPC) is included in the Board of Supervisors adopted P&D budget in the Long Range Planning Budget Program on page D-286 of the adopted Fiscal Year 2017-18 budget. Total project cost, since Fiscal Year 2007-2008 to date, is approximately \$1,400,000.

Special Instructions:

P&D staff will fulfill noticing requirements.

The Clerk of the Board shall provide a copy of the executed resolution and the minute order to P&D, attention: David Villalobos.

Attachments:

1. Coastal Commission Letter dated August 18, 2017, Santa Barbara County Local Coastal Program Amendment No. LCP-4-STV-17-0048-1 (Eastern Goleta Valley Community Plan)
2. Board of Supervisors Resolution Accepting the Coastal Commission's Certification of the Local Coastal Program Amendment with Modifications
3. Notice of Exemption

Authored by:

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