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June 23, 2010

Chairwoman Janet Wolf and Members of the
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Coastal Commission Staff Recommended Changes to the County Land
Use and Development Code – July 6, 2010 Board Agenda

Dear Chairwoman Wolf and Members of the Board:

I represent Hope Ranch Park Homes Association. The Board of Directors of the Association is gravely concerned about the Coastal Commission staff's recommended changes to the County's Land Use and Development Code, particularly given the broad nature of the proposed changes and the lack of public review. Few property owners in the Coastal Zone have any idea of the far-reaching impacts of these proposals, as none of these changes were part of the multi-year review process conducted by the County. The purpose of this letter is to register Hope Ranch's objection to both the substantive changes and the process, and to urge the Board of Supervisors to vigorously oppose this last minute effort by the Commission staff to ramrod these changes through without local support.

Although the Hope Ranch Board is opposed to all the changes, those of particular concern are the following:

- Modification # 21 regarding bluff development.

Many of the oceanfront properties in Hope Ranch have private stairways to the beach. These stairways are engineered, permitted, and built in a manner which preserves the bluff face. For many years, the County has permitted these stairways, finding them consistent with county and coastal plan policies. The Coastal Commission staff, on its own initiative, has now opined that these findings of consistency constitute a "misinterpretation" of the code and that only public stairways are permitted. We would suggest that the Commission staff's position is unwarranted, and that it is their opinion that constitutes the misinterpretation. Nothing in the existing language makes any

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distinction between public and private access, nor can it be concluded that properly engineered and sited private stairways are in any way more damaging to the bluff face than those serving the public. Consequently, we believe a claim of "misinterpretation" is nothing more than the Commission staff's attempt to change a longstanding, carefully developed practice without any basis in fact. The impact of such a change would have a significant adverse impact on owners of blufftop property by prohibiting not only the installation of new stairways, but the proper structural repair of existing stairways. Should these existing structures fall into disrepair, as a commenter noted at the Planning Commission hearing, these private access points would no longer be available to emergency responders who would be left to rely on the infrequently placed public stairs to gain access for rescues and the provision of medical aid. Regardless of the regulation, property owners will continue to access the beach; with this change, they will now be forced to do so through either the construction of illegal stairways, or by further damaging the bluff face through trails, ropes or other means of scaling the cliff. This is a substantive property right which cannot be eliminated on the basis of the Commission staff's "opinion."

The second component of proposed Modification #21 is equally unfounded and objectionable. The Commission staff's prohibition against all development, including ongrade patios and fences, within 15 feet of the bluff is overly broad and constitutes an unlawful taking of private property. To require that in every instance along the bluff, the last 15 feet must remain entirely vacant assumes that the geology along the bluff is consistent, that the retreat rates are the same, and that all structures have the same effect on the bluff. Once again, there is nothing in the record to support this change, and the public has been given virtually no opportunity to respond. As with the previous proposal, this change negatively impacts property owners' rights and should not be considered.

We urge you to strenuously object to the proposed changes identified in Modification #21.

- Modification # 9 regarding principally permitted uses.


The change proposed by Modification #9 is completely unnecessary and contrary to the County's goals of simplifying the review process. The example cited by another commentator on this issue is particularly applicable to Hope Ranch: a property owner wishing to construct a barn or stable on residentially zoned property in the coastal zone would now be subject to a public review process and potential appeal to the Coastal Commission despite the fact that barns and stables are permitted uses. Attempting to limit the allowed uses to those defined as "principally permitted" simply eliminates many

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accessory uses in the coastal zone, without any justification or analysis of the impacts of those uses on coastal resources. The Commission staff's proposal, which would make guest houses, tennis courts, artist studios, as well as barns and stables, appealable to the Coastal Commission, attempts to draw a distinction between certain accessory uses, but offers no basis for that distinction. There is no reason to conclude that swimming pools are a "principally permitted use" in a residential zone, but tennis courts are not. Further, their claim that the change is driven by Public Resources Code Section 30603(a)(4) is equally unfounded, as that section does not define "principally permitted" but merely refers to the definitions contained in the zoning ordinance. A more appropriate change could be the addition of the word "principally" to the definition of allowed uses in the Zoning Ordinance, rather than this absurd attempt by the Commission staff to define which accessory uses are acceptable without a hearing.

With that, on behalf of the Board of Directors and the membership of Hope Ranch Park Homes Association, we submit our objections to the proposed amendments and urge the Board of Supervisors to take whatever steps are necessary to see that these amendments are not certified as part of the County's Land Use and Development Code.

Sincerely,



Kathleen M. Weinheimer