

# SANTA BARBARA COUNTY PLANNING COMMISSION

## Staff Report

### Santa Barbara County Coastal Resiliency Project Local Coastal Program (LCP) Amendment

**Hearing Date:** August 1, 2018

**Staff Report Date:** July 24, 2018

**Case Nos.:** 17GPA-00000-00004,  
17ORD-00000-00015

**Environmental Document:** Notice of  
Exemption, CEQA Guidelines Section 15265

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## 1.0 REQUEST

Hearing on the request of the Planning and Development Department (P&D) that the Santa Barbara County Planning Commission:

- 1.1 Case No. 17GPA-00000-00004.** Recommend that the Board of Supervisors adopt a resolution (Case No. 17GPA-00000-00004) amending Chapter 3, The Resource Protection and Development Policies, and Appendix A, Definitions, of the Coastal Land Use Plan, and adding a new Appendix J, Sea Level Rise Coastal Hazard Screening Areas Map, to the Coastal Land Use Plan.
- 1.2 Case No. 17ORD-00000-00015.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 17ORD-00000-00015) amending Division 1, In General; Division 2, Definitions; Division 3, Development Standards; Division 5, Overlay Districts; Division 7, General Regulations; Division 9, Oil and Gas Facilities; Division 10, Nonconforming Structures and Uses; and Division 11, Permit Procedures; of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code, and adding a new Appendix I, Technical Guidelines for Preparation of a Coastal Hazard Report, to Article II.

The policies and standards within this Local Coastal Program (LCP) amendment (Coastal Land Use Plan and Coastal Zoning Ordinance amendments) are intended to prepare for, mitigate, and respond to threats resulting from current and reasonably foreseeable future sea level rise and coastal hazards.

## 2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 17GPA-00000-00004.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 17GPA-00000-00004 based on the ability to make the required findings. Your Commission's motion should include the following:
  1. Make the findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).

2. Recommend that the Board of Supervisors determine that this project is statutorily exempt from CEQA pursuant to Section 15265 of the Guidelines for Implementation of CEQA (Attachment B).
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 17GPA-00000-00004, a resolution amending Chapter 3, The Resource Protection and Development Policies, and Appendix A, Definitions, of the Coastal Land Use Plan, and adding a new Appendix J, Sea Level Rise Coastal Hazard Screening Areas Map, to the Coastal Land Use Plan (Attachment C, Exhibit 1).

**2.2 Case No. 17ORD-00000-00015.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 17ORD-00000-00015 based on the ability to make the required findings. Your Commission's motion should include the following:

1. Make the findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
2. Recommend that the Board of Supervisors determine that this project is statutorily exempt from CEQA pursuant to Section 15265 of the Guidelines for Implementation of CEQA (Attachment B).
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 17ORD-00000-00015, an ordinance amending Division 1, In General, Division 2, Definitions, Division 3, Development Standards, Division 5, Overlay Districts, Division 7, General Regulations, Division 9, Oil and Gas Facilities, Division 10, Nonconforming Structures and Uses, and Division 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code, and adding a new Appendix I, Technical Guidelines for Preparation of a Coastal Hazard Report, to Article II (Attachment C, Exhibit 2).

Please refer the matter to staff if your Commission takes other than the recommended actions for the development of appropriate materials.

### **3.0 JURISDICTION**

The County Planning Commission is considering the proposed LCP amendment pursuant to Section 2-25.2 of Chapter 2 of the Santa Barbara County Code. Section 2-25.2 provides that the County Planning Commission review and consider proposed amendments to the Comprehensive Plan, including the Coastal Land Use Plan and Coastal Zoning Ordinance, and provide a recommendation to the Board of Supervisors.

## 4.0 ISSUE SUMMARY

The Coastal Resiliency Project's overall goal is to identify and plan for mitigation of threats from sea level rise and coastal hazards along the county's 110-mile long coastline. The project considers both current and reasonably foreseeable future threats.

The Coastal Land Use Plan contains some policies to protect coastal resources and address coastal hazards. However, global greenhouse gas emissions and resulting sea level rise from thermal expansion of ocean waters and melting ice sheets are predicted to increase and intensify beach and bluff erosion, coastal flooding, slope instability, wave uprush, and other coastal hazards. The magnitude and timing of these changes are not precisely known. However, the trend is clear and the need to incorporate sea level rise issues into coastal planning and permitting is increasingly evident.

The proposed LCP amendment helps ensure that the planning process considers threats from existing and reasonably foreseeable future sea level rise and coastal hazards when siting and designing new development. It also clarifies potential measures to protect existing development and coastal resources by, for example, requiring that new shoreline protective devices are designed to mitigate any adverse impacts on coastal resources. In addition, the LCP amendment codifies a process by which coastal landowners will have a predictable permit process to analyze potential sea level rise and coastal hazards and incorporate adaptation or mitigation measures.

The LCP amendment imposes a higher level of protection and regulation on development within the coastal hazard areas. For example, areas subject to coastal flooding and other coastal hazard areas may increase. Therefore, lots and development sites may be more constrained in the future. In addition, some existing structures may become nonconforming as coastal hazard areas migrate inland or expand as sea level rise occurs. For example, bluff edge setbacks may move inland over time as increased wave action erodes the bluff edge. Therefore, structures that were built outside the bluff edge setback area may eventually become located within the setback area and thus become nonconforming structures. Such structures may be maintained and repaired, but existing and proposed standards for nonconforming structures would limit alterations and expansions.

The LCP amendment also contains a definition of "redevelopment" that applies to nonconforming structures. Per California Coastal Commission sea level rise guidance, redevelopment is generally defined as: (1) the replacement of 50 percent or more of an existing structure, and/or (2) development that totals 50 percent or more of the market value of the structure.<sup>1,2</sup> Significant replacement or alteration of an existing structure (i.e., redevelopment) effectively extends the anticipated lifetime of that structure. Therefore, when proposed alterations qualify as redevelopment, the proposed alterations and existing structure would be subject to the same LCP policies and standards as new development.

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<sup>1</sup> California Coastal Commission. "Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits." August 2015.

<sup>2</sup> California Coastal Commission. "Residential Adaptation Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs." March 2018 Revised Draft.

Replacement, renovation, or alteration of a nonconforming structure would be considered cumulatively as of the effective date of this LCP amendment. However, a new ordinance provision permits the County to allow the minimum economic use necessary to avoid an unconstitutional taking of private property where full compliance with all LCP policies and standards, including setbacks for coastal hazards, would preclude all reasonable economic use of a property.

## **5.0 BACKGROUND**

### **5.1 Coastal Resiliency Project Scope of Work**

The County received \$405,000 in grant and in-kind funding from the California Coastal Conservancy, The Nature Conservancy, the California Coastal Commission, and the Ocean Protection Council to facilitate the Coastal Resiliency Project. Significant project phases included:

1. Sea level rise and coastal hazards modeling and mapping,
2. “Sea Level Rise and Coastal Hazards Vulnerability Assessment,”
3. Draft LCP policies and standards,
4. Public outreach, and
5. Consultation with California Coastal Commission staff.

The first phase of the project, sea level rise modeling and mapping, led to the development of low, medium, and high sea level rise projections for the Santa Barbara County coastline (discussed further in Section 5.2, *Sea Level Rise Projections*). The three sea level rise projections and resulting coastal hazard areas were mapped to create the Sea Level Rise Coastal Hazard Screening Map (proposed Appendix J to the CLUP, discussed further in Section 5.3, *Sea Level Rise Coastal Hazards Screening Map*), and the online mapping tool available at <http://maps.coastalresiliency.org/california>

The County’s 2017 “Sea Level Rise and Coastal Hazards Vulnerability Assessment” (available at [http://longrange.sbcountyplanning.org/programs/coastalresiliencyproject/coastal\\_resiliency.php](http://longrange.sbcountyplanning.org/programs/coastalresiliencyproject/coastal_resiliency.php)) used the modeling and mapping results to identify coastal resources and development subject to potential impacts through the end of this century. Sea level rise threatens coastal structures, roads, public facilities, public beach access and recreation areas, and environmentally sensitive habitat.

Section 5.4, *Outreach*, summarizes the public outreach phase. The December 20, 2017, County Planning Commission Staff report (Attachment D) contains detailed information on the public outreach and Coastal Commission consultation phases.

The grant did not include funding for adaptation plan. Nonetheless, County staff and its consultants (ESA and Revel Coastal) worked together to identify potential adaptation measures that could address some sea level rise impacts along the county coast. Such measures are briefly discussed in the Vulnerability Assessment. However, staff has not fully explored the feasibility and costs of adaptation measures.

## 5.2 Sea Level Rise Projections

The National Research Council projected sea level rise through the end of this century in its 2012 publication “Sea Level Rise for the Coasts of California, Oregon, and Washington.”<sup>3</sup> The County’s consultants (ESA and Revel Coastal) refined the 2012 data for the county’s coastline, as described in the 2017 “Santa Barbara County Sea Level Rise and Coastal Hazards Vulnerability Assessment.” Table 1 shows the resulting low, medium, and high sea level rise scenarios for the Santa Barbara County coastline. Global greenhouse gas emissions, regional weather patterns, and local coastline topography affect the scenarios.

**Table 1**  
**Sea Level Rise Projections for Santa Barbara County (inches)**

Time Period	Low Sea Level Rise Scenario	Medium Sea Level Rise Scenario	High Sea Level Rise Scenario
By 2030	0.04	3.5	10.2
By 2060	2.8	11.8	27.2
By 2100	10.6	30.7	60.2

*Source:* Santa Barbara County Sea Level Rise and Coastal Hazards Vulnerability Assessment, July 2017.

The California Ocean Protection Council updated the sea level rise projections in 2017 using the best available science and modeling techniques.<sup>4</sup> The California Natural Resources Agency and Ocean Protection Council used the updated information to update the probabilistic projections in their 2018 sea level rise guidance document.<sup>5</sup> Table 2 shows the updated sea level rise projections for the Santa Barbara tidal gauge area.

The California Natural Resources Agency’s updated sea level rise projections support use of the “medium” sea level rise scenario for analyzing and permitting new development. The California Natural Resources Agency’s “likely range” of sea level rise (Table 2) coincides with the “medium” scenario used in the County’s Sea Level Rise and Coastal Hazards Vulnerability Assessment (Table 1). The “likely range” means that there is a 66 percent probability that sea level rise would fall between the range shown for each time period. Due to the relatively low probability of the “high” sea level rise scenario occurring, the LCP amendment requires use of the “medium” scenario to analyze potential hazards to future development projects.

<sup>3</sup> National Research Council of the National Academy of Sciences. 2012. “Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future.” The National Academies Press.

<sup>4</sup> Griggs, G, Arvai, J, Cayan, D, DeConto, R, Fox, J, Fricker, HA, Kopp, RE, Tebaldi, C, Whiteman, EA (California Ocean Protection Council Science Advisory Team Working Group). Rising Seas in California: An Update on Sea-Level Rise Science. California Ocean Science Trust, April 2017.

<sup>5</sup> California Natural Resources Agency. 2018. “State of California Sea-Level Rise Guidance.” 2018 Update.

**Table 2**  
**Projected Sea Level Rise (inches) for the Santa Barbara Tidal Gauge**

Year	Median	Likely Range	1-in-20 Chance	1-in-200 Chance
	<i>50% probability sea level rise meets or exceeds:</i>	<i>66% probability sea level rise is between:</i>	<i>5% probability sea level rise meets or exceeds:</i>	<i>0.5% probability sea level rise meets or exceeds:</i>
<b>2030</b>	3.6	2.4 - 4.8	6.0	8.4
<b>2060</b>	10.8	7.2 – 15.6	19.2	30.0
<b>2100 – low emissions scenario</b>	14.4	7.2 – 24.0	34.8	63.6
<b>2100 – high emissions scenario</b>	25.2	14.4 – 37.2	49.2	79.2

*Source:* California Natural Resources Agency and California Ocean Protection Council, 2018, *State of California Sea-Level Rise Guidance*, 2018 Update.

*Note:* Before 2050, differences in sea-level rise projections under different emissions scenarios are minor but they diverge significantly past mid-century. After 2050, sea-level rise projections increasingly depend on the trajectory of greenhouse gas emissions globally (low versus high emissions scenarios).

### 5.3 Sea Level Rise Coastal Hazard Screening Map

The Sea Level Rise Coastal Hazard Screening Map (proposed Appendix J in Attachment C, Exhibit 1 of this staff report) shows areas of the county coastline that are potentially subject to increased threats from sea level rise and coastal hazards. Further site-specific study may be needed to fully assess potential threats. The screening map uses the “medium” sea level rise scenarios at the years 2030, 2060, and 2100 to show resulting coastal hazard areas. The low, medium, and high sea level rise scenarios can be visually examined using the Coastal Resilience Mapping Portal available online at <http://maps.coastalresilience.org/california/>.

### 5.4 Outreach

Staff implemented a wide-ranging public outreach process for the Coastal Resiliency Project. Staff formed a technical stakeholder group consisting of local professionals and interested parties at project inception. The stakeholder group met at key project milestones and participants offered feedback on the project as it progressed. Additionally, staff carried out a broad outreach effort in the summer and fall of 2017. Staff held two public workshops, one beach demonstration event, and presented at several targeted meetings for County and community advisory and nonprofit groups.

Public comment spanned topics ranging from protecting existing utility infrastructure, to working with local landowners to find new public coastal access ways if existing access ways become unusable, to supporting solutions that would have multiple benefits (e.g., habitat and shoreline protection).

Staff also consulted with Coastal Commission staff early in the policy development process. County and Coastal Commission staff completed two iterations of policy recommendations and feedback.

## **6.0 PROJECT DESCRIPTION AND ANALYSIS**

### **6.1 Local Coastal Program Amendment**

Section 30253 of the California Coastal Act requires (in part) that new development “minimize risks to life and property in areas of high geologic, flood, and fire hazard” and “assure stability and structural integrity.” The County’s Coastal Land Use Plan was prepared in the early 1980s and does not consider anticipated threats from sea level rise, such as increased bluff and beach erosion and flooding. Sea level rise hazards and adaptation have been addressed mostly in a limited or ad hoc manner, as demonstrated by (1) the Coastal Commission’s requests to include certain sea level rise adaptation policies (e.g., policies regarding development on coastal bluffs) as part of the LCP amendments regarding the Eastern Goleta Valley Community Plan and Gaviota Coast Plan, and (2) the Coastal Commission staff’s requests to consider sea level rise adaptation as part of new development that is subject to a Coastal Development Permit. Therefore, this LCP amendment proposes new, or enhances existing, policies in the Coastal Land Use Plan to provide clear, consistent guidance for all new development throughout the entire unincorporated area of the Coastal Zone. Changes to the Coastal Zoning Ordinance serve to implement the updated policies.

The amendments are based upon State of California research and policy guidance, Coastal Commission guidance, public comments, and feedback from the Montecito and County Planning Commissions and Board of Supervisors. No changes to zoning or land use designations of property are proposed. All proposed policies are in Attachment C, Exhibit 1 to this report. Proposed development standard revisions to support the policy changes are in Attachment C, Exhibit 2. Generally, the proposed policy and ordinance changes relate to five topics, as described in Sections 6.1.1 through 6.1.5 below.

#### **6.1.1 Protecting Development from Coastal Hazards**

The bulk of the proposed LCP amendment relates to identifying potential coastal hazards to existing and future development, and preventing, mitigating, or adapting to those hazards.

The Sea Level Rise and Coastal Hazards Screening Map is the beginning step in understanding potential coastal hazards. The County will periodically update the screening map as new and more accurate sea level rise models and empirical evidence become available. Proposed development within the coastal hazard areas shown on the Screening Map would be closely examined for potential threats from sea level rise and coastal hazards. In cases where development is proposed on beachfront or bluff-top parcels, a site-specific Coastal Hazard and Wave Run-up Study shall be required. The new Article II Appendix I contains technical guidance for preparing a coastal hazard report.

Amendments to existing hazard policies require that planners, project applications, decision-makers consider sea level rise and associated hazards when siting new development, establishing development setbacks from bluff edges and other coastal hazard areas, and subdividing land. New development must be sited and designed so that shoreline protective devices (e.g., seawalls, revetments, bluff protection structures) are not needed. Applicants or property owners must record a Notice to Property Owners document before issuance of Coastal Development Permits to notify future property owners of potential hazards associated with anticipated sea level rise.

Section 30235 of the Coastal Act currently allows new shoreline protective devices to serve protect coastal-dependent uses and protect existing structures, and public beaches from coastal erosion. The proposed LCP amendment prioritizes non-structural solutions, such as dune or bluff revegetation or beach nourishment, over more significant hard shoreline protective devices. All new shoreline protective devices must avoid or mitigate adverse impacts to shoreline sand supply, public access, and biological resources. Such devices must be removed if no longer needed for their permitted purpose.

Repair and maintenance of existing conforming and nonconforming structures is still allowed, as is repair of damaged structures. Nonconforming buildings and structures include those that do not comply with the coastal hazard standards or setbacks required for new development. Changes to nonconforming structures that result in an alteration of 50 percent or more of wall, floor, or foundation structural components, or alterations that exceed 50 percent of the market value of a structure, shall be classified as “redevelopment.” The new redevelopment definition and standards require that the “redeveloped” structure be treated as new development and be sized, sited, and designed to minimize risk from existing and reasonably foreseeable sea level rise and coastal hazards.

Exceptions to the “redevelopment” policies include: (1) when a property owner is raising the foundation of an existing structure to provide protection from flood hazards but is not meeting the other requirements of the redevelopment definition (work performed only for flood-proofing), or (2) when partial demolition to “cut back” bluff-top structures that are threatened by erosion is required, such as partial demolition of multi-family buildings on bluff-top parcels in Isla Vista. On July 11, 2018, the Coastal Commission approved the like-for-like rebuild amendment, with modifications. The amendment is tentatively scheduled for approval by the Board of Supervisors on August 14, 2018. If approved, staff will add a provision to Article II, Section 35-162, of this LCP amendment stating that any eligible restoration or replacement activities would be subject to the like-for-like rebuild amendment and the associated de minimis waiver procedures.

Section 3.3.3 of the Coastal Land Use Plan amendment (Exhibit 1 of Attachment C, pages 7-10) contains policy language and Divisions 3, 5, 10, and 11 (Development Standards, General Regulations, Nonconforming Structures and Uses, and Permit Procedures, respectively) of the Article II Coastal Zoning Ordinance amendment (Exhibit 1 of Attachment C, pages 3-11) contain ordinance language. Additionally, the new Appendix I to the Coastal Zoning Ordinance includes technical guidelines and minimum requirements for preparing a Coastal Hazard Report and methodology for determining coastal hazard area setbacks.

### **6.1.2 Protection of Public Access and Recreation**

Consistent with the California Coastal Act, the LCP amendment facilitates the protection and restoration of threatened public access and recreation areas. Coastal Land Use Plan Policy 7-1 has been modified to require the County to work with landowners to pursue new public access ways if existing easements or corridors are lost or inaccessible due to sea level rise or other coastal hazards. Additionally, new Coastal Land Use Plan Policy 7-8 requires mitigation for unavoidable impacts to public access or recreation from shoreline armoring or new development. Mitigation could include dedicating or improving new public access areas, visitor-serving Coastal Trail segments, or payment of fees to fund such improvements.



Other policy changes require County beach parks to incorporate measures to adapt to sea level rise over time as the park development plans are updated, including the replacement of facilities that are threatened or damaged, as feasible. New public access and recreation areas can be allowed within sea level rise hazard areas provided they are consistent with all applicable LCP policies and standards. Section 3.7.4, Coastal Access and Recreation Policies, of the Coastal Land Use Plan amendment (Exhibit 1 of Attachment C, page 12) contains policy language.

### **6.1.3 Protection of Environmentally Sensitive Habitats**

Riparian habitats would continue to be protected. Existing Coastal Land Use Plan Policy 9-37 establishing riparian buffer strips would be amended to include associated riparian vegetation and promote habitat connectivity.

Section 3.9.4, Environmentally Sensitive Habitat Area Overlay Designation, “Habitat Type: Streams” of the Coastal Land Use Plan amendment (Exhibit 1 of Attachment C, pages 12-13) contains policy language and Section 35-97.19 of the Coastal Zoning Ordinance amendment (Exhibit 2 of Attachment C, page 6) contains ordinance language.

### **6.1.4 Shoreline Management Planning**

Proposed policies promote a regional approach to shoreline management. For example, under the new Coastal Land Use Plan Policy 3-2 the County would collaborate with the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON; <http://www.beacon.ca.gov/>), local coastal cities, relevant state and federal agencies, and nonprofit organizations on shoreline management planning research and methods along the southern coastline of Santa Barbara County. Additionally, new Coastal Land Use Plan Policy 3-3 would require the County to encourage and work with owners of property subject to oceanfront erosion hazards to develop projects using non-structural solutions, before the development of emergency conditions.

Section 3.3.3, Policies, “Shoreline Protection and Management” of the Coastal Land Use Plan amendment (Exhibit 1 of Attachment C, page 8) contains policy language.

### **6.1.5 Preparing for Impacts to Transportation Resources**

Proposed policies require the County to consult with the California Department of Transportation (Caltrans) to protect public access to the coast and to minimize impacts of sea level rise on Highway 101 and other State coastal routes. In addition, road projects that require a Coastal Development Permit shall identify potential sea level rise hazards, design alternatives, and adaptation measures to minimize risk and avoid shoreline protective devices over the lifetime of the road project. Finally, new Coastal Land Use Plan Policy 3-22 requires the County to consult with the Union Pacific Railroad on shared concerns regarding regional railway lines.

Section 3.3.3, Policies, “Coastal Hazards Affecting Transportation Resources” of the Coastal Land Use Plan amendment (Exhibit 1 of Attachment C, pages 10-11) contains policy language.

### **6.1.6 Other Minor Revisions**

Staff made minor changes to the definitions sections and energy development (oil and gas facilities) sections of the Coastal Land Use Plan and Article II. New, or previously used but undefined, terms

were added to the definitions to clarify proposed policy and ordinance text. With regard to onshore oil and gas facilities, emergency response plans must address potential impacts from increased coastal flooding and erosion as sea levels rise. In addition, staff updated Section 3.3.2 with new text describing coastal hazards, sea level rise projections, and related topics.

Section 3.3.2, Planning Issues, Section 3.6, Industrial and Energy Development, and Appendix A, Definitions of the Coastal Land Use Plan amendment (Exhibit 1 of Attachment C, pages 2-7, 11, and 13-15) contain policy language. Division 2, Definitions and Division 9, Oil and Gas Facilities, of the Article II Coastal Zoning Ordinance amendment (Exhibit 2 of Attachment C, pages 1-3 and 7) contain ordinance language.

## **7.0 PROJECT ANALYSIS**

### **7.1 Environmental Review**

State CEQA Guidelines Section 15265 (Adoption of Coastal Plans and Programs) exempts local government activities and approvals involving the preparation and adoption of LCP amendments. As stated in Section 15265, “CEQA shall apply to the certification of a local coastal program ... by the California Coastal Commission” and the burden of CEQA compliance is shifted “from the local agency ... to the California Coastal Commission.”

The Coastal Land Use Plan and Coastal Zoning Ordinance amendments proposed under the Coastal Resiliency Project affect portions of the county located within the Coastal Zone and constitute an amendment to the County’s Local Coastal Program. The California Coastal Commission must certify the LCP amendment before it can go into effect. Therefore, the proposed amendments to the Coastal Land Use Plan and Coastal Zoning Ordinance are statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15265. Please see the Notice of Exemption (Attachment B) for additional details on the CEQA exemption determination.

### **7.2 Policy Consistency**

Staff reviewed the proposed LCP amendment for consistency with the applicable policies of the California Coastal Act, the Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan (CLUP), and community plans that contain coastal zone areas (i.e., Montecito Community Plan [MCP], Summerland Community Plan [SCP], Eastern Goleta Valley Community Plan [EGVCP], and Toro Canyon Plan [TCP]). Adoption of the proposed LCP amendment will reduce risks from sea level rise hazards and help protect existing and new development, habitat areas, public recreation areas, and other coastal resources. The policy consistency analysis is presented below.

REQUIREMENT	DISCUSSION
<b>LAND USE DEVELOPMENT</b>	
<p><b>CLUP Policy 2- 6:</b> <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.</i></p> <p><b>CLUP Policy 3-14:</b> <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p><b>TCP Policy LUG-TC-11:</b> <i>(COASTAL) Land divisions within the coastal zone, including lot line adjustments, shall be prohibited unless all proposed parcels: (1) Can be demonstrated to be safe from erosion, flood, and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP. (2) Can be developed (including construction of any necessary access road), without building in ESH or ESH buffer, or removing ESH for fuel modification. (3) Can be developed without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time during the full 75 year life of the development. (4) Would not result in building pads, access roads, or driveways located on slopes over 30%, or result in grading on slopes over 30% and shall be designed such that the location of building pads and access roads minimizes erosion and sedimentation.</i></p> <p><b>EGVCP Policy GEO-EGV-1.2:</b> <i>Development on coastal bluff-top property shall be sited and designed to have a setback sufficient to avoid 100 years of bluff erosion and to not contribute to increases in bluff erosion (e.g., piping). Coastal bluff-top development shall consider the long-term effects of climate change and sea-level rise during planning and design stages.</i></p>	<p><b>Consistent:</b> New proposed policies (Policies 3-8 and 3-14) require that utility infrastructure (e.g., water, sewer, and onsite wastewater treatment systems) be set back from coastal hazard areas to ensure adequate services during the anticipated lifetime of the associated development.</p> <p>Revisions to existing CLUP Policy 3-14 (proposed Policy 3-29) require that all new development shall be sited and designed to minimize alteration of exiting site topography and conditions. Areas of a site not suited for development because of known hazards, including coastal hazards associated with sea level rise, shall remain in open space.</p> <p>With respect to TCP Policy LUP-TC-11, proposed CLUP Policy 3-1 requires that subdivisions and lot line adjustments in coastal hazard areas are limited as necessary to protect new development, coastal resources, and public access.</p> <p>The Vulnerability Assessment prepared as part of the Coastal Resiliency Project provides coastal hazard information using best available science, and allows for the identification of vulnerable assets and adaptation measures. Under proposed CLUP Policy 3-6 and implementing Article II Sections 35-67.1 and 35-68.4, site-specific analysis of proposed development within coastal hazard areas is required when permit applications are submitted.</p> <p>Proposed Policy 3-10 defines minimum anticipated lifetimes for different types of development (e.g., residential, commercial, ancillary development, critical infrastructure). These minimum lifetimes are required for use in the site-specific hazard analysis, to determine bluff edge and other coastal hazard setbacks.</p> <p>Therefore, the proposed LCP amendment is consistent with these policies.</p>
<b>BIOLOGICAL RESOURCE AND HILLSIDE AND WATERSHED PROTECTION</b>	
<p><b>CLUP Policy 2-11:</b> <i>All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading</i></p>	<p><b>Consistent:</b> The proposed amendment to CLUP Policy 9-37 would protect environmentally sensitive habitat areas by clarifying riparian buffer minimums and requiring that buffers include associated riparian vegetation. Buffers would connect at a regional or landscape scale where possible.</p>

REQUIREMENT	DISCUSSION
<p><i>controls, noise restrictions, maintenance of natural vegetation, and control of runoff.</i></p> <p><b>MCP Policy BIO-M-1.3, SCP Policy BIO-S-1, ECVCP Policy ECO-EGV-5.1, TCP Policy BIO-TC-1:</b>  <i>Environmentally Sensitive Habitat (ESH) areas ... shall be protected, and where appropriate, enhanced.</i></p> <p><b>SCP Policy BIO-S-7:</b> <i>Riparian habitat areas shall be protected from all new development and degraded riparian habitats shall be restored where appropriate.</i></p>	<p>Within the bluff edge setback, native and drought tolerant vegetation shall be planted to minimize water usage and promote native habitat per proposed Policy 3-15.</p> <p>Therefore, the proposed LCP amendment is consistent with these policies.</p>
<b>HAZARDS</b>	
<p><b>Coastal Act Policy 30253:</b> <i>New development shall:</i>  <i>(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</i>  <i>(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</i></p> <p><b>Coastal Act Policy 30235:</b> <i>Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.</i></p> <p><b>Seismic Safety and Safety Element of the Comprehensive Plan (Safety Element), Geologic and Seismic Protection Policy 1:</b> <i>The County shall minimize the potential effects of geologic, soil, and seismic hazards through the development review process.</i></p> <p><b>Safety Element, Geologic and Seismic Protection Policy 5:</b> <i>Pursuant to County Code Section 21-7(d)(4) and (5), the County shall require a preliminary soil report prepared by a qualified civil engineer be submitted at the time a tentative map is submitted. This requirement may be waived by the Planning Director if he/she determines that no preliminary analysis is necessary. A preliminary geological report prepared by a qualified engineering geologist may also be required by the Planning Director.</i></p>	<p><b>Consistent.</b> As shown in the column to the left, many existing policies in the California Coastal Act, Santa Barbara County Comprehensive Plan (including the Seismic Safety and Safety Element and the CLUP) and the County’s Community Plans address hazard threats to development, including coastal development.</p> <p>The primary intent of this LCP amendment is to facilitate the identification of potential threats from sea level rise, and allow for the County and property owners to prevent, mitigate, or adapt to those coastal hazards. The CLUP policy amendment would thus minimize risks to life and property in coastal hazard areas.</p> <p>Development proposed within coastal hazard areas would be subject to a site-specific analysis per new CLUP policies. Applicants would then be required to use the coastal hazard maps and analysis information when siting and designing the new development, to minimize potential damage to life and property during the anticipated timeframe of that development. Coastal Development Permits for new development within coastal hazard areas shall be conditioned under proposed CLUP Policy 3-12 to require that the permitted development be removed and the affected area restored if the development becomes unsafe for occupation or essential services to the site can no longer be provided.</p> <p>Seawalls and other coastal armoring structures would continue to be allowed to protect existing structures as per Coastal Act Policy 30235 and CLUP Policy 3-1 (proposed Policy 3-4), but only when other, less environmentally damaging protection measures are found to be infeasible for the specific site. Per proposed CZO Section 35-172.13.3 all permits for new shoreline protection devices would require mitigation if avoidance of adverse impacts is infeasible; removal if the protection device is no longer needed for its permitted purpose; and recordation of a Notice to Property Owner document to notify owners that the protection device could be ultimately located outside of private property boundaries</p>

REQUIREMENT	DISCUSSION
<p><b>CLUP Policies:</b>  <b>Seawalls and Shoreline Structures:</b>  <b>CLUP Policy 3-1:</b> <i>Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.</i></p> <p><b>CLUP Policy 3-2:</b> <i>Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.</i></p> <p><b>Bluff Protection:</b>  <b>CLUP Policy 3-4:</b> <i>In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission’s adopted Statewide Interpretive Guidelines regarding “Geologic Stability of Bluff top Development.”(See also Policy 4-5 regarding protection of visual resources.)</i></p> <p><b>CLUP Policy 3-5:</b> <i>Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.</i></p>	<p>as the public trust land boundary moves inland due to sea level rise.</p> <p>All new coastal development shall be sized, sited, and designed to minimize risk from existing and reasonably foreseeable sea level rise and coastal hazards without requiring a shoreline protection or bluff stabilization device per the proposed new Bluff and Dune Development and Coastal Hazard Areas LCP policies.</p> <p>Bluff-top setbacks would continue to be required for new development as per existing CLUP Policy 3-4. The proposed new structures must be set back from the bluff edge to be safe from the threat of bluff erosion and slope instability, factoring in the effects of sea level rise, over the anticipated lifetime of the proposed development, per proposed Policy 3-14.</p> <p>Proposed CLUP Policy 3-10 establishes the minimum lifetimes of varying types of development to use when establishing coastal hazard setbacks. Some minor types of ancillary development can be allowed within the bluff setback area if they do not impact bluff stability or affect coastal resources per proposed CZO Sections 35-67.4 and 35-68.6. Routine repair and maintenance of existing development on the bluff face would continue to be permitted, but no new development would be permitted on the bluff face, per proposed Policy 3-18.</p> <p>New policies proposed in this LCP amendment also provide setback requirements for dune-adjacent development. Per proposed CLUP Policy 3-19, siting and design of new development and redevelopment adjacent to dunes would take into account the extent of landward migration of the foredunes that can be anticipated over the anticipated lifetime of the development.</p> <p>Policies within the individual community plans that contain coastal zone areas within their boundaries also stipulate development restrictions for coastal properties, as shown in the column to the left following the existing CLUP policies. The proposed CLUP policies in this LCP amendment would continue to require that development restrictions be in place to decrease the potential for erosion and bluff hazards. Proposed CLUP Policies 3-8, 3-14, and 3-19 would require that new development and redevelopment be set back and designed such that the use of a shoreline protective device is not required, which would be in conformance with SCP Policy GEO-S-3, EGVCP Policy GEO-EGV-1.1, and TCP Policy GEO-TC-4.</p>

REQUIREMENT	DISCUSSION
<p><b>CLUP Policy 3-6:</b> <i>Development and activity of any kind beyond the required bluff-top setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.</i></p> <p><b>CLUP Policy 3-7:</b> <i>No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.</i></p> <p><b>Geologic Hazards:</b>  <b>CLUP Policy 3-8:</b> <i>Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.</i></p> <p><b>SCP Policy GEO-S-3:</b> <i>All new development on ocean bluff-top property shall be carefully designed to minimize erosion and sea cliff retreat and to avoid the need for shoreline protection devices in the future.</i></p> <p><b>EGVCP Policy GEO-EGV-1.1:</b> <i>Development on coastal bluff-top property shall be sited to avoid areas subject to erosion and designed to avoid reliance on coastal armoring and/or bluff protection devices.</i></p> <p><b>EGVCP Policy GEO-EGV-1.2:</b> <i>Development on coastal bluff-top property shall be sited and designed to have a setback sufficient to avoid 100 years of bluff erosion and to not contribute to increases in bluff erosion (e.g., piping). Coastal bluff-top development shall consider the long-term effects of climate change and sea-level rise during planning and design stages.</i></p> <p><b>TCP Policy GEO-TC-4:</b> <i>All development on shoreline properties shall be designed to avoid or minimize hazards from coastal processes, to minimize erosion both on and off-site, and to avoid the need for shoreline protection devices at any time during the life of the development.</i></p>	<p>EGVCP Policy GEO-EGV-1.2 establishes a 100-year bluff erosion setback for coastal bluff-top properties within the Eastern Goleta Valley Community Plan Area. This would be in conformance with proposed CLUP Policies 3-10, which requires a minimum timeframe of 75 years for residential or commercial structures and a minimum timeframe of 100 years for critical infrastructure.</p> <p>The amendments to existing LCP policies and ordinances, and proposed new policies and development standards, work to reduce risk to life and property along the coastline, and also protect coastal resources and development. Therefore, the proposed LCP amendment is consistent with these hazard-related policies.</p>

REQUIREMENT	DISCUSSION
<b>FLOOD HAZARD AREA</b>	
<p><b>Land Use Element, Flood Hazard Area Policy #1 and CLUP Policy 3-11:</b> All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with federal regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finished floor elevations are two feet above the projected 100-year flood elevation, and the other requirements regarding materials and utilities as specified in the Flood Plain Management Ordinance are in compliance.</p> <p><b>Land Use Element, Flood Hazard Area Policy #3:</b> <i>All development shall be reviewed in accordance with the requirements of County Code Chapter 15A-Floodplain Management and 15B-Development Along Watercourses.</i></p> <p><b>MCP Policy FD-M-2.1:</b> <i>Development shall be designed to minimize the threat of on-site and downstream flood potential and to allow recharge of the groundwater basin to the maximum extent feasible.</i></p> <p><b>EGVCP Policy HYD-EGV-2.2:</b> <i>Adequate setbacks from floodways and flood hazards shall be required.</i></p>	<p><b>Consistent:</b> Applications for new development within Flood Overlay Zones would continue to be reviewed in conjunction with the Flood Control District to ensure that the structure(s) complies with applicable flood hazard standards (i.e., setbacks from top-of-bank and base flood elevation). Additionally, coastal areas subject to flooding related to sea level rise are captured within the Sea Level Rise Coastal Hazard Screening Map. These areas would be subject to a site-specific hazard analysis per proposed Policy 3-6.</p> <p>Therefore, the proposed LCP amendment is consistent with these flood hazard policies.</p>
<b>INDUSTRIAL AND ENERGY DEVELOPMENT</b>	
<p><b>Coastal Act Policy 30232:</b> <i>Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and clean up facilities and procedures shall be provided for accidental spills that do occur.</i></p>	<p><b>Consistent.</b> The proposed LCP amendment would modify CLUP Industrial and Energy Development Policies 6-9 and 6-16, to ensure that hazards and potential impacts from sea level rise are accounted for in emergency response plans and pipeline siting decisions. Therefore, the proposed LCP amendment is consistent with this policy.</p>
<b>COASTAL ACCESS AND RECREATION</b>	
<p><b>Coastal Act Policy 30210:</b> <i>In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from overuse.</i></p> <p><b>Coastal Act Policy 30211:</b> <i>Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</i></p>	<p><b>Consistent.</b> The proposed LCP amendment includes new policies that would incorporate sea level rise into recreation planning and coastal access decisions, such as new Policy 7-8, 7-9, and 7-10. If existing easements or corridors are lost or inaccessible due to sea level rise, the County would work with landowners to pursue new public access ways if possible. Mitigation would be required for unavoidable impacts to public access or recreation from shoreline armoring or new development.</p> <p>Proposed CLUP Policy 7-9 allows public recreational amenities such as trails, stairways, and parks within sea level rise hazard areas if they are sited and designed to be consistent with applicable LCP policies and standards. This will allow for enhanced opportunities for coastal recreation even in the face of sea level rise hazards. Coastal recreation and access policies within community</p>

REQUIREMENT	DISCUSSION
<p><b>CLUP Policy 7-1:</b> <i>The County shall take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:</i></p> <p><i>a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.</i></p> <p><i>b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County’s ability to assume liability and maintenance costs.</i></p> <p><i>c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.</i></p> <p><b>MCP Policy PRT-M-1.1:</b> <i>The County shall identify new sites for recreational use (including appropriate sites for active recreational facilities) and enhance current facilities in the Montecito community.</i></p> <p><b>MCP Policy PRT-M-1.3:</b> <i>If feasible, the County shall provide increased opportunities for beach access and recreation in the Montecito Planning Area.</i></p> <p><b>MCP Policy PRT-M-1.6, SCP Policy PRT-S-5:</b> <i>New development shall not adversely impact existing recreational facilities and uses.</i></p> <p><b>EGVCP Policy PRT-EGV-7.2:</b> <i>The County shall work to acquire and implement additional public coastal access.</i></p> <p><b>TCP Policy PRT-TC-1:</b> <i>The County shall strive to provide new park facilities, increased beach access and new trails.</i></p>	<p>plans that contain coastal zone areas within their boundaries, as shown in the column to the left after the CLUP policies, generally state that the County shall work to identify and procure new coastal public access and recreational sites, and that new development should not adversely impact existing recreational facilities and areas. The proposed CLUP Policies 7-1, 7-8, 7-9, and 7-10 would require the County to work with landowners to procure new coastal public access ways if existing access ways become unusable or unavoidably impacted. Therefore, the proposed CLUP Coastal Access and Recreational policies would be in conformance with these community plan policies.</p> <p>Therefore, for all of these reasons, the proposed LCP amendment is consistent with these coastal access and recreation policies.</p>

### 7.3 Ordinance Compliance

One purpose of Article II (Section 35-50) is to “protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and manmade resources.” The intent of this LCP amendment is to protect and maintain coastal development, coastal resources, and public access in anticipation of future sea level rise hazards. For example, changes to Sections 35-67 (Bluff and Dune Development) and 35-68 (Coastal Hazard Areas) would require that applicants consider the effects of sea level rise over the anticipated lifetime of proposed development when deciding where to locate and how to design that development.

The proposed LCP amendment would not allow new or expand any existing land uses, increase permitted densities, or alter the purpose and intent of any regulations or development standards within Article II. The development standards (Section 35-97.19) that apply to the Environmentally Sensitive Habitat Area Overlay Designation would be modified slightly to specify minimum stream and riparian



buffers. No modifications are proposed to any other overlay designations. The proposed amendment also would not alter any of the Local Design Standards (Section 35-144A) or any other Article II regulations regarding design review, neighborhood compatibility, or protection of visual resources.

Proposed amendments to Section 35-162 (Nonconforming Buildings and Structures) would continue to allow for repair and maintenance of existing structures. To approve a project based on this proposed amendment, decision-makers would still need to determine that the project is consistent with the whole of Article II, as applicable. Therefore, for these reasons, the proposed amendment is consistent with the County's Coastal Land Use Plan and Article II.

#### **7.4 Montecito Planning Commission Action**

On May 16, 2018, and July 18, 2018, staff presented the proposed LCP amendment (Case Nos. 17GPA-00000-00004 and 17ORD-00000-00015) to the Montecito Planning Commission. The Montecito Planning Commission voted 4 to 0 to recommend that the County Planning Commission recommend that the Board of Supervisors approve the proposed LCP amendment, subject to the proposed revisions included in the Action Letter, Attachment E to this staff report.

Planning staff generally agrees with the Montecito Planning Commission's recommendations. Specifically, staff supports two key policy recommendations that the County Planning Commission may want to recommend to the Board of Supervisors. The first recommendation is that redevelopment should be defined as proposed in the second staff memorandum to the Montecito Planning Commission dated July 18, 2018, which excludes the "market value" component to the original definition. Redevelopment would then consist of alterations to an existing structure that cumulatively results in replacement, alteration, or removal of 50 percent or more of structural components of the walls, foundation, and/or roof. Secondly, the Montecito Planning Commission recommended that any eligible activities to nonconforming structures should be subject to the like-for-like rebuild amendment and the associated de minimis waiver procedures.

Two other key issues that the County Planning Commission may want to provide recommendations on are: (1) the minimum anticipated lifetime standards proposed in Policy 3-10, and (2) the sea level rise scenario used in determining coastal hazard areas. With regard to the minimum anticipated lifetime standards, the Montecito Planning Commission recommended a 100-year anticipated structure lifetime, at a minimum, for determining coastal hazard setbacks for residential and commercial structures. Policy 3-10 proposes a minimum 75 year standard for residential or commercial structures, consistent with current LCP Policy 3-4. Coastal Commission guidance recommends a timeframe of 75 to 100 years. Staff recommends a 75 year minimum anticipated lifetime, consistent with existing policy and Coastal Commission guidance. With regard to the specific sea level rise scenario used in coastal hazard mapping and analysis, the Montecito Planning Commission recommended use of the "high" sea level rise scenario, instead of the "medium" scenario used in this LCP amendment. Staff recommends use of the "medium" scenario as discussed in Section 5.2 of this staff report.

#### **7.5 Senate Bill 18 Consultation**

Government Code Section 65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) before the adoption

or amendment of a general plan. The purpose of consultation is preserving or mitigating impacts to tribal cultural resources.

The Planning and Development Department sent an invitation for consultation to local Native American tribes identified by the NAHC, including the Santa Ynez Band of Chumash Indians, Barbareño/Ventureño Band of Mission Indians, and the Coastal Band of the Chumash Nation. The Planning and Development Department has not received any requests for consultation at this time.

## **7.6 California Coastal Commission Certification**

The Board of Supervisors must approve and the California Coastal Commission must certify the proposed LCP amendment before it can go into effect in the Coastal Zone.

## **8.1 County Planning Commission**

The Planning Commission may recommend approval, approval with revisions, or denial of the proposed amendments to the Coastal Land Use Plan and Coastal Zoning Ordinance.

## **8.2 Appeals**

Comprehensive Plan, including the Coastal Land Use Plan, and Article II amendments are legislative acts that require final action by the Board of Supervisors. Therefore, an appeal of the action of the County Planning Commission is not required.

## **ATTACHMENTS**

- A. Findings for Approval (Case Nos. 17GPA-00000-00004 and 17ORD-00000-00015)
- B. CEQA Notice of Exemption
- C. Resolution of the Santa Barbara County Planning Commission
  - Exhibit 1 - Board of Supervisors Resolution Amending the Coastal Land Use Plan (Case No. 17GPA-00000-00004)
  - Exhibit 2 - Board of Supervisors Ordinance Amending the Coastal Zoning Ordinance (Case No. 17ORD-00000-00015)
- D. December 20, 2017, Staff Report to the County Planning Commission
- E. Montecito Planning Commission Action Letter