



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:** November 6, 2018  
**Placement:** Departmental  
**Estimated Time:** 1 hour  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Dianne M. Black, Director, Planning and Development  
Director(s) (805) 568-2086  
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning  
(805) 568-2072

**SUBJECT:** Coastal Resiliency Project Local Coastal Program Amendment

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors (Board) consider a resolution amending the Coastal Land Use Plan (Case No. 17GPA-00000-00004), and an ordinance amending Article II, of Chapter 35, Zoning, of the County Code (Case No. 17ORD-00000-00015), of the Local Coastal Program (LCP), to prepare for, mitigate, and respond to threats resulting from current and reasonably foreseeable future sea level rise and coastal hazards.

The Board's action should include the following:

- a) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings (Attachment 1).
- b) Determine that this project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15265, as reflected in the findings for approval (Attachment 2).
- c) Adopt a resolution (Case No. 17GPA-00000-00004): (1) amending Chapter 3, The Resource Protection and Development Policies; Appendix A, Definitions; and Appendix C, References, of the Coastal Land Use Plan, and (2) adding a new Appendix J, Medium Sea Level Rise Coastal Hazard Screening Areas Map; and a new Appendix K, High Sea Level Rise Coastal Hazard Screening Areas Map, to the Coastal Land Use Plan (Attachment 3).
- d) Adopt an ordinance (Case No. 17ORD-00000-00015): (1) 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 (2) adding a new Appendix I, Technical Guidelines for Preparation of a Coastal Hazard Report, to Article II, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 4).

**Summary Text:**

The Coastal Resiliency Project began in 2014 and culminated in the proposed LCP amendment that is the subject of this board letter. The overall goal of the project is to identify and plan for current and reasonably foreseeable future threats from sea level rise and related coastal hazards. Initial project activities included the development of the County's "Sea Level Rise and Coastal Hazards Vulnerability Assessment" and maps that identify areas potentially vulnerable to sea level rise and coastal hazards.

The proposed LCP amendment includes new policies and development standards to protect development and coastal resources located within coastal hazard areas. Applicants for Coastal Development Permits would need to consider threats from coastal hazards when siting and designing new development. The proposed policies and development standards may require larger setbacks from beaches, coastal bluffs, and other natural coastal features. Setbacks would be determined, in part, by the anticipated life of new structures and the sea level rise scenario used for hazards analyses (e.g., medium vs. high).

Existing structures in the Coastal Zone may become nonconforming with respect to these setbacks as coastal hazard areas migrate inland where sea level rise occurs. The proposed development standards would allow property owners to maintain and repair nonconforming structures. However, the proposed new "redevelopment" threshold may limit structural alterations to those that affect less than 50 percent (cumulative total) of the nonconforming structure's walls, foundation, roof, and/or floor.

The proposed LCP amendment also contains provisions that would help protect public recreation areas, transportation resources, and environmentally sensitive habitat that may be affected by sea level rise and related coastal hazards.

Staff brought the preliminary draft LCP amendment to your Board in February 2018 for review and comment. Subsequently, staff incorporated the Board's suggested revisions and presented the proposed LCP amendment to the Montecito and County Planning Commissions for their recommendations in July and August 2018, respectively. The Montecito and County Planning Commissions recommended that the Board adopt the LCP amendment, subject to some modifications (Attachments 5 and 6, respectively). The County Planning Commission incorporated most, but not all, of the Montecito Planning Commission's proposed changes into their recommendation to your Board. In addition, on September 17 and October 16, 2018, California Coastal Commission staff submitted draft revisions on the proposed LCP amendment (Attachments 7 and 8, respectively). Most of these draft revisions are minor and consistent with the intent of this amendment; however, five raise significant policy issues which warrant further discussions with Coastal Commission staff. Section 5.0 of this board letter discusses the Coastal Commission's draft revisions that pose significant policy issues and, as a result, were not incorporated into the proposed LCP amendment.

The proposed LCP amendment incorporates the County Planning Commission's recommendations, including the Montecito Planning Commission's recommendations with which the County Planning Commission agreed, as well as the majority of the Coastal Commission's draft revisions.

## **Background:**

### **1.0 Project Description**

Staff began the Coastal Resiliency Project in 2014. The June 17, 2014, board letter authorizing the use of grant funds to initiate this project states that local governments should commence planning and implementation efforts that will lessen impacts to California's coastal communities and natural resources. Significant planning and implementation project phases included the following:

1. Sea level rise and coastal hazards modeling and mapping (available online at <http://maps.coastalresilience.org/california>),
2. "Sea Level Rise and Coastal Hazards Vulnerability Assessment" (available online at <http://longrange.bcountyplanning.org/programs/coastalresiliencyproject/coastalresiliency.php>),
3. Draft LCP policies and development standards,
4. Public outreach, and
5. Consultation with California Coastal Commission staff.

The modeling, mapping, outreach, and consultation activities informed the policies and development standards in the proposed LCP amendment.

### **1.1 Sea Level Rise and Coastal Hazards**

#### ***Coastal Hazards***

Global greenhouse gas emissions and resulting sea level rise from thermal expansion of ocean waters and melting ice sheets are predicted to increase into the next century. Sea level rise in Santa Barbara County will exacerbate beach and bluff erosion, coastal flooding, slope instability, wave uprush, and other coastal hazards according to the "California's Fourth Climate Change Assessment, Central Coast Regional Report" (California Natural Resources Agency, 2018). 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 decisions is increasingly evident ("Sea Level Rise Policy Guidance Draft Science Update," California Coastal Commission, 2018).

#### ***Sea Level Rise Projections***

The National Research Council projected sea level rise through the end of this century in its publication "Sea Level Rise for the Coasts of California, Oregon, and Washington" (National Research Council of the National Academy of Sciences, 2012). In 2015 and 2016, the County's consultants (ESA and Revell Coastal) refined the National Research Council's 2012 data for the County's coastline, as described in the County's "Sea Level Rise and Coastal Hazards Vulnerability Assessment" (Santa Barbara County, 2017). Table 1 (next page) shows the resulting low, medium, and high sea level rise scenarios for the Santa Barbara County coastline. Each scenario assumes differing amounts of future global greenhouse gas emissions.

The California Ocean Protection Council updated state sea level rise projections last year using the best available science and modeling techniques in the "State of California Sea-Level Rise Guidance"

(California Ocean Science Trust, 2017). The “medium” sea level rise scenario (Table 1) coincides with the “likely range” of sea level rise identified in the State’s 2017 update. Therefore, the proposed LCP amendment proposes to use the “medium” scenario to analyze potential hazards to future development projects, except for subdivisions and certain lot line adjustments, as described in Section 1.2 below.

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

<b>Time Period</b>	<b>Low Sea Level Rise Scenario</b>	<b>Medium Sea Level Rise Scenario</b>	<b>High Sea Level Rise Scenario</b>
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, 2017, Santa Barbara County Sea Level Rise and Coastal Hazards Vulnerability Assessment.*

## **1.2 Proposed Amendments**

The proposed LCP amendment contains policies in the Coastal Land Use Plan and development standards in the Coastal Zoning Ordinance (Article II) that reflect current science and protect new development, coastal resources, and public access consistent with the Coastal Act and existing County policies. The following subsection summarizes the proposed policies and development standards. The August 1, 2018, Long Range Planning staff report to the County Planning Commission (Attachment 9) and the August 21, 2018, memorandum to the County Planning Commission (Attachment 10) contain additional details.

### ***Coastal Land Use Plan Amendment - Key Policies and Topics***

Key amendments to the Coastal Land Use Plan include: (1) proposed changes to standards regarding coastal hazard setback distances for new structures; (2) proposed changes to development standards for nonconforming structures; and (3) proposed policies to retain public access to the coast as sea level rise threatens existing public accessways. This subsection discusses these three items and other key policy topics in the Coastal Land Use Plan amendment.

Sea Level Rise and Coastal Hazard Screening Maps. Two new appendices to the Coastal Land Use Plan (Appendices J and K; Attachment 3 of this board letter) show areas of the county coastline that are potentially subject to increased threats from sea level rise and coastal hazards. These Sea Level Rise Coastal Hazard Screening Area Maps show areas of the coastline that are potentially vulnerable to flooding, erosion, and high tide hazards from sea level rise plus a 100-year storm event at high tide, at three different time horizons – 2030, 2060, and 2100.

The Medium Sea Level Rise Coastal Hazard Screening Map (Appendix J) shows the “medium” sea level rise scenario, to be used for proposed development projects (e.g., new structures and development permitted by a Coastal Development Permit) in accordance with proposed Policy 3-6 and related policies. Proposed development within the coastal hazard screening area is potentially vulnerable to coastal hazards, so a site-specific analysis and coastal hazard report would be required to understand the potential threats (proposed Policy 3-9). The new Appendix I to Article II contains technical guidelines for preparing such a report (Attachment 4).

The High Sea Level Rise Coastal Hazard Screening Area Map (Appendix K) shows the “high” sea level rise scenario, to be used for the review of subdivisions and certain lot line adjustments in

accordance with proposed Policy 3-1. See the “Subdivisions of Land” discussion below for additional information.

Under proposed Policy 3-7, measurable changes in sea level rise would be reported to the Board of Supervisors every 10 years, or sooner if necessary due to quickly accelerating rise, and the screening maps would then be updated as needed.

Anticipated Life of Development and Coastal Hazard Setbacks. Per proposed Policy 3-8, new development would need to be sited and designed to avoid coastal hazards. The required coastal hazard setbacks vary depending upon the anticipated life of the development (proposed Policy 3-10). Different types of development would have different anticipated lives and, therefore, would be subject to different coastal hazard setbacks. The minimum anticipated life for residential and commercial structures is 75 years in the existing Coastal Land Use Plan. Coastal Commission guidance recommends between 75 and 100 years. Both staff and the County Planning Commission recommend the use of 75 years in proposed Policy 3-10, to be consistent with existing Coastal Land Use Plan Policy and Coastal Commission guidance.

Proposed policies 3-14 and 3-19 would expand and clarify the setback standards for blufftop and dune-adjacent parcels, respectively. The new Appendix I of Article II describes the methodologies for calculating the bluff edge setback using the “medium” sea level rise scenario.

Subdivisions of Land. Land divisions are expected to last in perpetuity. Therefore, Coastal Commission staff recommended using the “high” sea level rise scenario (see Table 1) and 100-year anticipated life to establish safe, buildable new lots created by subdivision. The same standard would apply to lot line adjustments that result in an increased subdivision potential or a greater number of residentially developable lots (proposed Policy 3-1). This draft revision recommended by Coastal Commission staff was made in September 2018, after the County Planning Commission reviewed the proposed LCP amendment and made their recommendation to the Board. (See Section 2.0, Coastal Commission Consultation and Guidance, of this board letter.) The County Planning Commission did not recommend making such a distinction between land divisions and other new development, but County staff concurs with the Coastal Commission staff’s draft revisions since land divisions have a longer anticipated life and are not subject to obsolescence as are new structures and other development.

New development on the new or adjusted lots would be sited and designed using the “medium” sea level rise scenario and appropriate anticipated life in proposed Policy 3-10 (e.g., 75 years for residential and commercial development).

Shoreline Protective Devices. The proposed LCP amendment combines two existing shoreline protective device policies into proposed Policy 3-4 to clarify when new protection devices (e.g., seawalls, revetments, and riprap) may be permitted. The County can permit shoreline protective devices to protect existing principal structures, coastal-dependent uses, and public beaches (California Public Resources Code Section 30235) if they do not substantially alter or adversely affect geological or natural resources (Public Resources Code Section 30253(b)). Therefore, staff added a new definition of “existing principal structure” to the proposed LCP amendment (Coastal Land Use Plan Appendix A, Definitions and Article II, Section 35-58, Definitions) and clearly prioritized non-structural protection methods (e.g., revegetation and beach nourishment) over structural or “hard” protection methods (e.g., seawalls and revetments) (proposed Policy 3-4 and Article II Section 35-172.13.3).

Nonconforming Development and Redevelopment. Some existing conforming structures may become nonconforming as coastal hazard areas migrate inland or expand in size as sea level rise occurs (proposed Policy 3-11). The proposed LCP amendment would permit property owners to maintain and repair nonconforming structures. However, nonconforming structures would be subject to a new threshold for “redevelopment.” Proposed Coastal Land Use Plan Policy 3-11 and Appendix A, Definitions, define redevelopment as the replacement of 50 percent or more of an existing structure, in accordance with Coastal Commission guidance (California Coastal Commission Residential Adaptation Policy Guidance, Revised Draft, 2018).

Additionally, redevelopment includes cumulative alterations to an existing structure. Replacement, reinforcement, or alteration activities that occur on or after the effective date of the proposed LCP amendment would count toward the 50 percent threshold (Appendix A, Definitions). Once structural alterations exceed this threshold, any replacement, structural alteration, reinforcement, or removal of an existing structure would be considered “new” development and the entire structure would be subject to all existing LCP policies and standards (Article II Section 35-161.1.a.2).

Notice to Property Owner. The proposed LCP amendment would require applicants or property owners receiving a Coastal Development Permit for development subject to existing or reasonably foreseeable future threats from sea level rise or coastal hazards to record a notice to the property owner (NTPO) disclosing such threats and conditions (proposed Policy 3-13). The NTPO would notify current and future property owners of the: (1) permit conditions of approval, (2) existing and reasonably foreseeable hazards, and (3) potential for the public trust boundary to move inland, encompassing part of or all of the development and, therefore, requiring a new permit from the Coastal Commission or State Lands Commission.

Coastal Access and Recreation. The proposed LCP amendment facilitates the protection and restoration of threatened public access and recreation areas consistent with Public Resources Code Section 30210. If approved, it would modify Policy 7-1 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. 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 (proposed Policy 7-10). The proposed LCP amendment would also allow new public access and recreation areas within sea level rise hazard areas, provided they are consistent with all applicable LCP policies and standards (proposed Policy 7-9).

### ***Coastal Zoning Ordinance (Article II) Amendment***

Proposed amendments to Article II implement the proposed Coastal Land Use Plan amendments by updating existing or creating new development standards. In addition to the topics discussed above, the amendments propose the following changes to the development standards for beach, bluff, and dune development in Division 3, Development Standards:

- Require a site-specific analysis of development sites within the “medium” sea level rise coastal hazard screening area (Sections 35-67.1, 35-67.8, and 35-67A.4),
- Require that new development be sited and designed to avoid existing or reasonably foreseeable future sea level rise threats without reliance on a shoreline protective device (Section 35-67A.3),

- Allow for minor and ancillary development in coastal hazard setback areas (Sections 35-67.3 and 35-67A.5),
- Require removal, relocation, or modification of structures if they become unsafe or essential services cannot be maintained (Section 35-67A.6), and
- Require recordation of a NTPO to disclose existing and reasonably foreseeable sea level rise threats (Section 35-67A.7).

The LCP amendment proposes modifications of other Article II sections to clarify development standards and provide consistency with new Coastal Land Use Plan policies. It revised Section 35-97.19 (Development Standards for Stream Habitats) to clarify the minimum buffer strip size for urban and rural streams. The buffer strip would include associated riparian vegetation and may only be decreased to avoid precluding the reasonable use of a property. Section 35-130.3 (Subdivision of Land) reiterates new standards for subdivisions and lot line adjustments in accordance with proposed Policy 3-1 (i.e., using the high sea level rise scenario and 100-year anticipated life to establish new lots). Proposed changes to Section 35-154 (Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development) clarify the County's existing practice and reference applicable Public Resource Code requirements.

Regarding nonconforming structures, the proposed LCP amendment modifies Section 35-162 (Nonconforming Buildings and Structures) to incorporate the "redevelopment" threshold. It also integrates the "like-for-like" ordinance exemption certified by the Coastal Commission on September 13, 2018, into Section 35-162. The like-for-like ordinance would still apply to structures in the "medium" sea level rise coastal hazard screening area that are substantially damaged by a debris flow or other, similar, catastrophic event.

## **2.0 Public Outreach**

The Coastal Resiliency Project included a wide-ranging public outreach process. Initially, staff formed a technical stakeholder group consisting of local professionals and interested parties. The stakeholders met and 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 made presentations at several meetings for County and community advisory groups, nonprofit organizations, and coastal landowners. Public comment addressed topics ranging from protecting existing utility infrastructure, to working with local landowners to find new public coastal accessways if existing accessways become unusable, to supporting solutions that would have multiple benefits (e.g., habitat and shoreline protection). See the board letter from staff's briefing to the Board on February 27, 2018, for more detailed information on public outreach that staff conducted for this project (Attachment 11).

## **3.0 Tribal Consultation**

State planning law (Senate Bill 18) requires cities and counties to consult with California Native American tribes before amending or adopting any general plan. In August 2011, the County obtained a list of California Native American tribes with traditional lands or cultural places within or in proximity to the County of Santa Barbara Coastal Zone from the Native American Heritage Commission. Consistent with Government Code Section 65352.3, on April 9, 2018, the County sent letters to the Santa Ynez Band of Chumash Indians, the Barbareño/Ventureño Band of Mission Indians, and the Coastal Band of the Chumash Nation. County staff also made phone calls to listed tribal representatives on May 1 and 2, 2018. None of the tribes responded to the invitation to consult.

## **4.0 Planning Commission Recommendations**

### **4.1 Montecito Planning Commission**

On May 16, 2018, and July 18, 2018, staff presented the proposed LCP amendment to the Montecito Planning Commission. The Montecito Planning Commission voted 4 to 0 to recommend that the County Planning Commission recommend that the Board approve the proposed LCP amendment, subject to the revisions included in its Action Letter (Attachment 5).

Two of the Montecito Planning Commission's recommendations not incorporated into the Coastal Land Use Plan amendment (Attachment 3) or Article II (Attachment 4) relate to the key policy issues discussed in Section 1.2, above. First, the Montecito Planning Commission recommended using a 100-year, rather than a 75-year, minimum anticipated life for residential and commercial structures. Second, the Montecito Planning Commission recommended the use of the "high" sea level rise scenario, instead of the "medium" scenario.

### **4.2 County Planning Commission**

The County Planning Commission reviewed the proposed LCP amendment on August 1 and August 29, 2018. The County Planning Commission voted 4 to 1 to incorporate 9 of the Montecito Planning Commission's 18 recommendations as proposed, and to make additional edits as suggested. (See the August 29, 2018, Action Letter in Attachment 6 of this board letter for the County Planning Commission's recommendation to the Board, and see Enclosure 1 of Attachment 10 for a description of the County Planning Commission's actions on each of the Montecito Planning Commission's 18 recommendations.) The County Planning Commission concurred with staff's recommendations for the 75-year "minimum anticipated lifetime standard" for residential and commercial structures, and the "medium" sea level rise scenario for hazard mapping and coastal setback requirements. Staff incorporated all of the Planning Commission's recommendations into the Coastal Land Use Plan and Article II amendments (Attachments 3 and 4, respectively).

## **5.0 Coastal Commission Consultation and Guidance**

In September and October 2018, Coastal Commission staff submitted draft revisions to the proposed LCP amendment (Attachments 7 and 8, respectively). The Montecito and County Planning Commissions did not review Coastal Commission staff's September and October draft revisions. Therefore, County staff carefully reviewed the draft revisions and only incorporated those that are consistent with the scope and intent of the proposed LCP amendment, as well as consistent with testimony and information received during public outreach and the Montecito and County Planning Commission hearings. Most of the incorporated draft revisions were minor or insignificant text changes; however, the following five items were more significant.

- 1. Sea Level Rise Scenario.** Coastal Commission staff revised proposed Policy 3-1 and Article II Section 35-160.3 to state that the County shall use the "high" sea level rise scenario and 100-year timeframe when permitting subdivisions and certain lot line adjustments (as discussed in Section 1.2 of this board agenda letter). County staff concurred with this revision because: (1) once created, a lot is expected to last in perpetuity, and (2) subsequent development on the new lot(s) would be permitted using the "medium" scenario and 75-year standard (for residential or commercial development), consistent with new development on existing, vacant lots. County staff included the "high" sea level rise coastal hazard screening maps in the proposed Appendix K to identify those areas where proposed subdivisions and certain lot line adjustments would require additional review.

2. **Minor Development.** Coastal Commission staff modified proposed Policy 3-8, Policy 3-16, and Article II Section 35-61 to clearly state that minor and/or ancillary development that does not require foundations or grading, does not adversely impact coastal resource stability, and can be readily removed or relocated may be permitted within coastal hazard setback areas. County staff agreed with this draft revision since it would allow for the use of coastal hazard setback areas for minor development and activities (e.g., decks, fences, patios, and walkways). The changes to proposed Policy 3-16 would allow for public coastal access and recreational amenities along the coast, such as signs, benches, and trails.
3. **Notice to Property Owner (NTPO).** Coastal Commission staff amended proposed Policy 3-13 and Article II Section 35-67A.7 to include subsection (3), which requires that NTPOs disclose the potential for the public trust boundary to move inland due to sea level rise. Development on public trust lands would be outside of the County's jurisdiction. County staff agreed with this draft revision because it notifies current and future property owners of the potential for the public trust boundary to migrate inland, possibly resulting in private property being located outside of the County's jurisdiction and thereby possibly requiring a permit from the California Coastal Commission or State Lands Commission to remain.
4. **Adaptive Management Measures.** Coastal Commission staff modified proposed Policy 7-9 to state that permit conditions of approval for new public access and recreation facilities should include adaptive management measures specifying how maintenance, retrofit, removal, or relocation of the facilities will occur over time if conditions change due to sea level rise. County staff concurred with this draft revision because it was consistent with the draft revisions to proposed Policies 3-8 and 3-16, and planned public amenities for county beach areas would not be impeded by this proposed policy change.
5. **Riparian Buffer.** Coastal Commission staff revised proposed Policy 9-37 and Article II Section 35-97.19 to clarify that the required riparian buffer shall extend from the outer extent of development (including required fuel clearance) to the outer extent of the stream's riparian canopy or the top of the stream bank. County staff accepted this draft revision as it is a commonly accepted practice in the Coastal Zone.

There were eight additional Coastal Commission staff draft revisions that County staff did not fully agree with and did not incorporate because they were duplicative of other proposed text, or were inconsistent with existing or proposed text. For example, Suggested New Policy 1, Suggested New Policy 3, and Policy 3-6 of the Coastal Commission staff's comments (Attachment 8) were duplicative or inconsistent. Additionally, Coastal Commission staff suggested a 25-foot minimum bluff-top setback standard, but did not provide information to support such a new requirement, especially since bluff-top setbacks would be determined through site-specific coastal hazard studies. County staff did not incorporate these eight draft revisions into the proposed LCP amendment but expects to resolve them through further discussion and coordination with Coastal Commission staff after the County submits the LCP amendment to the Commission for certification.

Finally, County staff did not agree with, and did not resolve, or incorporate, five other draft revisions that raise significant policy concerns, as listed below:

1. **“Existing” Development.** Public Resources Code Section 30235 states that seawalls and other shoreline protective devices “... shall only be permitted when required ... to protect existing structures ...” County staff has historically interpreted “existing” development as any development that existed at the time a property owner submitted a permit application. Coastal

Commission staff is now interpreting “existing” development to only include development that existed on or before January 1, 1977, the effective date of the California Coastal Act.

This interpretation has two significant consequences. First, it means that any development which occurred after January 1, 1977, would be prohibited from constructing a shoreline protective device. As a result, many existing residences and other development that are currently eligible for shoreline protective devices would no longer qualify for such shoreline protection.

Second, the Coastal Commission staff’s interpretation means that structural alterations to structures located in coastal hazard areas made since January 1, 1977, count toward the 50 percent “redevelopment” threshold. Retroactively applying this standard would seem to unfairly impose restrictions on residences and other development that the County legally permitted over the past 41 years. The County Planning Commission and County staff recommend an alternative standard. Specifically, proposed Coastal Land Use Plan, Appendix A (Definitions) and Article II, Division 2 (Definitions) define redevelopment to include structural alterations undertaken on or after the effective date of the proposed LCP amendment.

- 2. Removal of Permitted Development.** Coastal Commission staff recommends that Coastal Development Permits should be conditioned to require removal of new development if it encroaches on public trust lands and the Coastal Commission, in consultation with the State Lands Commission, determines that such encroachment is not legally permissible. Structures on public trust lands are not within the County’s jurisdiction. The California State Lands Commission—not the County—has the authority to require property owners to remove unpermitted structures on public trust lands. Therefore, County staff does not support this recommendation. However, County staff added a provision to proposed Policy 3-13 of the Coastal Land Use Plan, and Section 35-67A.7 of Article II, to require recordation of an NTPO when the public trust boundary may migrate onto permitted development. (See Section 1.2, Proposed Amendments, of this board letter.)

Coastal Commission staff also recommends that Coastal Development Permits for new development should be conditioned to require removal of permitted development if it requires a new or augmented shoreline protective device that conflicts with the LCP or relevant Coastal Act policies. If an existing structure becomes unsafe for occupation, or cannot receive essential services (water, electricity, etc.), then the owner needs to remove or relocate the structure per proposed Policy 3-12. However, as discussed in Section 1.2, Proposed Amendments, property owners can obtain Coastal Development Permits for shoreline protection under certain conditions. Therefore, County staff feels that this recommendation is unnecessary and duplicative of conditions proposed in Article II, Section 35-67A.6.

- 3. Waive Rights to Future Shoreline Protection.** Coastal Commission staff recommends that property owners record a waiver of future shoreline protection upon receipt of a Coastal Development Permit. The waiver would apply to both new and existing development, and prohibit current and future property owners from obtaining new or expanded shoreline protective devices. However, Public Resources Code Section 30235 allows shoreline protection for existing structures. County staff disagrees with Coastal Commission staff’s recommendation because it would foreclose potential shoreline protection options for property owners when the Coastal Act allows those options under certain circumstances.

4. **Permit Time Limits and Monitoring of New Shoreline Protective Devices.** Coastal Commission staff recommends (1) limiting permits for new shoreline protective devices to 20-year increments, and (2) requiring property owners to prepare periodic monitoring plans to identify the impacts of shoreline armoring on the surrounding area and determine when the shoreline protective device is no longer needed for protection and, thus, must be removed. County staff does not agree that the permits for shoreline protective devices should be limited to 20-year increments. Rather, permits should remain valid until the shoreline protective device is no longer needed for protection. This approach eliminates the need for monitoring plans.
5. **Elevating an Existing Residential Structure for Floodproofing Only.** Proposed Section 35-162.1.a.2)f) of Article II exempts structural alterations required to elevate existing residences and accessory structures above flood hazard levels from the 50 percent “redevelopment” threshold. This exemption would allow property owners to continue living on parcels in flood hazard areas and may avoid the need for seawalls and other shoreline protective devices. Coastal Commission staff commented that structural changes for floodproofing should not be exempt from the redevelopment definition and threshold. County staff is concerned that the Coastal Commission’s recommendation would limit or prevent property owners from floodproofing in many cases.

Planning and Development staff will continue to discuss these five issues and try to resolve with Coastal Commission staff unless your Board directs staff to do otherwise.

#### **6.0 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 Article II 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 Coastal Commission must certify the LCP amendment before it can go into effect. Therefore, the proposed amendments to the Coastal Land Use Plan and Article II are statutorily exempt from CEQA under State CEQA Guidelines Section 15265. Please see the Notice of Exemption (Attachment 2) for additional details on the CEQA exemption determination.

**Fiscal and Facilities Impacts:** Budgeted: Yes

#### **Fiscal Analysis:**

Two grants and the County general fund provided funding for the Coastal Resiliency Project. Since project inception in Fiscal Year 2013-2014, staff has expended approximately 4,037 hours and \$278,926 on salaries and \$371,185 on professional services and supplies. The California Coastal Conservancy, The Nature Conservancy, the California Coastal Commission, and the Ocean Protection Council awarded the County \$383,000 in grant funding. The County general fund provided the balance of the funds (approximately \$267,111). The County expended all grant funding in Fiscal Years 2014-2015 through 2016-2017 and has closed all grant contracts.

The *Santa Barbara County Adopted Budget for Fiscal Year 2018-2019* (page D-272) provides funding for the current fiscal year. Staff has spent approximately \$31,671 as of September 30, 2018. There are no facilities impacts.

**Special Instructions:**

The Clerk of the Board shall provide a copy of the minute order and signed resolution and ordinance to the Planning and Development Department, attention David Villalobos.

**Attachments:**

1. Findings for Approval
2. CEQA Notice of Exemption
3. Board of Supervisors Resolution Amending the Coastal Land Use Plan (Case No. 17GPA-00000-00004)
4. Board of Supervisors Ordinance Amending the Coastal Zoning Ordinance (Case. No. 17ORD-00000-00015)
5. Montecito Planning Commission Hearing – July 18, 2018, Action Letter
6. County Planning Commission Hearing – August 29, 2018, Action Letter
7. California Coastal Commission Comment Letter, September 17, 2018
8. California Coastal Commission LCP Amendment Comments, October 16, 2018
9. County Planning Commission Hearing – August 1, 2018, Staff Report
10. Long Range Planning Memorandum to the County Planning Commission - August 21, 2018
11. Board of Supervisors Staff Briefing – February 27, 2018, Board Agenda Letter

**Authored by:**

Selena Evilsizor, AICP, Senior Planner, Long Range Planning Division