

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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January 31, 2017

Mindy Fogg
Planning and Development
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

RE: County of Santa Barbara's Draft Coastal Hazard Land Use Plan Policies

Dear Ms. Fogg,

This letter provides our preliminary, general comments on the County of Santa Barbara's draft Coastal Hazard Land Use Plan (LUP) policies. These policies were submitted to the Coastal Commission via email on November 30, 2016 as a deliverable for Task 9 of the County's grant (LCP-14-06). Please find more specific and focused comments and suggestions (in track-changes) on the attached policy chart. Commission staff would like to note that the suggested policies and policy edits indicated in track-changes on the attached chart address many, but not all, of the policy gaps identified in this letter, and additional proposed policies will be necessary to comprehensively address the issues identified below.

1. **Site-specific Hazard Study Requirements.** Site specific hazard studies are mentioned in several policies (3-4, 3-8, New LUP Policy No. 4). To summarize the draft policies as they are currently drafted:
 - Policy 3-4 addresses new bluff top development and requires site-specific studies to determine the minimum setback considering low, medium, and high sea level rise (SLR) scenarios over a minimum 75 year life (or 50 years if the 75 year standard renders the lot unbuildable).
 - Policy 3-8 addresses applications for grading permits, building permits, and subdivisions, and generally requires site-specific studies of hazards including low, medium, and high SLR scenarios.
 - New LUP Policy No. 4 addresses new development along non-bluff shorelines, and requires studies to determine the minimum setback considering low, medium, and high SLR scenarios over a minimum 75 year life (or 50 years if the 75 year standard renders the lot unbuildable).

All three policies state that these studies shall be prepared "in accordance with the County's 'Guidance for Sea Level Rise Hazard Analysis' and the most recent California Coastal Commission guidance." The referenced document, 'Guidance for Sea Level Rise Hazard Analysis', should be provided to Coastal Commission staff for review, and should either be proposed to be included in the Local Coastal Program (LCP), or relevant sections should be excerpted and included in the LCP. Also, Commission staff suggests that the following details be included in either the LUP policies or in the Implementation Plan (IP).

- SLR projections shall be based on the current best available science. The current recognized best available science is the National Research Council’s 2012 report, *Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future* (NRC 2012). This report provides SLR projections of 2-12 inches by 2030, 5-24 inches by 2050, and 17-66 inches by 2100 for Southern California. Site-specific SLR analyses should evaluate a range of SLR, including at a minimum the high scenario. SLR amounts expected for years other than 2030, 2050, and 2100 should be calculated by interpolating or extrapolating data points using best fit equations.
- Hazards analyzed in conjunction with SLR should include erosion, flooding, wave attack, wave run-up, scour, storm surge as well as other locally relevant hazards. Storm waves shall be from a 100-year event or a storm that compares to the 1982/83 El Niño event. Where applicable, studies shall also consider localized uplift or subsidence, tide range, wave climate, local topography, bathymetry, geologic conditions, water table elevation, and potential tsunami inundation areas.
- Studies shall include an assessment of the availability of and potential risks to public utility services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other public utilities over the life of the development (minimum 75 years), considering SLR.
- For development on sites influenced by an existing shoreline protection device, the hazard analysis shall not consider the effects of the protection device upon the site.
- Studies shall include a statement of the preparer’s qualifications.

2. **References to Maps in the Vulnerability Assessment.** Policies 3-11, 7-4, New LUP Policy No. 2, Flood Policy No. 2, and Flood Policy No. 4 refer to maps in the Coastal Hazard Vulnerability Assessment. Since there are many maps within that report, Commission staff needs to know which specific maps are being referenced by these policies. Furthermore, instead of incorporating the maps by reference, the maps should be included in the LCP itself.

More specifically, Task 9 of the LCP grant states, “the County’s Coastal Zoning Ordinance would be updated to include development and land use regulations in a proposed Coastal Hazard Overlay Zone to guide the form and intensity of new and remodeled projects to moderate SLR risks.” As such, it may be more appropriate for the County to use the maps from the Vulnerability Assessment to create an overlay zone, which could then be referenced in Policy 3-11, Policy 7-4, New LUP Policy No. 2, Flood Policy No. 2, and Flood Policy No. 4.

3. **Suggested Policies.** Commission staff recommends the addition of the following concepts to the submitted draft LUP policies in order to achieve Coastal Act consistency.

- ***Waiver of rights to shoreline protection devices for new development.*** To achieve consistency with Section 30253 of the Coastal Act, which states that new development must not require the construction of shoreline protection, a policy should be added to require permits for new development in hazardous locations to include, as a condition of

approval, a requirement that the applicant record a deed restriction waiving rights to future shoreline protection devices.

- ***Definition of redevelopment.*** A key way to implement SLR adaptation is to clearly define redevelopment in the LCP, and to require that redevelopment comply with standards for new development. Under this framework, properties that redevelop over time will come into compliance with policies and standards designed to increase resiliency to SLR. Commission staff recommends that these concepts should be included in the LUP.
- ***Triggers for removal of development.*** Commission staff recommends that the County consider defining triggers for the removal of at-risk development. Such triggers could include, if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) services to the site can no longer be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust lands; (d) removal is required pursuant to LCP policies for SLR adaptation planning; or (e) the development requires new and/or augmented shoreline protection devices. Such a policy would create a framework to ensure that development that becomes threatened by the impacts of SLR are removed and/or relocated over the long-term and to ensure the safety of coastal development as conditions change.
- ***Mitigation requirements for protection devices.*** Policies should require mitigation for impacts to local sand supply as a result of approvable shoreline protection devices, as well as periodically monitor and reevaluate those impacts. Mitigation of impacts to access and recreation are required in New Policy No. 5, but impacts to sand supply are not mentioned.
- ***Existing shoreline protection devices.*** Commission staff recommends the addition of a policy to address existing shoreline protection devices. When new development is proposed on a site with an existing shoreline protection device, that protection device should be removed unless it is demonstrated that the device is needed to protect an existing principal structure on an adjacent site.
- ***Sediment management.*** Commission staff recommends the addition of a more detailed policy to explore the efficacy of sediment management strategies to reduce the risks of SLR upon coastal development and resources. New Policy No. 1 calls for “shoreline management” but should more specifically refer to sediment management strategies such as beach nourishment and projects that restore inland sediment supply to the coastline (see track changes on New Policy No. 1 of the attached policy chart).
- ***Periodic updates of SLR maps.*** To capture future developments in the scientific research on SLR projections and impacts, Commission staff recommends that the County include a policy calling for the periodic update of the SLR Overlay Zone (or individual SLR maps that are referenced within the LCP) using the current best available science. Best available science is considered to be sources that are peer-reviewed, widely accepted within the scientific community, and locally relevant.

4. **Inclusion of the Recommendations in the Coastal Hazard Vulnerability Assessment.** The vulnerability assessment includes recommended adaptation measures for each asset sector, and many of these actions are not reflected in the draft policies. Below, Commission staff has identified measures that should be included in the LCP amendment and noted the associated page number of the Vulnerability Assessment.
- ***Oil and gas, page 4-27.*** The draft LUP policies require oil and gas processing facilities to maintain emergency response plans and require the pipelines to be sited and constructed taking SLR into account. However, the vulnerability assessment also identifies other potential actions, including “Develop a regional environmental and permit streamlining process for rapid remediation of legacy wells; Generate funds for rapid response to remove eroded wells; and, Upon decommissioning of active sites, require removal of all shore protection, access roads, pipes, and other infrastructure.” These actions should be considered in the development of the LUP coastal hazard policies, as over 250 wells could be impacted by SLR by 2100, and the condition of the caps of many of these wells is unknown.
 - ***Hazardous Material Sites, page 4-27.*** This Recommendations section of the vulnerability assessment provides several adaptation measures that could be included in the LCP amendment, including: “Establish more stringent policies for timing associated with cleanup [of hazardous materials] in the coastal zone; Strengthen policies regarding storage of hazardous materials that would require additional elevation and containment; Clean up leaking underground fuel tanks (LUFTS) prior to long-term flooding associated with barrier beach closure and elevated groundwater; Ensure policies are in place for new hazardous materials storage sites, to locate them outside of coastal hazard zones or to design them for maximum protection and containment during the site’s projected life span, including proper removal and disposal when the site is no longer active.” These actions should be considered in the development of the LUP coastal hazard policies.
 - ***Roads and Public Transportation, page 4-29.*** This Recommendations section provides several adaptation measures which generally call for the County to coordinate with the following agencies on how SLR may impact their infrastructure and services: SBMTD on public transportation services, UPRR on railroad vulnerability, and Caltrans on road and highway vulnerability. The LCP amendment already includes New LCP Policy No. 10, which calls for coordination with Caltrans on SLR issues. Commission staff recommends that similar policies should be included in the LCP amendment for SBMTD and UPRR.
 - ***Land Use and Structures, page 4-31.*** This Recommendations section provides several adaptation measures that Commission staff suggests to be included in the LCP amendment, namely: “Consider revising building codes to accommodate movable foundations and elevate building heights” and “identify triggers for incremental removal [of threatened structures].”
 - ***Public Facilities, page 4-33.*** This Recommendations section provides several adaptation measures that Commission staff suggests to be included in the LCP amendment: “Reevaluate proximity to coastal hazards prior to renewing any leases for

schools or emergency services in the County.” This concept is captured in Flood Policy No. 2 in the Draft policies.

- ***Public Access and Recreation, page 4-35.*** This Recommendations section provides several adaptation measures that Commission staff suggests to be included in the LCP amendment, namely: “Plan for the replacement of public access and recreation areas that are lost to sea level rise effects; Develop policies to minimize the impact of coastal structures on lateral access.”
- ***Environmentally sensitive habitat, page 4-37.*** The Recommendations section provides several adaptation measures that Commission staff suggests to be included in the LCP amendment, namely: “Increase buffers for ESHs and consider sea level rise buffer zones; Develop sediment management program regulations, which would support wetland and dune accretion.”
- ***Water supply, page 4-39.*** The Recommendations section provides several adaptation measures that Commission staff suggests to be included in the LCP amendment, including: “Add policy language to require relocation [of water supply mainlines] or avoidance of coastal hazard vulnerabilities to the extent possible; Flood-proof [pump and] lift stations as appropriate; Flood proof existing [control] valves or add automation to shut off; Require damaged [control valve] systems to be elevated and/or relocated; Require flood proof retrofits for manholes; Add policy language requiring study of elevated groundwater hazards into new permit applications.”

More specific suggestions for the draft LUP policies are shown in track-changes format and in the comments column on the right side of the attached policy chart. The suggested changes to the policy chart are intended to fill the gaps identified above to achieve consistency with the Coastal Act. Please do not hesitate to contact us to discuss any questions or concerns regarding these comments.

Sincerely,



Deanna Christensen
Supervising Coastal Program Analyst

cc: Carey Batha, California Coastal Commission
Michelle Wagner, California Coastal Commission
Megan Sinkula, California Coastal Commission
Barbara Carey, California Coastal Commission
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Attachment: County’s Draft Coastal Hazard Land Use Plan Policy Chart with CCC Comments

SANTA BARBARA COUNTY COASTAL LAND USE PLAN – COASTAL RESILIENCE POLICIES

November 2016

PRELIMINARY DRAFT – FOR DISCUSSION PURPOSES ONLY

Santa Barbara County (SBC) Coastal Land Use Plan Policies

SBC CLUP Policy Number	SBC Coastal Land Use Plan Policy Text	Potential Policy Revision(s)	CCC Comments January 2017
<p>Policy 2-12</p> <p>Policy Type: Development</p> <p>Topic: Hazards</p>	<p>The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes. However, density may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the Local Coastal Program. (amended by 93-GP-11)</p>	<p>The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted <u>by due to site-specific conditions specifically applicable to a site</u> such as topography, geologic <u>or</u>, flood <u>or</u> fire hazards, <u>coastal bluff or shoreline retreat</u>, habitat areas, or steep slopes. However, <u>density densities</u> may be increased for affordable housing projects provided such projects are <u>found</u> consistent with all applicable policies and provisions of the Local Coastal Program. (amended by 93-GP-11)</p>	<p>Good changes here.</p>
<p>Policy 2-17</p> <p>Policy Type: Planned Development</p> <p>Topic: Resource protection; Hazards; Housing</p>	<p>Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish as much as possible all of the following goals:</p> <ol style="list-style-type: none"> protection of the scenic qualities of the site; protection of coastal resources, i.e., habitat areas, archaeological sites, etc.; avoidance of siting of structures on hazardous areas; provision of public open, space, recreation, and/or beach access; preservation of existing healthy trees; and provision of low and moderate housing opportunities. 	<p>Use <u>To the maximum extent feasible, use</u> of flexible design concepts, including (e.g., clustering of units, and/or a mixture of dwelling types, etc.) shall be required <u>in planned development, in order to accomplish as much as possible all of the following goals:</u></p> <ol style="list-style-type: none"> protection of the scenic qualities of the site; protection of coastal resources, i.e. (e.g., public access, water quality, habitat areas, <u>or</u> archaeological sites, etc.); avoidance of siting of structures on <u>within</u> hazardous areas <u>(including reasonably foreseeable hazards from sea level rise during the economic life of the development[minimum 75 years]);</u> provision of public open space, recreation, and/or beach access; preservation of existing healthy trees; and provision of low and moderate <u>income</u> housing <u>opportunities</u>. 	<p>Good changes, we just have a couple of clarifications. May be helpful to also include an example of flexible design for a specific building (like breakaway walls)?</p> <p>Commission staff recommends the addition of details regarding design standards for new development constructed in an area potentially subject to flooding (with SLR considered) to the Implementation Plan. These would include standards such as finished floor elevation, flood proofing, elevating utilities, and breakaway walls.</p>
<p>Policy 2-21</p>	<p>... In approving the site plan, the Planning Commission shall make the finding that ultimate development of the site will be consistent with all land use plan policies, including those regarding protection of habitat areas, avoidance of flood and geologic hazards, and protection of</p>	<p>... In approving the site plan, the Planning Commission shall make the finding that ultimate development of the site will be consistent with all land use plan policies, including those regarding protection of habitat areas, avoidance of flood and geologic hazards, <u>coastal hazards</u></p>	<p>This policy was not included in the County’s draft, but we suggest it could be modified in the following way to also address coastal hazards from SLR.</p>

SANTA BARBARA COUNTY COASTAL LAND USE PLAN – COASTAL RESILIENCE POLICIES

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PRELIMINARY DRAFT – FOR DISCUSSION PURPOSES ONLY

SBC CLUP Policy Number	SBC Coastal Land Use Plan Policy Text	Potential Policy Revision(s)	CCC Comments January 2017
	hillsides and watersheds...	<u>from sea level rise</u> , and protection of hillsides and watersheds...	
<p>Policy 3-1</p> <p>Policy Type: Seawalls and Shoreline Structures</p> <p>Topic: Shoreline armoring</p>	<p>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.</p>	<p><u>All new beachfront and blufftop development (including additions and redevelopment) shall be sized, sited and designed to minimize risk from existing and reasonably foreseeable future (considering changes caused by sea level rise) wave run-up, flooding and erosion hazards without requiring a shoreline protection or bluff stabilization device (or reliance on any existing device) at any time during the economic life of the development (minimum of 75 years for single family residences and commercial structures; otherwise determined on a case-by-case basis for public infrastructure).</u></p> <p><u>Require property owners to record a waiver of future shoreline protection for new development during the economic life of the structure (75 years) as a condition of approval of a coastal development permit for new development or redevelopment on a beach, shoreline, or bluff that is subject to existing or reasonably foreseeable future wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff. The property owner shall record a deed restriction against the property that expressly waives any future right that may exist pursuant to Section 30235 of the Coastal Act to new or additional shoreline or bluff protective devices.</u>Seawalls shall not be permitted unless the County has determined that there are no other feasible, less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages Priority shall be placed on: (1) non-structural solutions to shoreline erosion problems, including [e.g., beach replenishment, removal of endangered structures (at the owner's expense), and prevention of land divisions on shorefront property subject to erosion and, will seek]; and (2) landscape scale – rather than single lot – solutions to shoreline hazards on a larger geographic</p>	<p>Existing policies 3-1 and 3-2 both deal with when shore protection may be permitted. We suggest collapsing and dealing with when shoreline protective devices may be permitted in Policy 3-2, and change Policy 3-1 to address siting and designing new development to avoid shore protection.</p> <p>See suggested definition for “redevelopment” at the end of this document, which we suggest adding to the definition sections of the LUP and IP.</p>

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		<p>basis that a single lot circumstance. Where permitted, To the maximum extent feasible, seawall design and construction shall respect to the degree possible preserve natural landforms. Adequate provision for, and shall not result in the loss of public trust lands. Development involving seawalls shall include: (1) adequate lateral beach access shall be made, and the project shall be designed (2) colors, materials, and designs to minimize visual impacts by the use of appropriate colors and materials.</p>	
<p>Policy 3-2</p> <p>Policy Type: Seawalls and Shoreline Structures</p> <p>Topic: Shoreline armoring</p>	<p>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.</p>	<p>Revetments, <u>seawalls</u>, groins, cliff retaining walls, <u>gunite covering</u>, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when <u>necessary to protect existing principal structures (constructed prior to 1/1/77), coastal-dependent uses, or public beaches in danger from erosion and when designed: (1) no better other feasible, less environmentally damaging alternative exists, (2) they are designed</u> to eliminate or mitigate adverse impacts on local shoreline sand supply, <u>public access, and biological, recreational, archaeological, and other coastal resources; and (3) they are sited as far landward as feasible and designed so as not to block lateral beach access</u> to minimize their footprint and alteration of natural landforms, and (4) they will not cause a reasonably foreseeable, significant impact to public trust lands due to the shoreline structure impeding the inland migration of trust lands with sea level rise. Priority shall be placed on: <u>non-structural solutions to shoreline erosion problems [e.g., beach replenishment, removal or relocation of endangered structures (at the owner’s expense), and prevention of land divisions on shorefront property subject to erosion]; and landscape scale – rather than single lot – solutions to shoreline hazards.</u></p> <p><u>All approved shoreline protective devices shall:</u></p> <ul style="list-style-type: none"> <u>preserve adequate lateral beach access and provide new lateral access to mitigate any</u> 	<p>These changes are needed to better reflect Coastal Act Section 30235 and to address siting/design of permitted shore protection.</p>

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		<p><u>access-related project impacts;</u></p> <ul style="list-style-type: none"> • <u>include colors, materials, and designs to minimize visual impacts;</u> • <u>require mitigation as a condition of permit approval if avoidance of adverse impacts to shoreline sand supply, public access, biological resources, or other coastal resources is infeasible;</u> • <u>be subject to a 20-year, limited term permit and adverse impacts shall be reassessed and mitigation adjusted at the end of the 20 year permit term, or when improvements are proposed that extend the life of the shoreline protective device, whichever comes first; and</u> • <u>require removal as a condition of permit approval at such time as the existing structure, public beach or use requiring protection is removed, redeveloped, ceases to exist, or the protection device is no longer needed for its permitted purpose, whichever comes first.</u> 	
<p>Policy 3-4</p> <p>Policy Type: Bluff Protection</p> <p>Topic: Bluff erosion; hazards</p>	<p>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.)</p>	<p>In areas of new development (including additions and redevelopment), above-ground structures, shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion <u>or slope instability, factoring in the effects of sea level rise, without the use of a shoreline protective device, over the anticipated economic life of the development (minimum of 75 years for single family residences and commercial structures for a minimum of 75 years,</u> unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used; <u>otherwise determined on a case-by-case basis for public infrastructure).</u> The County</p> <p><u>Applications for development shall determine the required setback. A geologic report shall be required by the County and hazards analysis in order to</u></p>	<p>More detail is needed for this policy and we suggest the following changes, which are consistent with the County of Santa Barbara’s draft policy.</p> <p>With regards to “a landward modification to minimum setback”- This statement can be used as a method to avoid setting back for SLR and we suggest deleting.</p> <p>See suggested definitions for “bluff” and “bluff edge” at the end of this document, which we suggest adding to the definition sections of the LUP and IP.</p>

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		<p>make this: (1) assist the County in making the determination of the minimum bluff top set-back requirement for the proposed development; and (2) set forth an analysis of how physical impacts (e.g., erosion, flooding, and wave runoff) from locally relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) based on best available science will constrain the developable site area during the lifetime of the development (minimum 75-year or 50-year timeframe. The analysis shall be prepared by a qualified California licensed professional (e.g., Professional Geologist, Engineering Geologist, Geotechnical Engineer, Civil Engineer, and/or Coastal Engineer, as applicable) and is subject to review and approval by the County as part of the Coastal Development Permit application review process. At a minimum, such the geologic report and hazards analysis shall use the following methodology for calculating a site-specific bluff edge setback:</p> <p>(1) Identify bluff edge consistent with the LCP definition of “bluff edge”.</p> <p>(2) Determine a slope stability setback. Evaluate the stability of the bluff. If the slope exhibits a factor of safety of less than 1.5 for the static condition or 1.1 for the psuedostatic condition, then a “slope stability buffer” shall be established landward of the bluff edge. The slope stability buffer is the line landward of the bluff edge where the minimum factor of safety (1.5 static and 1.1 psuedostatic) can be met. When determining the slope stability buffer, the minimum factor of safety shall be achieved without the use of new or existing slope or shoreline protection devices.</p> <p>(3) Determine the bluff erosion setback. A site-specific evaluation of the long-term bluff retreat rate at the site shall be conducted that considers not only historical bluff retreat data, but also acceleration of bluff retreat projected to occur under continued and accelerated sea level rise and any known site-specific conditions. Such an evaluation shall be used to determine the distance from</p>	

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		<p><u>the bluff edge (or from the slope stability buffer line if applicable) that the bluff might reasonably be expected to erode over the anticipated economic life of the structure (assumed to be 75 years for single family residences and commercial structures; otherwise determined on a case-by-case basis for public infrastructure), factoring in sea level rise, and without the use of new or existing slope or shoreline protection devices. Historic erosion rates can be determined by examination of historic records, surveys, aerial photographs, studies, or other evidence showing the location of the bluff edge through time. A minimum of 50 years’ worth of historic data is generally used to evaluate historic erosion rates.</u></p> <p><u>(4) Determine the bluff edge setback. Development shall be setback from the bluff edge the distance needed to: ensure slope stability (the slope stability setback); ensure the development is not endangered by erosion (the bluff erosion setback); and avoid the need for protective devices during the economic life of the structure.</u>be prepared in conformance with the most recent guidance documents from the California Coastal Commission and the County of Santa Barbara Coastal Commission’s adopted Statewide Interpretive Guidelines regarding “Geologic Stability of Bluff top Development”.</p> <p>In some cases, a landward modification to minimum setback or height regulations may be appropriate, if the bluff top setback requirement prevents the development of property in compliance with other Local Coastal Program regulations.</p> <p>See also Policy 4-5 regarding protection of visual resources.</p>	
<p>Policy 3-5 Policy Type:</p>	<p>Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install</p>	<p>Within the required bluff top setback, drought-tolerant vegetation shall be maintained, <u>using native plants and materials to the maximum extent feasible.</u> Grading <u>Minor</u></p>	<p>Good changes, however; additional clarifications are necessary here to more fully address how existing non-conforming blufftop structures should addressed and to</p>

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Bluff Protection Topic: Bluff erosion and stability	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.	grading, as may be that is required to establish proper for 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 managed to prevent damage to the bluff by surface and percolating water. <u>Minor repair and maintenance of existing bluff-top structures that encroach into the required setback are allowed, provided that they do not increase the nonconformity of the structure and are not considered a risk to public health or safety.</u>	clarify that incremental changes for minor repair and maintenance would count toward redevelopment threshold that trigger the development to be treated as new development. The last sentence of this policy has been moved directly below to create a suggested new policy to simplify Policy 3-5.
Suggested New Policy		<u>Minor repair and maintenance of existing lawfully non-conforming bluff-top structures that encroach into the required setback are allowed, provided that they do not increase the size or degree of nonconformity of the structure¹ and are not considered a risk to public health or safety. Minor additions and improvements to such structures may be permitted provided that the additions and improvements themselves comply with the current standards of the LCP. However, any demolition, additions, or improvements that individually or cumulatively constitute redevelopment, as defined in this LCP, shall not be permitted unless the entire structure is brought into conformance with the current standards of the LCP including the bluff setback.</u>	This policy was carved out of Policy 3-5 to create a new suggested policy and to simplify Policy 3-5. As this suggested new policy is related but distinct from Policy 3-5, we suggest that this new suggested policy directly follow Policy 3-5. Additional language has been added to this suggested policy to provide additional clarity on this topic.
Policy 3-7 Policy Type: Bluff Protection	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	No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide <u>public</u> beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed, only where no other less environmentally damaging drain system <u>alternative</u> is feasible and <u>is the</u>	This policy was not included in the County’s draft, but we recommend that it be modified in the following way to clarify the bluff face prohibition exceptions in a manner that better carries out the hazard and resource protection policies of the Coastal Act.

¹ See the definition of “nonconforming structure” set forth in Section 35-58 (Definitions) of the Coastal Zoning Ordinance.

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	<p>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.</p>	<p>drainpipes are sited and designed and placed to not contribute to erosion and 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.</p>	
<p>Policy 3-8</p> <p>Policy Type: Geologic Hazards</p> <p>Topic: Hazards</p>	<p>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.</p>	<p>Applications for grading and permits, building permits, and applications for subdivisions <u>new development (including additions and redevelopment)</u> shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, <u>wave runup</u>, tsunami runup, landslides, beach <u>or bluff</u> erosion, or other geologic hazards such as (e.g., expansive soils and or subsidence areas), and <u>reasonably foreseeable hazards due to sea level rise during the economic life of the proposed project (minimum of 75 years for single family residences and commercial structures; otherwise determined on a case-by-case basis for public infrastructure)</u>. In areas of known geologic hazards, <u>including those areas shown in the Coastal Hazards Overlay Map that corresponds to the anticipated life of the proposed development</u>, a geologic report <u>and hazards analysis</u> shall be required. <u>The analysis shall be prepared by a qualified California licensed professional (e.g., Professional Geologist, Engineering Geologist, Geotechnical Engineer, Civil Engineer, and/or Coastal Engineer, as applicable) and is subject to review and approval by the County as part of the Coastal Development Permit application review process. The analysis shall identify any hazards affecting the proposed project site using locally-relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) based on best available science, any necessary mitigation measures, and contain substantial evidence that the project site, with mitigation, is suitable for the proposed development and that the development will adequately protect life and property from geologic hazard without the use of new or existing slope or</u></p>	<p>Same comment for Policy 3-4 with regards to more detailed needed for the hazards analysis.</p> <p>Please see the attached letter for additional suggestions for what should be required in site specific SLR analyses; as stated in the letter, this material and its level of detail may be more appropriate for the Implementation Plan.</p> <p>Commission staff strongly recommends the addition of policies in the LUP that specify mitigation requirements. These requirements should not be entirely within the analyst’s discretion.</p>

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		<p><u>shoreline protection devices. Where the County finds that the physical extent of a hazard on the project site is different than those indicated on the Coastal Hazards Overlay Maps, the County shall make findings as part of the CDP regarding the physical extent of the hazard and detailed justification for modifications at the project site based on substantial evidence. In areas potentially subject to flooding and erosion from sea level rise, the geologic report shall also include a hazards analysis using locally relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) to determine site- or project-specific hazards or impacts, in accordance with the County’s “Guidance for Sea Level Rise Hazard Analysis” and the most recent California Coastal Commission guidance.</u> Mitigation measures shall be required where necessary.</p>	
<p>Policy 3-11</p> <p>Policy Type: Flood Hazard Overlay Designation</p> <p>Topic: Flooding</p>	<p>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 HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</p>	<p>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 HUD regulations are provided. Chapter 15A of the County of Santa Barbara Code of Ordinances (Floodplain Management) are provided.</p> <p>If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Floodplain Management Ordinance. <u>If the proposed development falls within the coastal flooding hazard areas shown in the Coastal Hazards Overlay Map that corresponds to the anticipated life of the proposed development as modeled and mapped within the County’s Sea Level Rise and Coastal Hazard Vulnerability Assessment, a hazards analysis must be prepared using locally-relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) to</u></p>	<p>The Floodplain Management Ordinance is an outside reference in the LCP. Outside references such as this one can be problematic and we should try to avoid those going forward. You can apply that ordinance to projects, as well as the LCP policies, but the LCP should contain its own standards regarding floodway development. As such, here are our suggested changes.</p> <p>Need to specify building standards with regards to “project-specific hazards.”</p> <p>Commission staff strongly recommends the addition of policies in the LUP that specify mitigation requirements. These requirements should not be entirely within the analyst’s discretion.</p>

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		<p><u>determine potential site- or project-specific hazards. The analysis shall also set forth siting and design alternatives and mitigation measures to avoid likely-existing or projected flooding and inundation impacts.</u></p> <p><u>Structures within identified flood prone areas shall be prohibited unless no alternative building site exists on the legal lot and all feasible mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard. The County shall ensure that permitted development will not result in an obstruction to flood control and that such development will not adversely affect coastal wetlands, riparian areas, or other sensitive habitat areas within the floodplain.</u></p> <p><u>Permitted infill development shall be limited to structures capable of withstanding periodic flooding without requiring the construction of on- or off-site flood protective works or channelization. Proposed development shall be required to incorporate the best mitigation measures feasible pursuant to Coastal Act Section 30236.</u></p>	
Policy 3-12	Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelization, etc.	Permitted development shall not cause or contribute to flood hazards, <u>including coastal flood hazards due to sea level rise</u> , or lead to expenditure of public funds for flood control works, i.e., dams, stream channelization, etc.	This policy was not included in the County’s draft but we suggest it could be modified in the following way to also address coastal hazards from SLR.
Policy 3-14 Policy Type: Hillside and Watershed Protection Topic: Hazards	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.	All development shall be <u>sited and</u> designed to fit the <u>minimize altering alteration of existing site topography, soils, geology, and hydrology, and any other existing conditions</u> 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, <u>including those associated with sea level rise</u> , shall	We suggest avoiding references to guidance documents. The other policies of this plan modified herein, including 3-4, 3-8, and new policy 4, cover the requirement for an evaluation to identify site specific hazards areas.

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		<p>remain in open space. The County's "Guidance for Sea Level Rise Hazard Analysis" shall be used to identify areas not suited for development due to likely sea level rise projection scenarios.</p>	
<p>Policy 6-4</p> <p>Policy Type: Oil and Gas Wells</p> <p>Topic: Energy (Oil and Gas)</p>	<p>Upon completion of production, the area affected by the drilling, processing, or other related petroleum activity, shall be appropriately contoured, reseeded, and landscaped to conform with the surrounding topography and vegetation.</p>	<p>Upon completion of production, the area affected by the drilling, processing, or other related petroleum activity, shall be appropriately contoured, reseeded, and landscaped to conform with the surrounding topography and vegetation. <u>Upon decommissioning of active oil and gas well sites, require removal of all shore protection, access roads, pipes, and other infrastructure except where it is demonstrated by a geologic or biological report that abandoning in place is more protective of coastal resources and the least environmentally damaging alternative. Develop a regional environmental and permit streamlining process for rapid remediation of legacy wells.</u></p>	<p>This policy was not included in the County's draft, but we suggest it could be modified in the following way to also address coastal hazards from SLR and to carry out recommendation from the VA.</p>
<p>Policy 6-9</p> <p>Policy Type: Oil and Gas Processing Facilities</p> <p>Topic: Energy (Oil and Gas)</p>	<p>Applicants for oil and gas processing facilities shall prepare and keep updated emergency response plans to deal with the potential consequences of hydrocarbon leaks or fires. These emergency response plans shall be approved by the County's Emergency Services Coordinator and Fire Department.</p>	<p>Applicants for oil and gas processing facilities shall prepare and keep updated emergency response plans to address deal with the potential consequences of hydrocarbon leaks or fires. These emergency response plans shall be approved by the, as well as facility impacts from increased coastal flooding and erosion due to sea level rise. <u>The County's Office of Emergency Services Coordinator Management and Fire Department shall review and, if found to be adequate, approve these emergency response plans.</u></p>	
<p>Policy 6-16</p> <p>Policy Type: Pipelines</p> <p>Topic: Energy</p>	<p>The pipeline shall be sited and constructed in such a manner as to inhibit erosion.</p>	<p>The p<u>Pipelines</u> shall be sited and constructed in such a manner as to inhibit erosion, <u>taking into account areas subject to likely future erosion during the anticipated lifespan of the pipeline as sea level rises.</u></p>	<p>As there are numerous oil and gas pipelines within the County, a minor revision was made to this policy to ensure clarity that this policy applies to all pipelines.</p>

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(Oil and Gas); erosion			
Policy 6-17	When feasible, pipelines shall be routed to avoid important coastal resources, including recreation, habitat, and archaeological areas.	When feasible, pipelines shall be routed to avoid important coastal resources, including recreation, habitat, and archaeological areas, as well as coastal hazard zones .	This policy was not included in the County’s draft but we suggest it could be modified in the following way to also address coastal hazards.
Policy 6-18	For pipeline segments passing through important coastal resource areas, including recreation, habitat, and archaeological areas, the segment, in the case of a break, shall be isolated by automatic shutoff valves.	For pipeline segments passing through important coastal resource areas, including recreation, habitat, and archaeological areas, as well as coastal hazard zones , the segment, in the case of a break, shall be isolated by automatic shutoff valves.	This policy was not included in the County’s draft but we suggest it could be modified in the following way to also address coastal hazards.
Policy 6-19	Unavoidable routing through recreation, habitat, or archaeological areas, or other areas of significant coastal resource value, shall be done in a manner that minimizes the impacts of a spill, should it occur, by considering spill volumes, durations, and trajectory. Appropriate measures for cleanup or structures such as catch basins to contain a spill shall be included as part of an oil spill contingency plan.	Unavoidable routing through recreation, habitat, archaeological areas or coastal hazard zones , or other areas of significant coastal resource value, shall be done in a manner that minimizes the impacts of a spill, should it occur, by considering spill volumes, durations, and trajectory. Appropriate measures for cleanup or structures such as catch basins to contain a spill shall be included as part of an oil spill contingency plan.	This policy was not included in the County’s draft but we suggest it could be modified in the following way to also address coastal hazards.
Policy 7-1 Policy Type: Coastal Access and Recreation Topic: Public Access	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: 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. 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. 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.	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: 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; 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; 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; <u>and</u>	

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		<p>d. Pursuing new public accessways if existing easements or corridors are lost or inaccessible due to sea level rise.</p>	
<p>Policy 7-3</p> <p>Policy Type: Coastal Access and Recreation</p> <p>Topic: Public Access</p>	<p>For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County, based on findings reflecting historic use, existing and future public recreational needs, and coastal resource protection.</p> <p>At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.</p>	<p><u>Maximum public access from the nearest public roadway to the shoreline and along the shoreline shall be provided in new development.</u> For all Proposed new development <u>or redevelopment</u> between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall will <u>shall</u> be mandatory. In coastal areas, where examined for impacts on public access to <u>and along</u> the coast. Where the bluffs exceed five feet in height, all beach seaward provision of public access is related and proportional to the impacts of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by proposed development, the County based on findings reflecting historic shall require dedication of a lateral and/or vertical public easement as a condition of <u>permit approval for the development</u>. Impacts on public access include, but are not limited to:</p> <ul style="list-style-type: none"> <u>(1) The occupation of sandy beach area by the development;</u> (1) <u>(2) Intensification of land use resulting in overuse of existing and future public recreational accessways;</u> (2) <u>(3) Creation of physical obstructions or perceived deterrence to public access now or under future shoreline conditions as altered by sea level rise;</u> (3) <u>(4) Creation of conflicts between private land uses and public access now or under future shoreline conditions as altered by sea level rise; and/or</u> (4) <u>(5) Removal or blockage of historically-used public accessways.</u> <p>Findings will be made, c Consistent with Section 30212 of</p>	

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		<p>the Coastal Act, that <u>exceptions may be allowed only where: (1) access would be inconsistent with public safety, military security needs, and coastal resource or the protection of fragile coastal resources; (2) adequate access does not exists nearby (i.e. within 500 feet); and or (3) agriculture would not be adversely affected.</u></p> <p>At a minimum, the dedicated <u>lateral public access</u> easement shall <u>extend from the ambulatory mean high tide line landward to a point fixed at the most seaward extent of development i.e. intersection of sand with toe of revetment, vertical face of seawall, dripline of deck, or toe of bluff, as applicable. be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure.</u> In addition, all fences, “no trespassing” signs, and other obstructions that may limit <u>restrict</u> public lateral access shall be <u>prohibited and removed</u> as a condition of development approval. <u>An easement for vertical access shall be a minimum of 10 feet in width and should be sited along the border or side property line of the project site or away from existing or proposed development to the maximum feasible extent. Where there is substantial evidence that prescriptive rights of access to the beach exist on a parcel, development on that parcel must be designed, or conditions must be imposed, to avoid interference with the prescriptive rights that may exist.</u></p>	
<p>Policy 7-4</p> <p>Policy Type: Coastal Access and Recreation</p> <p>Topic: ESHA;</p>	<p>The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as “Habitat Areas” by the land use plan. A management program to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced. The level of facility development (i.e.,</p>	<p>The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as “Habitat Areas” <u>by in the land use plan or by a qualified biologist-A (i.e., that the proposed recreational activities are of the kind, intensity, and location to ensure protection of habitat resources).</u> The County shall ensure that a management program is</p>	<p>With regards to “including future carrying capacity due to beach, habitat, and topographical changes from sea level rise, based upon the County’s most recent Sea Level Rise Vulnerability Assessment or equivalent study.” - This almost makes it sound like recreation/access on/to beaches would be restricted as beaches narrow due to SLR. We suggest an alternative approach to deal with the intended issue.</p>

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habitats	parking spaces, camper sites, etc.) shall be correlated with the environmental carrying capacity.	developed, implemented, and enforced , to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced . The level of facility development (i.e. e.g., parking spaces, or camper sites, etc.) shall be correlated with the environmental carrying capacity of the recreational area. <u>For recreation areas along the shoreline that may be affected by, including future carrying capacity due to beach, habitat, and topographical changes from sea level rise, based upon the County’s most recent Sea Level Rise Vulnerability Assessment or equivalent study, Shoreline Management Plans shall be developed and implemented to incorporate measures to adapt to sea level rise over time and provide for the long term protection and provision of public improvements, coastal access, public opportunities for coastal recreation, and coastal resources including beach and shoreline habitat. Any facilities that are removed or reduced to address carrying capacity shall be replaced at an appropriate location, where feasible, to ensure public access and recreational resources are protected and enhanced.</u>	Which public agencies does the statement “or appropriate public agency” apply to for the analysis of the environmental carrying capacity for proposed recreational areas?
<p>Policy 9-37</p> <p>Policy Type: ESHA</p> <p>Topic: ESHA; habitats</p>	<p>The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:</p> <p>1) soil type and stability of stream corridors;</p> <p>2) how surface water filters into the ground;</p>	<p>The minimum buffer strip for major streams <u>and their associated riparian vegetation</u> in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the <u>California</u> Department of Fish and Game <u>Wildlife</u> and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:</p> <p>1) soil type and stability of stream corridors;</p> <p>2) how surface water filters into the ground;</p> <p>3) slope of the land on either side of the stream; and</p>	<p>This policy was not included in the County’s draft, but we suggest it could be modified in the following way to also address coastal hazards associated with SLR and the recommendations of the VA.</p>

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	<p>3) slope of the land on either side of the stream; and</p> <p>4) location of the 100-year flood plain boundary.</p> <p>Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.</p>	<p>4) location of the 100-year flood plain boundary.</p> <p><u>5) landscape-scale habitat connectivity and ability of the stream/riparian habitat to adapt and migrate in changing climate conditions.</u></p> <p><u>The required buffer shall extend from the outer extent of development (including fuel clearance required by the Fire Department) to the outer extent of the stream’s riparian canopy, or the top of stream bank if there is no riparian vegetation. Riparian vegetation shall be protected and shall be included in the buffer.</u> Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation extend to its <u>the</u> prior extent <u>of the riparian vegetation</u> to the greatest degree possible.</p>	

POTENTIAL NEW COASTAL LAND USE PLAN POLICIES – PRELIMINARY DRAFT

Reference No. (for discussion purposes only)	Policy Type	Topic	Potential New Policy Language	CCC Comments January 2017
1	New Potential Policy: Shoreline Management	Shoreline Management Planning	The County shall collaborate with the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), 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, <u>including to address issues of beach erosion due to sea level rise and possible sediment management solutions.</u>	
2	New Potential Policy:	Hazards: Real Estate	Prior to issuance of a Coastal Development Permit for new development <u>or redevelopment in areas with known potential geologic, flood, wave, erosion, fire, or other hazards, including those</u>	Once a NTPO is recorded, can it be revoked or removed from the chain of title?

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	Development	Disclosures	<p>areas shown in the Coastal Hazards Overlay Map that corresponds to the anticipated life of the proposed development (as defined by Section 30212 of the Coastal Act) that will be located within the sea level rise hazard zones identified in the County’s Sea Level Rise and Coastal Hazard Vulnerability Assessment, property owners shall record a Notice to Property Owner (NTPO). The NTPO must notify current and future property owners of current and future hazards associated with anticipated sea level rise, including accelerated coastal bluff retreat, erosion, wave run up, and flooding/inundation <u>the results of any site-specific analysis. The NTPO must include notice of any required waiver of rights that exists for new and/or augmented shoreline or bluff protective devices consistent with Policy 3-1.</u></p>	
3	New Potential Policy: Development	Subdivision of New Lots in Hazardous Areas	<p>Land divisions, including lot line adjustments, shall be allowed only if: (1) it can be demonstrated that all proposed lots will be safe from geologic, seismic, flooding, and other hazards, <u>including those that may result from sea level rise for a minimum of 75 years</u>; and (2) lot configurations, building sites, and access roads comply with all applicable hazard policies and regulations of the LCP. In addition, all proposed lots and access roads must comply with all applicable fire safety regulations.</p>	
4	New Potential Policy: Development	Setbacks along Non-Bluff Coastlines for Beachfront Development	<p>New beachfront development (<u>including additions and redevelopment</u>) along shoreline segments that lack coastal bluffs shall be set back a sufficient distance to ensure that the new beachfront development will be located outside of areas subject to existing or reasonably foreseeable future shoreline hazards (e.g., shoreline erosion, inundation, <u>flooding, storm surge</u>, sea level rise, and wave uprush) <u>without reliance on a shoreline protective device for a projected 75-year economic life over the anticipated economic</u></p>	<p>We suggest deleting the phrase “a landward modification to setbacks or height regulations may be considered” because no criteria is provided for when such modification would be appropriate.</p>

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			<p><u>life of the development (minimum of 75 years for single family residences and commercial structures, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used; otherwise determined on a case-by-case basis for public infrastructure).</u> If such standards will make a lot unbuildable, then a standard of 50 years shall be used, and a landward modification to setbacks or height regulations may be considered. Applicants for new beachfront development shall prepare a <u>site-specific shoreline erosion rate and shoreline hazards study</u> Coastal Hazard and Wave Run-up Study shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes and is subject to review and approval by the County as part of the Coastal Development Permit application review process. At a minimum, the Coastal Hazard and Wave Run-up Study shall examine, using best available science, multiple scenarios of projected sea level rise over the expected economic life of the structure, including an extreme scenario. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with long-term (100 years) erosion, excluding the effects of any existing shoreline protective device; high tide conditions, combined with long-term (100 year) projections for sea level rise; and storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event. The study shall provide maps and profiles that identify these conditions and a range of sea level rise scenarios in relation to the proposed development, as well as recommendations and alternatives to avoid identified hazards over the expected economic life of the structure. that sets forth the setback distance in compliance with the requirements of this policy. Analyses of flooding, inundation, and wave impacts shall account for the increase in hazards due to the range of likely and extreme rises in sea level. At a minimum, the hazards analysis shall be prepared in conformance with the most</p>	

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			recent guidance documents from the California Coastal Commission and County of Santa Barbara.	
5	New Potential Policy: Public Access and Recreation	Public access	For unavoidable impacts to public access or recreation from shoreline armoring or new development, mitigation of impacts through the addition of new public access, recreation opportunities, visitor-serving accommodations, or Coastal Trail segments, <u>or payment of fees to fund such improvements shall</u> may be required. Mitigation methods may include the dedication of ambulatory <u>public access</u> easements.	
6	New Potential Policy: Public Access Facilities	Public access facilities	Shoreline and bluff area public access facilities (e.g., walkways, overlooks, <u>trails</u> , stairways and/or ramps) may be allowed within sea level rise hazard zones provided that the public access facilities: 1. are consistent with all other applicable LCP policies; 2. are sited and designed to be easily relocated and/or removable without significant damage to shoreline and/or bluff areas; <u>3. do not require shoreline protective devices;</u> and 3 4. will not cause, expand, or accelerate instability of a bluff.	
7	New Potential Policy: Emergency Shoreline Protection Needs	Emergency Shoreline Protection	The County will encourage and work with owners of property that is subject to oceanfront erosion hazards, in order to develop responses to such hazards <u>with an emphasis on non-structural solutions</u> , and prior to the development of emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, property owners should develop a coordinated response to the hazards.	
8	New Potential Policy: Development	New development; bluff erosion	Minor ancillary development that does not require structural foundations or excavation grading, does not impact bluff stability, and can be readily removed and/or relocated (e.g., decks, fences,	This is a good policy. Relates to policies 3-4 and 3-5, so this policy should be added to that section of the LUP.

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PRELIMINARY DRAFT – FOR DISCUSSION PURPOSES ONLY

Reference No. (for discussion purposes only)	Policy Type	Topic	Potential New Policy Language	CCC Comments January 2017
	Within the Bluff-top Setback	and stability	patios, and walkways) may be permitted within the bluff top setback area <u>if consistent with the protection of coastal resources</u> . The ancillary development shall be removed or relocated landward at the owner’s expense when threatened by erosion. Coastal armoring and bluff retaining walls are prohibited in areas where bluff retreat will threaten to protect these <u>ancillary</u> structures <u>from bluff retreat</u> . The coastal bluff setback does not apply to minor development associated with passive recreational uses (e.g., signs, benches, and trails).	
9	New Potential Policy: Transportation	New development	<u>All road and railroad transportation projects shall identify existing and projected coastal hazards associated with flooding, storm surge, sea level rise, erosion, etc. and consider alternatives and adaptation measures that serve to minimize risk and avoid coastal armoring over the design life of the development, consistent with the policies of the LCP.</u>	This is a policy suggestion to address SLR coastal hazards associated with road and railroad development and the recommendations of the VA.
11	New Potential Policy: Coastal Trails	Recreation; Transportation	<u>The County shall facilitate coordination between public transportation agencies to incorporate the expansion of the California Coastal Trail (CCT) into transportation improvement projects and to consider the use of excess right-of-way for CCT, to the maximum extent feasible. In particular, no highway, County road or street right-of-way will be transferred out of public ownership unless it has first been evaluated for its utility as part of the CCT or other public access, and is found to have no reasonable potential for such use. Transfer of public roads or rights-of-way out of public ownership that may provide such public access shall require a coastal development permit. The sale or transfer of state lands between the first public road and the sea with an existing or potential public accessway to or from the sea, or that the Commission or County has formally designated as part of the California Coastal Trail, shall comply with Coastal Act section 30609.5.</u>	

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10	New Potential Policy: Transportation	Impacts to U.S. Highway 101 from Sea Level Rise	The County should consult with the California Department of Transportation to protect access to the coast and to minimize impacts of sea level rise on U.S. Highway 101. Areas that are <u>will become</u> regularly inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise should be identified. A combination of structural and non-structural measures to protect local and regional access and use of Highway 101 should be considered with a preference towards non-structural solutions, unless the structural solutions are less environmentally damaging.	
12	New Potential Policy: Development	Hazards	<u>Coastal development permits for new development or redevelopment in areas with known potential geologic, flood, wave, erosion, fire, or other hazards, including those areas shown in the Coastal Hazards Overlay Map that corresponds to the anticipated life of the proposed development, shall include a condition that requires removal of the development by owners if any government agency has ordered that the structure(s) is not to be occupied or is otherwise unusable due to threat of damage or destruction from waves, erosion, slope failure, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. It shall also limit the duration of the permit so that it is valid only for so long as the owners of the development can demonstrate that they hold adequate legal title to the land underlying the development, and require removal of development if the owner cannot demonstrate that they hold adequate legal title. For example, if sea level rise causes public trust lands to move landward so that the development encroaches onto those lands, the permit will expire and the development, or relevant portion of it, must be removed unless the owner obtains appropriate legal authorization from the trustee of those particular lands to have the development remain. In the event that portions of the development fall to the beach before they are</u>	We suggest adding this policy to deal with incremental issues with encroachments into State Lands with SLR and potential removal of development.

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			<p>removed, the owner shall remove all recoverable debris associated with the development from the beach and the ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.</p>	
13	New Potential Policy: Hazards; Development	Hazards	<p>Coastal Hazards Overlay Map. The Coastal Hazards Overlay Map included as part of this Land Use Plan shows areas subject to beach and bluff erosion, slope stability, and wave uprush hazards based on data from geological investigations, surveys, aerial photos, and other sources and provides a conservative, general screening-level evaluation tool for coastal hazards. Any areas subject to beach and bluff erosion, slope stability, and wave uprush hazards that are not designated on the map shall also be subject to policies herein.</p> <p>Where the County finds that the physical extent of hazards on a project site are different than those indicated on the Coastal Hazards Overlay Map, the Map shall be modified accordingly, as part of a map update, which shall be submitted as an LCP amendment every five years and shall be subject to approval by the Coastal Commission. The County may take action on a CDP, applying the appropriate LCP policies and standards, even if the Coastal Hazards Overlay Map has not yet been amended.</p> <p>Where the County finds that the physical extent of a hazard on the project site is different than those indicated on the Map, the County shall make findings as part of the CDP regarding the physical extent of the hazard and detailed justification for modifications at the project site based on substantial evidence.</p>	<p>This is a suggestion for a policy that introduces the hazards overlay map as a screening tool as part of the LUP. Relates to our other policy suggestions that reference such an overlay map. This is the same policy that the County of Santa Barbara is considering in their update.</p>
14	New Potential Policy: Recreation	Recreation and Trails	<p>Require all new public access and recreation areas, sections of the CCT, visitor- serving accommodations, or related recreation facilities</p>	

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			to be retrofitted or relocated if they become threatened from erosion, flooding, or inundation. Adaptive management measures specifying how maintenance, retrofit, or relocation will take place over time as conditions change as a result of sea level rise shall be a condition of permit approval. A phased approach shall be implemented to relocate such areas or facilities in order to ensure that coastal public access and recreation opportunities are maximized and that the CCT remains within sight, sound, or smell of the sea.	
15	New Potential Policy: Recreation	Recreation; Hazards	Develop and implement shoreline management plans for public recreation areas subject to wave hazards, erosion, and impacts from sea level rise. Shoreline management plans should provide for the protection of existing development, public improvements, coastal access, public opportunities for coastal recreation, and coastal resources. Plans must evaluate the feasibility of hazard avoidance, maintaining and restoring natural sand supply, beach nourishment and planned retreat. Encourage the use of non-structural methods, such as planned retreat, dune restoration and sand nourishment, as alternatives to shoreline protective structures.	

County of Santa Barbara Seismic Safety & Safety Element Policies

[These flood policies appear to be in the County’s General Plan and are not a part of the existing LUP. Please clarify if they are proposed to be added to the LUP.](#)

Topic	Safety Element Policy Number	Safety Element Policy Text	Potential Policy Revision(s) – For Discussion Purposes Only	CCC Comments January 2017
Flooding	Flood Policy 2	The County shall evaluate whether development should be located in flood hazard zones, and identify	The County shall evaluate whether development should be located in flood hazard zones, and identify construction methods or other methods to minimize	flood hazard zones consist of flood hazard zones described in Government Code § 65302(g)(2)(A)(i) = FEMA FIRMS

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		construction methods or other methods to minimize damage if development is located in flood hazard zones pursuant to Government Code §65302(3)(g)(2)(ii).	structural damage if development must be located in flood hazard zones. For the purposes of this Flood Policy 2, flood hazard zones consist of flood hazard zones described in Government Code § 65302(g)(2)(A)(i), and coastal flood hazard zones identified in the County’s most recent Sea Level Rise and Coastal Hazards Vulnerability Assessment.	With regards to the “coastal flood hazard zones,” which map specifically?
Flooding	Flood Policy 4	The County shall locate, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identify construction methods or other methods to minimize damage if these facilities are located in flood hazard zones pursuant to Government Code §65302(3)(g)(2)(iv).	The County shall either: (1) locate new essential public facilities outside of flood hazard zones, if feasible; or (2) identify construction methods or other methods to minimize structural damage, if new essential public facilities must be located in flood hazard zones. For the purposes of this Flood Policy 4: (1) flood hazard zones consist of flood hazard zones described in Government Code § 65302(g)(2)(A)(i), and coastal flood hazard areas described in the County’s most recent Sea Level Rise and Coastal Hazards Vulnerability Assessment; and (2) essential public facilities include hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications Facilities, pursuant to Government Code § 65302(g)(2)(B)(iv).	
Flooding	Flood Policy 6	The County shall review current National Flood Insurance Program maps and state and local sources of information on a regular basis and utilize the data to assure that measures are taken to reduce potential risks from flooding pursuant to the National Flood Insurance Program of 1968.	The County shall periodically review current National Flood Insurance Program maps, state and local sources of information, and the latest sources of scientific information and updated models of sea level rise scenarios. The County shall utilize this information to reduce potential risks from (1) flooding from present-day hazards , pursuant to the National Flood Insurance Program of 1968; and (2) flooding from future hazards based on best available information on the impact of sea level rise on flooding will be used to reduce future flood risk .	

CCC Recommended Definitions to include in LUP and IP

BLUFF: A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or a body of water with at least ten feet of vertical relief.

COASTAL BLUFF: A bluff, as defined herein, whose toe is now or was historically subject to marine erosion.

BLUFF EDGE: The bluff edge is the upper termination of a bluff, cliff, or sea cliff. In cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which the downward gradient is maintained continuously to the base of the bluff. In a case where there is a step-like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. The bluff edge may change over time as the result of erosional processes, landslide, or artificial cut. Artificial fill placed near the bluff edge, or extending over the bluff edge does not alter the position of the bluff edge. Where a coastal bluff curves landward to become a canyon bluff, the termini of the coastal bluff edge, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the coastal bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the canyon facing portion of the bluff. In those cases where irregularities, erosion intrusions, structures or bluff stabilizing devices exist in a subject property so that a reliable determination of the bluff edge cannot be made by visual or topographic evidence, the Director, or Coastal Commission, on appeal, shall determine the location of the bluff edge after evaluation of a geologic or soils report and physical inspection of the site.

REDEVELOPMENT: development that is located on top of bluffs or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing home or other principal structure, or portions thereof, which results in:

- (1) Demolition or replacement of 50% or more of an existing structure, including but not limited to, alteration of 50% or more of exterior walls and/or major structural components of the floor, roof, and foundation, or a 50% increase in floor area; or
- (2) Demolition, renovation or replacement of less than 50% of an existing structure where the proposed remodel would result in cumulative alterations exceeding 50% or more of the existing structure from the date of certification of the LUP.

SHORELINE PROTECTIVE DEVICES: A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards.