

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



W3

November 29, 2012

TO: Commissioners and Interested Persons

**SUBJECT: Local Government and Public Correspondence for LCP
Workshop Agenda Item W3**

Following is the correspondence received as of the November 29, 2012 for the December 12, 2012 Workshop.

Letter from Glenn Russell, Ph.D, Director, Planning and Development, Santa Barbara County

Letter from Jason H. Giffen, Director, Dept. of Planning and Building, San Luis Obispo County



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

November 19, 2012

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-219

Re: Public Workshop "Improving the Local Coastal Planning Process December 12, 2012"

During 2012, the Planning Directors and Assistant Directors from four central coast counties (Ventura, Monterey, Santa Barbara and San Luis Obispo) have met periodically to discuss issues of mutual interest related to the coastal zone, California Coastal Act (CCA) and the coastal development permit and planning process. The purpose of these meetings was to identify common issues that each agency has faced as local administrators of the CCA and develop a regional strategy for addressing them.

In general, the Counties have identified the following areas of concern:

- Counties have limited resources available to update Local Coastal Programs (LCP) and early input from Coastal Commission staff is imperative to ensure timely completion of LCP amendments, especially when county staff is obligated to provide outreach to our local communities and stakeholders as prerequisite to a local decision. Late hits and scope creep that occur without local public outreach efforts are counter-productive and they can result in substantial or indefinite delays to LCP amendments. The Planning Directors would like to foster a collaborative approach that yields a measured return on local investments into LCP amendments and would like to strive for a new model that at a minimum achieves approval of incremental amendments versus the alternative of having no amendment approved.
- By the time a staff report is written or dispute resolution is offered, interpretation of a specific coastal issue or policy is often already entrenched. The Planning Directors would like to explore the opportunity for pre-Dispute Resolution conferences with an empowered Coastal Commission manager or the Executive Director to present both sides of an unresolved issue, prior to formal Dispute Resolution or a hearing with the Coastal Commission. The Planning Directors would like to pursue a balanced approach to resolving disagreements.
- Appeals can be administratively problematic for counties, especially if the appeal is used as vehicle to set new regulations absent an LCP amendment or used as a precedent for all future actions.
- Each of the counties expressed an interest in proposing a clarified statewide definition for Environmentally Sensitive Habitat Area (ESHA) that is reasonable and can be easily understood by the public and implemented by local jurisdictions.

- The central coast counties are concerned that there is inconsistency in implementation of the CCA and LCPs from District Office to District Office. At the same time, it does not appear that the District Offices are able, without the Executive Director's approval, to negotiate reasonable compromises. The Planning Directors want to build strong relations with the Executive Director and Coastal Commission Staff. We want to help change the culture of the Coastal Commission staff, and work in a more collaborative way together, so we can be as proud of our innovative planning work in the Coastal Zone as we are in our inland areas.

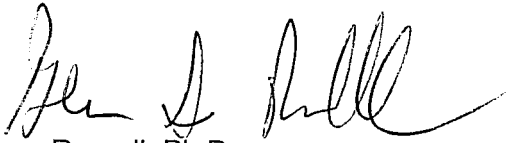
The following comments are based on the recent experience of Santa Barbara County in the Local Coastal Program Amendment process:

- Recently, County and Coastal Commission staff began to meet on a regular basis to review amendments that are at all stages in the process. Such meetings identify significant issues early in the process. These staff to staff meetings should continue.
- There has been a lack of public process on the part of Coastal Commission staff in developing their recommended modifications. In the past, Coastal Commission staff has not been involved in the development of Local Coastal Program amendments, including the public hearings before the Planning Commissions and the Board of Supervisors prior to adoption. Lack of participation in the local public process has hindered resolution of issues. The Coastal Commission staff should participate in the local public process.
- It has been the County's experience that significant issues are raised by Coastal Commission staff very late in the process. Learning of significant issues late in the process hindered resolution of those issues. Issues of statewide concern have been raised once the County's submittal was determined to be complete, which limited the ability for the public to be involved in the discussion of issues. Several of these issues were new interpretations by Commission staff that had not been raised or appealed in past CDP's issued by the County.
- It has been our experience that Coastal Commission staff uses a proposed amendment to the LCP as an opportunity to make changes to other portions of the LCP that are not being proposed for amendment. Our understanding is that this is done because Coastal Commission staff sees an opportunity to revise the LCP to be more consistent with their current interpretation of the Coastal Act. This results in unexpected proposed modifications that are not specifically related to the proposed amendment and causes delays and unnecessary disagreements between staffs. A process needs to be developed that allows for targeted updates of LCPs without opening up sections of the LCP for update which are not the focus of the proposed amendment.
- Although Coastal Commission administrative regulations do to some extent identify submittal requirements for LCP amendments, it is our experience that these regulations are not detailed or specific enough to avoid lengthy completeness reviews. Additional more detailed guidance, perhaps in the form of a submittal checklist, is necessary.
- Once a complete application has been received, Coastal Commission staff has 45 days to process the application. However, Coastal Commission staff can take advantage of a one year extension to complete processing the application. It has been our experience

that the one year extension is too often the norm rather than the exception. This may be due to inadequate staffing levels, but it results in processing timelines that are excessively long.

We look forward to having open discussions with the Executive Director, Coastal Commissioners, Coastal Counties Regional Association and staff on ways to improve and modernize the planning and permitting process through positive and collaborative improvement.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Russell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Glenn Russell, Ph.D.
Director
Planning and Development

C.: Board of Supervisors
Chandra Wallar, CEO
Renee Bahl, Assistant CEO
Dianne Black, Assistant Director Planning and Development
Noel Langle, Planner Planning and Development



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

November 19, 2012

RECEIVED

NOV 26 2012

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION
HEADQUARTERS OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219

RE: Local Government – California Coastal Commission Public Workshop: Improving the Local Coastal Planning Process

Dear Coastal Commissioners:

During 2012, Planning Directors and Assistant Directors from four central coast counties (Ventura, Monterey, Santa Barbara and San Luis Obispo) have met periodically to discuss issues of mutual interest related to the coastal zone, California Coastal Act (CCA) and the coastal development permit and planning process. The purpose of these meetings were to identify common issues that each agency has faced as local administrators of the CCA and develop a regional strategy for addressing them. In light of these discussions and the scheduled "Local Government – California Coastal Commission Public Workshop: Improving the Local Coastal Planning Process" the San Luis Obispo County, Department of Planning and Building would like to take the opportunity share our concerns with you and use this forum as an opportunity to have meaningful dialogue on ways to improve and modernize the local coastal planning and permitting process.

In general, the Counties have identified the following areas of concern:

- Counties have limited resources available to update Local Coastal Plans (LCP) and early input from Coastal Commission staff is imperative to ensure timely completion of LCP amendments, especially when county staff is obligated to provide outreach to our local communities and stakeholders as prerequisite to a local decision. Late hits and scope creep that occur without local public outreach efforts are counter-productive and they can result in substantial or indefinite delays to LCP amendments. The Planning Directors would like to foster a collaborative approach that yields a measured return on local investments into LCP amendments and would like to strive for a new model that at a minimum achieves approval of incremental amendments versus the alternative of having no amendment approved.
- By the time a staff report is written or dispute resolution is offered, interpretation of a specific coastal issue or policy is often already entrenched. The Planning Directors would like to explore the opportunity for pre-Dispute Resolution conferences with an empowered Coastal Commission manager or the Executive Director to present both sides of an unresolved issue, prior to formal Dispute Resolution or a hearing with the Coastal Commission. The Planning Directors would like to pursue a balanced approach to resolving disagreements.

- Appeals can be administratively problematic for counties, especially if the appeal is used as vehicle to set new regulations absent an LCP amendment or used as a precedent for all future actions.
- Each of the counties expressed an interest in proposing a clarified statewide definition for Environmentally Sensitive Habitat Area (ESHA) that is reasonable and can be easily understood by the public and implemented by local jurisdictions.
- The central coast counties are concerned that there is inconsistency in implementation of the CCA and LCPs from District Office to District Office. At the same time, it does not appear that the District Offices are able, without the Executive Director's approval, to negotiate reasonable compromises. The Planning Directors want to build strong relations with the Executive Director and Coastal Commission Staff. We want to help change the culture of the Coastal Commission staff, and work in a more collaborative way together, so we can be as proud of our innovative planning work in the Coastal Zone as we are in our inland areas.

The following examples for San Luis Obispo County are to provide context for the issues outlined in this letter.

In San Luis Obispo, the above issues have led to a Local Coastal Plan (LCP) that is, in many ways, less progressive and representative of the best and most up-to-date planning concepts than the County's inland ordinances and policies. For instance, after three years of discussion, an amendment to the LCP that would have placed more restrictive standards on subdivision of Agricultural land was ultimately withdrawn and the 1988 standards adopted with the LCP left in place. The amendment was withdrawn because agreement couldn't be reached between coastal staff and County staff relative to a number of issues that were not a part of the LCP amendment submittal and had not received local review.

In addition, the County has chosen to not amend the LCP in the same way we are proposing to amend the inland ordinance. For example, the County is currently reformatting its Land Use and Circulation Elements. No language changes are proposed. The purpose of the reformatting is to make our documents user-friendly, conform to existing watershed boundaries, and to allow for future updates to occur in a more efficient manner. County staff reached out to coastal staff to inform them early in the process of what we were proposing, and that our hope was that the simple reformatting of our LCP would not be used as an opening to make substantive changes in the County's LCP. We were informed at that time that any change was amendment to the LCP and the amendment would be used as an opportunity to evaluate the County's entire LCP. Therefore the County has chosen not to pursue this reformatting within the Coastal Zone. The LCP will continue to be in the same antiquated format as when it was originally adopted in 1988.

Another example was a lot line adjustment that proposed to increase a one acre lot to two acres. This substandard sized lot is legal and buildable. The parcel was designated Agriculture, however due to slope and other site constraints, it contained no agricultural resources. The local approval of the lot line adjustment was appealed by the Coastal Commission and the project ultimately denied. Coastal staff suggested that in the future the

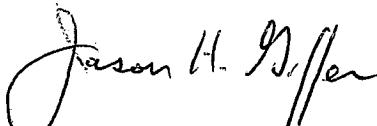
County should attempt to rezone the property to a residential category. However, rezoning a small parcel to Residential when it is surrounded by other parcels designated Agriculture is contrary to basic land use planning principles and inconsistent with the strong agricultural policies contained within our LCP. In this case, a willingness to collaborate with County staff could have led to coastal staff recognizing the benefits of enlarging the parcel.

Finally, the County and the Coastal Commission staff had differing opinions about implementation of a section of our LCP approximately 15 years ago, which was resolved by a private lawsuit which resulted in a decision on how that section was to be interpreted. Just recently, coastal staff determined that the lawsuit only applied in that case and not in other situations. However, for almost 10 years, this issue had not been raised by coastal staff during their review of projects. Now, very surprisingly to County staff, it is being applied to a current project.

There are instances where Coastal staff has been willing to work with the County and an applicant to achieve a compromise solution that still meets the objectives of the applicant. A recent example of this was the modified fuel break project proposed by Cal Fire just outside the community of Cambria. Coastal staff worked with County staff and the applicant during the local process to help to shape the conditions of approval. Ultimately this project was not appealed to the Coastal Commission. County staff would like to see this type of teamwork be the rule, not the exception.

These examples are only to provide some concrete examples of the issues outlined in this letter. We look forward to having open discussions with the Executive Director, Coastal Commissioners, Coastal Counties Regional Association and staff on ways to improve and modernize the planning and permitting process through positive and collaborative improvement.

Sincerely,



Jason H. Giffen, Director

cc: Supervisor Bruce Gibson, San Luis Obispo Supervisor, District 2
Supervisor Adam Hill, San Luis Obispo Supervisor, District 3
Supervisor Paul Teixeira, San Luis Obispo Supervisor, District 4
Supervisor Frank Mecham, San Luis Obispo Supervisor, District 1
Supervisor Jim Patterson, San Luis Obispo Supervisor, District 5
Dan Buckshi, County Administrative Officer
Nikki Schmidt, Administrative Analyst
Kiana Buss, California State Association of Counties
Cara Martinson, California State Association of Counties
Dan Carl, California Coastal Commission – Central Coast District Office