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DATE: August 26, 2021

TO: California Coastal Commissioners and Interested Public

FROM: South Central Coast District

SUBJECT: **County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-20-0028-1 (Coastal Resiliency), for public hearing and Commission action at the September 8, 2021 Commission Hearing**

SUMMARY OF STAFF RECOMMENDATION

Santa Barbara County is requesting an amendment to the certified Land Use Plan (LUP) and certified Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portions of its certified Local Coastal Program (LCP) to add policies and provisions related to coastal hazards and sea level rise as well as to add and amend policies and provisions related to coastal resources, such as environmentally sensitive habitat areas (ESHA) and public access, that are expected to become impacted by sea level rise and related coastal hazards. Commission staff recommends that the Commission, after public hearing, **reject** the County of Santa Barbara's proposed LCP amendment as submitted, and **certify** the proposed amendment only if modified pursuant to twenty (20) suggested modifications. The staff recommended suggested modifications can be found in Exhibits 1 and 2 of this staff report. The suggested modifications are necessary to ensure that the LUP portion of the amendment request meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act regarding new development and coastal hazards, public access and recreation, and environmentally sensitive habitat. Likewise, the suggested modifications to the IP/CZO are necessary to ensure that the IP/CZO conforms with and is adequate to carry out the provisions of the certified LUP, as conditionally certified with those suggested modifications. The motions and resolutions to accomplish this recommendation are found on pages 7-9 of this staff report.

In 2014, the County was awarded a total of \$183,000 in grant funding from the Coastal Commission and the Ocean Protection Council, to develop the County's Sea Level Rise and Coastal Hazards Vulnerability Assessment (published in 2017) and to update the County's LCP to address sea level rise and associated impacts. The County's Sea Level Rise and Coastal Hazards Vulnerability Assessment found that a large portion of the County's beaches, coastal recreation areas, and coastal development are currently

vulnerable to coastal flooding and erosion and that sea level rise will exacerbate these vulnerabilities. Development and resources that are currently vulnerable to coastal hazards include: a majority of the County's existing beach access points, 0.7 mile of California Coastal Trail (CCT), 0.2 mile of bicycle route, 5.6 miles of the Union Pacific Railroad (UPRR), 12 commercial structures, and 591 residential structures. The Vulnerability Assessment also found that by 2100, if the existing 11.5 miles of coastal armoring is maintained, over 6 miles of the CCT, 20 miles of bicycle routes, 50 miles of the UPRR, 6.8 miles of Highway 101, 159 commercial structures, and 1,603 residential structures will be susceptible to flooding and/or erosion. Additionally, the Vulnerability Assessment found that by 2100, 14 hotels and other visitor serving accommodations have the potential to be periodically flooded while 10 visitor serving structures have the potential to be permanently damaged by erosion. Therefore, it is essential that the County plan for the effects of sea level rise in order to protect precious coastal resources, including public access and recreation, and valuable coastal development.

To plan for and address future impacts from sea level rise, the subject LCP amendment adds new policies and development standards, as well as updates existing policies and provisions regarding siting and designing coastal development to avoid or minimize coastal hazard risks and impacts to coastal resources; shoreline protective devices; removing or relocating development when threatened or damaged by coastal hazards; protecting public access and recreation and establishing adaptation measures when planning for public access and recreation; and providing adequate buffers for streams to plan for the migration of riparian habitats. The amendment also adds definitions for commonly used terms as well as technical guidelines for preparation of coastal hazard reports. Finally, the amendment adds maps to the LUP that show coastal hazard areas based on projected sea level rise.

The amendment also proposes to add sea level rise information to the certified LCP, including two sets of sea level rise projections specific to Santa Barbara County. The first set of projections were calculated using data from the National Research Council's (NRC) 2012 report on sea level rise. These projections were formerly considered the best available science but are now outdated. The second set of projections come from the Ocean Protection Council's (OPC) 2018 State of California Sea-Level Rise Guidance, are based on our most recent understanding of sea level rise science, and are thus considered best available science. However, several proposed policies and provisions, including those regarding subdivisions, blufftop development, and the technical guidelines for coastal hazard reports, require the use of the outdated sea level rise projections.

The Coastal Commission's Sea Level Rise Policy Guidance recommends a precautionary approach to sea level rise adaptation planning. This approach stems from the overall importance of keeping development safe from coastal hazards and protecting coastal resources consistent with the Coastal Act. Therefore, to be consistent with Coastal Act Section 30253, which requires development to assure stability and structural integrity and to minimize risks to life and property in high hazard areas, and to be consistent with the public access and other resource protection policies of the Coastal Act, **Suggested Modifications 2, 3, 6, 17, and 20** require use of sea level rise

projections shown in the Commission's Sea Level Rise Policy Guidance which are current best available science.

Recognizing that the best way to minimize coastal hazards risks is to avoid siting development within hazardous areas, the County has proposed several policies that require development to avoid coastal hazards. However, language regarding this requirement is inconsistent throughout the proposed amendment—some policies require development to avoid risks, some require avoidance and minimization, and others require avoidance or minimization. Because it may not always be feasible to entirely avoid coastal hazard risks, and the standard of review in Section 30253 is to minimize risks to life and property rather than completely avoid hazards, several suggested modifications are necessary to clarify that development is required to avoid impacts from coastal hazards and sea level rise, but if avoidance is infeasible, then development is required to minimize risks from coastal hazards. Thus, **Suggested Modifications 1, 5, 6, 14, and 15** are necessary to clarify this requirement in the proposed LUP and IP/CZO amendments.

The proposed amendment also updates the LCP's policies and provisions regarding shoreline protective devices. Coastal Act Section 30235 only permits shoreline protective devices when they are required to protect existing structures in danger from erosion and when they are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The Commission has interpreted "existing structures," in the context of Section 30235, to mean structures that were in existence when the Coastal Act was enacted. Section 30253 of the Coastal Act requires new development to assure stability and structural integrity in a way that does not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Read together, the most reasonable and straight-forward interpretation of Coastal Act Sections 30235 and 30253 is that they evince a broad legislative intent to allow shoreline protection for development that was already in existence when the Coastal Act was enacted but to avoid such protective structures for new development approved after the effective date of the Act. The County, however, disagrees with this interpretation and has proposed to define the term "existing structure" as a principal structure that was legally established on or before the certification date of the subject LCP amendment.

Commission staff and County staff worked closely together during the development of the proposed LCP amendment and in the development of the staff-recommended suggested modifications. The most significant policy disagreement is regarding the definition of "existing structure" as it relates to shoreline armoring. As stated above, the Commission has interpreted "existing structures," in the context of shoreline armoring, to mean structures built on or before January 1, 1977, but the County disagrees with this interpretation and proposed the certification date of the subject LCP amendment to define the term. Not including a definition of "existing structure" in the LCP would maintain the status quo regarding this issue, because "existing structure" is not currently defined in the certified LCP. Commission staff explored numerous alternatives to reach agreement on this policy difference, and, in the spirit of compromise, is recommending **Suggested Modification 4** to delete the proposed definition for existing structure.

County staff has stated that they want to include the LCP amendment certification date as the date that defines “existing structure” in order to provide clarity and certainty, but County staff has not indicated whether or not they agree to the approach of not including a definition.

The suggested modifications to the proposed LUP amendment are necessary to ensure that the amendment meets the requirements of, and is consistent with, the policies of Chapter Three of the Coastal Act, and the suggested modifications to the proposed IP/CZO amendment are necessary to ensure that the amendment is consistent with, and adequate to carry out, the LUP as conditionally certified with those suggested modifications. The appropriate motions and resolutions begin on page 7. The suggested modifications are contained in Exhibits 1 and 2. The findings for denial of the Land Use Plan Amendment as submitted, and approval if modified, begin on page 14. The findings for denial of the Implementation Plan Amendment, and approval if modified, begin on Page 25.

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EXHIBITS

- Exhibit 1 – Suggested Modifications to the proposed Coastal Land Use Plan amendment
- Exhibit 2 – Suggested Modifications to the proposed Coastal Zoning Ordinance amendment
- Exhibit 3 – Santa Barbara County Board of Supervisors Resolution No. 18-322 for the proposed Coastal Land Use Plan amendment
- Exhibit 4 – Santa Barbara County Ordinance 5067 containing the proposed Coastal Zoning Ordinance amendment text

I. PROCEDURAL OVERVIEW

A. STANDARD OF REVIEW

The Coastal Act provides:

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)...(Section 30512(c))

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...(Section 30513)

...The Commission may only reject zoning ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out together with its reasons for the action taken...(Section 30513)

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director...(Section 30513)

Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513... (Section 30514(b))

Pursuant to Section 30512(c), the standard of review that the Commission utilizes in reviewing the adequacy of the proposed amendment to the County's certified LUP is whether the proposed amendment is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the County's certified IP/CZO, pursuant to Sections 30513 and 30514(b) of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the LUP portion of the County's certified LCP. Additionally, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the County's certified LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in the preparation, approval, certification and amendment of any LCP. The County held seven stakeholder meetings

that were open to the public regarding the County's Vulnerability Assessment and LCP amendment between July 2014 and August 2017. Three public workshops and one interactive event on Coastal Cleanup Day were held in 2017, and eight presentations were given to local professional organizations, nonprofits, and at conferences between 2017 and 2019. The County Planning Commission and the Montecito Planning Commission held three hearings each on December 20, 2017, August 1, 2018, August 29, 2018, and February 21, 2018, May 16, 2018, and July 18, 2018, respectively, to receive staff briefings and consider adoption of the LCP amendment. The Board of Supervisors had a staff briefing on March 13, 2018 and initial hearing on November 6, 2018. The Board of Supervisors adopted the Coastal Resiliency LCP amendment at the December 11, 2018 hearing. All County hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment was posted in a local newspaper at least ten days prior to the September 8, 2021 Coastal Commission hearing, and individual notices have been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, the County resolution for submittal of the LCP amendment can either require formal local government adoption after Commission approval or designate that an amendment will take effect automatically upon Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. However, if the Commission approves this amendment with any modifications, as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action for the amendment to become effective (CCR Sections 13544.5 and 13537). Pursuant to Section 13544 of the California Code of Regulations, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS FOR THE COASTAL LAND USE PLAN

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL OF LUP AMENDMENT AS SUBMITTED

Motion I:

I move that the Commission certify Land Use Plan Amendment No. LCP-4-STB-20-0028-1 as submitted by the County of Santa Barbara.

Staff Recommendation to Deny:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Land Use Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny:

The Commission hereby **denies** certification of the Land Use Plan Amendment No. LCP-4-STB-20-0028-1 as submitted by the County of Santa Barbara and adopts the findings set forth below on grounds that the Land Use Plan Amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

B. APPROVAL OF LUP AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion II:

I move that the Commission certify Land Use Plan Amendment No. LCP-4-STB-20-0028-1 for the County of Santa Barbara if it is modified as suggested in this staff report.

Staff Recommendation to Certify with Suggested Modifications:

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the Land Use Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution to Certify with Suggested Modifications:

The Commission hereby **certifies** the Land Use Plan Amendment No. LCP-4-STB-20-0028-1 for the County of Santa Barbara if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or

mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

III. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS FOR THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL OF IP AMENDMENT AS SUBMITTED

Motion I:

I move that the Commission reject Implementation Plan Amendment No. LCP-4-STB-20-0028-1 for the County of Santa Barbara as submitted.

Staff Recommendation of Rejection:

Staff recommends a **YES** vote. Passage of this motion will result in denial of the Implementation Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Deny:

The Commission hereby **denies** certification of the Implementation Plan Amendment No. LCP-4-STB-20-0028-1 submitted for the County of Santa Barbara and adopts the findings set forth below on the grounds that the Implementation Plan Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

B. APPROVAL OF IP AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion II:

I move that the Commission certify Implementation Plan Amendment No. LCP-4-STB-20-0028-1 for the County of Santa Barbara if it is modified as suggested in this staff report.

Staff Recommendation to Certify with Suggested Modifications:

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the Implementation Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

Resolution to Certify with Suggested Modifications:

The Commission hereby **certifies** Implementation Plan Amendment No. LCP-4-STB-20-0028-1 for the County of Santa Barbara if modified as suggested and adopts the findings set forth below on the grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

IV. FINDINGS FOR DENIAL AS SUBMITTED & APPROVAL OF THE AMENDMENT IF MODIFIED AS SUGGESTED

The following findings support the Commission’s denial of the Local Coastal Program (LCP) Amendment as submitted, and approval of the LCP Amendment if modified as indicated in Exhibits 1 and 2 (Suggested Modifications) to this staff report. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The County’s LCP was certified in 1982 and includes a chapter dedicated to hazards, which contains policies regarding seawalls and other shoreline protective devices, development on bluffs, flooding, and hillside and watershed protection. Two amendments to the Hazards Chapter have been certified previously. One of the amendments updated a policy to require use of the Commission’s statewide interpretive guidelines regarding geologic stability of blufftop development, and the other amendment added a policy that prohibits greenhouses and greenhouse related development on slopes greater than 10 percent in an area of the Carpinteria Agricultural Overlay District. Thus, most of the policies in the Hazards Chapter have not been updated since certification. The LCP also incorporates Coastal Act Chapter 3 policies, such as 30235 and 30253, which pertain to shoreline protective devices and coastal hazards. While the policy emphasis on minimizing risks associated with hazards, ensuring stability and structural integrity for development, and avoiding adverse impacts

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to natural processes and coastal resources does not change over time, our understanding of hazards, engineering methods, development impacts, and mitigation do change, particularly over nearly forty years. It is important to review and update policies periodically to reflect new knowledge or approaches. This is certainly true with regard to our evolving understanding of the effects of climate change, including sea level rise.

To support an update of the County's LCP to address sea level rise, in 2014 the County was awarded \$8,000 in grant funding from the Coastal Commission and \$175,000 in grant funding from the Ocean Protection Council, both of which were administered through the Coastal Commission's LCP Local Assistance Grant Program. The grants supported the development of technical documents, including a portion of the County's Sea Level Rise and Coastal Hazards Vulnerability Assessment (Vulnerability Assessment), which was published in 2017, as well as public outreach and the development of the subject LCP amendment. Commission staff and County staff collaborated extensively on the development of the Vulnerability Assessment and the draft Land Use Plan (LUP) and Implementation Plan (IP) amendment policies and provisions. The County originally submitted the subject LCP amendment in December of 2018 (Amendment No. LCP-4-STB-18-0098-Part A). At the May 2019 Commission hearing, the Commission extended the deadline for Commission action on the amendment for one year to allow adequate time to analyze the amendment and coordinate with the County on suggested modifications. Commission staff provided County staff with draft suggested modifications in February 2020. In order to allow additional time for County staff and Commission staff to coordinate and negotiate beyond the May 2020 deadline for Commission action on the amendment, the County withdrew and resubmitted the amendment request in April 2020 and the amendment was assigned a new file number (No. LCP-4-STB-20-0028-1). At the September 2020 Commission hearing, the Commission extended the deadline for Commission action on the amendment for one year to allow for scheduling flexibility and adequate time for continued coordination with County staff. Commission staff provided County staff with revised draft suggested modifications in September 2020, December 2020, and February 2021 based upon feedback from County staff during the coordination process. The deadline for Commission action on the subject amendment request is October 20, 2021.

The subject LCP amendment is comprised of an LUP amendment and an IP amendment and includes updates to existing policies and provisions as well as the addition of new policies and development standards to plan for coastal hazards related to sea level rise and to address associated impacts. The proposed amendment would add maps to the LUP, which show areas along the coast that are subject to coastal hazards under existing conditions as well as areas of the coast that will potentially be subject to coastal hazards for the years 2030, 2060, and 2100 as a result of sea level rise. Policies in the proposed amendment would require development within areas subject to coastal hazards to be sited and designed to avoid coastal hazards, or minimize risk from coastal hazards if avoidance is infeasible, without reliance on shoreline protective devices over the anticipated life of the development. In order to determine where on the property it would be safe to site development or how

development would need to be designed in order to minimize risks from hazards, the proposed amendment requires site-specific coastal hazard assessments for development on properties mapped within the areas subject to coastal hazards as well as for development on properties not mapped within the areas subject to coastal hazards when there is substantial evidence demonstrating that the site may be subject to reasonably foreseeable future coastal hazards. The amendment also provides technical guidelines for preparation of the coastal hazard reports.

Additional proposed policies require development to be removed, relocated, or modified if damaged by coastal hazards or if essential services can no longer be maintained as well as require recordation of a notice to future property owners that discloses the coastal hazard threats to development and conditions of removal. The proposed amendment also updates an existing policy regarding blufftop development to require bluff edge setbacks to factor in the effects of sea level rise and adds a new policy to require development adjacent to dunes to be sited and designed to allow the dunes to migrate landward over the anticipated life of the development. Further, the amendment proposes to only permit shoreline armoring when its required to serve coastal-dependent uses or protect existing principal structures or public beaches in danger from erosion and when such armoring is sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply and when designed to avoid, or mitigate if avoidance is infeasible, adverse impacts to lateral beach access, biological resources, water quality, visual, and other coastal resources, and when no less environmentally damaging alternative exists, which include relocation or removal of the threatened development or implementation of non-structural solutions. The amendment also proposes to define “existing structure” as a principal structure that was legally established on or before the certification date of the subject amendment. Proposed standards for permitted shoreline armoring include requiring shoreline protective devices to not result in a loss of public beach access, mitigation for adverse impacts to coastal resources, and removal of the shoreline armoring when the protection device is no longer needed. Additionally, the amendment would require all nonconforming buildings and structures to come into compliance with all LCP policies and standards when proposed development would replace fifty percent or more of the nonconforming building or structure. The amendment would also add definitions for commonly used terms, including a definition of “redevelopment.” Finally, other policies of the proposed amendment address establishing adaptation measures when planning for public access and coastal recreation and providing adequate buffers for streams to plan for the potential migration of riparian habitats.

Coastal Hazards Overview

In 2015, the Coastal Commission adopted its Sea Level Rise Policy Guidance, which provided an overview of the best available science at the time on sea level rise for California and recommended methodology for addressing sea level rise in Coastal Commission planning and regulatory actions. In 2018, the Ocean Protection Council (OPC), a state policy body that works to maintain healthy coastal and ocean ecosystems, released two reports that updated our understanding of sea level rise science and best practices for planning for and addressing anticipated impacts. The first

of these reports, *Rising Seas in California: An Update on Sea-Level Rise Science*, synthesizes recent evolving research on sea level rise science and forms the foundation for the second report, the *State of California Sea-Level Rise Guidance: 2018 Update*. This second report provides higher level recommendations for how to plan for and address sea level rise impacts, notably including a set of sea level rise projections recommended for use in planning, permitting, investment, and other decisions. The Coastal Commission subsequently adopted an update to its *Sea Level Rise Policy Guidance* in November 2018 to reflect the updated best available science and recommendations provided in the 2018 OPC *State Sea Level Rise Guidance*.

Sea level rise is increasing the risks of flooding, inundation, coastal erosion, groundwater rise, and saltwater intrusion into freshwater supplies in coastal communities statewide. These hazards have the potential to threaten many of the resources that are integral to the California coast, including coastal development, coastal access and recreation, habitats (e.g., wetlands, coastal bluffs, dunes, and beaches), coastal agricultural lands, water quality and supply, cultural resources, community character, and scenic quality. In addition, many possible responses to sea level rise can have adverse impacts on coastal resources, whereas other adaptation options may preserve or enhance coastal resources. For example, beaches, wetlands, and other habitat backed by fixed or permanent development such as shoreline protective devices will not be able to migrate inland as sea level rises and will become permanently inundated over time. This would, in turn, present serious concerns for future public access, recreational opportunities, environmental justice, habitat protection, and scenic and visual qualities of the coast. Thus, sea level rise heightens a long-standing challenge along the California coast: how to balance the protection of coastal development with the protection of coastal resources.

The Coastal Act mandates the protection of public access and recreation along the coast, coastal habitats, and other sensitive resources. It also prioritizes visitor-serving and coastal-dependent or coastal-related development while simultaneously minimizing risks from coastal hazards. Accordingly, the Coastal Act places a strong emphasis on minimizing risks associated with such hazards, ensuring stability and structural integrity for development over time, and avoiding adverse impacts to natural processes and coastal resources. The Coastal Act also recognizes that shoreline-altering development, such as protective devices, can cause significant adverse impacts to coastal resources, such as sand supply and ecology, public access, coastal views, natural landforms, and shoreline processes, and thus requires approvable shoreline protective devices to avoid or minimize coastal resource impacts and mitigate those that are unavoidable. In summary, the Coastal Act's policies on coastal resource protection and minimizing risks from coastal hazards—combined with the increasing scientific certainty that sea level rise is already increasing coastal hazards risks along the shoreline and will continue to do so—elevates the need for local governments to implement sea level rise adaptation planning within LCPs. Without such adaptation planning, sea level rise could push local governments into situations where coastal resources are being lost, inconsistent with the resource protection policies of the Coastal Act, and new development is exposed to hazards, inconsistent with the development policies of the Coastal Act.

Broadly speaking, the goal of updating an LCP to prepare for sea level rise is to ensure that adaptation occurs in a way that protects both coastal resources and public safety and allows for safe development and sustainable economic growth. This process includes identifying how and where to apply different adaptation strategies based on Coastal Act requirements, other relevant laws and policies, acceptable levels of risk, and community priorities. By planning ahead, communities can reduce the risk of costly damage from coastal hazards, ensure that the coastal economy continues to thrive, and protect coastal habitats, public access and recreation, and other coastal resources for current and future generations.

How sea level rise is expected to impact Santa Barbara County

Santa Barbara County has 110 miles of mainland coastline with a diversity of topography, including sandy beaches, bluffs and coastal terraces, and rocky intertidal zones, as well as a range of vegetation communities and habitats, such as coastal sage scrub, native grasslands, riparian woodlands, coastal estuaries, salt marshes, vernal pools, and coastal dunes. Development is widespread along the south coast east of Gaviota, while west of Goleta and north of Point Conception is much more rural. Shoreline development throughout the County mainly consists of residential structures, U.S. Highway 101, the Union Pacific Railroad, and development associated with recreation. Although the County has one of the longest county shorelines in the state, only 20.4 miles (18.5 percent) are publicly owned beaches. Most of these beaches are found on the south coast of the County and include three state beaches (El Capitan State Beach, Refugio State Beach, and Gaviota State Park) as well as beaches within the incorporated cities of Santa Barbara and Carpinteria. Public beach access is available at other locations throughout the County, such as Jalama County Park and Guadalupe Dunes Preserve on the north coast and through informal access on the Gaviota Coast, but currently much of the westernmost and northern portions of the County are inaccessible due to a lack of access through private lands and Vandenberg Air Force Base.

Santa Barbara County published its Sea Level Rise and Coastal Hazard Vulnerability Assessment in 2017, which describes the County's vulnerabilities to sea level rise as well as potential adaptation approaches. To assess the County's vulnerabilities, the high sea level rise projection from the National Research Council's (NRC) 2012 report "Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present, and Future" was used, which was the best available science at the time. The assessment also includes two scenarios regarding coastal armoring. The "with coastal armoring" scenario assumes that existing shoreline armoring will be maintained into the future, while the "no coastal armoring" scenario was calculated as if existing shoreline armoring no longer exists. This assessment formed the informational basis for the County's development of the proposed LCP amendment.

The Sea Level Rise and Coastal Hazard Vulnerability Assessment (Vulnerability Assessment) found that the County is currently vulnerable to coastal flooding and erosion and that sea level rise will exacerbate these vulnerabilities. For example, current vulnerabilities to coastal development include:

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- 0.2 mile of bicycle route
- 5.6 miles of Union Pacific Railroad
- 0.25 mile of County roads
- 591 residential structures
- 12 commercial structures
- 1 mile of water supply main and 13 hydrants
- 0.5 mile of sewer main and 442 parcels with septic systems
- 119 oil and gas wells

The Vulnerability Assessment identified more than 11.5 miles of armoring along the County coastline. If the existing armoring is maintained through 2100, the following development is expected to become vulnerable to coastal flooding and/or erosion¹:

- 20 miles of bicycle routes
- 50 miles of Union Pacific Railroad
- 27 miles of County roads
- 6.8 miles of Highway 101
- 1603 of residential structures
- 159 of commercial structures
- 4 miles of water main and 23 hydrants
- 4.6 miles of sewer main and 590 parcels with septic systems
- 233 oil and gas wells

By 2100, if armoring is no longer in place, the following development is expected to become vulnerable to coastal flooding and/or erosion:

- 28 miles of bicycle routes
- 60 miles of Union Pacific Railroad
- 45 miles of unincorporated County roads
- 11.9 miles of Highway 101
- 2,137 residential structures
- 14 hotels and other visitor serving accommodations
- Summerland Elementary School and the Music Academy of the West
- The Summerland Sanitation District Wastewater Treatment Plan
- 8.7 miles of potable water main and 186 hydrants
- 18.7 miles of sewer main and 671 parcels with septic systems
- 273 oil and gas wells

In addition to impacts to development, sea level rise will significantly impact existing public access and recreational opportunities in the County. Currently, all beach parks and trails and a majority of existing beach access points are at-risk from flooding and/or erosion. The Vulnerability Assessment found that by the year 2100 with 5 ft. of sea level

¹ The estimates for 2100 are based on sea level rise projections from the National Research Council's Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present, and Future (2012).

rise all existing beach access points and beach volleyball courts in the South County and a majority of the beach access points in the North County will be affected by flooding and erosion. Additionally, if existing armoring is maintained, 1,161 acres of parkland will be susceptible to flooding by 2100. If armoring is no longer in place, 1,169 acres of park land may be periodically flooded. These parks include Rancho Guadalupe Dunes County Park, Point Sal, Ocean Beach Park, Gaviota State Park, Refugio State Beach, El Capitan State Beach, several parks in Isla Vista, Goleta Beach Park, and Lookout Beach County Park in Summerland. The Point Conception Lighthouse may be vulnerable to coastal erosion by 2060, even with existing coastal armoring still in place. Additionally, 0.7 miles of the California Coastal Trail (CCT) is currently susceptible to flooding. Approximately 6 miles of the CCT are expected to be affected by coastal flooding and erosion with 5 ft. of sea level rise, which would require realignment of the trail.

Finally, sea level rise will affect more than the built environments. Coastal hazards are expected to impact environmentally sensitive habitat areas (ESHA) along the coast as well. Currently, 1641 acres of ESHA are vulnerable to coastal hazards. By 2100, almost 3,000 acres of ESHA within the County could be affected by coastal flooding and erosion.

As a result of the impacts of coastal flooding and erosion, periodic closures or shutdowns of development along the coast could become more common and have significant economic consequences. Examples of this include temporary road closures due to storm flooding or long-term closures due to erosion that has undermined a bridge or structure. Further, sea level rise could impact the quality of life of the County's residents due to closures of public beach access points, recreational opportunities, and the loss of ESHA. Such closures may also impact tourism to the County, which would negatively impact the County's economy as well.

B. FINDINGS FOR DENIAL OF THE PROPOSED LAND USE PLAN AMENDMENT AS SUBMITTED & APPROVAL OF THE AMENDMENT IF MODIFIED AS SUGGESTED

1. Standard of Review: Coastal Act Policies

The standard of review for the proposed LUP Amendment is the Chapter 3 policies of the Coastal Act. (Pub. Resources Code, § 30200 et seq.) Coastal Act policies relating to coastal development, public access and recreation, wetlands, marine resources, and environmentally sensitive habitat areas provide the relevant standard of review for Santa Barbara County's proposed LUP amendment and the basis for the suggested modifications shown in Exhibit 1 to this staff report. These policies are listed below.

Coastal Development

Section 30235, in relevant part, states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30236 states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253, in relevant part, states:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Public Access and Recreation

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a) states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in

this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provide for in the area.

Biological Resources

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

2. Consistency Analysis

Best Available Science

The proposed amendment includes changes to the introduction of the existing Hazards Chapter of the County's certified LUP. These changes include removing outdated information, adding updated information on sea level rise, and including discussions on the County's Sea Level Rise Coastal Hazard Screening Areas Map, coastal hazard setbacks, and shoreline protective devices. The proposed text also includes two tables that show sea level rise projections for Santa Barbara County. The first table (Table 1) includes projections that were calculated using the data from the National Research Council's (NRC) 2012 report on sea level rise for the coasts of California, Oregon, and Washington. These projections were formerly considered the best available science but are now outdated. The second table (Table 2) includes projections from the Ocean Protection Council's (OPC) 2018 State of California Sea-Level Rise Guidance.

The OPC Sea-Level Rise Guidance includes probabilistic sea level rise projections, which associate a likelihood of occurrence with sea level rise heights and rates. These probabilistic projections are based on the probabilities that the ensemble of climate models used to estimate contributions to sea level rise. It is understood that as the inputs change (thermal expansion, ice sheet loss, oceanographic conditions, etc.), so too will the probabilities associated with the different projections. Therefore, both the OPC Guidance and the Commission's Sea Level Rise Policy Guidance recommend analyzing multiple sea level rise scenarios for the appropriate time horizon(s) for proposed development.

The first scenario recommended for analysis of coastal development is termed the "low risk aversion" scenario and includes the upper limit of the likely range of sea level rise projections identified in the Rising Seas report and the OPC Guidance. This scenario is recommended to analyze projects that would have a higher ability to adapt or would have limited consequences if damaged or destroyed, such as unpaved trails, public accessways, and small or temporary structures that are easily removable and would not have high costs if damaged. The second scenario is termed the "medium-high risk aversion" scenario, which is recommended to be analyzed for decisions with greater consequences and/or a lower ability to adapt, such as decisions regarding residential structures.

Proposed Table 2, which shows sea level rise projections for the Santa Barbara Tidal Gauge, are based on current best available science since they were taken directly from the 2018 OPC Sea-Level Rise Guidance. However, proposed Table 2 includes two scenarios that are not recommended by OPC for analyzing proposed development and also includes the full range of projected sea level rise that the OPC termed the “likely range” of sea level rise, because there is a 66% chance that sea level rise will occur within this range for the projected years. Additionally, Table 2 includes the low emissions scenarios for the year 2100 even though global greenhouse gas emissions are not currently tracking along this trajectory.

The Coastal Commission’s Sea Level Rise Policy Guidance recommends a precautionary approach to sea level rise adaptation planning. This approach stems from the overall importance of keeping development safe from coastal hazards and protecting coastal resources consistent with the Coastal Act. It also derives from the fact that the costs and consequences to precious coastal resources, valuable development, and life and safety could be quite high if future sea level rise is inadvertently underestimated, which would be more likely to occur if projects are analyzed using the low end of the likely range of projections, the low emissions scenario, or outdated science. Therefore, in order to be consistent with the OPC recommendations and the Commission’s adopted Sea Level Rise Policy Guidance, **Suggested Modification 2** deletes proposed Table 2 and adds the low risk aversion and the medium-high risk aversion sea level rise scenarios from the table in the Commission’s Sea Level Rise Policy Guidance, which itself is adapted from the 2018 OPC Sea-Level Rise Guidance. Analyzing projects under a higher range of possible sea level rise uses the precautionary approach and is consistent with Guiding Principle #4 of the Commission’s adopted Sea Level Rise Policy Guidance and Section 30253 of the Coastal Act. Finally, **Suggested Modification 2** adds introductory language to explain the sea level rise projections scenarios shown in Table 2, as modified, and how Table 2 should be used in project analysis. Suggested Modification 2 also adds language to note that if the sea level rise projections in Table 2 become outdated, the most current best available science must be used in lieu of the projections in Table 2.

In addition to the introductory text and information regarding sea level rise projections, the amendment also adds policies regarding the siting and design of development to avoid hazards or minimize risks from hazards if avoidance is infeasible. Specifically, proposed Policy 3-1 requires subdivisions and certain lot line adjustments in areas vulnerable to coastal hazards to only be permitted if each parcel to be created will comply with the coastal hazard policies and standards of the LCP. Proposed Policy 3-1 also requires the County to use the “high” sea level rise scenario that’s shown in proposed Table 1 of the amendment. However, as described above, this scenario is based on the 2012 NRC sea level rise projections and is thus now outdated. The Commission’s Sea Level Rise Policy Guidance recommends evaluating the medium-high risk aversion scenario for residential and commercial development. Therefore, **Suggested Modification 3** modifies Policy 3-1 to require the County to use the medium-high risk aversion sea level rise scenario (or the current best available science) over a 100-year time horizon when permitting subdivisions and certain lot line adjustments. Further, Suggested Modification 3 clarifies that each created parcel must

have a developable area that complies with the coastal hazard policies and standards of the LCP in order for the proposed subdivision or lot line adjustment to be permitted.

Similarly, proposed Policy 3-14 requires all development on bluff top lots to factor in the effects of sea level rise in order to determine the distance development should be set back from the bluff edge. Again, the proposed policy requires use of the “high” sea level rise scenario as shown in Table 1, but as described above, this sea level rise scenario is based on outdated science. Therefore, **Suggested Modification 6** requires use of the appropriate sea level rise scenario as shown in modified Table 2 or the current best available science. Additionally, the use of a particular sea level rise scenario in the analysis of a project depends on the type of development being proposed. Therefore, Suggested Modification 6 more broadly requires the use of the appropriate sea level rise scenario depending on the development being proposed rather than one specific scenario for all types of development.

Suggested Modification 5 adds language to proposed Policies 3-9 and 3-10 to clarify the types and scopes of development that should be analyzed in coastal hazards analyses. Proposed Policy 3-9 requires coastal hazard reports to be prepared for proposed development in known coastal hazard areas, including those areas shown on the County’s proposed Sea Level Rise and Coastal Hazards Screening Areas Map. The policy requires the coastal hazard reports to identify potential coastal hazard impacts, necessary mitigation measures, and evidence that the proposed project site, with mitigation, is suitable for development. To ensure that the project site would be suitable for development and that the development would remain habitable over the anticipated life of the project, Suggested Modification 5 clarifies that the development analyzed in the coastal hazard reports include public or private services and resources, such as water, sewer, and roads.

Additionally, **Suggested Modification 5** requires the development to assure stability and structural integrity consistent with Coastal Act Section 30253. Proposed Policy 3-10 defines the anticipated life for different types of development, including critical infrastructure, for purposes of the required site-specific coastal hazard analysis and determining the appropriate coastal hazard setback and other siting and design measures. For example, the anticipated life of moveable temporary structures, such as trails and playgrounds, is 5 years, the life of ancillary structures, such as parking lots and restroom buildings, is 25 years, the life of residential structures is 75 years, and the life of critical infrastructure is 100 years. This is consistent with the Commission’s Sea Level Rise Policy Guidance regarding the anticipated life of development for hazard analysis. Proposed Policy 3-10 also gives examples of different types of critical infrastructure, such as emergency medical facilities, bridges, and water treatment plants. Suggested Modification 5 is necessary to add highways and railroads to the list of critical infrastructure in proposed Policy 3-10, because highways and railroads are the most abundant types of critical infrastructure in the coastal zone of the County, and it is important to use the appropriate anticipated life for highway and railroad projects to ensure that risks from sea level rise and coastal hazards are properly analyzed.

Requiring the use of the current best available science, as well as analyzing development under the higher ranges of possible sea level rise, minimizes risks associated with threats from sea level rise and can inform adaptation strategies, which can subsequently increase resiliency. Therefore, **Suggested Modifications 2, 3, 5, and 6** ensure that the proposed LUP amendment is consistent with Coastal Act Section 30253 which requires development to minimize risks to life and property in hazardous areas.

Shoreline Protective Devices

Proposed Policy 3-4 is intended to implement Coastal Act Section 30235, which allows shoreline protective devices to be permitted only when they are required to serve coastal-dependent uses or to protect existing structures or beaches in danger from erosion and when they are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. While Section 30235 does not include a definition of “existing structures,” the Commission has interpreted this term, in the context of Section 30235, to mean structures that were in existence when the Coastal Act was enacted. This is because Section 30253 of the Coastal Act requires new development to assure stability and structural integrity and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Thus, read together, the most reasonable and straight-forward interpretation of Coastal Act Sections 30235 and 30253 is that they evince a broad legislative intent to allow shoreline protection for development that was in existence when the Coastal Act was enacted but to avoid such protective structures for new development subject to the Act after its effective date. The County, however, disagrees with this interpretation, and although proposed Policy 3-4 reflects the requirements provided by Section 30235, it also defines the term “existing structure” as a principal structure that is legally established on or before the certification date of the subject LCP amendment. This would mean that existing structures that were legally-established on or before certification of the subject LCP amendment would be entitled to shoreline armoring under the proposed policy. This is inconsistent with the Commission’s interpretation of Coastal Act Section 30235. Therefore, **Suggested Modification 4**, which deletes the proposed definition for existing structure, is a compromise between the Commission’s interpretation and the County’s interpretation of Section 30235. Further, “existing structure” is not currently defined in the County’s certified LCP; thus, Suggested Modification 4 would simply maintain the status quo regarding this issue in the County’s LCP.

The proposed amendment also adds Policy 3-3, which states that the County will work with landowners whose property is subject to threats from sea level rise and coastal hazards to develop appropriate adaptation strategies prior to emergency conditions. **Suggested Modification 4** also requires the County to seek solutions to shoreline hazards on a large geographic basis, such as on a neighborhood or region-wide scale, rather than on a single lot circumstance. This is consistent with the hazard avoidance and resource protection policies of the Coastal Act and statewide guidance that encourages local governments to conduct planning at community and regional levels when possible.

Siting New Development and Minimization of Adverse Impacts

Coastal Act Section 30253 requires development to minimize risks to life and property in areas of high geologic, flood, or fire hazards. Recognizing that the best way to minimize such risks is to avoid siting development within hazardous areas, the County has proposed several policies that require development to avoid coastal hazards. However, language regarding this requirement is inconsistent throughout the proposed amendment—some policies require development to avoid risks, some require avoidance and minimization, and others require avoidance or minimization. For example, proposed Policy 3-8 requires that all development within coastal hazard areas shall be sited and designed to avoid existing or reasonably foreseeable future threats from sea level rise and coastal hazards without reliance on shoreline protective devices over the anticipated life of the development. Because it may not always be feasible to entirely avoid coastal hazard risks, and the standard of review in Section 30253 is to minimize risks to life and property rather than completely avoid hazards, several suggested modifications are necessary to clarify that development is required to avoid impacts from coastal hazards and sea level rise, but if avoidance is infeasible, then development is required to minimize risks from coastal hazards without reliance on shoreline protective devices over the anticipated life of the development. Thus, **Suggested Modifications 1, 5, and 6** clarify this requirement in proposed Policies 2-17, 3-6, 3-8, and 3-19.

Proposed Policies 3-12 and 3-13 address development subject to existing or reasonably foreseeable coastal hazards. Specifically, proposed Policy 3-12 requires development to be removed, relocated, or modified if damaged by coastal hazards or if essential services, such as utilities and access roads, cannot be maintained. Proposed Policy 3-13 requires owners receiving a CDP for development within coastal hazard areas to record a Notice to Property Owner to disclose the threats or conditions from coastal hazards and/or sea level rise. However, in order to be consistent with Coastal Act Section 30253, **Suggested Modification 5** adds language to proposed Policy 3-12 to require development to also be removed, relocated, or modified if the development requires new and/or augmented shoreline protective devices that are not consistent with LCP or relevant Coastal Act policies. **Suggested Modification 5** also adds language to proposed Policy 3-13 to clarify that if the development is on public trust land because the public trust boundary has moved inland, the development will no longer be authorized pursuant to the County's CDP and that the development will have to be removed, or permitted by the Coastal Commission, in addition to obtaining approval from the State Lands Commission.

Additionally, proposed Policy 3-14 requires bluff top development to be set back a sufficient distance from the bluff edge in order to be safe from the threat of bluff erosion and slope instability. While it is necessary to require analysis to determine a sufficient bluff edge setback, as proposed Policy 3-14 does, it is typically very difficult to have a high degree of accuracy or certainty when determining the necessary setback, especially given the uncertainties related to sea level rise and its effects on bluff erosion. Therefore, a minimum bluff edge setback should be required to provide a buffer in any case, even if the geological analysis is catastrophically wrong. As proposed,

Policy 3-14 does not require development to meet a minimum bluff edge setback. Thus, in order to minimize risks to life and property and therefore be consistent with Section 30253, **Suggested Modification 6** requires bluff edge setbacks to be no less than 25 feet. However, minor at-grade development that can be easily removed and minor grading to establish proper drainage may be allowed within bluff edge setbacks as indicated in proposed Policies 3-8, 3-15, and 3-16.

Industrial Development and Transportation

The proposed amendment makes changes to two existing policies regarding oil and gas facilities and pipelines (Policy 6-9 and Policy 6-16) to require such facilities to take into account increased coastal flooding and erosion due to sea level rise when preparing and updating emergency response plans and siting and designing pipelines. The amendment also proposes Policy 6-20, which requires pipelines to be routed to avoid coastal hazard areas when feasible, and if avoidance is infeasible, pipeline segments passing through coastal hazard areas shall be isolated by shutoff valves.

The amendment also adds new policies (Policy 3-20 and Policy 3-22) that require the County to coordinate with the California Department of Transportation and the Union Pacific Railroad to protect public access to the coast and minimize adverse impacts of sea level rise on Highway 101, State Route 217, and the regional railway line. Highway 101 and the railroad are major developments along the coast and are often the first development inland of the ocean along the County coastline. Thus, as sea level rises and threats from coastal hazards increase, it is important for the County to coordinate with the transportation agencies and companies to not only to minimize risks to life and property but to protect public access to the beach and the ocean, which could become cut off by these transportation corridors.

Finally, proposed Policy 3-21 requires applications for new roads and road projects to identify existing and reasonably foreseeable coastal hazards and set forth alternatives and adaptation measures to minimize risk and avoid shoreline protective devices over the anticipated life of the project. **Suggested Modification 7** is necessary to clarify that the adaptation measures must include evaluating retreat and causeways in order to allow for shoreline migration, because implementing such measures would avoid the need for shoreline protective devices consistent with Coastal Act Section 30253.

Public Access

Three new policies regarding public access and recreation are proposed to be added to the certified LUP, and one existing policy is proposed to be amended. The existing policy in the certified LCP (Policy 7-1) requires the County to take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. The proposed amendment adds language to this policy to require the County to work with landowners to pursue new public accessways if existing easements or corridors are lost or inaccessible due to sea level rise or other coastal hazards. One of the new policies (Policy 7-8) requires mitigation of adverse impacts to public access or recreation from new shoreline protective devices or other new development through

the addition of new public access, recreation opportunities, visitor-serving accommodations, Coastal Trail segments, or payment of fees to fund such improvements. The second new policy (Policy 7-9) allows new public access and public recreation uses and facilities provided that such uses and facilities are consistent with all applicable LCP policies and standards and require adaptive management measures to be specified as a condition of permit approval. However, the intent of proposed Policy 7-9 is unclear because it is not specific as to when or where public access and recreation facilities may be allowed. Therefore, **Suggested Modification 9** is necessary to clarify that such uses and facilities may be allowed within areas subject to coastal hazards and sea level rise so long as they are consistent with all applicable LCP policies and standards, do not require shoreline protective devices, and will not cause, expand, or accelerate instability of a bluff in order to be consistent with Section 30253. Finally, the third proposed policy regarding public access and recreation (Policy 7-10) requires beach park development plans to incorporate measures to adapt to sea level rise in order to provide for long-term protection and provision of public access and other coastal resources. As modified, these proposed policies are consistent with the requirements of the public access and recreation policies of the Coastal Act to provide maximum access and public recreational opportunities and will help to ensure development remains consistent with the Coastal Act's public access and recreation policies into the future.

Biological Resources

The proposed amendment includes changes to existing Policy 9-37, which currently requires a minimum 100-foot buffer for streams in rural areas and a minimum 50-foot buffer for streams in urban areas in order to protect environmentally sensitive habitat areas (ESHA). Proposed changes to Policy 9-37 include clarifying that buffers need to be calculated from the streams' associated riparian vegetation, extend from the outer edge of development, which includes fuel clearance required by the Fire Department, and allow the buffer to be decreased only when necessary to avoid precluding reasonable use of property. Another proposed change to Policy 9-37 includes reference to the land use element of the County's Comprehensive Plan, which is not a part of the County's certified LCP. Since Policy 9-37 is part of the County's certified LUP, **Suggested Modification 10** is necessary to change the proposed language in order to reference the County's Coastal Land Use Plan instead of the County's Comprehensive Plan. Suggested Modification 10 is also necessary to move proposed language from the first paragraph of the policy to the second paragraph of the policy in order for the policy to be straightforward and comprehensive. Therefore, the County's proposed changes to Policy 9-37, as modified, are consistent with Section 30240 of the Coastal Act that requires ESHA to be protected against any significant disruption of habitat values as well as requires development adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade those areas.

Definitions and Other Minor Changes

The proposed amendment includes adding definitions for key terms associated with sea level rise and coastal hazards as well as updating the definitions of existing terms in the

certified LCP. These terms for which definitions are proposed include bluff (or cliff), bluff edge, coastal hazards, principal structure, redevelopment, and shoreline protective device among others. **Suggested Modification 11** is necessary to make changes to several proposed definitions so that they are consistent with the definitions in the Commission's regulations and the Commission's adopted Sea Level Rise Policy Guidance.

The County has proposed additional minor changes throughout the amendment to ensure consistency with Coastal Act policies as well as internal consistency. Proposed Policy 3-18 prohibits development on bluff faces except for specific types of development, such as engineered staircases or accessways that provide public beach access, and requires such development to be sited and designed to minimize erosion and impacts to the bluff face, toe, and beach. However, **Suggested Modification 6** is necessary to clarify proposed Policy 3-18, so that it accurately reflects Coastal Act Section 30253, which requires development to not contribute to erosion rather than simply minimize erosion. Proposed Policy 3-29 requires development to be sited and designed to minimize alteration of existing site topography, soils, geology, hydrology, and any other existing site conditions, but it is necessary to clarify that development must be sited and designed to minimize alteration of natural existing conditions rather than any existing site conditions, which may include existing development. Therefore, **Suggested Modification 8** is necessary to reflect this change to proposed Policy 3-29.

Maps

The LUP amendment proposes to add several maps titled Santa Barbara County Sea Level Rise Coastal Hazard Screening Areas. Each map shows a different segment of the Santa Barbara County coastline and shows the areas within each segment that are projected to be impacted by sea level rise and coastal hazards under existing conditions and for the years 2030, 2060, and 2100. These maps were created as part of the County's Sea Level Rise and Coastal Hazards Vulnerability Assessment, which used the sea level rise projection data from the 2012 NRC report. Although the data used to create these maps is now outdated, the maps are still a useful screening tool for County planners and the public to show which areas are likely to be subject to sea level rise and coastal hazards in the future and thus require site-specific coastal hazard analysis for projects proposed in those areas. Additionally, proposed Policy 3-6 requires that properties that are not mapped within in the areas subject to coastal hazards are subject to the policies that require site-specific hazards analysis and avoidance of threats from sea level rise and coastal hazards if there is substantial evidence demonstrating that the site may be subject to reasonably foreseeable future coastal hazards. Therefore, the addition of the proposed Sea Level Rise Coastal Hazard Screening Areas maps and their use in project analysis is consistent with Section 30253 to minimize risk to life and property in hazardous areas and assure stability and structural integrity.

Conclusion

For all of the reasons stated above, the Commission finds that the proposed LUP

amendment, as suggested to be modified, is consistent with the coastal hazard, public access, recreation, and biological resources policies of the Coastal Act.

C. FINDINGS FOR DENIAL OF THE PROPOSED IMPLEMENTATION PLAN AS SUBMITTED & APPROVAL OF THE IMPLEMENTATION PLAN IF MODIFIED AS SUGGESTED

1. Standard of Review: Land Use Plan Policies

The standard of review for the proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) amendment is whether it is consistent with and adequate to carry out the certified LUP, as amended. In the situation where the Commission has conditionally certified an LUP subject to local government acceptance of the modifications, the standard of review shall be the conditionally-certified LUP (CCR § 13542(c)). The following findings assume certification of the LUP according to the staff recommendation above. The proposed LUP amendment is shown in Exhibit 3 and the suggested modifications for the proposed LUP amendment are shown in Exhibit 1. Additionally, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified LUP as guiding policies pursuant to Policy 1-1 of the LUP. Together, the certified LUP, the proposed LUP amendment, and the suggested modifications for the proposed LUP amendment form the basis for the suggested modifications to the IP/CZO amendment, which are shown in Exhibit 2 to the staff report.

2. Consistency Analysis

Reasonable Economic Use

The proposed amendment adds Section 35-51D to the County's certified IP/CZO regarding reasonable economic use of property. Proposed Section 35-51D states that where full compliance with all LCP policies and standards would preclude all reasonable economic use of the property as a whole, the County may allow the minimum economic use and/or development of the property necessary to avoid an unconstitutional taking of private property without just compensation. However, there are two relevant types of takings: one that precludes all economic use of a property and one that does not preclude all economic use of a property but that is unreasonable based on the facts, investment-backed expectations, etc. Therefore, **Suggested Modification 12** is necessary to clarify that the County may allow the minimum economic use and/or development where full compliance would preclude a reasonable economic use of property rather than all reasonable economic use of property. Further, **Suggested Modification 12** is necessary to add language to clarify that there is no taking that needs to be avoided if the proposed development constitutes a nuisance or is otherwise prohibited pursuant to other background principles of property law and that continued use of an existing structure or other development, including repair and maintenance of existing development, may provide a reasonable economic use.

Siting New Development and Minimization of Adverse Impacts

The proposed amendment makes several changes to existing Section 35-67 which includes standards regarding bluff development. The proposed changes include requiring development to be set back a sufficient distance from the bluff edge consistent with proposed Policy 3-14 of the LUP. But as with Policy 3-14, the proposed standards in Section 35-67 do not require development to meet a minimum bluff edge setback. Therefore, in order to require development to minimize risks to life and property and assure stability and structural integrity, **Suggested Modification 14** is necessary to require bluff edge setbacks of no less than 25 feet. Additional proposed standards in Section 35-67 allow minor and/or ancillary development that does not require foundations or grading, does not adversely impact bluff stability, and can be readily removed and/or relocated to be permitted within bluff edge setbacks. These additional standards are consistent with proposed Policies 3-8, 3-15, and 3-16 of the LUP amendment, as modified.

Section 35-67 also includes a proposed standard that reflects proposed Policy 3-19, which requires development adjacent to dunes to be sited and designed to prevent adverse impacts to coastal resources, assure structural stability of the development, and avoid coastal hazards over the anticipated life of the development. Additionally, the amendment proposes to add Section 35-67A, which includes multiple standards for new development in areas that are potentially subject to coastal hazards. Similar to the proposed policies in the LUP regarding hazard risks and impacts to development, the proposed standards in the IP/CZO amendment are inconsistent in that some require development to avoid risks, some require avoidance and minimization, and others require avoidance or minimization. However, as stated in the findings for the LUP amendment above, it may not always be feasible for development to entirely avoid coastal hazard risks. Therefore, two suggested modifications are necessary to clarify that if avoidance is not feasible development shall minimize risks from coastal hazards. **Suggested Modification 14** clarifies this requirement for the proposed standard in Section 35-67 regarding development adjacent to dunes, and **Suggested Modification 15** clarifies this requirement in proposed Section 35-67A regarding standards for project analysis and siting and design of development.

Two additional proposed standards in Section 35-67A reflect the language of proposed Policies 3-12 and 3-13. Subsection 35-67A.6 requires development to be removed, relocated, or modified if damaged by coastal hazards or if essential services, such as utilities and access roads, cannot be maintained. Subsection 35-67A.7 requires owners receiving a CDP for development within coastal hazard areas to record a Notice to Property Owner to disclose the threats or conditions from coastal hazards and/or sea level rise. In order to be consistent with proposed Policies 3-12 and 3-13, as modified, **Suggested Modification 15** is necessary to add language to proposed subsection 35-67A.6 to require development to also be removed, relocated, or modified if the development requires new and/or augmented shoreline protective devices that are not consistent with LCP or relevant Coastal Act policies. **Suggested Modification 15** also adds language to proposed subsection 35-67A.7 to clarify that if the development is on public trust land, because the public trust boundary has moved inland, the development

will no longer be authorized pursuant to the County's CDP and the development will have to be removed, or permitted by the Coastal Commission, in addition to obtaining approval from the State Lands Commission or other trustee agency.

Additionally, from its earliest days, the Commission has also required that landowners "assume the risks" of developing along shoreline and coastal bluffs where risks of coastal hazards are present. Since at least the late 1990s, the Commission has approved many new developments with required deed restrictions that specifically prohibit any future construction of shoreline protection for these developments. These deed restrictions require that property owners waive any rights that may exist for a future shoreline structure under Section 30235. It is necessary to require property owners to internalize the risks of building in an inherently hazardous location in order to protect shoreline areas with natural resources as well as public access, recreation, and visual resources, as required by the Coastal Act. Therefore, in order for development in coastal hazard areas to be consistent with the resource protection policies of the certified LUP, as amended, **Suggested Modification 15** is necessary to add a standard to proposed Section 35-67A to require CDPs for a new structure or redevelopment of a structure that is potentially subject to coastal hazards over its anticipated life to be conditioned to require the property owner to waive any right to claim in the future that the development is entitled to shoreline protection under Public Resources Code Section 30235 or any analogous provision of the certified LCP.

Biological Resources

The proposed amendment includes changes to existing Section 35-97.19 (Development Standards for Stream Habitats), which reflects LUP Policy 9-37 as proposed to be amended and requires a minimum 100-foot buffer for streams in rural areas and a minimum 50-foot buffer for streams in urban areas in order to protect environmentally sensitive habitat areas (ESHA). Proposed changes to Section 35-97.19 include clarifying that the buffers need to be calculated from the streams' associated riparian vegetation as well as allowing the minimum buffer to be decreased only when necessary to avoid precluding reasonable use of property. However, proposed Section 35-97.19 includes language that has not been certified by the Commission but is shown as certified language. Two other modifications are necessary to ensure that Section 35-97.19 is consistent with Policy 9-37 of the LUP as suggested to be modified. These clarifications are reflected in **Suggested Modification 16**.

Nonconforming Structures

The proposed amendment includes several changes to the existing section of the IP/CZO regarding nonconforming buildings and structures (existing Section 35-162). The proposed changes include allowing structural alterations that provide reasonable accommodations in compliance with the existing standards and provisions of the certified LCP, but that such reasonable accommodations shall not apply if the structure is nonconforming as to coastal hazard standards and setbacks and the proposed alterations qualify as redevelopment. However, these proposed changes do not

accurately reference the reasonable accommodations section of the IP/CZO. Therefore, **Suggested Modification 18** is necessary to correct this reference.

The proposed amendment also allows nonconforming single or multi-family dwellings and associated residential accessory structures to be elevated if they are threatened by coastal flooding. However, the policy also states that elevating such nonconforming structures would be allowed pursuant to another existing subsection that includes amended language that states that alterations shall not be allowed if such structures are nonconforming as to coastal hazard standards and setbacks, which essentially negates the provision that intends to allow structures to be elevated within areas that may be subject to coastal flooding. Elevating structures within coastal hazard areas is recognized in the Commission's Sea Level Rise Policy Guidance as one method of adapting to sea level rise, but that it is not without its potential impacts to coastal resources, such as visual resources. Therefore, in order to allow structures within coastal hazard areas to be elevated, **Suggested Modification 18** is necessary to clarify that elevating a residential structure may be allowed even if it is nonconforming as to coastal hazard standards and setbacks and the proposed alterations qualify as redevelopment, but that the structure shall not be enlarged, extended, moved, or structurally altered beyond what is necessary to elevate the structure. **Suggested Modification 18** also requires that alterations necessary for elevating the structure must comply with the IP/CZO standards that require development to be removed, relocated, or modified if damaged or destroyed by coastal hazards or requires a new or augmented shoreline protective device, to waive any right to claim that the development is entitled to shoreline protection under Public Resources Code Section 30235, and to require a Notice to Property Owners to notify current and future owners of the existing and reasonably foreseeable future threats of sea level rise and coastal hazards.

Shoreline Protective Devices

New standards for shoreline protective devices are proposed to be added to the County's IP/CZO that carry out the requirements of proposed Policies 3-3, 3-4, and 3-5. These standards include requirements regarding siting and design of shoreline protective devices in order to preserve natural landforms and protect visual resources. The standards also include provisions to prioritize non-structural and landscape-scale solutions over hard protective measures and single-lot shoreline protective devices. Further, the proposed standards require shoreline protective devices to not result in the loss of public trust lands or public beach access. Another proposed standard requires property owners to grant lateral access if the shoreline protective device would adversely affect or result in the loss of public beach access; however, this standard is inconsistent with the standard that requires shoreline protective devices to not result in the loss of public beach access. Therefore, **Suggested Modification 19** clarifies that shoreline protective devices shall avoid encroachment upon any beach area that impedes lateral beach access at any tide condition, but if it is infeasible to avoid impeding lateral access at any tide condition, equivalent lateral access to that portion of the shoreline at an alternate location shall be provided as mitigation to prevent net loss of public beach access.

The proposed standards in the IP/CZO amendment also require CDPs for shoreline protective devices to be conditioned to require mitigation if it is infeasible to avoid adverse impacts to any coastal resource. However, it is very difficult to ensure that any required mitigation today will be sufficient mitigation decades into the future. Therefore, to ensure that permitted shoreline protective devices are consistent with the resource protection policies of the certified LUP and the resource protection policies of the Coastal Act, as incorporated in the certified LUP, **Suggested Modification 19** requires the mitigation to be reassessed and adjusted every 20 years in order to account for changing conditions. To achieve this, permittees are required to apply for a CDP amendment or new CDP prior to the expiration of each 20-year mitigation period and propose mitigation for coastal resource impacts associated with retention of the shoreline protective device. Additionally, the application must include consideration of alternative feasible mitigation measures, such as modifying or removing the shoreline protective device to lessen its impacts on coastal resources.

The proposed standards for shoreline protective devices also require removal of the shoreline protective device if it is no longer needed or the existing structure or use requiring protection is removed, redeveloped, or no longer exists. Finally, the standards require CDPs to include a condition that requires recordation of a Notice to Property Owner to notify current and future property owners that the public trust boundary could move inland to a point where the device, or a portion of it, is no longer on private property and as a result would no longer be authorized pursuant to the County's CDP. The condition also requires that any portion of the shoreline protective device on public land would have to be removed, or properly permitted by the Coastal Commission, as well as authorized by the State Lands Commission or other trustee agency of public tidelands. These proposed standards are consistent with the proposed policies and provisions of the LUP amendment, as modified, regarding shoreline protective devices and protection of coastal resources.

Best Available Science

The proposed IP/CZO amendment adds a subsection to existing Section 35-150 regarding subdivisions. The proposed subsection reflects proposed Policy 3-1, which requires subdivisions and certain lot line adjustments in coastal hazard areas to only be permitted if each created parcel will comply with all applicable coastal hazard policies and standards of the LCP, not require shoreline protection, and not adversely impact coastal resources, including public access. The proposed standard also requires use of the "high" sea level rise scenario as proposed in Appendix I. However, as previously discussed, the "high" sea level rise scenario is based on outdated sea level rise projections, and the Commission's Sea Level Rise Policy Guidance recommends evaluating the medium-high risk aversion scenario for residential and commercial development. Therefore, **Suggested Modification 17** is necessary to modify the proposed standard in Section 35-150 to require use of the medium-high risk aversion scenario (or the current best available science) over a 100-year time horizon when permitting subdivisions and certain lot line adjustments in order to be consistent with proposed Policy 3-1, as modified. Additionally, Suggested Modification 17 clarifies that each created parcel must have a developable area that complies with the coastal

hazard policies and standards of the LCP in order for the proposed subdivision or lot line adjustment to be permitted and that the standard shall not apply to parcels created or adjusted for the sole purpose of providing open space or public access.

The proposed amendment also includes the addition of Appendix I to the IP/CZO. Proposed Appendix I contains technical guidelines for the preparation of site-specific coastal hazard reports and requires the reports to use the same sea level rise projections as Table 1 of the LUP amendment, which are based on the 2012 NRC report and are thus outdated. In general, development proposals should always be informed by—and analyzed under—the best science available at the time that planning and permitting decisions are being made. Using the current best available science on sea level rise will best illustrate a project’s hazard conditions, potential coastal resource impacts, and potential measures to minimize hazards and impacts. Without using the best available science at the time of CDP approval, sea level rise extending into the future from that approval date could be underestimated. As a result, projects analyzed under outdated science would not be able to ensure consistency with Coastal Act Section 30253, as incorporated in the certified LUP pursuant to Policy 1-1, which requires new development to minimize risks to life and property in areas of high flood and geologic hazards, assure stability and structural integrity, and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Nor would future projects in coastal hazard areas be able to ensure consistency with the resource protection policies of the certified LUP, as amended. Therefore, **Suggested Modification 20** deletes the proposed sea level rise projections shown in Appendix I and adds the low risk aversion and the medium-high risk aversion sea level rise projections from the Commission’s Sea Level Rise Policy Guidance in order to ensure that coastal hazard reports use the current best available science. Suggested Modification 20 also adds text to explain how the table should be used in project analysis. Finally, several proposed standards in Appendix I require development to be analyzed under the “high” sea level rise scenario shown in the proposed table of the appendix, but as described previously, the “high” sea level rise scenario is not the most current best available science. Therefore, Suggested Modification 20 is necessary to replace language that references the “high” scenario with the requirement to use the appropriate risk aversion sea level rise scenario shown in the modified table.

The proposed guidelines of Appendix I also require coastal hazard reports that include wave run-up risks to discuss the current conditions of the proposed project site, including the tidal range, inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events, and erosion rates at the site. In order to obtain an accurate account of the current site conditions, **Suggested Modification 20** requires the coastal hazards analysis to include a mean high tide line survey prepared by a licensed professional land surveyor. The mean high tide line determines the boundary between public trust land and private property. It is necessary to determine this boundary in order to avoid the expansion or perpetuation of existing structures in at-risk locations and ensure that the applicant has appropriate legal title to the land being developed. Mean high tide line surveys also provide baseline data that can be useful for understanding the area’s shoreline dynamics and sea level rise over time. Obtaining

mean high tide line surveys is consistent with proposed Policy 3-3, as modified, which requires the County to work with landowners whose property is subject to threats from sea level rise and coastal hazards to develop appropriate adaptation strategies and seek neighborhood scale solutions to shoreline hazards.

Definitions and Other Minor Changes

The same definitions that are proposed to be added to the County's LUP are proposed to be added to the IP/CZO. Thus, **Suggested Modification 13** is necessary to make changes to several proposed definitions so that they are consistent with the definitions in the County's LUP amendment, as modified. The IP/CZO amendment proposes other minor changes, including changes to standards regarding emergency response plans for oil and gas facilities and other minor edits to ensure consistency with the LUP as proposed to be amended.

Conclusion

For all of the reasons stated above, the Commission finds that the IP/CZO amendment, as suggested to be modified, conforms with and is adequate to carry out the coastal development, hazard, public access, recreation, and biological resources policies of the certified LUP, as amended.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP submittal to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b).

The County's LCP amendment consists of an LUP and an IP amendment. As discussed above, the LUP amendment as originally submitted does not conform with and is not adequate to carry out Chapter 3 of the Coastal Act. The Commission has, therefore, suggested modifications to the proposed LUP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the

maximum extent feasible consistent with requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed LUP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed amendment into conformity with the policies of the Coastal Act.

Further, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the LUP, as amended. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP, as amended, consistent with the requirements of the Coastal Act.

Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.