

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



**W11a**

**LCP-4-STB-20-0028-1 (COASTAL RESILIENCY)**

**September 3, 2021**

**CORRESPONDENCE**



# County of Santa Barbara Planning and Development

**Lisa Plowman, Director**

Jeff Wilson, Assistant Director

Steve Mason, Assistant Director

September 3, 2021

Mr. Steve Padilla, Chair, and Commissioners  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105

RE: County of Santa Barbara (County) Local Coastal Program Amendment (LCPA)  
No. LCP-4-STB-20-0028-1 (Coastal Resiliency); Notice of Withdrawal

Dear Chair Padilla and Members of the Commission:

The County of Santa Barbara (County) fully supports amending its Local Coastal Program (LCP) to begin addressing sea level rise. To this end, the County Board of Supervisors (Board) adopted the Coastal Resiliency LCPA in December, 2018. (See Exhibits 3 and 4 to the Coastal Commission staff report dated August 26, 2021.) The County's Coastal Resiliency Project included a wide-ranging public outreach process from 2014 through 2018. Outreach included a technical stakeholder group, numerous public workshops, targeted presentations to community members, a beach demonstration event on Coastal Cleanup Day, coordination with local Coastal Commission staff, and several presentations to the County and Montecito Planning Commissions. The Board unanimously adopted the Coastal Resiliency LCPA due in part to the community's support.

County staff has worked diligently over the past three years with Coastal Commission staff on its suggested modifications to the adopted Coastal Resiliency LCPA. Despite resolving several disagreements, the County Planning and Development Department (Department) continues to have substantial concerns regarding many of the suggested modifications. Some of the unresolved concerns present significant policy changes that could result in adverse consequences for the County and its constituents. Consequently, the Department is formally withdrawing its Coastal Resiliency LCPA (No. LCP-4-STB-20-0028-1).

A summary of our most significant concerns is provided below. Attachment 1 contains the complete list of Coastal Commission staff's suggested modifications and County staff's proposed resolutions, responses, and other areas of disagreement.

## Shoreline Protective Devices

### ▪ **Suggested Modifications 4, 11, and 13 (“Existing Structures”)**

Public Resources Code Section 30235 allows shoreline protective devices for “existing structures.” The Board-adopted Coastal Resiliency LCPA modifies Coastal Land use Plan (CLUP) Policy 3-4 and related definitions, which together implement Section 30235. The purpose of the modification is to clarify that this section of the Coastal Act applies to development in existence prior to the certification of the Coastal Resiliency LCPA. The County’s objective is to create a clear permit process for the public, landowners, and staff. Historically, the County has interpreted Section 30235 to apply to existing coastal structures and has granted permits based on that interpretation, thereby allowing property owners to protect their developments. Additionally, Policy 3-4 requires that shoreline protective devices be designed and sited to eliminate or mitigate adverse impacts and to ensure there is no less environmentally damaging alternative.

The Coastal Commission staff’s report states, “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” (i.e., January 1, 1977). As a proposed “compromise,” Coastal Commission staff propose to stay “silent” on a definition of “existing structure” and, therefore, suggest modifying Policy 3-4 and LCP definitions accordingly. Coastal Commission staff also indicate that development constructed after the effective date of the Coastal Act may have the option of receiving permits for shoreline protective devices, but do not have the “right” to such protection.

County staff do not support the suggested modifications to Policy 3-4 and the removal of the “existing structure” and “existing principal structure” definitions because the modifications will not achieve the necessary clarity regarding which structures are considered “existing” and, consequently, subject to consideration of shoreline protection. Additionally, the modifications leave all shoreline protective device Coastal Development Permit (CDP) applications vulnerable to conflicting interpretations and potential appeals that this LCPA intends to resolve.

The County is one of several California jurisdictions that have delayed or ceased (e.g., City of Del Mar) programs to update their LCPAs due to this and other disagreements with Coastal Commission staff on this Coastal Commission staff-recommended modification/policy position.

### ▪ **Suggested Modification 15 (Waive Rights to Future Shoreline Protection)**

Coastal Commission staff’s suggested modification to CZO Section 35-67A.7. would require that “... new structures or redevelopment within coastal hazard areas potentially

subject to coastal hazards over its anticipated life shall require the applicant to waive any right to claim that the development is entitled to shoreline protection under Public Resources Code Section 30235 or any analogous provision of this LCP.” This modification would foreclose potential shoreline protection options for property owners even though the Coastal Act allows those options under certain circumstances. Therefore, County staff do not support this suggested modification.

▪ **Suggested Modifications 5 and 15 (Removal if Shoreline Protection is Needed)**

Suggested Modifications 5 and 15 add language to proposed CLUP Policy 3-12(3) and CZO Section 35-67A.6.c, respectively, to require development to “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.” County staff do not support suggested modifications intended to preemptively limit future options for coastal landowners that may be needed to protect public health and safety. Therefore, County staff do not support the suggested modifications to CLUP Policy 3-12(3) and CZO Section 35-67A.6.c.

▪ **Suggested Modification 19 (20-Year Time Limit on CDPs for Shoreline Protective Devices)**

The suggested modifications to CZO Section 35-172.13.3.c would require that CDPs for shoreline protective devices expire after 20 years. After CDP expiration the applicant would re-apply for a new or amended permit. The suggested modifications would also require the County to place conditions on CDPs for shoreline protective devices such that mitigation measures to minimize impacts to shoreline sand supply, public access, biological resources, or other coastal resources be reassessed in 20-year increments.

County staff does not agree that CDPs for shoreline protective devices should be limited to 20-year increments. Rather, permits should remain valid until the shoreline protective device becomes ineffective or otherwise obsolete. County staff does not believe that CDPs are the appropriate vehicle for placing time limits upon an approved structure. Additionally, County staff has serious concerns about the ability of County and Coastal Commission staff to follow up on expired CDPs and mitigation measures 20 years into the future. The suggested modification requiring 20-year time limits on CDPs and mitigation measures is infeasible under the County’s current permitting and compliance system. Therefore, County staff does not support these suggested modifications.

### Best Available Science

- **Suggested Modifications 2, 3, and 6 (“Best Available Science”)**

Page 21 of Coastal Commission staff’s report states that the LCPA suggested modifications add language, “to note that if the sea level rise projections . . . become outdated, the most current best available science must be used.” County staff support using the “best available science” to assess risk in technical coastal hazard studies and site-specific coastal hazard reports. However, County staff do not support requiring the use of the “best available science” without an accompanying LCPA. Through an LCPA, the Board would formally agree to use, and after certification of the LCPA would be required to use, the updated and appropriate sea level rise data and scenarios. County staff is concerned that not requiring an LCPA prior to updating the “best available science” will lead to inconsistent hazard analysis, unclear permitting requirements, and the potential for CDP decisions to be made “by appeal” instead of through clear policies and development standards.

### Siting New Development and Minimization of Adverse Impacts

- **Suggested Modifications 6 and 14 (Minimum Bluff Edge Setback)**

The suggested modifications to CLUP Policy 3-15 and CZO Section 35-67.1 would implement a mandatory minimum bluff edge setback of 25 feet. County staff have requested evidence from Coastal Commission staff that supports this minimum setback requirement but have not received substantial evidence. A mandatory minimum bluff edge setback requirement is unnecessary since CLUP policies already require site-specific determinations of appropriate bluff edge setbacks, using the best available information to assess risks and setbacks for individual parcels. Furthermore, it unduly constrains the County Building Official’s discretion when determining an appropriate minimum setback, based on site-specific considerations and best available information. In addition, this modification could cause 200 to 300 properties in the county to become nonconforming. Therefore, County staff do not support this suggested modification.

The County thanks the Commission for Coastal Commission staff’s work coordinating with County staff and considering the County’s concerns. The County understands that the goal of the suggested modifications is to seek to protect sensitive coastal resources. The County shares this goal, but believes that the Board-adopted Coastal Resiliency LCPA and zoning ordinance amendments provide the important policies and implementing ordinances to address protection of sensitive coastal resources and the future challenges associated with sea level rise. Nonetheless, the County believes that the suggested modifications impose unnecessary restrictions on coastal landowners, both public and private.

County staff anticipates working with CCC staff to resolve these points of disagreement and resubmitting the Coastal Resiliency LCPA for certification in 2022. County staff understands opportunities are forthcoming to further address sea level rise policy disagreements through draft guidance documents and state legislation. In the meantime, County staff will monitor Coastal Commission activities to stay informed of new guidance and requirements, as applicable.

Thank you for accepting the County's withdrawal of the Coastal Resiliency LCPA certification application.

Sincerely,



LISA PLOWMAN

Director

County of Santa Barbara Planning and Development Department

Enclosure: Attachment 1 - County Staff Responses to Coastal Commission Staff's Suggested Modifications

cc: County of Santa Barbara Board of Supervisors

Dan Klemann, Deputy Director, Planning and Development Department, Long Range Planning Division

Steve Hudson, District Manager, California Coastal Commission, Central Coast District Office, 89 South California Street, Suite 200, Ventura, CA 93001

## ATTACHMENT 1

### County Staff Responses to Coastal Commission Staff's Suggested Modifications

Suggested Modification	Item	County Staff – Support or Do Not Support Suggested Modification	County Staff's Response Regarding Unsupported Modifications
No. 1	Coastal Land Use Plan (CLUP) Policy 2-17	Support	
No. 2	CLUP Section 3.3	Support, in part	County staff support Coastal Commission staff's suggested modifications to Section 3.3, except for text in this section, and throughout the Local Coastal Program Amendment (LCPA), regarding use of the "best available science." County staff do not support requiring use of the "best available science" without an accompanying LCPA specifying the appropriate sea level rise data and scenarios to be used in hazard assessment and permitting decisions. County staff is concerned that not requiring an LCPA prior to updating the best available science will lead to inconsistent hazard analysis, unclear permitting requirements, and the potential for Coastal Permitting Permit (CDP) decisions to be made "by appeal" instead of through clear policies and development standards.
No. 3	CLUP Policy 3-1	Support, in part	County staff supports Coastal Commission staff's suggested modifications to Policy 3-1 except for the use of the "best available science" language. See County staff's response regarding Modification 2 regarding the "best available science" topic.
No. 4	CLUP Policy 3-3	Support	
	CLUP Policy 3-4	Do Not Support (see response)	County staff disagree with Coastal Commission staff's suggested modifications to remain silent on a definition of "existing structures" under Coastal Act Section 30235. Coastal Commission staff have stated that development constructed after the effective date of the Coastal Act (January 1, 1977) may have the option of receiving permits for shoreline protective devices but do not have the "right" to such protection. This uncertainty will leave all shoreline protection CDP applications vulnerable to appeal by the California Coastal Commission. The County is one of several California jurisdictions that have delayed or suspended implementation of sea level rise LCPA efforts due to disagreement with this Coastal Commission staff-suggested modification.
No. 5	CLUP Policy 3-6	Support	

<b>Suggested Modification</b>	<b>Item</b>	<b>County Staff – Support or Do Not Support Suggested Modification</b>	<b>County Staff’s Response Regarding Unsupported Modifications</b>
	CLUP Policy 3-8	Support	
	CLUP Policy 3-9	Do Not Support (see response)	<p>The suggested modifications would require that site-specific Coastal Hazard Reports ensure “that adequate public or private services and resources (i.e., water, sewer, roads, etc.) will be available to serve the proposed development over the anticipated life of the development, and that the development will assure stability and structural integrity.” County staff believes these two additional requirements are outside the scope of a Coastal Hazard Report. The intent of a site-specific Coastal Hazard Report is to identify any hazards affecting the proposed project, identify any necessary mitigation measures to avoid or minimize threats from hazards, and provide substantial evidence that the project site, with mitigation, is suitable for the proposed development (as described in Policy 3-9).</p> <p>The provision of “adequate public or private services and resources” is already required by other LCP policies and development standards and, therefore, is not needed in a site-specific Coastal Hazard Report. Engineering and technical work to ensure that the “development will assure stability and structural integrity” is already performed during the building permit (and associated permits) phase. Therefore, both these suggested modifications are outside the scope of a site-specific Coastal Hazard Report.</p>
	CLUP Policy 3-10	Support	
	CLUP Policy 3-12	Do Not Support (see response)	<p>County staff support Coastal Commission staff’s suggested modifications to Policy 3-12, Subsections 1 and 2. However, the suggested modification to Subsection 3 would require development to be removed if it “requires new and/or augmented shoreline protective devices to be safe. . .” County staff do not support suggested modifications intended to preemptively limit future options for coastal landowners that may be needed to protect public health and safety. Therefore, County staff do not support the suggested modification to Subsection 3.</p>



<b>Suggested Modification</b>	<b>Item</b>	<b>County Staff – Support or Do Not Support Suggested Modification</b>	<b>County Staff’s Response Regarding Unsupported Modifications</b>
	CLUP Policy 3-13	Support	
<b>No. 6</b>	CLUP Policy 3-14	Do Not Support (see response)	The suggested modifications would implement a mandatory minimum bluff edge setback of 25 feet. County staff have requested evidence from Coastal Commission staff that supports this minimum setback requirement but have not received evidence. A mandatory minimum bluff edge setback requirement is unnecessary since CLUP policies already require site-specific determinations of appropriate bluff edge setbacks, using the best available information to assess risks and setbacks for individual parcels. Furthermore, it unduly constrains the Chief Building Official’s discretion when determining an appropriate minimum setback, based on site-specific considerations and best available information.
	CLUP Policy 3-18	Support	
	CLUP Policy 3-19	Support	
<b>No. 7</b>	CLUP Policy 3-21	Do Not Support (see response)	The suggested modifications would require all CDPs for new roads and road projects to evaluate “retreat and causeways that allow for shoreline migration.” This requirement is outside the scope of a road project permit and is better assessed and addressed in an adaptation plan or transportation/circulation plan.
<b>No. 8</b>	CLUP Policy 3-29	Support	
<b>No. 9</b>	CLUP Policy 7-9	Support	
<b>No. 10</b>	CLUP Policy 9-37	Support	
<b>No. 11</b>	CLUP Appendix A: Definitions	Support modifications to: <ul style="list-style-type: none"> <li>• Bluff (or Cliff)</li> <li>• Bluff Edge</li> <li>• Coastal Hazards</li> <li>• Principal Structure</li> </ul>	

Suggested Modification	Item	County Staff – Support or Do Not Support Suggested Modification	County Staff’s Response Regarding Unsupported Modifications
		<p>Do Not Support modifications to:</p> <ul style="list-style-type: none"> <li>Existing Structure</li> <li>Existing Principal Structure</li> <li>Shoreline Protective Devices</li> </ul> <p>(See response.)</p>	<p><u>Regarding Definitions for “Existing Structure,” “Existing Principal Structure,” and “Shoreline Protective Device”:</u></p> <p>The suggested modifications would remove proposed definitions for “existing structure” and “existing principal structure” and therefore stay silent on these terms. County staff do not support the removal of these two definitions because their removal provides less clarity on which structures are considered “existing” and, consequently, subject to consideration of shoreline protection. The Coastal Commission staff does not agree with the Board of Supervisors’ proposed definitions and interpretation of the Coastal Act on this matter; therefore, removal of the proposed definitions will likely perpetuate this disagreement and inefficiencies in permit processing that this LCPA is intended to eliminate.</p> <p>The suggested modifications would also add “caissons” as a defined type of shoreline protective device. County staff do not agree with this proposed definition.</p>
No. 12	Coastal Zoning Ordinance (CZO) Section 35-51D	See response.	<p>County staff is accepting Coastal Commission staff’s suggested modifications to Section 35-51D, but does not support them. County staff are only accepting Coastal Commission staff’s proposed “economically viable use” language to achieve consistency with the same policy topic in recent County LCPAs. However, County staff believes the “economically viable use” concept requires reconsideration as part of another, future LCPA.</p>
No. 13	CZO Section 35-58	<p>Support modifications to:</p> <ul style="list-style-type: none"> <li>Bluff (or Cliff)</li> <li>Bluff Edge</li> <li>Coastal Hazards</li> <li>Principal Structure</li> </ul> <p>Do Not Support modifications to:</p> <ul style="list-style-type: none"> <li>Existing Structure</li> </ul>	<p><u>Regarding Definitions for “Existing Structure,” “Existing Principal Structure,” and “Shoreline Protective Device”:</u></p>

Suggested Modification	Item	County Staff – Support or Do Not Support Suggested Modification	County Staff’s Response Regarding Unsupported Modifications
		<ul style="list-style-type: none"> <li>Existing Principal Structure</li> <li>Shoreline Protective Devices</li> </ul> (See response.)	The suggested modifications would remove proposed definitions for “existing structure” and “existing principal structure” and therefore stay silent on these terms. The suggested modifications would also add “caissons” as a defined type of shoreline protective device. See the comments regarding Modification No. 11 that address this same issue.
No. 14	CZO Section 35-67	Support modifications to: <ul style="list-style-type: none"> <li>Section 35-67.4</li> <li>Section 35-67.8</li> </ul> Do Not Support modifications to: <ul style="list-style-type: none"> <li>Section 35-67.1</li> </ul> (See response.)	<u>Regarding Section 35-67.1:</u> The suggested modifications would implement a mandatory minimum bluff edge setback of 25 feet. County staff do not support this minimum bluff edge setback requirement given that it is not based on site-specific considerations and unduly limits the Chief Building Official’s discretion when determining an appropriate minimum setback. See the comments regarding Modification No. 6 that address this same issue.
No. 15	CZO Section 35-67A	Support modifications to: <ul style="list-style-type: none"> <li>Section 35-67A.1</li> <li>Section 35-67A.3</li> <li>Section 35-67A.5</li> <li>Section 35-67A.8</li> </ul> Do Not Support modifications to: <ul style="list-style-type: none"> <li>Section 35-67A.4</li> <li>Section 35-67A.6</li> <li>Section 35-67A.7</li> </ul> (See response.)	<u>Regarding Section 35-67A.4:</u> The suggested modifications would require that site-specific Coastal Hazard Reports ensure “that adequate public or private services and resources (i.e., water, sewer, roads, etc.) will be available to serve the proposed development over the anticipated life of the development, and that the development will assure stability and structural integrity.” County staff believes these two additional requirements are outside the scope of a Coastal Hazard Report. Therefore, both these suggested modifications are outside the scope of a site-specific Coastal

Suggested Modification	Item	County Staff – Support or Do Not Support Suggested Modification	County Staff’s Response Regarding Unsupported Modifications
			<p>Hazard Report. See County staff’s response to Modification No. 5, Policy 3-9, above, for further information and justification.</p> <p><u>Regarding Section 35-67A.6:</u></p> <p>County staff support Coastal Commission staff’s suggested modifications to Section 35-67A.6, subsections a) and b). However, the suggested modification to subsection c) would require development to be removed if it “requires new and/or augmented shoreline protective devices to be safe. . .” County staff do not support preemptively limiting future options for coastal landowners that may be needed to protect public health and safety. Therefore, County staff do not support the suggested modification to subsection c).</p> <p><u>Regarding Section 35-67A.7:</u></p> <p>This suggested modification would foreclose potential shoreline protection options for property owners even though the Coastal Act allows those options under certain circumstances. Therefore, County staff do not support this suggested modification.</p>
<b>No. 16</b>	CZO Section 35-97.19	Support	
<b>No. 17</b>	CZO Section 35-130	Support, in part	County staff supports Coastal Commission staff’s suggested modifications to Section 35-130 except for the use of the “best available science” language. See County staff’s response regarding Modification 2 regarding the “best available science” topic.
<b>No. 18</b>	CZO Section 35-162	<p>Support modifications to:</p> <ul style="list-style-type: none"> <li>Section 35-162.1.a.2)e)</li> </ul> <p>Do Not Support modifications to:</p>	<u>Regarding Section 35-162.1.a.2)f)i):</u>

Suggested Modification	Item	County Staff – Support or Do Not Support Suggested Modification	County Staff’s Response Regarding Unsupported Modifications
		<ul style="list-style-type: none"> <li>Section 35-162.1.a.2)f)i)</li> </ul> (See response.)	Suggested modifications in this section reference Sections 35-67A.6 and 35-67A.7, which County staff do not support. (See above.) Therefore, County staff do not support the suggested modifications to Section 35-162.1.a.2)f)i).
<b>No. 19</b>	CZO Subsection 3 of Section 35-172.13	<p>Support modifications to:</p> <ul style="list-style-type: none"> <li>Section 35-172.13.3.b.6)</li> </ul> <p>Do Not Support modifications to:</p> <ul style="list-style-type: none"> <li>Section 35-172.13.3.c.</li> </ul> (See response.)	<p><u>Regarding Section 35-172.13.3.c.:</u></p> <p>The suggested modifications would require that CDPs for shoreline protective devices expire after 20 years, at which time the applicant would re-apply for a new or amended permit. The suggested modifications would require the County to place conditions on CDPs for shoreline protection devices such that mitigation measures to minimize impacts to shoreline sand supply, public access, biological resources, or other coastal resources be reassessed in 20-year increments.</p> <p>County staff does not agree that CDPs for shoreline protective devices should be limited to 20-year increments. Rather, permits should remain valid until the shoreline protective device becomes obsolete. County staff does not believe that CDPs are the appropriate permitting vehicle for placing time limits upon a permitted structure. In addition, County staff has serious concerns about the ability of County and Coastal Commission staff to follow up on expired permits 20 years into the future. The suggested modification requiring 20-year time limits on mitigation measures and CDPs is infeasible under the County’s current permitting/compliance system. Finally, shoreline protective devices also require a Major Conditional Use Permit (CUP) which affords decision-makers the discretion to establish an appropriate term for a Major CUP; therefore, adding this requirement to the corresponding CDP for a shoreline protective structure is not only problematic, but also unnecessary.</p>

Suggested Modification	Item	County Staff – Support or Do Not Support Suggested Modification	County Staff’s Response Regarding Unsupported Modifications
No. 20	CZO Appendix I	Support, with amended text as shown in the County staff’s response.	<p><u>Regarding Appendix I, Section 5(a):</u></p> <p>County staff requests that the Coastal Commission amend the sixth bulleted item under subsection (a), as shown below in strikethrough/underline text. The County’s proposed amendment would reduce potential future conflicts between the list of requirements for a Mean High Tide Line Survey as described in Appendix I, and the list of requirements the California State Lands Commission may apply.</p> <ul style="list-style-type: none"> <li>Current Mean High Tide Line (MHTL) survey of the subject property (based on field data collected within the previous 12 months) that is prepared in accordance with the California State Lands Commission standards by a licensed professional land surveyor. <u>MHTL surveys shall be reviewed by the California State Lands Commission for completeness and accuracy.</u> Such surveys <del>shall</del> <u>should</u>: <ul style="list-style-type: none"> <li>Use either the published Mean High Water elevation from a National Oceanic and Atmospheric Agency published tide station closest to the project or a linear interpolation between two adjacent tide stations, depending on the most appropriate approach in light of tidal regime characteristics.</li> <li>Use the most current tidal epoch.</li> <li>Use local, published control benchmarks to determine elevations at the survey site. Control benchmarks are the monuments on the ground that have been precisely located and referenced to the local tide stations and vertical datum used to calculate the Mean High Tide elevation.</li> <li>Match elevation datum with tide datum.</li> <li>Reference all elevations and contour lines to the North American Vertical Datum 1988 (NAVD88).</li> <li>Note survey date, datum, and MHTL elevation.</li> <li><del>Be reviewed by the California State Lands Commission for completeness and accuracy.</del></li> </ul> </li> </ul>





July 20, 2021

The Honorable Steve Padilla  
Members of the California Coastal Commission  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,300 REALTORS® throughout the South Coast and our mission includes engaging in real estate related community issues affecting our members and/or their clients who are homeowners, landlords, tenants, and commercial owners. We thank you for this opportunity to comment on the County of Santa Barbara Local Coastal Program Amendment.

**SBAOR OPPOSES the following specific references to Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.**

Modification No. 4 - Shoreline Protection and Management.

Although SBAOR supports the inclusion of adaptation strategies where managed retreat is not practical, including soft shoreline protection, SBAOR opposes the omission of hard armoring as a possible strategy in “protect (e.g., soft, non-structural measures). In some cases, hard armoring is warranted and the option for hard armoring should be included in Policy 3-3. Property owners have the right to protect their property according to the California State Constitution<sup>1</sup>.

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<sup>1</sup> Regulations that would prohibit a property owner from armoring their home or business to provide protection from rising seas and storm waves, or that would prohibit property owners from adequately repairing their protective devices, raise serious concerns pertaining to a regulatory taking without just compensation. Any such regulations must comport with the following Constitutional principles and the Coastal Act itself:

- Fifth Amendment of the U.S. Constitution

The “Takings Clause” of the Fifth Amendment of the U.S. Constitution states that government cannot take private property without just compensation (emphasis added):

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

- Constitution of the State of California also has strong protections for private property; Article I - Declaration of Rights - Section 1 (emphasis added)





Policy 3-3 “Prior to emergency conditions, the County will encourage and work with landowners whose property is subject to threats from sea level rise and coastal hazards to develop appropriate adaptation strategies, such as protect (e.g., soft, non-structural measures), accommodate (e.g., floodproofing retrofits), and/or retreat (e.g., relocate or remove existing development)” Where contiguous properties are subject to similar coastal hazards, landowners should develop coordinated adaptation strategies. The County shall seek solutions to shoreline hazards on a larger geographic basis (i.e., neighborhood or region-wide) rather than a single lot circumstance.

Policy 3-4 SBAOR supports the County of Santa Barbara and opposes the Coastal Commission Staff’s modification that eliminates the County definition of existing development. The following County definition should remain: “For the purposes of this policy, “existing structure” means a principal structure (e.g., residential dwelling, accessory dwelling unit, or public recreation facility) that was legally established on or before [effective date of the proposed sea level rise/coastal hazard LCP amendment]”

#### Modification No. 5- Sea Level Rise Coastal Hazard Areas

SBAOR opposes the language in Policy 3.12 which limits the rights of property owners to protect their property from harm. Policies should also provide for property owners to construct and repair shoreline protective devices when repair is necessary in order to continue adequate protection for existing development as defined by the County of Santa Barbara.

Policy 3-12: Development within coastal hazard areas shall be removed, relocated, or modified, and the area restored at the applicant’s or property owner’s expense, if:

(1) The structure, or portion thereof, has been damaged and designated in a final order (after all appeals and writs are completed) as currently and permanently unsafe for occupancy unsafe to enter by the County Building Official or designee due to coastal hazards, or

(2) Essential services to the site can no longer feasibly be maintained (e.g., utilities and roads).

(3) The development requires new and/or augmented shoreline protective devices to be safe that are not consistent with LCP or relevant Coastal Act policies.

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*(a) All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.*

- California Coastal Act (emphasis added)

*Section 30010 (emphasis added) The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*



Regulations that would prohibit a property owner from armoring their home or business to provide protection from rising seas and storm waves, or that would prohibit property owners from adequately repairing their protective devices, raise serious concerns pertaining to a regulatory taking without just compensation.

#### Modification No. 6 – Bluff and Dune Protection

SBAOR does not object to limitations on shoreline protection devices for new development, however SBAOR supports the County of Santa Barbara policy language and NOT proposed Coastal Commission staff modification to Policy 3-14: "In no case shall the required bluff edge setback be less than 25 feet". The County of Santa Barbara is responsible for managing setbacks, and the Coastal Commission should defer to the County for their LPCA per Section 30004 (a) of the Coastal Act, which states:

"To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement."

#### Modification Nos. 11 & 13- Appendix A Definitions

SBAOR opposes the Coastal Commission staff's suggested modifications which would eliminate the definition of "Existing Structure" and "Existing Principal Structure" in the Santa Barbara County LPCA. Santa Barbara County LPCA defines existing structures as "legally established on or before the effective date of the LPCA" in Appendix A and Section 35-58. The definition of existing is important as the Coastal Act allows for the use of shoreline protection devices to protect existing structures.

Section 30235 of the Coastal Act 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. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible."*

#### Modification No. 12 – Takings/Reasonable Economic Use

SBAOR supports the County of Santa Barbara language in Section 35-51D. (Coastal Zoning Ordinance) Economically Viable Use of Property. Where full compliance with all LCP policies and standards, including setbacks for coastal hazards, 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, SBAOR opposes the Coastal Commission staff Modification No. 12 which qualifies the County language: "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 (e.g., public nuisance, public trust doctrine, etc.). Continued use of an existing structure or other development, including with any permissible repair and maintenance, may provide a reasonable economic use."



#### Modification No. 14 - Bluff and Dune Development

SBAOR opposes Coastal Commission staff's suggested recommendations on bluff-top development. "In no case shall the required bluff edge setback be less than 25 feet". The County of Santa Barbara is responsible for managing setbacks, which should not be mandated by the Coastal Commission. The County of Santa Barbara is responsible for managing setbacks, and the Coastal Commission should defer to the County for their LCPA per Section 30004 (a) of the Coastal Act.

#### Modification No. 19 - Additional Requirements: 20-year mitigation period

SBAOR supports the County of Santa Barbara's original language addressing shoreline protection devices. Subsection 3 of Section 35-172.13 (3) a. SBAOR opposes the modification Section 3(c)1 which requires that mitigation be reassessed and adjusted in 20-year increments. This suggested "20-year mitigation period" is not practical and cannot be imposed on the County of Santa Barbara without their consent.

#### Modification No. 20 - Coastal Hazards Report

SBAOR objects to the suggested recommendations which allow for the modification of Santa Barbara County's LCPA Implementation Plan/Coastal Zoning Ordinance without review, comment or consent by the County. The Commission staff modifications relative to Appendix 1 Technical Guidelines for the Preparation of a Coastal Hazard Report states that the best available science supersedes the science utilized in the County's LCPA, specifically Table I-1 of Appendix 1 (and as referenced throughout Modification No. 20). SBAOR supports a Tiered Response to Sea Level Rise. SBAOR does not support this modification which defies local planning efforts and does not comport with Section 30004 (a) of the Coastal Act.

"To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement."

**The following provides a list of Coastal Commission Staff modifications to the Santa Barbara County Local Coastal Program Amendment which SBAOR SUPPORTS (the specific elements of suggested modifications noted).**

#### Modification No. 1 - Development (new)

Policy 2-17 Addresses design of new development and the modifications to the County language not objectionable to SBAOR.

#### Modification No. 4- Shoreline Protection and Management

Policy 3-3 adds language regarding regional solutions which are supported by SBAOR.

SBAOR supports inclusion of adaptation strategies where managed retreat is not practical, however, those adaptation strategies should include artificial reefs and living shorelines as well as hard armoring when less environmentally damaging alternatives are infeasible. The option for hard armoring should be included in the examples for "protect" in Policy 3-3. Property owners have the right to protect their property according to the California State Constitution.

#### Section 4. Section 35-61, Santa Barbara County Coastal Zoning Ordinance- Beach Development

SBAOR supports the language allowing for an exception to the avoidance of Beach Development in order to



protect “facilities necessary for public health and safety...such as boardwalks and trails.” The California Coastal Trail is one of the pre-eminent trails in our nation and was designated as a Federal Millenium Legacy Trail in 1999. CCT is an expansive vital public facility serving the Santa Barbara Equestrian community and should be protected and preserved (including the use shoreline protection devices if no less environmentally damaging alternatives exist).

Modification No. 18 – Nonconforming Buildings and Structures

SBAOR does not object to suggested recommendations on Nonconforming Structures as these modifications do not conflict with SBAOR policies.

SBAOR supports Policy 3-7 Monitoring SLR (no modifications proposed). Observable changes reaching defined thresholds should trigger adaptation scenarios and associated policies, rather than relying only on modeled future changes and predicted timelines. Policy 3-7 states:

“The County shall monitor sea level rise using the best available science, compare modeled projections against measurable changes in sea level, and report the results to the Board of Supervisors every five years, or sooner as necessary to incorporate new sea level rise science and information on coastal conditions. The County shall update the Sea Level Rise Coastal Hazards Screening Areas Map and sea level rise scenario standards if monitoring demonstrates a significant difference between modeled projections and measurable changes in sea level rise.”

Should you have any questions regarding our comments, please contact Krista Pleiser, Government Affairs Director, at [kpleiser@sbaor.com](mailto:kpleiser@sbaor.com) or (805) 884-8609. Thank you.

Sincerely,



Brian Johnson  
2021 President





**Santa Ynez  
Valley**

Association of REALTORS®

September 1, 2021

The Honorable Steve Padilla  
Members of the California Coastal Commission  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

The Santa Ynez Valley Association of REALTORS® thanks you for this opportunity to comment on the County of Santa Barbara Local Coastal Program Amendment. We agree with the points outlined in a detailed letter to you from the Santa Barbara Association of REALTORS®.

**The Santa Ynez Valley Association of REALTORS® OPPOSES the following specific references to Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.**

- Modification No. 4 - Shoreline Protection and Management
- Modification No. 5- Sea Level Rise Coastal Hazard Areas
- Modification No. 6 – Bluff and Dune Protection
- Modification Nos. 11 & 13- Appendix A Definitions
- Modification No. 12 – Takings/Reasonable Economic Use
- Modification No. 14 - Bluff and Dune Development
- Modification No. 19 - Additional Requirements: 20-year mitigation period
- Modification No. 20 - Coastal Hazards Report

**The following provides a list of Coastal Commission Staff modifications to the Santa Barbara County Local Coastal Program Amendment which the Santa Ynez Valley Association of REALTORS® SUPPORTS.**

- Modification No. 1 - Development (new)
- Modification No. 4- Shoreline Protection and Management
- Modification No. 18 – Nonconforming Buildings and Structures

Should you have any questions regarding our comments, please contact President Barbara Bierig at [Barbara@barbarabierig.com](mailto:Barbara@barbarabierig.com) or 805.688.7744. Thank you.

Sincerely,

Barbara Bierig  
Association President  
Santa Ynez Valley Association of REALTORS®

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:55 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Michele Allyn [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 5:33 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

Modification No. 5- Sea Level Rise Coastal Hazard Areas - See above

Modification No. 6 - Bluff and Dune Protection - The County regulates land use policy and therefore setbacks. Why can the Coastal Commission come in and dictate an arbitrary number that may not meet our specific needs?

Modification Nos. 11 & 13- Appendix A Definitions - I don't understand why the structures on a property in the coastal zone - which are already built - aren't considered "existing development". The Coastal Act references protecting existing structures and the Santa Barbara County proposed LCPA addresses this topic.

Modification No. 12 - Takings/Reasonable Economic Use

Modification No. 14 - Bluff and Dune Development - See Modification No. 6

Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Michele Allyn  
4129 VIA ANDORRA APT A  
SANTA BARBARA, CA 93110  
micheleallyn@yahoo.com

**Kubran, Michelle@Coastal**

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:55 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Kalia Rork [mailto:kalia@liveinsb.com]  
Sent: Wednesday, September 01, 2021 6:03 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-20-0028-1 (Coastal Resiliency), for public hearing on September 8, 2021

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I SUPPORT the modifications the Coastal Commission staff is recommending.

I SUPPORT the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Thank you for all you do to protect our bluffs and ocean for all.

Sincerely,

Kalia Rork  
479 N Kellogg Ave  
Goleta, CA 93111  
kalia@liveinsb.com



## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:55 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Dana Hansen [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 6:55 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

Modification No. 5- Sea Level Rise Coastal Hazard Areas - See above

Modification No. 6 - Bluff and Dune Protection - The County regulates land use policy and therefore setbacks. Why can the Coastal Commission come in and dictate an arbitrary number that may not meet our specific needs?

Modification Nos. 11 & 13- Appendix A Definitions - I don't understand why the structures on a property in the coastal zone - which are already built - aren't considered "existing development". The Coastal Act references protecting existing structures and the Santa Barbara County proposed LCPA addresses this topic.

Modification No. 12 - Takings/Reasonable Economic Use

Modification No. 14 - Bluff and Dune Development - See Modification No. 6

Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Dana Hansen  
1048 Fairway Rd  
Montecito, CA 93108  
luxury-homes@cox.net

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:55 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Kevin Frampton [mailto:kfram127@gmail.com]  
Sent: Wednesday, September 01, 2021 7:07 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Kevin Frampton  
12250 Linda Flora Dr  
Ojai, CA 93023  
kfram127@gmail.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Alfredo Orozco [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 7:13 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Alfredo Orozco  
PO Box 6914  
Santa Barbara, CA 93160  
aorozco67@yahoo.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Clifford Rhea [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 7:11 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Clifford Rhea  
3089 Tiana Dr  
Santa Ynez, CA 93460  
rebulldog@verizon.net



## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Terry Stain [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 8:16 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 14 - Bluff and Dune Development - See Modification No. 6

Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Terry Stain  
1272 Byrnes Ln  
Carpinteria, CA 93013  
seascaperealty@hotmail.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Rosemarie DeFrancia [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 9:06 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification Nos. 11 & 13- Appendix A Definitions - I don't understand why the structures on a property in the coastal zone - which are already built - aren't considered "existing development". The Coastal Act references protecting existing structures and the Santa Barbara County proposed LCPA addresses this topic.

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Modification No. 14 - Bluff and Dune Development - See Modification No. 6

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Rosemarie DeFrancia  
431 N Depot St  
Santa Maria, CA 93458  
DeFranciaRose@yahoo.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Melissa Wall [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 9:24 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Melissa Wall  
36 Hollister Ranch Rd  
Goleta, CA 93117  
vistadelosantos@yahoo.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Christi Vior [mailto:user@votervoice.net]  
Sent: Wednesday, September 01, 2021 9:40 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Christi Vior  
1744 Prospect Ave  
Santa Barbara, CA 93103  
christivior@aol.com



## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Jennifer LeMert [mailto:user@votervoice.net]  
Sent: Thursday, September 02, 2021 7:17 AM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification Nos. 11 & 13- Appendix A Definitions - I don't understand why the structures on a property in the coastal zone - which are already built - aren't considered "existing development". The Coastal Act references protecting existing structures and the Santa Barbara County proposed LCPA addresses this topic.

Modification No. 12 - Takings/Reasonable Economic Use

Modification No. 14 - Bluff and Dune Development - See Modification No. 6

Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Jennifer LeMert  
315 Santa Cruz Blvd  
Santa Barbara, CA 93109  
jlemert@fnf.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Thomas Hinkens [mailto:user@votervoice.net]  
Sent: Thursday, September 02, 2021 8:45 AM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

Modification No. 5- Sea Level Rise Coastal Hazard Areas - See above

Modification No. 6 - Bluff and Dune Protection - The County regulates land use policy and therefore setbacks. Why can the Coastal Commission come in and dictate an arbitrary number that may not meet our specific needs?

Modification Nos. 11 & 13- Appendix A Definitions - I don't understand why the structures on a property in the coastal zone - which are already built - aren't considered "existing development". The Coastal Act references protecting existing structures and the Santa Barbara County proposed LCPA addresses this topic.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Thomas Hinkens  
1511 San Miguelito Rd  
Lompoc, CA 93436  
tomhinkens@yahoo.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:56 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Alyson Spann [mailto:Alyson@SpannAssociates.com]  
Sent: Thursday, September 02, 2021 9:00 AM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Alyson Spann  
1025 Cambridge Dr  
Santa Barbara, CA 93111  
Alyson@SpannAssociates.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 10:57 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Sr. Miguel Jaramillo [mailto:user@votervoice.net]  
Sent: Thursday, September 02, 2021 10:29 AM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Miguel Jaramillo  
1591 Jensen Ranch Rd  
Santa Maria, CA 93455  
migueljaramillo@live.com



## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 11:58 AM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Maria Lopez [mailto:user@votervoice.net]  
Sent: Thursday, September 02, 2021 11:33 AM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Maria Lopez  
1444 W Heritage Way  
Santa Maria, CA 93458  
mariaelenalopez76@yahoo.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 2:42 PM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: James Gallegos [mailto:user@votervoice.net]  
Sent: Thursday, September 02, 2021 2:36 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

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Thank you for your time.

Sincerely,

James Gallegos  
878 Romney Ln  
Orcutt, CA 93455  
jamesgallegos1@yahoo.com

## Kubran, Michelle@Coastal

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**From:** SouthCentralCoast@Coastal  
**Sent:** Thursday, September 2, 2021 2:42 PM  
**To:** Kubran, Michelle@Coastal  
**Subject:** FW: County of Santa Barbara LCPA

-----Original Message-----

From: Sherlyn Jordan [mailto:user@votervoice.net]  
Sent: Thursday, September 02, 2021 2:20 PM  
To: SouthCentralCoast@Coastal  
Subject: County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

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Thank you for your time.

Sincerely,

Sherlyn Jordan  
1644 Rowland Dr  
Santa Maria, CA 93454  
sheriajordan@yahoo.com

**Kubran, Michelle@Coastal**

---

**From:** Donna Dart <user@votervoice.net>  
**Sent:** Thursday, September 2, 2021 12:17 PM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

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Thank you for your time.

Sincerely,

Donna Dart  
4381 Heather Cir  
Santa Maria, CA 93455

donnadart@aol.com



**Kubran, Michelle@Coastal**

---

**From:** MEL GOLDSMITH <user@votervoice.net>  
**Sent:** Thursday, September 2, 2021 12:19 PM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

MEL GOLDSMITH  
1603 Alisa Ln  
Santa Barbara, CA 93110

MSGOLD@MSN.COM

**Kubran, Michelle@Coastal**

---

**From:** Thomas Schultheis <Thomascs4@gmail.com>  
**Sent:** Thursday, September 2, 2021 12:58 PM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Thomas Schultheis  
7277 Georgetown Rd  
Goleta, CA 93117



**Kubran, Michelle@Coastal**

---

**From:** Jan Finley <user@votervoice.net>  
**Sent:** Thursday, September 2, 2021 1:17 PM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Jan Finley  
1072 Cota St  
Santa Ynez, CA 93460

janfinleyrealtor@outlook.com

## Kubran, Michelle@Coastal

---

**From:** Sandra Schmidt <user@votervoice.net>  
**Sent:** Thursday, September 2, 2021 4:06 PM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

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Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

Sandra Schmidt  
4662 Tiffany Park Cir  
Santa Maria, CA 93455

sshomes4u@aol.com



September 2, 2021

The Honorable Steve Padilla  
Members of the California Coastal Commission  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: 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.

Dear Chair Padilla and Members of the California Coastal Commission,

The Santa Maria Association of Realtors® (SMAOR) we represent roughly 734 REALTORS® throughout the North Coast and our mission includes engaging in real estate related community issues affecting our members and/or their clients who are homeowners, landlords, tenants, and commercial owners. We thank you for this opportunity to comment on the County of Santa Barbara Local Coastal Program Amendment. We agree with the points outlined in a detailed letter to you from the Santa Barbara Association of REALTORS®.

**The Santa Maria Association of Realtors® OPPOSES the following specific references to Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.**

- Modification No. 4 - Shoreline Protection and Management
- Modification No. 5- Sea Level Rise Coastal Hazard Areas
- Modification No. 6 – Bluff and Dune Protection
- Modification Nos. 11 & 13- Appendix A Definitions
- Modification No. 12 – Takings/Reasonable Economic Use
- Modification No. 14 - Bluff and Dune Development
- Modification No. 19 - Additional Requirements: 20-year mitigation period
- Modification No. 20 - Coastal Hazards Report

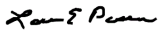
**The following provides a list of Coastal Commission Staff modifications to the Santa Barbara County Local Coastal Program Amendment which the Santa Maria Association of Realtors® SUPPORTS.**

- Modification No. 1 - Development (new)
- Modification No. 4- Shoreline Protection and Management
- Modification No. 18 – Nonconforming Buildings and Structures

Should you have any questions regarding our comments, please contact Laura Passmore, 2021 SMAOR President, at passprop1@gmail or (805)310-1375. Thank you.

Sincerely,

DocuSigned by:



Laura Passmore  
2021 President

July 20, 2021

The Honorable Steve Padilla  
Members of the California Coastal Commission  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

The Lompoc Valley Association of REALTORS (LVAOR) represents roughly 98 REALTORS in the North Santa Barbara County. We thank you for this opportunity to comment on the County of Santa Barbara Local Coastal Program Amendment. We agree with the points outlined in a detailed letter to you from the Santa Barbara Association of REALTORS®.

**LVAOR OPPOSES the following specific references to Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.**

- Modification No. 4 - Shoreline Protection and Management
- Modification No. 5- Sea Level Rise Coastal Hazard Areas
- Modification No. 6 – Bluff and Dune Protection
- Modification Nos. 11 & 13- Appendix A Definitions
- Modification No. 12 – Takings/Reasonable Economic Use
- Modification No. 14 - Bluff and Dune Development
- Modification No. 19 - Additional Requirements: 20-year mitigation period
- Modification No. 20 - Coastal Hazards Report

**The following provides a list of Coastal Commission Staff modifications to the Santa Barbara County Local Coastal Program Amendment which LVAOR SUPPORTS.**

- Modification No. 1 - Development (new)
- Modification No. 4- Shoreline Protection and Management
- Modification No. 18 – Nonconforming Buildings and Structures

Should you have any questions regarding our comments, please contact our President Maria Aguiniga at [santaritarealty@hotmail.com](mailto:santaritarealty@hotmail.com). Thank you.

Sincerely,

Lompoc Valley Association of REALTORS  
139 N G Street, Lompoc CA. 93436



September 3, 2021

To: Steve Padilla, Chair, California Coastal Commission

CC: John Ainsworth, Executive Direction, California Coastal Commission  
Steve Hudson, District Director, California Coastal Commission  
Michelle Kubran, Coastal Program Analyst, California Coastal Commission

**Re: Santa Barbara County LCP Amendment No. LCP-4-STB-20-0028-1 (Coastal Resiliency).**

Dear Chair Padilla,

The Surfrider Foundation is a non-profit, environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people. Surfrider offers the following comments on the County of Santa Barbara's local coastal program update (LCP) for coastal hazards. The County's update includes amendments to both the land use plan and implementation plan.

Surfrider strongly supports upholding the intent of the California Coastal Act to maximize coastal public access, protect sensitive habitats, preserve natural coastal processes and protect public resources. In light of sea level rise and climate change related hazards, local jurisdictions, including the County, must take a proactive approach to update its policies in order to plan for the drastic changes to come to our shorelines. Surfrider strongly supports the staff's suggested modifications. We also offer several suggestions to improve the LCP update.

In general, Surfrider endorses policies that call for planned relocation and implementing "soft" or nature based measures to protect the shoreline. Living shorelines are a win-win solution that uses the ecosystem's natural abilities to protect coastlines from coastal hazards while providing benefits such as habitat and recreation area expansions, while also serving as a more visually pleasing protection measure.

Surfrider actively discourages perpetuation of coastal armoring solutions (seawalls, revetments, jettys) as a means of mitigating the risk of sea level rise. Seawalls have well-documented adverse consequences, including interrupting natural geological processes leading to shrinking coastal habitat areas, increased erosion and impacts to surf.

In addition to policies that preserve coastal resources, the County must also use the best available science. Surfrider is greatly concerned by the County's proposal to use outdated sea level rise projects and refusal to consider more high-risk scenarios in



the LCP. Rather than simply using the low projections that may not give a full picture of the risks, the County must understand and incorporate medium and high-risk projections to adequately identify high and low risk areas overtime and plan for the appropriate risk scenario.

The staff's suggested modifications will incorporate the 2018 OPC Sea Level Rise Guidance update as best available science. Notably, the report and OPC Guidance describe the potential for rapid ice loss due to increased ice sheet melting in Greenland and Antarctica, which may result in an extreme scenario of 10.2 ft. of sea level rise by 2100. This is an alarming possibility that California needs to be prepared for. Staff's suggested modification to the sea level rise science will help further inform appropriate risk scenarios and adaptive capacity.

To that end, staff's modifications encourage a more precautionary approach to protecting coastal resources. As such, Surfrider strongly supports the staff suggested modifications and recommendation. Namely, the following modifications suggested by staff are key policies that will ensure conformance with the Coastal Act and Surfrider strongly supports:

- **Suggested Modification 2** will ensure use of the best available science and use of the appropriate scenario and risk portfolio for a given development.
- **Suggested Modification 5** is necessary to add highways and railroads to the list of critical infrastructure and require removal of development on public trust land.
- **Suggested Modification 6** requires use of the appropriate sea level rise scenario and up to date science for blufftop development and a minimum 25 foot bluff setback.
- **Suggested Modification 7** ensures relocation of roadways is considered as an adaptation response.
- **Suggested modification 14** is necessary to ensure new development is avoided within a coastal hazard zone and a minimum 25 foot setback is established.
- **Suggested modification 19** will ensure shoreline protective devices do not encroach on public beach space where feasible and that impacts are properly mitigated over time.
- **Suggested modification 20** will again ensure use of the best available sea level rise science.

In addition to the staff recommendation, Surfrider offers the following suggestions:

1. **The County must include the correct definition of existing development/structures in the LCP update**



The staff recommendation, suggested modification 4, deletes the County's definition of "existing structure" because it incorrectly defines "existing" as a structure legally established before the date of certification of the LCP update. However, Coastal Commission interprets "existing structures," in the context of shoreline armoring, to mean structures built on or before January 1, 1977. As a compromise, suggested modification 4 removes the definition all together.

Using the January 1, 1977 date represents the most reasonable and straightforward interpretation of that section, under current law, reflecting the clear legislative intent to allow shoreline protection as-of-right for development that was in existence when the Coastal Act was passed. **Surfrider strongly urges the Commission to require the definition be included in the LCP update as such.** That doesn't mean that armoring for post-1977 development is not allowed under the Coastal Act. It only means that applicants for armoring for post-1977 development need to comply with the other provisions of the Coastal Act – the seawall isn't an entitlement.

However, any encouragement of coastal development and fortification is not consistent with the policies and procedures of the Coastal Act, since it will jeopardize near shore ecosystems, beach access and even coastal infrastructure and private property. The County's definition would encourage maladaptive coastal armoring.

The Commission is likely to be faced with increasing conflicts between section 30235 and section 30233's broad prohibition on armoring. The only way to address these conflicts and remain true to the Coastal Act's policies safeguarding environmentally sensitive habitat areas and public access is to recognize that existing structures have limited lifetimes and, where feasible, use forward planning mechanisms (such as Transfer of Development Rights systems, rolling easements, and moveable structure design approaches) to avoid de facto armoring of the coast by protecting structures in perpetuity and allowing existing and future development to become essentially permanent. Once the limited lifetime of these structures is both recognized and built into the forward planning process, meaningful sea level rise adaptation policies that protect public access and coastal habitats will be achievable if the Commission engages in a program of robust enforcement.

In previous land use plan updates, Coastal Commission staff has justified approval without a definition of "existing" in the plan, indicating that they intend to encourage local governments to include the definition of existing development/structures in forthcoming implementation plans – seemingly kicking the can down the road. Here, the County aims to certify both the land use plan and implementation plan without the definition. This omission will not only jeopardize coastal resources but effectively puts the burden on the public and Coastal



Commission staff to review every permit decision the County makes to ensure the correct definition is used – and to correct a discrepancy would require a cumbersome appeal process, putting more strain on Coastal Commission staff who are already hamstrung by an oversized workload. Now is the time for the Coastal Commission to stand by its charges to protect coastal resources from sea level rise and climate change hazards by ensuring this basic definition be included in LCP updates.

## **2. The LCP must include a plan to restore Goleta Beach Park**

The County has a long history of installing unpermitted shoreline armoring at Goleta Beach Park. In total, 2,000 feet of exposed revetment currently exists at Goleta Beach, all installed without a permit or under expired emergency permit. For years, the County has failed to file a follow up CDP or address existing permit violations. The shoreline armoring is having significant negative impacts at Goleta Beach including increased beach erosion, grunion habitat disturbance, loss of access and more.

More recently, in April 2020, University of California Santa Barbara installed an "emergency" revetment with no permit whatsoever on the west end of Goleta Beach Park. The emergency application was not denied, nor was it granted. Coastal Commission staff asked UCSB to apply for a regular permit yet thus far, they have not yet done so.

The Surfrider Foundation Santa Barbara County Chapter supports the County's [Goleta Beach 2.0 plan](#), developed in 2010 but never implemented. The plan analyses managed retreat options for the park in order to mitigate coastal erosion. The County Parks department completed an extensive field survey of existing conditions, used GIS to map the park, identified structures that are at risk to beach loss, and examined alternate park configurations. The LCP update is an important opportunity to recommit to addressing erosion and restoring access at Goleta Beach Park. Removal of unpermitted rock revetments and relocation of underground utility lines will ensure that Goleta Beach Park can be managed in an environmentally sound manner for many years to come.

Over the past three years, a cobble berm that evolved from flood control debris deposition has done an excellent job of retaining a wide sandy beach at the west end of the park. Because excess sand is able to bypass the berm, downcoast beach widths and sand supply have not been noticeably affected. The total cost of each year's deposition is less than the county's revenue from the Goleta Beach restaurant in a typical year. This experience illustrates how a low-cost, sustainable solution to coastal erosion can be had without resorting to revetments or seawalls.



**Please require the County to address this situation at Goleta Beach Park in this LCP update.** As usual, we are left dealing with "emergency" armoring that sits on the beach unpermitted for years – this is a terrible infringement on public resources that must be addressed in the County’s LCP with plans for removing the shoreline armoring and restoring the beach.

**3. The LCP should include clear policies on temporary and emergency permitting.**

The LCP update does not adequately address emergency and temporary armoring policy. Despite even the best of intentions and permitting conditions, emergency seawalls and revetments are almost never removed once established. Such is the case at Goleta Beach Park. In addition to committing to restoring Goleta Beach in the LCP, Surfrider suggests that the County incorporate the following emergency permit policies into their LCP update:

1. **Include the strongest definition of “emergency.”** A bluff or structure that has been failing for years should not be subject to an emergency permit; a property owner’s lack of planning should not be used to force a hand; the default should be requiring a full CDP to allow for thoughtful analysis and public input.
2. **Encourage the use of softer solutions,** especially for temporary emergency situations. Hard armoring should always be a last resort option. The alternative is “soft” armoring or living shoreline structures which have been shown to be a cost-effective approach to mitigating the risk from floods, storms and sea level rise. Natural infrastructure overcomes many of the shortcomings of coastal armoring by working with – rather than against – natural coastal processes. In addition, these systems provide important co-benefits for coastal communities; natural coasts can serve as protective buffers against sea level rise and storm events while continuing to provide access, recreation opportunities, wildlife habitat and other social benefits. Surfrider urges the County to specifically recommend the use of softer solutions for emergency armoring situations. Hard armoring should not be used in emergency permits. The LCP should include a requirement for robust alternatives analysis including planned relocation, soft alternatives and living shorelines upon application for and/or expiration of an emergency permit.
3. **The cumulative statewide impacts should always be considered** in the granting of emergency permits.
4. If emergency armoring is approved, **include and enforce an expiration date and removal plan.** Further, require a removal bond to be held by the applicant as a permit condition to ensure funding exists for removal of the seawall or revetment once the emergency permit expires. All armoring (even so-called “soft” armoring) must be considered temporary - a bridge strategy.



Given the projected impacts from climate change, alternative approaches will eventually be necessary, such as managed retreat. Surfrider is particularly concerned with the use of plastic geotextile bags which, when left for months or years, contribute significantly to local plastic pollution and water quality concerns as they inevitably degrade into the nearshore environment.

Thank you for your consideration of Surfrider's comments. We look forward to working with the County and Coastal Commission to advance these planning priorities.

Sincerely,

A handwritten signature in black ink that reads "A. Sackett".

Mandy Sackett  
California Policy Coordinator  
Surfrider Foundation





July 20, 2021

The Honorable Steve Padilla  
Members of the California Coastal Commission  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I represent Smart Coast California (SCCa), a nonprofit organization with more than 90,000 stakeholders dedicated to advocating for the collaborative stewardship of the coast, community sustainability, property rights and the environment. Smart Coast California asks that you **APPROVE** the County of Santa Barbara's proposed LCP amendment as submitted. Below are Smart Coast California (SCCa)'s position on Santa Barbara Local Coastal Program Amendment (LCP-4-STB-20-0028-1) Coastal Resiliency, and Coastal Commission staff's suggested modifications to County of Santa Barbara Coastal Land Use Plan Amendment and Coastal Zoning Ordinance (Local Coastal Program Amendment).

**SCCa OPPOSES the following specific references to Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.**

**Modification No. 4 - Shoreline Protection and Management.** Although SCCa supports the inclusion of adaptation strategies where managed retreat is not practical, including soft shoreline protection, SCCa opposes the omission of hard armoring as a possible strategy under accommodate. In some cases, hard armoring is warranted and the option for hard armoring should be included in Policy 3-3. Property owners have the right to protect their property according to the California State Constitution<sup>1</sup>.

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<sup>1</sup> Regulations that would prohibit a property owner from armoring their home or business to provide protection from rising seas and storm waves, or that would prohibit property owners from adequately repairing their protective devices, raise serious concerns pertaining to a regulatory taking without just compensation. Any such regulations must comport with the following Constitutional principles and the Coastal Act itself:

- Fifth Amendment of the U.S. Constitution

The "Takings Clause" of the Fifth Amendment of the U.S. Constitution states that government cannot take private property without just compensation (emphasis added):

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

- Constitution of the State of California also has strong protections for private property; Article I - Declaration of Rights - Section 1 (emphasis added)

*(a) All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.*

- California Coastal Act (emphasis added)

*Section 30010 (emphasis added) The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just*

Policy 3-3 “Prior to emergency conditions, the County will encourage and work with landowners whose property is subject to threats from sea level rise and coastal hazards to develop appropriate adaptation strategies, such as protect (e.g., soft, non-structural measures), accommodate (e.g., floodproofing retrofits), and/or retreat (e.g., relocate or remove existing development)” Where contiguous properties are subject to similar coastal hazards, landowners should develop coordinated adaptation strategies. The County shall seek solutions to shoreline hazards on a larger geographic basis (i.e., neighborhood or region-wide) rather than a single lot circumstance.

Policy 3-4 SCCa supports the County of Santa Barbara and opposes the Coastal Commission Staff’s modification that eliminates the County definition of existing development. The following County definition should remain: “For the purposes of this policy, “existing structure” means a principal structure (e.g., residential dwelling, accessory dwelling unit, or public recreation facility) that was legally established on or before [effective date of the proposed sea level rise/coastal hazard LCP amendment]”

Modification No. 5- Sea Level Rise Coastal Hazard Areas SCC opposes the language in Policy 3.12 which limits the rights of property owners to protect their property from harm. Policies should also provide for property owners to construct and repair shoreline protective devices when repair is necessary in order to continue adequate protection for existing development as defined by the County of Santa Barbara.

Policy 3-12: Development within coastal hazard areas shall be removed, relocated, or modified, and the area restored at the applicant’s or property owner’s expense, if:

- (1) The structure, or portion thereof, has been damaged and designated in a final order (after all appeals and writs are completed) as currently and permanently unsafe for occupancy unsafe to enter by the County Building Official or designee due to coastal hazards, or
- (2) Essential services to the site can no longer feasibly be maintained (e.g., utilities and roads).
- (3) The development requires new and/or augmented shoreline protective devices to be safe that are not consistent with LCP or relevant Coastal Act policies.

Regulations that would prohibit a property owner from armoring their home or business to provide protection from rising seas and storm waves, or that would prohibit property owners from adequately repairing their protective devices, raise serious concerns pertaining to a regulatory taking without just compensation.

Modification No. 6 – Bluff and Dune Protection SCCa does not object to limitations on shoreline protection devices for new development, SCCa supports the County of Santa Barbara policy language and NOT proposed Coastal Commission staff modification to Policy 3-14: “In no case shall the required bluff edge setback be less than 25 feet”. The County of Santa Barbara is responsible for managing setbacks, and the Coastal Commission should defer to the County for their LCPA per Section 30004 (a) of the Coastal Act, which states:

"To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement."

Modification Nos. 11 & 13- Appendix A Definitions SCCa opposes the Coastal Commission staff’s suggested modifications which would eliminate the definition of “Existing Structure” and “Existing Principal Structure” in the Santa Barbara County LCPA. Santa Barbara County LCPA defines existing structures as “legally established

on or before the effective date of the LPCA” in Appendix A and Section 35-58. The definition of existing is important as the Coastal Act allows for the use of shoreline protection devices to protect existing structures.

Section 30235 of the Coastal Act 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. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible."*

Modification No. 12 – Takings/Reasonable Economic Use SCCa supports the County of Santa Barbara language in Section 35-51D. (Coastal Zoning Ordinance) Economically Viable Use of Property. Where full compliance with all LCP policies and standards, including setbacks for coastal hazards, 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, SCCa opposes the Coastal Commission staff Modification No. 12 which qualifies the County language: “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 (e.g., public nuisance, public trust doctrine, etc.). Continued use of an existing structure or other development, including with any permissible repair and maintenance, may provide a reasonable economic use.”

Modification No. 14 - Bluff and Dune Development SCCa opposes Coastal Commission staff’s suggested recommendations on bluff-top development. “In no case shall the required bluff edge setback be less than 25 feet”. The County of Santa Barbara is responsible for managing setbacks, which should not be mandated by the Coastal Commission. The County of Santa Barbara is responsible for managing setbacks, and the Coastal Commission should defer to the County for their LPCA per Section 30004 (a) of the Coastal Act.

Modification No. 19 - Additional Requirements: 20-year mitigation period SCCa supports the County of Santa Barbara’s original language addressing shoreline protection devices. Subsection 3 of Section 35-172.13 (3) a. SCCa opposes the modification Section 3(c)1 which requires that mitigation be reassessed and adjusted in 20-year increments. This suggested “20-year mitigation period” is not practical and cannot be imposed on the County of Santa Barbara without their consent.

Modification No. 20 - Coastal Hazards Report SCCa objects to the suggested recommendations which allow for the modification of Santa Barbara County’s LPCA Implementation Plan/Coastal Zoning Ordinance without review, comment or consent by the County. The Commission staff modifications relative to Appendix 1 Technical Guidelines for the Preparation of a Coastal Hazard Report states that the best available science supersedes the science utilized in the County’s LPCA, specifically Table I-1 of Appendix I (and as referenced throughout Modification No. 20). SCCa supports a Tiered Response to Sea Level Rise. SCCa does not support this modification which defies local planning efforts and does not comport with Section 30004 (a) of the Coastal Act.

*"To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement."*

**The following provides a list of Coastal Commission Staff modifications to the Santa Barbara County Local Coastal Program Amendment which SCCa SUPPORTS (the specific elements of suggested modifications noted).**

Modification No. 1 - Development (new) Policy 2-17 Addresses design of new development and the modifications to the County language not objectionable to SCCa.

Modification No. 4- Shoreline Protection and Management Policy 3-3 adds language regarding regional solutions which are supported by SCCa. SCCa supports inclusion of adaptation strategies where managed retreat is not practical, however, those adaptation strategies should include artificial reefs and living shorelines as well as hard armoring when less environmentally damaging alternatives are infeasible. The option for hard armoring should be included in the examples for “protect” in Policy 3-3. Property owners have the right to protect their property according to the California State Constitution.

Section 4. Section 35-61, Santa Barbara County Coastal Zoning Ordinance- Beach Development: SCCa supports the language allowing for an exception to the avoidance of Beach Development in order to protect “facilities necessary for public health and safety...such as boardwalks and trails.” The California Coastal Trail is one of the pre-eminent trails in our nation and was designated as a Federal Millennium Legacy Trail in 1999. CCT is an expansive vital public facility serving the Santa Barbara Equestrian community and should be protected and preserved (including the use shoreline protection devices if no less environmentally damaging alternatives exist).

Modification No. 16 – Development Standards for Stream Habitats SCCa does not object to suggested recommendations on Stream Buffers as these modifications do not conflict with SCCa policies.

Modification No. 17 - Subdivision of Land SCCa does not object to suggested recommendations on Subdivisions as these modifications do not conflict with SCCa policies.

Modification No. 18 – Nonconforming Buildings and Structures SCCa does not object to suggested recommendations on Nonconforming Structures as these modifications do not conflict with SCCa policies.

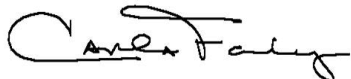
SCCa supports Policy 3-7 Monitoring SLR (no modifications proposed). Observable changes reaching defined thresholds should trigger adaptation scenarios and associated policies, rather than relying only on modeled future changes and predicted timelines. Policy 3-7 states:

“The County shall monitor sea level rise using the best available science, compare modeled projections against measurable changes in sea level, and report the results to the Board of Supervisors every five years, or sooner as necessary to incorporate new sea level rise science and information on coastal conditions. The County shall update the Sea Level Rise Coastal Hazards Screening Areas Map and sea level rise scenario standards if monitoring demonstrates a significant difference between modeled projections and measurable changes in sea level rise.”

\* \* \*

Smart Coast California asks that you **APPROVE** the County of Santa Barbara’s proposed LCP amendment as submitted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carla Farley', written in a cursive style.

Carla Farley  
President  
Smart Coast California

**Kubran, Michelle@Coastal**

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**From:** jennie bradley <user@votervoice.net>  
**Sent:** Friday, September 3, 2021 9:10 AM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

Dear Chair Padilla and Members of the California Coastal Commission,

I live in Santa Barbara County and I oppose a number of modifications the Coastal Commission staff is recommending.

I OPPOSE the following Coastal Commission Staff modifications to Santa Barbara County Proposed Coastal Land Use Program Amendment.

Modification No. 4 - Shoreline Protection and Management - The County worked hard on their plan and created policies that appropriately address our local needs. We need to ensure that we can protect our homes and businesses from sea level rise when specific triggers are met.

Modification No. 5- Sea Level Rise Coastal Hazard Areas - See above

Modification No. 6 - Bluff and Dune Protection - The County regulates land use policy and therefore setbacks. Why can the Coastal Commission come in and dictate an arbitrary number that may not meet our specific needs?

Modification Nos. 11 & 13- Appendix A Definitions - I don't understand why the structures on a property in the coastal zone - which are already built - aren't considered "existing development". The Coastal Act references protecting existing structures and the Santa Barbara County proposed LCPA addresses this topic.

Modification No. 12 - Takings/Reasonable Economic Use

Modification No. 14 - Bluff and Dune Development - See Modification No. 6

Modification No. 19 - Additional Requirements: 20-year mitigation period - This modification makes no sense and any reassessment should be done when needed.

Modification No. 20 - Coastal Hazards Report - Isn't the Coastal Commission supposed to work local governments? If so, why is staff recommending that that best available science supersede what the County already has? Is this a work around to not go through the process with the County?

Thank you for your time.

Sincerely,

jennie bradley  
2640 Janin Way  
Solvang, CA 93463

jennie.bradley@hotmail.com

## Kubran, Michelle@Coastal

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**From:** Amanda Rice <user@votervoice.net>  
**Sent:** Friday, September 3, 2021 4:04 PM  
**To:** SouthCentralCoast@Coastal  
**Subject:** County of Santa Barbara LCPA

Dear Chair Padilla,

RE: 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

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Thank you for your time.

Sincerely,

Amanda Rice  
626 Meadowbrook Dr  
Santa Maria, CA 93455

amandarice@outlook.com