

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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VENTURA, CA 93001  
(805) 585-1800



January 6, 2009

Noel Langle  
Planning and Development  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058

RE: Local Coastal Program Amendment STB-MAJ-1-08-A through F

Dear Mr. Langle,

On December 19, 2008, our office received the County's submittal to amend the Zoning Ordinance components of the certified Local Coastal Program (LCP) for (A) Road Naming and Time Extension Procedures, Montecito; (B) Revised Procedures for Road Naming, Time Extension, and Septic System Special Problems Areas, Santa Barbara County (except Montecito); (C) Revised Procedures for Overall Sign Plans and Special Home Care Permitting, Santa Barbara County (except Montecito); (D) Revised Procedures for Overall Sign Plans and Special Home Care Permitting, Montecito; (E) Transfer Development Rights, Santa Barbara County; and (F) Santa Barbara Ranch Project, Gaviota Coast, Santa Barbara County. Our review indicates that the amendment submittal is incomplete at this time. Presently, we have identified some information requirements that must be addressed in order to enable the Coastal Commission (hereinafter, "Commission" or "CCC") to process the proposed LCP amendment in accordance with the provisions of the Coastal Act and with Sections 13551 through 13555 of the Commission's regulations<sup>1</sup>. If we have overlooked any of the following items, due to the extensive nature of the submittal, please cite the location accordingly. All comments are intended to address the Coastal Zone only.

**1 STB-MAJ-1-08-A (Ordinance No. 4672); STB-MAJ-1-08-B (Ordinance No. 4673); STB-MAJ-1-08-C (Ordinance No. 4680); STB-MAJ-1-08-D (Ordinance No. 4681)** (THE FOLLOWING SUBMITTAL REQUIREMENTS ARE NECESSARY FOR THE ABOVE-NOTED, FOUR LCP AMENDMENT COMPONENTS, EXCEPT WHERE SPECIFICALLY IDENTIFIED FOR A PARTICULAR COMPONENT. ADDITIONAL INFORMATION REGARDING THESE COMPONENTS MAY BE REQUIRED AS PROVIDED IN "FILING REQUIREMENTS FOR COMPONENTS A THROUGH F" IN SECTION 4 BELOW.)

1.1 *Amendment Materials and Conformity (Section 13552(b))*. Section 13552(b) of the Commission regulations requires LCP amendment submittals to include all policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. The following information regarding the proposed amendment description and materials is

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<sup>1</sup> The Commission's regulations are codified in the California Code of Regulations, Title 14, sections 13,000 *et seq.* All further references to sections in the 13000s are to those regulations.

essential for staff to complete its review of the proposed amendment for conformity with Coastal Act requirements:

- 1.1.1 For each of the four LCP Amendment components identified above (STB-MAJ-1-08-A through –D), please provide a strike-out and underline copy of the proposed LCP amendment Zoning Ordinance / Implementation Plan changes in relation to the currently pending (non-certified) Land Use Development Code (LUDC; LCP Amendment 4-07) language for clarity. Alternatively, please provide a revised amendment utilizing the existing LCP, as currently certified by the Commission, showing a strike-out and underline format of the proposed changes to the existing LCP.
  - 1.1.2 STB-MAJ-1-08-A (Ordinance 4672). Proposed Sec. 35.474.030(D)(2)(b). Please define and describe the standards and procedures for extending the time limit of CUPs under circumstances of “discontinuance of use,” including the length of time CUPs would be extended under these circumstances.
  - 1.1.3 STB-MAJ-1-08-B (Ordinance 4573). Without a “strike-out and underline” version, as requested in 1.1.1 above, showing proposed changes that would be implemented by STB-MAJ-1-08-B, it is particularly unclear what changes are proposed in LUDC Section 35.2, Zones and Allowable Uses, especially relating to Sections 1 through 6 of Ordinance No. 4673. Do the changes in Sections 1-6 of the Ordinance apply only to septic systems in Special Problems Areas?
  - 1.1.4 STB-MAJ-1-08-C (Ordinance 4680). Please clarify the proposed amendment description to clearly explain which portions of this amendment will and will not apply in the coastal zone. This is necessary in order to clarify which portions are reviewable by the CCC and which portions are not intended to be certified by the CCC. The Summary and Discussion submitted with this amendment states that Section 1.3 Temporary Sales Offices in New Subdivisions, will not apply in the coastal zone. Please clarify whether this statement refers to Section 35.42.260, number 13, on page 17 of Ordinance No. 4680, and if so, please further clarify why this section references coastal development permits. Is this the only portion of this proposed amendment that will not apply in the coastal zone?  
Without a “strike-out and underline” version, as requested in 1.1.1 above, showing proposed changes that would be effected by STB-MAJ-1-08-C, it is particularly unclear what changes have been made to the tables, listed in Sections 19-24 and 26 of Ordinance No. 4680. Please summarize/clarify.
- 1.2 *Public Noticing and Public Participation (Section 13552(a), 13515)*. Section 13515 requires that local governments have procedures in place to provide the public and affected agencies with maximum opportunity to participate in the amendment process, with certain minimum standards required for providing such opportunities specified further through that Section 13515. Section 13552(a) requires LCP amendment submittals to include a summary of the measures taken to provide those opportunities. The following information regarding public noticing and public participation is necessary for staff to complete its review of the proposed amendment submittal:

- 1.2.1 The copy of the hearing notice(s) provided for STB-MAJ-1-08-A, -B, and -D LCP Amendment components does not indicate the date of publication or the newspaper or other media where such notice was published, as required by subdivision (d) of Section 13515. In the case of STB-MAJ-1-08-C, no evidence of notification was found in the submittal. Please provide evidence of publication of these notices for all hearings regarding the LCP amendment, indicating where/when the notice was published.
- 1.2.2 Please provide a list of interested parties (and contact information) for each of the four LCP Amendment components identified above (STB-MAJ-1-08-A through -D), including any members of the public, organizations, or agencies appearing at any hearing or contacted for comment on the LCP amendment, as required by Section 13552(a). Please provide electronic copies in addition to the hard copies so that we may provide further notice of Commission hearings to the interested parties. Additionally, please provide any applicable hearing slips.

## **2 STB-MAJ-1-08-E – Transfer Development Rights (Ordinances No. 4686 and 4687)**

- 2.1 *Amendment Materials and Conformity (Section 13552(b))*. Section 13552(b) of the Commission regulations requires LCP amendment submittals to include all policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. The following information regarding the proposed amendment description and materials is essential for staff to complete its review of the proposed amendment for conformity with Coastal Act requirements:
  - 2.1.1 Please clarify the proposed amendment description in regards to the final TDR program. Please provide a full description of the stages and timelines to complete a transaction (assuming the TDR Authority is legally in place) including but not limited to: when the sender-site property owner would sell the development rights; whether the sender-site property owner would continue to own the property (albeit with conservation easement placed on it) and be entitled to other types of development over the property (e.g., agricultural process plants, equestrian facilities, etc.) or whether the property would be bought outright by the TDR Authority; how and when the sender-site would be assessed a value; when the conservation easement would be imposed on the sender-site; how the TDR Authority would recruit sender-sites; the stage of the process wherein the County would determine the priorities for purchasing sender-sites; and the timeline for use of TDR purchase funds, amenity funds, etc.
  - 2.1.2 Exhibit E, Page 2. The submitted Summary and Discussion indicates that it might be possible to transfer TDRs to “other rural properties”; however, this ability does not appear to be provided for in the text of the ordinance. Please clarify whether the ordinance does provide for transfer of TDRs to rural properties, and if so, please explain where this provision may be found in the proposed ordinance(s).
  - 2.1.3 Exhibit E, Page 3. The discussion indicates that “on the basis of substantial evidence in the record, the Board of Supervisors has declared that a full

extinguishment of development potential at Naples through TDR is not feasible.” Please clarify which documents comprise the record of substantial evidence. Does this refer to the TDR Study and TDR Study update only, or were there other documents, experts, testimonies, etc. that were relied upon to make this determination? If so, please provide a list so that we may also review the complete record.

- 2.1.4 Please confirm whether the TDR Study update, dated August 30, 2007, is the final / most recent information provided regarding the creation of a TDR bank and valuation of the lots, and if it is not, what other information exists, and please provide it.
- 2.1.5 Please provide an analysis and all relevant background documents as to how it was estimated that 125 lots would be buildable under the Official Map grid-lot configuration. Please indicate how many of these 125 lots are located within the coastal zone.
- 2.1.6 Please clarify the rationale for limiting potential receiver-sites to the South Coast area. Also, please provide a black-and-white, reproducible 8.5 x 11” graphic of the potential South Coast receiver-site area.
- 2.1.7 Please overlay the Official Naples Town Site parcels onto a full-size aerial photograph, with Assessor Parcel Numbers noted.
- 2.1.8 Please provide all lot legality information for the underlying Official Map Lots including, but not limited to, history and evidence of lot creation, all applicable Certificates of Compliance, the associated record of the determinations regarding lot legality (associated with the Certificate of Compliance or other type of County determination), and the permit history (e.g., Coastal Development Permit) for all such determinations.
- 2.1.9 Section 35.64.010(C)(1)(a). Please define “preservation” as used in this Section.
- 2.1.10 Section 35.64.030. Development Rights. Please provide an analysis and comparison of development rights of Official Map Lots, comparing (a) current development rights under the existing LCP (Article II) as allowed under the existing agricultural zoning and any other applicable law to (b) the proposed development rights in the NTS zone. Also, please clarify why agricultural crop production is specifically excluded as a development right under the proposed definition.
- 2.1.11 Section 35.64.030. Transfer Development Rights (TDRs). Please clarify the definition of Transfer Development Rights in this section; there appear to be typographical errors within the definition. Also, please clarify the use of the term “initiation.” Please clarify whether use of this term precludes the TDR Authority from actively recruiting sender-sites.
- 2.1.12 Section 35.64.050(C)(1) incorrectly references 35.64.040(A). Same issue in Ordinance 4687. Please clarify.

- 2.1.13 Section 35.64.050(C)(3) incorrectly references 35.64.030(B). Same issue in Ordinance 4687. Please clarify.
- 2.1.14 Section 35.64.060 references the County's Housing Element. Please clarify if the Housing Element is intended to be incorporated by reference into the LCP. If so, please provide a copy of the County's Housing Element; if not, please remove the reference or clarify how it is not a part of the LCP.
- 2.1.15 Section 35.64.060(B)(2) incorrectly references 35.64.050(A). Same issue in Ordinance 4687. Please clarify.
- 2.1.16 Section 35.64.060(B)(4)(c) incorrectly references 35.64.050(B)(3)(b). Same issue in Ordinance 4687. Please clarify.
- 2.1.17 Section 35.54.090(J) appears to defer the establishment of a valuation methodology for sender-sites until such time as TDR Authority creates bylaws and rules. Given that the valuation of individual parcels is a critical element in determining the feasibility of the TDR Program (including both full and partial implementation of the TDR Program), please develop and provide a proposed methodology as part of your LCP amendment STB-MAJ-1-08-E.
- 2.1.18 Section 35.64.090(D). Please define agricultural crop production as used in this Section.
- 2.1.19 Section 35.64.090 (G)(4). Please clarify the types of investment contract obligations that may be included in item four of this section.
- 2.1.20 Section 35.64.090(I). Please clarify whether inter-jurisdictional agreements would require a coastal development permit and/or be appealable actions to the Coastal Commission.
- 2.2 *Public Noticing and Public Participation (Section 13552(a), 13515)*. Section 13515 requires that local governments have procedures in place to provide the public and affected agencies with maximum opportunity to participate in the amendment process, with certain minimum standards required for providing such opportunities specified further through that Section 13515. Section 13552(a) requires LCP amendment submittals to include a summary of the measures taken to provide those opportunities. The following information regarding public noticing and public participation is necessary for staff to complete its review of the proposed amendment submittal:
- 2.2.1 The copy of the hearing notice(s) provided for this component did not indicate the date of publication or the newspaper or other media where such notice was published, as required by subdivision (d) of Section 13515. Please provide evidence of publication of these notices for all hearings regarding the LCP amendment, indicating where/when the notice was published.
- 2.2.2 Please confirm that all correspondence received regarding LCP Amendment component STB-MAJ-1-08-E (TDRs) was provided for our records or provide any additional comments that were not provided previously. Presently we have on file

letters from Marc Chyttilo / Naples Coalition and the Environmental Defense Center. Were other comments received during the LCP amendment hearings?

### **3 STB-MAJ-1-08-F – Naples Town Site (Ordinances No. 4692 and 4693)**

3.1 *Amendment Materials and Conformity (Section 13552(b))*. Section 13552(b) of the Commission regulations requires LCP amendment submittals to include all policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. The following information regarding the proposed amendment description and materials is essential for staff to complete its review of the proposed amendment for conformity with Coastal Act requirements:

- 3.1.1 Ordinance 4692 Table 2-22. The following terms are not defined in the certified LCP: agricultural accessory structures; agricultural processing; public park or playground; residential accessory use or structure; agricultural product sales; flood control project < 20,000 s.f.; water treatment system, individual; water treatment system, individual, alternative; water system; water diversion; agricultural product transportation facility; wastewater treatment facility less than 200 connections. Please define how these terms are to be used as provided in the subject amendment. For instance, could agricultural crop production include structures? Under the proposed zoning, can private equestrian facilities be considered agricultural structures under any circumstances?
- 3.1.2 Ordinance 4692 Table 2-22. Please clarify why there are regulations listed for drive-through facilities, day / child care, mortuary, greenhouse, mining, etc. since they are not identified as permitted or conditional uses for this zone district.
- 3.1.3 Ordinance 4692 Table 2-24. Please update reference to “35.26.XXX.”
- 3.1.4 Ordinance 4692 references and modifies Section 35.26.040 of the LUDC (an uncertified, proposed section of the LCP, proposed in LCPA 4-07) regarding Special Purpose Zone Development Standards. Please explain the intent of these “special purpose” standards, and how the modified version of 35.26.040 modifies the existing, certified LCP (Article II). For instance, why is NTS a special purpose area rather than defined through a separate zone district reference.
- 3.1.5 Ordinance 4692. 35.26.060.B. We were unable to find any standards in the Ordinances regarding the sizing or configuration of “development envelopes.” Please describe how a development envelope would be determined for NTS parcels. Also, since there are no minimum lot sizes, are there any provisions in the ordinance that would prohibit further subdivision of a lot if both lots were able to utilize a delineated development envelope?
- 3.1.6 Ordinance 4692. 35.26.060.A. Please describe the design review process.
- 3.1.7 Ordinance 4692. 35.26.060.D. The list of factors to consider in siting structures does not include sensitive habitat or setbacks from existing agricultural operations to avoid spray drift. Are these considered under a different section?

- 3.1.8 Ordinance 4692. 35.26.060.G.4.b. Please clarify what is meant in this section with regard to: “adequate grassland buffer between structures and scrub and oak woodland habitats.”
- 3.1.9 Ordinance 4692. 35.26.060.G.4.h. We were unable to locate any specific standards for when and how open space easement areas would be delineated (or the specific objective/purpose of the open space easement areas). Section 35.26.060.G.4.h prohibits row-crop agriculture in some open space areas. This implies that there are open space easements that are not intended for the protection of ESHA that would allow agriculture. Please clarify the intent of the open space areas, and provide any background documentation or references that would explain the purpose, intent, and guidelines for the open space areas to be designated within NTS zones.
- 3.1.10 Ordinance 4692. 35.26.060.G.5. Please clarify what is meant by “specificity... of the Open Space and Habitat Management Plan ... appropriate to the environmental setting of the property.” Also, what is meant by “the final content shall be determined in connection with the environmental review process for the project.”
- 3.1.11 Ordinance 4692. 35.26.060.G.8. This section implies that there are forms of development that are allowed in open space (if approved in the Development Plan). Please clarify the types of development that would be allowed in the designated open space and cite references in the ordinance.
- 3.1.12 Ordinance 4692. 35.26.060.H.6. Please clarify whether all three of these items are required in order to alter existing vegetative screens or if only one of the criteria would allow for such alteration.
- 3.1.13 Ordinance 4692. 35.26.060.H.8.a.2. Please clarify whether the fences are to be *visually* permeable, *wildlife* permeable, or both.
- 3.1.14 Ordinance 4692. 35.26.060.H.8.c.1. Please clarify whether installation of fencing outside of the development envelope would be exempt, pursuant to Table 3-1. (Note 2 of Table 1 only indicates additional height cannot be requested.)
- 3.1.15 Ordinance 4692. 35.26.060.H.10.a. Please clarify what is meant by a protective device “that would alter the natural landforms of bluffs or cliffs.” Please clarify the types of protective devices that would be allowed under the ordinance.
- 3.1.16 Ordinance 4692. 35.30.070.C.5. Please provide a comparison of development standards regarding fences, comparing (a) current standards under the existing LCP (Article II) as allowed under the existing agricultural zoning to (b) the proposed development standards for fences in the NTS zone.
- 3.1.17 Ordinance 4692. 35.42.050.C.4. This section addresses agricultural sales; However, it is unclear whether any associated *structures* for agricultural sales would be exempt. Please clarify whether structures for agricultural sales would be exempt and whether there are any other development standards for such structures in the NTS zone.

- 3.1.18 Ordinance 4692. 35.42.060.F.3. Under the NTS, the landowner may have up to 5 horses and this is listed as “no permit required.” Please clarify how structures associated with horse or other animal-keeping uses would be processed. Please provide applicable references back to the proposed amendment and/or LUDC.
- 3.1.19 Ordinance 4692. 35.42.260, Table 4-15. Please define the terms: “public property;” “public assembly events in facilities; event consistent;” and “trailer (storage as accessory to dwelling)” as used in this table. Please clarify whether there is any limit on the maximum number of storage trailers that may be considered exempt.
- 3.1.20 Ordinance 4692. 35.104.090.D.1. Please clarify whether there are any circumstances in which parcels contiguous to the Official Map would be allowed to request a rezone.
- 3.1.21 Ordinance 4692. 35.104.090.D.3.a. This section requires a TDR feasibility study. How will it be determined whether such study is adequate?
- 3.1.22 Ordinance 4693. Please provide a large-size map of Exhibit A and a more legible 8.5 x 11” size graphic. Please note APN numbers.
- 3.1.23 Ordinance 4693. Please quantify the acreage of lots (individually and cumulatively) to be zoned to NTS in the Coastal Zone.
- 3.1.24 Ordinance 4693. Please list the APN for each lot proposed for rezoning, its associated acreage, and the existing zone designation.
- 3.1.25 Resolution 08-363. Please confirm that the Assessor Parcel Numbers (APNs) listed in Section B.2 of the Resolution correspond to existing grid lots. Please quantify the total acreage of these lots in the coastal zone.
- 3.1.26 Resolution 08-363, Policy 2-28. Please clarify what it is meant by “best-suited” for existing agriculture.
- 3.1.27 Resolution 08-363. Please provide a large-size map of Exhibit A and a more legible 8.5 x 11” size graphic. Please note APN numbers on map and graphic.
- 3.1.28 Resolution 08-363. Please quantify the acreage of lots to be designated NTS (land use designation) in the Coastal Zone.
- 3.1.29 Resolution 08-363. Please list the APN for each lot to be re-designated, its total acreage, and the existing land use designation.
- 3.1.30 Biological Studies. Please provide all underlying biological surveys (including general vegetation mapping as well as resource specific surveys for monarch butterfly habitat, raptor habitat, wetland delineations, and grasslands) for the proposed Naples Official Map areas and a graphic showing the official survey areas for each biological survey superimposed onto an aerial photograph or map. As mentioned in our previous comment letters on the DEIR and RDEIR, for the purposes of reviewing the LCP amendment, the Commission requires recent (completed within 1-2 years of application submittal) biological surveys, including

datasheets and routes for each site visit. If the underlying biological surveys are not up-to-date and comprehensive, then focused, protocol-level surveys will be necessary for the purposes of the Commission's review in order to evaluate the proposed amendment's conformity with the provisions of the Coastal Act.

3.1.31 *Wetlands*. Please provide all underlying wetland delineations and studies for the proposed Naples Official Map areas and a graphic showing the official survey area for each wetland survey superimposed onto an aerial photograph or map. With regard to wetlands, the Draft, Revised Draft, and Final EIR have not been clear as to whether all wetlands that meet the Commission's criteria have been mapped or that surveys were conducted in order to identify and delineate all wetlands in the subject area in the Coastal Zone. Within the Coastal Zone, wetlands are delineated based on areas that meet any one of the three wetland indicators (soils, hydrology, vegetation). For the purposes of reviewing the LCP amendment, the Commission requires recent (completed within 1-2 years of application submittal) wetland surveys, including datasheets and routes for each site visit. If the underlying wetland surveys are not up-to-date and comprehensive, then focused, protocol-level surveys will be necessary for the purposes of the Commission's review in order to evaluate the proposed amendment's conformity with the provisions of the Coastal Act.

3.1.32 *Grasslands*. Please provide all underlying grassland surveys for the proposed Naples Official Map areas and a graphic showing the official survey area for each grassland survey superimposed onto an aerial photograph or map. As mentioned in our previous comment letters on the DEIR and RDEIR, for the purposes of reviewing the LCP amendment, the Commission requires recent (completed within 1-2 years of application submittal) biological information, including datasheets and routes for each site visit. Additionally, as mentioned in the DEIR and RDEIR comment letters, for the purposes of Commission review, native grassland patches of any size should be mapped. The County's threshold standard of ¼-acre has not been certified by the Commission. Therefore, please include a map of all native grassland patches identified during the surveys (not the grassland map provided in the FEIR). If the underlying biological surveys are not up-to-date and comprehensive, then focused, protocol-level surveys will be necessary for the purposes of the Commission's review in order to evaluate the proposed amendment's conformity with the provisions of the Coastal Act.

3.1.33 Please provide full-size copies and reduced 8.5 x 11-inch copies of the existing and proposed zoning and overlay maps (including all applicable overlays such as ESH, flood hazard, and view corridor overlays) applicable to the project area within the coastal zone.

3.1.34 Please provide one copy of the FEIR & TDR Studies.

3.2 *Public Noticing and Public Participation (Section 13552(a), 13515)*. Section 13515 requires that local governments have procedures in place to provide the public and affected agencies with maximum opportunity to participate in the amendment process, with certain minimum standards required for providing such opportunities specified further through that Section 13515. Section 13552(a) requires LCP amendment submittals to include a summary of the measures taken to provide

those opportunities. The following information regarding public noticing and public participation is necessary for staff to complete its review of the proposed amendment submittal:

- 3.2.1 The copy of the hearing notice(s) provided for this component did not indicate the date of publication or the newspaper or other media where such notice was published, as required by subdivision (d) of Section 13515. Please provide evidence of publication of these notices for all hearings regarding the LCP amendment, indicating where/when the notice was published.
- 3.2.2 Please provide a list of public hearings where the LCP Amendment was heard, not including any hearings that only covered the project-related information.
- 3.2.3 Please confirm whether the interested parties list includes all people who spoke at the hearing (and provided speaker slips with their contact information). If not, please update the interested parties list with that information.

#### **4 Filing Requirements for Parts A through F**

- 4.1 Amendment Materials and Conformity (Section 13552(b)). Section 13552(b) of the Commission regulations requires LCP amendment submittals to include all policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. The following information regarding the proposed amendment description and materials is essential for staff to complete its review of the proposed amendment for conformity with Coastal Act requirements:

- 4.1.1 *LCP Amendment Processing.* The subject amendments do not propose modifications to the certified Article II component of the LCP; instead, the subject amendments propose modifications to the language/format of the Land Use and Development Code (LUDC), which is *not* currently certified as part of the County's LCP. Given that the LUDC is a pending (non-certified) LCP amendment (STB-MAJ-4-07) that has not yet been certified by the CCC, **this amendment will not be deemed submitted until LCP Amendment 4-07 is certified by the Coastal Commission.** Alternately, the County may provide a revised amendment utilizing, as its baseline, the existing language/format of the LCP, as currently certified by the Commission.

After the Commission has approved the pending LCP amendment (STB-MAJ-4-07), the County will need to provide revised strikeout and underline versions of the subject amendment if changes to the baseline LUDC are made by the Coastal Commission through the certification process of LCP Amendment 4-07. Commission staff may request more information regarding this proposed LCP amendment after the pending amendment to the Coastal Zoning Ordinance has been approved by the CCC, given that it is not feasible to review the proposed amendments in context of the existing LCP since the amendments are in LUDC form.

- 4.1.2 Please confirm that all portions of the LCP amendments, as submitted, will apply in the coastal zone. Alternately, clarify which portions are not intended to be certified by the CCC.
- 4.2 *Internal Consistency Analysis (Section 13552(c)).* Please submit a consistency analysis of the proposed amendment and its relationship to, and effect on, the other sections of the certified LCP consistent with Section 13552(c) of the Commission's regulations.
- 4.3 *Coastal Act Policy Analysis (Section 13552(d), 13511(a)).* Pursuant to Section 13552(d)/13511(a), please provide an analysis that demonstrates conformity of the proposed modifications with the provisions of the Coastal Act, including Chapter 3 policies, along with a determination of potential significant adverse cumulative impacts on coastal resources (e.g., visual impacts, ESHA impacts etc.) including public access (Sections 13552, 13511). The general consistency analyses that were included within the LCP Amendment components were primarily focused on the overall project approved as CUPs, Development Plans, Coastal Development Permits. For the purposes of this LCP Amendment, please provide a consistency analysis specific to the modifications proposed pursuant to the Ordinance(s) and Policy changes. Chapter 3 policy topics are provided below to provide a framework in preparing the conformity analysis.
- Article 2: Public Access (Coastal Act Sections 30210-30214).
  - Article 3: Recreation (Coastal Act Sections 30220-30224).
  - Article 4: Marine Environment (Coastal Act Sections 30230-30237).
  - Article 5: Land Resources (Coastal Act Sections 30240-30244).
  - Article 6: Development (Coastal Act Sections 30250-30255).
  - Article 7: Industrial Development (Coastal Act Sections 30260-30265).
- 4.4 *Additional Copies.* Further, please note that prior to completion of our staff recommendation, 35 copies of all proposed language showing existing and proposed changes along with any referenced sections of the ordinance will be necessary for distribution to the Commission for review. This is not a filing requirement for the amendment to be deemed "submitted" pursuant to the Section 13553 Filing Review.
- 4.5 *Public Noticing.* Please be advised that the County will be required to publish a meeting notification in the Santa Barbara News Press and/or other major newspaper in affected parts of the County to announce applicable Commission hearing, in lieu of individual noticing requirements.
- 4.6 *Development Agreement.* Government Code section 65867.5(a) says that Development Agreements are legislative acts that "shall be approved by ordinance." The Development Agreement associated with this amendment is an ordinance that affects development at least partially in the Coastal Zone. Please clarify why the Development Agreement would not be reviewable as part of this LCP amendment, why it should not be treated as part of the LCP.

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We are requesting the above information in order to process this amendment to the certified LCP. Upon receipt of the necessary supporting information, the amendment will be scheduled for a Commission hearing pursuant to Section 13553 of the Regulations. Should you have any questions regarding the filing or review of the proposed amendment, please do not hesitate to contact me.

Sincerely,

Shana Gray  
Supervisor, Planning and Regulation