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Deficient County Notice Stalls Coastal Commission Appeal of the Naples Development Project

On October 31st, ten days after the Santa Barbara County Board of Supervisors approved a 71 unit residential development project at Naples, the Coastal Commission rejected the County's Notice of Final Local Action on the Project, citing numerous deficiencies. Filing the Notice of Final Local Action starts the 10-day period for appealing coastal development to the Commission, a process that will now be delayed pending the County's submittal of a revised Notice. Local project opponents - the Surfrider Foundation, Environmental Defense Center and Naples Coalition - have vowed to appeal the County's decision to the Coastal Commission.

The County submitted the Notice of Final Action to the Commission on October 27th, but did not include much required information. The Deficiency Notice states "the project descriptions for the individual actions on each component of the project, including a variety of different types of permits, coastal development permits, and other discretionary approvals did not contain adequate specificity to describe the development approved pursuant to each separate action. Without this basic project-level information, it is not possible to determine the scope of the approved development and; thus, whether specific factual findings have been included that support the legal conclusions of the notice that the development is in conformity with the certified LCP."

The Notice goes on to list specific deficiencies, including the failure to describe the sizes and locations of the residences and accessory structures, failure to quantify grading amounts, and failure to describe the size and capacity of the wastewater treatment facilities. The Deficiency Notice also asserts that the County failed to identify which of the permits, actions and approvals are appealable to the Commission.

Further, the Deficiency Notice notes that the County has not yet submitted a request for an amendment to the Local Coastal Plan [LCP], which is required before any development permits can be issued. The Deficiency Notice states "appealable coastal permits and any other appealable actions or approvals associated with this project do not appear to be consistent with the policies, provisions, land use designations, and zoning of the currently certified LCP...It is

our understanding that the County intends to submit a request for an amendment to the LCP related to this project; however, we have still not received any such submittal.”

The Commission’s notice was greeted with praise by project opponents. Phil McKenna, President of the Naples Coalition, observed, “The County never fully described the project in any of its submittals, and this seriously hindered the public’s ability to understand exactly what the development would look like on the ground, and what its environmental impacts would be. It comes as no surprise that the Coastal Commission would have the same problem and would demand more information”

EDC staff attorney Nathan Alley was pleased that the Commission pointed out the deficiencies not only in the County’s Notice, but also in its process. “We agree with the Commission that it was premature and illegal for the County to approve permits for the Naples development project before the Commission has an opportunity to review the overarching amendments to its Local Coastal Plan. Until the Commission addresses the important issues of public access, resource protection and impacts to views, the County cannot approve individual permits.”

Ken Palley, a member of Surfrider Foundation’s Executive Committee, applauded the decision of the Commission staff. “This notice confirms what Surfrider and EDC have been saying all along – that the County in its haste has actually made the situation worse, not only for the community but also for the developer.”

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The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action and works primarily within Santa Barbara, Ventura and San Luis Obispo counties. Since 1977, EDC has empowered community based organizations to advance environmental protection. Program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health.

The Naples Coalition is a Santa Barbara County, CA-based association of local non-profit groups including the Gaviota Coast Conservancy, Los Padres Chapter of the Sierra Club, Santa Barbara Chapter of Surfrider Foundation, Santa Barbara Chapter of the Audubon Society, Citizens Planning Association of Santa Barbara County, Santa Barbara County Action Network, and The League of Women Voters of Santa Barbara. The Naples Coalition is dedicated to the preservation of the rural character of the Naples property on the Gaviota coast. The Naples Coalition seeks to preserve the rural character of the Naples area from this development’s impacts.