

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

DATE: April 21, 2004

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
Melanie Hale, Supervisor, Planning and Regulation
Shana Gray, Coastal Program Analyst

SUBJECT: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-03-A (Interim Affordable Housing) for Public Hearing and Commission Action at the Thursday, May 13, 2004, Commission Meeting in San Rafael.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to modify affordable housing overlay and the general regulations for density bonuses for affordable housing projects. The amendment proposes to modify the resale restrictive covenants for future affordable units sold under the Affordable Housing Overlay and Density Bonus programs from fixed 30-year terms to 30-year affordability terms that restart with each subsequent resale of those units for a maximum 60-year period.

The County of Santa Barbara submitted Local Coastal Program Amendment 1-03 on April 24, 2003. The amendment consists of three separate changes to the County's certified LCP: (A) add interim Housing Element requirements for affordable housing projects to the certified Zoning Ordinance; (B) rezone 18,103 sq. ft. from Recreation to Residential on the certified Zoning Map; and (C) amend and add development standards for commercial and non-commercial telecommunication facilities to the certified Zoning Code. This staff report and recommendation only deals with Part A of the amendment. Parts B and C will be the subject of a future and separate staff report and public hearing. The submittal was deemed complete and filed on August 29, 2003. At its October 2003 Commission meeting, the Commission extended the 60-day time limit to act on Local Coastal Program Amendment 1-03 for a period not to exceed one year. The Commission must therefore act upon the amendment by its October 2004 Commission meeting.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, approve LCP Amendment 1-03-A to the certified LCP, as submitted. The amendment proposes changes to the text of the Zoning Ordinance regarding the requirements for affordable housing that would not affect coastal resources and is consistent with Land Use Plan. See associated Motion and Resolution on **Page 4**.

TABLE OF CONTENTS

I. PROCEDURAL ISSUES	3
A. STANDARD OF REVIEW.....	3
B. PUBLIC PARTICIPATION	3
C. PROCEDURAL REQUIREMENTS	3
II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)	4
A. APPROVAL AS SUBMITTED.....	4
III. FINDINGS FOR APPROVAL AS SUBMITTED.....	4
A. AMENDMENT DESCRIPTION.....	5
B. CONSISTENCY WITH THE COUNTY LCP	5
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	5

EXHIBITS

- Exhibit 1. Board of Supervisors Resolution 03-077
 - Exhibit 2. Board of Supervisors Resolution 02-148
 - Exhibit 3. Ordinance 4455 (Case No. 01ORD-00000-00002)
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SUBSTANTIVE FILE DOCUMENTS

Resolution No. 03-077, County of Santa Barbara, *In the matter of submitting to the Coastal Commission amendments to the text and maps of the Santa Barbara County Local Coastal Program*, passed, approved, and adopted by the Board of Supervisors March 18, 2003; Resolution No. 02-148, County of Santa Barbara, *In the matter of approving amendments to the Santa Barbara County LCP to amend the Coastal Zoning Ordinance, Article II of Chapter 38 of the County Code, to extend the resale covenants to a rolling 30-year income/price control period*, passed, approved, and adopted by the Board of Supervisors April 16, 2002; Ordinance 4455, *Case Number 01ORD-00000-00002*, adopted by Board of Supervisors April 16, 2002;

Additional Information: Please contact Shana Gray, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

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

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)

The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held public hearings on June 4, 2001, July 18, 2001, August 29, 2001, November 28, 2001, February 27, 2002, March 26, 2002 and April 16, 2002 and received verbal and written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, the County resolution for submittal may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The Board of Supervisors Resolution No. 03-77 resolved that "5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action

by the Board of Supervisors." Therefore, the subject amendment will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

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

A. APPROVAL AS SUBMITTED

MOTION: *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-03-A as submitted.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-03-A as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

III. FINDINGS FOR APPROVAL AS SUBMITTED

The following findings support the Commission's approval of the LCP amendment as submitted. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to modify affordable housing overlay and the general regulations for density bonuses for affordable housing projects. The amendment proposes to modify the resale restrictive covenants for future affordable units sold under the Affordable Housing Overlay and Density Bonus programs from fixed 30-year terms to 30-year affordability terms that restart with each subsequent resale of those units for a maximum 60-year period.

Specifically, Amendment 1-03-A proposes to amend Article II, Chapter 35 of the Zoning Code as follows:

- Amend Section 35-102C, AH Affordable Housing, to restart the 30-year affordability term with each sale of an affordable unit for a maximum 60-year period;
- Amend Section 35-144C, Density Bonus for Affordable Housing Projects, to restart the 30-year affordability term with each sale of an affordable unit for a maximum 60-year period.

B. CONSISTENCY WITH THE COUNTY LCP

The County Local Coastal Program contains a number of Land Use Plan policies aimed at the protection of low and moderate income housing opportunities. (Policies 5-1 through 5-10.) The proposed ordinance amendment would not alter any of these policies, but would serve to provide more detailed requirements in the County's Local Coastal Program Implementation Ordinance. Therefore the proposed ordinance change does not affect the consistency of the Implementation Ordinance with the Land Use Plan policies or its ability to carry out any of the other provisions of the Land Use Plan.

The Commission therefore finds that the proposed ordinance amendment is consistent with and adequate to carry out the provisions of the County's certified Local Coastal Program Land Use Plan.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible

alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Implementation Ordinance. The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively.

As discussed in the findings above, the proposed amendment to the County of Santa Barbara's Local Coastal Program Implementation Ordinance will not result in any substantive change to any of the existing Land Use Plan or Coastal Zoning designations, or alter the substance of application of any existing Local Coastal Program policies governing development within the County's portion of the Coastal Zone.

The amendment as proposed is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE)
COASTAL COMMISSION AMENDMENTS TO THE)
TEXT AND MAPS OF THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM)

RESOLUTION NO: 03-077
CASE NO.s: 01-OA-005, 01ORD-00000-
00002; 02ORD-00000-00001; 00-GP-009;
00-RZ-007

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below.

Commercial and Non-Commercial Telecommunications Amendments:

- 1. **01-OA-005**, amend Article II of Chapter 35 of the Santa Barbara County Code, as follows: amend existing **Sections Zoning District Designations and Applicability; Definitions; General Regulations (Height); Communication Facilities**. Add a new section titled **Noncommercial Telecommunications Facilities**.

Interim Amendments to the County's 1993 Housing Element:

- 1. **01ORD-00000-00002**, amend Article II of Chapter 35 of the Santa Barbara County Code as follows: amend **Section 35-102C, AH Affordable Housing**, to restart the 30-year affordability term with each sale of an affordable unit for a maximum 60-year period; amend **Section 35-144C, Density Bonus for Affordable Housing Projects**, to restart the 30-year affordability term with each sale of an affordable unit for a maximum 60-year period.

Amendments to Regulate the Installation and Use of Small Wind Energy Systems Outside of Urbanized Areas:

- 1. **02ORD-00000-00001**, amend Article II of Chapter 35 of the Santa Barbara County Code, as follows: amend **Division 7 (General Regulations)** to add a new **Section 35-149 (Small Wind Energy Systems)**.

Mecay Hotchkiss General Plan Amendment and Rezone

- 1. **00-GP-009**, amend the Santa Barbara County Coastal Land Use Plan by changing the Land Use Designation from Public Park/Recreation to Residential.
- 2. **00-RZ-007**, rezone 18,823 square feet from Recreation (REC) to Residential (7-R-1) under the provisions of Article II of Chapter 35 of the Santa Barbara County Code.

EXHIBIT 1
STB-MAJ-1-03-A
County Resolution 03-077 to submit LCP Amendment to Commission

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Coastal Plan, Coastal Zoning Ordinance text, and Coastal Zoning Maps.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

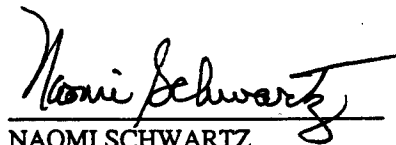
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 18th day of March, 2003, by the following vote:

AYES: Supervisors Schwartz, Rose, Gray and Centeno

NOES: None

ABSTAIN: None

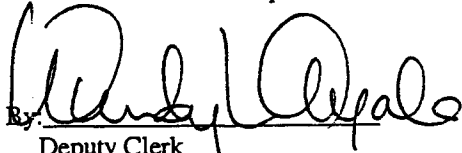
ABSENT: Supervisor Marshall



NAOMI SCHWARTZ
Chair, Board of Supervisors
County of Santa Barbara

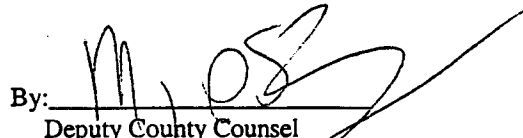
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING AMENDMENTS TO)	
THE SANTA BARBARA COUNTY LOCAL COASTAL)	
PROGRAM TO AMEND THE COASTAL ZONING)	RESOLUTION NO.: <u>02-148</u>
ORDINANCE, ARTICLE II OF CHAPTER 35 OF THE)	CASE NO.:
SANTA BARBARA COUNTY CODE, TO EXTEND)	01ORD-00000-00002
THE RESALE COVENANTS TO A ROLLING 30-YEAR)	
INCOME/PRICE CONTROL PERIOD.)	

WITH REFERENCE TO THE FOLLOWING:

A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and

B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and

C. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, that the Board of Supervisors amends the Local Coastal Program as specified below:

01ORD-00000-00002: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

1. Amend **Section 35-102C, AH Affordable Housing**, to restart the 30-year affordability term with each sale of an affordable unit for a maximum 60-year period, as specifically set forth in Exhibit 1 attached hereto;
2. Amend **Section 35-144C, Density Bonus for Affordable Housing Projects**, to restart the 30-year affordability term with each sale of an affordable unit for a maximum 60-year period, as specifically set forth in Exhibit 1 attached hereto.

D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65854 of the Government Code.

EXHIBIT 2

STB-MAJ-1-03-A

**County Resolution 02-148 to
amend certified Zoning Code**

E. This Board has held duly noticed public hearings, as required by Section 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.

F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date, and are attached as Exhibit 1 (01ORD-00000-00002) and incorporated as though fully set forth herein.

G. The Board will submit these amendments to the California Coastal Commission for certification on the next appropriate date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above-described changes and the ordinance attached hereto as Exhibit 1 are hereby adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board will submit these amendments to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 16th day of April, 2002, by the following vote:

AYES: Supervisors Schwartz, Rose, Marshall, Gray, Urbanske

NOES: None

ABSTAIN: None

ABSENT: None



GAIL MARSHALL

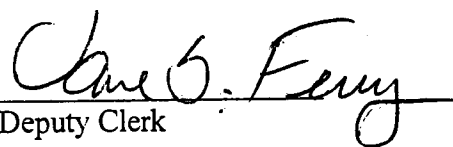
Chair, Board of Supervisors

County of Santa Barbara

ATTEST:

MICHAEL F. BROWN

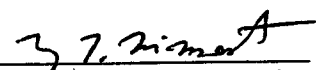
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK

County Counsel

By: 
Deputy County Counsel

ORDINANCE NO. 4455

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE TO IMPLEMENT THE HOUSING ELEMENT BY AMENDING DIVISION 5 (OVERLAY DISTRICTS) AND DIVISION 7 (GENERAL REGULATIONS) TO EXTEND THE RESALE AND RENTAL RESTRICTIVE COVENANT TO A ROLLING 30 YEAR INCOME/PRICE CONTROL PERIOD.

Case No. 01ORD-00000-00002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Section 35-102C.6 of Section 35-102C (AH Affordable Housing) of DIVISION 5 (OVERLAY DISTRICTS) of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-102C.6. Additional Requirements

The following requirements shall also apply to an AH Overlay project:

1. Within areas subject to the AH Overlay district all uses of land shall comply with the regulations of the base zone district. Exceptions may be made for the AH Overlay District provided the overlay is applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. In cases where conflict occurs between the base zone district standards and the provisions of the AH Overlay District, the conflict shall be resolved consistent with the provisions of the Local Coastal Program.
2. For any units built above the base density pursuant to the provisions of the AH Overlay, either the 30% or the 50% affordability requirement shall apply to the total number of units proposed on the site.
3. All AH Overlay projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by the County Counsel, which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by household of very low, low, lower-moderate and upper moderate incomes for a minimum of 30 years. The 30-year affordability term of the requirement shall re-start with each sale of an affordable unit, for a maximum period of 60 years.

4. The 50% affordable housing component of an AH project shall provide very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each Housing Market Area as indicated in the Housing Element Implementation Guidelines and consistency with affordable housing definitions within said Guidelines.

SECTION 2:

Section 35-144C.7 (Processing of a Density Bonus Project) of DIVISION 7 (GENERAL REGULATIONS) of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Section 35-144C.7. Processing of a Density Bonus Project.

1. A density bonus project shall be processed in the same manner as a similar residential project not requesting a density bonus, subject to the requirement for additional information as specified in Section 35-144C.6.
2. The AH-Overlay zone was established to provide density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AH-Overlay shall be inclusive of, and not in addition to the development incentives required in this Section.
3. The density bonus may be transferred between one or more parcels for a development project located within the boundaries of a planned development or specific plan provided such transfer is found consistent with all applicable policies and provision of the Local Coastal Program. For purposes of calculating a density bonus, the residential units may be based on more than one subdivision map or parcel.
4. All density bonus projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by County Counsel, on the title of the affordable units which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper-moderate incomes. All affordable units shall be restricted for a minimum of 30 years and the 30-year requirement shall re-start with each sale of an affordable unit, for a maximum period of 60 years, unless the County does not grant one additional incentive listed in