

CALIFORNIA COASTAL COMMISSION

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

Th 5b

DATE: November 4, 2010

TO: Commissioners and Interested Parties

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
Amber Tysor, Coastal Program Analyst

SUBJECT: **County of Santa Barbara LCP Minor Amendment for the Montecito Growth Management Ordinance (STB-MIN-1-10)** for Public Hearing and Commission Action at the California Coastal Commission hearing of November 18, 2010 in Santa Monica.

I. AMENDMENT DESCRIPTION

On October 15, 2010, the County of Santa Barbara submitted an amendment to its certified Local Coastal Program to amend its LCP to: (1) extend the expiration date of the Montecito Growth Management Ordinance, Ordinance No. 4763 (MGMO), Chapter 35B of the Santa Barbara County Code, to 2030 and (2) clarify and amend procedures and other ordinance language of the MGMO which limits the pace of new residential development to 19 units per year using a point-based allocation system, with exceptions.

The purpose of the Montecito Growth Management Ordinance (MGMO) is to pace residential growth and balance development with limited resources and services such as water, fire, wastewater systems, and transportation. The MGMO applies to any new residential dwelling that adds new housing stock to the Montecito Planning Area, except where specifically exempted by the Ordinance. The MGMO is a stand-alone ordinance, not part of Article II of the County's current zoning code/Implementation Plan, and has been in effect since it was certified by the Commission in 1991. The MGMO is set to expire on December 31, 2010 and this amendment proposes to extend the ordinance until December 31, 2030 (Sec. 35.B.11). The MGMO will extend the same base allocation of 19 units per year, exceptions, allocation system, procedures, and deadlines. In addition to extending the expiration date of the MGMO, the changes requested by the County to the MGMO are minor changes that clarify and update technical and procedural information, and revise and update point assignment language (Sec. 35.B.7)

II. DETERMINATION

Pursuant to Section 30514(c) of the Coastal Act and Section 13554 (a) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Sections 13554 and 13554 (a) of the Regulations provide that a minor amendment includes, but is not limited to, changes which: 1) make the use as designated in

implementing actions more specific; 2) do not change the kind, intensity, or density of use; and 3) are consistent with the certified Land Use Plan (LUP).

The County's proposed modifications include revisions and minor changes to existing language and procedures contained in the MGMO (Ordinance No. 4763) Chapter 35B of the Santa Barbara County Code, previously certified by the Commission. The proposed amendment will not make any changes to any current land use or zoning designations in the Montecito Planning Area. Further, the County is not changing the kind, intensity, or density of use. The proposed text modifications are based on administrative and clerical updates to language and procedures. Therefore, the proposed amendment to make minor text and formatting changes to the stand-alone ordinance is consistent with the certified LUP, and considered "minor" as defined under Section 13554(a).

III. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal of a proposed LUP amendment must indicate whether the local coastal program amendment will require formal local government adoption after 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. In this case, the County has submitted the amendment as one that will take effect automatically upon approval by the Commission.

IV. PUBLIC NOTICE

Section 13555 of the Commission's Regulations requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director's determination the amendment is of a "minor" nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555(b).

Notification of the proposed amendment will be mailed on November 5, 2010. The ten-day objection period will therefore terminate on November 15, 2010. The Commission will be notified at the November 18, 2010 meeting of any objections.

Also, Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification and amendment of any LCP. The County held public hearings on the proposed ordinance changes on April 8, 2009, August 25, 2010, October 5, 2010. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations and the County provided evidence of the measures taken to provide notice of their hearings, consistent with Section 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties