

CALIFORNIA COASTAL COMMISSION

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

Th 15b



DATE: February 23, 2012

TO: Commissioners and Interested Parties

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

SUBJECT: **County of Santa Barbara Minor LCP Amendment for the Montecito Growth Management Ordinance Economic Hardship Time Extensions (STB-MIN-5-11)** for Public Hearing and Commission Action at the California Coastal Commission hearing of March 8, 2012, in Chula Vista.

I. AMENDMENT DESCRIPTION

On December 22, 2011, the County of Santa Barbara submitted an amendment to its certified Local Coastal Program to amend the Implementation Program/Zoning Ordinance (IP) to: (1) extend the period of time in which the Director of the Planning and Development Department may grant a two-year time extension to approved allocations due to economic hardship considerations from January 12, 2012 to January 12, 2015, (2) provide that the Director may grant more than one such extension until January 12, 2015, and (3) include a provision within the Montecito Growth Management Ordinance (MGMO), Section 35B-9 *Modification and Amendment of Ordinance*, that would allow the Board of Supervisors to amend the MGMO, as necessary, to allow the Director to grant additional time extensions to active, unexpired allocations, and to extend the period of time in which time extensions may be approved, due to the continuing national economic downturn. (**Exhibit 1:** Resolution 11-411 and **Exhibit 2:** Ord. 4816)

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 sets a base allocation of 19 units per year and applies to any new residential dwelling that adds new housing stock to the Montecito Planning Area, except where specifically exempted. An "allocation" is defined as a written authorization which enables a property owner or agent to apply for a development permit or zoning clearance for a dwelling unit. The allowed base allocation of 19 units per year is not proposed to change. The MGMO is a stand-alone ordinance, not part of Article II of the County's zoning code, and has been in effect since it was certified by the Commission in 1991. The MGMO will expire on December 31, 2030 unless it is extended by the Board of Supervisors (Sec. 35.B-11).

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 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 updates to language to allow economic hardship time extensions. Therefore, the proposed amendment 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) of the California Code of Regulations.

Notification of the proposed amendment will be mailed on February 24, 2012. The ten-day objection period will therefore terminate on March 5, 2012. The Commission will be notified at the March 8, 2012 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 October 26, 2011, November 2, 2011, and December 6, 2011. 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.

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

IN THE MATTER OF SUBMITTING TO THE)
CALIFORNIA COASTAL COMMISSION)
AN AMENDMENT TO THE TEXT OF THE)
SANTA BARBARA COUNTY LOCAL COASTAL)
PROGRAM REGARDING TIME EXTENSIONS)
DUE TO HARDSHIP CONSIDERATIONS ISSUED)
IN COMPLIANCE WITH CHAPTER 35B OF THE)
SANTA BARBARA COUNTY CODE, THE)
MONTECITO GROWTH MANAGEMENT)
ORDINANCE.)

RESOLUTION NO: 11 - 411
CASE NO: 11ORD-00000-00028

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 March 12, 1991, by Ordinance 3916, the Board of Supervisors of the County of Santa Barbara adopted the Montecito Growth Management Ordinance as Chapter 35B of the Santa Barbara County Code; and
- C. On October 5, 2010, by Ordinance 4763, the Board of Supervisors of the County of Santa Barbara amended the Montecito Growth Management Ordinance, Chapter 35B of the Santa Barbara County Code; and
- D. On November 18, 2010, the California Coastal Commission acted to certify Ordinance 4763 as an amendment to the Santa Barbara County Local Coastal Program; and
- E. On December 6, 2011, 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, amended the Local Coastal Program by adopting:

Case No. 11ORD-00000-00028: Economic Hardship Time Extensions Ordinance Amendment, attached as Exhibit A:

An Ordinance (Case No. 11ORD-00000-00028), attached as Exhibit A, amending Chapter 35B of the Santa Barbara County Code, the Montecito Growth Management Ordinance, by amending Section 35B-6, Procedures for Allocation, and Section 35B-9, Modification and Amendment of Ordinance, to (1) extend the period of time in which the Director may grant a two year time extension to approved allocations due to economic hardship considerations from January 12, 2012 to January 12, 2015, (2) provide that more than one such extension may be granted by the Director, and (3) including the need to allow the granting of time extensions by the Director of the Planning and Development Department as a reason for amending Chapter 35B.

- F. Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the Montecito Planning Commission on the proposed amendment in a duly noticed public hearing pursuant to Sections 65353 and 65854 of the Government Code, and the Montecito Planning Commission has sent their written recommendation to the Board of Supervisors in compliance with pursuant to Sections 65354 and 65855 of the Government Code.

- G. The Board of Supervisors has held duly noticed public hearings in compliance with Section 65355 and 65856 of the Government Code on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- H. This amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- I. The Board of Supervisors now wishes to submit this amendment to the California Coastal Commission for certification as a minor amendment to the Santa Barbara County Local Coastal Program in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554.
- J. The Board of Supervisors further wishes to submit this amendment as an amendment that will take effect automatically upon the California Coastal Commission's approval in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1).

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as an amendment to the Santa Barbara County Local Coastal Program.
- 3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
- 4. The Board submits this Local Coastal Program amendment to the California Coastal Commission for review and certification as a minor amendment in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554, and requests that this amendment that will take effect automatically upon the California Coastal Commission's approval in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1).
- 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 13th day of December, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray
Supervisor Lavagnino

NOES: None

ABSTAIN: None


ABSENT: None



 JONI GRAY, CHAIR
 Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

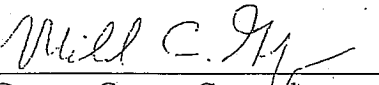
By: 
Deputy County Counsel

EXHIBIT:

- A. Montecito Growth Management Ordinance Amendment (Case No. 11ORD-00000-00028)

ATTACHMENT L: 11ORD-00000-00028 MGMO ORDINANCE

ORDINANCE NO. 4816

AN ORDINANCE AMENDING CHAPTER 35B, THE MONTECITO GROWTH MANAGEMENT ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SUBSECTION 6.9 OF SECTION 35B-6, PROCEDURES FOR ALLOCATION, REGARDING THE PROVISION OF AN ADDITIONAL TWO-YEAR TIME EXTENSION FOR ACTIVE, UNEXPIRED ALLOCATIONS FOR NEW DWELLINGS.

Case No. 11ORD-00000-00028

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

SECTION 1:

SECTION 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35B of the Santa Barbara County Code, is amended to amend Subsection 6.9.1 of Subsection 6.9 to read as follows:

6.9.1 In addition to the 90 day time extension provided in Subsection 6.9, above, the Director for good cause may extend the expiration of an active, unexpired allocation for additional 24 month periods in-compliance-with the following:

- a. The Director has determined that a time extension is necessary due to an economic hardship resulting from the continuing national economic downturn.
- b. The application for the time extension is filed with the Department in compliance with the following:
 - (1) The application shall be filed prior to the expiration of the allocation that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the allocation would otherwise expire.

This Subsection 6.9.1 shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

SECTION 2:

SECTION 35B-9, Modification and Amendment of Ordinance, of Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35B of the Santa Barbara County Code, is amended to amend Subsection 9.7 to read as follows:

9.10 The need to allow the Director of the Planning and Development Department to grant additional time extensions to active, unexpired allocations, and to extend the period of time in which these time extensions may be approved, due to the continuing national economic downturn.

SECTION 3:

Except as amended by this Ordinance, Section 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management Ordinance, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

EXHIBIT 2

STB-MIN-5-11

County Ordinance

SECTION 4:

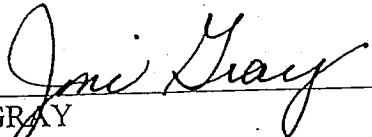
Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 5:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 6th day of December, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, Supervisor Lavagnino
NOES: None
ABSTAINED: None
ABSENT: None



JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By 

Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By 

Deputy County Counsel