

CALIFORNIA COASTAL COMMISSION

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Th18a

DATE: October 24, 2013

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Shana Gray, Supervisor, Planning and Regulation
Amber Geraghty, Coastal Program Analyst

SUBJECT: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-12-A (Mobile Home Park Closure Regulations) for Public Hearing and Commission Action at the Thursday, November 14, 2013 Commission Meeting in the City of Newport Beach.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to add regulations and procedures that will apply to the closure of mobilehome parks, to add new definitions related to mobilehome park closures, and to make other minor procedural clarifications.

The County of Santa Barbara submitted the subject Local Coastal Program Amendment to the Commission on May 4, 2012. The amendment proposal was deemed incomplete on May 18, 2012 and on August 7, 2012 and complete on August 20, 2012, the date of receipt of additional information requested by Commission staff. Pursuant to Section 30512 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that combines changes to the LUP and IP/CZO must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. Pursuant to Section 30517 of the Coastal Act, the time limit for action on the subject amendment was extended for one year at the September 2012 Commission hearing (from November 18, 2012 to November 18, 2013). Part B of the subject LCP Amendment, MAJ-1-12-B (Pescadero Lofts Affordable Housing Density Increase), included changes to both the LUP and IP/CZO and was approved at the December 13, 2013 Commission meeting.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, reject proposed Santa Barbara County LCP Amendment No. STB-MAJ-1-12-A, as submitted, and **approve only if modified** pursuant to the suggested modifications. The suggested modifications are necessary to ensure that the County's Implementation Plan/Coastal Zoning Ordinance (IP/CZO) is consistent with and adequate to carry out the certified LUP. The motions and resolutions for Commission action can be found starting on **page 5**. The suggested modification language can be found starting on **page 6**.

The proposed amendment will add regulations and procedures that will apply to the closure of mobilehome parks, add new related definitions, and make minor procedural clarifications. State law (California Government Code Sections 65863.7 and 66427.4) requires an entity or person proposing the closure of a mobilehome park to file a report on the impact of the closure upon the park residents and allows the authorizing body to require the applicant to take steps to mitigate any adverse impacts of the closure upon displaced park residents based on the reasonable costs of relocation. Therefore, to implement State law requirements, the County's proposed Coastal Zoning Ordinance amendment specifies the permit process, noticing requirements, contents of a Closure Impact Report that an applicant must provide, and requirements for relocation assistance that an applicant must provide to displaced residents. (**Exhibit 2**)

Staff is recommending **approval** of the amendment with **one Suggested Modification** that Commission and County staffs have cooperatively developed to address minor administrative and procedural implementation issues. The proposed amendment includes a new section clarifying the date that local permits become effective for development that is appealable to the Coastal Commission versus local permits for development that is not appealable to the Coastal Commission. **Suggested Modification 1** codifies the "effective date" procedures in an overarching section of the Coastal Zoning Ordinance rather than the "Definitions" section and includes minor clarifications to ensure internal consistency with other provisions of the certified Coastal Zoning Ordinance (Article II) and to accurately reflect the requirement of Coastal Act Section 30603 for timing of an appeal for development that is appealable to the Coastal Commission.

Currently, the only existing mobilehome park in the Coastal Zone of Santa Barbara County is located in Summerland. Therefore, the proposed Coastal Zoning Ordinance amendment would, at this point in time, only apply to closure of the existing developed mobilehome park in Summerland. The Land Use Plan designation for this parcel is Residential and the zoning designation is Mobilehome Park (MHP). If the mobilehome park is proposed for closure at a future date, the applicant would need to obtain all local County approvals, including a Coastal Development Permit (CDP) and Conditional Use Permit (CUP) pursuant to specific requirements outlined in the subject LCP amendment. If, after closure, another use is proposed at the site, in addition to local approvals and permit requirements, an LCP amendment would be necessary to change the land use and zoning designation of the site.

The standard of review for the proposed amendment to the IP/CZO of the certified LCP 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 LCP. 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. For the reasons above, and as described in this report, the proposed IP/CZO amendment would not be consistent with or adequate to carry out the provisions of LUP with respect to the protection of coastal resources unless modified with one clarifying modification as suggested.

Additional Information: Please contact Amber Geraghty at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St., Second Floor, Ventura, CA 93001
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EXHIBITS

- Exhibit 1. Santa Barbara County Ordinance 4829 (strikeout and underline)
 - Exhibit 2. Santa Barbara County Ordinance 4829
 - Exhibit 3. Santa Barbara County Board of Supervisors Resolution 12-86
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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. (California Public Resources Code Section 30513)

The standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (“proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...”) of the Coastal Act, is that the Commission must approve it unless the proposed amendment is not in conformance with, or is inadequate 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 a series of public hearings (public meeting on 11/15/11, Planning Commission hearings on 12/14/11 and 2/1/12, and Board of Supervisors hearing on 3/13/12) and comments were received regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13515 of Title 14 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 Title 14 of the California Code of Regulations (“14 CCR”), the County, by resolution, 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 Santa Barbara County Board of Supervisors submittal resolution did not specify whether or not this amendment shall take effect automatically after Commission action. Nevertheless, in this case, because staff is recommending this approval subject to suggested modifications by the Commission, if the Commission approves this Amendment as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§ 13544, 13555(b), and Section 13542(b)). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission’s certification order and report on such adequacy to the Commission. 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) AMENDMENT

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. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-12-A as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment STB-MAJ-1-12-A and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment STB-MAJ-1-12-A if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications 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 CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT
WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment STB-MAJ-1-12-A if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program amendment with the suggested modifications will conform with, and will be adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program if modified as suggested complies with 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 Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**III. SUGGESTED MODIFICATIONS ON THE
IMPLEMENTATION PLAN/COASTAL ZONING
ORDINANCE (IP/CZO) AMENDMENT**

The staff recommends the Commission certify the following, with the modifications as shown below. The existing and proposed amended language to the certified LCP Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined.

Suggested Modification 1:

The following proposed language should be relocated from the definitions section of Article II (Division 2, Definitions), to a new discrete section of Article II (Section 35-57B), as follows:

Section 35-57B Effective Date of Permits. ~~EFFECTIVE DATE OF PERMITS:~~

- (1) Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision-maker where an appeal of the decision-maker's action has not been filed in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal.
- (2) Development appealable to the Coastal Commission.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:
 - a. The expiration of the Coastal Commission's 10 working-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and
 - b. Where an appeal of the decision-maker's action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in compliance with

- the Coastal Act, and where a local appeal has not been filed within 10 calendar days of the date of the decision by the applicable decision-maker in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit.
- c. If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal including the California Coastal Commission. If the California Coastal Commission finds substantial issue on an appeal, then the planning permit shall not be deemed effective and the Coastal Commission will consider the permit de novo.
- (3) **Extension of effective date.** The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County offices are not open for business.
- (4) **No entitlement for development.** No entitlement for the use or development shall be granted before the effective date of the planning permit.

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance portion of its certified Local Coastal Program (LCP) to add regulations and procedures that will apply to the closure of mobilehome parks. The purpose of the new ordinance is to specify and clarify the process by which a mobilehome park may be closed. State law (California Government Code Sections 65863.7 and 66427.4) requires an entity or person proposing the closure of a mobilehome park to file a report on the impact of the closure upon the park residents and allows the authorizing body to require the applicant to take steps to mitigate any adverse impacts of the closure upon displaced park residents based on the reasonable costs of relocation. Therefore, to implement this State law, the new proposed Coastal Zoning Ordinance section establishes procedures for the closure of a mobilehome park and provides standards for relocation assistance for displaced mobilehome park residents. (**Exhibits 1-3**)

Specifically, Santa Barbara County proposes to: (1) amend Section 35-58, *Definitions*, of the Coastal Zoning Ordinance to add definitions for *Effective Date of Permits*, *Mobilehome Park Closure*, *Mobilehome Owner*, *Mobilehome Owner-approved Receiving Site*, *Mobilehome Park Renters*, *Non-mobilehome Residents*, *Permanent Resident*, *Relocation Counselor*, *Relocation Plan*, and *Resident-approved Receiving Site*, (2) add a new section to the Coastal Zoning Ordinance, Section 35-144K, Division 7, *General Regulations*, titled "Mobile Home Park Closure," and (3) amend Section 35-182, *Appeals*, to add a procedure for an appeal of a decision

of the Director as to whether or not an unauthorized mobilehome park closure is underway. **(Exhibit 2)**

The proposed ordinance requires a Conditional Use Permit (CUP) for any mobilehome park closure. In addition to the existing zoning code requirements for obtaining a CUP pursuant Section 35-172, the proposed ordinance contains other CUP requirements that the applicant must comply with prior to the County's approval of a CUP for a mobilehome park closure, including preparation of a "Closure impact Report" by the applicant. The ordinance requires the "Closure Impact Report" to be prepared and submitted in compliance with Government Code Section 65863.7 and 66427.4 and to be prepared by an independent agent.

Further, the "Closure Impact Report" is required to include the following information: (a) the number of mobilehomes that will be displaced by the proposed development and the number that will not be affected, and the age, size and condition of all mobilehomes in the park; (b) the number of available vacant mobilehome spaces in existing mobilehome parks within a 25 mile radius of the mobilehome park for which closure is sought, the space rental rates and evidence of the willingness of those mobilehome park owners to receive some or all of the displaced mobilehomes; (c) an estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, providing rental subsidies, or purchasing the mobilehome unit as described in 35-144K.7 (Conditions of Approval); (d) for displaced residents, the household sizes, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate); (e) the names, addresses and phone numbers of the Closure Impact Report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant might use; and (f) a list of comparable alternative housing and/or replacement housing within a 25 mile radius that is currently available to displaced mobilehome park residents. **(Exhibit 2)**

In addition to requiring a "Closure Impact Report," the proposed ordinance also includes special noticing requirements, provisions for informational meetings for mobilehome park residents, requirements for relocation assistance for permanent residents (including relocation assistance for mobilehome owners whose homes can be relocated, for mobilehome owners whose homes cannot be relocated, for non-mobilehome residents, and for mobilehome renters), preparation of a relocation plan, and standards for exemption from relocation assistance requirements. **(Exhibit 2)**

Currently, the only existing mobilehome park in the Coastal Zone of Santa Barbara County is located in Summerland. Therefore, the proposed Coastal Zoning Ordinance amendment would, at this point in time, only apply to closure of the existing developed mobilehome park in Summerland. The Land Use Plan designation for this parcel is Residential and the zoning designation is Mobilehome Park (MHP). If the mobilehome park is proposed for closure at a future date, the applicant would need to obtain all local County approvals, including a Coastal Development Permit (CDP) and CUP (pursuant to specific requirements outlined in the subject LCP amendment). If, after closure, another use is proposed at the site, in addition to local approvals and permit requirements, an LCP amendment would be necessary to change the land use and zoning designation of the site.

B. CONSISTENCY ANALYSIS

The standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with and adequate to carry out, the provisions of the Land Use Plan portion of Santa Barbara County's certified Local Coastal Program, as amended. The proposed amendment's consistency with the certified LUP is detailed below. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified Santa Barbara County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Coastal Act Section 30006 Legislative findings and declarations; public participation

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Coastal Act Section 30339 provides:

The commission shall: (a) Ensure full and adequate participation by all interested groups and the public at large in the commission's work program. (b) Ensure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and the public at large. (c) Advise all interested groups and the public at large as to effective ways of participating in commission proceedings. (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.

Coastal Act Section 30603 Appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission:

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

The proposed amendment includes a new procedural section that clarifies the date that local permits become effective for development that is appealable to the Coastal Commission versus local permits for development that is not appealable to the Coastal Commission. Commission and County staffs have worked cooperatively to address minor administrative and procedural implementation issues raised by the amendment language. **Suggested Modification 1** is necessary to specify that the appeal period for projects that are appealable to the Coastal Commission is 10 *working* days and not 10 days. This suggested modification is necessary to accurately reflect the requirement of Coastal Act Section 30603 for development that is appealable to the Coastal Commission and will serve to clarify the appeal timeline for applicants and members of the public. **Suggested Modification 1** also clarifies that the appeal period for local permits is 10 *calendar* days, which will ensure internal consistency Section 35-182 (Appeals). Additionally, **Suggested Modification 1** relocates the proposed new code section for the effective date of permits from Section 35-58 (Division 2, Definitions) to Section 35-57B (Division 1, General) of Article II. This modification will ensure that the new code section, primarily necessary as a procedural clarification, will not be misidentified in the zoning code as a definition.

Further, **Suggested Modification 1** clarifies the effective date of the local permit and process after an appeal to the Coastal Commission, and also adds a sentence clarifying the effective date of permits when the eleventh day falls on a weekend, holiday, or other day when County offices are not open for business. Additionally, **Suggested Modification 1** also a provision stating that no entitlement for use or development shall be granted before the effective date of the planning

permit. For the above reasons, the Commission finds that **Suggested Modification 1** is required to address LCP procedural implementation.

Therefore, the proposed amendment to the IP/CZO, as proposed, will not be fully adequate to carry out the certified Land Use Plan, and incorporated Coastal Act policies, for the above-stated reasons and is denied as submitted. With the suggested modification, the proposed IP/CZO amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

V. 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. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission’s suggested modifications bring the proposed amendment to the Implementation Plan component of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

APPENDIX 1

Substantive File Documents

Resolution No. 12-86, County of Santa Barbara, *In the matter of a submittal to the California Coastal Commission for certification of the Article II Coastal Zoning Ordinance Mobilehome Park Closure Ordinance Amendment*, passed, approved, and adopted by the Board of Supervisors April 10, 2012; Ordinance 4829, *Case No. 11-ORD-00000-00018, An Ordinance Amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code by Amending Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, to implement new regulations and make other minor clarifications, corrections and revisions regarding mobilehome park closures*, adopted by Board of Supervisors on March 13, 2012.

ORDINANCE NO. 4829

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS REGARDING MOBILEHOME PARK CLOSURES.

Case No. 11ORD-00000-00018

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

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend, Section 35-58 to add new definitions of "Effective Date of Permits," "Mobilehome Park Closure," and "Mobilehome Owner," "Mobilehome Owner-approved Receiving Site," "Mobilehome Park Renters," "Non-mobilehome Residents," "Permanent Resident," "Relocation Counselor," "Relocation Plan" and "Resident-approved Receiving Site" to read as follows:

EFFECTIVE DATE OF PERMITS:

- (1) Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision maker where an appeal of the decision maker's action has not been filed in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final decision maker on the appeal.
- (2) Development appealable to the Coastal Commission.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:

 - a. The expiration of the Coastal Commission's 10-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and
 - b. Where an appeal of the decision maker's action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in Compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable decision maker in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit.
 - c. If appealed, the planning permit shall not be deemed effective until final action by the final decision maker on the appeal.

MOBILEHOME PARK CLOSURE: When a mobilehome park is closed, the Director shall determine the appropriate relocation of mobilehome park residents and the appropriate relocation of mobilehome park lots for human habitation and displacement of mobilehome park residents or, when 25 percent of the mobilehome park lots within a park become vacant and the Director determines

EXHIBIT 1

**Santa Barbara County
LCPA 1-12-A**

Ordinance No. 4829 (strikeout and underline)

pursuant to Section 35-144K.8 (Vacancy of a Mobilehome Park of 25 Percent or More).

MOBILEHOME OWNER: The record owner or any person having possession and control of the mobilehome.

MOBILEHOME OWNER-APPROVED RECEIVING SITE: A site which has been agreed upon by both the applicant and the mobilehome owner as a mutually acceptable location to receive a relocated mobilehome.

MOBILEHOME PARK RENTERS: Are residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes.

NON-MOBILEHOME RESIDENTS: Residents who meet the definition of Permanent Resident and own residential units which do not meet the definition of Mobilehome.

PERMANENT RESIDENT: Any person who lives in a mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least three of the following criteria:

1. Address where registered to vote.
2. Home address on file at place of employment or business.
3. Home address on file at dependents' primary or secondary school.
4. Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
5. California Department of Motor Vehicles identification address.
6. Mailing address.
7. Vehicle insurance address.
8. Home address on file with Bank account.
9. Home address on file with the Internal Revenue Service.
10. Home address on file with local club/association membership.
11. Any other criteria determined to be acceptable by the Director.

RELOCATION COUNSELOR: A counselor providing the services described in Section 35-144K.7.2.a.

RELOCATION PLAN: A document which describes the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit.

RESIDENT-APPROVED RECEIVING SITE: A site which has been agreed upon by both the applicant and the non-mobilehome resident as a mutually acceptable location to receive a relocated residential unit which does not meet the definition of mobilehome.

SECTION 2:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144K, titled "Mobilehome Park Closure" and to read as follows:

Sec. 35-144K. Mobilehome Park Closure

Sec. 35-144K.1 Purpose and Intent.

This Section establishes standards for the closure of a mobilehome park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobilehome park. Mobilehome parks are an important source of affordable housing within Santa Barbara County. The purpose of this Section is to provide relocation assistance to displaced residents and provide mobilehome park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4.

Sec. 35-144K.2 Applicability.

This Chapter applies to applications for the closure of conforming and nonconforming mobilehome parks. Reasons for closure may include conversion to another land use and/or financial considerations on the part of the park owner.

Sec. 35-144K.3 Conditional Use Permit Requirements.

1. A Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) shall be required in order for a mobilehome park closure to occur.
2. The Planning Commission shall be the review authority for the application for the Conditional Use Permit.

Sec. 35-144K.4 Application Contents.

An application for a Conditional Use Permit required in compliance with Section 35-144K.3 (Conditional Use Permit Requirements), above, shall be submitted in compliance with Section 35-172 (Conditional Use Permits) and shall include all of the following, in addition to all information required in compliance with Section 35-172 (Conditional Use Permits).

1. **Closure Impact Report.** A Closure Impact Report shall be prepared and submitted in compliance with the Government Code Sections 65863.7 and 66427.4. The Closure Impact Report shall be prepared by an independent agent acceptable to the County and, at a minimum, shall include the following information:
 - a. The number of mobilehomes that will be displaced by the proposed development and the number that will not be affected, and the age, size and condition of all mobilehomes in the park.
 - b. The number of available vacant mobilehome spaces in existing mobilehome parks within a 25 mile radius of the mobilehome park for which closure is sought, the space rental rates and evidence of the willingness of those mobilehome park owners to receive some or all of the displaced mobilehomes.
 - c. An estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, providing rental subsidies, or purchasing the mobilehome unit as described in 35-144K.7 (Conditions of Approval) below.
 - d. For displaced residents, the household sizes, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).
 - e. The names, addresses and phone numbers of the Closure Impact Report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant might use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.
 - f. A list of comparable alternative housing and/or replacement housing within a 25 mile

radius that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

Sec. 35-144K.5 Special Notice Requirements.

The following special notice requirements are in addition to any notice that may be required in compliance with Section 35-181 (Noticing). The applicant shall verify, to the satisfaction of the Director that a good faith effort has been made to ensure that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobilehome park closure shall be scheduled until the applicant has provided verification of the notification to the satisfaction of the Director.

- 1. Notice of Intent.** A “Notice of Intent” by applicant to convert or close the mobilehome park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the Conditional Use Permit application to the County. After the “Notice of Intent” has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).
- 2. Closure Impact Report.** A copy of the Closure Impact Report in compliance with 35-144K.4 (Application Content) at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, in compliance with Government Code Sections 65863.7 and 66427.5.
- 3. Written notice.** A written notice, in addition to the public hearing notice required in compliance with Section 35-181 (Noticing), at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, informing residents that the applicant will be appearing before a local government board, commission, or body to request permits for a change of use of the mobilehome park, in compliance with Civil Code Section 798.56(g).
- 4. Notice of termination of tenancy.** In compliance with Civil Code Section 798(g), the applicant shall provide all residents proposed to be displaced and the owners of all mobilehomes proposed to be displaced a written “notice of termination of tenancy” that provides the affected residents or owners a minimum of six months notice to vacate following the effective date of the Conditional Use Permit. The said notice shall be sent by certified mail to each resident and mobilehome owner within the 10 calendar days following the effective date of the Conditional Use Permit.

Sec. 35-144K.6 Informational Meeting.

- 1.** The applicant shall conduct an informational meeting for the residents of the mobilehome park at least 10 calendar days before the initial scheduled hearing on the application for the Conditional Use Permit regarding the proposed mobilehome park closure.
- 2.** The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and a County representative and the Relocation Counselor, as described in Subsection 35-144K.7.2.a, shall be present.
- 3.** The meeting shall address the proposed mobilehome park closure, the closure application process, the contents of the Closure Impact Report, and proposed relocation assistance for displaced mobilehome owners and residents.
- 4.** All mobilehome park residents shall receive a written notice at least 10 days prior to the meeting. The notice shall specify the time, date, and location of the informational meeting and summarize the subject matter of the meeting which at a minimum shall address the requirements listed in Subsection C, above.

Sec. 35-144K.7 Conditions of Approval.

Approval of a Conditional Use Permit shall include reasonable conditions of approval in compliance with Government Code Section 65863.7, which shall not exceed the reasonable costs of relocation for displaced mobilehome park residents, and shall include, but not be limited to, the following measures:

1. Relocation or sale. In compliance with Government Code Sections 65863.7 and 66427.4, the County shall apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents. Mobilehome owners who are not permanent residents are not eligible for relocation benefits. The Conditional Use Permit shall identify the options assigned to each displaced mobilehome occupant in a Relocation Plan, as follows:

a. Relocation assistance for mobilehome owners whose homes can be relocated. The applicant shall comply with all of the following requirements as applicable for each mobilehome owner who is also a permanent resident.

- 1) The applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within 25 miles of the existing location. If no spaces within 25 miles are available, the mobilehome may also be moved to a mobilehome owner-approved receiving site as requested by the mobilehome owner at a cost to the applicant that does not exceed the costs of moving the mobilehome to a site within 25 miles. Fixtures and accessories include: decks, porches, stairs, access ramps, skirting, awnings, carports, garages and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (e.g., mobilehome permit, land use permit, coastal development permit) and the reasonable housing expenses of displaced mobilehome residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable federal, State, and County regulations. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. The mobilehome park shall be a facility that is licensed and inspected by the California Department of Housing and Community Development.
- 2) The applicant shall provide displaced mobilehome owners, which qualify as permanent residents, with payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent.

b. Relocation assistance for mobilehomes owners whose homes cannot not be relocated. In cases in which it is not feasible to relocate the mobilehome to a comparable mobilehome park, including cases in which the condition of the mobilehome is such that it cannot be safely relocated, cases in which the mobilehome does not meet minimum requirements to be accepted into another mobilehome park, or cases in which there are no available spaces at a mobilehome park within 25 miles, the applicant shall provide the following relocation assistance to each mobilehome owner who is also a permanent resident.

- 1) The applicant shall be required to buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well

maintained condition; and

- 2) Each displaced mobilehome household will receive a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety Code Section 50052.5.(h), to accommodate the displaced household and that meets Department of Housing and Urban Development (HUD) Housing Quality Standards for a period of 12 months. For purposes of calculating a relocation payment, the rent differential shall not exceed the difference between the current space rent and the Fair Market Rent of a unit of a size appropriate to accommodate the displaced household as published annually by HUD. If the mobilehome owner sells their unit to a third party the mobilehome owner shall receive the proceeds from said sale and is also eligible for the aforementioned rent subsidy.

- c. **Relocation assistance for non-mobilehome residents.** For permanent residents whose residential units do not meet the definition of a mobilehome, the applicant shall pay all costs related to moving the unit, fixtures, and accessories to a resident-approved receiving site within 25 miles of the existing location, as requested by the resident. The applicant shall provide payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent. The applicant shall also pay the reasonable living expenses of displaced residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except in cases in which the County determines that extenuating circumstances prolong the moving period. If the unit cannot be relocated, the applicant shall pay a sum equal to three months of the fair market rent for the area as determined by the HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each such displaced household.
- d. **Relocation assistance for mobilehome renters.** The applicant shall pay a sum equal to three months of the fair market rent for the area as determined by the HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each displaced renter household.
- e. Nothing contained herein precludes any mobilehome owner who is also a permanent resident of the park from selling his or her mobilehome to the applicant for an agreed upon price to be no less than the amount of relocation assistance described in Subsection 35-144K.7.1.a in exchange for waiver of payment of those benefits described in Subsection 35-144K.7.1. Nothing contained herein shall require any mobilehome owner to agree to sell his or her mobilehome to the applicant or to waive receipt of relocation benefits.
- f. Nothing contained herein precludes the applicant and displaced mobilehome park residents who are also permanent residents of the park from agreeing on other mutually satisfactory relocation assistance in lieu of the assistance required in Subsection 35.89.070.A of this ordinance.

2. **Relocation plan.** The Relocation Plan required in compliance with Subsection A, above, shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own the occupied mobilehome unit. The plan shall describe the cost of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or a third party, or to be relocated for the mobilehome owner(s). The plan shall provide the purchase value of all

mobilehomes to be sold including fixtures and accessories. The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or sales value shall be referred for non-binding arbitration to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive.

a. Relocation Counselor. Applicant shall offer to provide for all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property and belongings to the replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than 30 calendar days following the effective date of the Conditional Use Permit for the mobilehome park closure, the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and commence to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the Conditional Use Permit. The Relocation Counselor shall provide proof of contact and written notice with the mobilehome park residents by filing an affidavit attesting that fact with the Department.

Sec. 35-144K.8 Vacancy of a Mobilehome Park of 25 Percent or More.

1. Whenever 25 percent or more of the total number of mobilehome sites within a mobilehome park that are occupied as of [effective date of this Ordinance] are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "mobilehome park closure" for the purposes of this ordinance. The mobilehome park owner shall file an application for the mobilehome park closure, in compliance with the requirements of this Section. A mobilehome site is considered to be "uninhabited" when no rent is being paid for use of the site and for a period of 90 days or more it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.
2. Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection 1, above, such resident or person may file a written statement to that effect with the Director. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park closure is underway.
3. If the Director determines that an unauthorized mobilehome park closure is underway, he or she shall send a written notice by certified mail to the mobilehome park owner which describes the Director's determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application in compliance with this Section for the closure of a

mobilehome park.

4. Once the Director has determined whether an unauthorized mobilehome park closure is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, mobilehome park manager, the person(s) who filed the written statement in compliance with Subsection 2, above, and to all the residents in the mobilehome park.
5. The determination of the Director, in compliance with Subsection 2, above, may be appealed by the person who filed the statement, by the mobilehome park owner, the mobilehome park manager, or by any other interested person within the 10 calendar days following the date of the notice of determination. All such appeals shall be submitted and processed in compliance with Section 35-182 (Appeals).

Sec. 35-144K.9 Request for Exemption from Relocation Assistance Requirements.

1. Any person who files an application for a Conditional Use Permit for the closure of a mobilehome park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 35-144K.7 (Conditions of Approval). The request for the exemption, as described in Subsection 35-144K.9.2, shall be processed in conjunction with the application for the Conditional Use Permit, and shall be distributed to each resident household and mobilehome owner at the time of application submittal.
 - a. The applicant may request an exemption for one of the following reasons:
 - 1) That the requirement(s) for relocation assistance would eliminate substantially all reasonable economic use of the property.
 - 2) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.
 - 3) That the relocation assistance required under Section 35-144K.7 exceeds the reasonable costs of relocation for displaced mobilehome park residents, as proscribed by Government Code Section 65863.7(e).
2. Any request for exemption submitted in compliance with Subsection 35-144K.9.1.a shall contain, at a minimum, the following information:
 - a. Statements of profit and loss from the operations of the mobilehome park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.
 - b. **Report required.**
 - 1) If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such in compliance with the laws of the State of California.
 - a) The report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs

and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property.

- b) The report shall describe the minimum period of time in which such improvements or repairs can be accomplished along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property.
- c) The report shall be referred to the California Department of Housing and Community Development for review and comment.

2) If the Director requires an analysis of the information submitted by the civil engineer or general contractor, the Director may procure the services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

- c. An estimate of the total cost of relocation assistance which would be required in compliance with Section 35-144K.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, that document the number of residents of the park who are able to relocate their mobilehomes and those who would sell their mobilehomes, and the costs related to providing the relocation assistance measures delineated in Section 35-144K.7 (Conditions of Approval).
- d. If the proposed closure is due to conversion of the land to another use, an estimate of the value of the mobilehome park, if the park were permitted to be developed for the change of use proposed in the application for closure of the park, and an estimate of the value of said park, if use of the property as a mobilehome park is continued, are required. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.
- e. Any other information which the applicant believes to be pertinent, or that may be required by the Director.
- f. Any request for exemption filed pursuant to Section 35-144K.9.1.a.1) shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of the said court.

3. When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

4. Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive

all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

5. The action of the Commission to approve, conditionally approve, or deny the request for exemption is final, subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-144K.10 Additional Findings Required for Closure of a Mobilehome Park.

A Conditional Use Permit for a mobilehome park closure may be approved or conditionally approved only if the Commission first finds, in addition to the findings required in compliance with Section 35-172 (Conditional Use Permits), that adequate measures to address adverse impacts on the ability of displaced residents to find adequate housing in a mobilehome park, as described in Section 35-144K.7 of the County's Coastal Zoning Ordinance, have to the maximum extent feasible, but not exceeding the reasonable costs of relocation, been taken without substantially eliminating reasonable economic use of the property.

SECTION 3:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A, Decisions appealed to the Planning Commission, of Section 35-182.4, Appeals to the Planning Commission, of Section 35-182, Appeals, to read as follows:

- A. Decisions appealed to the Planning Commission.** The following decisions may be appealed to the Planning Commission provided the appeal complies with the requirements of Section 35-182.2.C and D.
- 1. Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section 35-182.2.C.2.b.
 - 2. Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approved, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approved, or deny any other discretionary application where the Director is the designated decision-maker.

- h. Any decision of the Director as to whether or not an unauthorized mobilehome park closure is underway.
- hi. Any other action, decision, or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 2, Division 7, and Division 12 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7:

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.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2012, by the following vote:

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

NOES: None

ABSTAINED: None

ABSENT: None

DOREEN FARR
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

ORDINANCE NO. 4829

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS REGARDING MOBILEHOME PARK CLOSURES.

Case No. 11ORD-00000-00018

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

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend, Section 35-58 to add new definitions of "Effective Date of Permits," "Mobilehome Park Closure," and "Mobilehome Owner," "Mobilehome Owner-approved Receiving Site," "Mobilehome Park Renters," "Non-mobilehome Residents," "Permanent Resident," "Relocation Counselor," "Relocation Plan" and "Resident-approved Receiving Site" to read as follows:

EFFECTIVE DATE OF PERMITS:

(1) **Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision maker where an appeal of the decision maker's action has not been filed in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final decision maker on the appeal.

(2) **Development appealable to the Coastal Commission.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:

- a. The expiration of the Coastal Commission's 10-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and
- b. Where an appeal of the decision maker's action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in Compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable decision maker in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit.
- c. If appealed, the planning permit shall not be deemed effective until final action by the final decision maker on the appeal.

MOBILEHOME PARK CLOSURE: When a mobilehome park is closed, the mobilehome owner shall be given written notice of the closure by the Santa Barbara County Coastal Commission. The notice shall be given to the mobilehome owner by the Santa Barbara County Coastal Commission. The notice shall be given to the mobilehome owner by the Santa Barbara County Coastal Commission. The notice shall be given to the mobilehome owner by the Santa Barbara County Coastal Commission.

EXHIBIT 2

Santa Barbara County

LCPA 1-12-A

Ordinance No. 4829

renting or leasing mobilehome lots for human habitation and this cessation of use would result in the displacement of mobilehome park residents or, when 25 percent or more of the mobilehome units or lots within a park become vacant and the Director determines that an unauthorized closure is underway pursuant to Section 35-144I.8 (Vacancy of a Mobilehome Park of 25 Percent or More).

MOBILEHOME OWNER: The record owner or any person having possession and control of the mobilehome.

MOBILEHOME OWNER-APPROVED RECEIVING SITE: A site which has been agreed upon by both the applicant and the mobilehome owner as a mutually acceptable location to receive a relocated mobilehome.

MOBILEHOME PARK RENTERS: Are residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes.

NON-MOBILEHOME RESIDENTS: Residents who meet the definition of Permanent Resident and own residential units which do not meet the definition of Mobilehome.

PERMANENT RESIDENT: Any person who lives in a mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least three of the following criteria:

1. Address where registered to vote
2. Home address on file at place of employment or business.
3. Home address on file at dependents' primary or secondary school.
4. Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
5. California Department of Motor Vehicles identification address.
6. Mailing address.
7. Vehicle insurance address.
8. Home address on file with Bank account.
9. Home address on file with the Internal Revenue Service.
10. Home address on file with local club/association membership.
11. Any other criteria determined to be acceptable by the Director.

RELOCATION COUNSELOR: A counselor providing the services described in Section 35-144K.7.2.a.

RELOCATION PLAN: A document which describes the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit.

RESIDENT-APPROVED RECEIVING SITE: A site which has been agreed upon by both the applicant and the non-mobilehome resident as a mutually acceptable location to receive a relocated residential unit which does not meet the definition of mobilehome.

SECTION 2:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144K, titled "Mobilehome Park Closure" and to read as follows:

Sec. 35-144K. Mobilehome Park Closure

Sec. 35-144K.1 Purpose and Intent.

This Section establishes standards for the closure of a mobilehome park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobilehome park. Mobilehome parks are an important source of affordable housing within Santa Barbara County. The purpose of this Section is to provide relocation assistance to displaced residents and provide mobilehome park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4.

Sec. 35-144K.2 Applicability.

This Chapter applies to applications for the closure of conforming and nonconforming mobilehome parks. Reasons for closure may include conversion to another land use and/or financial considerations on the part of the park owner.

Sec. 35-144K.3 Conditional Use Permit Requirements.

1. A Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) shall be required in order for a mobilehome park closure to occur.
2. The Planning Commission shall be the review authority for the application for the Conditional Use Permit.

Sec. 35-144K.4 Application Contents.

An application for a Conditional Use Permit required in compliance with Section 35-144K.3 (Conditional Use Permit Requirements), above, shall be submitted in compliance with Section 35-172 (Conditional Use Permits) and shall include all of the following, in addition to all information required in compliance with Section 35-172 (Conditional Use Permits).

1. **Closure Impact Report.** A Closure Impact Report shall be prepared and submitted in compliance with the Government Code Sections 65863.7 and 66427.4. The Closure Impact Report shall be prepared by an independent agent acceptable to the County and, at a minimum, shall include the following information:
 - a. The number of mobilehomes that will be displaced by the proposed development and the number that will not be affected, and the age, size and condition of all mobilehomes in the park.
 - b. The number of available vacant mobilehome spaces in existing mobilehome parks within a 25 mile radius of the mobilehome park for which closure is sought, the space rental rates and evidence of the willingness of those mobilehome park owners to receive some or all of the displaced mobilehomes.
 - c. An estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, providing rental subsidies, or purchasing the mobilehome unit as described in 35-144K.7 (Conditions of Approval) below.
 - d. For displaced residents, the household sizes, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).

- e. The names, addresses and phone numbers of the Closure Impact Report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant might use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.
- f. A list of comparable alternative housing and/or replacement housing within a 25 mile radius that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

Sec. 35-144K.5 *Special Notice Requirements.*

The following special notice requirements are in addition to any notice that may be required in compliance with Section 35-181 (Noticing). The applicant shall verify, to the satisfaction of the Director that a good faith effort has been made to ensure that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobilehome park closure shall be scheduled until the applicant has provided verification of the notification to the satisfaction of the Director.

- 1. Notice of Intent.** A "Notice of Intent" by applicant to convert or close the mobilehome park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the Conditional Use Permit application to the County. After the "Notice of Intent" has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).
- 2. Closure Impact Report.** A copy of the Closure Impact Report in compliance with 35-144K.4 (Application Content) at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, in compliance with Government Code Sections 65863.7 and 66427.5.
- 3. Written notice.** A written notice, in addition to the public hearing notice required in compliance with Section 35-181 (Noticing), at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, informing residents that the applicant will be appearing before a local government board, commission, or body to request permits for a change of use of the mobilehome park, in compliance with Civil Code Section 798.56(g).
- 4. Notice of termination of tenancy.** In compliance with Civil Code Section 798(g), the applicant shall provide all residents proposed to be displaced and the owners of all mobilehomes proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months notice to vacate following the effective date of the Conditional Use Permit. The said notice shall be sent by certified mail to each resident and mobilehome owner within the 10 calendar days following the effective date of the Conditional Use Permit.

Sec. 35-144I.6 *Informational Meeting.*

- 1.** The applicant shall conduct an informational meeting for the residents of the mobilehome park at least 10 calendar days before the initial scheduled hearing on the application for the Conditional Use Permit regarding the proposed mobilehome park closure.
- 2.** The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and a County representative and the Relocation Counselor, as described in Subsection 35-144K.7.2.a, shall be present.

3. The meeting shall address the proposed mobilehome park closure, the closure application process, the contents of the Closure Impact Report, and proposed relocation assistance for displaced mobilehome owners and residents.
4. All mobilehome park residents shall receive a written notice at least 10 days prior to the meeting. The notice shall specify the time, date, and location of the informational meeting and summarize the subject matter of the meeting which at a minimum shall address the requirements listed in Subsection C, above.

Sec. 35-144K.7 Conditions of Approval.

Approval of a Conditional Use Permit shall include reasonable conditions of approval in compliance with Government Code Section 65863.7, which shall not exceed the reasonable costs of relocation for displaced mobilehome park residents, and shall include, but not be limited to, the following measures:

1. **Relocation or sale.** In compliance with Government Code Sections 65863.7 and 66427.4, the County shall apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents. Mobilehome owners who are not permanent residents are not eligible for relocation benefits. The Conditional Use Permit shall identify the options assigned to each displaced mobilehome occupant in a Relocation Plan, as follows:
 - a. **Relocation assistance for mobilehome owners whose homes can be relocated.** The applicant shall comply with all of the following requirements as applicable for each mobilehome owner who is also a permanent resident.
 - 1) The applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within 25 miles of the existing location. If no spaces within 25 miles are available, the mobilehome may also be moved to a mobilehome owner-approved receiving site as requested by the mobilehome owner at a cost to the applicant that does not exceed the costs of moving the mobilehome to a site within 25 miles. Fixtures and accessories include: decks, porches, stairs, access ramps, skirting, awnings, carports, garages and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (e.g., mobilehome permit, land use permit, coastal development permit) and the reasonable housing expenses of displaced mobilehome residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable federal, State, and County regulations. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. The mobilehome park shall be a facility that is licensed and inspected by the California Department of Housing and Community Development.
 - 2) The applicant shall provide displaced mobilehome owners, which qualify as permanent residents, with payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent.
 - b. **Relocation assistance for mobilehomes owners whose homes cannot not be relocated.** In cases in which it is not feasible to relocate the mobilehome to a comparable mobilehome

park, including cases in which the condition of the mobilehome is such that it cannot be safely relocated, cases in which the mobilehome does not meet minimum requirements to be accepted into another mobilehome park, or cases in which there are no available spaces at a mobilehome park within 25 miles, the applicant shall provide the following relocation assistance to each mobilehome owner who is also a permanent resident.

- 1) The applicant shall be required to buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well maintained condition; and
- 2) Each displaced mobilehome household will receive a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety Code Section 50052.5(h), to accommodate the displaced household and that meets Department of Housing and Urban Development (HUD) Housing Quality Standards for a period of 12 months. For purposes of calculating a relocation payment, the rent differential shall not exceed the difference between the current space rent and the Fair Market Rent of a unit of a size appropriate to accommodate the displaced household as published annually by HUD. If the mobilehome owner sells their unit to a third party the mobilehome owner shall receive the proceeds from said sale and is also eligible for the aforementioned rent subsidy.

- c. **Relocation assistance for non-mobilehome residents.** For permanent residents whose residential units do not meet the definition of a mobilehome, the applicant shall pay all costs related to moving the unit, fixtures, and accessories to a resident-approved receiving site within 25 miles of the existing location, as requested by the resident. The applicant shall provide payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent. The applicant shall also pay the reasonable living expenses of displaced residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except in cases in which the County determines that extenuating circumstances prolong the moving period. If the unit cannot be relocated, the applicant shall pay a sum equal to three months of the fair market rent for the area as determined by the HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each such displaced household.
- d. **Relocation assistance for mobilehome renters.** The applicant shall pay a sum equal to three months of the fair market rent for the area as determined by the HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each displaced renter household.
- e. Nothing contained herein precludes any mobilehome owner who is also a permanent resident of the park from selling his or her mobilehome to the applicant for an agreed upon price to be no less than the amount of relocation assistance described in Subsection 35-144K.7.1.a in exchange for waiver of payment of those benefits described in Subsection 35-144K.7.1. Nothing contained herein shall require any mobilehome owner to agree to sell his or her mobilehome to the applicant or to waive receipt of relocation benefits.

- f. Nothing contained herein precludes the applicant and displaced mobilehome park residents who are also permanent residents of the park from agreeing on other mutually satisfactory relocation assistance in lieu of the assistance required in Subsection 35.89.070.A of this ordinance.

2. **Relocation plan.** The Relocation Plan required in compliance with Subsection A, above, shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own the occupied mobilehome unit. The plan shall describe the cost of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or a third party, or to be relocated for the mobilehome owner(s). The plan shall provide the purchase value of all mobilehomes to be sold including fixtures and accessories. The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or sales value shall be referred for non-binding arbitration to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive.

- a. **Relocation Counselor.** Applicant shall offer to provide for all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property and belongings to the replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than 30 calendar days following the effective date of the Conditional Use Permit for the mobilehome park closure, the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and commence to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the Conditional Use Permit. The Relocation Counselor shall provide proof of contact and written notice with the mobilehome park residents by filing an affidavit attesting that fact with the Department.

Sec. 35-144K.8 *Vacancy of a Mobilehome Park of 25 Percent or More.*

1. Whenever 25 percent or more of the total number of mobilehome sites within a mobilehome park that are occupied as of [effective date of this Ordinance] are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "mobilehome park

closure" for the purposes of this ordinance. The mobilehome park owner shall file an application for the mobilehome park closure, in compliance with the requirements of this Section. A mobilehome site is considered to be "uninhabited" when no rent is being paid for use of the site and for a period of 90 days or more it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.

2. Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection 1, above, such resident or person may file a written statement to that effect with the Director. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park closure is underway.
3. If the Director determines that an unauthorized mobilehome park closure is underway, he or she shall send a written notice by certified mail to the mobilehome park owner which describes the Director's determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application in compliance with this Section for the closure of a mobilehome park.
4. Once the Director has determined whether an unauthorized mobilehome park closure is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, mobilehome park manager, the person(s) who filed the written statement in compliance with Subsection 2, above, and to all the residents in the mobilehome park.
5. The determination of the Director, in compliance with Subsection 2, above, may be appealed by the person who filed the statement, by the mobilehome park owner, the mobilehome park manager, or by any other interested person within the 10 calendar days following the date of the notice of determination. All such appeals shall be submitted and processed in compliance with Section 35-182 (Appeals).

Sec. 35-144K.9 Request for Exemption from Relocation Assistance Requirements.

1. Any person who files an application for a Conditional Use Permit for the closure of a mobilehome park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 35-144K.7 (Conditions of Approval). The request for the exemption, as described in Subsection 35-144K.9.2, shall be processed in conjunction with the application for the Conditional Use Permit, and shall be distributed to each resident household and mobilehome owner at the time of application submittal.
 - a. The applicant may request an exemption for one of the following reasons:
 - 1) That the requirement(s) for relocation assistance would eliminate substantially all reasonable economic use of the property.
 - 2) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

- 3) That the relocation assistance required under Section 35-144K.7 exceeds the reasonable costs of relocation for displaced mobilehome park residents, as proscribed by Government Code Section 65863.7(e).

2. Any request for exemption submitted in compliance with Subsection 35-144K.9.1.a shall contain, at a minimum, the following information:

a. Statements of profit and loss from the operations of the mobilehome park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

b. Report required.

1) If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such in compliance with the laws of the State of California.

a) The report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property.

b) The report shall describe the minimum period of time in which such improvements or repairs can be accomplished along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property.

c) The report shall be referred to the California Department of Housing and Community Development for review and comment.

2) If the Director requires an analysis of the information submitted by the civil engineer or general contractor, the Director may procure the services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

c. An estimate of the total cost of relocation assistance which would be required in compliance with Section 35-144K.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, that document the number of residents of the park who are able to relocate their mobilehomes and those who would sell their mobilehomes, and the costs related to providing the relocation assistance measures delineated in Section 35-144K.7 (Conditions of Approval).

- d. If the proposed closure is due to conversion of the land to another use, an estimate of the value of the mobilehome park, if the park were permitted to be developed for the change of use proposed in the application for closure of the park, and an estimate of the value of said park, if use of the property as a mobilehome park is continued, are required. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.
 - e. Any other information which the applicant believes to be pertinent, or that may be required by the Director.
 - f. Any request for exemption filed pursuant to Section 35-144K.9.1.a.1) shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of the said court.
3. When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.
 4. Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.
 5. The action of the Commission to approve, conditionally approve, or deny the request for exemption is final, subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-144K.10 Additional Findings Required for Closure of a Mobilehome Park.

A Conditional Use Permit for a mobilehome park closure may be approved or conditionally approved only if the Commission first finds, in addition to the findings required in compliance with Section 35-172 (Conditional Use Permits), that adequate measures to address adverse impacts on the ability of displaced residents to find adequate housing in a mobilehome park, as described in Section 35-144K.7 of the County's Coastal Zoning Ordinance, have to the maximum extent feasible, but not exceeding the reasonable costs of relocation, been taken without substantially eliminating reasonable economic use of the property.

SECTION 3:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A, Decisions appealed to the Planning Commission, of Section 35-182.4, Appeals to the Planning Commission, of Section 35-182, Appeals, to read as follows:

- A. Decisions appealed to the Planning Commission. The following decisions may be appealed to

the Planning Commission provided the appeal complies with the requirements of Section 35-182.2.C and D.

1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section 35-182.2.C.2.b.
2. **Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approved, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approved, or deny any other discretionary application where the Director is the designated decision-maker.
 - h. Any decision of the Director as to whether or not an unauthorized mobilehome park closure is underway.
 - hi. Any other action, decision, or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 2, Division 7, and Division 12 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not

affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7:

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.

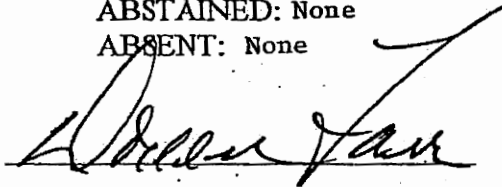
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of March, 2012, by the following vote:

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

NOES: None

ABSTAINED: None

ABSENT: None

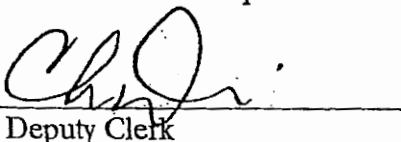


DOREEN FARR
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By


Deputy Clerk

APPROVED AS TO FORM

DENNIS A. MARSHALL
County Counsel

By Rachel J. Muller
Deputy County Counsel

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

IN THE MATTER OF A SUBMITTAL TO THE)	RESOLUTION NO: 12-86
CALIFORNIA COASTAL COMMISSION FOR)	CASE NO. 11ORD-00000-00018
CERTIFICATION OF THE ARTICLE II)	CASE NO. 11GPA-00000-00004
COASTAL ZONING ORDINANCE)	CASE NO. 11ORD-00000-00034
MOBILEHOME PARK CLOSURE ORDINANCE)	CASE NO. 11RZN-00000-00003
AMENDMENT, COASTAL LAND USE PLAN/)	
GOLETA COMMUNITY PLAN LAND USE)	
MAP MULTI-FAMILY RESIDENTIAL LAND)	
USE DESIGNATION AMENDMENT, AND)	
ARTICLE II COASTAL ZONING ORDINANCE)	
HIGH-DENSITY STUDENT RESIDENTIAL)	
(SR-H) ZONE DISTRICT AMENDMENT AND)	
REZONE)	

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.
- B. On July 19, 1982, by Ordinance No. 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.
- C. On March 13, 2012, by Ordinance No. 4829, the Board of Supervisors, having found it to be in the interests of the general community welfare, consistent with the County's Comprehensive Plan, Coastal Zoning Ordinance and the requirements of State planning and zoning law, and consistent with good zoning and planning practices, amended the Local Coastal Program by adopting:

11ORD-00000-00018: Mobilehome Park Closure Ordinance Amendment, attached as Exhibit A:

An Ordinance (Case No. 11ORD-00000-00018) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code by amending definitions, general regulations, and administration to implement new regulations and make other minor clarifications, corrections, and revisions regarding mobilehome park closures.

- D. On March 20, 2012, by Resolution No. 12-63, 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:

11GPA-00000-00004: Coastal Land Use Plan/Goleta Community Plan Land Use Map Multi-Family Residential Land Use Designation Amendment, attached as Exhibit B:

A Resolution (Case No. 11GPA-00000-00004) to amend the C
an amendment to the Goleta Planning Area Land Use Map o

EXHIBIT 3
Santa Barbara County LCPA 1-12-A
Resolution No. 12-86

changing the land use designation on Assessor Parcel Number 075-020-005 from Multi-Family Residential, 20 units per acre, to Multi-Family Residential, 30 units per acre.

- E. On March 20, 2012, by Ordinance No. 4830, the Board of Supervisors, having found it to be in the interests of the general community welfare, consistent with the County's Comprehensive Plan, Coastal Zoning Ordinance and the requirements of State planning and zoning law, and consistent with good zoning and planning practices, amended the Local Coastal Program by adopting:

11ORD-00000-00034 and 11RZN-00000-00003: High-Density Student Residential (SR-H) Zone District Amendment and Rezone, attached as Exhibit C:

An Ordinance (Case No. 11ORD-00000-00034) and Rezone (Case No. 11RZN-00000-00003) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code by amending the text of Section 35-77, SR-H Zone District, to establish a new density of 30 units per acre and establish new criteria to apply to parcels rezoned to said density, and by amending the Goleta Community Plan Zoning Southern Section Zoning Map to rezone Assessor Parcel Number 075-020-005 from SR-H-20 to SR-H-30.

- F. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission on the proposed amendments in duly noticed public hearings pursuant to Section 65353 and Section 65854 of the Government Code, and the County Planning Commission has sent their written recommendations to the Board pursuant to Section 65354 and Section 65855 of the Government Code.
- G. The Board of Supervisors held duly noticed public hearings, as required by Section 65355 and 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.
- H. These amendments to the Local Coastal Program are 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 now wishes to submit these amendments to the California Coastal Commission for review and certification.

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 Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Santa Barbara County Local Coastal Program.
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.

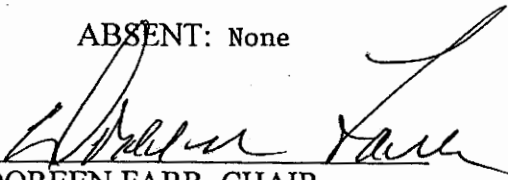
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 10th day of April, 2012, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None



DOREEN FARR, CHAIR

Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR

Clerk of the Board of Supervisors

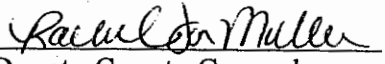
By: 

Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL

County Counsel

By: 

Deputy County Counsel

EXHIBITS:

- A. Mobilehome Park Closure Ordinance Amendment (Case No. 11ORD-00000-00018)
- B. Coastal Land Use Plan/Goleta Community Plan Land Use Map Multi-Family Residential Land Use Designation Amendment (Case No. 11GPA-00000-00004)
- C. High-Density Student Residential (SR-H) Zone District Amendment and Rezone (Case Nos. 11ORD-00000-00034 and 11RZN-00000-00003)