

CALIFORNIA COASTAL COMMISSION

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DATE: June 23, 2016

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
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Deanna Christensen, Supervising Coastal Program Analyst
Mark Jordan, Coastal Program Analyst

SUBJECT: County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-15-0044-1, for public hearing and Commission action at the July 14, 2016 Commission Hearing in San Diego.

DESCRIPTION OF THE SUBMITTAL

The County of Santa Barbara is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to modify existing provisions regarding housing density bonuses for affordable housing and add new provisions regarding farmworker employee housing and reasonable accommodation requests to address the housing needs of individuals with disabilities and their families. The amendment request also includes the addition of several housing-related definitions and other minor revisions to the IP/CZO portion of the certified LCP.

The County of Santa Barbara submitted Local Coastal Program Amendment LCP-4-STB-15-0044-1 to the Commission on December 22, 2015. The amendment submittal was deemed complete on February 16, 2016, after the submittal of additional information requested by Commission staff. At the April 15, 2016 hearing, the Commission granted a one year time extension to act on the subject amendment pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c).

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, after public hearing, **reject** the proposed County of Santa Barbara LCP Amendment No. LCP-4-STB-15-0044-1 as submitted, and **certify** the proposed amendment only if modified pursuant to three (3) suggested modifications. The modifications are necessary to ensure the proposed amendment to the IP/CZO conforms with and is adequate to carry out the policies of the County's certified Land Use Plan (LUP). The motions and resolutions to accomplish this recommendation are found on pages 5 and 6 of this staff report. 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 LUP portion of the County of Santa Barbara certified 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.

The proposed amendment request includes revisions to the existing affordable housing density bonus provisions of the certified IP/CZO in order to be consistent with the current California density bonus law. The proposed changes specify that any density bonus project, including the incentives, must be found consistent with all applicable policies and provisions of the LCP, will not create adverse impacts on coastal resources, and that a permitted density bonus shall be no greater than a maximum of 35% above the base zone density. These proposed changes would not affect the consistency of the IP/CZO with the above-referenced LUP policies or its ability to carry out any of the other provisions of the LUP. The proposed amendment also adds new provisions regarding reasonable accommodation, consistent with State law, whereby either individuals with disabilities or other applicants seeking to build accessible housing may request a reasonable accommodation from the strict application of zoning requirements in order to provide individuals with disabilities an equal opportunity to live in the housing of their choice. However, it is important to ensure that any reasonable accommodations granted will not result in impacts to coastal resources in order to be consistent with the requirements of the County LCP. Staff is therefore recommending a suggested modification (Suggested Modification 3) to clarify that any requested accommodation shall not adversely impact coastal resources, and that any other adverse impacts not involving coastal resources shall be minimized to the extent feasible.

Additionally, the proposed amendment adds new provisions regarding the permitting and development of farmworker housing in order to comply with the State Employee Housing Act (codified in California Health and Safety Code Sections 17000 through 17062.5) which requires farmworker dwelling units to be regulated the same as single family dwellings, and farmworker housing complexes to be regulated the same as an agricultural activity in the zones where those uses are allowed. This component of the proposed amendment request raises issues regarding the protection of agricultural resources and the protection of visitor serving commercial and recreational opportunities. In order to ensure consistency with the agricultural resource protection policies of the Coastal Act and County LCP, it is important that farmworker housing in agricultural zones be sited and designed in a manner that (1) avoids all prime soils, (2) maintains the long term productivity of the agricultural operation and resources on-site, and (3) is clustered with existing development on-site to the maximum extent feasible. As such, staff is recommending a suggested modification (Suggested Modification 2) to include these elements as additional required findings that the County reviewing authority would be required to make when authorizing a permit for farmworker housing in agricultural zones. In addition, in order to ensure that the proposed amendment request to allow farmworker housing on parcels designated for visitor serving types of commercial and recreational uses is consistent with and adequate to carry out the County LUP, staff is recommending a suggested modification (Suggested Modification 2) to specify that farmworker housing on commercially-zoned lots must be secondary to an existing primary commercial use of the lot and to add an additional development standard to require that where farmworker housing projects result in adverse impacts to visitor-serving commercial or recreational opportunities (e.g., development of non-visitor serving uses on commercial lots that otherwise have the potential to provide services and amenities that would serve tourists and travelers), the impacts to visitor-serving opportunities shall be fully mitigated by providing comparable visitor-serving commercial or recreational opportunities. Finally, other

suggested modifications (Suggested Modifications 1 and 2) are recommended to include minor changes to the proposed amendment request in order to provide greater clarity and specificity to assure the provisions are appropriately interpreted and implemented. All of the suggested modifications were developed in cooperation with County staff. For the reasons described in this report, staff recommends that the Commission find the proposed IP/CZO amendment, only if modified as suggested, is consistent with and adequate to carry out the policies of the certified LUP.

Additional Information: Please contact Mark Jordan 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 – County of Santa Barbara Ordinance No. 4946](#)

I. PROCEDURAL OVERVIEW

A. STANDARD OF REVIEW

The Coastal Act provides:

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

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) component of a certified Local Coastal Program (LCP), pursuant to Sections 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 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.

B. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, the County resolution for submittal may specify that a LCP Amendment will either require formal local government adoption after the Commission approval, or that it 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 specified that this Amendment shall take effect automatically after Commission action. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves the proposed amendment pursuant to the staff recommendation, 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 (California Code of Regulations, Title 14, Sections 13542(b), (f), 13544, and 13544.5). If the Commission certifies the proposed LCP Amendment with suggested modifications and the County acts on those suggested modifications, then pursuant to Section 13544 of the California Code of Regulations, 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. Should the Commission deny the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires the provision of maximum opportunities for public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings regarding the amendment. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the subject Amendment has been distributed to all known interested parties.

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

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

A. DENIAL OF THE IMPLEMENTATION PLAN AS SUBMITTED

MOTION I:

*I move that the Commission **reject** County of Santa Barbara Implementation Plan Amendment No. LCP-4-STB-15-0044-1 as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment No. LCP-4-STB-15-0044-1 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 PLAN AMENDMENT AS SUBMITTED:

The Commission hereby **denies** certification of County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-STB-15-0044-1, as submitted, 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 Amendment 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 Amendment as submitted.

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II:

*I move that the Commission **certify** County of Santa Barbara Implementation Plan Amendment No. LCP-4-STB-15-0044-1 if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan Amendment No. LCP-4-STB-15-0044-1 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.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** the County of Santa Barbara Implementation Plan Amendment No. LCP-4-STB-15-0044-1, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment, 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 Ordinance Amendment 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 AMENDMENT

The staff recommends the Commission certify the proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) Amendment, with the modifications as shown below. Language proposed by the County of Santa Barbara in this amendment is shown in straight type. Language recommended by Commission staff to be added is shown underlined. Language recommended by Commission staff to be deleted is shown as ~~strikethrough~~.

SUGGESTED MODIFICATION 1

Subsections A and B of Section 35-144P (Farmworker Housing) shall be modified as follows:

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker

housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, *et seq.*, known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code. Pursuant to California Health and Safety Code Section 17008, farmworker housing types consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35-58 (Definitions) and as may be allowed in compliance with the approval of the applicable permit identified in the following table for the listed zones:

Permit Requirements for Farmworker Dwelling Units and Farmworker Housing Complexes	P	Permitted use, appealable Coastal Permit required (1)		
	PP	Principal Permitted use, Coastal Permit required (1)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Major Conditional Use Permit required		
	—	Use not allowed		
	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	Farmworker dwelling unit	Farmworker housing complex		
Agricultural Zones				
AG-I	P (2)		P (3)	
AG-II	P (2)		CUP	
Resource Protection Zones				
MT-TORO	P (4)		MCUP	
RES	P (4)		CUP	
Residential Zones				
EX-1	PP		MCUP	
R-1/E-1	PP		MCUP	
R-2	PP		MCUP	
DR	PP		P	
MHP	—		—	
PRD	PP		—	
RR	PP		CUP	
SR-H	PP		MCUP	
SR-M	PP		MCUP	
Commercial Zones				
C-1	P (5)		—	
C-2	MCUP (6)		—	
CH	MCUP (7)		(68)	
C-V	MCUP (7)		—	
PI	MCUP (6)		—	
Industrial Zones				
M-CD	—		P	

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M-CR	—	P	
M-RP	—	P	

Special Purpose Zones

PU	—	P	
REC	—	—	
TC	CUP (79)	CUP	

Notes:

- (1) Development Plan approval may also be required; see zone district requirements.
- (2) The primary dwelling on the lot may be considered a component of the principal permitted agricultural use and permitted as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.
 - b. The occupancy of the dwelling is restricted to the ~~operator~~ **farmworkers who are employees** of the principal permitted primary agricultural use including the family ~~members of the operator, or the owner of the lot including the dependent family of the owner.~~
 - c. The gross floor area of the primary dwelling does not exceed 5,000 square feet.
 - d. The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet.
- (3) Within the Carpinteria Agricultural Overlay District, a CUP is required if located on slopes between 5 and 10 percent.
- (4) The primary dwelling on the lot may be considered as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. The principal dwelling and all accessory structures and landscaping associated with the principal dwelling shall occupy a development area of no more than 10,000 square feet.
 - b. The development area shall not occupy slopes of 30 percent or greater.
- (5) Only allowed on a lot where there is no commercial use, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).
- (6) A dwelling is allowed provided the residential use is secondary to a primary commercial use on the same lot.
- (7) A dwelling is allowed provided the residential use is secondary to a permitted or conditionally permitted (i.e. Conditional Use Permit) commercial use on the same lot.
- (68) A farmworker housing complex is allowed where there is a commercial use on the same lot.
Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.
- (79) Only if single-family dwellings are allowed as a principal permitted use in an abutting zone district.

SUGGESTED MODIFICATION 2

Subsection D of Section 35-144P (Farmworker Housing) shall be modified as follows:

D. Development standards. All farmworker housing shall comply with the setback, lot coverage, height, and other development standards applicable to the zone in which it is located, as well as all of the following development standards unless otherwise indicated.

- 1. Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the table included in Subsection B (Applicability), above.
 - a. Agricultural zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17008 ~~17000 through 17062.5~~ may be permitted in the AG-I and AG-II zones.
 - b. Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17008 ~~17000 through 17062.5~~ may be permitted in the MT-TORO and RES zones.
 - c. Residential zones.**

- 1) **EX-1, R-1/E-1, R-2, RR, SR-H and SR-M zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17008 ~~17000 through 17062.5~~ may be permitted in the EX-1, RR, R-1/E-1, R-2, RR, SR-H and SR-M zones:
 - 2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone:
 - a) Dwelling, multiple.
 - b) A two-family dwelling.
 - c) Multiple detached single-family units on one lot ~~subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.~~
 - d) Farmworker housing complexes other than those housing types listed in Subsections D.1.c(2)(a) through D.1.c(2)(c), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).
 - d. **Commercial zones.** The following housing types may be permitted as a farmworker housing complex in the CH zone:
 - 1) **Adjacent lot zoned agriculture.** All housing types allowed in compliance with California Health and Safety Code Sections 17008 ~~17000 through 17062.5~~ may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.
 - 2) **Adjacent lot zoned residential.** The following housing types may be permitted in the CH zone if located adjacent to a lot having an residential zoning.
 - a) Multiple detached residential units on one lot ~~subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.~~
 - b) Farmworker housing complexes other than those housing types listed in Subsections D.1.d(2)(a), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).
 - e. **Industrial zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17008 ~~17000 through 17062.5~~ may be permitted in the M-CD, M-CR and M-RP zones.
 - f. **Special Purpose zones.**
 - 1) **PU and TC zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17008 ~~17000 through 17062.5~~ may be permitted in the PU and TC zones.
2. **Farmworker dwelling unit density requirements.** Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density

requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement and all other applicable requirements of the Coastal Land Use Plan and Article II.

3. **Parking.** The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Article that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Article, the standards of this Subsection D.3 shall prevail.
 - a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
 - b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Section 35-108 (Required Number of Spaces: Residential).
 - c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
 - d. Parking requirements for employees as listed in Section 35-108 (Required Number of Spaces: Residential) is not required to be provided.
4. Where farmworker housing projects result in adverse impacts to visitor-serving commercial or recreational opportunities (e.g., development of non-visitor serving uses on commercial lots that otherwise have the potential to provide services and amenities that would serve tourists and travelers), the impacts to visitor-serving opportunities shall be fully mitigated by providing comparable visitor-serving commercial or recreational opportunities.
5. **Findings Required for Approval in Agricultural Zones.** An application for a farmworker dwelling unit or farmworker housing complex located in an agricultural zone shall not be approved unless the County makes all of the following findings (in addition to all other applicable required findings of Article II):
 - a. The project has been sited and designed to avoid all prime agricultural soils and has been sited and designed to maintain the long-term productivity of the lot's agricultural resources and operation.
 - b. The project has been clustered with existing development to the maximum extent feasible and minimizes grading, landform alteration, and the need for construction of new roads.

SUGGESTED MODIFICATION 3

Subsection F.7 of Section 35-144Q shall be modified as follows:

7. The requested accommodation will not adversely impact coastal resources, and Any other adverse impact not involving coastal resources that results from the accommodation is minimized to the extent feasible.

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 proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) Amendment as submitted, and approval of the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) 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 (IP/CZO) portion of its certified Local Coastal Program (LCP) to add provisions for housing density bonuses, farmworker employee housing, and housing accommodations for the needs of individuals with disabilities and their families. The amendment request also includes the addition of several housing-related definitions and other minor revisions to the IP/CZO portion of the certified LCP. (**Exhibit 1**) Specifically, the components of the proposed amendment include:

State Density Bonus Law

The County of Santa Barbara proposes to re-organize and amend existing Section 35-144C (Density Bonus for Affordable Housing Projects) of the certified IP/CZO to update the requirements and increase the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent in order to be consistent with the current California density bonus law, which is intended to increase the economic feasibility of affordable housing developments for extremely low, very low, and low-income households. The proposed amendment defines the applicability of Section 35-144C and updates the criteria for eligibility and other processing requirements for a density bonus and incentive request.

Fair and Safe Special Needs Housing/Reasonable Accommodation

The proposed amendment adds new provisions regarding reasonable accommodation, consistent with State law, whereby either individuals with disabilities or other applicants seeking to build accessible housing may request a reasonable accommodation from the strict application of zoning requirements in order to provide individuals with disabilities an equal opportunity to live in the housing of their choice. Specifically, the proposed provisions would allow an individual with a disability, or their agent, to apply for a reasonable accommodation from the strict application of the zoning regulations in order to construct improvements such as elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations may include adjustments to encroachment allowances, floor area provisions, setback

requirements, fences, walls and screening requirements, and allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions. The proposed amendment includes criteria and provisions related to County review and processing of reasonable accommodation requests and required findings. The definition of “family” contained in the LCP is also proposed to be amended in order to clarify that the use of a single-family dwelling by people living in a group home such as a special care home or supportive or transition housing is also allowed, as required by State law.

Farmworker Employee Housing

The proposed amendment adds new provisions regarding the permitting and development of farmworker housing to comply with the State Employee Housing Act, which is codified in Sections 17000 through 17062.5 of the California Health and Safety Code (HSC). HSC Section 17021.5 requires that farmworker housing licensed by the California Department of Housing and Community Development (HCD) that provides accommodations for six or fewer employees shall be deemed a single family structure, and it prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of a family dwelling in the same zone. Section 17021.6 requires that farmworker housing licensed by HCD that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household shall be deemed an agricultural use, and it prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of any other agricultural activity in the same zone.

To implement these housing regulations, the proposed amendment includes the following components.

- a) Farmworker Dwelling Unit and Farmworker Housing Complex Definitions. The definitions for *Farmworker Dwelling Unit* and *Farmworker Housing Complex* are proposed to be added Article II, Section 35-144P as follows:
 - Farmworker dwelling unit. A single-family residential unit that provides accommodations for six or fewer farmworkers at any one time.
 - Farmworker housing complex. Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
- b) Permit Requirements for Farmworker Dwelling Unit and Farmworker Housing Complex. The permit requirement for farmworker dwelling units and farmworker housing complexes are specified, consistent with HSC Sections 17021.5 and 17021.6:
 - A farmworker dwelling unit would be considered the same as a single-family dwelling, and the existing permit requirement for single-family dwellings located in the County’s zone designations is proposed to be required for a farmworker dwelling

unit. Since farmworker dwelling units would be permitted in the same manner as single family dwellings, a farmworker dwelling unit would be considered the principal permitted use¹ in zone designations where a single-family residence is currently considered the principal permitted use. In all of the residential zones (with the exception of the Mobile Home Park – MHP zone), the proposed amendment would make it clear that a farmworker dwelling unit would be considered the principal permitted use. In the agricultural zones (AG-I and AG-II), the proposed amendment specifies that a farmworker dwelling unit would be considered a component of the principal permitted agricultural use only when:

- There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.
 - The occupancy of the dwelling is restricted to the operator of the principal permitted primary agricultural use including the family of the operator, or the owner of the lot including the dependent family of the owner.
 - The gross floor area of the primary dwelling does not exceed 5,000 square feet.
 - The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet.
- For a farmworker housing complex, Health and Safety Code Section 17021.6 prohibits the imposition of any permit requirement that is not required of any other agricultural activity in the same zone. Where agricultural uses are currently allowed in a zone designation under “Permitted Uses, Minor Conditional Use Permit, and Major Conditional Use Permit”, the County is proposing to also allow a farmworker housing complex subject to same permit requirement.

- c) Development Standards and Other Requirements for Farmworker Dwelling Unit and Farmworker Housing Complex. The proposed amendment includes development standards other requirements for farmworker housing that address the types of housing that are allowed and permit types, dwelling unit density requirements, and parking to ensure compliance with all State and County requirements.

Housing Definitions and Other Minor Changes

The County proposes to amend IP/CZO Section 35-58 (Definitions) to revise the definition of “family” as well as include other housing-related definitions. Currently, the existing definition of “family” may suggest that “group use” of a single-family dwelling is prohibited by the certified IP/CZO. The proposed amendment will clarify that “group use” of a single-family dwelling is allowed in order to comply with State housing laws pertaining to farmworker employee housing, supportive housing, and transitional housing. The County also proposes to amend existing IP/CZO Section 35-182 (Appeals) to clarify several processing requirements and make minor adjustments that do not fundamentally alter the original intent of the regulations.

¹ Section 30603(a)(4) of the Coastal Act provides that approval by a coastal county of any development that is not designated in the LCP as “the principal permitted use” is appealable to the Coastal Commission.

B. CONSISTENCY ANALYSIS

Pursuant to Sections 30513 and 30514 of the Coastal Act, the standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of the certified LCP is whether the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP) component of the certified LCP.

1. Density Bonus for Affordable Housing

The County's LUP contains a number of policies aimed at the protection of low and moderate income housing opportunities (Policies 5-1 through 5-10). In addition, LUP Policy 2-12 provides that the residential densities specified in the land use plan may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the LCP. Section 35-144C of the County's IP/CZO includes density bonus regulations for affordable housing projects that implement Policy 2-12. The proposed amendment includes re-organization and modification to existing Section 35-144C (Density Bonus for Affordable Housing Project) of the certified IP/CZO to update the requirements and increase the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent in order to be consistent with the current California density bonus law.

The provision of density bonuses, incentives, and concessions introduces the potential for inconsistencies with coastal resource protection, particularly because application thereof generally includes a reduction of development standards and regulations or an exemption of other regulatory requirements. In this case, the proposed amendment to Section 35-144C specifies that any density bonus project, including the incentives, must be found consistent with all applicable policies and provisions of the LCP and will not create adverse impacts on coastal resources, and that a permitted density bonus shall be no greater than a maximum of 35% above the base zone density. The proposed amendment would not affect the consistency of the IP/CZO with the above-referenced LUP policies or its ability to carry out any of the other provisions of the LUP. Therefore, the Commission finds that the proposed amendment to the density bonus provisions of the IP/CZO is consistent with and adequate to carry out the policies of the LUP.

2. Fair and Safe Special Needs Housing/Reasonable Accommodation

The Federal Fair Housing Act and California Fair Employment and Housing Act prohibit discrimination against persons with disabilities and require cities and counties to take affirmative action to eliminate regulations and practices that deny housing opportunities to persons with disabilities. Fair housing laws also require that cities and counties provide persons with disabilities flexibility in the application of land use, zoning, and building regulations, and related practices and procedures, by modifying or waiving certain requirements when it is necessary in order to eliminate barriers to housing. The proposed amendment would allow for the granting of minor modifications to LCP requirements to give persons with disabilities equal access to housing opportunities by providing for improvements such as elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary

to accommodate an individual's disability. Reasonable accommodations may include adjustments to encroachment allowances, floor area provisions, setback requirements, fences, walls and screening requirements, and allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions. The proposed amendment includes criteria and provisions related to County review and processing of reasonable accommodation requests and required findings. The reasonable accommodations process would take place during the course of any other required reviews/approvals engendered by any particular request (e.g., if a coastal permit or other planning permit/approval was also necessary).

Although the primary intent of the amendment is to comply with State and Federal laws related to reasonable accommodations, it is also important to ensure that any reasonable accommodations granted will not result in impacts to coastal resources in order to be consistent with the requirements of the County LCP, including incorporated sections of the Coastal Act. Subsection F of proposed Section 35-144Q of the amendment request includes nine specific findings that the County reviewing authority would need to make before granting a request for reasonable accommodation for a project, including that any adverse impact that results from the accommodation is minimized to the extent feasible, and the accommodation will not require a fundamental alteration of the regulations or procedures of the LCP. These types of measures are consistent with the way in which other cities and counties have addressed Coastal Act concerns when addressing reasonable accommodations. However, any process which allows flexibility or waiver of the LCP implementing measures must include an analysis of the effects of such an action on coastal resources in order to carry out the certified LUP policies. A process that lacks such an analysis would not be able to adequately carry out the provisions of the certified LUP. In order to ensure and provide clarity that any reasonable accommodations granted will not result in adverse impacts to coastal resources, consistent with the requirements of the County LUP, **Suggested Modification Three (3)** to proposed Finding 7 of Section 35-144Q(F) is necessary to clarify that the requested accommodation shall not adversely impact coastal resources, and that any other adverse impacts not involving coastal resources shall be minimized to the extent feasible.

For the reasons discussed above, the Commission finds that only if modified as suggested will the IP/CZO amendment regarding reasonable accommodation requests conform with and be adequate to carry out the applicable policies of the certified Land Use Plan.

3. Farmworker Employee Housing

The proposed amendment adds new provisions regarding the permitting and development of farmworker housing to comply with the State Employee Housing Act, which is codified in Sections 17000 through 17062.5 of the California Health and Safety Code (HSC). HSC Section 17021.5 requires that farmworker housing licensed by the California Department of Housing and Community Development (HCD) that provides accommodations for six or fewer employees shall be deemed a single family structure, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of a family dwelling in the same zone. Section 17021.6 requires that farmworker housing licensed by HCD that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household shall be deemed an agricultural use, and

prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of any other agricultural activity in the same zone.

The County addresses the HSC Section 17021.6 requirement in the following manner (1) in residential zones (except for MHP, Mobile Home Park), the amendment allows farmworker dwelling units as a Permitted Use and (2) in agricultural zones or in other zones where an agricultural activity is allowed, the amendment allows farmworker dwellings and farmworker housing complexes as an allowed use commensurate with the requirements of the other agricultural uses (either Permitted Use, Major/Minor CUP, as applicable).

The County's LUP contains a number of policies aimed at the protection of a range of housing opportunities (Policies 5-1 through 5-10). Policies 2-1 and 2-6 of the County's LUP require that new development must ensure adequate services (i.e., water, sewer, roads, etc.) are available. In addition, Policy 2-12 of the LCP provides that the densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by site specific conditions to ensure consistency with the other policies of the LCP. In addition, 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. In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LUP), the siting and design of new development must adhere to the requirements of other applicable policies of the certified LUP. Such policies include but are not limited to, policies and provisions regarding coastal protection and the protection of agricultural productivity, bluff top development, environmentally sensitive habitat areas, public access, visual resources, and shoreline processes and development.

The proposed amendment raises the potential for several inconsistencies with the certified Land Use Plan. Allowing farmworker housing in the majority of the County's zoning designations that may include constrained sites or open space areas could have negative impacts to scenic views and environmentally sensitive habitat areas. However, the proposed development standards for farmworker housing still require compliance with the Coastal Development Permit provisions of the LCP, and individual projects within the Coastal Zone will continue to be reviewed for compliance with all of the policies of the certified LCP. Therefore, as proposed, the future development of any farmworker housing will have to obtain the necessary coastal development permits and the proposed amendment is therefore not expected to have any adverse impacts to sensitive coastal resources.

The proposed amendment could potentially impact agricultural land itself, if large areas of existing land with agricultural potential or land that is currently used for agriculture were converted to housing. The policies of the Santa Barbara County LCP and Coastal Act provide for the protection of agricultural resources and the continuation of coastal agriculture on prime agricultural lands. Sections 30241 and 30242 of the Coastal Act require that the maximum amount of prime agricultural lands be protected and maintained, conflicts between agricultural and urban land uses shall be minimized, and that conversion of such lands shall be limited. Section 30243 of the Coastal Act states "the long-term productivity of soils...shall be

protected...” Consistent with these Coastal Act policies, County LUP Policies 8-2, 8-3, and 8-4 restrict conversions and divisions of agricultural lands.

The County’s certified LCP currently allows residential development in agricultural zones, in which a primary residence and a second unit or guest house are permitted uses and agricultural employee housing is a conditionally permitted use. The proposed amendment to allow farmworker housing on agricultural lands in addition to the other residential type uses already permitted under the LCP on such lands has the potential for individual and cumulative adverse impacts to agricultural resources. Although any proposal for farmworker housing would be required to comply with the agricultural resource protection policies of the LCP, it is unclear how those policies would be applied since the State law (HSC Section 17021.6) that the proposed amendment would be implementing requires that farmworker housing be considered an agricultural-related land use, as opposed to a residential use. In order to ensure consistency with the agricultural resource protection policies of the Coastal Act and County LCP, it is important that farmworker housing in agricultural zones be sited and designed in a manner that (1) avoids all prime soils, (2) maintains the long term productivity of the agricultural operation and resources on-site, and (3) is clustered with existing development on-site to the maximum extent feasible. Therefore, the Commission requires changes to Subsection D of proposed Section 35-144P, as detailed in **Suggested Modification Two (2)**, to include these elements as additional required findings that the County reviewing authority would be required to make when authorizing a permit for farmworker housing in agricultural zones.

In addition, since farmworker dwelling units would be permitted in the same manner as single family dwellings, a farmworker dwelling unit would be considered the principal permitted use² in zone designations where a single-family residence is currently considered the principal permitted use. In most of the residential zones, the proposed amendment would make it clear that when a farmworker dwelling unit is proposed as the primary dwelling on a lot, it would be considered the principal permitted use. In the agricultural zones (AG-I and AG-II), the proposed amendment specifies that when a farmworker dwelling unit is proposed as the primary dwelling on a lot, it would be considered a component of the principal permitted agricultural use only when there is an existing principal permitted primary agricultural use on the lot and the dwelling is occupied by the agricultural employees and their family and is limited to no more than 5,000 square feet gross floor area within a 10,000 sq. ft. development area. The Commission finds these limitations to what is considered part of the principal permitted use to be appropriate to protect the long-term viability of agricultural lands. Where a farmworker housing proposal does not comply with these limitations, it would not be considered a component of the principal permitted use and the CDP approving such development would be appealable to the Coastal Commission. The policies and provisions of the LCP would serve as the basis for review of development on, and adjacent to, agriculture on a case-by-case basis.

Another issue raised by the proposed amendment request concerns farmworker housing that may be permitted in areas designated for commercial uses where priority is given to visitor serving use, such as the C-V (Visitor Serving Commercial) Zone. If parcels designated for visitor serving-type commercial uses were to be developed with farmworker housing, there would be a

² Section 30603(a)(4) of the Coastal Act provides that approval by a coastal county of any development that is not designated in the LCP as “the principal permitted use” is appealable to the Coastal Commission.

reduction in the availability of land that is set aside and intended to be available for visitor-serving uses. Section 30222 of the Coastal Act (incorporated by reference into the certified LUP) provides that visitor-serving uses have priority over private residential development. In addition, Policy 5-9 of the County's LUP specifies that "in areas designated for commercial uses on the land use plan maps, residential development shall be a permitted secondary use." These requirements are intended to ensure that visitor-serving functions are protected. In order to ensure that the proposed amendment request to allow farmworker housing on parcels designated for visitor serving types of commercial and recreational uses is consistent with and adequate to carry out the County LUP, the Commission finds that **Suggested Modification Two (2)** is necessary to specify that farmworker housing on commercially-zoned lots must be secondary to an existing primary commercial use of the lot and to include an additional development standard as part of proposed Section 35-144P(D) to require that where farmworker housing projects result in adverse impacts to visitor-serving commercial or recreational opportunities (e.g., development of non-visitor serving uses on commercial lots that otherwise have the potential to provide services and amenities that would serve tourists and travelers), the impacts to visitor-serving opportunities shall be fully mitigated by providing comparable visitor-serving commercial or recreational opportunities. In addition, **Suggested Modifications 1 and 2** also include other minor changes to proposed Section 35-144P of the amendment request in order to provide greater clarity and specificity to assure the provisions are appropriately interpreted and to allow consistent implementation of the provisions of the LCP. These changes were developed in cooperation with County staff.

For the reasons discussed above, the Commission finds that only if modified as suggested will the IP/CZO amendment regarding farmworker housing conform with and be adequate to carry out the applicable policies of the certified Land Use Plan.

4. Housing Definitions and Other Minor Changes

The County also proposes to amend IP/CZO Section 35-58 (Definitions) to revise the definition of "family" as well as include other housing-related definitions. Currently, the existing definition of "family" may suggest that "group use" of a single-family dwelling is prohibited by the certified IP/CZO. The proposed amendment will clarify that "group use" of a single-family dwelling is allowed in order to comply with State housing laws pertaining to farmworker employee housing, supportive housing, and transitional housing. The County also proposes to amend existing IP/CZO Section 35-182 (Appeals) to clarify several processing requirements. These changes would not fundamentally alter the intent of the existing IP/CZO and would not affect the consistency of the IP/CZO with the policies of the LUP or its ability to carry out any of the other provisions of the LUP. Therefore, the Commission finds that these proposed changes are consistent with and adequate to carry out the policies of the LUP.

5. Conclusion

In conclusion, for the reasons discussed above, the Commission finds that only if modified as suggested will the IP/CZO amendment conform with and be adequate to carry out the applicable policies of the certified Land Use Plan.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act (“CEQA”), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission’s program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of Title 14 of the California Code of Regulations require that the Commission not approve or adopt an 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. For the reasons discussed in this report, the LCP amendment, as suggested to be modified, is consistent with the applicable policies of the certified Land Use Plan, including the Coastal Act policies, incorporated by reference therein, and no feasible alternatives or mitigation measures beyond those already required are available which would lessen any significant adverse effect which the approval would have on the environment. In addition, the findings in this staff report address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Therefore, the Commission finds that the proposed LCP amendment, as suggested to be modified, is consistent with CEQA.

ATTACHMENT 9: ARTICLE II CZO ORDINANCE AMENDMENT

ORDINANCE NO. 4946

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARMWORKER EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS:

Case No. 15ORD-00000-00014

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

SECTION 1:

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 1-1, Decision-maker Authority, of Section 35-57C, Authority for Land Use and Zoning Decisions, to read as follows:

Table 1-1 - Decision-maker Authority

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend (2)	Decision
Reasonable Accommodation	See Section 35-144Q (Reasonable Accommodation) for applicable Decision-Maker			
Specific Plans and Amendments			Recommend	Decision
Planning Permits				
Coastal Development Permits (Section 35-169.4.1) (3) (4)	Decision		Appeal	Appeal
Coastal Development Permits (Section 35-169.4.2)		Decision	Appeal	Appeal
Coastal Development Permits (Section 35-169.4.3)	See Footnote (5) below			
Conditional Certificate of Compliance		Decision	Appeal	Appeal
Conditional Use Permits, Major			Decision	Appeal
Conditional Use Permits, Minor		Decision	Appeal	Appeal
Design Review	See Footnote (6) below			
Development Plans	See Section 35-174.2 (Applicability) for applicable Development Plan decision-makers.			
Emergency Permits	Decision			
Hardship Determinations		Decision	Appeal	Appeal
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations (Section 35-161.7)			Decision	Appeal
Lot Line Adjustments	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.			
Modifications		Decision	Appeal	Appeal
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Reclamation and Surface Mining			Decision	Appeal

Exhibit 1
LCP-4-STB-15-0044-1
County of Santa Barbara Ordinance No. 4946

Table 1-1 - Decision-maker Authority

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Permits				
Road Namings and Renamings	See Section 35-144N (Road Naming and Address Numbering)		Appeal	Appeal
Tentative Maps	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.			
Use Determinations			Decision	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Section 35-182 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.
- (4) The Zoning Administrator is the decision-maker for Coastal Development Permits approved in compliance with Section 35-121 (Home Occupations) and Section 35-169 (Coastal Development Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (6) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review, shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

SECTION 2:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-58, Definitions, to amend the existing definition of “Family” to read as follows:

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar ~~dwelling for group use~~ structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group~~ organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-58, Definitions, to add the following new definitions of “Agricultural Employee Housing,” “Applicant,” “Farm Employee Dwelling,” “Farmworker Housing,” “Individual With a Disability,” “Reasonable Accommodation” and “Request for Reasonable Accommodation” to read as follows:

Agricultural Employee Housing. A dwelling occupied by one or more agricultural employees including family members.

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Article, and who presents written authorization from the property owner to file an application with the County;
3. Presents written authorization from the property owner to file an application with the County;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of this Article.

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35-144P (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Article.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal (California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 4:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code is hereby amended to amend Section 35-144C, Density Bonus for Affordable Housing Projects, to read as follows:

Section 144C. Density Bonus for Affordable Housing Projects.

Section 35-144C.1 Purpose and Intent

~~The purpose of this Section is to implement Housing Element Policy 1.1 (Density Bonus) and the State mandated density bonus program (Government Code Section 65915-65918 or successor statute(s)) to provide lower income housing units. The intent of the density bonus program is to provide incentives to developers to produce lower income housing units.~~

The purpose of this Section is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. The intent of the following regulations is to ensure that, to the maximum extent feasible, the provisions of Government Code 65915 through 65918 are implemented (1) in a manner that is consistent with the policies the Comprehensive Plan and the Coastal Land Use Plan, and (2) in a manner that is consistent with the policies of Chapter 3 of the Coastal Act.

Section 35-144C.2 Applicability and Eligibility for Density Bonus Program, Incentives or Concessions.

~~A new housing development of five or more dwelling units (excluding any density bonus units) is eligible for the Density Bonus Program and is considered a "qualifying housing development" if it complies with the requirements of this Section and falls within one or more of the subcategories listed pursuant to Government Code Section 65915-65918 or successor statutes.~~

~~Density Bonus Projects Pursuant to Government Code Section 65915.~~

- ~~1. At least 20 percent of the dwelling units are targeted for sale or rent to low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 20 percent of the total units.~~
- ~~2. At least 10 percent of the dwelling units are targeted for sale or rent to very low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 10 percent of the total units.~~
- ~~3. At least 50 percent of the dwelling units are specifically designed and targeted for sale or rent to persons who are "qualifying residents" or as defined in California Civil Code Section 51.2 and 51.3. The density bonus shall not be included when determining the number of housing units which is equal to 50 percent of the total units.~~

1. Applicability. This Section only applies to a "housing development", as defined in Government Code Section 65915(i), that comply with the following:

- a. The development is for the type of housing specified in Government Code Section 65915(b)(1), (b)(2) or (b)(3).
- b. The land use designations in the Coastal Land Use Plan allow development of at least five residential units on a lot or lots where the project is located, and the project proposes a housing development of five or more dwelling units.

2. Eligibility for Density Bonus, Incentives or Concessions.

- a. **Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918, provided that the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.
- b. **Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918, provided that the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.

Section 35-144C.3 ~~Effect of the Density Bonus Program~~ Allowed Density Bonuses.

~~When a developer proposes a qualifying housing development within the jurisdiction of the County, the County shall provide one of the two following development incentives:~~

- ~~1. A density bonus of 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use designation, plus at least one additional development incentive identified in Section 35-144C.4. The additional incentive shall not be provided if the County makes the written finding as required by Government Code Section 65915(B)(3).~~
- ~~2. Other incentives of equivalent financial value based upon the land cost per dwelling unit.~~

~~In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the Comprehensive Plan, Coastal Land Use Plan, and this Article. "Otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the Local Coastal Program.~~

- 1. Bonus determination.** ~~The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of State law, provided that the project (as modified to include a density bonus) is found consistent with all applicable policies and provisions of the Local Coastal Program and provided that the density bonus is no greater than 35 percent above the base zone density.~~
- 2. Requirements for amendments or discretionary approval.** ~~The granting of a density bonus shall not be interpreted, in and of itself, to require a Local Coastal Program Amendment, zone change or other discretionary approval separate from the discretionary approval otherwise required for the project.~~

Section 35-144C.4 ~~Development Incentives~~ Allowed Incentives or Concessions.

- 1. Applicant request and County approval.** ~~An applicant may submit to the County a proposal for the specific incentives or concessions listed in Subsection 2. (Types of incentives) below, that the applicant requests in compliance with this Section. The County shall grant an incentive or concession request that complies with this Section unless the County makes a specific finding, pursuant to Government Code Sections 65915 through 65918, of any of the following:~~
 - ~~a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).~~
 - ~~b. The development incentive or concession, requested by an applicant in compliance with this Section will have an adverse effect on coastal resources. If the County determines that the requested incentive or concession will have an adverse effect on coastal resources, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources.~~
 - ~~c. The concession or incentive would be contrary to State or Federal law, including implementation of the Coastal Act. The project (as modified to include a density bonus, incentives, or concessions shall be consistent with all applicable policies and provisions of the Local Coastal Program.~~

~~For the purposes of the Section, the following development incentives may be allowed provided such incentives shall be found consistent with all applicable policies and provisions of the Local Coastal Program.~~

- 2. Types of incentives.** ~~For purposes of this Section, incentives or concessions consist of any of the following:~~
 - ~~a. **Modification of development standards.** A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30 percent, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a~~

~~reduction in architectural design requirements which exceed minimum building code standards of this Article or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions.~~

- ~~2. **b. Mixed use projects approval.** The County shall financially subsidize a rezone to allow mixed use development in conjunction with the housing project provided that the commercial, office, or other land uses are compatible with the proposed housing project and the existing development in the area Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located.~~
- ~~3. **c. Additional density bonus Other regulatory incentives.** The approval of a density bonus which is greater than the maximum allowable density and may, when involved with standard density bonus projects, exceed the standard 25 percent density increase. This incentive shall be limited to a maximum density increase of no more than 50 percent above the base zoning density Other regulatory incentives proposed by the applicant or the County that will result in identifiable, financially sufficient and actual cost reductions.~~
- ~~4. **Financial subsidy.** The provision of a below market rate loan or other financial assistance by the County or by other public or private institutions in cooperation with the County.~~
- ~~5. **Fast track permitting.** Subject to the provisions of the fast track permit process.~~
- ~~6. **Modified fee payment.** Deferral, reduction or waiver of processing fees, exactions or impact fees as approved by the Board of Supervisors, provided that this incentive does not apply to fees or exactions necessary to implement the Local Coastal Program.~~
- ~~7. **Modification of facility requirements.** Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development may be modified by the decision maker if deemed necessary to ensure affordability of dwelling units or to provide additional developer incentives provided that such modifications are found consistent with all applicable policies and provisions of the Local Coastal Program.~~
- 3. Additional parking incentives or concessions. An applicant may request alternative vehicular parking ratios in addition to other incentives or concessions provided in this Section.**
- 4. Requirements for amendments or discretionary approval. The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan or Local Coastal Program amendment, a text amendment of this Article, a rezone or other discretionary approval separate from the discretionary approval otherwise required for the project.**

Section 35-144C.5 Siting Criteria.

~~The following siting criteria shall apply to density bonus projects~~ Density bonus projects shall be sited based on the following criteria:

- 1. Land use and development standards. All uses of land shall comply with the ~~base zone district regulations of the primary zone.~~ In cases where conflict occurs between the ~~regulations of the base zone district standards~~ primary zone standards and the provisions of the density bonus program, the conflict shall be resolved in accordance with the provisions of the Local Coastal Program.**
- 2. Location of project. All units within the proposed development should be of similar architectural style. ~~The intent is to have the affordable units blend in with the proposed development~~ The site shall be located within an existing Urban area as designated on the Coastal Land Use Plan maps.**
- 3. Access to transportation. All proposed development shall be sited to provide maximum access to ~~public forms of transportation~~ transit and alternative transportation services and facilities to the maximum extent feasible.**

4. **Water and sewer service.** Density bonus projects shall be ~~applied~~ located in areas served by municipal water districts providers and municipal sanitary districts service providers.
5. **Consistency with the Local Coastal Program.** All proposed development shall be found consistent with applicable policies and provisions of the Local Coastal Program.

Section 35-144C.6 Processing of a Preliminary Density Bonus and Incentive Request

1. Preliminary proposal.

- a. ~~Consistent with Government Code Section 65915(d), prior~~ Prior to the submittal of a formal application, an applicant ~~may submit to the County a written preliminary proposal for a density bonus project is encouraged to apply for a pre-application conference and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary proposal shall contain the following information:~~
 - 1) **Site information.** The Assessor's Parcel Number(s), gross and net acreage, land use and zoning zone designations of the project site;.
 - 2) **Number of units.** The total number of units proposed (not including the requested density bonus units);.
 - 3) **Density bonus units.** The number of density bonus units requested;.
 - 4) **Affordable units.** The number of very low income, low income, ~~lower or upper moderate~~ and/or "qualifying resident" moderate income and/or senior units proposed;.
 - 5) **Incentives.** Any additional incentive(s) requested;.
 - 6) **Financial information.** Complete financial information and projections for the project. ~~The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the developer applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.~~
- b. The pre-application conference or other preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application for the pre-application conference or other preliminary consultation shall contain the following information:
 - 1) **Site plan in accordance Section 35-169.4 (Coastal Development Permits) Compliance with Section 65915.** The information required to demonstrate that the project meets all requirements of Government Code Section 65915.
 - 2) **Demonstration of need.** Information demonstrating that any requested incentive or concession is necessary in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Government Code section 65915(c).
 - 3) **Density bonus effects on coastal resources.** A discussion of whether the method proposed by the applicant for accommodating the requested density bonus will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that the method proposed for accommodating a requested density bonus will have an adverse effect on coastal resources, the applicant shall submit an evaluation of:
 - a) All feasible methods of accommodating the requested density increase.
 - b) The effects of each method on coastal resources.
 - c) The method that avoids adverse impacts to coastal resources.
 - 4) **Incentive/concession effects on coastal resources.** A discussion of whether any incentive or

concession requested by the applicant will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that an incentive or concession that is requested will have an adverse effect on coastal resources, the applicant shall submit an evaluation of:

- a) All feasible alternative incentives or concessions and their effects on coastal resources.
- b) Which of the feasible incentives or concessions avoids adverse impacts to coastal resources.
- c. Within 45 days of receipt of a complete ~~written proposal~~ application for a pre-application or other preliminary consultation, the ~~Planning and Development~~ Department shall notify the ~~developer~~ applicant in writing of:
 - 1) ~~the~~ The types of incentives which may be recommended in order to comply with this Section, and
 - 2) ~~whether~~ Whether staff the Department, based on the information provided, may support the granting of a density bonus on the basis of required development standards and findings.

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

~~1. A density bonus project shall be processed in the same manner as a similar residential project not requesting a density bonus, subject to the requirement for additional information as specified in Section 35-144C.6.~~

2. Application submittal.

- a. A formal application for a project that includes a request for a density bonus and/or other incentives or concessions, shall include all the information required in compliance with Subsection 1.b, above, in addition to the standard application requirements for the specific type of application in compliance with Section 35-57A (Application Preparation and Filing).
- b. If this information was provided as part of an application for an application for a pre-application or other preliminary consultation, then this information may be used as part of the formal application provided the Department determines, and the applicant verifies, that the information is still accurate and applicable to the project that is the subject of the formal application.

3. Protection of coastal resources.

- a. Any housing development approved in compliance with Government Code Section 65915 shall be consistent with all otherwise applicable policies and development standards of the County's Local Coastal Program.
- b. If the County approves development with a density bonus, the County shall find that the development, if it had been proposed without the density increase, would have been fully consistent with the policies and development standards of the County's Local Coastal Program.
- c. If the County determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the County shall require that the density increase be accommodated by those means.
- d. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the County shall:
 - 1) Identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources.
 - 2) Require implementation of the means that avoids adverse impacts to coastal resources.

~~2~~ **4. Affordable Housing (AH) overlay zone.** ~~The AH Overlay~~ Affordable Housing (AH) overlay zone was established to provide density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to in compliance

~~with the AH Overlay~~ AH overlay zone shall be inclusive of the incentives offered in this Section, and shall not be in addition to the development incentives required offered in this Section.

- ~~3. The density bonus may be transferred between one or more parcels for a development project located within the boundaries of a planned development or specific plan provided such transfer is found consistent with all applicable policies and provision of the Local Coastal Program. For purposes of calculating a density bonus, the residential units may be based on more than one subdivision map or parcel.~~
- 5. Density bonus distribution.** A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.
- ~~4. All density bonus projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by County Counsel, on the title of the affordable units which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower moderate and upper moderate incomes. All affordable units shall be restricted for a minimum of 30 years and the 30 year requirement shall re start with each sale of an affordable unit, for a maximum period of 60 years, unless the County does not grant one additional incentive listed in Section 35-144C.4, in which case the developer shall agree to, and the County shall ensure, continued affordability for 10 years of all lower income housing units receiving a density bonus (Government Code Section 65915.C.).~~
- 6. Affordable housing agreement.** Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) for a density bonus project any housing development where the County approves a density bonus, each project the owners shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document, which outlines:
 - a. The sales and/or rental prices for the various types of units to be established.
 - b. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted for the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

SECTION 5:

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 35-144P titled "Farmworker Housing" and to read as follows:

Section 35-144P. Farmworker Housing.

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35-58 (Definitions) and as may be allowed in compliance with the approval of the applicable permit identified in the following table for the listed zones:

Permit Requirements for Farmworker Dwelling Units and Farmworker Housing Complexes	<u>P</u>	<u>Permitted use, appealable Coastal Permit required (1)</u>	
	<u>PP</u>	<u>Principal Permitted use, Coastal Permit required (1)</u>	
	<u>MCUP</u>	<u>Minor Conditional Use Permit required</u>	
	<u>CUP</u>	<u>Major Conditional Use Permit required</u>	
	<u>=</u>	<u>Use not allowed</u>	
	PERMIT REQUIRED BY ZONE		
	Farmworker dwelling unit	Farmworker housing complex	Specific Use Regulations

Agricultural Zones

<u>AG-I</u>	<u>P (2)</u>	<u>P (3)</u>	
<u>AG-II</u>	<u>P (2)</u>	<u>CUP</u>	

Resource Protection Zones

<u>MT-TORO</u>	<u>P (4)</u>	<u>MCUP</u>	
<u>RES</u>	<u>P (4)</u>	<u>CUP</u>	

Residential Zones

<u>EX-1</u>	<u>PP</u>	<u>MCUP</u>	
<u>R-1/E-1</u>	<u>PP</u>	<u>MCUP</u>	
<u>R-2</u>	<u>PP</u>	<u>MCUP</u>	
<u>DR</u>	<u>PP</u>	<u>P</u>	
<u>MHP</u>	<u>=</u>	<u>=</u>	
<u>PRD</u>	<u>PP</u>	<u>=</u>	
<u>RR</u>	<u>PP</u>	<u>CUP</u>	
<u>SR-H</u>	<u>PP</u>	<u>MCUP</u>	
<u>SR-M</u>	<u>PP</u>	<u>MCUP</u>	

Commercial Zones

<u>C-1</u>	<u>P (5)</u>	<u>=</u>	
<u>C-2</u>	<u>MCUP</u>	<u>=</u>	
<u>CH</u>	<u>MCUP</u>	<u>(6)</u>	
<u>C-V</u>	<u>MCUP</u>	<u>=</u>	
<u>PI</u>	<u>MCUP</u>	<u>=</u>	

Industrial Zones

<u>M-CD</u>	<u>=</u>	<u>P</u>	
<u>M-CR</u>	<u>=</u>	<u>P</u>	
<u>M-RP</u>	<u>=</u>	<u>P</u>	

Special Purpose Zones

<u>PU</u>	<u>=</u>	<u>P</u>	
<u>REC</u>	<u>=</u>	<u>=</u>	
<u>TC</u>	<u>CUP (7)</u>	<u>CUP</u>	

Notes:

- (1) Development Plan approval may also be required; see zone district requirements.
- (2) The primary dwelling on the lot may be considered a component of the principal permitted agricultural use and permitted as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.
 - b. The occupancy of the dwelling is restricted to the operator of the principal permitted primary agricultural use including the family of the operator, or the owner of the lot including the dependent family of the owner.
 - c. The gross floor area of the primary dwelling does not exceed 5,000 square feet.
 - d. The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet.
- (3) Within the Carpinteria Agricultural Overlay District, a CUP is required if located on slopes between 5 and 10 percent.
- (4) The primary dwelling on the lot may be considered as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. The principal dwelling and all accessory structures and landscaping associated with the principal dwelling shall occupy a development area of no more than 10,000 square feet.
 - b. The development area shall not occupy slopes of 30 percent or greater.
- (5) Only allowed on a lot where there is no commercial use, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).
- (6) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.
- (7) Only if single-family dwellings are allowed as a principal permitted use in an abutting zone district.

C. Farmworker housing requirements.

1. State regulations. All farmworker housing shall comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.
2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent.
5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. Allowed farmworker housing complex housing types. The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the table included in Subsection B (Applicability), above.
 - a. Agricultural zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the AG-I and AG-II zones.
 - b. Resource Protection zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the MT-TORO and RES zones.

c. Residential zones.

- 1) **EX-1, R-1/E-1, R-2, RR, SR-H and SR-M zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the EX-1, RR, R-1/E-1, R-2, RR, SR-H and SR-M zones:
- 2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone:
 - a) Dwelling, multiple.
 - b) A two-family dwelling.
 - c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.
 - d) Farmworker housing complexes other than those housing types listed in Subsections D.1.c(2)(a) through D.1.c(2)(c), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

d. Commercial zones. The following housing types may be permitted as a farmworker housing complex in the CH zone:

- 1) **Adjacent lot zoned agriculture.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.
- 2) **Adjacent lot zoned residential.** The following housing types may be permitted in the CH zone if located adjacent to a lot having an residential zoning.
 - a) Multiple detached residential units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.
 - b) Farmworker housing complexes other than those housing types listed in Subsections D.1.d(2)(a), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

e. Industrial zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the M-CD, M-CR and M-RP zones.

f. Special Purpose zones.

- 1) **PU and TC zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the PU and TC zones.

2. Farmworker dwelling unit density requirements. Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.

3. Parking. The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Article that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Article, the standards of this Subsection D.3 shall prevail.

- a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be

uncovered and may be located in a tandem arrangement.

- b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Section 35-108 (Required Number of Spaces: Residential).
- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Section 35-108 (Required Number of Spaces: Residential) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

1. The farmworker housing will continuously be maintained in compliance with this Section 35-144P (Farmworker Housing) and all other applicable sections of this Article;
2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
4. The applicant will submit the annual verification form to the Director as required by Subsection C.6, above; and
5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 6:

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 35-144Q titled "Reasonable Accommodation" and to read as follows:

Section 35-144Q. Reasonable Accommodation.

Sections:

- A. Purpose.
- B. Applicability.
- C. Notice of Availability of Accommodation Process.
- D. Contents of Application.
- E. Processing.
- F. Findings Required for Approval.
- G. Effect of an approved Reasonable Accommodation on other project applications.

A. Purpose.

1. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.

2. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
3. This Section shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

B. Applicability.

1. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Article that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Section applies only to those individuals who qualify as disabled under the Acts.
2. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - a. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - b. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - c. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
3. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

C. Notice of Availability of Accommodation Process. Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

D. Contents of Application.

1. An application for reasonable accommodation shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - a. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 - b. If the project for which the application is being made also requires some other discretionary approval under this Article, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
2. **Additional submittal requirements.** The application shall include the following in addition to the standard submittal requirements.
 - a. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 - b. The regulation or procedure from which accommodation is being requested.
 - c. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
 - d. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

E. Processing

1. Decision-maker and processing procedures.

- a. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Article, then the Director shall be the decision-maker for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - 1) Notice of the application for Reasonable Accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35-181 (Noticing).
 - 2) The Director shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, the Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - 3) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 4) The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
- b. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Article, then:
 - 1) The decision-maker for the related discretionary application shall be the decision-maker for the application for reasonable accommodation.
 - 2) The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - 3) The decision-maker shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The decision-maker shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - 4) The action of the decision-maker is final subject to appeal in compliance with Chapter 35-102 (Appeals).

2. Standards for approval.

- a. The decision-maker shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Subsection F (Findings Required for Approval) can first be made.
- b. An application for Reasonable Accommodation granted in compliance with this Section shall not require the approval of any Modification in compliance with Section 35-179 (Modifications) or Variance in compliance with Section 35-173 (Variances) as to the reasonable accommodation.

3. Conditions of approval. The decision-maker may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Section to further fair housing. Such conditions include:

- a. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.

- b. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
- c. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

4. Written determination. The decision-maker shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

- a. Explains the basis of the decision and includes the findings required in compliance with Subsection F (Findings Required for Approval).
- b. Includes notice of the right to appeal and the appeals process.

5. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

F. Findings Required for Approval. An application for reasonable accommodation shall be approved or conditionally approved only if the decision-maker, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

- 1. The project that is the subject of the request for reasonable accommodation:
 - a. Conforms to the applicable provisions of the Coastal Land Use Plan and the Comprehensive Plan including any applicable community or area plan.
 - b. Conforms to the applicable provisions of this Article and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.
- 2. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.
- 3. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.
- 4. The accommodation will not impose an undue financial or administrative burden on the County and the community.
- 5. The accommodation will not require a fundamental alteration of the regulations or procedures of this Article.
- 6. The accommodation will not waive a requirement for a Coastal Development Permit, Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Article.
- 7. Any adverse impact that results from the accommodation is minimized to the extent feasible.
- 8. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Article.
- 9. The project that is the subject of the request for reasonable accommodation:
 - a. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
 - b. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
 - c. Will not require extensive alteration of the topography with the exception of only those design

modifications which are necessary to provide the accommodation.

- d. If located in a Rural area as designated on the Coastal Land Use Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

G. Effect of an approved reasonable accommodation on other project applications. If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35-184 (Board of Architectural Review), then any approval or conditional approval of the project by the applicable Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 7:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection B, Timing and Form of Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

B. Timing and Form of Appeal.

1. Appeals of decisions of the Board of Architectural Review, Director, Planning Commission, or Zoning Administrator.

- a. **Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as otherwise provided in this Article follows:

- 1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with [Section 35-170.11 \(Processing of demolition and Reclamation Permit\)](#).
- 2) Except as otherwise provided in this Article.

- b. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Section 35-182.2.C, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this section, including scheduling the matter before the appropriate decision-maker.

2. Computation of time for appeal. The time within which the appeal shall be filed shall commence on the next calendar day following the day on which the decision was made or the determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

SECTION 8:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, General requirements, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:
 - a. The identity of the appellant and his or her interest in the decision;

- b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
- c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the Coastal Land Use Plan, this Article, or other applicable law;
- d. If it is claimed that there was an error or abuse of discretion on the part of the ~~Board of Architectural Review, Director, Planning Commission, Zoning Administrator~~ decision-maker, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

SECTION 9:

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 Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 10:

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 11:

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 Section 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 _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS

COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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