



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: October 4, 2016
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Assistant Director (805) 568-2086
SUBJECT: California Coastal Commission's conditional certification of an amendment to the Local Coastal Program regarding the 2015 Housing Element Implementation Ordinance Amendment, First, Second and Third Supervisorial Districts.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive notice of the California Coastal Commission's conditional certification of an amendment to the County's Local Coastal Program (Coastal Commission Case No. LCP-4-STB-15-0044-1 2015 Housing Element Implementation Ordinance Amendment) with suggested modifications (Attachment A);
- b) Adopt a Resolution acknowledging receipt of the California Coastal Commission's conditional certification with modifications, accepting and agreeing to the modifications, agreeing to issue Coastal Development Permits for the total area included in the conditionally certified Local Coastal Program, and adopting the Local Coastal Program Amendment with the suggested modifications (Attachment B);
- c) Determine that this action is not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9. The County relied upon CEQA Guidelines Sections 15061(b)(3) and 15265 for CEQA review of Case No. 15ORD-00000-00014, 2015 Housing Element Implementation Ordinance Amendment; and
- d) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the California Coastal Commission.

1.0 Background.

On November 3, 2015, the Santa Barbara County Board of Supervisors approved Ordinance No. 4946 (Case No. 15ORD-00000-00014) to amend 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 revise existing procedures and regulations and add new procedures and regulations in order to implement the following programs contained in the 2015 - 2023 Housing Element Update as adopted by the Board of Supervisors on February 3, 2015:

- Program 1.10: State Density Bonus Law Consistency Amendments.
- Program 2.3: Farmworker Employee Housing Law Consistency Amendments.
- Program 2.5: Fair and Safe Special Needs Housing.
- Program 2.7: Definition of Family.

On December 8, 2015, the Santa Barbara County Board of Supervisors, by Resolution No. 15-311, submitted Ordinance No. 4946 to the Coastal Commission as a proposed amendment to the County's certified Local Coastal Program.

The Coastal Commission considered this amendment at their July 14, 2016 hearing and conditionally certified the amendment with the suggested modifications included in the Coastal Commission letter dated July 15, 2016 (see page 3 of Attachment A). These suggested modifications are discussed in the following analysis section of this Board letter. The Coastal Commission's conditional certification will expire on January 14, 2017, six months following the date of the Coastal Commission's action on July 14, 2016, unless prior to that date your Board acts to accept the modifications.

Your Board may choose to accept or reject the suggested modifications. If your Board chooses to accept the modifications, then following receipt of a Board resolution acknowledging and accepting the Coastal Commission's suggested modifications, the Coastal Commission's Executive Director will make a determination that the County's action is legally adequate to satisfy any specific requirements set forth in the Coastal Commission's certification order and report this determination to the Coastal Commission at its next regularly scheduled public meeting. If the Coastal Commission does not object to the Executive Director's determination, then notice of the certification will be filed with the Secretary of the Resources Agency and the certification will be deemed final and effective. If, for some reason, a majority of the Coastal Commission members object to the Executive Director's determination and find that the County's action does not conform to the provisions of the Coastal Commission's action to certify the amendment to the County's Local Coastal Program, then the Coastal Commission will review the County's action in a subsequent public hearing as if it were a re-submittal.

Once the amendment receives final certification from the Coastal Commission, the amendment, as modified, will be incorporated into the Article II Coastal Zoning Ordinance.

If your Board decides to not accept the suggested modifications, then your Board has the following options:

- Adopt amendments to the modifications suggested by the Coastal Commission and re-submit the 2015 Housing Element Implementation Ordinance Amendment for certification.
- Reject the modifications without adopting any amendments to the language as modified by the

Coastal Commission, and request that the Coastal Commission not certify the proposed amendment to the Local Coastal Program.

- Let the Coastal Commission's conditional certification with the suggested modifications expire by taking no action prior to January 14, 2017.

2.0 Recommendation.

The Planning and Development Department reviewed the Coastal Commission's suggested modifications and recommends that your Board approve the attached Resolution (Attachment B) acknowledging receipt of the Coastal Commission's certification with suggested modifications and adopting the Local Coastal Program Amendment with the suggested modifications. This recommendation is based on the analysis of the suggested modifications contained in the following section.

3.0 Analysis.

In the following sections provide an analysis (shown in italics) of the suggested modifications proposed by the Coastal Commission. Language that is proposed to be added by the Coastal Commission is shown as underlined, and language that is proposed to be deleted is shown as struck-through. The use of an ellipsis (...) indicates ordinance language that has been omitted for the sake of brevity since the text is unchanged.

3.1 Suggested Modification 1:

Amend Subsections A (Purpose) and B (Applicability) of Section 35-144P (Farmworker Housing) as shown below:

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. Pursuant to California Health and Safety Code Section 17008, farmworker housing types consist of any living quarters, dwelling, boarding house, 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.

Discussion: The additional language proposed by the Coastal Commission merely restates the existing provisions in the California Health and Safety Code regarding the range of accommodations that qualify as farmworker housing types, and otherwise has no effect on the regulations as adopted by the County.

- 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)	(6-8)	
C-V	MCUP (7)	—	
PI	MCUP (6)	—	
Industrial Zones			
M-CD	—	P	
M-CR	—	P	
M-RP	—	P	
Special Purpose Zones			
PU	—	P	
REC	—	—	
TC	CUP (7-9)	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 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) 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.
- (6-8) 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.
- (7-9) Only if single-family dwellings are allowed as a principal permitted use in an abutting zone district.

Discussion: Policy 5-9 of the County's Coastal Land Use Plan specifies that "in areas designated for commercial uses on the land use plan maps, residential development shall be a permitted secondary use." The revisions proposed by the Coastal Commission implement Policy 5-9 by revising the table (shown on the previous page) to add two new Notes (6) and (7), and renumber Note (6) as (8) and revise the language to clarify that:

- *Farmworker dwelling units permitted in the C-2 (Retail Commercial), CH (Highway Commercial), C-V (Visitor Serving Commercial), and PI (Professional and Institutional) zones must be secondary to a commercial use on the same lot, and*
- *In order for a farmworker housing complex to be permitted in the CH zone there must be a commercial use on the same lot.*

3.2 Suggested Modification 2:

Amend Subsection D (Development Standards) of Section 35-144P (Farmworker Housing) as shown below:

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 ~~17000 through 17062.5~~ 17008 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~~ 17008 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~~ 17008 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~~ 17008 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~~ 17008 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~~ 17008 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.

...

***Discussion:** The modifications proposed by the Coastal Commission that are shown above represent minor revisions that do not have any overall effect on the regulations adopted by the County.*

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.

***Discussion:** The additional language proposed by the Coastal Commission adds two new development standards that the farmworker housing project must be found consistent with in order to be approved. These development standards are intended to ensure that any project will be consistent with the resource protection policies of the Coastal Act including:*

- *Section 30222 of the Coastal Act which provides that visitor-serving uses have priority over private residential development, and*
- *Section 30250 of the Coastal Act which requires that new development is sited in areas that are able to accommodate it and where it will not have significant that new cumulative impacts on coastal resources (e.g., agricultural and recreation).*

All of the Coastal Act resource protection policies were adopted by the County as part of the County's certified Coastal Land Use Plan.

3.3 Suggested Modification 3:

Amend Subsection F.7 of Section 35-144Q. (Reasonable Accommodation) as shown below:

7. ~~Any~~ The requested accommodation will not adversely impact coastal resources and any other

adverse impact that results from the accommodation is minimized to the extent feasible.

***Discussion:** The additional language proposed by the Coastal Commission reinforces that the approval of any modification to zoning requirements (e.g., adjustments to encroachment allowances, floor area provisions, height and setback requirements) will not negatively impact coastal resources. This will have minimal impact on any applications for modifications since in order to approve a Coastal Development Permit for the associated project, it must be determined that the project is consistent with the applicable policies and development standards of the Santa Barbara County's Coastal Land Use Plan and Article II Coastal Zoning Ordinance, including those policies and standards that protect coastal resources.*

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-287 of the adopted Planning and Development Department's budget for fiscal years 2015 through 2017. There are no facilities impacts at this time.

Special Instructions:

1. Clerk of the Board will transmit to the Planning and Development Department (attention Noel Langle) a minute order of the hearing, and a signed resolution (Attachment 2).
2. Planning and Development will transmit the Resolution to the Coastal Commission and other interested parties.

Attachments:

1. July 15, 2016 Coastal Commission Certification Letter, Santa Barbara County Local Coastal Program Amendment Case No. LCP-4-STB-15-0044-1-Part A (2015 Housing Element Implementation).
2. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications.

Authored by:

Noel Langle, Senior Planner 805.568.2067