

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: March 7, 2005
Department Name: Planning & Development
Department No.: 053
Agenda Date: March 15, 2005
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TO: Board of Supervisors

FROM: Val Alexeeff, Director

STAFF CONTACT: Lisa Plowman, Deputy Director
Comprehensive Planning Division

SUBJECT: Hearing to consider response to California Coastal Commission regarding proposed changes to the Residential Second Unit Ordinance

Recommendation(s):

That the Board of Supervisors:

1. Consider options for responding to the California Coastal Commission regarding changes proposed by Commission staff to the Residential Second Unit Ordinance amendments which amended the county's certified Local Coastal Program;
2. Transmit a letter to the Coastal Commission for consideration at their hearing in Newport Beach on Wednesday, March 16 that requests they approve the proposed amendments with some of the minor modifications proposed by Commission staff.

Alignment with Board Strategic Plan: The recommendations are primarily aligned with Goal No. 1., An Efficient Government Able to Respond Effectively to the Needs of the Community, Goal No. 4., A Community that is Economically Vital and Sustainable, and Goal No. 5., A High Quality of Life for All Residents.

Executive Summary and Discussion: The Residential Second Unit Ordinance amendments were adopted by the Santa Barbara County Board of Supervisors on December 2, 2003 (Ordinance 4517), and was submitted to the Coastal Commission in January 2004 as a proposed amendment to the county's certified Local Coastal Program (LCP). The Commission staff accepted it for processing

on January 15, 2004, and in March 2004 the statutory deadline for action was extended by the Commission for one year, to March 2005.

The Coastal Commission's original staff report was received by county staff on March 1, 2005, and recommends seven separate modifications to the Residential Second Unit Ordinance amendments as approved by the county. The Coastal Commission staff report is attached to this agenda report for the Board members. While some of the Coastal Commission staff's recommended modifications are minor and acceptable to staff, others are substantial and problematic. Due to the Commission's statutory deadlines, the March 16, 2005 hearing this will be the last opportunity for the Commission to act on this matter.

Options for response to the Coastal Commission. Given the nature of Coastal Commission staff's proposed modifications, county staff has identified two ways in which the Board may wish to respond to Coastal Commission staff's recommendations:

1. Present a counter-proposal to the Commission. This would involve recommending that the Commission adopt a county-proposed modification of its own staff's recommendations, wherein the county would tentatively agree to some changes in exchange for others being dropped. However, the Board could not foreclose its future discretion in reviewing the Commission's ultimate action and either accepting, rejecting, or proposing changes to any modifications approved by the Commission. **Staff recommends this option, as reflected in the attached letter for transmittal from the Board to the Commission.**
2. Recommend that the Commission certify the Amendments as submitted. The Residential Second Unit Ordinance amendments represent an update and improvement in the LCP as it applies to this area, and has been prepared to be consistent with the state Coastal Act. This option would request that the Commission recognize the substantial time and care that the county invested in preparing and adopting the amendments, including the active participation of numerous local residents and other agencies. However, given that several of the modifications proposed by Coastal Commission staff are acceptable and that the Commission is likely to favorably consider at least some of their staff's suggestions, county staff does not recommend this option.

If the Commission nevertheless acts to certify with modifications as recommended by their staff, the Board would be faced with the choice of either agreeing to all of the Commission's proposed changes, or proposing further modifications which then would be submitted for another round of review by the Commission. In the latter instance, several iterations of this loop are conceivable over the course of months or even years, as was the case with the Toro Canyon Plan.

Mandates and Service Levels: No immediate change in mandates or service levels. This is an expected part of processing the Residential Second Unit Ordinance amendments, although more extensive than anticipated.

Fiscal and Facilities Impacts: This work effort would have no fiscal or facilities impacts. The costs associated with coordinating with the Coastal Commission on the Residential Second Unit amendment process were anticipated within Planning and Development's FY04-05 budget (page D-290 of the budget book).

Special instructions: P&D will transmit the signed Board letter to the Coastal Commission and other copied parties.

Attachments: Proposed letter from the Board to the Coastal Commission
Coastal Commission staff report, March 2005 (Board member copies and Clerk of the Board file only)