



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: January 14, 2014
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: Coastal Commission's conditional certification of amendment to the Local Coastal Program regarding Mobilehome Park Closure Ordinance Amendment.

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receive notice of the California Coastal Commission's conditional certification of the County's amendment to the County's Local Coastal Program (Coastal Commission Case No. STB-MAJ-1-12-A, Mobilehome Park Closure 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 Amendments with the suggested modifications (Attachment B);
- C. Determine that the Board's action is not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9. The County relied upon CEQA Guidelines Section 15061(b)(3) (No Possibility of Significant Effect) for CEQA review of Case No. 11ORD-00000-00018, Mobilehome Park Closure Ordinance Amendment.
- D. Authorize the Chair of the Board of Supervisors to sign a letter transmitting the Resolution to the California Coastal Commission (Attachment C); and
- E. Authorize the Planning and Development Department to transmit the adopted Resolution and Board letter to the California Coastal Commission.

Auditor-Controller Concurrence

As to form: N/A

1. Background.

On March 13, 2012, the Board of Supervisors adopted the Mobilehome Park Closure Ordinance Amendment (Ordinance No. 4829, Case No. 11ORD-00000-00018) to the Article II Coastal Zoning Ordinance that amended the definitions, general regulations, and administrative procedures of the Article II Coastal Zoning Ordinance to implement new regulations regarding mobilehome park closures.

On April 10, 2012, the Board of Supervisors, by Resolution 12-86, submitted Ordinance No. 4829 to the Coastal Commission as a proposed amendment to the County's certified Local Coastal Program. The Coastal Commission considered this amendment at their November 14, 2013 hearing and conditionally certified the amendment with one modification as shown on page three of Attachment A (Coastal Commission letter dated November 27, 2013). In this Attachment A, language added by the Coastal Commission is shown as underlined, and language deleted by the Commission is struck-through. The suggested modification is also summarized in the following section of this Board letter.

The Planning and Development Department reviewed the Coastal Commission's suggested modification and recommends that your Board approve the attached Resolution (Attachment B) acknowledging receipt of the Coastal Commission's certification with the suggested modification and adopting the Local Coastal Program Amendment with the suggested modification. Unless the County takes certain actions, the Coastal Commission's conditional certification with the suggested modification will expire on May 14, 2014, six months from the date of the Coastal Commission's action on November 14, 2013.

After receipt of the Resolution acknowledging and accepting the Coastal Commission's modification, the Coastal Commission's Executive Director will make a determination in writing that the County's action and the notification procedures for appealable development are 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 shall review the County's action 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 chooses to not accept the modification, then your Board has the following options:

- Your Board may choose to adopt amendments to the language suggested by the Coastal Commission and re-submit these amendments for certification.
- Your Board may reject the modification 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.
- Your Board may choose to let the Coastal Commission's conditional certification with the suggested modification expire by taking no action prior to May 14, 2014.

If your Board wishes to take either of these latter options, then you should not adopt the attached resolution and the Planning and Development Department will return with appropriate materials on a subsequent agenda.

2. Analysis.

The suggested modification approved by the California Coastal Commission to the Mobilehome Park Closure Ordinance Amendment primarily addresses where the text regarding the term "effective date of permit" is located in the Article II Coastal Zoning Ordinance. The effective date of the permit is the date that the permit may be acted upon (e.g., commence the construction or use) which follows (1) the expiration of any appeal period or, (2) if appealed, the final action on the appeal which has the effect of sustaining the approval of the permit. As originally proposed by the County, this text was to be added as a definition; however, because it includes language that is more of a procedural nature, the suggested modification relocates this text to a new section in Article II. This modification is only procedural in nature and does not change the intent of the ordinance amendment as originally submitted by the County.

The portion of Ordinance No. 4829 that is suggested to be modified by the Coastal Commission is shown below in italics. Suggested revisions to the language are shown as underlined text which represents text that is suggested to be added by the Coastal Commission. A discussion of the proposed revisions follows the suggested modification.

Suggested Modification:

Section 35-57B. Effective Date of Permits.

1. *Development not appealable to the Coastal Commission. The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision-maker where an appeal of the decision-maker's action has not been filed in compliance with Section 35-181 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal.*
2. *Development appealable to the Coastal Commission. The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:*
 - a. *The expiration of the Coastal Commission's 10 working-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and*
 - b. *Where an appeal of the decision-maker's action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where a local appeal has not been filed within 10 calendar days of the date of the decision by the applicable decision-maker in compliance with Section 35-181 (Appeals) unless otherwise indicated in the planning permit.*
 - c. *If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal including the California Coastal Commission. If the California Coastal Commission finds substantial issue on an appeal, then the planning permit shall not be deemed effective and the Coastal Commission will consider the permit de novo.*
3. **Extension of effective date.** *The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County offices are not open for business.*

4. No entitlement for development. No entitlement for the use or development shall be granted before the effective date of the planning permit.

Discussion: The Suggested Modification:

- Relocates the text regarding effective date of permits from Division 2, Definitions, to Division 1, In General, as a new Section 35-57B.
- In Subsection 2.a., clarifies that the Coastal Commission appeal period is based on working days (i.e., days that the Coastal Commission office is open for business) consistent with the Coastal Commission administrative regulations.
- In Subsection 2.b., clarifies that the Santa Barbara County appeal period is based on calendar days consistent with the appeal provisions of the Article II Coastal Zoning Ordinance.
- In Subsection 2.c., clarifies that if the Coastal Commission finds substantial issue on the appeal (i.e., decides to hear the appeal) that the Coastal Commission hearing on the appeal is *de novo* and the permit is not effective until the Coastal Commission acts to sustain the permit approval.
- Subsection 3 is added to specify that if the County appeal period ends on a day that the County is not open for business (e.g., a holiday) that the appeal period is extended to the following day that the County is open for business.
- Subsection 4 stipulates that any entitlement for the project allowed by the permit may not be granted prior to the effective date of the permit.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Administration & Support program on page D-168 of the adopted Planning and Development Department's budget for fiscal years 2013 - 2015.

Special Instructions:

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

Attachments:

- A. November 27, 2013 Coastal Commission Certification Letter, Santa Barbara Local Coastal Program Amendment STB-MAJ-1-12-A (Mobilehome Park Closure Ordinance Amendment).
- B. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications.
- C. Letter from the Board of Supervisors transmitting the Resolution to the Coastal Commission.

Authored by:

Noel Langle, Senior Planner (805) 568-2067

ATTACHMENT A

**November 27, 2013 Coastal Commission Certification Letter
Santa Barbara Local Coastal Program Amendment STB-MAJ-1-12-A
Mobilehome Park Closure Ordinance Amendment**

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CALIFORNIA COASTAL COMMISSION

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



November 27, 2013

Salud Carbajal, Chair
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

**RE: Santa Barbara County Local Coastal Program Amendment 1-12-A
(Mobile Home Park Closure Ordinance Amendment)**

Dear Chair Carbajal and Supervisors:

On November 14, 2013 the Coastal Commission approved LCP Amendment STB-MAJ-1-12-A with suggested modifications. The Commission's resolution of certification is contained in the staff report dated October 24, 2013. The suggested modifications, as approved by the Commission on November 14, 2013, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the

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Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

Charles Lester
Executive Director

By: 
Amber Geraghty
Coastal Program Analyst

Cc: Noel Langle, Santa Barbara County Planning and Development Department

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Suggested Modifications LCP Amendment 1-12-A (Mobile Home Park Closure Regulations)

The existing and County proposed amended language to the certified LCP Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language recommended by Commission staff to be deleted is shown in line out. Language proposed by Commission staff to be inserted is shown underlined

Modification 1

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

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

- (1) **Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision-maker where an appeal of the decision-maker's action has not been filed in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal.
- (2) **Development appealable to the Coastal Commission.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:
 - a. The expiration of the Coastal Commission's 10 working-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and
 - b. Where an appeal of the decision-maker's action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where a local appeal has not been filed within 10 calendar days of the date of the decision by the applicable decision-maker in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit.
 - c. If appealed, the planning permit shall not be deemed effective until final action by the final decision-maker on the appeal including the California Coastal Commission. If the California Coastal Commission finds substantial issue on an appeal, then the planning permit shall not be deemed effective and the Coastal Commission will consider the permit de novo.
- (3) **Extension of effective date.** The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County offices are not open for business.
- (4) **No entitlement for development.** No entitlement for the use or development shall be granted before the effective date of the planning permit.

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ATTACHMENT B

**Board of Supervisors Resolution
Santa Barbara Local Coastal Program Amendment STB-MAJ 1-12-A
Mobilehome Park Closure Ordinance Amendment**

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

IN THE MATTER OF APPROVING AN AMENDMENT)	
TO THE SANTA BARBARA COUNTY LOCAL COASTAL)	RESOLUTION NO. 14-_____
PROGRAM TO AMEND THE COASTAL ZONING)	
ORDINANCE, ARTICLE II OF CHAPTER 35, ZONING,)	CASE NUMBER.:
OF THE SANTA BARBARA COUNTY CODE, REGARDING)	11ORD-00000-00018
THE MOBILEHOME PARK CLOSURE ORDINANCE)	
AMENDMENT AS MODIFIED BY THE CALIFORNIA)	
COASTAL COMMISSION.)	

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas on March 13, 2012, the Board of Supervisors of the County of Santa Barbara approved an amendment to the County's Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the County Code, regarding the Mobilehome Park Closure Ordinance Amendment (Ordinance No. 4829, Case No. 11ORD-00000-00018); and
- B. Whereas on April 10, 2012, the Board of Supervisors of the County of Santa Barbara, by Resolution No. 12-86 submitted said amendment for consideration and certification to the California Coastal Commission.
- C. Whereas on November 14, 2013, the California Coastal Commission approved a resolution of certification with suggested modifications for this amendment to County's Local Coastal Program (Coastal Commission Case No. STB-MAJ-1-12-A); and
- D. Whereas the Board of Supervisors finds the suggested modifications to be acceptable;

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors acknowledges receipt of the California Coastal Commission's resolutions of certification with suggested modifications and accepts and agrees to those modifications through amendment of the Coastal Land Use Plan and Implementation Program (Coastal Zoning Ordinance) as required in Section 13544(a) of the Commission's Administrative Regulations, and agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program consistent with the modifications of Ordinance No. 4829 as certified by the Commission.
- 3. The Board of Supervisors will submit this acknowledgment to the California Coastal Commission to demonstrate conformity with the provisions of the Commission's action to certify the amendment to the Local Coastal Program in compliance with Section 13544(b) of the Commission's Administrative Regulations.
- 4. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above mentioned action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 14th day of January, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, 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

ATTACHMENT C

**Board of Supervisors Letter to the Executive Director of the California Coastal Commission
Santa Barbara Local Coastal Program Amendment STB-MAJ-1-12-A
Mobilehome Park Closure Ordinance Amendment**

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January 14, 2014

Charles Lester, Executive Director
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, California 93001

Re: Case No. STB-MAJ-1-12-A Mobilehome Park Closure Ordinance Amendment

Dear Mr. Lester:

On behalf of Santa Barbara County, the Board of Supervisors has executed the attached resolution acknowledging receipt of the Coastal Commission's resolution of certification with suggested modifications and accepting and agreeing to the modifications through amendment of the Coastal Land Use Plan and Implementation Program (Coastal Zoning Ordinance) as required by Section 13544(a) of the Commission's Administrative Regulations, and agreeing to issue Coastal Development Permits consistent with the modifications of Ordinance No. 4829 as certified by the Commission, Amendment Case No. STB-MAJ-1-12-A, Mobilehome Park Closure Ordinance Amendment.

Thank you for your cooperation on this project. Please contact Noel Langle (805) 568-2067 in the Planning and Development Department if you have any questions.

Sincerely,

Steve Lavagnino, Chair
Board of Supervisors