



Monterey County

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Board Report

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a. Receive a report on preparation of amendments to Monterey County's Local Coastal Program to be consistent with the Coastal Act regarding affordable housing; and

b. Provide direction to staff.

(Board Referral #: 2018.28)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Receive a report on preparation of amendments to Monterey County's Local Coastal Program to be consistent with the Coastal Act regarding affordable housing; and

b. Provide direction to staff.

SUMMARY:

On December 4, 2018, Resource Management Agency was assigned Board referral 2018.28, which was submitted by Supervisor Phillips. The County's Local Coastal Plan (LCP) was adopted with language relative to affordable housing. Subsequently, the Coastal Act was amended, removing authority of the Coastal Commission to impose conditions or requirements for affordable housing. The Housing Element has been updated multiple times in compliance with State law but the LCP has not been amended to keep up. Having a LCP that is out of date with housing policy could be a barrier to affordable housing in the coastal zone. For consistency, affordable housing should be removed from the LCP and rely on the Housing Element for housing policy.

Extracting and deleting housing policy language from the LCP can be relatively simple. Using in-house staff would be the most cost effective. However, it takes time to process any LCP amendment through the Coastal Commission, and RMA has a number of priority projects. Therefore, adding this project to RMA's workload would require adjusting priorities to complete this task sooner rather than later. Alternatively, RMA could contract professional services to complete this task sooner, but that would require allocating funds to complete that project.

DISCUSSION:

The State legislature adopted the Coastal Act in 1976, following voter approval in 1972. In 1982, Monterey County adopted a comprehensive General Plan Update, which included area plans for various geographic areas. The County adopted Land Use Plans (LUP) in the coastal zone to set for policy specific to each planning area and adopted Coastal Implementation Plans (CIP) to establish zoning (Title 20, Part 1 of the CIP) and area-specific regulations (Title 20, Parts 2 through 5 of the CIP) to implement the Land Use Plans. Collectively the LUPs and CIPs make up the Local Coastal Program (LCP). Monterey County's LCP was certified by the Coastal Commission in the 1980's.

Initially, the Coastal Act required LCPs to address affordable housing. Subsequent to Monterey County adopting its LCP but prior to final certification, the Coastal Act was amended to remove the requirement for affordable housing. The State focused its attention on addressing affordable housing through the Housing Element of the General Plan that are mandated by state law to be updated periodically using Regional Housing Needs Assessment (RHNA) projections. While Monterey County has met the requirement to update its Housing Element periodically and the State Department of Housing and Community Development (HCD) has certified the County's Housing Element, there has never been any change to the LCP. As a result, the County's certified Housing Element is consistent with current state housing laws, and the LCP should be updated to reflect the change in the Coastal Act.

Having housing regulations in the LCP does not make it inconsistent with the Coastal Act, but does add a layer of review (appeal authority) to the Coastal Commission. Having the Coastal Commission as an appeal authority adds to the review in a time when the State is implementing regulation to streamline housing projects due to a large need in the state. This added step could be removed by deleting portions of the LCP referring to housing, whereby projects would be subject to the certified Housing Element and County Code. Amendments to the LCP require recommendation of the Planning Commission at a noticed public hearing before consideration by the Board.

CEQA:

Amending the LCP is subject to CEQA review by the California Coastal Commission. Pursuant to Public Resources Code section 21080.9 and CEQA Guidelines Section 15265, CEQA does not apply to the County's adoption of amendments to the Local Coastal Program. However, when the County submits a proposed amendment to the Local Coastal Program to the Coastal Commission for certification, the County must submit materials sufficient for a thorough and complete review by the Coastal Commission.

OTHER AGENCY INVOLVEMENT:

If approved by the Board, amendments to coastal regulations additionally require certification by the Coastal Commission.

FINANCING:

Staff resources for the Board referral was processed by staff within the existing adopted Budget. RMA could utilize in-house resources to prepare and process a LCP amendment. However, timing would depend on how this task is prioritized by the Board. If this is a high priority, RMA would either need to revise priorities for other projects or would need a funding allocation to complete the task. Staff estimates that the cost for outside services to prepare and process such a LCP amendment would be about \$30,000. Should the Board direct staff to prioritize completion of LCP amendment through an outside agreement/service, staff will return to the Board with financing options.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Amendment of the LCP would update the LCP consistent with state law and streamline County regulations.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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