

**CALIFORNIA COASTAL COMMISSION**

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



# Th15a

## ADDENDUM

**DATE:** March 5, 2012  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item Th15a, County of Santa Barbara Minor LCP Amendment for Economic Hardship Time Extensions (STB-MIN-4-11), Thursday, March 8, 2012

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The purpose of this addendum is to attach documentation of an ex-parte communication received from Commissioner Zimmer (1 page).

# FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project County of Santa Barbara LCPA MIN-4-11 on Time Extensions for CDP

Date and time of receipt of communication: Feb. 27, 2012

Location of communication: Santa Barbara

Type of communication (letter, facsimile, etc.): telecon

Person(s) initiating communication: Zimmer/Dianne Black, County P&D

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

In the course of an unrelated communication I asked for clarification of several issues on the County's understanding of the scope and effect of this amendment.

Ms. Black indicated that the total number of years that a CDP can be extended under the County's current LCP is five, including post issuance extensions. Under the proposed amendment there would be a total of four more years possible ( 2, 2 year additional extensions), for a potential total of 9 years. Any CDP extended for economic hardship just prior to January 2015 could be theoretically be extended up to 2019. The Director can approve such extensions without a noticed public hearing even when the original permit is/was approved by the Zoning Administrator or the Planning Commission, which is different from other time extensions. The Notice on the Director decision is posted at the property and mailed to properties within 300 feet. There is a NOFA to the Commission if the project is in the appeals jurisdiction.

There is nothing to prevent an applicant from obtaining an economic hardship extension and then selling the entitlement to another who may or may not have the same difficulty.

In order to determine whether the findings of approval can still be made, on a project which has had environmental review there would be information gathered equivalent to a 15162 letter.

Dated: Feb. 29, 2012

(s) Jana Zimmer

**CALIFORNIA COASTAL COMMISSION**

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VENTURA, CA 93001  
(805) 585 - 1800

# Th 15a



**DATE:** February 23, 2012

**TO:** Commissioners and Interested Parties

**FROM:** Jack Ainsworth, Senior Deputy Director  
Steve Hudson, District Manager  
Amber Tysor, Coastal Program Analyst

**SUBJECT:** **County of Santa Barbara LCP Minor Amendment for Economic Hardship Time Extensions (STB-MIN-4-11)** for Public Hearing and Commission Action at the California Coastal Commission hearing of March 8, 2012, in Chula Vista.

## I. AMENDMENT DESCRIPTION

On December 22, 2011, the County of Santa Barbara submitted an amendment to its certified Local Coastal Program to amend the Implementation Program/Zoning Ordinance (IP) to: (1) extend the period of time in which the Director of the Planning and Development Department may grant a two-year time extension to the period of permit effectiveness for approved permits due to economic hardship considerations until January 12, 2015, and (2) provide that the Director may grant more than one such time extension until January 12, 2015. Pursuant to the existing IP, the Director may grant the time extension(s) provided that the application is filed with the Planning and Development Department in compliance with Section 35-57A (Application Preparation and Filing) and that the application is filed prior to the expiration of the permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date the planning permit would otherwise expire. The action of the Director of the Planning and Development Department is final subject to appeal in compliance with Section 35-182 (Appeals). (**Exhibit 1:** Resolution 11-412 and **Exhibit 2:** Ord. 4815)

## II. DETERMINATION

Pursuant to Section 30514(c) of the Coastal Act and Section 13554 (a) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Sections 13554 and 13554 (a) of the Regulations provide that a minor amendment includes, but is not limited to, changes which: 1) make the use as designated in implementing actions more specific; 2) do not change the kind, intensity, or density of use; and 3) are consistent with the certified Land Use Plan (LUP).

The County's proposed modifications include minor changes to existing language and procedures contained in the Santa Barbara County Code, previously certified by the

Commission. The proposed amendment will not make any changes to any current land use or zoning designations. Further, the County is not changing the kind, intensity, or density of use. The proposed text modifications are based on administrative updates to language to allow a two-year time extension for approved permits due to economic hardship. Therefore, the proposed amendment is consistent with the certified LUP, and considered "minor" as defined under Section 13554(a).

### **III. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal of a proposed LUP amendment must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. In this case, the County has submitted the amendment as one that will take effect automatically upon approval by the Commission.

### **IV. PUBLIC NOTICE**

Section 13555 of the Commission's Regulations requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director's determination the amendment is of a "minor" nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555(b).

Notification of the proposed amendment will be mailed on February 24, 2012. The ten-day objection period will therefore terminate on March 5, 2012. The Commission will be notified at the March 8, 2012 meeting of any objections.

Also, Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification and amendment of any LCP. The County held public hearings on the proposed ordinance changes on October 26, 2011, November 2, 2011, and December 6, 2011. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations and the County provided evidence of the measures taken to provide notice of their hearings, consistent with Section 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

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

IN THE MATTER OF SUBMITTING TO THE )  
CALIFORNIA COASTAL COMMISSION )  
AN AMENDMENT TO THE TEXT OF THE )  
SANTA BARBARA COUNTY LOCAL COASTAL )  
PROGRAM REGARDING TIME EXTENSIONS )  
DUE TO HARDSHIP CONSIDERATIONS ISSUED )  
IN COMPLIANCE WITH THE ARTICLE II )  
COASTAL ZONING ORDINANCE OF CHAPTER 35 )  
OF THE SANTA BARBARA COUNTY CODE. )

RESOLUTION NO: 11 - 412  
CASE NO: 11ORD-00000-00026

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On December 6, 2011, the Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, amended the Local Coastal Program by adopting:

**Case No. 11ORD-00000-00026: Economic Hardship Time Extensions Ordinance Amendment, attached as Exhibit A:**

An Ordinance (Case No. 11ORD-00000-00026), attached as Exhibit A, amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 35.11, Permit Procedures, to add a new Section 35-179A that will (1) give the Director of the Planning and Development Department the authority to grant a two year time extension to approved permits and projects due to economic hardship considerations until January 12, 2015, and (2) provide that more than one such extension may be granted by the Director.

- D. Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the County and the Montecito Planning Commissions on the proposed amendment in duly noticed public hearings pursuant to Sections 65353 and 65854 of the Government Code, and the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors in compliance with pursuant to Sections 65354 and 65855 of the Government Code.
- E. The Board of Supervisors has held duly noticed public hearings in compliance with Section 65355 and 65856 of the Government Code on the proposed amendment, at which hearings the amendment was explained and comments invited from the persons in attendance.

<b>EXHIBIT 1</b>
<b>STB-MIN-4-11</b>
<b>County Resolution</b>

- F. This amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- G. The Board of Supervisors now wishes to submit this amendment to the California Coastal Commission for certification as a minor amendment to the Santa Barbara County Local Coastal Program in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554.
- H. The Board of Supervisors further wishes to submit this amendment as an amendment that will take effect automatically upon the California Coastal Commission's approval in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1).

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as an amendment to the Santa Barbara County Local Coastal Program.
- 3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
- 4. The Board submits this Local Coastal Program amendment to the California Coastal Commission for review and certification as a minor amendment in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554, and requests that this amendment that will take effect automatically upon the California Coastal Commission's approval in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1).
- 5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described 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 13<sup>th</sup> day of December, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, Supervisor Lavagnino

NOES: None

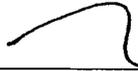
ABSTAIN: None

ABSENT: None

  
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 JONI GRAY, CHAIR  
 Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By:   
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

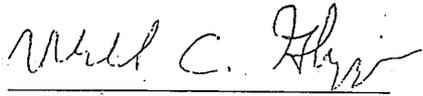
By:   
Deputy County Counsel

EXHIBIT:

- A. Article II Coastal Zoning Ordinance Amendment (Case No. 11ORD-00000-00026)

ATTACHMENT I: 11ORD-00000-00026 ARTICLE II CZO ORDINANCE

ORDINANCE NO. 4815

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING DIVISION 11, PERMIT PROCEDURES, AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 11ORD-00000-00026

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

SECTION 1:

DIVISION 35.11, Permit Procedures, 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 35-179A to read as follows:

**Section 35-179A. Time Extensions Due to Economic Hardship.**

**Section 35-179A.1**

In addition to the time extensions provided in Section 35-169 (Coastal Development Permits), Section 35-172 (Conditional Use Permits), Section 35-174 (Development Plans), Section 35-178 (Land Use Permits) and Section 35-179 (Modifications), the Director for good cause may extend the expiration of a planning permit approved or issued in compliance with those Sections for additional 24 month periods in compliance with the following:

1. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.
2. The application for the Time Extension is filed with the Department in compliance with the following:
  - a) The application shall be filed in compliance with Section 35-57A (Application Preparation and Filing).
  - b) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
3. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
4. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

This Section 35-179A shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

EXHIBIT 2

STB-MIN-4-11

County Ordinance

SECTION 2:

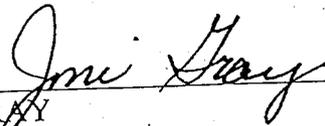
Except as amended by this Ordinance, DIVISION 35.11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 3:

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 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 6<sup>th</sup> day of December, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray,  
Supervisor Lavagnino  
NOES: None  
ABSTAINED: None  
ABSENT: None

  
\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By   
\_\_\_\_\_  
Deputy County Counsel