

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA. 93001
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**RECORD PACKET COPY**

July 25, 1996

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Acting District Director
 Gary Timm, Assistant District Director
 Mark H. Capelli, Coastal Program Analyst

RE: SANTA BARBARA COUNTY LCP: Zoning Amendment 1-96 Public Hearing and Final Action at the California Coastal Commission Hearing of August 13-16, 1996

Background

The County of Santa Barbara submitted Local Coastal Program Amendment (LCP) 1-96 on June 25, 1996. The submittal was deemed complete and filed on July 15, 1996.

The Amendment consists of amending the County's Local Coastal Program Implementation Ordinance to modify procedural elements of the County of Santa Barbara's Local Coastal Program Zoning Ordinance (Article II) to: (1) amend specific permit procedures and clarify and update text provisions; (2) establish new ordinance procedures regarding non-conforming uses and structures and allow modifications to zone district requirements; (3) clarify the intent of the ordinance and provide consistency amongst Articles II, III, and IV; and (4) provide other minor clarifications and text amendments.

Proposal and Staff Recommendation

The amendment proposal would: (1) extend the life of Coastal Development Permits from 1 to 2 years; (2) allow limited and minor modifications of zone district requirements based on site constraints; (3) require public notice of non-appealable Coastal Development Permits; (4) combine the Special Use Permit and Coastal Development Permit process; (5) allow waiver of public hearings for minor projects in Geographical Appeals Jurisdiction area; (6) increase the aggregate value of structures allowed without a Coastal Development Permit from \$1,000 to \$2,000; (7) allow minor changes to existing Coastal Development Permits without requiring an amendment to the permit; (8) minor improvements for specific non-conforming industrial uses.

The staff is recommending approval of the of the Implementation Plan amendment with suggested modifications regarding (1) the appealability of minor changes to existing Coastal Development Permits, and (2) reference to the statutory basis of locally issued emergency Coastal Development Permits.

Exhibits

- 1. Resolution No. 96-248
- 2. Ordinance No. 4447

I. STAFF RECOMMENDATION

A. Denial of Implementation Ordinance Amendment as Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion I.

I move that the Commission reject the Implementation Ordinance Amendment 1-96 to the Santa Barbara County LCP as submitted.

Staff recommends a YES vote on motion I and the adoption of the following resolution and related findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution I

The Commission hereby rejects the Implementation Ordinance Amendment 1-96 of the County of Santa Barbara LCP on the grounds that it does not conform with or is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Implementation Program would have on the environment.

B. Approval of Implementation Ordinance Amendment with Suggested Modifications

Staff recommends the adoption of the following Motion and Resolution:

Motion II

I move that the Commission approve the Implementation Ordinance Amendment 1-96 to the Santa Barbara County LCP if modified as suggested.

Staff recommends a YES vote on motion II and adoption of the following resolution of certification and related findings. An Affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution II

The Commission hereby certifies amendment 1-96 to the Implementation Plan of the Santa Barbara County LCP on the grounds that the amendment to the Local Coastal Program Zoning Ordinance, if modified as suggested, conforms to and is adequate to carry out the provisions of the LCP Land Use Plan as certified. There are no feasible alternatives available which would substantially lessen any significant impacts which the approval of the Implementation Plan amendment will have on the environment.

II. Suggested Modifications to Implementation Ordinance Amendment 1-96

- 1. Modify Section 35-169.12, to delete Subsection 3 which precludes the appeal of a determination to allow a minor change to an approved or issued Coastal Development Permit for projects located in an appealable area. (See page II-27 of Exhibit 2.)

2. Modify Section 35-171.5 to delete the reference to Public Resources Code Section 30519(b) and add a reference to Public Resources Code Section 30624. (See page II-31 of Exhibit 2.)

3. Modify Section 35-174.10, to delete the last two sentences of Sub-section 1 which precludes the appeal of a substantial conformity determination to allow a change to an approved or issued Coastal Development Permit for projects located in an appealable area. (See page II-39 of Exhibit 2.)

III. RECOMMENDED FINDINGS

A. Findings for Resolution I and II (Implementation Measures)

The standard of review of an amendment to the certified LCP Zoning Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a)). In addition, procedural elements of the LCP Zoning Ordinance must conform to the applicable provisions of the California Coastal Act and the applicable provisions of the Commission's Administrative Regulations. The Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan.

1. Proposal

The following is a summary of the proposed changes to the County's Coastal Zoning Ordinance, arranged by section: (See Exhibits 1 and 2 for full texts of changes.)

Section 35-58. Definitions

Add new definitions of Seismic Retrofit and Decision Maker.

Section 35-98. D-Design Control Overlay District

Add Zoning Administrator to the list of decision-makers on modifications

Section 35-106. Re-calculation of Parking Spaces Upon Change of Use

Add Zoning Administrator to list of decision-makers on modifications

Section 35-107. Required Number of Spaces: General

Add new section to allow modifications to parking requirements

Section 35-118.1. Conformance to Regulations

Add language to allow modifications to area conformance restrictions

Section 35-125. General Setback Regulations

Allow projections of an additional six inches into side yard setback

Section 35-144B. Applications That are Within the Jurisdiction of More than one Final Decision Maker

Clarify who the decision maker would be in case where there is more than one decision maker (e.g. Zoning Administrator, Planning Director, etc.)

Section 35-160. Purpose and Intent

Clarify language regarding nonconforming structures

Section 35-161. Nonconforming Use of Land, Building, and Structures

Allow seismic retrofitting for nonconforming structures providing the building or structure is not enlarged or extended; add language to clarify reconstruction requirements for non-conforming buildings, structures, or other development if damaged or destroyed; add language to allow minor improvements to buildings or structures dedicated to a nonconforming industrial use as long as a Limited Exceptions Determination has been made which requires documentation that the project will result in a public health and safety or environmental benefit; add language to clarify parking standards and requirements for non-conforming uses.

Section 35-162. Alteration, Repair, and Enlargement of Buildings and Structures

Re-title this section to read "Nonconforming Buildings and Structures"; add language to allow seismic retrofits to nonconforming buildings or structures; revise and add language to clarify standards for restoration or reconstruction of such nonconforming structures which are damaged.

Section 35-163. Restoration of Damaged Buildings and Structures

Re-title this section to read "Construction in Progress"; delete existing language and add new language to clarify that changes to the zoning ordinance shall not require a change in the plans for projects which have begun construction.

Section 35-169. Coastal Development Permits

Add language to provide public hearing opportunities for certain projects; increase the maximum aggregate value of structures exempt from Coastal Development Permits; add language to exempt the replacement of damaged or destroyed structures from Coastal Development Permits; combine the Special Use Permit process with the Coastal Development Permit process; add language to waive public hearings for projects located within the Geographical Appeals jurisdiction where there is no public interest; add language to require posting of notice for Coastal Development Permits; add language to extend the life of a Coastal Development Permit from one year to two years; add language to allow minor changes to Coastal Development Permits.

Section 35-170. Special Use Permits

Delete this Section

Section 35-171. Emergency Permits

Add language to clarify procedures for emergency permits

Section 35-172. Conditional Use Permits

Add language to clarify decision-maker jurisdiction; add language to clarify that Substantial Conformity Determinations made by the Director are final and are not appealable; add language to allow for Conditions, Restrictions and Modifications.

Section 35-174. Development Plans

Add language to clarify procedures; add language to clarify time limits and extensions for Development Plans; add language to clarify that Substantial Conformity Determinations made by the Director are final and not appealable

Section 35-174. Specific Plans

Amend language to clarify procedures

Section 35-176. Oil and Gas Exploration and Production Plans

Clarify the certification process for environmental documents

Section 35-179. Modifications

Add new Section to allow for the modification of zone district requirements

Section 35-180. Amendments to the Certified Local Coastal Program

Add language to clarify procedures and add rezone findings from Article III (non-coastal zoning ordinance)

Section 35-181. Noticing

Clarify noticing procedures; require posting of notices for Coastal Development Permits

Section 35-182. Appeals

Add language to clarify the appeal process; establish new procedures for Board of Architectural Review appeals.

Section 35-191. Summerland-SUM

Add language to clarify that remodels and additions to single family residences are subject to Floor Area Ratio restrictions.

Section 35-124. Restoration of Damaged Non-conforming Building and Structures

Clarify procedures for the replacement of damaged or destroyed nonconforming structures.

2. Consistency with County LCP

a. Consistency With Land Use Plan Designations

The proposed Implementation Plan Amendment does not modify or effect any of the existing zone designations in the established in the Coastal Zoning Ordinance. Nor does the Implementation Plan Amendment change or effect the definitions of the Zone District or principal permitted uses or uses allowed with a Conditional Use Permit for any of the previously certified Zone Districts in the Santa Barbara County Local Coastal Program Implementation Ordinances. The proposed amendment therefore does not create any inconsistency with County's certified Local Coastal Program Land Use Plan designations.

b. Consistency with LCP Land Plan Policies

The proposed Implementation Plan Amendment does not modify or effect any of the existing substantive development standards of the Coastal Zoning Ordinance, and therefore does not affect the consistency of the Coastal Zoning Ordinance with the Land Use Plan policies or its ability to carry out any of the other provisions of the Land Use Plan.

c. Consistency with Procedural Requirements of the California Coastal Act.

The proposed changes are restricted to procedural aspects of the zoning ordinance only. With the exception of the two issues noted below, the proposed changes conform to and are consistent with the procedural requirements established statutorily through the California Coastal Act, as well as the Commission's Administrative regulations.

The County has proposed adding a new Section 35-169.12, Minor Changes to Coastal Development Permits. This section would allow the Planning and Development Department of the County to approve minor changes to approved Coastal Development Permits without processing the changes through a formal permit amendment process. As part of this procedure the County has proposed that "The determination to allow a minor change to an approved or issued Coastal Development Permit shall be final and not appealable." (Subsection 3.)

The basic purpose of this provision is to expedite the processing of minor changes to previously approved projects. While the Coastal Act and the Commission's Administrative Regulations provide for the waiver of Coastal Development Permit requirements, the language of this provision does not distinguish between those which are waivable, and those which are not and would therefore be subject to appeal to the Commission. Public Resources Code Section 30603 sets forth the types of project which are appealable to the Commission, the grounds for appeal, and the requirements for the local jurisdiction's notification of its final action on a locally issued Coastal Development Permit to the Commission.

The proposal to expressly prohibit appeals to the Commission of changes to previously approved Coastal Development Permits is inconsistent with the Requirements of PRC Section 30603 and the Commission's related Administrative Regulations (Sections 13311 through 13327) dealing with the procedures for the issuance of post-certification local Coastal Development Permits. This inconsistency can be remedied by deleting the Subsection 3 of Section 35-169.12 as provided in Suggested Modification #1. (See page II-27 of Exhibit 2.)

This modification would not prevent the Planning and Development Department from allowing minor changes to previously approved Coastal Development Permits consistent with the permit waiver provisions of the County's certified Local Coastal Program, and would not effect the appealability of previously issued Coastal Development Permits (most of which are not subject to appeals to the Commission because of either the location or the nature of the development). Minor changes to previously approved Coastal Development Permits, however, would have to be noticed to the Commission pursuant to Public Resources Codes Section 30603 to effectuate the Commission's appeal process.

The County has proposed modifying Section 35-171, Emergency Permits. These modifications clarify the emergency permit procedures, and do not change the applicable substantive standards or issuing emergency permits. Subsection 4 however, contains an incorrect reference to Public Resources Code Section 30519(b) which deals with non-emergency appeals in area of the Commission's original permit jurisdiction.

This Subsection should cite Public Resources Code Section 30624 which provides the basis and standard for the issuance of emergency Coastal Development Permits. This inconsistency can be remedied by deleting the reference to Public Resources Code Section 30519(b) and adding Public Resources Code Section 30624. (See page II-31 of Exhibit 2.)

Finally, the County's proposal to modify its existing "Substantial Conformity provisions (Section 35-171.11) raises issues regarding statutorily protected appeal rights of appealable projects in the Coastal Zone which are analogous to those raised by the proposal regarding Minor Changes to locally issued Coastal Development Permits.

The proposal to expressly prohibit appeals to the Commission of changes to previously approved Coastal Development Permits is inconsistent with the Requirements of PRC Section 30603 and the Commission's related Administrative Regulations (Sections 13311 through 13327). This inconsistency can be remedied by modifying Section 35-174.10, to delete the last two sentences of Sub-section 1 which precludes the appeal of a substantial conformity determination to allow a change to an approved or issued Coastal Development Permit for projects located in an appealable area. (See page II-39 of Exhibit 2.)

This modification would not prevent the Planning Director from allowing minor changes to previously approved Coastal Development Permits consistent with the permit waiver provisions of the County's certified Local Coastal Program, and would not effect the appealability of previously issued Coastal Development Permits (most of which are not subject to appeals to the Commission because of either the location or the nature of the development). Minor changes to previously approved Coastal Development Permits, however, would have to be noticed to the Commission pursuant to Public Resources Codes Section 30603 to effectuate the Commission's appeal process.

With the incorporation of the suggested modifications noted above, the Commission finds that the proposed Implementation Plan amendment is consistent with and adequate to carry out the provision of the certified LCP Land Use Plan, and with the applicable statutory requirements and related Administrative Regulations of the California Coastal Act.

IV. LCP/CEQA

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program. The Commission originally certified the County's Local Program Land Use Plan and Zoning Ordinance in 1981 and 1982 respectively.

The Coastal Commission's Local Coastal Program process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging alternatives and the consideration of mitigation measures to lessen significant environmental impacts to a level of insignificance. As discussed in the findings above, the proposed amendment, if modified as suggested, would adequately address the Coastal Development Permit appeal and emergency Coastal Development Permit requirements of the

California Coastal Act and related Administrative Regulations, and therefore have no significant impacts within in the meaning of the California Environmental Quality Act.

The amendment is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

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EXHIBIT NO. 1
APPLICATION NO.
LCP Amend 1-96
Santa Barbara Co.

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA pp 1-4

IN THE MATTER OF APPROVING AMENDMENTS)
TO THE SANTA BARBARA COUNTY)
LOCAL COASTAL PROGRAM TO AMEND) RESOLUTION NO.: 96-248
THE COASTAL ZONE ORDINANCE, ARTICLE II) CASE NO.: 95-OA-12
OF CHAPTER 35 OF THE SANTA BARBARA)
COUNTY CODE TO CLARIFY, REVISE AND)
STREAMLINE THE DEVELOPMENT PERMIT)
PROCESS IN THE PLANNING)
AND DEVELOPMENT DEPARTMENT; AND)
))
SUBMITTING THE AMENDMENTS TO THE)
VARIOUS TEXTS OF THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM TO THE)
COASTAL COMMISSION)
))
_____)

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. It being deemed 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, the Board of Supervisors has amended the Local Coastal Program as specified below:

95-OA-12: Amend Article II of Chapter 35 of the Santa Barbara County Code. as follows:

Section 35-58, Definitions: Add new definitions of Seismic Retrofit and Decision Maker.
Section 35-98, D-Design Control Overlay District: Add Zoning Administrator to list of decision-makers on modifications. **Section 35-106, Recalculation of Parking Spaces**

Upon Change of Use: Add Zoning Administrator to list of decision-makers on modifications. **Section 35-107, Required Number of Spaces: General:** Add new section to allow modifications to parking requirements. **Section 35-118.1, Conformance to Regulations:** Add language to allow modifications to area conformance restrictions. **Section 35-125, General Setback Regulations:** Allow projections into side yard setback an additional six inches. **Section 35-144B, Applications That are Within the Jurisdiction of More than One Final Decision Maker:** Clarify who the decision maker would be in cases where there is more than one decision maker. **Section 35-160, Purpose and Intent:** Clarify language regarding nonconforming structures. **Section 35-161, Nonconforming Use of Land, Buildings, and Structures:** Allow seismic retrofitting for nonconforming structures as long as the building or structure is not enlarged or extended; add language to clarify reconstruction requirements for nonconforming buildings, structures, or other development if damaged or destroyed; add language to allow minor improvements to buildings or structures dedicated to a nonconforming industrial use as long as a Limited Exceptions Determination has been made which requires documentation that the project will result in a public health and safety or environmental benefit; add language to clarify parking standards and requirements for nonconforming uses. **Section 35-162, Alteration, Repair, and Enlargement of Buildings and Structures:** Retitle section to read Nonconforming Buildings and Structures; add language to allow seismic retrofits to nonconforming buildings or structures; revise and add language to clarify standards for restoration or reconstruction of such nonconforming structures which are damaged. **Section 35-163, Restoration of Damaged Buildings and Structures:** Retitle section to read Construction in Progress; delete existing language and add new language to clarify that changes to the zoning ordinance shall not require a change in the plans for projects which have begun construction. **Section 35-169, Coastal Development Permits:** Add language to provide public hearing opportunities for certain projects; increase the maximum aggregate value of structures exempt from Coastal Development Permits to \$2,000.00; add language to exempt seismic retrofits from Coastal Development Permits; add language to exempt the replacement of damaged or destroyed structures from Coastal Development Permits; collapse the Special Use Permit process into the Coastal Development Permit process; add language to waive public hearings for projects located within the Geographical Appeals jurisdiction where there is no public interest; add language to require posting of notice for Coastal Development Permits; add language to extend the life of a Coastal Development Permit from one year to two years; add language to allow minor changes to Coastal Development Permits. **Section 35-170, Special Use Permits:** Delete this Section. **Section 35-171, Emergency Permits:** Add language to clarify procedures for emergency permits. **Section 35-172, Conditional Use Permits:** Add language to clarify decision-maker jurisdiction; add language to clarify that Substantial Conformity Determinations made by the Director are final and not appealable; add language to allow for Conditions, Restrictions and Modifications. **Section 35-174, Development Plans:** Add language to clarify procedures; add language to clarify time limits and extensions for Development Plans; add language to clarify that Substantial Conformity Determinations made by the Director are final and not appealable. **Section 35-175, Specific Plans:** Amend language to clarify procedures. **Section 35-176, Oil and Gas Exploration and Production Plans:** Clarify the certification process for environmental documents. **Section 35-179, Modifications:** Add new Section to allow for the modification of zone district

requirements. **Section 35-180, Amendments to the Certified Local Coastal Program:** Add language to clarify procedures and add rezone findings from Article III. **Section 35-181, Noticing:** Clarify noticing procedures; require posting of notices for Coastal Development Permits. **Section 35-182, Appeals:** Add language to clarify the appeal process; establish new procedures for Board of Architectural Review appeals. **Section 35-191, Summerland-SUM:** Add language to clarify that remodels and additions to single family residences are subject to Floor Area Ratio restrictions. **Section 35-214, Restoration of Damaged Nonconforming Building and Structures:** Clarify procedures for the replacement of damaged or destroyed nonconforming structures.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 and 65854 of the Government Code, and the Planning Commission has sent its written recommendations to the Board by its Resolution No. 96-3 pursuant to Section 65354 and 65855 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date, and are attached as Exhibit 2 (95-OA-012) to the Board of Supervisors agenda letter dated May 9, 1996, and incorporated as though fully set forth herein.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Santa Barbara County Coastal Plan and Coastal Zoning Ordinance text.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board submits these Local Coastal Plan amendments to the California Coastal Commission for review and certification.

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 18th day of June, 1996, by the following vote:

AYES: Supervisors Schwartz, Graffy, Wallace, Staffel, Urbanske

NOES: None

ABSENT: None


Chair of the Board of Supervisors
County of Santa Barbara

ATTEST:

Kent M. Taylor
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

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ORDINANCE NO. 4227

EXHIBIT NO.	2
APPLICATION NO.	
LCP Amend	1-96
Santa Barbara Co.	

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AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 2 DEFINITIONS; DIVISIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CASE NO. 95-OA-12

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

SECTION 1:

Section 35-58., Definitions, DIVISION 2, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add new definitions for Seismic Retrofit and Decision-Maker, to read as follows:

"SEISMIC RETROFIT: An alteration to the structural elements of a building or structure specifically and exclusively for the purposes of resisting earthquake forces. Seismic retrofit alterations exempt from Coastal Development Permits (Sec. 35-169.14.) are limited to: the addition of foundation bolts, hold-downs, lateral bracing at cripple walls, and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.
DECISION-MAKER: The designated official or official body having jurisdiction for a project under the authority of this Article."

SECTION 2:

Section 35-98., D-Design Control Overlay District, DIVISION 5, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-98.4., Setbacks, Height Limits and Other District Requirements, to read as follows:

"Sec. 35-98.4. Setbacks, Height Limit, and other District Requirements.

As provided in the base zone district, except that when the base zone permits modifications of such requirements by the Director, Zoning Administrator, or Planning Commission, the Board of Architectural Review may recommend such modifications of setbacks, height limits, and other requirements to protect visual resources."

SECTION 3:

Section 35-106., Recalculation of Parking Spaces Upon Change of Use, DIVISION 6, Parking Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended, to read as follows:

"Sec. 35-106. Recalculation of Parking Spaces Upon Change of Use.

Upon the change of any use, the number of parking spaces to be provided shall be calculated according to the requirements of this DIVISION for the new use. Any previous parking modifications granted by the Planning Commission, Zoning

Administrator, or the Director shall be null and void."

SECTION 4:

Section 35-107., Required Number of Spaces: General, DIVISION 6, Parking Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add subsection 7., to read as follows:

"7. Modifications to the parking requirements may be granted pursuant to Sec. 35-142.7. (Attached Second Residential Units.), Sec. 35-142A.6. (Detached Second Residential Units.), Sec.35-144C.4. (Density Bonus for Affordable Housing Projects.), Sec. 35-172.12. (Conditional Use Permits), Sec. 35-174.8. (Development Plans), or Sec. 35-179. (Modifications)."

SECTION 5:

Section 35-118.1., Conformance to Regulations, DIVISION 7, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsection 3., to read as follows:

"3. Area Conformance Restrictions. No building or structure shall be hereafter erected, nor shall any existing building or structure be moved, reconstructed, altered, enlarged or maintained, except in conformity with the area regulations of the zone in which it is located and any specific yard setback regulations and lot coverage limitations that may apply, unless a Variance or Modification has been granted and is in effect which authorizes such construction."

SECTION 6:

Section 35-125., General Setback Regulations, DIVISION 7, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsection 5., to read as follows:

"5. Every part of a setback, except for mobile home site setbacks subject to provisions of Sec. 35-91.(MHP), shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and except for the ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, and ornamental features, but in no case shall such projections exceed three (3) feet. However, handrails on outdoor stairways may extend into the setback an additional six (6) inches."

SECTION 7:

Section 35-144B., Applications That are Within the Jurisdiction of More than One Final

Decision-Maker, DIVISION 7, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

"Sec. 35-144B. Applications That are Within the Jurisdiction of More than One Final Decision Maker.

When two or more applications are submitted that relate to the same development project and the individual applications are would be under the separate jurisdiction of the ~~Director and/or Zoning Administrator and Planning Commission, all of the applications shall be submitted to the Planning Commission. If the individual applications are under the separate jurisdiction of the Director and the Zoning Administrator, all applications shall be submitted to the Zoning Administrator.~~ more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:

1. Board of Supervisors ...
2. Planning Commission
3. Zoning Administrator
4. Director ...

If the Board of Supervisors is the decision-maker on a project, due to a companion discretionary application(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project."

SECTION 8:

Section 35-160., Purpose and Intent, DIVISION 10, Nonconforming Structures and Uses, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend read as follows:

"Sec. 35-160. Purpose and Intent.

Within the districts established by this Article, or amendments that may later be adopted, there exists lots, structures, and uses of land and structures, which were lawful prior to the adoption, revision, or amendment of this Article, or previously adopted County zoning ordinances, before this Article was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Article or future amendments. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this

Article, subject to only very limited exceptions as specified, to prevent nonconforming uses and structures from being that noneonformities shall not be enlarged upon, expanded or extended, nor being used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 2:

Section 35-161., Nonconforming Use of Land, Buildings, and Structures, DIVISION 10, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-161.1., Structural Change, to amend Section 35-161.2., Extension or Expansion; to add Section 5., Damage, and renumber subsequent section; to add new Section 35-161.7., Limited Exception for Certain Nonconforming Industrial Uses; and to add new Section 35-161.8., Parking, as follows:

- "1. Structural Change. Except as otherwise provided in this Article including seismic retrofitting as defined in Section 35-58 and in accordance with Section 35-169.2.13. no existing building or structure devoted to a nonconforming use under this Article shall be enlarged, extended, reconstructed, moved, or structurally altered unless such use is changed to a use permitted in the district in which it is located. No building or structure accessory to a nonconforming use under this Article shall be erected, enlarged, or extended unless such building or structure is also accessory to a conforming use."
- "2. Extension or Expansion. A nonconforming use may be extended throughout an existing building provided no structural alterations except those required by law or ordinance (i.e., building code regulations) are made therein. No nonconforming use shall be extended to occupy any land outside such building. No existing nonconforming use of land outside buildings, or involving no buildings, shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not occupied by such nonconforming use at such time.
3. Change of Use. A nonconforming use may only be changed to a conforming use.
4. Discontinuance. If a nonconforming use is abandoned, any future use shall comply with the provisions of the district in which the use is located. Proof of discontinuation of a nonconforming use for twelve (12) consecutive months shall be prima facie evidence that the nonconforming use has been abandoned.

5. Damage. The purpose of this Section is to identify the standards for allowing the continuation of a nonconforming use in a building, structure, or other development that is damaged or destroyed by fire, flood, earthquake or other natural disaster.

a. Non-Residential Uses

- 1) Where buildings, structures, or other development dedicated to a non-residential nonconforming use are damaged by fire, flood, earthquake, or other natural disaster to an extent of seventy-five (75) percent or more of replacement cost at the time of damage, as determined by the Planning and Development Department, the nonconforming use shall be discontinued and the damaged building, structure, or other development thereafter used in accordance with regulations of the district in which it is located unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the building, structure, or other development should restoration of the nonconforming use be denied.
- 2) Where damage caused by fire, flood, earthquake, or other natural disaster is to an extent of less than seventy-five (75) percent at the time of damage, such building, structure, or other developments may be restored to the same or lesser size and in the same general footprint location, provided however that restoration shall commence within twenty-four (24) months of the time of damage and be diligently carried to completion, and the nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

- b. Residential Uses. Where buildings or structures dedicated to nonconforming residential dwelling uses (i.e., single and multi-family units, second residential units, residential uses in the SR-M or SR-H Zone District), except in industrial zones, are damaged or destroyed by fire, flood, earthquake, or other natural disaster, such structures may be reconstructed to the same or lesser size and in the same general footprint location provided that reconstruction shall commence within twenty-four

(24) months of the time of damage and be diligently carried to completion. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms). If the building or structure dedicated to a nonconforming residential dwelling use is located in an industrial zone the damage standards of Section 35-161.5.a. shall apply.

c. The restoration or reconstruction of a building, structure, or other development dedicated to a nonconforming use that is damaged or destroyed by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Article only if the building, structure, or other development complies with the provisions of this Section and if the building, structure, or other development conforms to the specifications documented to exist prior to the damage or destruction as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored or replaced structure, shall be subject to the provisions of Section 35-184., Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building, structure, or other development is proposed to be altered from the original specifications, as determined by the Planning and Development Department, the restoration or reconstruction shall be subject to all applicable permit requirements of this Article.

65. **Limited Exception for Certain Nonconforming Residential Uses.** Notwithstanding the foregoing, the County finds that a need exists to conserve, preserve, and rehabilitate certain existing nonconforming residential units despite the fact that such units do not conform to all current terms of this Article. Therefore, existing buildings devoted to a legal nonconforming residential use may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:

- a. The site is within a zone district which allows residential use as a permitted use requiring only a Coastal Development Permit.
- b. On any legal lot, only one existing building devoted to a legal nonconforming residential use may be enlarged, extended, reconstructed, moved, and or structurally altered.
- c. No enlargements shall result in a total gross floor area devoted to a nonconforming use over 1200 square feet and no enlargements shall be allowed to any building which has a current legal nonconforming residential gross floor area of 1200 or more square feet.
- d. No new construction, reconstruction, or relocation shall exceed the building height of, or protrude higher than the highest point of, the existing building used for a legal nonconforming residential use.
- e. The building or structure used for a legal nonconforming residential use shall comply with all currently applicable building, electrical, plumbing, fire and mechanical codes, and shall not compromise the adequate performance of any existing water system or liquid waste disposal (septic) system, as determined to the satisfaction of the County Environmental Health Department.
- f. Any structural enlargement or relocation shall comply with all setback, height, lot coverage, parking, and other requirements of the zone district in which such structure is located.

7. Limited Exception Determinations for Certain Nonconforming Industrial Uses.
Notwithstanding the foregoing, the County finds that the need may exist to improve the safety or reduce the environmental effects of certain nonconforming industrial uses by allowing minor changes that could result in minor enlargements, extensions, expansions or structural alterations (e.g., installation of emergency back-up generator for fire protection equipment, modifications to emergency shutdown system) to buildings or structures dedicated to such nonconforming uses, despite the fact that they do not conform to all current provisions of this Article. Therefore, an improvement comprising minor enlargements, extensions, expansions or structural alterations of a building or structure dedicated to an industrial, public works or energy-related nonconforming use may be allowed, subject to the

following process and findings:

a. Process

- 1) No permits shall be issued for development, including grading, unless and until a Limited Exception Determination by the Planning Commission is first granted for the proposed improvement. Where no discretionary permit has previously been issued for the existing nonconforming industrial use, appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted. Where a discretionary permit has been previously issued, changes to that permit may be made pursuant to the provisions of this Article and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted. The Limited Exception Determination is appealable to the Board of Supervisors pursuant to Sec. 35-182.3.
- 2) Unless otherwise specifically waived by the Planning and Development Director, ten (10) copies of the following information shall be submitted:
 - a. description of project objectives;
 - b. project description, including construction requirements (schedule, equipment, labor, parking), physical changes to existing facilities, and any changes to facility operations or ancillary operations (truck trips, hazardous materials storage, etc.) as a result of the improvement;
 - c. map showing contiguous properties, including Assessor Parcel Numbers and property owners' names;
 - d. site plan to scale showing all existing and proposed facilities on the site. The new components, modifications to existing equipment, and any components to be removed shall be highlighted;
 - e. design specifications for any new components;
 - f. estimated expenditures for the improvement, including materials, labor, and equipment;

- g. photographs of the site showing the area where the improvement is proposed;
 - h. identification of any increase in utility use or demand as a result of the improvement (water, electricity, natural gas);
 - i. written justification and such data report(s) and documentation that demonstrate and verify the improvement's public health and safety benefit or environmental benefit. In all cases, the burden of proof shall be on the applicant to provide evidence verifying the public health and safety or environmental benefit.
 - i. Any other supplemental data or information requested by the Planning and Development Department.
- 3) The Planning and Development Department shall distribute the material to the appropriate County Departments for a 30-day application completeness review.
 - 4) Upon determination of application completeness, the Planning and Development Department shall conduct an assessment of the public health and safety and/or environmental benefits of the application and shall conduct environmental review. Information from such benefit assessment or the environmental review shall be included for use to support the Planning Commission's action on a Limited Exception Determination.
- b. Limited Exception Determination Findings. A Limited Exception Determination for an improvement that results in the minor enlargement, extension, expansion or structural alteration to a building or structure dedicated to an industrial, public works, or energy-related nonconforming use may be granted provided that the following findings are made by the Planning Commission at a noticed public hearing:
- 1) The improvement has a demonstrable public health and safety, or environmental benefit (e.g., would reduce the risk of a hazardous material spill or reduce air emissions).
 - 2) The improvement does not result in any new un-mitigated

significant environmental impacts.

- 3) The improvement does not result in an increase in the overall intensity of use beyond the existing permitted use (e.g., output/throughput per day) or, for facilities where no permits exist, would not increase the overall intensity of use beyond the current operating limits.
 - 4) The improvement does not extend or expand the existing developed industrial site boundary within a parcel.
 - 5) The improvement does not result in an expansion or extension of life of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use, or from increased access to a resource, or from an opportunity to increase recovery of an existing resource. Any extension in the life of the nonconforming use affected by the improvement results solely from improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing an environmental benefit.
 - 6) The improvement does not allow for processing of "new production" as defined Section 35-154.
 - 7) If prior Limited Exception Determinations have been made for the same nonconforming use under this section, the successive Limited Exception Determinations cumulatively provide a public health and safety or environmental benefit.
8. Parking. If a use is nonconforming with existing parking standards, the building or structure devoted to such use may be altered but the use may not be intensified, extended, or expanded in a manner that would increase the required number of parking spaces pursuant to Division 6, Parking, unless a) the use is brought into conformance with the requirements of Division 6, Parking, or b) a modification to the parking requirements has been approved."

SECTION 10:

Amend Section 35-162., Alteration, Repair and Enlargement of Buildings and Structures,

DIVISION 10, or Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to retitle the Section and replace the existing text to read as follows:

**"Sec.35-162. Alteration, Repair and Enlargement of Buildings and Structures.
Nonconforming Buildings and Structures.**

~~Except as provided in the above hereof, no building or structure designed, arranged, intended for or devoted to a nonconforming use under this Article shall be enlarged, extended, moved, reconstructed, or structurally altered unless such use is changed to a use permitted under this Article in the district in which said building or structure is located. No building or structure accessory to a nonconforming use under this Article shall be erected, enlarged or extended unless such building or structure is also accessory to a conforming use.~~

~~If a building or structure is conforming as to the use but nonconforming as to yards or height, said building or structure may be enlarged, extended, moved or structurally altered provided that any addition or enlargement complies with the yard and height requirements of the district in which such building or structure is located, provided, further, that no living quarters may be extended into an accessory building located in the front, side or rear yards by such addition or enlargement.~~

If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations.

1. Structural Change, Extension, or Expansion. A nonconforming building or structure may be enlarged, extended, moved, or structurally altered provided that any such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of this Article. Seismic retrofits, as defined in Section 35-58 and pursuant to Section 35.169.2.13., are permitted throughout the conforming and nonconforming portions of the structure or building. No living quarters may be extended into an accessory building located in the required front, side, or rear yards by such addition or enlargement.
2. Damage. The purpose of this section is to identify the standards for allowing the restoration or reconstruction of a nonconforming structure that is damaged by fire.

flood, earthquake or other natural disaster.

- a. Except for single family residential buildings or structures, where a nonconforming building or structure is damaged by fire, flood, earthquake, or other natural disaster to an extent of seventy-five (75) percent or more of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may not be reconstructed unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the structure should reconstruction of the nonconforming structure be denied.
- b. Where damage to a nonconforming, non-single family residential building or structure is to an extent of less than seventy-five (75) percent of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may be restored to the same or lesser size in the same general footprint location.
- c. If a nonconforming single family residential building or structure is damaged or destroyed by fire, flood, earthquake, or other natural disaster, such building or structure may be reconstructed to the same or lesser size in the same general footprint location.
- d. Notwithstanding the above, additional provisions, identified in Section 35-214 of Division 15 (Montecito Community Plan Overlay District), exist for parcels identified within the MON Overlay zone which, in the case of conflict, shall take precedence over this Section.
- e. The restoration permitted above shall commence within twenty-four (24) months of the time of damage and be diligently carried to completion. If the restoration of such building or structure does not commence within twenty-four (24) months it shall not be restored except in conformity with the applicable zone district regulations and other provisions of this Article.
- f. The restoration of a nonconforming building or structure that is damaged by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Article only if the building or structure complies with the provisions of this Article and if the building or structure

conforms to the specifications documented to exist prior to the damage as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored structure shall be subject to the provisions of Section 35-184, Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building or structure is proposed to be altered from the original specifications, the restoration shall be subject to all applicable permit requirements of this Article.

SECTION 11:

Amend Section 35-163., Restoration of Damaged Buildings and Structures, DIVISION 10, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to retitle Section 35-163 and replace the existing text to read as follows:

"Sec. 35-163. Restoration of Damaged Buildings and Structures Construction in Progress.

~~1. If a nonconforming building or structure, or a building or structure involved in a nonconforming use, is damaged by fire, flood, earthquake, or other natural disaster to an extent of not more than seventy-five (75) percent of the replacement cost at the time of damage, as determined by the Planning and Development Department, such building or structure may be reconstructed to the same or lesser size on the same site provided such reconstruction shall commence within twelve (12) months of the time of damage and be diligently carried to completion. Where such nonconforming building or structure is damaged to an extent greater than seventy-five (75) percent of the replacement cost it may not be restored except in full conformity with the regulations of this Article, unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the building or structure should restoration of the nonconforming building or structure be denied.~~

~~2. Where the reconstruction permitted in 1. above, does not commence within the specified twelve (12) months, such building or structure shall not be reconstructed except in full conformity with the regulations of this Article.~~

~~3. Notwithstanding anything to the contrary above, a nonconforming building or structure used primarily for residential purposes, having been legally permitted in its original construction and any subsequent modifications, and located in the SR M or SR H Zone, and which is damaged or destroyed by fire, flood, earthquake, or other natural disaster to an extent exceeding seventy-five (75) percent of its replacement cost at the time of damage or destruction, as determined by the Planning and Development Department, may be restored or rebuilt and its lawful residential occupancy and use may be continued or resumed provided that all of the following conditions are met:~~

- ~~a. The amount of inside space (square footage) shall be not greater than the amount which existed prior to the damage or destruction;~~
- ~~b. The number of dwellings and bedrooms shall be not greater than the number which existed prior to the damage or destruction;~~
- ~~c. Setbacks shall be not less than those which existed prior to the damage or destruction;~~
- ~~d. Parking shall be not less than that which existed prior to the damage or destruction, and the currently adopted parking requirements of the applicable SR M or SR H Zone shall be met to the maximum feasible extent;~~
- ~~e. All necessary permits, including design review, shall be obtained pursuant to currently applicable regulations.~~

~~4. Notwithstanding the above, additional provisions, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone.~~

To avoid undue hardship, nothing in this DIVISION shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or any amendment of this Article rendering the building or structure or its use nonconforming and upon which actual construction has been carried out diligently. Actual construction is hereby defined as the placing of construction material in permanent position and fastened in a permanent manner."

SECTION 12:

Section 35-169., Coastal Development Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.1., Purpose and Intent; to amend the first paragraph, subsections 3., 4., 5., 7., 9. and 10., and to add new subsections 13. and 14. under Section 35-169.2., Applicability; to delete existing Section 35-169.3., Preapplication Conference; to renumber the Section, amend subsection 1. and add new subsections 2. and 3. under existing Section 35-169.4, Contents of Application; to renumber the Section, amend subsection 1., add new subsections 2. and 3., renumber and amend existing subsections 3., 4., 5., and 6., and add new subsections 9. and 10. under existing Section 35-169.5., Processing; to add a new Section 35-169.5, Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project; to amend subsection 1. and add a new subsection 2. under Section 35-169.6., Findings Required for Approval of a Coastal Development Permit; to amend Section 35-169.7., Expiration; to amend Section 35-169.8, Coastal Commission Changes to the County Action on Coastal Development Permit; to amend Section 35-169.9., Revocation; to add a new Section 35-169.11., Waiver of Public Hearing Requirement, and to add a new Section 35-169.12, Minor Changes to Coastal Development Permits; as follows:

12.1. Amend Section 35-169.1., Purpose and Intent, to read:

"Sec. 35-169.1. Purpose and Intent.

This Section establishes procedures and findings for the issuance of and effective time periods for Coastal Development Permits in the Coastal Zone. The intent of this Section is to enable the Planning and Development Department to ensure that development proposals are in conformity with the provisions of this Article and the Comprehensive Plan, including the Coastal Land Use Plan and to provide public hearing opportunities for certain projects either located within a Geographic Appeals area or constituting a Major Public Works project."

12.2. Amend Section 35-169.2., Applicability, amending the first paragraph, subsections 3., 4., 5., 7., 9., 10., and adding new subsections 13. and 14, to read:

"Sec. 35-169.2. Applicability.

Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be required issued, unless other regulations of this Article specifically indicate that such activity is exempt.

~~for all development within the Coastal Zone, with the exception of the activities listed herein.~~ Activities which are exempt from the issuance of a Coastal Development Permit shall comply with applicable regulations of this Article including but not limited to use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property.

The following activities shall be exempt from the issuance of a Coastal Development Permit:

1. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities (see Sec. 35-169.10).
2. Except when a fence or wall obstructs public access to the beach, fences and walls of six feet or less and gate posts of eight (8) feet or less in height located within front yard setback areas. Fences and walls of eight (8) feet or less in height and gate posts of ten (10) feet or less in height located outside of front yard setback areas and not closer than twenty (20) feet to the right-of-way line of any street.
3. Installation of irrigation lines, not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.
4. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (see Sec. 35-169.10.9).
5. Buildings or structures having an aggregate value of less than \$2,000,001,000.00, as determined by the Planning and Development Department.
6. The addition of solar collection systems to existing buildings or structures.
7. Grading, excavation, or fill which does not require a Ggrading Ppermit pursuant to Chapter 14 of the Santa Barbara County Code.
8. Lot line adjustments not resulting in an increase in the number of lots.
9. Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (PRC Sec. 30519).
10. The following improvements and structures shall be exempt provided that the parcel on which they are located is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or not within or contiguous to an Environmentally Sensitive Habitat (ESH) area:

- a. Platforms, walks, and driveways which do not require a Grading Permit pursuant to Chapter 14 of the County Code and are not over thirty (30) inches above grade and not over any basement or story below.
 - b. Skylights, windows, and doors.
 - c. Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall.
 - d. Spas, hot tubs and fish ponds that do not exceed 120 sq. ft. of total development, including related equipment, or do not contain more than 2,000 gallons of water.
 - e. One-story detached accessory buildings used as tool and storage sheds, playhouses, gazebos, pergolas and similar uses, provided such buildings or structures do not exceed twelve (12) feet in height, the roof area does not exceed 120 square feet, and no plumbing or electrical work is required.
 - f. Retaining walls (retaining earth only) which are not over 4 feet in height measured from the bottom of the footing to the top of the wall and do not require a Grading Permit pursuant to Chapter 14 of the County Code.
 - g. Structures and related development required for temporary motion picture, television and theater stage sets and scenery, and still photographic sessions, provided that such development does not require alterations of the natural environment such as removal of vegetation, grading or earthwork.
 - h. In the RR, A-I, and A-II districts, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities.
 - i. Interior alterations that do not result in an increase in ~~the number of rooms~~ or the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
11. Propane tanks located in residential or agricultural zone districts.
 12. Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal.
 13. Seismic retrofits to existing structures. Seismic retrofits are limited to the addition

of foundation bolts, hold-downs, lateral bracing at cripple walls, and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

14. Pursuant to the intent of 30610 (g) of the Public Resources Code and this Article, the restorations or reconstruction of conforming buildings or structures, other than a public works facility, damaged or destroyed by a disaster, as determined by Planning and Development. For the purposes of this Section only, disaster shall be defined as any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners. The restored or replaced structure shall conform to all provisions of the zone district requirements (including permitted uses), shall be for the same use, shall be in the same footprint location, shall not exceed either the floor area, height, or bulk of the damaged or destroyed structure by more than ten (10) percent. For the purposes of this Section only, the definition of structure shall include landscaping and any erosion control structure or device; and bulk shall be defined as total interior cubic volume as measured from the exterior surface of the structure. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure, shall be subject to the provisions of Section 35-184, Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District)."

- 12.3. Delete existing Section 35-169.3., Preapplication Conference, to read:

~~"Sec. 35-169.3. Preapplication Conference.~~

~~A prospective applicant, or agent, may request a preapplication conference with the Coastal Planner prior to formal submittal of an application for a Coastal Development Permit. At such conference, the Coastal Planner shall acquaint the property owner with Local Coastal Program policies, plans and requirements as they apply to the property, suggest improvements to the proposed development based on review of a sketch plan provided by the property owner, and inform the owner of the steps necessary prior to formal action on the project. The sketch plan should be drawn approximately to scale and should contain, in a general manner, the information required by Sec. 35-169.4., for a site~~

~~plan. The Coastal Planner shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties."~~

12.4. Amend existing Section 35-169.4., Contents of Application, renumbering the Section, amending subsection 1., and adding new subsections 2. and 3., to read:

"Sec. 35-169.34- Contents of Application.

4. As many copies of an application as may be required shall be submitted to the Planning and Development Department. Said application shall include:

1. A site plan which shall indicates clearly and with full dimensions the following information, if applicable:

- a. North arrow and scale of drawing.
- b. Site address.
- c. Lot dimensions and boundaries.
- d. All proposed and existing buildings and structures and their locations, size, height, and proposed use.
- e. Distance from proposed structure(s) to property lines, centerline of the street or alley and other existing structures on the lot.
- f. Walls and fences: location, height and materials.
- g. Name and widths of streets (right-of-way) abutting the site.
- h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal-circulation pattern.
- i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
- j. Signs: location, size, height and method of illumination.
- k. Loading zones spaces: location, dimensions, number of spaces.
- l. Lighting: general nature, locations and hooding devices.
- m. Proposed street dedications and improvements.
- n. Landscaping, if required.
- o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
- p. For commercial and industrial projects indicate where applicable:
 - 1) Number of motel or hotel units.
 - 2) Seating capacity or square footage devoted to patrons.

- 3) Total number of employees.
- q. All easements.
2. Source of water supply including a can and will serve letter from a public or private water district.
3. Any other information that the Planning and Development Department may require."

12.5. Amend existing Section 35-169.5., Processing, renumbering the Section, amending subsection 1., renumbering and amending existing subsections 2., 3., 4., 5., and 6., and adding new subsections 9. and 10., to read:

"Sec. 35-169.4.5. Processing.

1. The Planning and Development Department shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan, this Article, and other applicable regulations. All applications for Coastal Development Permits shall be reviewed by the Coastal Planner. Applications for development within a Geographic Appeals Area may be subject to the requirements of Section 35-169.11., in addition to the provisions of this Section.
2. The application shall be deemed accepted unless the Coastal Planner Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5. (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) this time period shall instead be thirty (30) calendar days after the Planning and Development Department's acceptance of the application for processing.
3. The decision of the Planning and Development Department on the approval or denial of Coastal Development Permits, not subject to the additional requirements of Section 35-169.5. (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal as provided in Sec. 35-182. (Appeals).
- 4.3. A Coastal Development Permit shall not be issued until all other necessary prior

~~approvals, excepting building permits, have been obtained.~~

- ~~5.3.~~ In the case of a development which requires a public hearing and final action by the Planning Commission or Zoning Administrator, or final action by the Director, ~~any the subsequently required Coastal Development Permit shall not be approved or issued within the ten (10) calendar days following of the date that the Planning Commission, or Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in accordance with Sec. 35-182.3. (Appeals).~~
- ~~6.4.~~ In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the ten (10) working days following of the date of receipt by the Coastal Commission of the County's notice of final action at the Board of Supervisors took final action during which time an appeal may be filed in accordance with Sec. 35-182.4. (Appeals).
- ~~7.5.~~ If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, of such property and also to the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said resolution.
- ~~8.6.~~ In lands zoned H-MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- ~~2.~~ Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181. (Noticing) and 35-182. (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of

the Coastal Development Permit.

10. A Coastal Development Permit shall not be deemed effective prior to any applicable appeal period expiring, or if appealed, prior to final action by the decision-maker on the appeal, pursuant to Section 35-182. (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit."

12.6. Add a new Section 35-169.5., Special Processing for Coastal Development Permits within a Geographical Appeals Area of for a Major Public Works Project, to read:

"Sec. 35-169.5. Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.

A Coastal Development Permit application under the Permitted Uses section of any Zone-District for a) a project located in a Geographic Appeals Area (as shown on the County Appeals Map), or b) a Major Public Works project, where a public hearing is not otherwise required, shall be subject to the following requirements, in addition to those listed in Section 35-169.4. above:

1. After accepting the application for processing, the Planning and Development Department shall process the project through environmental review.
2. For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review.
3. The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing). The Zoning Administrator's action shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182. (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Sec. 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision-maker for the Coastal Development Permit.
4. A Coastal Development Permit approved pursuant to this Section shall not be considered to be in effect until a) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with, b) the

applicant has signed the Coastal Development Permit and c) the applicable appeals period has expired or if appealed, final action has been taken by the County on the appeal."

12.7. Amend Section 35-169.6., Findings Required for Approval of a Coastal Development Permit, amending subsection 1. and adding a new subsection 2., to read:

"Sec. 35-169.6. Findings Required for Approval of a Coastal Development Permit.

1. A Coastal Development Permit, not subject to Section 35-169. 5., above, shall be issued only if all of the following findings are made:

a.1. That the proposed development conforms to 1) the applicable policies and of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and the Comprehensive Plan and/or the project falls within the limited exception allowed under Section 35-161.7.

b.2. That the proposed development is located on a legally created lot, as determined by the County Surveyor.

c.3. That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees, as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under § 35-160 et seq...

2. A Coastal Development Permit, subject to Section 35-169.5., above, shall only be issued if all of the following findings are made:

a. Those findings specified in Section 35-169.6.1.

b. That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

c. That the development is compatible with the established physical scale of the area.

d. That the development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan."

12.8. Amend Section 35-169.7., Expiration, to read:

"Sec. 35-169.7. Expiration.

1. A Coastal Development Permit shall remain valid only as long as all provisions of this Article and the Permit are met.
2. A Coastal Development Permit shall expire two (2) one years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit, except that for "major public works and major energy facilities," the Coastal Development Permit shall expire two (2) years from the date of issuance.
3. Prior to the expiration of such one or two (2) year period, the Coastal Planner Director may extend such period one time for one additional year for good cause shown, provided that the findings for approval required pursuant to Section 35-169.6, as applicable, can still be made."

12.9. Amend Section 35-169.8., Coastal Commission Changes to the County Action on Coastal Development Permit, to read:

" Sec. 35-169.8 Coastal Commission Changes to the County Action on Coastal Development Permit.

Where an appeal has been filed with the Coastal Commission as provided for under Sec. 35-182.4. (Appeals) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit is final. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically amended to conform to the Coastal Commission's approved Coastal Development Permit for the project or automatically terminated to conform to the Coastal Commission's disapproval of the Coastal Development Permit.

If the County has disapproved the Coastal Development Permit and the Coastal Commission approved the permit, the applicant must reapply to the County for approval of the other required but previously denied project permits (i.e., Development Plan, C.U.P.) in order for the County to impose appropriate conditions. However, the County's action on said re-applications must be consistent with the approved Coastal Development Permit. In the case where the Coastal Commission has imposed appropriate conditions on the Coastal Development Permit as determined by the Subdivision/Development Review Committee, the Director may waive this reapplication requirement."

12.10. Amend Section 35-169.9., Revocation, to read:

"Sec. 35-169.9. Revocation.

Issuance of the Coastal Development Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all such conditions, the Director of Planning and Development may revoke this Permit and all authorization for development. Written notice of such Revocation shall be provided to the permittee. The decision of the Director to revoke the Coastal Development Permit may be appealed to the Planning Commission, as provided in Sec. 35-182."

12.11. Add a new Section 35-169.11., Waiver of Public Hearing Requirement, to read:

"Sec. 35-169.11. Waiver of Public Hearing Requirement.

1. For the purposes of this Section, "minor development" means a development which the Director determines satisfies all of the following requirements:
 - a. The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b. The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c. The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
2. The requirement for the public hearing for an application for a Coastal Development Permit pursuant to Section 35-169.5, may be waived for a "minor development" (as defined in Section 35-169.11) by the Planning and Development Department only if both of the following occur:
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
 - b. No written request for public hearing is received by the Planning and Development Department within fifteen (15) working days from the date of sending the notices pursuant to Section 35-169.11.2.a.

3. The notice provided pursuant to Section 35-169.11.2.a shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the California Coastal Commission.
4. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator Hearing agendas."

12.12. Add a new Section 35-169.12., Minor Changes to Coastal Development Permits, to read:

"Sec. 35-169.12. Minor Changes to Coastal Development Permits.

Minor changes to an approved or issued Coastal Development Permit shall be allowed provided that the changes substantially conform with the approved or issued permit. Such requests shall be processed as follows:

- 1.) The Planning and Development Department may approve a minor change (e.g., interior alterations to the structure) to an approved or issued Coastal Development Permit subject to all of the following:
 - a. The Department determines that the minor change conforms substantially with the approved plans and the originally approved or issued permit.
 - b. There is no change in the use or scope of the development.
 - c. The minor change does not result in a change to the Planning and Development Department's conclusions regarding the project's specific conformance to development standards and findings, and
 - d. The Coastal Development Permit has not expired.
 - e. The minor change is exempt from review by the Board of Architectural Review, pursuant to Section 35-184.3.
2. Where a minor change of an approved or issued Coastal Development Permit is approved, such permit shall have the same effective and expiration dates as the original Permit and no additional public notice shall be required.
3. The determination to allow a minor change to an approved or issued Coastal Development Permit shall be final and not appealable.

Where it cannot be determined that the minor change materially conforms to an approved or issued Coastal Development Permit, subject to the above criteria, a new Coastal

Development Permit shall be required."

SECTION 13:

Section 35-170., Special Use Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby deleted, as follows:

~~Sec. 35-170.1. Purpose and Intent:~~

~~Under the Coastal Act, developments of a certain type and in certain geographic locations are appealable to the Coastal Commission (see definition "Appealable Developments"). The purpose of this section is to require a public hearing for these developments that would not ordinarily require a public hearing under the applicable zoning district but are located in a geographic appeals area as shown on the official appeals maps or are major public works (see definition). The intent is to provide opportunities for the maximum amount of public participation in the review of such developments.~~

~~Sec. 35-170.2. Applicability:~~

~~The provisions of this section shall apply to all development which requires a Coastal Development Permit and are major public works or will be located in a geographic appeals area as shown on the County appeals map in any of the following zone districts where a public hearing is not otherwise required:-~~

- ~~1) R 1/E-1 5) RES 9) EX-1~~
- ~~2) AG-1 and AG-II 6) C-2~~
- ~~3) CH 7) C-3~~
- ~~4) RR 8) R-2~~

~~Prior to the issuance of a Coastal Development Permit for any development subject to the provisions of this section, a Special Use Permit shall be required.~~

~~Sec. 35-170.2. Contents of Application:~~

~~As many copies of a Special Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all of the submittal requirements for a Coastal Development Permit, Sec. 35-169.4.~~

~~Sec. 35-170.4. Processing:~~

- ~~1. After receipt of the application, the Planning and Development Department shall process the plan through environmental review.~~
- ~~2. For residential structures on lots adjacent to the sea, the application shall be referred~~

~~to the Board of Architectural Review.~~

- ~~3. After certification of the final environmental document, the Zoning Administrator shall hold at least one noticed public hearing on the requested Special Use Permit and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing). The Zoning Administrator's action shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182.3. (Appeals).~~

~~Sec. 35-170.5. Findings Required for Approval.~~

~~A Special Use Permit shall only be issued if all of the following findings are made:~~

- ~~1. The development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.~~
- ~~2. The development is compatible with the established physical scale of the area.~~
- ~~3. The development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan.~~
- ~~4. The development is in conformance with all other applicable policies in the Coastal Land Use Plan.~~
- ~~5. The development is in conformance with the applicable policies and provisions of this Article.~~

~~Sec. 35-170.6. Revocation.~~

~~If any of the conditions of the Special Use Permit are not complied with, the Board of Supervisors or Zoning Administrator, after written notice to the permittee and a noticed public hearing, may revoke the Special Use Permit and all authorization for development.~~

~~Sec. 35-170.7. Expiration.~~

~~A Special Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been granted a Coastal Development Permit. Prior to the expiration of such two year period, the Director may grant one extension of one year for good cause shown. Once the use, building or structure has been granted a Coastal Development permit, the Special Use Permit shall have the same expiration date as the issued Coastal Development Permit."~~

SECTION 14:

Section 35-171., Emergency Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-171.1., Purpose and Intent,

to amend Section 35-171.2., Applicability, to amend Section 35-171.4., Verification of Emergency, and to amend subsections 2., 3., and 4. under Section 35-171.5., Procedure for Granting Permit, as follows:

14.1. Amend Section. 35-171.1., Purpose and Intent, to read:.

"Sec. 35-171.1. Purpose and Intent.

The purpose of this section is to establish procedures for the issuance of Emergency Permits. The intent of this section is to alter the procedures for permit processing normal application process, and the permit regular permit and development plan requirements of this Article, in the case of an emergency."

14.2. Amend Section. 35-171.2., Applicability, to read:.

"Sec. 35-171.2. Applicability.

When emergency action by a person or public agency is warranted, the requirements of obtaining a Coastal Development Permit otherwise required by this Article may be temporarily deferred by the Director, and the Director may issue grant an Emergency Permit prior to a Coastal Development Permit or other required discretionary permit. ~~Director may designate a representative to act in the Director's capacity for the purpose of administering these Emergency Permit issuance procedures."~~

14.3. Amend Section. 35-171.3., Application Procedures, amending subsection 2.b), to read:

"b) The cause of the emergency, ~~insofar as this can be established;~~"

14.4. Amend Section. 35-171.4., Verification of Emergency, to read:.

"Sec. 35-171.4. Verification of Emergency.

The Director shall verify the facts, including the existence and nature of the emergency, ~~insofar as time allows, prior to issuing~~ granting the Emergency Permit."

14.5. Amend Section. 35-171.5., Procedure for Granting Permit, amending subsections 2., 3., and 4., to read:

"2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date, a the later requirement for a -regular subsequent Coastal Development Permit, and a requirement for any discretionary permit required by this Article and development plan submittal, and compliance with the California Environmental Quality Act, if the Director finds that:

a. An emergency exists and requires action more quickly than provided for by the procedures for ordinary permits processing, and the action will be completed

- within 30 days unless otherwise specified by the terms of the permit; and
- b. Public comment on the proposed emergency action has been reviewed ~~if time allows~~; and
 - c. The action proposed is consistent with the requirements of the ~~certified Local Coastal Land Use Plan~~ and Coastal Zoning Ordinance.
3. The issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for a ~~regular Coastal Development Permit and any discretionary permit required by this Article~~ shall be made no later than 90 days following the granting of an Emergency Permit; any materials required for a completed application shall be submitted within 180 days after the issuance of the emergency permit, unless this time period is extended by the Planning and Development Department.
 4. The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b)."

SECTION 15:

Section 35-172., Conditional Use Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to delete existing subsection 2. under Section 35-172.3., Jurisdiction; amend subsection 2. and delete existing subsection 6. under Section 35-172.7., Processing; to amend subsection 1. under Section 35-172.11, Substantial Conformity, Amendments, and Revisions, and to add a new Section 35-172.12. and renumber the subsequent section, as follows:

15.1. Amend Section 35-172.3., Jurisdiction, deleting existing subsection 2., to read:

~~"2. In no event shall an application be under the jurisdiction of both the Planning Commission and the Zoning Administrator. In the event that a portion of a project would need Planning Commission action, the total project shall be under the jurisdiction of the Planning Commission."~~

15.2. Amend Section 35-172.7., Processing, amending subsection 2. and deleting existing subsection 6., to read:

~~"2. After certification of the final environmental document,~~ The Planning and Development Department shall refer the Conditional Use Permit application to the Subdivision Committee for review and recommendation to the Planning Commission or Zoning Administrator.

3. The Planning Commission or Zoning Administrator will then consider the requested Conditional Use Permit at a noticed public hearing and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing).
4. The action of the Planning Commission or Zoning Administrator shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182.3. (Appeals). Under PRC § 30603, the issuance of a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission as provided in Sec. 35-182.4. (Appeals).
5. Conditional Use Permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
- ~~6. Any amendments to a Conditional Use Permit shall be processed in the same manner as specified for approval of the original Conditional Use Permit, except as provided for under Sec. 35-169.8."~~

15.3. Amend Section 35-172.11., Substantial Conformity, Amendments and Revisions, amending subsection 1. to read:

***1. Substantial Conformity:**

The Director may approve a minor change to an approved Conditional Use Permit, if the Director determines that the change is in substantial conformity with the approved permit, pursuant to the County's Substantial Conformity Guidelines. No public noticing or public hearing shall be required for Substantial Conformity Determinations. The action of the Director shall be final and not appealable. Prior to issuance of a Coastal Development Permit pursuant to the Substantial Conformity Determination, an additional finding must be made that the Coastal Development Permit substantially conforms to the previous Conditional Use Permit."

15.4. Add new Section 35-172.12., Conditions, Restrictions, and Modifications, and renumber subsequent sections, to read:

Sec. 35-172. Conditions, Restrictions, and Modifications

***1. At the time the Conditional Use Permit is approved, or subsequent Amendments or**

Revisions are approved, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications and is consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.

2. As a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article.
3. The Director, Zoning Administrator, Planning Commission or Board of Supervisors may require as a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the preservation of trees existing on the property.

Sec. 35-172.123. Additional Requirements.

In addition to the provisions set forth above, the following uses shall be subject to additional requirements as set forth below:

1. Master Television Antennae.

Any Conditional Use Permit granted by the Planning Commission for Master Television Antenna or Antennae shall become effective only upon approval by the Board of Supervisors. Any and all conditions reasonably related to the public health, safety, and welfare and not in conflict with general laws may be imposed on Conditional Use Permits granted as provided in this Article, including among other things regulation of height, general appearance, and location of guy wires, provided, however, that in all cases the following express conditions shall apply whether expressly set out in the Conditional Use Permit or not:

- a. No part of any Master Television Antenna or Antennae, nor the cables or lines or other appurtenances thereto shall be permitted to encroach into,

under, over, or upon, or cross under or over any public streets in the unincorporated territory of the County of Santa Barbara unless either a franchise or an encroachment permit shall first have been obtained from the County of Santa Barbara, and no such encroachment or crossing shall be permitted to be so maintained except pursuant to the terms of a valid existing franchise or encroachment permit from said County.

- b. Cables and lines and other appurtenances of Master Television Antenna or Antennae which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the unincorporated territory of said County pursuant to encroachment permits after first obtaining a Conditional Use Permit as provided herein. All such encroachment permits and all Conditional Use Permits granted hereunder shall automatically terminate and become null and void in the event any Master Television Antennae or any part thereof, or cables, lines, or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person, or entity organized or operating for profit-making purposes. This provision shall not be deemed to prevent the acquisition or operation of such Master Television Antennae or parts thereof as set out hereinabove, by any person or entity organized or operating for profit-making purposes, which shall first have obtained a valid franchise and a valid Conditional Use Permit as provided herein, for such purposes.
- c. Transmission of television and radio frequency modulation signals shall be by coaxial cable conforming to Federal Communications Commission standards to prohibit radiation interference, unless otherwise expressly permitted by the Board of Supervisors upon satisfactory evidence that no such radiation interference is likely to result.
- d. All Master Television Antennae Systems shall be so designed, constructed, and oriented as to be able to receive all local television and radio frequency modulation station signals which include the Master Television antennae system within their class "A" signal areas as the same are designated by the Federal Communications Commission.

2. Mortuaries, Crematories, and Funeral Homes.

Subject to the issuance of a Conditional Use Permit, mortuaries, crematories, and funeral homes may be permitted in the following locations:

- a. Within cemeteries operating under a valid use permit;
- b. On any parcel of land abutting such a cemetery; or
- c. On property zoned to permit multiple family dwellings where such property abuts upon or is directly across the street from property zoned for industrial purposes.

In all such locations, the Planning Commission shall impose conditions requiring that the architectural design of all buildings and structures be compatible with neighboring residential buildings, that signs are unobtrusive, that adequate off-street parking space is provided for funeral procession assembly areas.

3. Handicraft Industries.

A Conditional Use permit may be issued under the provisions of this section for the manufacture in C-2 and C-3 Districts of handicraft items, jewelry, notions, and other items on a small scale, and involving no effects on surrounding property which would constitute a greater nuisance than those created by other uses permitted in the district in which such manufacture is allowed.

A Conditional Use Permit for such use may only be issued subject to the provisions of this section and to the following conditions and to any further conditions which are necessary to protect the public peace, health, safety, and general welfare, to maintain property values in the neighborhood, and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection, and neighborhood character:

- a. All manufacturing activities shall be conducted within a completely enclosed building having a total floor area which is not to exceed 2,500 square feet.
- b. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence or wall approved by the Zoning Administrator.
- c. No fumes, noxious gases, objectionable odors, heat, glare, or radiation generated by or resulting from such use shall be detectable at any point along the boundary of the property upon which the use is located.
- d. The use shall create no objectionable noise or vibration.

- e. No smoke or dust shall be created except from the heating of buildings.
- f. Not more than five persons shall be employed on the premises in connection with such use.

4. Seawalls and Shoreline Structures.

- a. Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible, natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.
- b. Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

5. Electrical Transmission Lines.

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.
- b. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

6. Drive-Through Facilities.

In considering an application for such a Conditional Use Permit, the findings in Sec. 35-172.8., shall not be used and the permit shall be granted only if the drive-through facility is found to have no greater adverse impact upon air quality than the same use without the drive-through facility.

7. Sale of agricultural products grown on the premises.

- a. This use shall not be permitted in the EX-1 Zoning District.
- b. The premises shall consist of two (2) or more contiguous acres.
- c. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed two hundred (200) square feet of sales and storage Added 1/86 area except that if the premises consist of five (5) or more contiguous acres, such building shall not exceed six hundred (600) square feet. The building or structure shall be located no closer than 20 feet to the right-of-way line of any street; this requirement shall apply in lieu of any other setback requirements of the zone district or the sign regulations. Only one (1) stand shall be allowed on the premises.
- d. New structures shall be approved by the County Board of Architectural Review.
- e. A building permit shall be obtained, if required by the Division of Building and Safety.
- f. Signs advertising the sale of agricultural products shall conform to Section 35-16.2 of article I of Chapter 35 of the Santa Barbara County Code.
- g. A minimum of two (2) permanently maintained onsite parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.
- h. Prior to the issuance of a Coastal Development Permit, a permit for the sale of agricultural products shall be obtained from the Department of Health Care Services pursuant to Title 17, California Administrative Code Section 13653."

SECTION 16:

Section 35-174., Development Plans, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsection 3. under Section 35-174.4, Processing of Preliminary Development Plan; to amend subsection 1 under Section 35-174.7,

Findings Required for Approval; to amend subsections 1., 2., and 3. under Section 35-174.9, Time Limit, and to amend subsection 1. under Section 35-174.10, Substantial Conformity, Amendments and Revisions as follows:

16.1. Amend Section 35-174.4., Processing of Preliminary Development Plan, amending subsection 3., to read:

"3. ~~After certification of the final environmental document~~ The Planning and Development Department shall refer the Preliminary Development Plan to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the Planning Commission, Zoning Administrator or the Director."

16.2. Amend Section 35-174.7., Findings Required for Approval, amending subsection 1.f. to read:

"f. That the Project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and the Comprehensive Plan and/or the project falls with the limited exception allowed under Section 35-161.7."

16.3. Amend Section 35-174.9., Time Limit, amending subsections 1., 2., and 3., to read:

- "1. A Preliminary Development Plan shall expire two (2) years after its approval, except that, for good cause shown, it may be extended for one year from the date the extension is granted by the Director, Zoning Administrator, or Planning Commission. The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.
2. Except as provided in Sec. 35-174.9:3. below, Final Development Plans shall expire five (5) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of for one year. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the

Final Development Plan must be received prior to the expiration of such Plan.

3. In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Coastal Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire ten (10) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension for of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan."

16.4. Amend Section 35-174.10., Substantial Conformity, Amendments, and Revisions, amending subsection 1., to read:

"1. Substantial Conformity:

The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines. No public noticing or public hearing shall be required for Substantial Conformity Determinations. The action of the Director shall be final, and not appealable. Prior to issuance of a Coastal Development Permit, pursuant to the Substantial Conformity Determination, an additional finding must be made that the Coastal Development Permit substantially conforms to the previous Final Development Plan."

SECTION 17:

Section 35-175., Specific Plans, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsection 2. under Section 35-175.4., Processing, to read as follows:

- ~~"2. After certification of the final environmental document,~~ **"2. The Planning and Development Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission."**

SECTION 18:

Section 35-176., Oil and Gas Exploration and Production Plans, DIVISION 11., of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsection 2.

under Section 35-176.4., Processing of Exploration Plan, to read as follows:

- "2. ~~After certification of the final environmental document,~~ The Planning and Development Department shall refer the Exploration Plan to the Subdivision/Development Review Committee for review and said Subdivision Committee shall consider the plan and make their recommendations to the Planning Commission."

SECTION 19:

DIVISION 11, Permit Procedures, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended, to add a new Section 35-179., Modifications, to read as follows:

"Sec. 35-179. Modifications.

Sec. 35-179.1 Purpose and Intent.

The purpose and intent of this Section is to allow minor modifications of District setback regulations, parking, height requirements or zoning development standards where, because of practical difficulties, integrity of design, topography, tree or habitat protection or other similar site conditions, minor adjustments to such regulations, requirements, or standards would result in better design, resource protection and land use planning.

Sec. 179.2. Applicability.

1. The provisions of this Section shall apply to specific development proposals allowed pursuant to the Permitted Uses sections in all zone districts, which are not otherwise subject to Conditional Use Permit or Development Plan requirements.
2. In no case shall a Modification, pursuant to this Section, be granted to permit a use or activity which is not otherwise permitted in the District in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Article.
3. Modifications may only be granted in conjunction with a specific development proposal and are limited to all of the following:
 - a. The total area of each side, front and/or rear yard setback area shall not be reduced by more than twenty percent (20%) of the minimum yard setback area required pursuant to the applicable District regulations.
 - b. No setback reduction for buildings and structures, except for unenclosed, attached porches or entryways, shall result in:
 1. A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than sixteen and one half (16 1/2) feet.

2. A side yard setback depth from property lines of less than three (3) feet.
 3. A rear yard setback depth from property lines of less than fifteen (15) feet.
 - c. No unenclosed, attached porch or entryway shall result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than ten (10) feet.
 - d. Up to a ten percent (10%) increase in District height regulations, excluding parcels within the MON Overlay District.
 - e. Up to a ten percent (10%) increase in mandatory Floor Area Ratio (FAR) requirements for buildings originally constructed prior to the adoption of such FAR regulations (e.g., if the required FAR is 0.50 the maximum modification allowed would be 0.55.), excluding parcels within the MON Overlay District.
 - f. A reduction in the required number and/or a modification in the design, loading zone or location of parking spaces. In no case shall: (1) the number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts, (2) any required number of bicycle parking spaces be reduced, (3) any Modification of parking requirements be granted pursuant to this Section, for an Attached Residential Second Unit, or (4) any parking or screening requirement Modification be granted for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle.
4. In no case shall a Modification be granted pursuant to this Section for a reduction in landscape, buffer, open space, or other requirements of this Article except as provided above.

Sec. 35-179.3. Jurisdiction.

The decision-maker for a Modification, pursuant to this Section, shall be the Zoning Administrator who upon making the findings required under this Section, may approve or conditionally approve Modifications to the regulations applicable to physical standards for land, buildings, and structures contained in this Article, as listed in Section 35-179.2.3.

Sec. 35-179.4. Contents of Application.

As many copies of a Modification application as may be required shall be submitted to the Planning and Development Department. Said application shall contain full and complete information as required pertaining to the request.

Sec. 35-179.5. Processing.

1. After acceptance of the Modification application, the Planning and Development Department shall process the project through environmental review.
2. The project shall be subject to provisions of Section 35-184, Board of Architectural Review (BAR), and shall be scheduled to be heard by the BAR for Preliminary Review and approval only, prior to the project being heard by the Zoning Administrator.
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing).
4. The Zoning Administrator, in granting said Modification, may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted.
5. The Zoning Administrator's action is final, subject to appeal to the Board of Supervisors as provided in Sec. 35-182.3. (Appeals)

Sec. 35-179.6. Findings Required for Approval.

A Modification shall only be approved if all of the following findings are made:

1. The project is consistent with the Coastal Act, Comprehensive Plan including the Local Coastal Plan and any applicable Community Plan.
2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and this Article.
3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review, and/or will result in greater resource protection than the project without such Modification.
4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.
5. Any Modification of parking or loading zone requirements will not adversely affect the demand for onstreet parking in the immediate area.
6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.
7. Any adverse environmental impacts are mitigated to a level of insignificance.

Sec. 35-179.7. Expiration.

Unless otherwise specified by conditions of project approval, a Modification shall

expire one year from the date of approval if a Coastal Development Permit has not been issued for the modified building or structure. Prior to the expiration of such time period, the Director may grant one, one year extension from the date of expiration of the Modification, for good cause shown. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit."

SECTION 20:

Section 35-180., Amendments to a Certified Local Coastal Program, DIVISION 12, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the first paragraph and to add a new subsection 4. under Section 35-180.3., Initiation; to amend subsection 3. under Section 35-180.4., Processing; to add a new Section 35-180.6, Findings Required for Approval of Rezone or Ordinance Amendment; and renumber the subsequent section as follows:

20.1. Amend Section 35-180.3., Initiation, adding a new subsection 4., to read:

"Sec. 35-180.3. Initiation.

An amendment to a Certified Local Coastal Program may be initiated by:

1. One or more persons owning property representing at least fifty percent of the assessed valuation of the property which will be affected by such amendment.
2. Resolution of intention by the Board of Supervisors.
3. Resolution of intention by the Planning Commission.
4. The Director. "

20.2. Amend Section 35-180.4., Processing, amending subsection 3. to read:

"3. After certification of the final environmental document, the Planning Commission shall hold at least one public hearing on the proposal."

20.3. Add Section 35-180.6., Findings Required for Approval of Rezone or Ordinance Amendment, and renumber subsequent sections to read:

"Sec. 35-180.6. Findings Required for Approval of Rezone or Ordinance Amendment.

In order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone or Ordinance Amendment the following findings shall be made by the Planning Commission and Board of Supervisors:

- a. The request is in the interests of the general community welfare.
- b. The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.
- c. The request is consistent with good zoning and planning practices.

Sec. 35-180.67. Coastal Commission Certification.

Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Therefore, any approval by the County of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board of Supervisors in accordance with § 30512 and § 30513 of the Coastal Act of 1976."

SECTION 21:

Section 35-181., Noticing, DIVISION 12, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-181.1., Purpose and Intent; to amend the Title and subsections 1., 2., and 3., under Section 35-181.2., Notice of Public Hearing; to add a new Section 35-181.3., Coastal Development Permit Noticing; to renumber and amend existing Section 35-181.3., Notice of Final Action; to add new Section 35-181.5., Failure to Receive Notice; as follows:

21.1. Amend Section 35-181.1., Purpose and Intent, to read:

"Sec. 35-181.1. Purpose and Intent.

The purpose of this section is to set forth the minimum requirements for providing notice of a public hearing and other required noticing ~~or of final action taken on a development that is appealable to the Coastal Commission.~~

21.2. Amend Section 35-181.2., Notice of Public Hearing, amending the title and subsections 1., 2. and 3., to read:

"Sec. 35-181.2. Notice of Public Hearing and Decision-maker Action.

1. Minimum Requirements. For all projects that require a noticed public hearing or notice of a decision-maker action, notice shall be given pursuant to Sections 65090-65096 of the California Government Code, of the time and place of said hearing shall be given at least ten (10) calendar days before the hearing in the following manner unless specifically stated otherwise in this Article: The minimum requirements for such notice shall be as follows:

- a. Notice shall be published in a newspaper of general circulation in the County and circulated in the area affected by the project, at least ten (10) calendar days prior to the hearing or action.
- b. Notice shall be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department County with self-addressed stamped envelopes.

- c. Notice shall be mailed to the applicant(s).
- d. Notice shall be mailed to the owners of the affected property and the owners of the property within 300 feet of the exterior boundaries of the affected property at least ten (10) calendar days prior to the hearing or action, using for this purpose the name and address of such owners as shown on the tax rolls of the County.
- e. Notice shall be mailed to residents within 100 feet of the affected property at least ten (10) calendar days prior to the hearing or action.
- f. If the number of owners and residents to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, the County may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least ten (10) calendar days prior to the hearing.
- fg. Notice shall be mailed to the Coastal Commission.

2. Contents of Notice.

The notice shall contain the following information:

- a. The date of filing of the application and the name of the applicant;
- b. The Planning and Development number assigned to the application;
- c. A description of development, and its proposed location, and a statement that the proposed development is within the Coastal Zone;
- d. The date, time, and place the application will be acted heard upon by the local governing body or decision-maker;
- e. The general procedure of the local government concerning the conduct of hearing and local actions and submission of public comments either in writing or orally prior to the local decision;
- f. ~~A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision. The procedure for Coastal Commission appeals, including any required appeals fees.~~

3. Continuances. If ~~a~~ the public hearing on a project is continued by the local government to a time which is neither (a) previously stated in the notice nor (b) announced at a hearing as being continued to a time certain, notice of the further hearings shall be provided in the same manner and within the same time limits as set forth above.

21.3. Add a new Section 35-181.3.; Coastal Development Permit Noticing, to read:

development is within the Coastal Zone.

- d. The date of decision on the permit and the date of expiration of the appeal period.
- e. The procedure for appeal of the Coastal Development Permit approval.
- f. The procedure for submitting written or oral comments prior to the decision on the permit.
- g. A statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments prior to the decision on the permit."

21.4. Renumber and amend existing Section 35-181.3., Notice of Final Action, to read:

"Sec. 35-181.4. Notice of Final Action for Coastal Development Permits appealable to the Coastal Commission.

1. For those developments that are appealable to the Coastal Commission (see Definition of Appealable Development and Section- 35-182.4., Appeals), notice of the issuance approval of a Coastal Development Permit shall be given by first-class mail to the Coastal Commission and to any interested person who has requested such notice and has submitted a self-addressed stamped envelope to the Planning and Development Department County. Said notice shall be given within five (5) calendar days of the final action. 2. Such notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission."

21.5. Add new Section 35-181.5., Failure to Receive Notice, to read:

"Sec. 35-181.5. Failure to Receive Notice

The failure of any person or entity to receive notice given pursuant to this Section or pursuant to Sections 65090-65096 of the California Government Code shall not invalidate the actions of the Planning and Development Department or the decision-maker."

SECTION 22:

Section 35-182., Appeals, DIVISION 12, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsections 1., 2., 3., and 4. under Section 35-182.2., Appeals to the Planning Commission; to amend subsections 1., 2., 3. and 4. under Section 35-182.3., Appeals to the Board of Supervisors; to amend subsection 1. under Section. 35-182.4., Appeals to the Coastal Commission; as follows:

22.1. Amend Section 35-182.2., Appeals to the Planning Commission, amending subsections 1., 2., 3. and 4., to read:

"1. Except for those actions on Coastal Development Permits which are appealable to the

"Sec. 35-181.3. Coastal Development Permit Noticing.

1. Minimum Requirements. Notice of a pending decision on a Coastal Development Permit, not subject to the special hearing requirements of Section 35-169.5, shall be given seven (7) days prior to the decision on the permit in the following manner:
 - a. By the Planning and Development Department conspicuously posting notice at one (1) public place within the County's jurisdiction (e.g., Planning and Development Department).
 - b. Requiring that the applicant conspicuously post notice of Coastal Development Permit, as provided by the Planning and Development Department, at a minimum of three (3) locations on and around the perimeter of the subject property with at least one notice posted in a location that can be viewed from the nearest public street. The applicant shall provide proof of posting notice by filing an affidavit of noticing, and any other required documentation, with the Planning and Development Department, prior to permit issuance or such other date as may be required. Failure of the applicant to comply with this Section may result in revocation of the permit.
 - c. Notice required pursuant to subsections a. and b., above, shall be posted by a date identified by the Planning and Development Department. If no such date is identified, the required date of posting shall be seven days prior to the date of decision on the Coastal Development Permit.
 - d. Notice required to be posted shall be continuously posted for a minimum of seventeen (17) calendar days from the date prescribed pursuant to subsection 1.c., above and shall remain posted for a minimum of ten (10) calendar days following the Planning and Development Department's decision on the permit.
 - e. Notice of the Planning and Development Department's intent to act on a Coastal Development Permit shall also be mailed to 1) all persons who have filed a written request and has supplied the Planning and Development Department with self-addressed stamped envelopes, 2) all property owners and residents within 100 feet of the perimeter of the subject parcel, and 3) to the Coastal Commission.
2. Contents of Notice. The notice shall contain the following information:
 - a. The name of the applicant and date of filing of the application.
 - b. The Planning and Development Department application number.
 - c. A description of the project, its proposed location, and a statement that the

Coastal Commission as provided for under Sec. 35-182.4., the decisions of the Planning and Development Department on the approval, issuance, denial, or revocation, or modification of Coastal Development Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal and accompanying fee must be filed with the Planning and Development Department Secretary of the Planning Commission as follows:

- a. Within the ten (10) calendar days following of the date that the notice of the decision for of projects under the jurisdiction of the Planning and Development Department, Director or the Board of Architectural Review.
 - b. Within the ten (10) calendar days following the posting date for the notice of Coastal Development Permit approval, as required by Section 35-181.3., or if denied, within the ten (10) calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten (10) calendar days following the date of final decision by the Board or Architectural Review (BAR). If final approval by the BAR is appealed, the hearing on the appeal shall only be held after the decision on the Coastal Development Permit but, prior to the issuance of the Coastal Development Permit for such project. The BAR appeal shall be processed concurrently with any appeal of the Coastal Development Permit. If a denial by the BAR is appealed, a separate hearing shall be held on the BAR appeal prior to the decision on the Coastal Development Permit. No permits shall be issued until all appeals have been heard and/or resolved.
2. The appellant shall state specifically in the appeal wherein how the decision of the Planning and Development Department on a Coastal Development Permit, or the decision of the Director or BAR, is not in accord with the provisions and purposes of this Article or wherein it is claimed that there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR.
 3. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement of findings setting forth the reasons for the decision

by the Planning and Development Department, the Director or the BAR.

4. The Planning Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, Director or the BAR at a public hearing. Notice of the time and place of the public hearing shall be given in the manner prescribed in Sec. 35-181.2., however notice shall also be mailed to the appellant."

22.2. Amend Section 35-182.3., Appeals to the Board of Supervisors, amending subsections 1., 2., 3., and 4., to read:

- "1. The decisions of the Planning Commission or Zoning Administrator may be appealed to the Board of Supervisors by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal, which shall be in writing, and accompanying fee must be filed with the Clerk of the Board of Supervisors within the ten (10) calendar days following of the date of the Planning Commission's or Zoning Administrator's decision. For developments which are appealable to the Coastal Commission under Sec. 35-182.4.2, no appeal fee will be charged."
2. The appellant shall state specifically in the appeal wherein the decision of the Planning Commission or Zoning Administrator is not in accord with the provisions and purposes of this Article or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission or Zoning Administrator.
3. Prior to the hearing on said appeal, the Clerk of the Board of Supervisors shall notify the Planning Commission or Zoning Administrator that an appeal has been filed whereon the Planning Commission or Zoning Administrator shall transmit to the Board of Supervisors copies of the application including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's or Zoning Administrator's decision.
4. The Board of Supervisors hearing shall be de novo and the Board shall affirm, reverse, or modify the decision of the Planning Commission or Zoning Administrator at a regular public hearing. Notice of the time and place of the public hearing shall be given in the manner prescribed in Sec. 35-181.2., however notice shall also be mailed to the appellant."

22.3. Amend Section 35-182.4., Appeals to the Coastal Commission, amending subsection 1., to read:

- "1. For developments which are subject to the appeals jurisdiction of the Coastal Commission under PRC § 30603, ~~appeal of,~~ an action by the Board of Supervisors

may be ~~appealed to the California filed with the~~ Coastal Commission ~~within ten (10)~~ working days from the date of receipt by the Commission of the County's notice of ~~final action within 10 working days of the decision of the Board of Supervisors,~~ by the applicant, an aggrieved person, or any two members of the Coastal Commission. ~~Appeals must be in writing to the appropriate Coastal Commission district office.~~ No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project."

SECTION 23:

Section 35-191., Summerland-SUM, DIVISION 13, Summerland Community Plan Overlay, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend subsection 1. under Section 35-191.5., Floor to Area Ratios (FARs), to read as follows:

"Sec. 25-191.5. Floor to Area Ratios (FARs).

1. Floor Area Ratios for Different Types of Projects.

The following shall be the Floor Area Ratios (FARs) for commercial and residential projects within the SUM Overlay District:

a. Single Family Residential Floor Area Ratios (FAR)

~~All new single family residences and remodels of and additions to existing single family residences in any zone district except the Design Residential District shall not exceed the following standards:~~

<u>Lot Size Between</u>	<u>FAR</u>	<u>Max. Allowable</u>
Up to 2,500 s.f.	.50	N/A
2,501 and 3,600 s.f.	.38	1,296 s.f.
3,601 and 4,700 s.f.	.36	1,598 s.f.
4,701 and 5,800 s.f.	.34	1,856 s.f.
5,801 and 6,900 s.f.	.32	2,070 s.f.
6,901 and 8,100 s.f.	.30	2,268 s.f.
8,101 and 9,400 s.f.	.28	2,538 s.f.
9,401 and 10,800 s.f.	.27	2,808 s.f.
10,801 and 12,000 s.f.	.26	3,100 s.f.
12,000+ s.f.		See Note

Note: The maximum allowable square footage column sets a cap on each category so that there is no overlap between the categories. Each parcel may develop to the limits set by the FAR for its parcel size except those parcels to the larger end of each category which may not develop structures larger than the maximum allowable square footage set for each category. The maximum square footage for lots over 12,000 sq. ft. shall be established as a base of 2,500 sq. ft. plus 5% of the lot area net with a maximum allowable square footage of 8,000.

SECTION 24:

Section 35-214., Restoration of Damaged Nonconforming Buildings and Structures, DIVISION 15, Montecito Community Plan Overlay District, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the title and paragraph one and two, to read as follows:

"Section 35-214. Restoration of Damaged or Destroyed Nonconforming Buildings and Structures.

1. If all or any portion of an existing hotel is damaged or destroyed, the owner shall be entitled to replace the damaged or destroyed improvement with new construction of the identical size to that damaged or destroyed on the same site in the same general location.
2. Within the Montecito Overlay District, if a nonconforming structure is damaged or destroyed by fire, flood, earthquake, or other natural disaster to an extent of up to one hundred (100) percent of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may be

reconstructed to the same or lesser size on the same site and in the same general footprint location provided such reconstruction shall commence within eighteen (18) twenty-four (24) months of the time of damage and be diligently carried to completion. The time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date. Where the reconstruction permitted above, does not commence within the specified eighteen (18) twenty-four (24) months or a time extension granted, such structure shall not be reconstructed except in conformity with the regulations of this Article."

SECTION 25:

Except as amended by this ordinance, Divisions 2, 5, 6, 7, 10, 11, 12, 13 and 15 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 26:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (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 Section 30514, whichever occurs later, and before the expiration of fifteen (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 18th day of June, 1996, by the following vote:

AYES: Supervisors Schwartz, Graffy, Wallace, Staffel, Urbanske

NOES: None

ABSTAINED: None

ABSENT: None



Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

KENT TAYLOR
Clerk of the Board of Supervisors

By 

Deputy Clerk

APPROVED AS TO FORM:

SHANE STARK
County Counsel

By 

Deputy County Counsel

