

Tu18a

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECORD PACKET COPY



November 18, 1998

TO: Commissioners and Interested Persons

FROM: Chuck Damm, Senior Deputy Director
Gary Timm, District Manager
Mark H. Capelli, Coastal Program Analyst

RE: SANTA BARBARA COUNTY LCP Amendment 2-98-A Public Hearing and Action at the California Coastal Commission Hearing of December 8-10, 1998 at the Hyatt Regency Hotel, No. 5 Embarcadero, San Francisco

Background

The County of Santa Barbara submitted Local Coastal Program (LCP) Amendment 2-98 on October 16, 1998 consisting of two parts: Part A consists of a variety of amendments to the County's Local Coastal Program Implementation Ordinance, and Part B consists of amendments to incorporate elements of the Goleta Old Town Revitalization Plan into the Land Use Plan element of the County's certified Local Coastal Program.

This staff report and recommendation deals only with Part A, various Implementation Ordinance amendments. The remaining Part B will be dealt in a separate staff report at a future Coastal Commission hearing, tentatively scheduled for January 1999.

The submittal was deemed complete and filed on October 30, 1998.

Amendment Proposal and Staff Recommendation

The proposed amendment would clarify various administrative regulations; substitute the C-1 GOL (Limited Commercial Goleta) zone district with a C-1 (Limited Commercial) zone district; make minor procedural clarifications to the nonconforming zoning ordinance provisions; expand the Planning Director's and the Zoning Administrator's jurisdiction over Development Plans; establish an "as built" Development Plan process; require Development Plans for development over 20,000 square feet where a Development Plan would not otherwise be required; downshift permit requirements for certain child care facilities from a Major to a Minor Conditional Use Permit; make minor clarifications to the Conditional Use Permit process; clarify Planning Commission appeal procedures; establish expiration date of Board of Architectural Review approvals; and make miscellaneous minor procedural clarifications and text corrections.

The staff is recommending approval of the proposed amendments as submitted by the County of Santa Barbara.

Page 2

Additional Information

For further information about the amendment request, this report, or the amendment process, contact Mark H. Capelli at the South Central Coast Area Office, 89 South California Street, Ventura, CA (805) 641-0142.

Exhibits

1. Resolution No. 98-270
2. Ordinance No. 4318
3. Ordinance No. 4321

I. STAFF RECOMMENDATION

Approval of Implementation Ordinance Amendments as Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion

I move that the Commission reject the Implementation Ordinance Amendment 2-98-A to the Santa Barbara County LCP as submitted.

Staff recommends a NO vote on the motion 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

The Commission hereby certifies Amendment 2-98-A to the Implementation Ordinance of the Santa Barbara County Local Coastal Program on the grounds that the amendment to the Local Coastal Program Implementation Ordinance, as submitted, conforms to and is adequate to carry out the provisions of the certified Local Coastal Program Land Use Plan. There are no feasible alternatives available which would substantially lessen any significant effects which the approval of the Implementation Ordinance amendment may have on the environment.

II. RECOMMENDED FINDINGS

1. Standard of Review

The standard of review for an amendment to the certified Local Coastal Program Implementation Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified Local Coastal Program Land Use Plan (PRC Section 30513(a)). In addition, procedural elements of the Local Coastal Program Implementation 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 Implementation Ordinance amendment if a majority of the Commissioners present finds that it does not conform with and is inadequate to carry out the provisions of the certified Local Coastal Program Land Use Plan.

2. Proposal

The proposed ordinance amendment would make the following changes to the County of Santa Barbara's Local Coastal Program Implementation Ordinance: (The full text of the changes is found in Exhibit #2.)

Section 35-52., Zoning District Designations and Applicability: Delete the reference to Goleta from the C-1 zone district.

Section 35-58., Definitions: Add a definition of "Site".

Section 35-76., SR-M Medium Density Student Residential: Clarify that one single family residence, one two-family residence, or multi-unit dwellings are permitted on lots zoned SR-M Medium Density Student Residential.

Section 35-77., SR-H High Density Student Residential: Clarify that one single family residence, or one two-family residence, or multi-unit dwellings are permitted on lots zoned SR-H High Density Student Residential.

Section 35-77A., C-1 GOL Limited Commercial: Change zone district designation from C-1 GOL, Limited Commercial Goleta to C-1 Limited Commercial, and clarify the minimum lot size requirements with regard to the Summerland Community Planning Area.

Section 35-78., C-2 Retail Commercial: Adding a requirement for a Development Plan for sales or storage facilities totaling 20,000 square feet.

Section 35-79., C-3 General Commercial: Adding a requirement for a Development Plan for sales or storage facilities totaling 20,000 square feet.

Section 35-84 A., M-S-GOL Service Industrial Goleta: Delete reference to C-S Service Commercial zone District and add new list of allowable uses formerly permitted in the C-S Service Commercial zone district.

Section 35-161., Nonconforming Buildings and Structures: Correct section reference.

Section 35-162., Nonconforming Use of Land, Buildings and Structures: Correct section references and clarify that the restoration of a damaged nonconforming building or structure must be consistent with the provisions of the Section.

Section 35-169., Coastal Development Permit: Exempt all interior alterations from Coastal Development Permit requirements, regardless of location, provided the alteration does not result in an increase in the gross floor area, an increase in the required number of parking spaces, or result in a change in the permitted use of the structure; also, require a Development Plan for development exceeding 20,000 square feet in the aggregates with existing buildings where a Development Plan would not otherwise be required.

Section 35-171., Emergency Permits: Provide a posting and mailing of notice of emergency permits to certain property owners and residents and require that subsequent regular permits be applied for within 30 days of granting the emergency permit.

Section 35-172., Conditional Use Permits: Change permit requirements for child care centers and facilities from a Major Conditional Use Permit to a Minor Conditional Use Permit; clarify that where a project is subject to a Development Plan and a Conditional Use Permit, both permits are required.

Section 35-174., Development Plans: Expand the jurisdiction of the Director into new zone districts and establish an "as built" Development Plan process; expand the jurisdiction of the Zoning Administrator to new zone districts; provide for jurisdiction of the Planning Commission over Development Plans in certain circumstances; clarify how development is calculated when determining the decision-maker; update application submittal requirements; eliminate second notice requirements for Planning Director approved Development Plans; allow amendments to Development Plans where such amendment would not create any environmental impacts; and make "as built" Development Plans that include exterior alterations subject to the Board of Architectural Review.

Section 35-178., Land Use Permits: Correct section reference.

Section 35-180., Amendments to a Certified Local Coastal Program: Require that where a Conditional Use Permit exists for a development on a site that is subsequently rezoned to a zone district where such use was permitted, the Conditional Use Permit conditions of approval remain valid unless revised by the decision maker.

Section 35-182., Appeals: Clarify the grounds for appeal of Coastal Development Permits must be specified, and clarify that the Planning Commission hearings on an appeal shall be de novo.

Section 35-184., Board of Architectural Review: Require that applications for Preliminary and Final Board of Architectural Review be accompanied by a development application, and establish a two year expiration date for Board of Architectural Review approvals.

Section 35-191., Summerland-SUM: Delete the C-1 Limited Commercial zone district from the Summerland Overlay.

Rezone Assessor's Parcel Number 09-210-48 zone C-1 GOL, Limited Commercial Goleta to C-1, Limited Commercial.

3. Consistency with County LCP

a. Consistency with Land Use Plan Designations

The proposed Implementation Ordinance amendment would delete the C-1 GOL, Limited Commercial zone district designation and substitute the C-1 Limited Commercial zone district designation. There is no substantive difference between these two zone district designations. The purpose of this amendment is to allow future application of the C-1 zone district in the Coastal Zone to areas outside the Goleta Planning Area.

As part of this amendment the zoning maps must be updated by re-designating a single parcel (APN 79-210-48) from C-1 GOL, Limited Commercial Goleta to C-1, Limited Commercial. This rezoning does not require changing the Land Use Plan designation on this parcel, which is currently designated as commercial. The proposed amendment does not modify or affect any

other existing zone district designations or zoning on specific parcels currently designated in the County's LCP Implementation Ordinance. (See Exhibit #3.)

b. Consistency with Land Use Plan Policies

The proposed Implementation Ordinance amendment contains a number of minor changes and clarifications to the permitting requirements contained in the County's Local Coastal Program Implementation Ordinance. These include clarifying the definition of a development "site" and the existing density standards for Student Residential developments (i.e., explicitly limiting the number of dwelling unit types to one each); specifying the use of the Development Plan process for Retail Commercial and General Commercial developments; clarifying that restoration of damaged nonconforming development must be consistent with the provisions of the nonconforming development standards; exempting minor interior modifications from permitting requirements and requiring Development Plans for development of sales or storage buildings exceeding 20,000 square feet; clarifying the permitting requirements for emergency permits; reducing permitting requirements for child care centers; expanding the authority of the Planning Director and Zoning Administrator over the "as built" Development Plan process to require a Development Plan for nonconforming uses; clarifying the status of Conditional Use Permits issued for projects on parcels which are rezoned to a zone where such conditional uses are permitted to explicitly affirm that the Conditional Use Permit conditions of approval remain valid unless altered or deleted by the decision-maker; clarifying the appeal requirements for Coastal Development Permits to require appellants to specify the grounds of the appeal; specifying the application requirements for Preliminary or Final Board of Architectural Review and establish expiration dates of Board of Architectural Review approval. Finally, the amendment would delete the existing C-1 GOL Limited Commercial zone district designation and substitute a C-1 Limited Commercial zone district designation.

None of the proposed changes alters the basic coastal policies (or the interpretation of these policies) contained in the County of Santa Barbara's certified Local Coastal Program Land Use Plan. The C-1 Limited Commercial and the C-1 GOL Limited Commercial zone district designations allows identical types of commercial development. The elimination of the C-1 GOL Limited Commercial zone district and its replacement with the C-1 Limited Commercial merely has the effect of allowing the C-1 Limited Commercial zone district to be applied beyond the limits of the Goleta Community Planning Area. This change would allow the County to accommodate a variety of commercial uses such as retail stores and service shops within the greater Goleta Valley within the Coastal Zone. The amendment does not however designate any additional parcels with this zone district designation, though there are lands currently with land-use designations within the Goleta Valley portion of the Coastal Zone which would be consistent with the zone district designation. Finally, none of the proposed changes alters the development standards of the County's Implementation Ordinance, and therefore the changes do not affect the consistency of the Implementation Ordinance with the Land Use Plan policies or its ability to carry out any of the other provisions of the Land Use Plan. (See Exhibit #2 for the full text of the proposed changes to the County Local Coastal Program Implementation Ordinance.)

c. Consistency with Procedural Requirements of the California Coastal Act

The proposed amendment contains a number of changes to the procedural elements of the County of Santa Barbara's Local Coastal Program Implementing Ordinance, including specifying the types and level of local project review, the noticing of emergency permits, specifying the

Page 6

decision-maker, specifying the appeal process and the nature of the appeal hearings, and specifying the application requirements and expiration dates for Preliminary and Final Board of

Architectural Board approvals. These changes do not alter the basic coastal permitting requirements, including those pertaining to public noticing of proposed local Coastal Development Permits and appeals, established in the County's currently certified Local Coastal Program pursuant to the requirements set forth in the California Coastal Act.

Further, none of the proposed changes is inconsistent with the procedural requirements of the Coastal Act, and related Administrative Regulations. The proposed changes therefore conform to and are consistent with the procedural requirements established statutorily through California Coastal Act, as well as the Commission's Administrative regulations, and are consistent with the procedural requirements of the County of Santa Barbara's certified Local Coastal Program Land Use Plan.

4. LCP/CEQA

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

Following Section 21080.9 of the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency responsible for reviewing the Local Coastal Program for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying Local Coastal Program qualified for certification under Section 21080.5 of CEQA.

In addition to making the finding that the Local Coastal Program amendment is in full compliance with CEQA, the Commission must also make a finding that the least environmentally damaging feasible alternative has been chosen. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the Coastal Commission's Administrative Regulations require that the Commission cannot approve or adopt a Local Coastal Program amendment "if there are feasible alternatives of feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment."

As discussed in the findings above, the proposed amendment to the County of Santa Barbara's Local Coastal Program Implementation Ordinance will not result in any substantive change to any of the existing Land Use Plan or Coastal Zoning designations on any parcels, or alter the substance of application of any existing Local Coastal Program policies governing development within the County's portion of the Coastal Zone.

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

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

EXHIBIT NO. 1

APPLICATION NO.

S.B. County LCP

Amd 2-98-A

IN THE MATTER OF SUBMITTING TO THE)
COASTAL COMMISSION AMENDMENTS TO THE)
TEXT OF THE SANTA BARBARA COUNTY)
LOCAL COASTAL PROGRAM)

1 of 5
RESOLUTION NO.: 98-270
CASE NO.: 98-OA-009,
98-RZ-011, 98-GP-018,
98-RZ-015

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:

- 1. 98-OA-009: Adopted amendments to Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend Section 35-52., Zoning District Designations and Applicability., Delete the reference to Goleta from the C-1 zone district; Section 35-58., Definitions, Add a definition of Site, Section 35-76., SR-M Medium Density Student Residential, Clarify that only one single family residence, one two-family residence, or multi unit dwellings are permitted on a lots zoned SR-M Medium Density Student Residential, Section 35-77 SR-H High Density Student Residential, Clarify that only one single family residence, one two-family residence, or multi unit dwellings are permitted on a lots zoned SR-M High Density Student Residential, Section 35-77A., C-1 GOL Limited Commercial-Goleta., Delete references to Goleta and to clarify the minimum lot size requirements; Section 35-78., C-2 Retail Commercial., Clarify the level of development requiring a Development Plan; Section 35-79., C-3 General Commercial., Clarify the level of development requiring a Development Plan; Section 35-84A., M-S-GOL Service Industrial Goleta., Delete reference to C-S Service Commercial zone district and add new permitted uses as would have been permitted in the C-S Service Commercial zone district; Section 35-161.,

Nonconforming Buildings and Structures., Correct section reference; **Section 35-162., Nonconforming Use of Land, Buildings and Structures.,** Correct section reference and clarify that the restoration of a damaged nonconforming building or structure must be consistent with the provisions of the Section; **Section 35-169., Coastal Development Permit.,** Exempt all interior alterations from Coastal Development Permits regardless of the sites proximity to an environmentally sensitive habitat or bluff top, and require a development plan for development exceeding 20,000 square where a development plan would not otherwise be required; **Section 35-171., Emergency Permits.,** Clarify how emergency permits shall be noticed and require that subsequent permits be applied for within 30 days of granting the emergency permit; **Section 35-172., Conditional Use Permits.,** Reduce permit requirements for child care centers and facilities from a Major Conditional Use Permit to a Minor Conditional Use Permit, clarify that where a project is subject to Development Plan requirements and must obtain a Conditional Use Permit that they apply for both permits; **Section 35-174., Development Plans.,** Expand the jurisdiction of the Director into new zone districts, establish an "as built" Development Plan process, expand the jurisdiction of the Zoning Administrator into new zone districts, clarify how development is calculated when determining the decision-maker, update application submittal requirements; eliminate second notice requirement for Director approved Development Plans; allow amendments to Development Plans where such amendment would not create any environmental impacts, and make "as built" Development Plans that include exterior alterations subject to the Board of Architectural Review; **Section 35-178., Land Use Permits.,** Correct section reference; **Section 35-180., Amendments to a Certified Local Coastal Program.,** Require that where a Conditional Use Permit exists on a site that is rezoned to a zone district where such use was permitted, the Conditional Use Permit conditions of approval remain valid unless revised by the decision maker; **Section 35-182., Appeals.,** Clarify the appeal process for Coastal Development Permits and submittal requirements and clarify that Planning Commission hearings on an appeal shall be de novo; **Section 35-184., Board of Architectural Review.,** Require that applications for Preliminary and Final Board or Architectural Review be accompanied by a development application and establish an expiration of Board of Architectural Review approvals; **Section 35-191., Summerland - SUM,** Delete the C-1 Limited Commercial zone district from the Summerland Overlay.

2. 98-RZ-011: Adopted amendments to the Zoning Map of Article II of Chapter 35 of the Santa Barbara County Code, to rezone all parcels (Assessor's Parcel Number 079-210-48) zoned C-1 GOL, Limited Commercial Goleta to C-1, Limited Commercial.

3. 98-RZ-015: Adopted amendments to the Zoning Map of Article II of Chapter 35 of the Santa Barbara County Code, to rezone the following parcels:

Assessor Parcel Numbers 71-190-34 & 35 from M-S-GOL, Service Industrial-Goleta to M-1, Light Industry.

Assessor Parcel Numbers 71-182-1 through 7, 71-182-10 through 17, 71-183-3 through 5 from M-2, General Industry to M-S-GOL, Service Industrial-Goleta.

Assessor Parcel Numbers 71-151-2, 71-151-4 through 9, 71-151-11 & 12, 71-152-1, 71-152-4 & 5, 71-152-7 through 16, 71-152-19 & 21, 71-153-2 through 13, 71-153-16, 71-154-1 through from M-2, General Industry to M-1, Light Industry.

4. 98-GP-018: Adopted amendments to the Coastal Land Use Plan to implement amendments to the Goleta Community Plan of the Santa Barbara County Comprehensive Plan as follows:

Amend the Goleta Community Plan Circulation Map to reflect the roadway classification changes in the Coastal Zone portion of the Goleta Old Town Revitalization Planning Area, as shown in the Final Goleta Old Town Revitalization Plan Figure 16.

Amend the Goleta Community Plan Bikeways Element Map to reflect the bikeway changes in the Coastal Zone portion of the Goleta Old Town Revitalization Planning Area, as shown in the Final Goleta Old Town Revitalization Plan Figure 20.

Amend the "Goleta Community Plan Land Use Designations Southern Section - Coastal Plan," dated July 20, 1993 to reflect land use designation changes within the Goleta Old Town Revitalization Planning Area, as identified in Figure 6 of the Goleta Old Town Revitalization Plan.

Amend the Coastal Land Use Plan to include the Goleta Old Town Revitalization Plan as an attachment to the Goleta Community Plan as Appendix H of the Coastal Land Use Plan.

Amend Section 4.5, "Goleta", of the Coastal Land Use Plan by adding the following text:

In 1998, the County adopted the Goleta Old Town Revitalization Plan which identified a range of public infrastructure improvements, private developments and financing options and established land use and zoning designations for revitalization of Goleta Old Town. The Goleta Old Town

Revitalization Plan is included as an attachment to the Goleta Community Plan.

- 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. 97-1 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.
- 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 Program 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 7th day of July, 1998, by the following vote:

AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, and Urbanske.

NOES: None.

ABSENT: None.


Chair of the Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
Deputy Clerk

By: 
Deputy County Counsel

G:\GROUP\PUB_SVCS\WPZADADMIN\CCCCORES\CCRESREV.698

ORDINANCE NO. 4318

EXHIBIT NO. 2

APPLICATION NO.

S.B. County LCP

Amd 2-98-A

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1; GENERAL; DIVISION 2, DEFINITIONS; DIVISION 4, ZONING DISTRICTS; DIVISION 10, NONCONFORMING; DIVISION 11, PERMIT PROCEDURES; AND DIVISION 12; ADMINISTRATION; TO DEFINE SITE; TO CLARIFY THE NUMBER OF SINGLE FAMILY, TWO-FAMILY AND MULTI-UNIT DWELLINGS THAT MAY BE BUILT ON A SINGLE LOT IN THE SR-M MEDIUM DENSITY STUDENT RESIDENTIAL AND SR-H HIGH DENSITY STUDENT RESIDENTIAL ZONE DISTRICTS; DELETE THE C-1 GOL LIMITED COMMERCIAL ZONE DISTRICT; FURTHER DEFINE THE LEVEL OF DEVELOPMENT REQUIRING A DEVELOPMENT PLAN IN THE C-2 LIMITED COMMERCIAL AND C-3 GENERAL COMMERCIAL; EXEMPT ALL INTERIOR ALTERATIONS FROM A COASTAL DEVELOPMENT PERMIT; REQUIRE A DEVELOPMENT PLAN FOR ALL BUILDINGS AND STRUCTURES THAT TOTAL 20,000 SQUARE FEET OR MORE; REDUCE THE PERMIT REQUIREMENTS FOR NON-RESIDENTIAL CHILD CARE FACILITIES FROM A MAJOR CONDITIONAL USE PERMIT TO A MINOR CONDITIONAL USE PERMIT; REQUIRE THAT A DEVELOPMENT PLAN APPLICATION BE SUBMITTED IN CONJUNCTION WITH A CONDITIONAL USE PERMIT APPLICATION IF A DEVELOPMENT PLAN WOULD OTHERWISE BE REQUIRED; ELIMINATE SECOND NOTICE REQUIREMENT FOR DIRECTOR APPROVED DEVELOPMENT PLANS; ALLOW AMENDMENTS TO DEVELOPMENT PLANS IF THE PROPOSED CHANGES WOULD NOT RESULT IN ANY NEW ENVIRONMENTAL IMPACTS; EXPAND THE DIRECTOR'S JURISDICTION OVER DEVELOPMENT PLANS INTO NEW ZONE DISTRICTS; ESTABLISH A NEW PROCESS ALLOWING THE DIRECTOR TO REVIEW DEVELOPMENT PLANS FOR LEGAL AS BUILT DEVELOPMENT; INCREASE THE SIZE OF DEVELOPMENT UNDER THE JURISDICTION OF THE ZONING ADMINISTRATOR; EXPAND THE ZONING ADMINISTRATOR'S JURISDICTION OVER DEVELOPMENT PLANS INTO NEW ZONE DISTRICTS; CLARIFY APPEAL PROCESS FOR COASTAL DEVELOPMENT PERMITS REQUIRED BY A DISCRETIONARY PERMIT; CLARIFY THAT WHERE REZONED SITES HAVE AN ACTIVE CONDITIONAL USE PERMIT THAT THE CONDITIONAL USE PERMIT'S CONDITIONS OF APPROVAL REMAIN VALID; ESTABLISH AN EXPIRATION OF BOARD OF ARCHITECTURAL REVIEW APPROVALS; AND TO MAKE OTHER MINOR CORRECTIONS AND CLARIFICATIONS.

Case Number 98-OA-009

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

SECTION 1:

Section 35-52., Zoning District Designations and Applicability, DIVISION 1 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-52.3., Commercial Districts, as follows:

- "3. **Commercial Districts**
C-1 ~~GOL~~ Limited Commercial-Goleta
C-2 Retail Commercial
C-3 General Commercial
CH Highway Commercial
C-V Resort/Visitor Serving Commercial
SC Shopping Center
PI Professional and Institutional"

SECTION 2:

Section 35-58., Definitions, DIVISION 2, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new definition for Site as follows:

"SITE: The area of project development that may be located within, or consist of, one or more legal lots or parcels."

SECTION 3:

Section 35-76., SR-M Medium Density Student Residential, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-76.4, Permitted Uses, and to amend Section 35-76.6, Lot Size/Density, as follows:

3.1 Amend Section 35-76.4, Permitted Uses, to amend subsection 1 to read:

"1. ~~One Ssingle family dwelling unit, one two-family dwelling duplex, triplex, and or multi-family dwelling units, dwellings, including developments commonly known as row houses, condominiums, cluster, and community apartment projects."~~

3.2 Amend Section 35-76.6, Lot Size/Density, to amend subsection 2 to read:

"2. ~~Each building(s) and its permitted accessory buildings~~ The proposed development shall be located upon a lot having a minimum net lot width of 65 feet and a minimum net lot area of 7,000 square feet."

SECTION 4:

Section 35-77., SR-H High Density Student Residential, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-77.4, Permitted Uses, and to amend Section 35-77.6, Lot Size/Density, as follows:

4.1 Amend Section 35-77.4, Permitted Uses, to amend subsection 1 to read:

"1. One Ssingle family dwelling unit, one two-family dwelling, duplex, triplex, and or multi-family dwelling units, dwellings, including developments commonly known as row houses, condominiums, cluster, and community apartment projects."

4.2 Amend Section 35-77.6, Lot Size/Density, to amend subsection 2 to read:

"2. ~~Each building(s) and its permitted accessory buildings~~ The proposed development shall be located upon a lot having a minimum net lot width of 65 feet and a minimum net lot area of 7,000 square feet."

SECTION 5:

Section 35-77A., C-1-GOL Limited Commercial-Goleta, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend the title, to amend Section 35-77A.1., Purpose and Intent, to amend Section 35-77A. 3, Permitted Uses, to Amend Section 35-77A. 6., Minimum Lot Size, and to amend Section 35-77A. 11., Landscaping., as follows:

5.1 Amend Section 35-77A.1., Purpose and Intent, to read:

"Sec. 35-77A. C-1-GOL- Limited Commercial-Goleta.

Sec. 35-77A.1. Purpose and Intent.

The purpose of the C-1-GOL zone district is to provide areas for commercial activities, including both retail businesses and service commercial activities, that serve the traveling public as well as the local community. This zone district allows diverse uses, yet restricts the allowable uses to those that are also compatible with neighboring residential land uses in order to protect such uses from any negative impacts such as noise, odor,

lighting, traffic, or degradation of visual aesthetic values. ~~This District applies only within the Goleta Community Plan Area as identified in the "Goleta Planning Area Land Use map".~~

5.2 Amend Section 35-77A. 3, Permitted Uses, to amend subsection 8. to read:

"8. One Single Family Residence, on a lot where there is no commercial use, subject to regulations set out in Section 35-77A.6, Minimum Lot Size and Section 35-71 (R-1/E-1)."

5.3 Amend Section 35-77A. 6., Minimum Lot Size, to amend subsection 1 to read:

"1. None, except for parcels where a single family residence is the only use and in those instances the minimum lot size shall be 5,000 square feet for lots located in the Summerland Community Plan planning area and 7,000 square feet for all lots located outside the Summerland Community Planning area."

5.4 Amend Section 35-77A. 11., Landscaping, to amend subsection 2 to read:

"2. For developments not requiring a Development plan, a landscape plan shall be approved by ~~the Resource Management Department~~ Planning and Development and installation and maintenance guaranteed by performance securities.

SECTION 6:

Section 35-78., C-2 Retail Commercial, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-78.2., Processing, to amend subsection 2., as follows:

"2. Prior to the issuance of any coastal development permit for buildings and structures which total 5,000 or more square feet in gross floor area or where on-site buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet in size, a Development Plan shall be approved as provided in Sec. 35-174. (Development Plans)."

SECTION 7:

Section 35-79., C-3 General Commercial, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-79.2., Processing, to amend subsection 2., as follows:

- "2. Prior to the issuance of any coastal development permit for buildings and structures which total 5,000 or more square feet in gross floor area or where on-site buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet in size, a Development Plan shall be approved as provided in Sec. 35-174. (Development Plans)."

SECTION 8:

Section 35-84A, M-S-GOL Service Industrial-Goleta, DIVISION 4 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-84A. 4. Permitted Uses, as follows:

- "1. ~~All uses permitted in the C-S Service Commercial zone district, except that limited manufacturing, assembling, processing and compounding of products shall be authorized as set forth in 12., below.~~ Agricultural packing and processing plant.
2. Bakery and baked goods distribution outlet.
3. Carpenter and cabinet shop.
4. Electrical repair shop.
5. Feed and fuel store.
6. Frozen food locker.
7. Furniture repair and upholstering.
8. Heating, plumbing, or ventilating supplies, wholesale sales and service.
9. Sign fabrication and painting shop.
10. Storage warehouse.
11. Wholesale nursery supplies.
12. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
13. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project

site and on adjacent parcels.

- 142. ~~New or used automobile and machinery sales~~ Farm implement and machinery repair, and associated supplies and service, and automotive repair and sales, and associated supplies and services.
- 153. Automobile wrecking or junk yards.
- 164. Boat sales yard or building yard.
- 175. Building material manufacturing plant, including concrete mixing plant.
- 186. Community recycling facility.
- 197. Contractors' equipment storage yard, or rental of equipment.
- 208. Irrigation pipe, supplies, sales and storage.
- 219. Lumber and building materials sales yard.
- 2210. Machine Shop, including blacksmith shop, sheet metal shop, and welding shop.
- 2311. Storage yard or warehouse including mini-storage facilities.
Trailer*, automobile and truck rentals. Vehicle parking or storage lot (automobile, bus, truck, cab).
*For the purpose of this section, the word "trailer" shall include, in addition to the definition of trailer in DIVISION 2, DEFINITIONS, trailers used for carrying property.
- 2412. Research and development, manufacturing, assembling, processing, compounding, and testing of products listed below, when the decision maker finds the development is consistent with the purpose and intent of this district:
 - a. Business machines.
 - b. Drugs, pharmaceutical and chemicals.
 - c. Electrical and electronic appliances and instruments and their components.
 - d. Scientific instruments and equipment.
 - e. Optical goods.
 - f. Printing, bookbinding, blue-printing and photocopying plant.
 - g. Industrial cleaning and dyeing establishment.
- 2513. Any other use that the Planning Commission finds is of similar character to those

enumerated in this section, is consistent with this districts purpose and intent and is not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

- 2614.** Buildings, structures, and uses accessory and customarily incidental to any of the above uses, including ancillary offices subordinate to the primary industrial or commercial uses consistent with the purpose and intent of this district.”

SECTION 9:

Section 35-161, Nonconforming Use of Land, Buildings and Structures, DIVISION 10 of Article II of the Santa Barbara County Code is hereby amended to amend subsection 1., as follows:

- “1. **Structural Change.** Except as otherwise provided in this Article, including seismic retrofitting as defined in Sec. 35-58 and in accordance with Sec. 35-169.2.1.m-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.”

SECTION 10:

Section 35-162, Nonconforming Buildings and Structures, DIVISION 10 of Article II of the Santa Barbara County Code is hereby amended to amend subsection 1., as follows:

- “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 35.169.2.1.m-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."

SECTION 11:

Section 35-162, Nonconforming Buildings and Structures, DIVISION 10 of Article II of the Santa Barbara County Code is hereby amended to amend subsection 2., as follows:

- "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~~ Section 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 12:

Section 35-169., Coastal Development Permit, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-169.2., Applicability, as follows:

"Sec. 35-169.2. Applicability.

1. 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 issued, unless other regulations of this Article specifically indicate that such activity is exempt. 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:

- a1. 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.).
- b2. 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.
- c3. Installation of irrigation lines, not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.
- d4. 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).
- e5. Buildings or structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.
- f6. The addition of solar collection systems to existing buildings or structures.
- g7. Grading, excavation, or fill which does not require a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.
- h8. Lot line adjustments not resulting in an increase in the number of lots.
- i9. Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (PRC Sec. 30519)
- j10. 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.)

- ia. Decks, 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.
- iib. Skylights, windows, and doors.
- iiie. Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall.
- ivd. Spas, hot tubs and fish ponds that do not exceed 120 sq. ft. of total development, including related equipment, or contain more than 2,000 gallons of water.
- ve. 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.
- vif. 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.
- viig. 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.
- viih. 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 gross floor~~

beach sign

~~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.~~

- ←
- k11.** Propane tanks located in residential or agricultural zone districts.
 - l12.** Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal.
 - m13.** 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.
 - n14.** 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).

q15. Ground or roof mounted receive only satellite dish and wireless television antenna one (1) meter in diameter or less which is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television).

p. Interior alterations that do not result in an increase in 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.

2. For buildings and structures that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures totals 20,000 square feet or more, a Development Plan as provided in Section 35-174. (Development Plans) shall be required prior to issuance of a Coastal Development Permit."

SECTION 13:

Section 35-171., Emergency Permits, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-171.5., Procedure for Granting Permit, as follows:

13.1 Amend Section 35-171.5., Procedure for Granting Permit, to amend subsection 1 to read.

"1. The Director shall provide A public notice of the emergency work shall be mailed to property owners within 300 feet of the subject property and residents within 100 feet of the subject property and such notice shall be posted in three locations on the project site, with the extent and type of notice determined on the basis of the nature of the emergency. Notice is not required to precede commencement of emergency work."

13.2 Amend Section 35-171.5., Procedure for Granting Permit, to amend subsection 3 to read.

"3. The issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent structure. An application for a coastal Development Permit and any discretionary permit required by this Article shall be made no later than 30 90 days following the grating of an Emergency Permit; any materials required for a

completed application shall be submitted within 90 ~~180~~ days after the issuance of the emergency permit, unless this time period is extended by the Planning and Development Department."

SECTION 14:

Section 35-172., Conditional Use Permits, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-172.4., Minor Conditional Use Permits, to amend Section 35-172.5., Major Conditional Use Permits, to amend Section 35-172.6., Contents of an Application, and to amend Section 35-172.11., Substantial Conformity, Amendments and Revisions, as follows:

14.1 Amend Section 35-172.4., Minor Conditional Use Permits, to add a new subsection 6 and renumber section., to read:

"65. Communication facilities, as specified in and governed by Sec. 35-144F.

6. Child care facilities, as defined in Section 35-58, Definitions.

57. Uses, buildings, and structures accessory and customarily incidental to the above uses."

14.2 Amend Section 35-172.5., Major Conditional Use Permits, to amend subsection e., to read:

"e. Educational facilities, not including child care facilities, and day nurseries."

14.3 Amend Section 35-172.6., Contents of an Application to amend subsection 2 and delete subsection 3 to read:

"1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35-174.) as are applicable to the request.

2. In the case of a Conditional Use Permit application where the project is subject to in ~~a zone district subject to the~~ Development Plan requirements ~~where the proposed~~

~~conditional use is not part of a permitted use, a Development Plan will not shall be required in addition to obtaining a Conditional Use Permit.~~

- ~~3. Where a Conditional Use Permit application is submitted in conjunction with a Development Plan for the property, the Conditional Use Permit shall be processed as part of the Development Plan."~~

SECTION 15:

Section 35-174., Development Plans, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-174.2., Applicability, to amend Section 35-174. 3, Contents of a Preliminary Development Plan, to amend Section 35-174.4, Processing of Preliminary Development Plan, to amend Section 35-174.6, Processing of Final Development Plans, to amend Section 35-174.8 Conditions, Restrictions, and Modifications, and to amend 35-174.10., Substantial Conformity, Amendments and Revisions, as follows:

- 15.1** Amend Section 35-174.2., Applicability, to amend subsection 2, to amend subsection 3, to add a new subsection 4 and renumber subsequent sections, to read:

- "1. No permit shall be issued for any development, including grading, for any property subject to the provisions of this section until a Preliminary and/or Final Development Plan has been approved as provided below.
2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
 - a) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet in gross floor area when combined with all outdoor areas designated for sales or storage and existing buildings and structures structural development on the site parcel shall be under the jurisdiction of

~~the Director and shall be processed as set forth herein.~~

b) Where a project was legally developed without an effective Development Plan and is considered nonconforming due to the absence of a Development Plan, a Final Development Plan may be processed for such "as built" development.

cb) Communication facilities as specified in Sec. 35-144F.

3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:

a) In the Visitor Serving Commercial (CV), and Public Utilities (PU), ~~and Recreation (REG)~~ zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 150,000 square feet ~~in gross floor area~~ when combined with all outdoor areas designated for sales or storage and existing buildings and structures structural development on the site parcel.

b) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures and outdoor areas designated for sales or storage that exceed 10,000 square feet but do not exceed 15,000 square feet.

cb) Communication facilities as specified in Sec. 35-144F.

4. All Development Plans outside the jurisdiction of the Director or the Zoning Administrator shall be within the jurisdiction of the Planning Commission.

54. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan. When only a Final Development Plan is filed, it shall be processed in the same manner as a Preliminary Development Plan.

6. No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits."

15.2 Amend Section 35-174.3., Contents of Preliminary Development Plan, to amend subsection 2, to read:

"2. As many copies of a Preliminary Development Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information submitted as part of the Preliminary Development Plan shall consist of the following:

- a. A plot site plan of the proposed development drawn in graphic scale showing:**
 - 1) Gross and net acreage and boundaries of the property.**
 - 2) Location of areas of geologic, seismic, flood, and other hazards.**
 - 3) Location of areas of prime scenic quality, habitat resources, archeological sites, water bodies and significant existing vegetation.**
 - 4) Location of all existing and proposed structures, their use, and square footage of each structure.**
 - 5) All interior circulation patterns including existing and proposed streets, walkways, bikeways, and connections to existing or proposed arterial or connector roads and other major highways.**
 - 6) Location of all utilities easements.**
 - 7) Location and use of all buildings and structures within 50 feet of the boundaries of the property.**
 - 8) Location and amount of land devoted to public purposes, open space, landscaping, and recreation.**
 - 9) Location and number of parking spaces.**
 - 10) All easements.**
- b. A topographic Contour map that meets Planning and Developments requirements showing topography including existing natural contours and proposed grading lines contours**
- c. Proposed drainage system.**
- d. Proposed (schematic) building elevations including building height(s) and other physical dimensions drawn in graphic scale.**

- e. Statistical information including the following:
 - 1) Number and type of dwelling units in each building, i.e., single family dwelling, condominium, apartment, etc., and number of bedrooms in each unit.
 - 2) Percentage of total net land area of the property devoted to landscaping and open space.
 - 3) Parking ratio - parking spaces per building square foot, number of employees or dwelling units, whichever is applicable.
 - 4) Building coverage of the site in terms of percentage of the total net land area.
 - 5) Estimated number of potential residents in each residential category.
 - 6) Number of employees and number of proposed new employees if applicable.
 - 7) Average slopes, ~~if parcel contains slopes of 30 percent or more.~~
 - 8) History of water use on the property measured in acre feet per year for the preceding ten (10) years, when available.
- f. Aerial photograph of the property and surrounding parcels, when available.
- g. Demonstration of a validly created parcel and graphic configuration of such legal parcels.
- h. A statement of intent with respect to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, transportation, i.e., proximity to public transit or provision of bike lanes, etc.
- i. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
- j. If development is to occur in stages, the sequence and timing of construction of the various phases.
- k. Proposed public access or recreational areas, trails, or streets to be dedicated to the County.

1. Any other supplementary data requested by the Planning and Development Department."

15.3 Amend Section 35-174.4., Processing of Final Preliminary Development Plans, to amend subsection 4, to read:

- "4. If the Preliminary Development Plan is under the jurisdiction of the Director as provided in Sec. 35-174.2, a public hearing shall not be required. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-181 (Noticing). The Director may approve, conditionally approve, approve with modifications of development standards, or deny the plan. ~~If the plan is approved, the Director shall give notice of approval pursuant to Sec. 35-181.~~ The Director's decision shall be final, subject to appeal to the Planning Commission as provided in Section 35-182. (Appeals)."

15.4 Amend Section 35-174.6., Processing of Final Development Plans, to amend subsection 2 and 3, to read:

- "2. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations, if necessary. "As built" Development Plans that include exterior alterations shall be subject to the provisions of Section 35-184. Board of Architectural Review.
3. When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved the Preliminary Development Plan, the Director shall review the Final Development Plan to determine that the plan is in substantial conformity with the Preliminary Development Plan, pursuant to the provisions set forth in this Section. The Director shall approve, conditionally approve, or deny the Final Development Plan, without a public hearing. Notice shall be given ten (10) days prior to the Director's decision. ~~The Director shall give notice of action pursuant to Section 35-181.~~ The Director's action shall be final subject to appeal to the Planning Commission as provided in Section 35-182 (Appeals)."

15.5 Amend Section 35-174.8., Conditions, Restrictions, and Modifications, to amend subsection 1, to read:

- "1. At the time the Preliminary or Final Development Plan 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, 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."

15.6 Amend Section 35-174.10., Substantial Conformity, Amendments and Revisions, to amend subsection 2, to read:

2. Amendments:

Where a Final Development Plan is not in substantial conformity with the approved plan, the Director may approve, or conditionally approve an application to alter, add replace, relocate, or otherwise amend a Final Development Plan, providing:

- a. The area of the proposed new development parcel(s) that is under review was 1) analyzed for potential environmental impacts and policy consistency as a part of the approved permit and an addendum to the previous environmental document could be prepared, or 2) was not analyzed in a previous environmental document and policy consistency was not considered as part of the approved permit, but the proposed new development could be found to be exempt from CEQA.
- b. All of the following additional findings can be made:
- 1) In addition to the findings required for approval of a Final Development Plan set forth in this Sec. 35-174.7., the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the Final Development Plan was previously approved.
- 2). The environmental impacts related to the proposed change are substantially the same or less than those identified for the previously

approved project.

- c. A public hearing shall not be required for amendments to an approved Final Development Plan. However, notice shall be given at least ten (10) days prior to the date of the decision as provided in Sec. 35-181. (Noticing). The decision-maker may approve, conditionally approve, or deny the Amendment."

SECTION 16:

Section 35-178., Land Use Permits, DIVISION 11 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-178.1., Purpose and Intent, as follows:

"Sec. 35-178.1. Purpose and Intent.

This section establishes procedures and findings for the issuance of Land Use Permits in cases where the County approves certain discretionary permits for new development, but the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Sec. 35-169.2.1.9 or, (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission. In such cases, the Land Use Permit is the final permit required by the Planning and Development Department, following issuance of the Coastal Development Permit by the Coastal Commission. 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, the Coastal Land Use Plan, and applicable provisions of the Comprehensive plan."

SECTION 17:

Section 35-180., Amendments to a Certified Local Coastal Program, DIVISION 12 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-180.4., Processing, to add a new subsection 5, as follows:

- "5. If there is a valid and operational Conditional Use Permit associated with a proposed rezone site and under the new zone district the conditionally permitted use**

would become a permitted use, the Conditional Use Permit conditions of approval shall remain valid unless altered or deleted pursuant to Section 35-172.11."

SECTION 18:

Section 35-182., Appeals, DIVISION 12 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-182.2., Appeals to the Planning Commission, as follows:

18.1 Amend Section 35-182.2., Appeals to the Planning Commission to amend subsection 1. to read:

"d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Coastal Development Permit, or the decision of the Director or the BAR, is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR. If the approval of a Coastal Development Permit (not subject to Section 35-182.4) required by a previously approved discretionary permit is appealed, the appellant must identify how the Coastal Development Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-181. (Noticing)."

18.2 Amend Section 35-182.2., Appeals to the Planning Commission to delete subsection 2, renumber the subsequent subsections, and amend subsection 4. to read:

~~"2. The appellant shall state specifically in the appeal 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 there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR.~~

23. 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 from the Planning and Development Department setting forth the reasons for the decision by the Planning and Development Department, the Director, or the BAR.

34. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, the Director, or the BAR 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."

SECTION 19:

Section 35-184., Board of Architectural Review, DIVISION 12 of Article II of the Santa Barbara County Code is hereby amended to amend Section 35-184.5., Processing, and to add a new Section 35-184.8, Expiration, as follows:

- 19.1 Amend Section 35-184.5., Processing., to add a new subsection 2, to read:

"2. Applications for Preliminary and Final review by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project."

- 19.2 Add a new Section 35-184.8, Expiration, to read:

"Sec. 35-184.8. Expiration

All Board of Architectural Review approvals granted prior to the effective date of this section shall expire two years from such date or on the date the associated development permit expires, including time extensions, whichever occurs later. Board of Architectural Review approvals granted subsequent to the effective date of this section shall expire the date the associated development permit (e.g., Coastal Development Permit, Development Plan), including time extensions, expires. Where no development permit exists, Board of Architectural Review approvals shall expire two years from the date of approval, except the Director may grant an extension of the approval if an active development application is being processed by Planning and Development."

SECTION 20:

DIVISION 13, Summerland Community Plan Overlay, of Article II of the Santa Barbara County Code is hereby amended to delete Section 35-191.9, C-1 Limited Commercial, as follows:

~~Sec. 35-191.9. C-1 Limited Commercial.~~

~~Sec. 35-191.9.1. Purpose and Intent.~~

~~———— The purpose of the C-1 zone district is to provide areas for commercial activities including both retail businesses and service commercial activities, that serve the travelling public as well as the local community. This zone district allows diverse uses, yet restricts the allowable uses to those that are also compatible with neighboring residential land uses in order to protect such uses from any negative impacts such as noise, odor, lighting, traffic, or degradation of visual aesthetic values.~~

~~Sec. 35-191.9.2. Processing.~~

- ~~1. — No permits for development including grading shall be issued except in conformance with Sec. 35-169 (Coastal Development Permits).~~
- ~~2. — Prior to the issuance of any coastal development permit for buildings and structures which exceed 5,000 square feet in gross floor area, a Final Development Plan shall be approved as provided in Sec. 35-174 (Development Plans).~~
- ~~3. — Prior to the issuance of any coastal development permit for buildings or structures, all final plans of buildings and structures shall be approved by the Board of Architectural Review, as provided in Sec. 35-184 (Architectural Review).~~

~~Sec. 35-191.9.3. Permitted Uses.~~

- ~~1. — Retail stores, shops, or establishments supplying commodities for travellers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor~~

- ~~and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.~~
- ~~2. Service uses conducted entirely indoors such as laundry, laundromats, dry cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.~~
 - ~~3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.~~
 - ~~4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.~~
 - ~~5. Retail Plant nurseries.~~
 - ~~6. Community non-profit recycling facility.~~
 - ~~7. Child Care Facilities.~~
 - ~~8. Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-71 (R-1/E-1).~~
 - ~~9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.~~
 - ~~10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke or vibration.~~
 - ~~11. Overnight visitor serving accommodations such as bed and breakfasts, lodges and hostels.~~
 - ~~12. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:~~
 - ~~a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.~~
 - ~~b. Such operations are not injurious to the health, safety, or welfare of the~~

~~neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.~~

~~**Sec. 191.9.4. Uses Permitted with a Major Conditional Use Permit.**~~

~~1. Small animal hospitals, provided all animals are kept within a completely enclosed soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.~~

~~2. Hotels and Motels.~~

~~**Sec. 191.9.5. Uses Permitted with a Minor Conditional Use Permit.**~~

~~1. Automobile service station, provided no gasoline is stored above ground.~~

~~2. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.~~

~~3. Community Center.~~

~~4. Certified Farmer's Market.~~

~~**Sec. 191.9.6. Minimum Lot Size.**~~

~~1. None except for parcels where residences are the only use and in those instances the minimum lot size shall be 5,000 square feet per unit.~~

~~**Sec. 35-191.9.7. Setbacks.**~~

~~1. Front: Thirty (30) feet from centerline and fifteen (15) feet from right of way. Open canopies, porches, and similar unenclosed structures may extend to within 5 feet of the public right of way.~~

~~2. Side: ten percent of the width of the lot but no less than five (5) feet and no greater than ten (10) feet.~~

~~3. Rear: Ten (10) per cent of the depth of the lots, but in no case shall the rear setback be required to exceed ten (10) feet, except that for any lot having a rear boundary abutting a lot zoned for residential uses, the required rear yard setback shall be no less than 25 feet.~~

~~**Sec. 35-191.9.8. Distance Required Between Buildings on the Same Building Site.**~~

~~None, except that buildings devoted wholly or partially to a residential use shall have a minimum distance of five (5) feet from any other detached building on the same building site.~~

~~**Sec. 35-191.9.9. Height Limit.**~~

1. ~~No building or structure shall exceed 25 feet to the highest point of roof.~~

~~Sec. 35-191.9.10. Parking~~

~~As required in DIVISION 6, PARKING REGULATIONS, except that required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts as long as the spaces provided are within a distance of no greater than 500 feet as measured along streets, not alleys, from the property line, subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.~~

~~Sec. 35-191.9.11. Landscaping.~~

1. ~~Along each side abutting a residential district there shall be provided a minimum 5 ft. wide landscape area. In addition, a minimum of 15 feet in width from the street right-of-way shall be landscaped.~~
2. ~~For developments not requiring a Development Plan, a landscape plan shall be approved by the Planning and Development Department and installation and maintenance guaranteed by performance securities as set forth in Section 35-289. (General Regulations).~~
3. ~~All parking areas shall be landscaped as required under DIVISION 6, PARKING REGULATIONS.~~

~~Sec. 35-191.9.12. Storage.~~

~~Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view.~~

SECTION 21:

Except as amended by this ordinance, Divisions 1, 2, 4, 10, 11, 12, and 13 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 22:

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;

against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

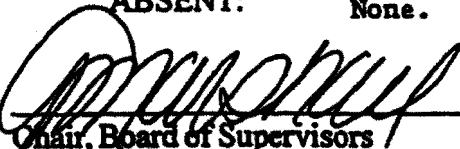
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 23rd day of June, 1998, by the following vote:

AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, Urbanske.

NOES: None.

ABSTAINED: None.

ABSENT: None.


Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By 
Deputy Clerk

APPROVED AS TO FORM:

SHANE STARK
County Counsel

By 
Deputy County Counsel

G:\GROUP\PUB_SVCS\WP\ORDS\ROUND9\ARTIL.BOS

ARTICLE II (REZONE ONLY)

ORDINANCE NO. 4321

EXHIBIT NO. 3

APPLICATION NO.

S.B. County LCP

Amd 2-98-A

AN ORDINANCE REZONING ALL PARCELS ZONED THE C-1 GOL, LIMITED COMMERCIAL-GOLETA TO C-1, LIMITED COMMERCIAL (Assessor Parcel Number 079-210-48) 1 of 3

Case No. 98-RZ-011

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

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Article II and pursuant to provisions of Section 35-180 "Amendments to a Certified Local Coastal Program", of Chapter 35 of the Code of the County of Santa Barbara, California, are hereby rezoned as they relate to Assessor Parcel Numbers 079-210-48.

SECTION 2

Pursuant to the provisions of Section 35-180 "Amendments to a Certified Local Coastal Program" and of Article II, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit No. 35-54.20.2., which rezones Assessor's Parcel Number 079-210-48 from C-1 GOL, Limited Commercial -Goleta to C-1, Limited Commercial, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-54.20.2. to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-180 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

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.

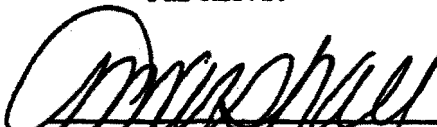
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 23rd day of June, 1998, by the following vote:

AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, Urbanske.

NOES: None.

ABSTAINED: None.


ABSENT: None.



Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By 

Deputy Clerk

APPROVED AS TO FORM:

SHANE STARK
County Counsel

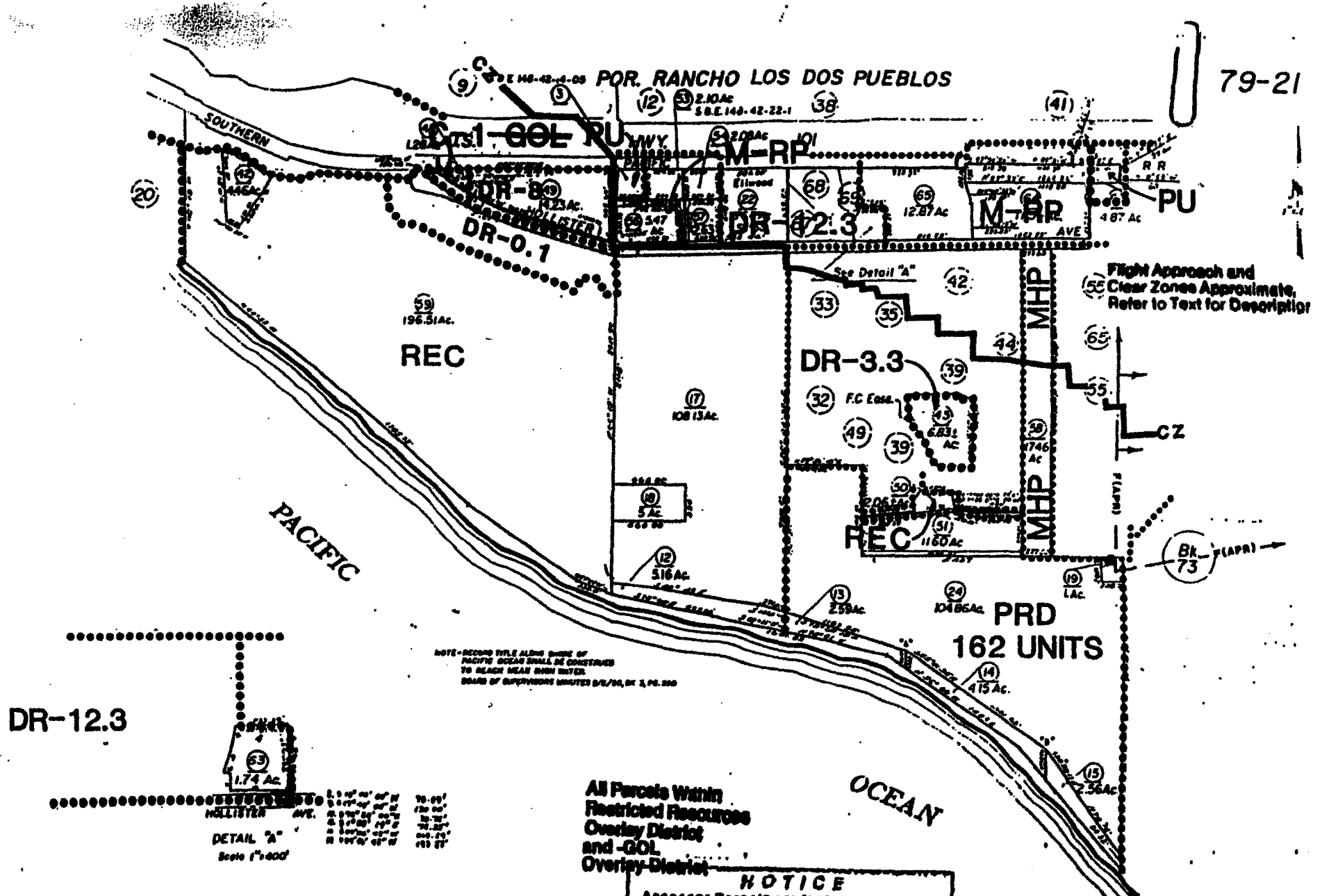
By 

Deputy County Counsel

ATTACHMENTS:

1. Rezone Maps (35-54.20.2)

G:\GROUP\PUB_SVCS\WP\ORDS\ROUND9\REZONE.II



79-21 R.M. Bk. 127, Pg. 55-56 - TRACT 13, 121

All Parcels Within
Restricted Resources
Overlay District
and -GOL
Overlay District

NOTICE
Assessor's Parcels are for tax assessment
purposes only and do not constitute either
parcel legality or a valid building title.

Assessor's Map Bk. 79 - Pg. 21
County of Santa Barbara, Calif.

NOTE - Assessor's Block Numbers Shown in Italic.

