

**CALIFORNIA COASTAL COMMISSION**

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



# Th 19d & Th 19e

**DATE:** May 31, 2007  
**TO:** Commissioners and Interested Persons  
**FROM:** Peter Douglas, Executive Director  
John Ainsworth, Deputy Director, South Central Coast District

**SUBJECT:** **City of Santa Barbara LCP Amendment SBC-MAJ-1-06 and Categorical Exemption E-06-1.** Executive Director's determination that the City's acknowledgement of receipt, acceptance, and agreement with the Commission's certification with suggested modifications and special conditions is legally adequate. This determination will be reported to the Commission at the June 14th meeting in Santa Rosa.

On March 15, 2007, the Commission approved City of Santa Barbara LCP Amendment SBC-MAJ-1-06 and Categorical Exemption E-06-1 submitted by the City of Santa Barbara with suggested modifications and special conditions respectively. This amendment and categorical exclusion modify the Local Coastal Program to:

*Reformat and revise the current Coastal Overlay Zone Ordinance. The new ordinance would include the following changes: 1) Restructuring of sections to improve usability; 2) Incorporation of a Staff Hearing Officer to review certain Coastal Development Permits (CDP); 3) Standardization of noticing; 4) Revision of review and appeals procedures for secondary dwelling units; 5) Revision of the suspension and appeals process; 6) Addition of provisions for issuance of administrative emergency permits; and 7) Addition and modification of coastal exclusion and exemption categories.*

On March 15, 2007 the City of Santa Barbara adopted Resolution No. 07-029 to acknowledge receipt of the Commission's certification of LCP Amendment 1-06 and Categorical Exclusion E-06-1 and accept and agree to all modifications suggested by the Commission.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Santa Barbara is in agreement with the Commission's certification of the above referenced LCP Amendment with suggested modifications and Categorical Exclusion with special conditions is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment 1-06 and Categorical Exclusion E-06-1, as contained in Resolution No. 07-029 adopted by the city on March 15, 2007, and find that the University's action is legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

RESOLUTION NO. 07-029

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF APPROVAL AND RESOLUTION OF CERTIFICATION; ACCEPTING AND AGREEING TO SUGGESTED CONDITIONS AND MODIFICATIONS; ANNOUNCING ADOPTION OF AMENDING ORDINANCE; AND AGREEING TO ISSUE COASTAL DEVELOPMENT PERMITS

WHEREAS, in June 1981, the California Coastal Commission certified the Land Use Plan of the City's Local Coastal Program;

WHEREAS, Section 30514 of the California Coastal Act provides that all amendments to a certified Local Coastal Plan shall be processed in accordance with Sections 30512 and 30513 of the California Coastal Act;

WHEREAS, on February 2, 2005, an application for a Local Coastal Program Amendment was submitted to the California Coastal Commission;

WHEREAS, in March 2006, the California Coastal Commission found the application complete;

WHEREAS, in April 2006, the California Coastal Commission approved a one year time extension to process the City's application;

WHEREAS, on March 15, 2007, the California Coastal Commission approved the City's Coastal Exclusion Order and Local Coastal Program Amendment with suggested special conditions and modifications;

WHEREAS, on March 20, 2007, said conditions and modifications were transmitted to the City; and

WHEREAS, on May 15, 2007, the City Council adopted an ordinance incorporating the Coastal Commission's special conditions and modifications to the City's Local Coastal Program application.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The City Council acknowledges receipt of the Commission's resolution of approval, including any conditions which may have been required, for Categorical Exclusion Order E-06-1.

SECTION 2. The City Council acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification, for the Local Coastal Program Amendment MAJ-1-06.

SECTION 3. The City Council accepts and agrees to the terms, conditions, and modifications upon which the Categorical Exclusion Order and Local Coastal Program amendment have been approved.

SECTION 4. The City Council has adopted amendments to the Local Coastal Program implementing ordinance to execute the terms, conditions, and modifications set forth in the approval.

SECTION 5. The City Council agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.

**RESOLUTION NO. 07-029**

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SANTA BARBARA        ) ss.  
  )  
CITY OF SANTA BARBARA             )

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on May 8, 2007, by the following roll call vote:

- AYES:                    Councilmembers Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
- NOES:                   None
- ABSENT:                None
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on May 16, 2007.

  
*Cynthia M. Rodriguez*  
\_\_\_\_\_  
Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on May 16, 2007.

*Marty Blum*  
\_\_\_\_\_  
Marty Blum  
Mayor



ORDINANCE NO. 5417

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA DELETING SECTION 28.45.009 OF THE SANTA BARBARA MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 28.44 OF TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE AMENDING THE PROVISIONS OF THE COASTAL OVERLAY ZONE

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 28.45.009 of Chapter 28.45 of Title 28 of the Santa Barbara Municipal Code is hereby deleted in its entirety.

SECTION 2. Chapter 28.44 of Title 28 is adopted to read as follows:

**28.44.010 Legislative Intent.**

The Coastal Overlay Zone is established for the purpose of implementing the Coastal Act of 1976 (Division 20 of the California Public Resources Code) and to insure that all public and private development in the Coastal Zone of the City of Santa Barbara is consistent with the City's Certified Local Coastal Program and the Coastal Act.

**28.44.020 Location.**

The S-D-3 Zone is applied to the "Coastal Zone" which is defined as generally all of the land 1,000 yards from the mean high tide line as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the City of Santa Barbara (including the Santa Barbara Municipal Airport and Goleta).

**28.44.030 Compliance.**

Any person (including the City, any utility, any federal, state or local government, or special district or any agency thereof) wishing to perform or undertake any development within the Coastal Overlay Zone of the City of Santa Barbara shall comply with the provisions of this Chapter 28.44. If there is a conflict between a provision of the City of Santa Barbara Local Coastal Program (including the Land Use Plan and the Coastal Overlay Zone Ordinance) and a provision of the General Plan or any other City-adopted plan, resolution or ordinance not included in the City of Santa Barbara Local Coastal Program, and it is not possible for the proposed development to comply with both the Local Coastal Program and such other plan, resolution or ordinance, the Local Coastal Program shall take precedence and the development shall not be approved unless it complies with the Local Coastal Program provision.

## **28.44.040 Definitions.**

For the purposes of this Chapter 28.44, the following words and phrases shall be construed as set forth below in this Section 28.44.040 unless it is apparent from the context that a different meaning is intended:

### **A. ACCESS.**

1. Lateral. An area of land providing public access along the water's edge.
2. Vertical. An area of land providing a connection between the first public road or use area nearest the sea and the publicly owned tidelands or established lateral access way.

**B. AGGRIEVED PERSON.** Any person who, in person or through a representative, appeared at a public hearing of the City in connection with the decision or action appealed, or who, by other appropriate means prior to the hearing, informed the City of the nature of his concerns or who for good cause was unable to do either.

### **C. APPEALABLE DEVELOPMENT.**

1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
2. Developments approved by the City not included within Paragraph 1 above located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
3. Any development which constitutes a major public works project or a major energy facility.

The Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any appealable area, the matter should be referred to the City of Santa Barbara and/or the Executive Director of the California Coastal Commission for clarification and information. The Post-LCP Certification Permit and Appeal Jurisdiction Map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

**D. APPLICANT.** The person, partnership, corporation or state or local government agency applying for a coastal development permit.

**E. COASTAL COMMISSION.** California Coastal Commission.

**F. COASTAL DEVELOPMENT PERMIT.** A permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600 of the California Public Resources Code and issued by the City in accordance with the provisions of this Section.

**G. COASTAL ZONE.** That land and water area of the City of Santa Barbara extending seaward to the State's outer limit of jurisdiction and extending inland to the boundary shown on the official Zoning Maps for the S-D-3 Coastal Overlay Zone, as amended from time to time and adopted by the Coastal Commission.

H. DEVELOPMENT. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

I. ENERGY FACILITY. Any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

J. ENVIRONMENTALLY SENSITIVE AREA. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

K. FEASIBLE. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

L. FILL. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

M. LAND USE PLAN. Maps and a text which indicate the kinds, location and intensity of land uses allowed in the Coastal Zone and includes resources protection and development policies related to those uses.

N. LOCAL COASTAL PROGRAM. The City's land use plan, zoning ordinances, zoning maps and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

O. MAJOR PUBLIC WORKS PROJECT OR MAJOR ENERGY FACILITY.

1. "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase every year following the baseline of one hundred thousand dollars set in 1983 in accordance with the Engineering News Record Construction Cost Index, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

2. Notwithstanding the criteria in Paragraph 1 above, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

P. NATURAL DISASTER. Any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.

Q. OCEAN-DEPENDENT DEVELOPMENT OR USE. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.



R. OCEAN-RELATED DEVELOPMENT OR USE. Any development or use which is dependent on an ocean-dependent development or use.

S. OTHER PERMITS AND APPROVALS. Permits and approvals, other than a coastal development permit, required to be issued by the approving authority before a development may proceed.

T. PERSON. Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government or special district or an agency thereof.

U. PUBLIC WORKS PROJECT. Any of the following development shall constitute a public works project:

1. All production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.

4. All community college facilities.

V. SEA. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

W. STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

X. VISITOR-SERVING DEVELOPMENT OR USE. Stores, shops, businesses, temporary lodging and recreational facilities (both public and private) which provide accommodations, food and services for the traveling public; including, but not limited to, hotels, motels, campgrounds, parks, nature preserves, restaurants, specialty shops, art galleries and commercial recreational development such as shopping, eating and amusement areas.

Y. WETLAND. Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

Z. WORKING DAY. Any day on which all City offices are open for business.

#### **28.44.050 Application for Development.**

A. APPLICATION. Except for development involving emergency work subject to the provisions of Section 28.44.100, an application for a coastal development permit shall be submitted prior to the commencement of any development within the Coastal Zone. The application for the coastal development permit shall be filed prior to or concurrent with other necessary City permits or approvals for said development. Such application shall be submitted to the Community Development Department and shall be

accompanied by such filing fee as established by the City Council. The Community Development Department shall provide a written handout explaining the requirements for a completed coastal development application. The Community Development Department shall take the following actions.

1. Determine if the proposed project requires a coastal development permit and, if so, determine the category of permit for the project in accordance with this Chapter.
2. File the application and provide notice of action on the application in accordance with this Chapter.
3. For those projects requiring a public hearing, prepare and transmit a staff report and recommendation regarding the application to the Planning Commission or Staff Hearing Officer.

**B. DETERMINATION OF APPLICABLE NOTICE AND HEARING PROCEDURES.**

The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the Community Development Department at the time the application for the coastal development permit is submitted. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and zoning laws which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or a Community Development Department has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

1. The Community Development Department shall make its determination as to what type of development is being proposed (i.e. categorically excluded, non-appealable or appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.
2. If the determination of the Community Development Department is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination as to the appropriate designation, the City shall notify the Coastal Commission by telephone of the dispute/question and shall request an opinion from the Executive Director of the Coastal Commission.
3. The Executive Director shall, within two (2) working days of the City's request (or upon completion of a site inspection where such inspection is warranted), transmit the determination as to whether the development is categorically excluded, non-appealable or appealable.
4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the City determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing on the determination for the next meeting (in the appropriate geographic region of the state) following the City's request.

## **28.44.060 Permit Required.**

In addition to any other permits or approvals required by the City, a coastal development permit shall be required prior to commencement of any development in the coastal zone of the City, unless the development involves emergency work subject to the provisions of Section 28.44.100 or the development is subject to one of the exclusions or exemptions specified in Section 28.44.070.

## **28.44.070 Exclusions and Exemptions.**

The following categories of development, through Subsection C, are categorically excluded from the coastal development permit requirements of this Chapter 28.44 pursuant to Categorical Exclusion Order E-86-03 as amended by Categorical Exclusion Order E-06-1 and certified by the California Coastal Commission:

A. **TIME-SHARE CONVERSION EXCLUSION.** Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

B. **VESTED RIGHTS EXCLUSION.** Any development which, on the effective date of this subsection, has a valid approval from the Coastal Commission shall be considered to have a vested right until such time as said approval expires or lapses; provided, however, that no substantial change may be made in any such development without prior Coastal Commission and City approval having been obtained by the developer.

### **C. SINGLE FAMILY RESIDENCE EXCLUSIONS.**

1. Construction of one (1) single family residence on an existing vacant parcel in the area designated as Non-appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara.

2. Demolition and reconstruction of an existing single-family residence in the area designated as Non-appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, if an application for demolition and reconstruction of an existing single-family residence is submitted for a lot that either: (1) contains a City Landmark or Structure of Merit, (2) contains or is within 100 feet of archeological or paleontological resources, or (3) contains or is within 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped, then the application shall require a coastal development permit.

The following categories of development, through the end of this Section 28.44.070, are exempt from the coastal development permit requirements of this Chapter 28.44 pursuant to Section 30610 of the Public Resource Code and Sections 13250-13253 of Title 14 of the California Administrative Code.

D. SINGLE FAMILY RESIDENCE EXEMPTION. Improvements to existing single-family residences; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided in Section 13250 of Title 14 of the California Administrative Code, as amended from time to time.

E. OTHER CONSTRUCTION EXEMPTION. Improvements to any structure other than a single-family residence or a public works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use contrary to any policy of the Coastal Act; shall require a coastal development permit, as provided in Section 13253 of Title 14 of the California Administrative Code, as amended from time to time.

F. MAINTENANCE OF NAVIGATION CHANNEL EXEMPTION. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

G. REPAIR OR MAINTENANCE EXEMPTION. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact shall require a coastal development permit, as provided in Section 13252 of Title 14 of the California Administrative Code, as amended from time to time.

H. UTILITY CONNECTIONS EXEMPTION. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 and this Chapter; provided that the Community Development Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

I. REPLACEMENT OF EXISTING STRUCTURES DESTROYED BY NATURAL DISASTER EXEMPTION. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this Subsection I, the term:

1. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

2. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

3. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

J. TEMPORARY EVENT EXEMPTION.

1. Definitions. For the purposes of this Subsection J, the following words and phrases shall be construed as set forth below:

a. Exclusive Use. A use that precludes public uses in the area of the temporary event for recreation, beach access or access to coastal waters other than for or through the temporary event itself.

b. Limited Duration. A period of time that does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

c. Non-permanent Structure(s). Include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, movie/film sets, which do not involve grading or landform alteration for installation.

d. Temporary Event. An activity or use that constitutes development as defined in Section 30106 of the California Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.

e. Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

f. Sandy Beach Area. Includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

2. General Rule. Except as provided in Paragraph 4 below, every temporary event is excluded from the coastal development permit requirements under this Chapter 28.44, unless the temporary event meets all of the following criteria:

a. The event is to be held between Memorial Day weekend and Labor Day, inclusive; and,

b. The event occupies all or a portion of a sandy beach area; and,

c. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

3. Other Exclusions. The Community Development Director may also exclude a temporary event that satisfies all of the criteria specified in Paragraph 2 above, if:

(1) The fee is for preferred seating only and 75% of the provided seating capacity is available free of charge for general public use; or,

(2) The event is held on a sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or,

(3) The event is less than one day in duration; or,

(4) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for a similar duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

4. Special Circumstances. The Community Development Director, or the Planning Commission or City Council through direction to the Community Development Director, may determine that a temporary event shall require a coastal development permit, even if the criteria specified in Paragraph 2 above are not met, if the Community Development Director determines that unique or changing circumstances exist relative to the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:

a. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Paragraph 1 above;

c. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or

d. The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

#### **28.44.080. Record of Categorical Exclusion Determinations.**

The Community Development Department shall maintain a record of all determinations made which shall be made available to the Coastal Commission or any interested person upon request. This record must include the applicant's name, the location of the project, a brief description of the project, the site plan, the date upon which the determination was made, and all terms and conditions imposed by the City in granting its approval. Notice of each exclusion determination shall be made to the Coastal Commission within five (5) working days of the determination by the Community Development Department. The City is not required to give the Coastal Commission notice of exemption determinations.

#### **28.44.090 [Reserved.]**

#### **28.44.100 Permit for Emergency Work.**

The Community Development Director may issue an emergency permit without compliance with the procedures for the issuance of a coastal development permit specified in this Chapter 28.44 in cases of an emergency, as the term emergency is defined in Section 13009 of Title 14 of the California Administrative Code. Where persons or public agencies seek a permit for emergency work pursuant to Section 30624 of the California Public Resources Code or this Section 28.44.100, the following procedures shall apply:

A. APPLICATION. Applications for permits for emergency work shall be made to the Community Development Director by letter or facsimile during business hours if time allows, or by telephone or in person if time does not allow. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency;

5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action;
6. The identity of other public agencies alerted to the emergency;
7. Access routes to the emergency; and,
8. Any other information deemed necessary by the Community Development Director.

B. VERIFICATION OF EMERGENCY. The Community Development Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

C. COORDINATION AND PUBLIC NOTICE. Prior to issuance of an emergency permit, when feasible, the Community Development Director shall notify, and coordinate with, the South Central Coast District Office of the California Coastal Commission as to the nature of the emergency and the scope of the work to be performed. This notification shall be in person or by telephone. The Community Development Director shall provide public notice of the proposed emergency action required by Section 13329.3 of Title 14 of the California Administrative Code, with the extent and type of notice determined on the basis of the nature of the emergency itself.

D. ISSUANCE. The Community Development Director may grant a permit for emergency work upon reasonable terms and conditions, including an expiration date and the requirement for a regular permit application later, if the Community Development Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;

2. Public comment on the proposed emergency action has been reviewed if time allows;

3. The work proposed would be consistent with the requirements of the City's Local Coastal Program and the California Coastal Act of 1976;

4. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency. This finding shall be made with the maximum information and analysis possible given the expedited review demanded by the emergency situation;

5. The Community Development Director shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code Section 30519(b) since a coastal development permit application for this type of work must be reviewed by the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30519(b) and 30600(d).

E. FORMAT OF PERMIT. The emergency permit shall be a written document that includes the following information:

1. The date of issuance;

2. An expiration date;

3. The scope of work to be performed;

4. Terms and conditions of the permit. The emergency permit may contain conditions for removal of existing development or structures if they are not authorized in a coastal development permit, or the emergency permit may require that a subsequent coastal development permit must be obtained to authorize the removal of such existing

un-permitted development or structures;

5. A provision stating that within ninety (90) days of issuance of the emergency permit, a coastal development permit application shall be submitted and properly filed consistent with the requirements of this Chapter seeking authorization to retain structures erected pursuant to the emergency permit, to remove such structures, or some other alternative;

6. A provision stating that any development or structures constructed pursuant to an emergency permit shall be considered temporary until authorized by a subsequent coastal development permit and that issuance of an emergency permit shall not constitute an entitlement to the erection of permanent development or structures; and

7. A provision that states that the development authorized in the emergency permit must be removed unless a complete application for a coastal development permit is filed within ninety (90) days of approval of the emergency permit. If all or any portion of the application for the coastal development permit seeking authorization for permanent retention of the development authorized pursuant to the emergency permit is denied, the portion of the development that is denied must be removed.

**F. NOTICE TO THE PLANNING COMMISSION.**

1. The Community Development Director shall report in writing to the Planning Commission at each meeting of the Commission the emergency permits applied for or issued since the last report. The report shall contain a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time the application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. Copies of this report shall also be sent to the South Central Coast District Office of the California Coastal Commission.

2. All emergency permits issued after completion of the agenda for the Planning Commission meeting shall be briefly described by the Community Development Director at the meeting and the written report required by Paragraph 1 above shall be distributed prior to the next meeting of the Planning Commission.

3. The report of the Community Development Director shall be informational only. The decision to issue an emergency permit is solely at the discretion of the Community Development Director.

**28.44.110 AUTHORITY TO REVIEW.**

Where a coastal development permit is required pursuant to Section 28.44.060, the authority to review an application for a coastal development permit is designated as follows:

**A. APPEALABLE DEVELOPMENT.**

1. Planning Commission. The Planning Commission shall review all applications for coastal development permits for proposed development in the appealable area unless authority is granted to the Staff Hearing Officer pursuant to Paragraph 2 below.

2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the appealable area when:



a. The proposed development requires another discretionary action by the Staff Hearing Officer under any other provision of this Code; or

b. The proposed development involves single family residential development unless the proposed development:

(1) is located less than 50 feet from the edge of any coastal bluff or the inland extent of any beach; or

(2) is located seaward of the seacliff retreat line as defined in the City of Santa Barbara Coastal Plan; or

(3) involves an improvement that increases the internal floor area of any structure by more than 500 square feet; or

(4) involves a second story improvement; or

(5) requires a discretionary action by the Planning Commission under another provision of this Code.

#### B. NON-APPEALABLE DEVELOPMENT.

1. Planning Commission. The Planning Commission shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development requires another discretionary action by the Planning Commission under any other provision of this Code.

2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development does not require another discretionary action by the Planning Commission under another provision of this Code.

C. SECONDARY DWELLING UNITS. When a proposed development only involves the addition of a secondary dwelling unit to an existing single family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least ten (10) calendar days after notice having been given pursuant to Section 28.44.130. The Staff Hearing Officer may receive written comments regarding the application and consider such written comments during the review of the application, but the Staff Hearing Officer shall not conduct a public hearing on the application. The decision of the Staff Hearing Officer concerning an application for a coastal development permit pursuant to this subsection C shall constitute the final action of the City. In the appealable area, decisions of the Staff Hearing Officer made pursuant to this subsection C may be appealed to the Coastal Commission in accordance with Section 28.44.200. Actions on applications to construct secondary dwelling units shall be consistent with the provisions of the applicable zone and the policies and development standards of the City of Santa Barbara's certified Local Coastal Program and Chapter 3 of the California Coastal Act. Review of a coastal development permit application for a secondary dwelling unit as an addition to an existing single family residence shall comply with all procedures and development standards of this Chapter, aside from the requirements to conduct a public hearing and City appeals as described in Sections 28.44.120, 28.44.140, and 28.44.160.

### **28.44.120 Public Hearing.**

At least one public hearing shall be held on each application requiring a coastal development permit, with the exception of applications that only include the addition of a secondary dwelling unit to an existing single family residence pursuant to Section 28.44.110.C. The Planning Commission or the Staff Hearing Officer, as designated in Section 28.44.110, shall hold the public hearing regarding the coastal development permit concurrently with any other required public hearing or hearings before the reviewing body for any other applications regarding the proposed development.

### **28.44.130 Notice.**

A. TIMING AND METHOD. At least ten (10) days prior to the public hearing on the application for a coastal development permit, the Community Development Department shall provide written notice of the public hearing in the following manner:

1. Notice shall be published in a newspaper of general circulation in the City;
2. Notice shall be sent by first class mail to any person who has filed a written request therefore;
3. Notice shall be sent by first class mail to property owners within 300 feet of the exterior boundary of the project parcel;
4. Notice shall be sent by first class mail to occupants of residences, including apartments, on or within 100 feet of the affected parcel;
5. Notice shall be sent by first class mail to the Coastal Commission; and
6. In addition to the required methods of notice above, the Community Development Department may provide for supplemental noticing methods including, but not limited to, posted notice on the project site. However, the failure to receive notice pursuant to any supplemental noticing method shall not constitute a basis for invalidating any action taken on the coastal development permit application.

B. CONTENT. The written notice of the public hearing shall contain all of the following information:

1. A statement that the development is within the coastal zone;
2. The date of filing of the application and the name of the applicant;
3. The permit number assigned to the application;
4. A description of the development and its proposed location;
5. The date, time and place at which the application will be heard by the Planning Commission or the Staff Hearing Officer;
6. A brief description of the general procedure of the Planning Commission or the Staff Hearing Officer concerning the conduct of hearings, submission of public comment either in writing or orally, and local action; and
7. The system for City and Coastal Commission appeals.

#### **28.44.140 Notice when Hearing is Continued.**

If a public hearing regarding an application for a coastal development permit is continued by the Planning Commission or the Staff Hearing Officer to a date which is neither (1) previously stated in the notice provided pursuant to Section 28.44.130, nor (2) announced at the public hearing as being continued to a date certain, the Community Development Department shall provide notice of the continued hearing in the same manner, and within the same time limits as established in Section 28.44.130.

#### **28.44.150 Findings.**

In order to approve a coastal development permit, all of the following findings shall be made:

- A. The project is consistent with the policies of the California Coastal Act; and
- B. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

#### **28.44.160 Suspensions and Appeals.**

##### **A. FROM THE STAFF HEARING OFFICER.**

1. Suspensions. The Chairperson, Vice Chairperson or other designated member of the Planning Commission may take action to suspend any decision of the Staff Hearing Officer and to schedule a public hearing before the Planning Commission to review said decision. The notice of suspension must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision. The Community Development Department shall prepare a report to the Planning Commission with Staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer.

2. Appeals. The decisions of the Staff Hearing Officer may be appealed to the Planning Commission by the applicant, an aggrieved person or any two (2) members of the Coastal Commission. The appeal must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application for a coastal development permit, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal wherein the decision of the Staff Hearing Officer is not in accord with the provisions of this Chapter or wherein it is claimed that there was an error or an abuse of discretion by the Staff Hearing Officer. The Community Development Department shall prepare a report to the Planning Commission with Staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing. Notice of the time and place of

the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

B. FROM THE PLANNING COMMISSION. The decisions of the Planning Commission, including decisions on suspensions or appeals from decisions of the Staff Hearing Officer, may be appealed to the City Council by the applicant, an aggrieved person or any two (2) members of the Coastal Commission. The appeal must be filed with the City Clerk within ten (10) calendar days of the date of the Planning Commission's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the coastal development permit, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal wherein the decision of the Planning Commission is not in accord with the provisions of this Section or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission. Prior to the hearing on said appeal, the City Clerk shall inform the Community Development Department that an appeal has been filed whereon said Department shall prepare a report to the City Council with Staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's decision. The City Council shall affirm, reverse, or modify the decision of the Planning Commission after conducting a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Planning Commission; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

#### **28.44.170 Finality of City Action.**

A local decision on an application for a coastal development permit shall be deemed final when:

A. The local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the California Coastal Act, Public Resources Code; and

B. When all local rights of appeal have been exhausted as defined in Section 28.44.160.

#### **28.44.180 Notice of Final Action by the City.**

Within seven (7) calendar days of a final City decision on an application for a coastal development permit, the Community Development Department shall provide notice of the action by first class mail to the Coastal Commission and to any persons who specifically requested such notice and provided a self-addressed, stamped envelope. Such notice shall include conditions of approval, written findings and the procedures for appeal of the City decision to the Coastal Commission.

#### **28.44.190 Effective Date of City Final Action on Appealable Items.**

A final decision of the City on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless any of the following occur:

- A. An appeal is filed in accordance with Section 28.44.200; or
- B. The notice of final City action has not been given pursuant to Section 28.44.180.

When either of the above circumstances occurs, the Coastal Commission shall, within five (5) working days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.

#### **28.44.200 Appeals to the Coastal Commission.**

For those actions taken by the City on applications for coastal development permits that are approved for development defined as "appealable" under California Public Resources Code, Section 30603(a) and Subsection 28.44.030.C, an appeal may be filed with the Coastal Commission by an aggrieved party, the applicant, or two (2) members of the Coastal Commission. Such appeals must be filed in the office of the Coastal Commission not later than 5:00 p.m. of the tenth working day following the Commission's receipt of sufficient notice of the final local governmental action. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the City Council, as established in Section 28.44.160, to be considered an aggrieved party.

#### **28.44.220 Development within Coastal Commission Permit Jurisdiction.**

Notwithstanding other permit and appeal provisions of this Chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands as identified on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara adopted by the Coastal Commission, shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a coastal permit from the Coastal Commission. Upon submittal to the City of an application for a coastal development permit, the Community Development Department shall determine if the development may be located on land identified as tidelands, submerged lands and/or public trust lands. Such determination shall be based upon maps and other descriptive information identifying such lands which the Coastal Commission and/or State Lands Commission may supply. Upon a determination that the proposed coastal development involves such lands, the Community Development Department shall notify the applicant and the Coastal Commission of the determination that a State coastal permit is required for the development. In conjunction with the City's review and decision on the development in accordance with the requirements of this Chapter and other City codes, the City shall also make a recommendation to the coastal commission regarding the development's conformance with the certified local coastal program, including this Chapter. The City's determination of development conformance with the objectives and requirements of the local coastal program shall be advisory only and not a final action under this Chapter. Development shall not proceed until the Coastal Commission grants a coastal permit for such a development.

A. **PLANNING COMMISSION RECOMMENDATION.** If proposed development within the permit jurisdiction of the coastal commission requires discretionary review by the Planning Commission under any other provision of this Code, the Planning Commission shall conduct a public hearing regarding development's conformance with the certified local coastal program including this Chapter. The public hearing shall be held concurrently with any other required public hearing or hearings for any other applications regarding the proposed development. Following approval of the development by the City, the Community Development Department shall forward the City approval, the application, supporting file documents and the City's recommendation regarding the issuance of the coastal development permit to the Coastal Commission for its action on the coastal development permit application.

B. **STAFF HEARING OFFICER RECOMMENDATION.** If proposed development within the permit jurisdiction of the coastal commission requires discretionary review by the Staff Hearing Officer under any other provision of this Code, the Staff Hearing Officer shall conduct a public hearing regarding development's conformance with the certified local coastal program including this Chapter. The public hearing shall be held concurrently with any other required public hearing or hearings for any other applications regarding the proposed development. Following approval of the development by the City, the Community Development Department shall forward the City approval, the application, supporting file documents and the City's recommendation regarding the issuance of the coastal development permit to the Coastal Commission for its action on the coastal development permit application.

C. **COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION.** If the proposed development within the permit jurisdiction of the coastal commission does not require discretionary review by the Planning Commission or the Staff Hearing Officer under any other provision of this Code, the Community Development Department shall review the proposed development's conformance with the certified local coastal program including this Chapter and shall forward the application, supporting file documents and the Community Development Department's recommendation regarding the issuance of the coastal development permit to the Coastal Commission for its action on the coastal development permit application.

#### **28.44.230 Time for Commencement of Approved Development; Extensions.**

A. **TIME FOR COMMENCEMENT OF APPROVED DEVELOPMENT.** The time for commencement of the approved development shall be two years from the date of the final action upon the application, unless a different time is specified in the conditions of approval for the coastal development permit.

B. **EXTENSIONS.** Prior to the time that commencement of development must occur under the terms of the coastal development permit or Subsection A, the applicant may apply to the Community Development Director for an extension of time not to exceed an additional one year period. Such an extension of time may be granted no more than three (3) times, and under no circumstances shall the time for commencement of development be more than five (5) years after the date of the final action on the application. Extensions of time may be granted by the Community Development Director upon findings that the development continues to be in conformance with the

certified local coastal program, that the applicant demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record, and that there are no changed circumstances that may affect the consistency of the development with the certified local coastal program, the general plan and applicable City ordinances, resolutions and other laws.

#### **28.44.240 Amendments to Coastal Development Permits.**

On the request of an applicant, a coastal development permit may be amended in the same manner specified for the initial review of an application for a coastal development permit.

#### **28.44.250 General Provisions.**

A. **CONFLICTING PERMITS AND LICENSES TO BE VOIDED.** All departments, officials, and public employees of the City vested with the duty and authority to issue permits or licenses shall conform to the provisions of this zone and shall issue no permits or licenses for uses, buildings, or any purpose in conflict with the provisions of this Section. Any such permit or license issued in conflict with this Section shall be null and void.

B. **CONFLICT WITH OTHER REGULATIONS.** Where conflicts occur between the regulations contained in this Section and the building code, other sections of Title 28 of this Code, or other regulations effective within the City, the more restrictive of such laws, codes or regulations shall apply.

It is not intended that this Section shall interfere with, abrogate or annul any easement, covenant, or other agreement now in effect; provided, however, that where this Section imposes a greater restriction upon the use of buildings or land or upon new construction than are imposed or required by other ordinances, rules, or regulations or by easements, covenants, or agreements, the provisions of this Section shall apply.

Nothing contained in this Section shall be deemed to repeal or amend any regulation of the City requiring a permit, license, and/or approval, for any business, trade, or occupation, nor shall anything in this Section be deemed to repeal or amend the building code. If provisions of this Section overlap or conflict, the most protective provision relating to coastal resources shall apply.

#### **C. FAILURE TO ACT NOTICE.**

1. **Notification by Applicant:** If the City has failed to act on an application within the time limits set forth in Article 5, ("Approval of Development Permits") of Title 7, Division 1, Chapter 4.5 of the Government Code, commencing with 65950, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950 et seq. shall notify, in writing, the City and the Coastal Commission of the claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

2. Notification by City. Upon determination that the time limits established pursuant to Government Code Section 65950 et seq. have expired, the Community Development Department shall, within five (5) working days of such determination, notify those persons entitled to receive notice that it has taken final action by operation of law pursuant to Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the City's notice in the office of the Coastal Commission.

D. AMENDMENTS TO A CERTIFIED LOCAL COASTAL PROGRAM. The purpose of this Subsection is to provide for changes in the land use and/or zoning designation on properties where such change is warranted by consideration of location, surrounding development and timing of development; to provide for text amendments to this Section and/or the City's Local Coastal Plan as the City may deem necessary or desirable; and to provide for amendments to any ordinances or implementation measures carrying out the provisions of the City's Local Coastal Plan. The intent of this Subsection is to provide the mechanism, consistent with the Coastal Act, for amending the City's certified Local Coastal Program.

1. Initiation. An amendment to the certified Local Coastal Program may be initiated by any member of the public, the Planning Commission or the City Council. All amendments proposed to the Commission for final certification must be initiated by resolution of the City Council.

2. City Review and Processing. Processing of amendments to the certified Local Coastal Program shall proceed in the same manner as that required for an amendment to the:

a. General Plan, if that amendment is intended to amend the text or map of the City's Coastal Plan.

b. Municipal Code or Zoning Map, if that amendment is intended to amend the Municipal Code or Zoning Map.

3. Noticing. Notice of the hearing shall be given at least ten (10) calendar days before the hearing.

a. For any amendment, notice shall be:

1. Published in a newspaper of general circulation in the City.

2. Mailed to any person who has filed a written request therefore and has supplied the City with self-addressed, stamped envelopes.

3. Mailed to the Coastal Commission.

b. In addition, for a proposed rezoning or change of land use designation, notices shall be mailed:

1. To the owners of the affected property and also the owners of all property within 300 feet of the exterior boundaries of the affected property, using for this purpose, the name and address of such owners shown on the tax rolls of Santa Barbara County.

2. To occupants of residences, including apartments on or within 100 feet of the affected property.

3. In the event that the rezoning or change of land use designation affects a portion of the City which has an area equivalent to more than four (4) square City blocks, the City may, instead, provide notice by placing a display advertisement in a newspaper of general circulation, published and circulated in the City.



E. 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 City of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission within fourteen (14) days of the final approval by the City Council in accordance with Sections 30512 and 30513 of the Coastal Act.

F. DEVELOPMENT POTENTIAL. Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300.

G. DEVELOPMENT WITHIN THE GOLETA SLOUGH. Any development within the Goleta Slough Reserve Zone is required to obtain a Goleta Slough Coastal Development Permit pursuant to the provisions of Chapter 29.25 unless specifically exempted.

H. HAZARDOUS WASTE MANAGEMENT FACILITIES. Approval for construction or use of any off-site hazardous waste management facilities, as defined in Section 28.04.277 of this Title, shall require preparation and approval of an amendment to the Local Coastal Program by the City Council and the California Coastal Commission. Such facilities shall also require approval of a change in zone to the HWMF Overlay Zone and any other required permits in accordance with Chapter 28.75 of this Title.

SECTION 3. All references within the Santa Barbara Municipal Code to the former Section 28.45.009 are amended to refer to the new Chapter 28.44.

SECTION 4. This ordinance shall not be effective until it has been certified by the California Coastal Commission pursuant to the requirements of the California Coastal Act.

SECTION 5. This ordinance supersedes Ordinance Number 5381 in its entirety.


**ORDINANCE NO. 5417**

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SANTA BARBARA         ) ss.  
  )  
CITY OF SANTA BARBARA                )

I HEREBY CERTIFY that the foregoing ordinance was introduced on May 8, 2007, and was adopted by the Council of the City of Santa Barbara at a meeting held on May 15, 2007, by the following roll call vote:

- AYES:                    Councilmembers Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
  
- NOES:                   None
  
- ABSENT:                None
  
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on May 16, 2007.

 *Cynthia M. Rodriguez*  
Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on May 16, 2007.

*Marty Blum*  
Marty Blum  
Mayor

RECEIVED  
MAY 23 2007

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT