

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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**F7a**

**DATE:** February 26, 2016  
**TO:** Commissioners and Interested Persons  
**FROM:** Steve Hudson, Deputy Director  
Barbara Carey, District Manager  
Deanna Christensen, Supervising Coastal Program Analyst  
Megan Sinkula, Coastal Program Analyst  
**SUBJECT:** Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-14-0835-2-PART B (General Package) for Public Hearing and Commission Action at the March 11, 2016 Commission Meeting in Santa Monica.

**DESCRIPTION OF THE SUBMITTAL**

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) that proposes minor changes to the existing standards regulating special care homes, parking, setbacks for swimming pools and spas, screening for the accessory storage of materials and recreation vehicles, structural changes to non-conforming structures, permit timing for conditional use permits and land use permits, and filing procedures for reclamation and surface mining permits.

The County of Santa Barbara submitted the subject LCP Amendment to the Commission on October 13, 2014. The amendment submittal was deemed complete on February 26, 2015, the date of receipt of the remaining additional information requested by Commission staff. The amendment submittal included three unrelated subparts - Part A (Carpinteria Agricultural Overlay View Corridor Map Change), the subject Part B (General Package 2013), and Part C (Summerland Community Plan Update). The time limit for Commission action on the amendment submittal was extended for one year (pursuant to Section 30517 of the Coastal Act) at the April 17, 2015 Commission hearing. Part A of the amendment submittal was approved by the Commission at the December 10, 2015 hearing. Part C of the amendment submittal is scheduled for the March 2016 Commission hearing (Item F7b). The subject staff report and recommendation only deal with Part B of the amendment request.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after public hearing, reject proposed Santa Barbara County LCP Amendment No. LCP-4-STB-14-0835-2-PART B, as submitted, and **approve the amendment only if modified** pursuant to one suggested modification. The suggested modification is necessary to ensure that the County's Implementation Plan/Coastal Zoning Ordinance (IP/CZO) is consistent with and adequate to carry out the certified LUP. The motions and resolutions for Commission action can be found starting on **page 6**. The suggested modification language can be found starting on **page 7**.

Staff is recommending **approval** of the amendment with **one (1) Suggested Modification** to ensure that the proposed changes to the nonconforming structures provisions of the IP/CZO

address conformance with existing Coastal Land Use Plan (LUP) resource protection policies. The certified IP/CZO provides that a nonconforming structure may be enlarged, extended, moved, or structurally altered only where any such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of the LCP. The only exceptions provided by the certified IP/CZO are for disaster replacement, seismic retrofits, exempt types of repair and maintenance, or where the structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors. The proposed IP/CZO amendment includes 1) a reorganization of the existing language of Section 35-162 (Non-conforming Buildings and Structures) without making substantive changes; and 2) the addition of another exception to allow structural alterations to nonconforming structures that are devoted to a conforming residential use or that is normally or historically accessory to a primary residential use as long as the alteration does not result in a structure that extends beyond the existing exterior, and, if the structure is fifty years old or greater, the County Planning Director has determined that the alteration will not result in a detrimental effect on any potential historical significance of the structure. However, allowing structural alterations to nonconforming structures raises issues regarding consistency with the coastal resource protection policies of the LCP where the nonconforming development adversely impacts coastal resources and structural alterations could extend the life of the structure. Therefore, staff is recommending Suggested Modification One to add language that prohibits structural alterations to nonconforming structures where the nonconforming structure or the structural alteration is inconsistent with any of the coastal resource protection policies of the LCP.

A similar issue is raised by the existing historical landmark exception. The existing IP/CZO indicates that these types of historic structures “may be” modified in addition to being retained. However, the extension of the life of such structures as allowed by this exception may conflict with the LUP policies mandating protection of coastal resources including, but not limited to public access and recreation opportunities, wetlands, environmentally sensitive habitats, shoreline and bluff environments, scenic landscapes and views of the sea. Policies 1-2 and 1-3 of the certified LUP are specifically intended to provide the basis to resolve internal conflicts with regard to interpreting the policies and provisions of the LCP. Where conflicts arise with regard to interpretation of the policies and provisions of the LCP, LUP Policies 1-2 and 1-3 require that the policy most protective of coastal resources shall prevail. While the LCP does provide clear direction on resolving conflicts when all of the policies and provisions are considered, the historical landmark exception for nonconforming structures is not itself clear that coastal resource protection is also a consideration. Although the County is not proposing any substantive changes to this historical landmark exception provision in the IP/CZO, the County is re-formatting subsection 1 of Section 35-162 that pertains to this historical landmark exception for nonconforming structures as part of the proposed amendment request. Therefore, the proposed amendment provides an opportunity to provide clarity to applicants, decision-makers, and the public regarding the limitations of the historical landmark exception. As such, staff is recommending Suggested Modification One to clarify that such a historic landmark structure shall not be enlarged, extended, reconstructed, relocated, and/or structurally altered if the nonconforming structure is inconsistent with any coastal resource protection policies or provisions of the LCP (regardless of historic status).

Additionally, the proposed amendment seeks to add language to clarify the existing restrictions placed by the nonconforming structures regulation and the consequences of violating the restrictions. The proposed amendment adds language to clarify that if an existing nonconforming

structure is altered in violation of the subject restrictions, (1) the structure will no longer be considered nonconforming and the rights to continue the nonconforming structure are terminated, (2) the structure must either be demolished or altered so that it is a conforming structure, and (3) if the owner fails to either demolish the structure or alter the structure to make it a conforming structure, then it will be considered a violation of the zoning ordinances and subject to enforcement.

The proposed amendment also includes a series of minor amendments to regulations for the exterior parking of vehicles and the exterior storage of miscellaneous materials on residentially zoned lots, and seeks to amend the definition of “special care home” to lower the number of permitted clients that may be housed within a special care home on a residentially zoned lot from fourteen to six pursuant to changes in State law requirements. Additionally, the proposed IP/CZO amendment contains minor procedural changes to specify a time limit in the adoption of phasing plans for projects permitted through Conditional Use Permits and Final Development Plans where the development is expected to occur over several years, and to implement recent revisions to the California State Mining and Reclamation Act (SMARA) which include a filing requirement of an Interim Management Plan within ninety days of a surface mine becoming idle and changes to the existing allowances for time extensions for an Interim Management Plan. The proposed IP/CZO amendment also seeks to address yard setback requirements for pool and spa development on interior lots to be consistent with the County’s Land Use and Development Code (applicable outside of the coastal zone).<sup>1</sup> The IP/CZO currently prohibits swimming pools and spas (including appurtenant equipment such as filters, heaters, pumps, etc.) from being located in the front or side yard setbacks but allows their location in the rear yard setback provided they are not within five feet of the property line. The proposed IP/CZO amendment adds language requiring ten feet setbacks from all property lines for swimming pools and spas (including appurtenant equipment) on interior lots. These proposed changes conform with and are adequate to carry out the applicable policies of the certified LUP in regards to new development and the protection of coastal resources.

The standard of review for the proposed amendment to the IP/CZO of the certified LCP is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the LUP portion of the County of Santa Barbara certified Local Coastal Program. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP. For the reasons described in this report, the proposed IP/CZO amendment, only if modified as suggested, is consistent with and adequate to carry out the provisions of the LUP with respect to the protection of coastal resources.

<p><b>Additional Information:</b> Please contact Megan Sinkula at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St., Second Floor, Ventura, CA 93001</p>
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<sup>1</sup> Interior lots are lots positioned such that they front only on one street and are not side adjacent to any streets.

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## EXHIBITS

- Exhibit 1. Proposed Amendment Language (strikeout and underline)
- Exhibit 2. Santa Barbara County Ordinance No. 4884
- Exhibit 3. Santa Barbara County Board of Supervisors Resolution 14-04

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The Coastal Act provides:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...*

*The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (California Public Resources Code § 30513)*

The standard of review for the proposed Amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) of the certified Local Coastal Program (LCP), pursuant to Sections 30513 and 30514 (“proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...”) of the Coastal Act, is that the Commission must approve it unless the proposed amendment is not in conformance with, or is inadequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County LCP. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings (Montecito Planning Commission Hearings on 10/16/13, 11/20/13 and 1/22/14, County Planning Commission Hearings on 10/30/13 and 2/12/14, and a Board of Supervisors Hearing on 4/15/14) and written and verbal comments were received from the members of the public regarding the Amendment. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the subject Amendment has been distributed to all known interested parties.

### **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations (“14 CCR”), the County, by resolution, may submit a LCP amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The Santa Barbara County Board of Supervisors submittal specified that this Amendment shall take effect automatically after Commission action. In this case, because staff is recommending this approval subject to a suggested modification by the Commission, if the Commission approves this Amendment as recommended, the County must

act to accept the certified suggested modification within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§ 13544, 13555(b), and Section 13542(b)). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

## **II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT**

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to the resolution.

### **A. DENIAL AS SUBMITTED**

**MOTION I:**     *I move that the Commission reject the County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment LCP-4-STB-14-0835-2-PART B as submitted.*

#### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment LCP-4-STB-14-0835-2-PART B as submitted and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program amendment as submitted.

### **B. CERTIFICATION WITH SUGGESTED MODIFICATIONS**

**MOTION II:**     *I move that the Commission certify the Implementation Program Amendment LCP-4-STB-14-0835-2-PART B for Santa Barbara County if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program amendment with a suggested modification and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for Santa Barbara County if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modification conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**III. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT**

The staff recommends the Commission certify the following, with the modifications as shown below. The County's proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language recommended by Commission staff to be added to the proposed amendment is shown in double underline.

**SUGGESTED MODIFICATION 1**

**Subsection 1(a) of Section 35-162, Nonconforming Structures and Uses, shall be modified as follows:**

- 1. Structural change, enlargement, or extension.**
  - a. Enlargements or extensions allowed in limited circumstances.**
    - 1) Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.
    - 2) **Allowed structural alterations.**
      - a) Seismic retrofits allowed.** Seismic retrofits as defined in Section 35-58 (Definitions) and in compliance with Section 35-169.2 (Applicability) may be allowed but shall be limited

- exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
- b) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
  - c) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term. However, such a structure shall not be enlarged, extended, reconstructed, relocated, and/or structurally altered if the nonconforming structure is inconsistent with any coastal resource protection policies of the LCP (regardless of historic status).
  - d) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection 1.a.1, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure. However, structural alterations to a nonconforming structure shall be prohibited if the nonconforming structure and/or the structural alterations are inconsistent with any coastal resource protection policies of the LCP.
- 3) **Permit required.** The issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or Land Use Permit in compliance with Section 35-178 (Land Use Permits), as applicable, is required prior to the commencement of any structural alteration allowed in compliance with Subsections 1.a.1 or 1.a.2, above, unless the alteration is determined to be exempt in compliance with Section 35-169.2 (Applicability).
  - 4) **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.
  - 5) **Loss of nonconforming status.**
    - a) An existing nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection 1.a, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the



enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Article.

- b) If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

#### **IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT IF MODIFIED AS SUGGESTED**

The following findings support the Commission's denial of the Implementation Plan/Coastal Zoning Ordinance amendment as submitted, and approval of the amendment if modified as suggested. The Commission hereby finds and declares as follows:

##### **A. AMENDMENT DESCRIPTION**

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) that proposes minor changes to the existing standards regulating special care homes, parking, setbacks for swimming pools and spas, screening for the accessory storage of materials and recreation vehicles, structural changes to non-conforming structures, permit timing for conditional use permits and land use permits, and filing procedures for reclamation and surface mining permits.

The full text of the County's proposed changes to the IP/CZO are included as **Exhibit 1** of this report, and are summarized below:

##### 1. Special Care Homes

The proposed amendment includes changes to the definition and regulations regarding Special Care Homes. Special Care Homes are defined as residential homes providing non-medical care and supervision. These facilities include, but are not limited to, group homes for children, transitional homes such as those dedicated to substance abuse and recovery, adult residential homes, supported housing, residential care facilities for the elderly and handicapped, and foster homes. The proposed IP/CZO amendment would reduce the number of permitted persons that may reside within a special care home as a residential use from fourteen to six, consistent with changes in State law requirements.

##### 2. Parking Regulations

This amendment includes a series of minor changes to regulations for the exterior parking of vehicles on residentially zoned lots. This amendment adds recreational vehicles to the

regulations that govern the number and location of vehicles that may be parked outside of a fully enclosed or fully screened structure. Additionally, the amendment clarifies that car covers (i.e. fabric shelters, tarps, etc.) do not satisfy the requirement that certain vehicles shall not be visible from any adjoining lot, public road or other public use area. The amendment adds masonry pavers and pervious materials to the list of allowable construction materials for the construction of driveways and parking areas. The proposed amendment also includes regulations for inoperative motor vehicles such as screening and registration requirements, limitations on number, and parking regulations to prevent parking impacts on adjacent residential uses and the discharge of pollutants.

### 3. Swimming Pool and Spa Setbacks

The proposed IP/CZO amendment also seeks to address yard setback requirements for pool and spa development on interior lots to be consistent with the County's Land Use and Development Code (applicable outside of the coastal zone).<sup>2</sup> The IP/CZO currently prohibits swimming pools and spas (including appurtenant equipment such as filters, heaters, pumps, etc.) from being located in the front or side yard setbacks but allows their location in the rear yard setback provided they are not within five feet of the property line. The proposed IP/CZO amendment adds language requiring ten feet setbacks from all property lines for swimming pools and spas (including appurtenant equipment) on interior lots.

### 4. Screening Requirements for the Accessory Storage of Materials

This amendment includes minor changes to regulations for the exterior storage of miscellaneous materials on residentially zoned lots. The existing IP/CZO requires exterior storage areas to be screened by enclosing the storage area within a six-foot high solid wood fence or masonry wall. However, this requirement has been interpreted to require a perimeter fence around the lot rather than a screening fence around the storage area. As such, this amendment clarifies that the required screening fence must be located in close proximity to the materials being stored so as to effectively screen the storage area.

### 5. Structural Changes to Non-Conforming Structures

Nonconforming structures are defined in the County's IP/CZO as structures that were lawful at the time of construction but which do not conform to the present regulations, including but not limited to height, location, lot coverage or setbacks. The IP/CZO currently states that if a structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements, that structure may remain so long as it is otherwise lawful. The IP/CZO does, however, discourage the long-term continuation of such structures by prohibiting, except in a limited set of circumstances, structural changes and alterations to the nonconforming structure as these alterations prolong the usable life of the structure and the nonconformity. The IP/CZO currently allows a nonconforming structure to be enlarged, extended, moved, or structurally altered provided that any such extension, enlargement, etc. complies with the requirements of the LCP, and a nonconforming structure may be structurally altered if it qualifies as a seismic retrofit, disaster replacement, exempt type of repair and maintenance, or structural alteration that would help to preserve and maintain the structure as a designated historical landmark.

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<sup>2</sup> Interior lots are lots positioned such that they front only on one street and are not side adjacent to any streets.

The amendment proposes: 1) a reorganization of the existing language of Section 35-162 (Non-conforming Buildings and Structures) without making substantive changes; and 2) the addition of another exception to the regulations regarding nonconforming structures. Specifically, the substantive change included in the amendment revises the existing regulations of IP/CZO Section 35-162(1) to allow structural alterations to nonconforming structures that are devoted to a conforming residential use or that is normally or historically accessory to the primary residential use provided that the alteration does not result in a structure that extends beyond the existing exterior and, if the structure is fifty years old or greater, that the County Planning Director has determined the alteration will not result in a detrimental effect on any potential historical significance of the structure.

The proposed amendment also adds provisions that enumerate the consequences of violating the nonconforming structure restrictions of the IP/CZO. The IP/CZO does not currently specify what the consequences are if a nonconforming structure is altered in violation of the zoning ordinance. The amendment proposes language which states that if a nonconforming structure is altered in violation of the ordinance, (1) the structure will no longer be considered nonconforming and the rights to continue the nonconforming structure are terminated, (2) the structure must either be demolished or altered so that it is a conforming structure, and (3) if the owner fails to either demolish the structure or alter the structure to make it a conforming structure, then it will be considered a violation of the zoning ordinances and subject to enforcement.

#### 6. Permit Procedures for Conditional Use Permits and Land Use Permits

This amendment includes minor procedural changes to allow for the adoption of phasing plans for projects permitted through Conditional Use Permits and Final Development Plans where the development is expected to occur over several years and the time period for the permit authorizing the development could be insufficient. The amendment adds language specifying that the time limit included in a phasing plan associated with a Conditional Use Permit or Final Development Plan shall require all necessary Land Use Permits and Zoning Clearances to be issued within ten years of the effective date of the Conditional Use Permit or Final Development Plan. The amendment also adds language to allow the Planning Commission to grant a time extension to the ten-year period. In order to authorize a time extension, the Planning Commission must be able to again make the findings for approval of the Conditional Use Permit or Final Development Plan, including, but not limited to, that the project is compatible with the surrounding area, environmental impacts are mitigated, and the consistency with the Local Coastal Program is maintained.

#### 7. Interim Management Plan Requirements for Reclamation and Surface Mining Permits

This amendment implements recent revisions to the California State Mining and Reclamation Act (SMARA) which include a filing requirement of an Interim Management Plan within ninety days of a surface mine becoming idle and changes to the existing allowances for time extensions for an Interim Management Plan. Previously, SMARA allowed only one five-year time extension of the initial five-year time limit. However, state law revisions to the Act now allow for multiple five-year extensions of the initial five-year time limit. Interim Management Plans are not considered projects for the purposes of environmental review. Rather, the Plans provide

measures that the operator of the surface mine must implement while the mine is idle to maintain the site in compliance with SMARA.

## **B. CONSISTENCY ANALYSIS**

The standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) of the certified Local Coastal Program (LCP), pursuant to Section 30513 and 30514 of the Coastal Act, is whether the IP/CZO, with the proposed amendment, would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of Santa Barbara County's certified LCP. The proposed amendment's consistency with the certified LUP is detailed below.

### **1. New Development**

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Section 30250(a) of the Coastal Act states:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.*

In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LUP), the siting and design of new development must adhere to the requirements of other applicable policies of the certified LUP. Such policies include but are not limited to, policies and provisions regarding coastal protection and the protection of agricultural productivity, bluff top development, environmentally sensitive habitat areas, public access, visual resources, and shorelines processes and development.

The proposed amendment to the County's IP/CZO adds recreational vehicles to the regulations for exterior parking of motor vehicles on residentially zoned lots. The amendment proposes to regulate the number and location of recreation vehicles that may be parked outside of a fully enclosed or fully screened structure and to clarify that car covers (i.e. fabric shelters, tarps, etc.) do not satisfy the requirement that certain vehicles shall not be visible from any adjoining lot, public road or other public use area. The amendment adds masonry pavers and pervious materials to the list of allowable materials for the construction of driveways and parking areas. The amendment also includes regulations for inoperative motor vehicles such as screening and registration requirements, limitations on number, and parking regulations to prevent parking impacts on adjacent residential uses and the discharge of pollutants.

Importantly, Subsection 1(f) of Section 35-117A of the existing certified IP/CZO requires a Coastal Development Permit if exterior parking will (1) be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff, (2) result in potential adverse effects to public access to the beach or public hiking and equestrian trails, (3) result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways, (4) result in any significant alteration of land forms, or (5) fail to meet exemption criteria of Section 35-169.2. As such, Subsection 1(f) will trigger additional environmental review of consistency with all applicable resource protection provisions of the LCP in situations where proposed parking-related development will be sited in an area that may create the potential for adverse impacts on coastal resources. Additionally, the amendment proposes to restrict the number of recreational vehicles allowed for each residence and strengthen the language requiring the screening of recreation vehicles to reduce any visual impacts created by the exterior parking of recreation vehicles. Therefore, these proposed minor changes to the IP/CZO parking regulations do not create any significant adverse impacts to coastal resources and are adequate to carry out the policies of the certified LUP in regards to the protection of coastal resources.

Additionally, the proposed amendment modifies yard setback restrictions for the placement of pools and spas and appurtenant equipment for interior lots in order to be consistent with the County's Land Use and Development Code that is applicable to areas outside of the Coastal Zone. The proposed changes to the IP/CZO for the regulation and placement of pools and spas in relation to property lines on interior lots are adequate to carry out the policies of the certified LUP in regards to the protection of coastal resources.

The proposed amendment also includes minor changes to regulations for the exterior storage of miscellaneous materials on residentially zoned lots. The existing IP/CZO requires exterior storage areas to be screened by enclosing the storage area within a six-foot high solid wood fence or masonry wall. However, this requirement has been interpreted to require a perimeter fence around the lot rather than a screening fence around the storage area. As such, the amendment clarifies that the required screening fence must be located in close proximity to the materials being stored so as to effectively screen the storage area.

Importantly, Subsection C(2)(g)(2) of Section 35-144K of the existing IP/CZO requires a Coastal Development Permit if the storage of materials and/or screening required will (1) be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff, (2) result in any potential adverse effects to public access to the beach or public hiking and equestrian trails, (3) result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways, (4) require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms, or (4) fails to meet exemption criteria of Section 35-169.2.1. As such, Subsection C(2)(g)(2) of Section 35-144K functions to trigger additional environmental review, subject to all applicable resource protection provisions of the LCP, should the screening of exterior storage materials require development or be sited in an area that would create the potential for adverse impacts on coastal resources. Therefore, these proposed minor changes to the IP/CZO screening requirements do not create any significant adverse impacts to coastal resources and are adequate to carry out the policies of the certified LUP in regards to the protection of coastal resources.

The proposed IP/CZO amendment to the special care home, parking, setbacks, screening and procedural provisions functions to add new processing procedures and revisions to existing processing procedures, add new application requirements, implement recent changes in State law, add new development standards and restrictions pertaining to specific land uses, and correct and clarify existing ordinances. These minor changes do not have the potential for a significant impact on coastal resources, and as discussed above, the IP/CZO contains provisions that will function to trigger additional environmental review, subject to all applicable resource protection provisions of the LCP, should the application of these subject ordinances have the potential for adverse impacts on coastal resources. Therefore, the Commission finds that the proposed CZO/IP amendment to the special care home, parking, yard setbacks, screening and procedural provisions is consistent with and adequate to carry out the provisions of LUP Policies with respect to new development.

## **2. Non Conforming Structures and Coastal Resources**

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Section 30250(a) of the Coastal Act states:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.*

In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LUP), the siting and design of new development must adhere to the requirements of other applicable policies of the certified LUP. These policies include but are not limited to, policies and provisions regarding coastal resource protection relating to agricultural productivity, bluff top development, environmentally sensitive habitat areas, public access, visual resources, and shoreline processes and development. The coastal resource protection policies of the County's certified LUP (including the Chapter 3 policies of the Coastal Act which are incorporated by reference into the LUP) are included herein by reference as if set forth in full.

Applicable definitions included in the Coastal Zoning Ordinance, Article II, Section 35-85:

***Nonconforming Structure:*** *A building or structure which was lawful prior to the effective date of this Article or any amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of this Article including but not limited to height, location, lot coverage or setbacks.*

***Structural Alteration:*** Any change in the supporting members of a building or structure, such as bearing walls, column beams or girders or in the dimensions or configuration of the roof.

The LCP defines a nonconforming structure as a building or structure that was once lawful, due to either existence prior to enactment of the Coastal Act or certification of the County's LCP or amendments thereto, but does not presently conform to regulations. There are currently many older existing structures in the County of Santa Barbara that were constructed prior to the adoption of the policies and provisions of the Coastal Act or the LCP. These structures have been sited and designed in a manner contradictory to modern coastal management policies and standards and other regulations. Section 35-160 (Purpose and Intent - Nonconforming Structures and Uses) of the County's IP/CZO states:

*...It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival...*

The certified IP/CZO provides that a nonconforming structure may not be enlarged, extended, moved, or structurally altered unless such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of the LCP. The only exceptions to this standard are for disaster replacements, seismic retrofits, exempt types of repair and maintenance, or where the structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors.

#### Conforming Residential Use and Residential Accessory Use Exception

The IP/CZO amendment proposes to add another exception to the nonconforming structure provision to allow structural alterations to nonconforming structures that are devoted to a conforming residential use or that are normally or historically accessory to the primary residential use, as long as the alteration does not result in a structure that extends beyond the existing exterior, and, if the structure is fifty years old or greater, the County Planning Director has determined that the alteration will not result in a detrimental effect on any potential historical significance of the structure.

This proposed broad exception would permit substantial structural alterations to existing nonconforming structures that would have the effect of extending and perpetuating the usable life of existing nonconforming structures. In some cases, such nonconforming structures are inconsistent with coastal protection policies of the LCP and may be causing adverse impacts to coastal resources. The intention of the LCP is that such structures would be allowed to remain through their useful life but would be removed over time so that the coastal resource impacts can be eliminated. Allowing structural alterations to extend the life of such structures would be contrary to the resource protection and nonconforming structure/use policies of the LCP. Coastal resources include, but are not limited to, public access and recreation opportunities, wetlands, environmentally sensitive habitats, shoreline and bluff environments, scenic landscapes and views of the sea. For example, when a legal nonconforming structure is situated adjacent to a stream and does not conform to the stream and habitat buffer requirements of the LCP, such a structure and the uses associated with the structure not only had impacts to stream habitat at the time of construction, but can also result in ongoing degradation of the water quality and habitat values of the stream and its riparian corridor. Similarly, when a legal nonconforming structure is

situated on the face of a coastal bluff, it is inconsistent with the policies of the LCP that mandate avoiding areas of known soils, geologic, flood, or erosion hazards; avoiding reliance on future shoreline or bluff protection devices; and avoiding landform alteration and infringement on public views from the beach. An example of such an accessory bluff-face structure is the subject of Appeal Number A-4-STB-14-006 (Carr) that will be considered de novo by the Commission at the March 2016 hearing. It should be noted that the Carr cabana structure was considered by the County under the historic landmark exception to the nonconforming structure provisions, but the proposed residential structure exception, as written, could be applied to this or similar bluff structures.

The proposed provision would allow structural alterations to such nonconforming structures (beyond normal repair and maintenance), which would have the effect of extending the life of such structures in their nonconforming state, potentially in perpetuity. This is inconsistent with the coastal resource protection policies of the LCP, and internally inconsistent with IP/CZO Section 35-160 that allows nonconforming structures and uses to continue until they are removed, but seeks to prohibit improvements that would extend the life of the non-conforming structure. Policies 1-2 and 1-3 of the certified LUP are intended to provide the basis to resolve internal conflicts with regard to interpreting the policies and provisions of the LCP. Where conflicts arise with regard to interpretation of the policies and provisions of the LCP, LUP Policies 1-2 and 1-3 require that the policy most protective of coastal resources shall prevail. Although the LCP does provide clear direction on resolving conflicts when all of the policies and provisions are considered, the proposed residential structure exception for nonconforming structures is not itself clear that coastal resource protection is also a consideration. For these reasons, the Commission finds it necessary to prohibit structural alterations to nonconforming residential or accessory structures where the nonconforming structure or proposed structural alterations are inconsistent with any coastal resource protection policies of the LCP. As such, the Commission finds **Suggested Modification One (1)** is required for the subject nonconforming structures provision to specify this prohibition and to ensure that this portion of the IP/CZO amendment conforms with and is adequate to carry out the coastal resource protection policies of the certified Land Use Plan.

#### Historical Landmarks Exception

As mentioned above, Section 35-162(1)(a) of the County's existing certified IP/CZO lifts the strict application of the nonconforming structure policy by allowing an exception that "a nonconforming structure may be enlarged, extended, reconstructed, moved, and/or structurally altered...[where] [t]he structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors ... provided that the ...proposed structural alterations will help to preserve and maintain the landmark in the long term..." The language indicates that these types of historic structures "may be" modified in addition to being retained. However, the extension of the life of such structures as allowed by this exception may conflict with the LUP policies mandating protection of coastal resources including, but not limited to public access and recreation opportunities, wetlands, environmentally sensitive habitats, shoreline and bluff environments, scenic landscapes and views of the sea. Policies 1-2 and 1-3 of the County's existing certified LUP are specifically intended to provide the basis to resolve internal conflicts with regard to interpreting the policies and provisions of the LCP. Where conflicts arise with regard to interpretation of the policies and provisions of the LCP, LUP Policies 1-2 and 1-3 require that the policy most protective of coastal resource shall prevail.



LUP Policy 1-2 states:

*Where policies within the land use plan overlap, the policy which is most protective of coastal resources shall take precedence.*

LUP Policy 1-3 states:

*Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's Comprehensive Plan or existing ordinances, the policies of the coastal land use plan shall take precedence.*

The exception for structures that have been declared a historical landmark by the Board of Supervisors provides an exception for “setback, height, lot coverage, and other requirements of *this Article*” (emphasis added) and not an exception to the wider policies and provisions of the entire Local Coastal Plan, including the LUP. Therefore, the exception for improvements to a non-conforming structure designated as a historic landmark is an exception only to the other requirements of “this Article,” which refers to Article II of the IP/CZO. It is not an exception that would allow contravention of all other LCP policies, including LUP provisions strictly regulating development on beaches, bluffs, in geologically hazardous areas, or in environmentally sensitive habitat areas, for example. Thus, a project must be consistent not only with the IP/CZO provisions of the LCP but also with all policies and provisions of the certified LUP. Therefore, while Section 35-162(1)(a) of the IP/CZO may allow for exceptions to other provisions of the IP/CZO, the project must still comply with all provisions of the certified LCP. While the LCP does provide clear direction on resolving conflicts when all of the policies and provisions are considered, the historical landmark exception for nonconforming structures is not itself clear that coastal resource protection is also a consideration.

Although the County is not proposing any substantive changes to this historical landmark exception provision in the IP/CZO, the County is re-formatting subsection 1 of Section 35-162 that pertains to this historical landmark exception for nonconforming structures as part of the proposed amendment request. Therefore, the proposed amendment provides an opportunity to provide clarity to applicants, decision-makers, and the public regarding the limitations of the historical landmark exception. As such, the Commission finds it necessary to require **Suggested Modification One (1)** for the subject historical landmark provision to clarify that such a historic landmark structure shall not be enlarged, extended, reconstructed, relocated, and/or structurally altered if the nonconforming structure is inconsistent with any coastal resource protection policies of the LCP (regardless of historic status).

For the reasons discussed above, the Commission finds that only if modified as suggested will the IP/CZO amendment conform with and be adequate to carry out the applicable policies of the certified Land Use Plan.

## **V. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Section 21080.9 of the California Environmental Quality Act (“CEQA”), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the

Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

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 and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as suggested to be modified, is consistent with the applicable policies of the certified Land Use Plan, including the Coastal Act policies, incorporated by reference therein and no feasible alternatives or mitigation measures are available which would lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission finds that the LCP amendment, as suggested to be modified, is consistent with CEQA and the Land Use Plan.

## **APPENDIX 1**

### **Substantive File Documents**

Resolution No. 14-04, County of Santa Barbara, *In the matter of recommending to the County Planning Commission the adoption of an amendment to the Santa Barbara County Article II Coastal Zoning Ordinance of Chapter 35 of the County Code*, passed, approved and adopted by the Board of Supervisors April 15, 2014; Ordinance No. 4884, *Case No. 13-ORD-00000-0010, An Ordinance Amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code by Amending Division 2, Definitions, Division 6, Parking Regulations, Division 7, General Regulations, Division 10 Nonconforming Structures and Uses, and Division 11, Permit Procedures* adopted by Board of Supervisors on April 15, 2014.

# ATTACHMENT I: ARTICLE II CZO ORDINANCE AMENDMENT

## ORDINANCE NO. 4884

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 6, PARKING REGULATIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 10, NONCONFORMING STRUCTURES AND USES, AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS, REVISE EXISTING REGULATIONS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 13ORD-00000-00010

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

### **SECTION 1:**

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the existing definitions of "Special Care Home" and "Zoning Administrator" of Section 35-58, Definitions, to read as follows:

**Special Care Home:** A residential home providing non-medical care and supervision (also known as a "Group Home-Children," "Transitional Home, including substance abuse recovery," "Adult Residential Home," "Supported Housing," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home." Note: Homes which serve ~~14~~ six or fewer persons shall be considered a residential use, subject to the regulations for any other residential dwelling in the applicable zone ~~district~~, and the residents and operators of the home shall be considered a family.

### **SECTION 2:**

DIVISION 6, PARKING REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.b of Section 35-114, Site, Location, and Design, to read as follows:

- b. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.

### **SECTION 3:**

DIVISION 6, PARKING REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-117A, Additional Standards for Residential Zones and Uses, to read as follows:

#### ***Section 35-117A. Additional Standards for Residential Zones and Uses.***

1. **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as "parked" or "parking" within the meaning of Section 35-117A of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves new development, construction of a new structure, or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking is not exempt from the requirement to obtain a Coastal Development Permit in compliance with Subsection 1.f, below, or Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section 35-117A shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic)

EXHIBIT 1

LCP-4-STB-14-0835-2-PART B

Proposed Amendment Language

of the County Code.

**a. Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

**b. Limitation on number.**

1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35-108 (Required Number of Spaces: Residential), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:

- i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
- ii) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations and, in all cases a driveway having a maximum width of 10 feet shall be allowed.
- iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

i) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other

devices of a nonpermanent type of construction.

- c) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.
- c. **Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:
  - 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
  - 2) Any area used for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
  - 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
  - 4) The parking of inoperative motor vehicles regulated under Section 35-144K (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.
- d. **Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- e. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of Ordinance No. 4811], the parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).
- f. Exterior parking does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if:
  - 1) The exterior parking will be located in an area that has been designated for parking or has been designated as a driveway pursuant to a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) or,
  - 2) The exterior parking will:
    - a) Not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff; and
    - b) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
    - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; and
    - d) Not require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms; and
    - e) Meets all other exemption criteria in compliance with Section 35-169.2.1.

**SECTION 4:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section

35-122, Swimming Pools and Spas, to read as follows:

**Section 35-122. Swimming Pools and Spas.**

1. Swimming pools, spas, and appurtenant structures shall be classified as accessory uses.
2. ~~A swimming pool, spa, or any appurtenant structures shall not be located in the required front or side yard setback area and shall not be closer than five feet to any other property lines.~~

Swimming pools, spas, and appurtenant equipment shall not be located in:

- a. **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
- b. **Interior lots.** Closer than 10 feet to any property line.

**SECTION 5:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use, of Section 35-132 Trailer Use, to add a new Subsection 7. to read as follows:

7. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Section 35-117A (Additional Standards for Residential Zones and Uses).

**SECTION 6:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-143.3, Special Care Homes, of Section 35-143, Community Care Facilities, to read as follows:

**Section 35-143.3 Special Care Homes**

Special Care Homes that serve ~~44~~ six or fewer persons shall be considered a Permitted use provided that the home meets all of the following criteria:

1. A single kitchen.
2. Off-street parking is provided pursuant to Section 35-108 (Required Number of Spaces: Residential), and Section 35-114 (Size, Location, and Design) and the requirement in the applicable zone district.
3. Structural installations necessary to accommodate disabled residents (e.g., ramps, lifts, handrails), pursuant to the Fair Housing Act, shall be allowed notwithstanding the processing requirements of Section ~~35-316~~ 173 (Variances) and Section ~~35-321~~ 179 (Modifications).
4. The application and the requirements of this Article shall be waived by the Director of Planning and Development, if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

Review of Special Care Home pursuant to this Section is a ministerial action exempt from the California Environmental Quality Act, unless the approval is subject to Section 35-169.~~54.2~~ or Section 35-169.4.3.

**SECTION 7:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-144J.C.2.c, Screening required, of Section 35-144J, Accessory Storage of Materials, to read as follows:

- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.

## **SECTION 8:**

DIVISION 10, NONCONFORMING STRUCTURES AND USES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1, Structural Change, of Section 35-162, Nonconforming Buildings and Structures, to read as follows:

1. **Structural change, enlargement, or extension.** ~~A nonconforming 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, are allowed 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.~~
  - a. **Exceptions:** A nonconforming structure may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:
    - 1) ~~The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long term and has reviewed and approved the proposed structural alterations.~~
  - a. **Enlargements or extensions allowed in limited circumstances.**
    - 1) Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.
    - 2) **Allowed structural alterations.**
      - a) **Seismic retrofits allowed.** Seismic retrofits as defined in Section 35-58 (Definitions) and in compliance with Section 35-169.2 (Applicability) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
      - b) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
      - c) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
      - d) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection 1.a.1), above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.
    - 3) **Permit required.** The issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or Land Use Permit in compliance with Section 35-178 (Land Use Permits), as applicable, is required prior to the commencement of any structural alteration allowed in compliance with Subsections 1.a.1) or 1.a.2), above, unless the



alteration is determined to be exempt in compliance with Section 35-169.2 (Applicability).

**b. Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

**c. Loss of nonconforming status.**

- 1) An existing nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection 1.a, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Article.
- 2) If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

### **SECTION 9:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to re-title Subsection 3, Time Limit, as "Time limit, permit expiration and extension."

### **SECTION 10:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection b, Conditional Use Permits with approved phasing plans, of Subsection 3, Time Limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to add a new Subsection 6) to read as follows:

- 6) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Conditional Use Permit.
  - a) This 10 year period may be extended by the Planning Commission provided an application for a Time Extension is submitted in compliance with Section 35-179B (Time Extensions).

### **SECTION 11:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to re-title Subsection 3, Time Limit, as "Time limit, permit expiration and extension."

### **SECTION 12:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2), Final Development Plans with approved phasing plans, of b., Final Development Plans, of Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read add a new Subsection f) to read as follows:

- f) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Final Development Plan.
  - i) This 10 year period may be extended by the Planning Commission provided an application for a Time Extension is submitted in compliance with Section 35-179B (Time Extensions). This extension is not subject to Section 35-179B.D.3 (Development Plans (Preliminary and Final)) that limits the extension of the approval of a Development Plan to 12 months.

### **SECTION 13:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-177, Reclamation and Surface Mining Permits, to add a new Section 35-177.11 titled "Interim Management Plan Requirements" and to read as follows:

#### **Section 35-177.11 Interim management plan requirements.**

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770(h))
  - a. The interim management plan shall comply with all applicable requirements of the State Act, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with the State Act, including all conditions of the Conditional Use Permit or Minor Conditional Use Permit and/or Reclamation Plan.
  - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. (SMARA, Section 2770(h))
  - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in the State Act, Section 2773.1.
2. **Director review and decision.** The Director shall be the decision-maker for an amendment to a Reclamation Plan required to incorporate an interim management plan associated with mining operations.
  - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Director shall review, and approve or deny the plan in compliance with Section 35-177.6 (Procedures), above, except that a public hearing is not required.
    - 1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
    - 2) The Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
    - 3) An action of the Director to deny the revised interim management plan is final subject to appeal in compliance with Section 35-182 (Appeals).
3. **Time limit, extension.** The interim management plan shall remain in effect for a period not to exceed five years, at which time the Director shall do one of the following:
  - a. Renew the interim management plan for an additional period not to exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.
  - b. Require the surface mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))
  - c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with Section 35-182 (Appeals).

**SECTION 14:**

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 15:**

Except as amended by this Ordinance, Division 2, Division 4, Division 6, Division 7, Division 10 and Division 11 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 16:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of April, 2014, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
STEVE LAVAGNINO, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

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

# ATTACHMENT I: ARTICLE II CZO ORDINANCE AMENDMENT

ORDINANCE NO. 4884

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 6, PARKING REGULATIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 10, NONCONFORMING STRUCTURES AND USES, AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS, REVISE EXISTING REGULATIONS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 13ORD-00000-00010

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

## **SECTION 1:**

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the existing definitions of "Special Care Home" and "Zoning Administrator" of Section 35-58, Definitions, to read as follows:

**Special Care Home:** A residential home providing non-medical care and supervision (also known as a "Group Home-Children," "Transitional Home, including substance abuse recovery," "Adult Residential Home," "Supported Housing," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home." Note: Homes which serve six or fewer persons shall be considered a residential use, subject to the regulations for any other residential dwelling in the applicable zone, and the residents and operators of the home shall be considered a family.

## **SECTION 2:**

DIVISION 6, PARKING REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.b of Section 35-114, Site, Location, and Design, to read as follows:

- b. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.

## **SECTION 3:**

DIVISION 6, PARKING REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-117A, Additional Standards for Residential Zones and Uses, to read as follows:

### *Section 35-117A. Additional Standards for Residential Zones and Uses.*

1. **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as "parked" or "parking" within the meaning of Section 35-117A of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves new development, construction of a new structure, or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking is not exempt from the requirement to obtain a Coastal Development Permit in compliance with Subsection 1.f, below, or Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section 35-

EXHIBIT 2

117A shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

a. **Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

b. **Limitation on number.**

1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35-108 (Required Number of Spaces: Residential), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:

- i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
- ii) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations and, in all cases a driveway having a maximum width of 10 feet shall be allowed.
- iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

i) Structures or other devices used to comply with this requirement shall not include

awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.

- c) . On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.
- c. **Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:
- 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
  - 2) Any area used for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
  - 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
  - 4) The parking of inoperative motor vehicles regulated under Section 35-144K (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.
- d. **Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- e. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of Ordinance No. 4811], the parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).
- f. Exterior parking does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if:
- 1) The exterior parking will be located in an area that has been designated for parking or has been designated as a driveway pursuant to a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) or,
  - 2) The exterior parking will:
    - a) Not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff; and
    - b) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
    - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; and
    - d) Not require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms; and
    - e) Meets all other exemption criteria in compliance with Section 35-169.2.1.

#### **SECTION 4:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-122, Swimming Pools and Spas, to read as follows:

##### ***Section 35-122. Swimming Pools and Spas.***

1. Swimming pools, spas, and appurtenant structures shall be classified as accessory uses.
2. Swimming pools, spas, and appurtenant equipment shall not be located:
  - a. **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
  - b. **Interior lots.** Closer than 10 feet to any property line.

#### **SECTION 5:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use, of Section 35-132 Trailer Use, to add a new Subsection 7. to read as follows:

7. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Section 35-117A (Additional Standards for Residential Zones and Uses).

#### **SECTION 6:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-143.3, Special Care Homes, of Section 35-143, Community Care Facilities, to read as follows:

##### ***Section 35-143.3 Special Care Homes***

Special Care Homes that serve six or fewer persons shall be considered a Permitted use provided that the home meets all of the following criteria:

1. A single kitchen.
2. Off-street parking is provided pursuant to Section 35-108 (Required Number of Spaces: Residential), and Section 35-114 (Size, Location, and Design) and the requirement in the applicable zone district.
3. Structural installations necessary to accommodate disabled residents (e.g., ramps, lifts, handrails), pursuant to the Fair Housing Act, shall be allowed notwithstanding the processing requirements of Section 35-173 (Variances) and Section 35-179 (Modifications).
4. The application and the requirements of this Article shall be waived by the Director of Planning and Development, if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

Review of Special Care Home pursuant to this Section is a ministerial action exempt from the California Environmental Quality Act, unless the approval is subject to Section 35-169.4.2 or Section 35-169.4.3.

#### **SECTION 7:**

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-144J.C.2.c, Screening required, of Section 35-144J, Accessory Storage of Materials, to read as follows:

- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.

## **SECTION 8:**

DIVISION 10, NONCONFORMING STRUCTURES AND USES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1, Structural Change, of Section 35-162, Nonconforming Buildings and Structures, to read as follows:

1. **Structural change, enlargement, or extension.**
  - a. **Enlargements or extensions allowed in limited circumstances.**
    - 1) Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.
    - 2) **Allowed structural alterations.**
      - a) **Seismic retrofits allowed.** Seismic retrofits as defined in Section 35-58 (Definitions) and in compliance with Section 35-169.2 (Applicability) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
      - b) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
      - c) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
      - d) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection 1.a.1), above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.
  - 3) **Permit required.** The issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or Land Use Permit in compliance with Section 35-178 (Land Use Permits), as applicable, is required prior to the commencement of any structural alteration allowed in compliance with Subsections 1.a.1) or 1.a.2), above, unless the alteration is determined to be exempt in compliance with Section 35-169.2 (Applicability).
- b. **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.



**c. Loss of nonconforming status.**

- 1) An existing nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection 1.a, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Article.
- 2) If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

**SECTION 9:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to re-title Subsection 3, Time Limit, as "Time limit, permit expiration and extension."

**SECTION 10:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection b, Conditional Use Permits with approved phasing plans, of Subsection 3, Time Limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to add a new Subsection 6) to read as follows:

- 6) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Conditional Use Permit.
  - a) This 10 year period may be extended by the Planning Commission provided an application for a Time Extension is submitted in compliance with Section 35-179B (Time Extensions).

**SECTION 11:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to re-title Subsection 3, Time Limit, as "Time limit, permit expiration and extension."

**SECTION 12:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2), Final Development Plans with approved phasing plans, of b., Final Development Plans, of Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read add a new Subsection f) to read as follows:

- f) The time limit(s) specified in the phasing plan shall require that all required Land Use

Permits shall be issued within 10 years of the effective date of the Final Development Plan.

- i) This 10 year period may be extended by the Planning Commission provided an application for a Time Extension is submitted in compliance with Section 35-179B (Time Extensions). This extension is not subject to Section 35-179B.D.3 (Development Plans (Preliminary and Final)) that limits the extension of the approval of a Development Plan to 12 months.

### **SECTION 13:**

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-177, Reclamation and Surface Mining Permits, to add a new Section 35-177.11 titled "Interim Management Plan Requirements" and to read as follows:

#### ***Section 35-177.11 Interim management plan requirements.***

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770(h))
  - a. The interim management plan shall comply with all applicable requirements of the State Act, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with the State Act, including all conditions of the Conditional Use Permit or Minor Conditional Use Permit and/or Reclamation Plan.
  - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. (SMARA, Section 2770(h))
  - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in the State Act, Section 2773.1.
2. **Director review and decision.** The Director shall be the decision-maker for an amendment to a Reclamation Plan required to incorporate an interim management plan associated with mining operations.
  - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Director shall review, and approve or deny the plan in compliance with Section 35-177.6 (Procedures), above, except that a public hearing is not required.
    - 1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
    - 2) The Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
    - 3) An action of the Director to deny the revised interim management plan is final subject to appeal in compliance with Section 35-182 (Appeals).
3. **Time limit, extension.** The interim management plan shall remain in effect for a period not to exceed five years, at which time the Director shall do one of the following:
  - a. Renew the interim management plan for an additional period not to exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.
  - b. Require the surface mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))
  - c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with Section 35-182 (Appeals).

**SECTION 14:**

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 15:**

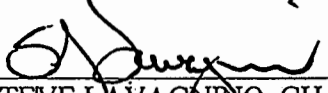
Except as amended by this Ordinance, Division 2, Division 4, Division 6, Division 7, Division 10 and Division 11 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 16:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

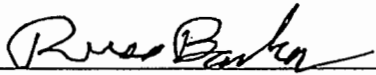
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of April, 2014, by the following vote:

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

  
\_\_\_\_\_  
STEVE LAVAGNINO, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

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

ATTACHMENT K: RESOLUTION 14-04 ARTICLE II CZO

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE )
COUNTY PLANNING COMMISSION THE ADOPTION )
OF AN AMENDMENT TO THE SANTA BARBARA )
COUNTY ARTICLE II COASTAL ZONING ORDINANCE, )
OF CHAPTER 35 OF THE COUNTY CODE, AMENDING )
DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, )
DIVISION 6, PARKING, DIVISION 7, GENERAL )
REGULATIONS, DIVISION 10, NONCONFORMING )
STRUCTURES AND USES, AND DIVISION 11, PERMIT )
PROCEDURES, TO IMPLEMENT NEW REGULATIONS )
AND MAKE OTHER MINOR CLARIFICATIONS AND )
CORRECTIONS AND REVISIONS. )

RESOLUTION NO.: 14 - 04

CASE NO.: 13ORD-00000-00010

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County, to recommend to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 13ORD-00000-00010) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new regulations and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
D. The proposed Ordinance is in the interest of the general community welfare since it will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will (1) revise existing permit processes to enhance clarity and efficiency, (2) add new development standards and restrictions pertaining to specific land uses which will serve to minimize potential adverse impacts to the surrounding area, and (3) correct and clarify existing text provisions.
E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

This County Planning Commission has considered the recommendation of the Montecito Planning Commission as adopted by Resolution of the Montecito Planning Commission on January 22, 2014.

EXHIBIT 3
LCP-4-STB-14-0835-2-PART B
Santa Barbara County Board of
Supervisors Resolution No. 14-04

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this County Planning Commission recommends to the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment D of the County Planning Commission staff report dated October 17, 2013.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this February 12, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

(signed copy on file)

DANIEL BLOUGH, Chair  
Santa Barbara County Planning Commission

ATTEST:

(signed copy on file)

DIANNE MEESTER BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By (signed copy on file)  
Deputy County Counsel

EXHIBITS:

1. 13ORD-00000-00010