

DIVISION 11.

PERMIT PROCEDURES.

Sec. 35-169. Coastal Development Permits.

Sec. 35-169.1. Purpose and Intent.

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

Sec. 35-169.2. Applicability. (Amended by Ord. 4318, 6/23/98)

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued, unless other regulations of this Article specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with applicable regulations of this Article including but not limited to use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property.

(Amended by Ord. 4227, 6/18/96)

The following activities shall be exempt from the issuance of a Coastal Development Permit: *(Amended by Ord. 3974, 2/21/92; Ord. 4227, 6/18/96)*

- a. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities (see Sec. 35-169.10.)

- b. Except when a fence or wall obstructs public access to the beach, fences and walls of six feet or less and gate posts of eight (8) feet or less in height located within front yard setback areas. Fences and walls of eight (8) feet or less in height and gate posts of ten (10) feet or less in height located outside of front yard setback areas and not closer than twenty (20) feet to the right-of-way line of any street. *(Amended by Ord. 3974, 2/21/92)*
- c. Installation of irrigation lines, not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code. *(Amended by Ord. 4227, 6/18/96)*
- d. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (see Sec. 35-169.10). *(Amended by Ord. 4227, 6/18/96)*
- e. Buildings or structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department. *(Amended by Ord. 4227, 6/18/96)*
- f. The addition of solar collection systems to existing buildings or structures.
- g. Grading, excavation, or fill which does not require a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code. *(Amended by Ord. 3974, 2/21/92; Ord. 4227, 6/18/96)*
- h. Lot line adjustments not resulting in an increase in the number of lots.
- i. Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (PRC Sec. 30519) *(Amended by Ord. 3832, 3/20/90; Ord. 4227, 6/18/96)*
- j. The following improvements and structures shall be exempt provided that the parcel on which they are located is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or not within or contiguous to an Environmentally Sensitive Habitat (ESH) area: *(Amended by Ord. 3974, 2/21/92)*
 - i. Decks, platforms, walks, and driveways which do not require a Grading Permit pursuant to Chapter 14 of the County Code and are

- not over thirty (30) inches above grade and not over any basement or story below. *(Amended by Ord. 3832, 03/20/90; Ord. 3974, 2/21/92)*
- ii. Skylights, windows, and doors.
 - iii. Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall.
 - iv. Spas, hot tubs and fish ponds that do not exceed 120 sq. ft. of total development, including related equipment, or contain more than 2,000 gallons of water.
 - v. One-story detached accessory buildings used as tool and storage sheds, playhouses, gazebos, pergolas and similar uses, provided such buildings or structures do not exceed twelve (12) feet in height, the roof area does not exceed 120 square feet, and no plumbing or electrical work is required. *(Amended by Ord. 4227, 6/18/96)*
 - vi. Retaining walls (retaining earth only) which are not over 4 feet in height measured from the bottom of the footing to the top of the wall and do not require a Grading Permit pursuant to Chapter 14 of the County Code.
 - vii. Structures and related development required for temporary motion picture, television and theater stage sets and scenery, and still photographic sessions, provided that such development does not require alterations of the natural environment such as removal of vegetation, grading or earthwork.
 - viii. In the RR, A-I, and A-II districts, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities.
 - k. Propane tanks located in residential or agricultural zone districts. *(Added by Ord. 4067, 8/18/92)*
 - l. Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal. *(Added by Ord. 4084, 12/15/92)*

- m. Seismic retrofits to existing structures. Seismic retrofits are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls, and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure. *(Added by Ord. 4227, 6/18/96)*
- n. Pursuant to the intent of 30610 (g) of the Public Resources Code and this Article, the restorations or reconstruction of conforming buildings or structures, other than a public works facility, damaged or destroyed by a disaster, as determined by Planning and Development. For the purposes of this Section only, disaster shall be defined as any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners. The restored or replaced structure shall conform to all provisions of the zone district requirements (including permitted uses), shall be for the same use, shall be in the same footprint location, shall not exceed either the floor area, height, or bulk of the damaged or destroyed structure by more than ten (10) percent. For the purposes of this Section only, the definition of structure shall include landscaping and any erosion control structure or device; and bulk shall be defined as total interior cubic volume as measured from the exterior surface of the structure. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure, shall be subject to the provisions of Section 35-184., Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). *(Added by Ord. 4227, 6/18/96)*
- o. Ground or roof mounted receive only satellite dish and wireless television antenna one (1) meter in diameter or less which is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television). *(Added by Ord. 4263, 6/24/97)*

- p. Interior alterations that do not result in an increase in the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
 - q. Recordation of a Final or Parcel map following an approved tentative map,
2. For buildings and structures that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures total 20,000 square feet or more, a Development Plan as provided in Section 35-174. (Development Plans) shall be required prior to issuance of a Coastal Development Permit.

Sec. 35-169.3. Contents of Application.

(Amended by Ord. 4227, 6/18/96)

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

- 1. A site plan which shall indicate clearly and with full dimensions the following information, if applicable:
 - a. North arrow and scale of drawing.
 - b. Site address.
 - c. Lot dimensions and boundaries.
 - d. All proposed and existing buildings and structures and their locations, size, height, and use.
 - e. Distance from proposed structure(s) to property lines, centerline of the street or alley and other existing structures on the lot.
 - f. Walls and fences: location, height and materials.
 - g. Name and widths of streets (right-of-way) abutting the site.
 - h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.
 - i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
 - j. Signs: location, size, height and method of illumination.
 - k. Loading zones: location, dimensions, number of spaces.
 - l. Lighting: general nature, locations and hooding devices.

- m. Proposed street dedications and improvements.
 - n. Landscaping, if required.
 - o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
 - p. For commercial and industrial projects indicate where applicable:
 - 1) Number of motel or hotel units.
 - 2) Seating capacity or square footage devoted to patrons.
 - 3) Total number of employees.
 - q. All easements.
2. Source of water supply including a can and will serve letter from a public or private water district.
3. Any other information that the Planning and Development Department may require.

Sec. 35-169.4. Processing.

(Amended by Ord. 3483, 1/14/85; Ord. 4227, 6/18/96)

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

Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal as provided in Sec. 35-182. (Appeals).

4. A Coastal Development Permit shall not be issued until all other necessary prior approvals have been obtained.
5. In the case of a development which requires a public hearing and final action by the Planning Commission or Zoning Administrator, or final action by the Director, any subsequently required Coastal Development Permit shall not be approved or issued within the ten (10) calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in accordance with Sec. 35-182.3. (Appeals).
6. In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the ten (10) working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in accordance with Sec. 35-182.4. (Appeals).
7. If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said resolution.
8. In lands zoned MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
9. Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181.

(Noticing) and 35-182. (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of the Coastal Development Permit.

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

*Sec. 35-169.5. Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.
(Added by Ord. 4227, 6/18/96)*

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

1. After accepting the application for processing, the Planning and Development Department shall process the project through environmental review.
2. For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review.
3. The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing). The Zoning Administrator's action shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182. (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Sec. 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision-maker for the Coastal Development Permit.
4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning

Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6., can still be made. A Coastal Development Permit approved pursuant to this Section shall not be considered to be in effect and shall not be issued until a) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with, b) the applicant has signed the Coastal Development Permit, and c) the applicable appeals period has expired or if appealed, final action has been taken on the appeal by the appropriate body, either the County or the California Coastal Commission. *(Amended by Ord. 4298, 3/24/98).*

Sec. 35-169.6. Findings Required for Approval of a Coastal Development Permit.
(Amended by Ord. 4227, 6/18/96)

1. A Coastal Development Permit, not subject to Section 35-169.5., above, shall be issued only if all of the following findings are made:
 - a. That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.
 - b. That the proposed development is located on a legally created lot.
 - c. That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under § 35-160 et seq.

2. A Coastal Development Permit, subject to Section 35-169.5., above, shall only be issued if all of the following findings are made:
 - a. Those findings specified in Section 35-169.6.1.
 - b. That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - c. That the development is compatible with the established physical scale of the area.

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

Sec. 35-169.7. Expiration.

(Amended by Ord. 4227, 6/18/96)

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

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

(Amended by Ord. 4227, 6/18/96)

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

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

Sec. 35-169.9. Revocation.

(Amended by Ord. 3596, 10/6/86; Ord. 4227, 6/18/96)

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

Sec. 35-169.10. County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development.

(Amended by Ord. 3596, 10/6/86)

The County hereby adopts by reference and incorporates herein the "County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development," as related to Sec. 35-169.2., paragraphs 1 and 4 and approved by the Board of Supervisors as a separate document. Said guidelines may be obtained from the Planning and Development Department. *(See Appendix C of this publication).*

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

(Added by Ord. 4227, 6/18/96)

1. For the purposes of this Section, "minor development" means a development which the Director determines satisfies all of the following requirements:
 - a. The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b. The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c. The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
2. The requirement for the public hearing for an application for a Coastal Development Permit, pursuant to Section 35-169.5., may be waived for a "minor development" (as defined in Section 35-169.11) by the Planning and Development Department only if both of the following occur:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
- b. No written request for public hearing is received by the Planning and Development Department within fifteen (15) working days from the date of sending the notices pursuant to Section 35-169.11.2.a.
3. The notice provided pursuant to Section 35-169.11.2.a shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the California Coastal Commission.
4. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator Hearing agendas.

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

(Added by Ord. 4227, 6/18/96)

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

1. The Planning and Development Department may approve a minor change (e.g., interior alterations to the structure) to an approved or issued Coastal Development Permit subject to all of the following:
 - a. The Department determines that the minor change materially conforms with the approved plans and the originally approved or issued permit,
 - b. There is no change in the use or scope of the development,
 - c. The minor change does not result in a change to the Planning and Development Department's conclusions regarding the project's specific conformance to development standards and findings, and
 - d. The Coastal Development Permit has not expired.

- e. The minor change is exempt from review by the Board of Architectural Review, pursuant to Section 35-184.3.
2. Where a minor change of an approved or issued Coastal Development Permit is approved, such permit shall have the same effective and expiration dates as the original Permit and no additional public notice shall be required.
3. The determination to allow a minor change to an approved or issued Coastal Development Permit, *not defined as an Appealable Development under Section 35-58 of this Article (Definitions)*, shall be final and not appealable.

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