

Sec. 35-182. Appeals.

Sec. 35-182.1. Purpose and Intent.

The purpose of this section is to provide procedures for appeals to the Planning Commission and the Board of Supervisors and to establish the criteria for those developments that may be appealed to the State Coastal Commission.

Sec. 35-182.2. Appeals to the Planning Commission.

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

1. Except for those actions on Coastal Development Permits which are appealable to the Coastal Commission as provided for under Sec. 35-182.4., the decisions of the Planning and Development Department on the approval, denial, or revocation, of Coastal Development Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten (10) calendar days following the date of decision for projects under the jurisdiction of the Director.
 - b. Within the ten (10) calendar days following the posting date for the notice of Coastal Development Permit approval, as required by Section 35-181.3., or if denied, within the ten (10) calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten (10) calendar days following the date of final decision by the Board or Architectural Review (BAR). If final approval by the BAR is appealed, the hearing on the appeal shall only be held after the decision on the Coastal Development Permit but, prior to the issuance of the Coastal Development Permit for such project. The BAR appeal shall be processed concurrently with any appeal of the Coastal Development Permit. If a denial by the BAR is appealed, a separate hearing shall be held on the BAR appeal prior to the decision on the Coastal Development Permit. No permits shall be issued until all appeals have been heard and/or resolved.

- d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Coastal Development Permit, or the decision of the Director or the BAR, is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR. If the approval of a Coastal Development Permit (not subject to Section 35-182.4) required by a previously approved discretionary permit is appealed, the appellant must identify how the Coastal Development Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-181. (Noticing). *(Added by Ord. 4318, 6/23/98)*
2. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement from the Planning and Development Department setting forth the reasons for the decision by the Planning and Development Department, the Director, or the BAR. *(Amended by Ord. 4227, 6/18/96)*
3. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, the Director, or the BAR at a regular public hearing. Notice of the time and place of the public hearing shall be given in the manner prescribed in Sec. 35-181.2., however notice shall also be mailed to the appellant. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-182.3. Appeals to the Board of Supervisors.

1. The decisions of the Planning Commission or Zoning Administrator may be appealed to the Board of Supervisors by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal, which shall be in writing, and the accompanying fee must be filed with the Clerk of the Board of Supervisors within ten (10) calendar days following the date of the Planning Commission's or Zoning Administrator's decision. For developments

which are appealable to the Coastal Commission under Sec. 35-182.4.2., no appeal fee will be charged. *(Amended by Ord. 4227, 6/18/96)*

2. The appellant shall state specifically in the appeal wherein the decision of the Planning Commission or Zoning Administrator is not in accord with the provisions and purposes of this Article or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission or Zoning Administrator. *(Amended by Ord. 4227, 6/18/96)*
3. Prior to the hearing on said appeal, the Clerk of the Board of Supervisors shall notify the Planning Commission or Zoning Administrator that an appeal has been filed whereon the Planning Commission or Zoning Administrator shall transmit to the Board of Supervisors copies of the application including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's or Zoning Administrator's decision. *(Amended by Ord. 4227, 6/18/96)*
4. The Board of Supervisors hearing shall be *de novo* and the Board shall affirm, reverse, or modify the decision of the Planning Commission or Zoning Administrator at a regular public hearing. Notice of the time and place of the public hearing shall be given in the manner prescribed in Sec. 35-181.2., however notice shall also be mailed to the appellant. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-182.4. Appeals to the Coastal Commission.

(Amended by Ord. 3483 1/14/85)

1. For developments which are subject to the appeals jurisdiction of the Coastal Commission under PRC § 30603, an action by the Board of Supervisors may be appealed to the California Coastal Commission within ten (10) working days from the date of receipt by the Commission of the County's notice of final action by the applicant, an aggrieved person, or any two members of the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office. No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project permit. *(Amended by Ord. 4227, 6/18/96)*
2. In accordance with Public Resources Code § 30603(a), an action taken by the County of Santa Barbara on a Coastal Development Permit application for any of the following may be appealed to the Coastal Commission.

- a. Developments approved by the County between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official County appeals zone maps.
 - b. Developments approved by the County not included within paragraph (a) of this section located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone map or as determined by the State Lands Commission.
 - c. Developments approved by the County that require a Conditional Use Permit (CUP).
 - d. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in Public Resources Code § 30603(a) (5) and this Article shall mean any proposed public works project or energy facility exceeding \$50,000 in estimated cost of construction.
3. Grounds of Appeal.
- a. The grounds of appeal for any development appealable under 2.a., of this Section shall be limited to one or more of the following:
 - 1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
 - 2) The development fails to protect public views from any road or from a recreation area to, and along, the coast.
 - 3) The development is not compatible with the established physical scale of the area.
 - 4) The development may significantly alter existing natural landforms.
 - 5) The development does not comply with shoreline erosion and geologic setback requirements.
 - 6) The development is not in conformity with the Local Coastal Program.
 - b. The grounds of appeal for any development appealable under 2.b.c., and d. of this section shall be limited to whether development is in conformity with the Local Coastal Program.