

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF APRIL 25, 2018

***RE: Like-for-Like Rebuild (Debris Flow) Ordinance Amendments; 18ORD-00000-00006,
18ORD-00000-00007***

Hearing on the request of the County of Santa Barbara Planning and Development Department, as directed by the Board of Supervisors during the March 13, 2018 Board of Supervisors hearing, that the County Planning Commission:

- a) **18ORD-00000-00007.** Adopt by resolution a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00007) amending Article 35.2, Zones and Allowable Land Uses, Article 35.8, Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code; and
- b) **18ORD-00000-00006.** Adopt by resolution a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00006) amending Division 1, In General, Division 2, Definitions, Division 10, Nonconforming Structures and Uses, and Division 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code.

The proposed ordinance amendments revise existing regulations, development standards, permit procedures, and definitions in order to accommodate the rebuilding of structures that were damaged or destroyed during a debris flow event or other natural event resulting in a significant change in topography or alteration of drainage features (i.e., creeks, streams, and/or waterways). Pursuant to Section 35-180.3 of Article II, the Director formally initiated the Ordinance Amendments, including the Amendment to the Local Coastal Program, following direction provided by the Board of Supervisors during their March 13, 2018 meeting.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of April 25, 2018, Commissioner Blough moved, seconded by Commissioner Cooney and carried by a vote of 4 to 0 to recommend that the Board of Supervisors take the following actions:

18ORD-00000-00007

1. Make the required findings for approval of the project specified in Attachment A of the staff report dated April 5, 2018, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed Ordinance Amendment;
2. Recommend that the Board of Supervisors determine the Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15302, 15305, and 15061(b)(3), included as Attachment B of the staff report dated April 5, 2018;
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00007, an ordinance amending Section 35-1, the County LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C of the staff report dated April 5, 2018) revised by the Commission at their hearing of April 25, 2018, as described below.

18ORD-00000-00006

1. Make the required findings for approval of the project specified in Attachment D of the staff report dated April 5, 2018, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed Ordinance Amendment;
2. Recommend to the Board of Supervisors that the Board of Supervisors determine that the Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15302, 15305, 15061(b)(3), and 15265, included as Attachment E;
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00006, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Article II) (Attachment F of the staff report dated April 5, 2018) revised by the Commission at their hearing of April 25, 2018, as described below.

Revisions to the LUDC Ordinance Amendment

The County Planning Commission recommends the following modifications to the LUDC Ordinance Amendment. The changes are identified below and are also included in Attachment C of this action letter.

Modify Section 35.20.040.B.5.d.(1) (Damaged or destroyed structure) to revise the requirements for Design Review to read as follows:

B. Exempt activities and structures.

5. **Damaged or destroyed structure.**

b.d. Except as provided in Subsection B.5.d.(1) below, if the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with Section 35.82.070 (Design Review), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).

(1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure, ~~even if relocated on the lot or increased in height,~~ shall not require Design Review unless if the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the replaced or restored structure is relocated on the lot. Design Review shall not be required for structures that are required to increase in height to comply with the base flood elevation that exists after the debris flow event, in accordance with Section 35.20.040.B.5.c above, if its exterior design or specifications are otherwise not proposed to be changed. ~~are substantially different from the prior structure(s), as determined by the Director.~~

Revise Subsection 35.82.070.C.1.h (Exceptions to Design Review requirements) to modify the applicability of the Design Review requirements for structures that were damaged or destroyed by a debris flow event to read as follows:

C. Exceptions to Design Review requirements. Design review approval shall not be required for the following:

1. General.

h. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the lot on which the damaged or destroyed structures were located; unless the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot ~~substantially different from the prior structure(s), as determined by the Director.~~

Revise Subsection 35.101.020.E.4.b.(1), (Nonconforming Uses of Land and Structures) to modify the requirements for Design Review to read as follows:

E. Damage.

4. Applicability of permit requirements.

b. Design Review required. ~~If Except as provided in Subsection E.4.b(1), below, if the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, then the replaced or restored structure shall be subject to the provisions of Section 35.82.070 (Design Review), if otherwise subject to review (e.g., the site is subject to Section 35.28.080 (Design Review (D) Overlay Zone, the project is subject to Section 35.62.040 (Ridgeline and Hillside Development Standards)) in compliance with this Development Code.~~

- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure shall require Design Review if the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot. Design Review shall not be required for structures that are required to increase in height to comply with the base flood elevation that exists after the debris flow event, in accordance with Section 35.101.20.E.1.b.(2)(b) or Section 35.101.20.E.2.b.(2) above, if its exterior design or specifications are otherwise not proposed to be changed, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

Revise Subsection 35.101.030.B.6.b.(1), (Nonconforming Structures) to modify the requirements for Design Review to read as follows:

B. Damage.

67. Applicability of permit requirements.

b. Design Review required. If Except as provided in Subsection B.5.b.1, below, if the Director determines that the exterior design or specifications are

proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of Section 35.82.070 (Design Review) if otherwise subject to review (e.g., the site is subject to Section 35.28.080 (Design Review (D) Overlay Zone, the project is subject to Section 35.62.040 (Ridgeline and Hillside Development Standards)) in compliance with this Development Code.

- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure shall require Design Review if the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot. Design Review shall not be required for structures that are required to increase in height to comply with the base flood elevation that exists after the debris flow event, in accordance with Section 35.101.030.B.1.b, Section 35.101.030.B.2.a(3)(b), or Section 35.101.030.B.2.b(2)(b) above, if its exterior design or specifications are otherwise not proposed to be changed, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

Revisions to the Coastal Zoning Ordinance (Article II) Ordinance Amendment

The County Planning Commission recommends the following modifications to the Article II Ordinance Amendment. The changes are identified below and are also included in Attachment F of this action letter.

Modify Section 35-51.C.A.2.c (DeMinimis Waiver of Coastal Development Permit) to revise the requirements for Design Review for structures that were damaged or destroyed by a debris flow event to read as follows:

Section 35-51C. De Minimis Waiver of Coastal Development Permit.

A. General requirements for De Minimis Waiver.

2. Local Coastal Program Consistency.

- c. The restored or replaced structure shall require Design Review if the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot. Design Review shall not be required for structures that increase in height to comply

with the base flood elevation that exists after the debris flow event, in accordance with Section 35-51C.A.2.b above, if its exterior design or specifications are otherwise not proposed to be changed, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

Revise Section 35-161.5.d.1 (Nonconforming Uses of Land, Buildings and Structures) to include the requirements for Design for structures that were damaged or destroyed by a debris flow event to read as follows:

5. Damage.

d. Except as provided in Subsection 5.d.1., below, if ~~If~~ the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, then 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).

- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure shall require Design Review if the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot. Design Review shall not be required for structures that increase in height to comply with the base flood elevation that exists after the debris flow event, in accordance with Section 35-51C.A.2.b above, if its exterior design or specifications are otherwise not proposed to be changed, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

Revise Section 35-162.2.h (Nonconforming Buildings and Structures) to include the requirements for Design Review for structures that were damaged or destroyed by a debris flow event to read as follows:

2. Damage.

- h. If Except as provided in Subsection 2.h.1., below, if the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored structure shall be subject to the provisions of Section 35-184, Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District).
- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure shall require Design Review if the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot. Design Review shall not be required for structures that increase in height to comply with the base flood elevation that exists after the debris flow event, in accordance with Section 35-51C.A.2.b above, if its exterior design or specifications are otherwise not proposed to be changed, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.

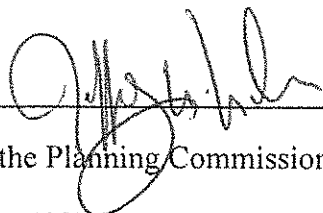
Revise Subsection 35-184.3(1) (Exceptions, General) of Section 35-184, Board of Architectural Review) to include the requirements for Design Review for structures that were damaged or destroyed by a debris flow event to read as follows:

1. General.

- h. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the same lot on which the damaged or destroyed structures were located; unless— ~~the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.~~ the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed or the restored or replaced structure is relocated on the lot. Design Review shall not be required for structures that increase in height to comply with the base flood elevation that exists after the debris flow event, in accordance with Section 35-51C.A.2.b above, if its exterior design or specifications are

otherwise not proposed to be changed.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case Files: 18ORD-00000-00006, 18ORD-00000-00007
Planning Commission File
Dianne M. Black, Director
Jenna Richardson, Deputy County Counsel
Tess Harris, Planner

Attachments:

- Attachment A – 18ORD-00000-00007 (LUDC) Findings**
- Attachment C – 18ORD-00000-00007 (LUDC) Resolution and Proposed Ordinance**
- Attachment D – 18ORD-00000-00006 (Article II) Findings**
- Attachment F – 18ORD-00000-00006 (Article II) Resolution and Proposed Ordinance**

JW/dmv

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