

Like-for-Like Rebuild (Debris Flow) Ordinance Amendments

Case Nos. 18ORD-00000-00005, 18ORD-00000-00006
& 18ORD-00000-00007



**Board of Supervisors
May 15, 2018**

County of Santa Barbara
Planning and Development
Tess Harris, Planner

Background

- **March 13, 2018** – BOS directed staff to return with an Ordinance Amendment regarding like-for-like planning permit exemption process to allow flexibility for resilience as long as setbacks are respected
- **April 17, 2018** – Presented Amendments to MLUDC and Article II to the Montecito Planning Commission
- **April 25, 2018** – Presented Amendments to LUDC and Article II to the County Planning Commission

Existing Rebuild Process

Exemptions from Planning Permit Requirements for Damaged or Destroyed Structure (disaster)

- Replaced/restored structure shall:
 - Comply with zoning
 - Be for the same use
 - Be in the same general footprint location
 - Not exceed the floor area, height, or bulk of the destroyed structure (within 10% if conforming)
 - Design Review required if exterior design changes
 - Project would still be subject to a Building Permit and/or Grading Permit
- Rebuilds not meeting these requirements require normal permitting process

Staff Proposed Like-for-Like Exemption

Height

Structures may exceed height of destroyed/damaged structure to comply with new base flood elevation

- Height from lowest finished floor to highest part of structure shall not exceed equivalent height of the destroyed/damaged structure (or more than 10% for conforming structure)
- Structure shall not exceed height of zone district
- No Design Review unless exterior design is substantially different

Staff Proposed Like-for-Like Exemption

Relocation

Structures may be relocated on lot to meet top-of-bank setbacks and reduce flood hazards

- Structure shall comply with setbacks and applicable Comprehensive Plan policies
- Need determined by Director and Flood Control District
- No Design Review unless exterior design is substantially different

Article II – De Minimis Waiver

Criteria and requirements for a waiver:

- No adverse coastal resource impacts
- Development is consistent with the Local Coastal Program
- Development is not in the Coastal Commission appeals jurisdiction
- Public notice shall be posted
- Director shall provide notice of determination to the Executive Director of the Coastal Commission
- Coastal Commission staff shall report the De Minimis Waiver to the Coastal Commission at the next regularly scheduled meeting
- Waiver shall expire within five years of effective date
- Waivers are not appealable

Montecito Planning Commission

Montecito PC recommended the following:

- Wait to take action on MLUDC Ordinance Amendments until advisory FEMA Recovery Mapping is available in June
- If your Board chooses not to follow the above recommendation, the MPC included an alternative recommendation with changes to the ordinance amendments
 - **Location:** Structure may be relocated only to the **minimum** distance necessary to meet top-of-bank setbacks
 - **Height:** May be increased to meet base flood elevation. Structure shall not exceed height by more than 10%
 - **Design Review:** Structure shall require design review if Director determines that the exterior design is proposed to be **changed**

County Planning Commission

County PC recommended the following:

- Require design review for:
 - Structures that are being relocated on the lot
 - Structures with an exterior design or specifications that are proposed to be **changed**
 - Design Review not required for structures that increase in height to comply with the base flood elevation after a debris flow event, if the exterior design does not change
- Direct staff to explore an expedited design review and appeals process for properties impacted by a debris flow event

Recommended Actions

MLUDC, LUDC, and Article II

1. Make the findings for approval;
 2. Determine that the adoption of these Ordinances are exempt from CEQA; and
 3. Adopt Ordinances amending the MLUDC, LUDC, and Article II
 - MPC Recommendation for MLUDC (Attachment 10) and CPC Recommendation for LUDC & Article II (Attachments 11 & 12)
- OR
- Staff's original proposed language (Attachments 3, 6, & 9)

Questions?