

**ATTACHMENT 6: COUNTY LAND USE AND DEVELOPMENT CODE ORDINANCE
AMENDMENT**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES; ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS; AND ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, TO IMPLEMENT PROGRAMS 1, 2, AND 3 OF CHAPTER 5 OF THE 2023-2031 HOUSING ELEMENT UPDATE.

Case No. 24ORD-00007

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to modify Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zone Allowable Land Uses, of Chapter 35.23, Residential Zones, to add new uses and to read as follows:

Table 2-7- Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed					
	LAND USE (1)	PERMIT REQUIRED BY ZONE				
	RR	R-1/E-1	EX-1	R-2	DR	
RESIDENTIAL USES						
Accessory dwelling unit	S	S	S	S	S	35.42.015
Dwelling, one-family	P (3)(4)	P (3)(4)	P (3)(4)	P (3)	P (3)	
Dwelling, two-family	—	—	—	P	P	
Dwelling, multiple	—	—	—	—	P	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	P	P	P	P	P	35.42.135
Farmworker housing complex	CUP	MCUP	MCUP	MCUP	P	35.42.135
Guesthouse or artist studio	P	P	P	—	—	35.42.150
Home occupation	P	P	P	P	P	35.42.190
Junior accessory dwelling unit	S	S	S	S	S	35.42.015
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	CUP	CUP	CUP	CUP	
Organizational house (sorority, monastery, etc.)	—	—	—	—	CUP(5)	
Residential accessory use or structure	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	P	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	S	S	S	S	35.42.090
RETAIL TRADE						

Agricultural product sales, onsite production only	P	MCUP	—	MCUP	MCUP	35.42.050
Cannabis - Retail	—	—	—	—	—	
Commercial recreational facilities					CUP	35.23.060
Convenience store	—	—	—	—	S	35.23.060
Drive-through facility, accessory to permitted use	—	—	—	—	—	
Neighborhood-serving commercial uses (6)	—	—	—	—	S	35.23.060
Visitor-serving commercial	—	—	—	—	—	

Key to Zone Symbols

RR	Residential Ranchette
R-1/E-1	Single-Family Residential
R-2	Two-Family Residential
DR	Design Residential
EX-1	One-Family Exclusive Residential

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.
- (5) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.
- (6) As defined in the CN Zone and the accompanying list of allowable uses.

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Table 2-9, Minimum Lot Size and Minimum Building Site Area, in Subsection A, Minimum lot size, of Section 35.23.040, Residential Zones Lot Standards, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-9- Minimum Lot Size and Minimum Building Site Area

Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width
RR-5	5 acres gross	250 ft gross
RR-10	10 acres gross	250 ft gross

RR-15	15 acres gross	250 ft gross
RR-20	20 acres gross	250 ft gross
RR-40	40 acres gross	250 ft gross
RR-100	100 acres gross	250 ft gross
7-R-1	7,000 sf net	65 ft net
8-R-1	8,000 sf net	75 ft net
10-R-1	10,000 sf net	80 ft net
12-R-1	12,000 sf net	80 ft net
15-R-1	15,000 sf net	90 ft net
20-R-1	20,000 sf net	100 ft net
1-E-1	1 acre gross	120 ft net
2-E-1	2 acres gross	150 ft net
3-E-1	3 acres gross	210 ft net
5-E-1	5 acres gross	270 ft net
10-E-1	10 acres gross	380 ft net
1.5-EX-1	1.5 acres gross	150 ft gross (1)
2.5-EX-1	2.5 acres gross	200 ft gross (1)
3.5-EX-1	3.5 acres gross	225 ft gross (1)
7-R-2	7,000 sf net	65 ft net
8-R-2	8,000 sf net	75 ft net
10-R-2	10,000 sf net	80 ft net
12-R-2	12,000 sf net	80 ft net
15-R-2	15,000 sf net	90 ft net
20-R-2	20,000 sf net	100 ft net
30-R-2	30,000 sf net	110 ft net
DR (2)	See Section 35.23.060 (DR Zone Standards)	
PRD	None; see 35.23.100	
SLP	4,000 sf net	50 ft net
MHP	See Section 35.23.080	
MHS	See Section 35.23.090	
MR-O	See Section 35.23.130	

Notes:

- (1) Lot width is defined differently for the EX-1 zone than other zones. See the definition of "Lot Width, Gross" in Article 35.11 (Glossary).
- (2) The DR zoning map symbol is accompanied by a number(s) that specifies the allowable number of units per gross acre, see Table 2-11A (DR Zone Maximum Density) and Table 2-11B (DR Zone Minimum and Maximum Density).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection A, Maximum lot size and density, and Subsection B, Open space, of Section 35.23.060, DR Zone Standards, of Chapter 35.23, Residential Zones, to read as follows:

A. Density.

- 1. **Maximum density.** The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-11A (DR Zone Maximum Density) for each DR zoning designation shown in Table 2-11A (DR Zone Maximum Density).

Table 2-11A- DR Zone Maximum Density

Zoning Map Symbol	Maximum Dwelling Units per Gross Acre
DR-0.1	0.1
DR-0.2	0.2
DR-0.33	0.33
DR-0.5	0.5
DR-1	1
DR-1.5	1.5
DR-1.8	1.8
DR-2	2
DR-2.5	2.5
DR-3	3
DR-3.3	3.3
DR-3.5	3.5
DR-4	4
DR-4.6	4.6
DR-5	5
DR-6	6
DR-7	7
DR-8	8
DR-9	9
DR-10	10
DR-12	12
DR-12.3	12.3
DR-14	14
DR-16	16
DR-20	20
DR-25	25
DR-30	30

2. **Minimum and maximum density.** The number of dwelling units on a lot shall comply with the minimums and maximums specified by Table 2-11B (DR Zone Minimum and Maximum Density) for each DR zoning designation shown in Table 2-11B (DR Zone Minimum and Maximum Density).

Table 2-11B- DR Zone Minimum and Maximum Density

Zoning Map Symbol	Minimum Dwelling Units per Gross Acre	Maximum Dwelling Units per Gross Acre
DR-20/25	20	25
DR-20/30	20	30
DR-30/40	30	40

- a. **Lower density allowance.** An applicant may propose a lower density than the minimum density specified in Table 2-11B (DR Zone Minimum and Maximum Density) when physical, environmental, or infrastructure constraints would preclude a project from meeting the specified minimum density.

(1) **Finding.** The applicant must demonstrate, based upon a preponderance of evidence in the record, and the review authority must find that no feasible method(s) exists to satisfactorily mitigate or avoid the specific constraint(s) without rendering the housing project financially infeasible for the development of housing for very low, low, and/or moderate-income households. Feasible methods may include alternative siting, alternative design, and/or smaller units.

(2) **Project phasing.** Applicants that request a lower density allowance than the specified minimum density based on current infrastructure constraints (e.g., deficient public water supply or sewer capacity) shall reserve a portion of the site and design and develop the housing project in phases to allow additional housing units in compliance with the specified minimum density for the overall site when adequate infrastructure becomes available. Each phase of the project shall include a proportional share of any required housing for very low-, low-, and/or moderate-income households.

B. Open space.

1. **Minimum area.** Except for developments that are permitted in compliance with Subsection D (Affordable housing, senior housing, or special care housing developments), below, a minimum of 40 percent of the net site area shall be reserved for the life of the project as common and/or public open space.
2. **Title to common open space area.** Title to the common open space, common recreational facilities, common parking areas and private streets shall be held by a non-profit association of all homeowners within the project area, or other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to these areas.
3. **Public Open Space.**
 - a. All or a portion of required open space may be provided as public open space and developed as public parks, trails, or other public recreational facilities (e.g., sports fields or courts, playgrounds, picnic or BBQ areas, community center, pool/aquatic facility, gymnasium) to provide recreational opportunities for use by both the residents of the site and the public. In siting and designing public open space, the project shall consider the following:
 - (1) The need to protect public use areas historically used by the public such as beaches and trails;
 - (2) The avoidance of siting of structures in hazardous areas or on steep slopes;
 - (3) The protection of environmentally sensitive habitat areas and archaeological sites; and
 - (4) The protection of scenic areas of the site.

Lands to be preserved as open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.

- b. The County may require the applicant or Homeowner's Association to maintain all public open spaces and related facilities for a specified period after occupancy of the project or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowner's Association is to maintain public open spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing performance of maintenance obligations.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Subsection E, to Section 35.23.060, DR Zone Standards, of Chapter 35.23, Residential Zones, to read as follows:

E. Commercial Recreational Facilities and Neighborhood-Serving Commercial Uses

1. Commercial recreational facilities and neighborhood-serving commercial uses (i.e., convenience store, café, corner store) may be allowed in developments of at least 20 units per acre, provided that:
 - a. Such commercial recreational facilities are accessory to and compatible with the residential uses;
 - b. Such neighborhood-serving commercial uses are accessory to the residential use and limited to those serving such day-to-day needs of residents in the immediate area such as food, pharmacy, fuel, and other incidentals and shall be subject to the same permit requirements for the proposed use as specified in the CN zone;
 - c. Such commercial recreational facilities and neighborhood-serving commercial uses shall be an integral part of the development and accessible via active transportation modes (i.e., walking, biking) within the development; and
 - d. Such commercial recreational facilities and neighborhood-serving commercial uses shall not, by reason of their construction, lighting, location, manner or timing of operation, parking arrangements, signs, or other characteristics have adverse effects on residential uses within or adjoining the development or create traffic congestion or hazards to vehicular or pedestrian traffic.

SECTION 5:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Chapter 35.39, Use By Right, Housing Element to read as follows:

CHAPTER 35.39 USE BY RIGHT, HOUSING ELEMENT

35.39.010 - Purpose and Intent

- A. **Purpose and Intent.** This Chapter allows housing developments as a "use by right" to incentivize lower-income housing on certain sites that the County rezoned to accommodate its 2023-2031 Regional Housing Needs Allocation (RHNA) for very low- and/or low-income households or identified in a prior housing element to accommodate its prior RHNA, pursuant to Government Code Sections 65583.2(h) and 65583.2(c) and Programs 1 and 2, respectively, of Chapter 5 of the 2023-2031 Housing Element Update.
- B. **Applicability.** This Chapter shall apply to housing developments on the following sites:

1. A site that the County rezoned at a density of at least 20 units per acre to accommodate its 2023-2031 RHNA for very low- and/or low-income households, pursuant to Government Code Section 65583.2(h). This minimum density and the applicable development standards will permit at least 16 units per site.

- a. Qualifying sites consist of the following Assessor Parcel Numbers:

097-371-075 (3965 Apollo Way, Lompoc; 26.11 acres)

103-740-016 (5301 S Bradley Rd, Santa Maria; 9.81 acres)

103-181-006 (250 E Clark Ave, Santa Maria; 21.43 acres)

107-590-001 and 107-580-027 (290 Parkview S., Orcutt; 10.83 acres)

107-470-011 (4300 Hummel Drive, Santa Maria; 14.90 acres)

107-270-051 (619 Hummel Village Ct., Orcutt; 4.47 acres)

143-220-005, 143-220-007 and 143-261-002 (1011 Meadowvale Rd, Santa Ynez; 5.89 acres)

149-290-001 (Immediately west of Cuyama Valley High School, New Cuyama; 37.88 acres)

071-140-072 (300 Sumida Gardens Ln, Goleta; 20.56 acres)

071-140-071 (5381 Ekwill St, Goleta; 9.38 acres)

071-140-048 (Immediately east of 5381 Ekwill St, Goleta; 8.23 acres)

065-090-031 (600 S. Patterson Ave, Santa Barbara; 15.22 acres)

065-230-012 (620 S. Patterson Ave, Santa Barbara; 15.85 acres)

071-190-036 (905 S. Patterson Ave, Santa Barbara; 39.00 acres)

065-040-041 (4960 Hollister Ave, Santa Barbara; 27.37 acres)

065-030-012 (125 S. San Marcos Santa Barbara; 5.70 acres)

077-530-012, 077-530-021, and 077-530-020 (7380 Cathedral Oaks Rd, Goleta; 112.88 acres)

059-130-011 (400 ft. N of intersection of Hwy 154 and Cathedral Oaks Rd, Santa Barbara; 15.69 acres)

059-130-014 and 059-130-015 (4150 Foothill Rd, Santa Barbara; 33.37 acres)

057-143-001 (560 N. La Cumbre Rd, Santa Barbara; 2.95 acres)

065-080-024, 065-080-008, and 065-080-009 (5050 Hollister Ave, Santa Barbara; 11.40 acres)

065-040-026 (4750 Hollister Ave, Santa Barbara; 23.00 acres)

- C. **Permit requirements.** Housing developments that comply with all of the development standards in Section 35.39.010.D (Development standards), below, shall be allowed as a use by right subject to the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances).

1. **Use by right.** For purposes of this section, "use by right" means the County's review shall not require a Conditional Use Permit, Development Plan, environmental review under the California Environmental Quality Act, or other discretionary review or approval pursuant to Government Code Section 65583.2(i) and Government Code Section 65589.5 for multifamily residential housing. Housing developments shall be subject to all objective standards in this Development Code, including the objective design standards of Chapter 35.33 (Multiple-Unit and Mixed-Use Housing Objective Design Standards). Any subdivision of a site shall continue to be subject to all laws, including, but not limited to, discretionary review and approval in compliance with County Code Chapter 21 (Land Division) and the Subdivision Map Act.

- D. **Development standards.** Housing developments on a rezone site or non-vacant or vacant site listed in Section 35.39.010.B.1.a and Section 35.39.010.B.2.a, respectively, above, shall comply with the following development standards.

1. **Housing type.** The housing development shall consist of owner-occupied and/or rental multifamily residential uses.

2. **Affordability.** At least 20 percent of the units shall be affordable to very low- and/or low-income households. The applicant shall record a restrictive covenant that ensures the continued affordability of all very low- and low-income rental units for 90 years and all very low- and low-income for-sale units for 90 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
3. **Objective standards.** The housing development shall comply with all objective land use policies, regulations, development standards, and design review standards in effect at the time a complete application is submitted, including but not limited to objective design standards provided in Chapter 35.33 (Multiple-Unit and Mixed-Use Housing Objective Design Standards).
4. **Program Environmental Impact Report mitigation measures.** The housing development shall comply with all applicable mitigation measures of the Mitigation Monitoring and Reporting Program of the 2023-2031 Housing Element Update Program Environmental Impact Report (Case. No. 23EIR-00004)
5. **Replacement units.** Existing or previously existing dwelling units on the site of the housing development shall be replaced in the manner provided in Government Code Section 65583.2(g)(3) or successor statute.

SECTION 6:

SECTION 35.42.210, Reserved, of Chapter 35.42, Standards for Specific Land Uses, of Article 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby repealed and replaced to read as follows:

35.42.210 – Replacement Housing on Non-Vacant Sites

- A. **Purpose and intent.** The purpose of the Section is to implement unit replacement requirements for housing development projects on non-vacant sites identified in the 2023-2031 Housing Element Update, consistent with the requirements of Government Code Section 65583.2(g)(3) and Program 3 of Chapter 5 of the 2023-2031 Housing Element Update.
- B. **Applicability.** The provisions of this Section apply to housing development projects that are located on non-vacant sites identified in the sites inventory of the 2023-2031 Housing Element Update that meet one or more of the following criteria:
 1. The site contains existing residential uses that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very low-income or any other form of rent or price control.
 2. The site contained a residential use within the past five years that has been vacated or demolished and was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very low-income or any other form of rent or price control.
 3. The site contains existing residential uses that are occupied by low- or very low-income households.
- C. **Unit replacement.** All units onsite shall be replaced with units affordable to the same or lower income level as a condition of approval of development on a qualifying non-vacant housing element site. Replacement of the units shall be consistent with the unit replacement requirements of Government Code Section 65915(c)(3) or successor statute.

SECTION 7:

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

SECTION 8:

Except as amended by this ordinance, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 9:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 10:

If legislation is enacted which would superseded or preempt any section or subsection of this ordinance then the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in full force and effect without said section or subsection.

SECTION 11:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage 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 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 ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

2023-2031 Housing Element Update Rezone Amendments
Case No. 24ORD-00007
Board of Supervisors
Hearing Date: April 30 and May 3, 2024
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APPROVED AS TO FORM:

RACHEL VAN MULLEN
COUNTY COUNSEL

By 
Deputy County Counsel

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