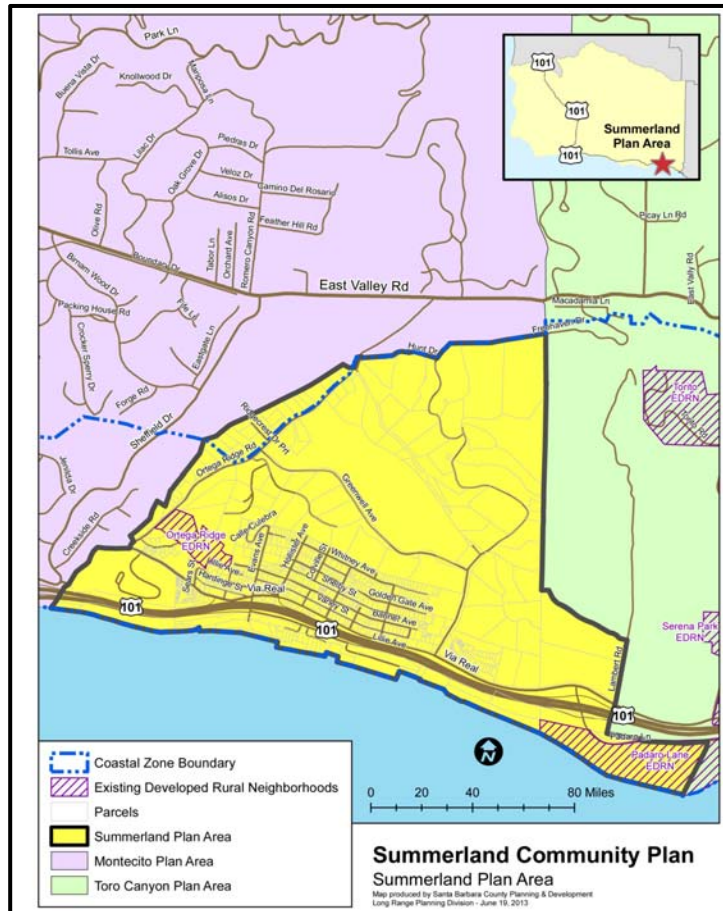


SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Summerland Community Plan Update
Focused Ordinance Amendment

Hearing Date: July 30, 2014
Staff Report Date: July 17, 2014
Case No.: 14ORD-00000-00007
Environmental Document: CEQA Guideline
Section 15162 – No new environmental document required.

Interim Deputy Director: David Lackie
Division: Long Range Planning
Phone No.: (805) 568-2023



1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 **Case No. 14ORD-00000-00007.** Recommend the Board of Supervisors adopt an ordinance amending the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, to adopt new zoning regulations as part of implementing the Summerland Community Plan Update.

The project involves all lots located in the Summerland Community Plan – Inland Area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

2.1 Case Nos. 14ORD-00000-00007. On July 30, 2014, follow the procedures outlined below and recommend that the Board of Supervisors approve Case Nos. 14ORD-00000-00007 based upon the ability to make the appropriate findings, including CEQA findings. Your Commission's motion should include the following:

1. Make the findings for approval in Attachment A, including CEQA findings, and recommend the Board make the appropriate findings for approval of the proposed ordinance amendment.
2. Adopt the Resolution in Attachment B recommending that the Board of Supervisors adopt Case No. 14ORD-00000-00007, an ordinance amending the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, as set forth in Attachment B - Exhibit 1, to adopt new zoning regulations as part of implementing the Summerland Community Plan Update.

Please refer the matter to staff if your Commission takes other than the recommended actions for development of appropriate materials and/or findings.

3.0 JURISDICTION

3.1 Case No. 14ORD-00000-00007. This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.104 of the Santa Barbara County Land Use and Development Code (County LUDC). The Government Code and the County LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the non-Coastal Zone portion of the Montecito Community Plan Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.

4.0 BACKGROUND

On May 6, 2014 the Board of Supervisors considered the Planning Commissions' recommendations with regard to the Summerland Community Update and approved the project with minor amendments to both the Land Use and Development Code (LUDC) and Article II – Coastal Zoning Ordinance. The Board's motion to approve the project inadvertently deleted, from both the LUDC and Article II, the previously existing maximum floor area limit exception for attached garages on lots 12,000 square feet or greater.

In order to rectify this issue, the Board directed Planning and Development to place on future agendas for the Planning Commission and Board of Supervisors proposed amendments that would restore the exception for attached garages on lots 12,000 square feet or greater (Attachment C – Board Action Summary).

Per the Board of Supervisors direction, Staff is bringing forward for Planning Commission consideration a proposed LUDC ordinance amendment to restore the floor area limit exception which was presented to the Board on May 6, 2014. In a separate but related effort, staff is working with Coastal Commission staff to restore the corresponding Article II provision through a modification to the Summerland Community Plan Update submittal package, which could then be approved and certified by the Coastal Commission.

5.0 PROJECT DESCRIPTION

The proposed ordinance amendment will amend the County LUDC to restore Section 35.28.210, Subsection G.1.b (3)(b), which was considered previously by the Planning Commission on February 5, 2014 and March 5, 2014, and presented to the Board of Supervisors on May 6, 2014.

Staff Recommendation: Recommend that the Planning Commission recommend that the Board of Supervisors approve the County LUDC ordinance amendment as shown below with underline text, to restore the maximum floor area limit exception for attached garages up to 750 square feet on lots 12,000 square feet or greater in the Summerland Community Plan area.

Section 35.28.210, Community Plan Overlays

G. Summerland Community Plan area.

1. **Floor area limit.** Structures subject to this subsection shall not exceed the following maximum floor area limits.

- b. **Adjustments to maximum allowed floor area.**

- (3) **Garages attached to a dwelling.**

- (a) **Lots of less than 12,000 square feet (net).** On lots with a lot area (net) of less than 12,000 square feet, up to 500 square feet of floor area (net) used as an attached two-car garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with the FAR in Table 2-28 (One-family Dwelling Floor Area Limits), of Subsection G.1.a.(1), above.

Larger garages may be allowed, however, excess square footage will be counted toward the net floor area of the dwelling.

- (b) **Lots of 12,000 square feet (net) or greater.** On lots with a lot area (net) of 12,000 square feet or greater, up to 750 square feet of floor area (net) used as an attached garage for the parking of motor

vehicles is not included in the net floor area used to determine compliance with Subsection G.1.a.(2), above.

6.0 ENVIRONMENTAL REVIEW

The project proposes to restore an ordinance provision which was in effect and part of the Land Use and Development Code prior to May 6, 2014 and is within the scope of the project previously analyzed as part of the certified Summerland Community Plan Program EIR (91-EIR-07) and certified Summerland Community Plan Update Supplemental EIR (13-EIR-03). Pursuant to CEQA Guidelines Section 15162, no new effects could occur and no new mitigation measures are required, and therefore no new environmental document is required.

7.0 POLICY CONSISTENCY

The proposed ordinance amendment restores the floor area exception for lots 12,000 square feet or greater which was intended to be carried forward by the Planning Commission and Board of Supervisors. The amendment was considered previously as part of the policy consistency analysis for the Summerland Community Plan Update, which concluded that the proposed ordinance amendment will not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Summerland Community Plan, and the adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the County LUDC that would not be revised by this ordinance. In order to approve a development project based on the proposed amendment, it still must be determined that the project is consistent with the whole of the County LUDC as applicable.

9.0 PROCEDURES

The Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. Findings for Approval
- B. Resolution – Land Use and Development Code Ordinance Amendment
Exhibit 1: 14ORD-00000-00007
- C. Board of Supervisors Action Summary – Hearing of May 6, 2014

Summerland Community Plan Update
Case Nos. 14-ORD-00000-00007
Hearing Date: July 30, 2014

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Attachment A: Findings for Approval

Case No. 14ORD-00000-00007
County Land Use and Development Code

1.0 CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 14ORD-00000-00007, was examined in the Summerland Community Plan EIR (91-EIR-07) and Summerland Community Plan Update Supplemental EIR (13EIR-00000-00003), and pursuant to CEQA Guidelines Section 15162, no new effects could occur and no new mitigation measures are required, and therefore no new environmental document is required.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.104.060 (Findings Required for Approval of Amendment) of the County Land Use and Development Code (LUDC), the following findings shall be made by the Planning Commission in order to recommend approval of a text amendment to the County Land Use and Development Code, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the County Land Use and Development Code:

2.1 The request is in the interest of the general community welfare.

The proposed ordinance is in the interest of the general community welfare since the amendment will serve to clarify and update the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendment will restore a previous ordinance provision exception for attached garages on lots 12,000 square feet or greater in the Summerland Community Plan area, which will enhance existing permit process clarity and efficiency while minimizing potential adverse impacts to the community.

2.2 The request is consistent with the Comprehensive Plan, the Local Coastal Program, the requirements of State planning and zoning laws, and the Land Use and Development Code (LUDC).

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by providing a clearer and more efficient permit process that will benefit both the public and staff. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Summerland Community Plan. The proposed amendment is also consistent with the remaining portions of the County Land Use and Development Code that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Comprehensive Plan, including the Summerland

Community Plan, the requirements of State Planning and Zoning Laws, and the County Land Use and Development Code.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinance is consistent with sound zoning and planning practices to regulated land uses for the overall protection of the environment and community values since it will enhance existing permit process clarity and efficiency while minimizing potential adverse impacts to the community. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Summerland Community Plan, and the County Land Use and Development Code.

ATTACHMENT B: 14ORD-00000-00007 RESOLUTION AND ORDINANCE

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-1, THE SANTA BARBARA COUNTY LAND)
USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING,))
OF THE COUNTY CODE, AMENDING ARTICLE 35.2, ZONES) RESOLUTION NO.: 14 - ____
AND ALLOWABLE LAND USES, TO IMPLEMENT NEW)
REGULATIONS AS PART OF THE SUMMERLAND) CASE NO.: 14ORD-00000-00007
COMMUNITY PLAN UPDATE)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 14ORD-00000-00007) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to correct and clarify existing text provisions by restoring the maximum floor are limit exception for attached garages up to 750 square feet on lots 12,000 square feet or greater in the Summerland Community Plan area.
- E. This Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Planning Staff report dated July 17, 2014.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this July 30, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 14ORD-00000-00007

Exhibit 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, TO IMPLEMENT NEW REGULATIONS AS PART OF THE SUMMERLAND COMMUNITY PLAN UPDATE.

Case No. 14ORD-00000-00007

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 Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G, Summerland Community Plan area, of Section 35.28.210, Community Plan Overlays, of Chapter 35.28, Overlay Zones, to read as follows:

G. Summerland Community Plan area.

1. **Floor area limit.** Structures subject to this subsection shall not exceed the following maximum floor area limits.
 - b. **Adjustments to maximum allowed floor area.**
 - (3) **Garages attached to a dwelling.**
 - (a) **Lots of less than 12,000 square feet (net).** On lots with a lot area (net) of less than 12,000 square feet, up to 500 square feet of floor area (net) used as an attached two-car garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with the FAR in Table 2-28 (One-family Dwelling Floor Area Limits), of Subsection G.1.a.(1), above.

Larger garages may be allowed, however, excess square footage will be counted toward the net floor area of the dwelling.
 - (b) **Lots of 12,000 square feet (net) or greater.** On lots with a lot area (net) of 12,000 square feet or greater, up to 750 square feet of floor area (net) used as an attached garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with Subsection G.1.a.(2), above.

SECTION 2:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 3:

Except as amended by this Ordinance, Article 35.2 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

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 the Santa Barbara News-Press, 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 _____, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel