

ATTACHMENT P: 01-14-2014 MONTECITO PLANNING COMMISSION MEMO



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Montecito Planning Commission
FROM: Noel Langle, Planner
DATE: January 14, 2014
RE: Continued hearing on 2013 General Package Ordinance Amendments
Case Nos.: 13ORD-00000-00009 (Montecito LUDC) & 13ORD-00000-00010 (Article II)

On November 20, 2013, your Commission continued the hearing on the proposed 2013 General Package Ordinance Amendments to the Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance to January 22, 2014 in order to have additional time to review and discuss the issues regarding possible negative impacts to:

- Historical structures located within the Montecito Community Plan area if the amendment addressing impermissible structural alterations to nonconforming structures is adopted as proposed, and
- Fundraising efforts by non-profit organizations if the proposed 10 year maximum limit on the length of time within which all follow-on ministerial permits associated with phased Conditional Use Permits or Final Development Plans must be issued is approved.

1. Structural alterations to nonconforming structures.

At the November 20th meeting, the Department presented revised language that would allow structures greater than 50 years old to be structurally altered without having to be designated a historical landmark provided:

- The alteration to the nonconforming portion does not extend beyond the existing exterior,
- The Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure, and
- The structural alterations are limited to portions of a structure devoted to a residential use.

However, your Commission was still concerned that there could be nonconforming structures that were not devoted to a residential use (i.e., accessory structures) that were historically significant and should also be allowed to be structurally altered. Subsequent to that meeting Kellam de Forest submitted the following suggested revision regarding expanding the circumstances under which a nonconforming structure could be altered:

- d. Structures built before 1960.** A structure that was built before 1960 and has been determined by an approved architectural historian to have historic, architectural or neighborhood significance may be enlarged, extended, reconstructed, relocated and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined

that the proposed structural alterations will help preserve and maintain the structure in the long-term.

The Department is concerned that the proposed language is too broad and would allow such structures to be expanded beyond their existing footprint and/or in a manner that would further increase their lack of conformity with present setbacks, height limits, etc. If your Commission wishes to allow nonconforming portions of potentially significant accessory structures to be structurally altered, then the Department recommends that the language provided at the November 20th meeting be revised to include accessory structures. Any such alteration would still need to comply with the three criteria listed above.

2. Revised ordinances.

Attached is a revised Exhibit 1 of Attachment F (Article II Ordinance Amendment which is the proposed amendment to the Article II Coastal Zoning Ordinance. The revisions (summarized below) are proposed so that this Article II amendment does not conflict with another amendment to Article II that is presently scheduled to be heard by your Commission on February 19, 2014. Please note that the language regarding time limits for phased Conditional Use Permits and Final Development Plans in the new SECTION 10 and SECTION 12 reflects the language originally proposed by the Department that may be revised based on direction by your Commission.

1. A new SECTION 9 is inserted to re-title Subsection 3, Time Limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, as “Time limit, permit expiration and extension.”
2. Former SECTION 9 is re-numbered as SECTION 10 and revised to only include the language of the new Subsection 6) regarding time limits on Conditional Use Permits with phasing plans:
 - 6) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Conditional Use Permit.
3. A new SECTION 11 is inserted to re-title Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to re-title Subsection 3, Time Limit, as “Time limit, permit expiration and extension.”
4. Former SECTION 10 is re-numbered as SECTION 12 and revised to only include the language of the new Subsection f) regarding time limits on Final Development Plans with phasing plans:
 - f) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits shall be issued within 10 years of the effective date of the Final Development Plan.
5. The remaining ordinance sections are renumbered accordingly.