

ATTACHMENT 13: RESOLUTION 16-11 MLUDC

RESOLUTION OF THE MONTECITO PLANNING COMMISSION

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN) RESOLUTION NO. 16 -11
AMENDMENT TO SECTION 35-2, THE SANTA)
BARBARA COUNTY MONTECITO LAND USE AND) Case No.:
DEVELOPMENT CODE, OF CHAPTER 35, ZONING,) 16ORD-00000-00007
OF THE COUNTY CODE, AMENDING DIVISION)
35.2, MONTECITO ZONES AND ALLOWABLE USES,)
AND DIVISION 35.3, MONTECITO SITE PLANNING)
AND OTHER PROJECT STANDARDS, TO)
IMPLEMENT PROGRAM 1.16, DESIGN)
RESIDENTIAL (DR) ZONE MODIFICATIONS, OF)
THE 2015 – 2023 HOUSING ELEMENT UPDATE.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito 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. 16ORD-00000-00007) Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations.

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 Montecito Community Plan, 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 the amendment will serve to effectuate Program 1.16 of the County Comprehensive Plan's 2015-2023 Housing Element. Program 1.16 requires the County to adopt zoning ordinance amendments providing modified development standards to encourage the development of affordable, senior, and special care housing. Accordingly, the proposed ordinance amendment will serve to implement the County's 2015-2023 Housing Element and encourage the diversification of the County's housing stock.
- E. This Montecito 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 Montecito 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 Montecito Planning Commission Staff report dated April 28, 2016.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors..
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2016, by the following vote:

AYES: Cole, Keller, Phillips

NOES: Overall

ABSTAIN: None

ABSENT: Brown

(signed copy on file) _____
MICHAEL PHILLIPS, CHAIR
Montecito Planning Commission

ATTEST:

(signed copy on file) _____
DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By *(signed copy on file)* _____
Deputy County Counsel

Exhibit 1 – 16ORD-00000-00007

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES AND DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, TO IMPLEMENT PROGRAM 1.16, DESIGN RESIDENTIAL (DR) ZONE MODIFICATIONS, OF THE 2015 – 2023 HOUSING ELEMENT UPDATE.

Case No. 16ORD-00000-00007

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.423.060, DR Zone Standards, of Chapter 35.423, Residential Zones, to read as follows:

35.423.060 - DR Zone Standards

Proposed development and new land uses within the DR zone shall comply with the following standards, in addition to those in Section 35.423.050 (Residential Zones Development Standards).

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

Table 2-11 - DR Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre
DR-1.8	1.8
DR-4.6	4.6
DR-10	10
DR-12	12

- 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, the minimum open space area shall be as follows:

- 1. Applicability.** This Subsection D (affordable housing, senior housing, or special care housing developments) shall only apply to projects that comply with the types of development specified below:

 - a. Affordable housing.** For the purposes of this section, affordable housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site) dedicated and restricted to housing affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in Table 2.7, page 2-11 of the Santa Barbara County 2015-2023 Housing Element Update.
 - b. Senior housing.** For the purposes of this section, senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older.
 - c. Affordable senior housing.** For the purposes of this section, affordable senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35.423.060.D.1.a, above) for seniors (as defined in Section 35.423.060.D.1.b, above).
 - d. Mixed affordable housing and senior housing.** For the purposes of this section, mixed affordable housing and senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in Section 35.423.060.D.1.a, above), senior housing (as defined in Section 35.423.060.D.1.b, above), and/or affordable senior housing (as defined in Section 35.423.060.D.1.c, above).
 - e. Special care housing.** For the purposes of this section, special care homes as defined in Chapter 35.500 (Definitions).
- 2. Modified development standards for qualifying projects.** The following development standards regarding height limit, open space, parking, and site coverage shall apply to projects developed in compliance with Subsection D (affordable housing, senior housing, or special care housing developments) instead of the respective standards listed in Table 2-10 (Residential Zones Development Standards), Subsection B (Open space), above, and Chapter 35.436 (Parking and Loading Standards). These modified development standards shall be considered the site development standards for calculating density bonuses and granting incentives or concessions in compliance with the California Density Bonus Law (Government Code (Government Code Section 65915 – 65918) and the Density Bonus Program (see Chapter 35.432, Density Bonus for Affordable Housing).

 - a. Height Limit.** 40 feet.
 - b. Open space.** A minimum of 30 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.

 - (2) Calculation of Common Open Space.** Common space may also include the

areas listed below in addition to the areas listed in the definition of Common Space in Chapter 35.500 (Definitions). Hard surfaced sidewalks located outside of Common Open Space shall not qualify as Common Open Space.

- (a) Community patios.
- (b) Deck or patios associated with swimming pools located within common open space areas.
- (c) Detention basins that function as common open space.
- (d) Hard surfaced sidewalks when located within common open space areas.

(2) Calculation of Public Open Space. Public open space may also include the areas listed below in addition to the areas listed in the definition of Public Open Space in Chapter 35.500 (Definitions).

- (a) Detention basins that function as public open space.

(3) Title to open space area. Title to the common open space, common recreational facilities, common parking areas and private streets shall be held in accordance with Section 35.423.060.B.2.

c. Parking. Parking requirements shall be as follows:

Residential Development	Parking Spaces Required
Affordable housing – single bedroom or studio units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing – 2 bedroom units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing – 3 bedroom, or more, units	2 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing – single bedroom or studio units	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing – 2 bedroom units	1 space/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing – 3 bedroom, or more, units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing – single bedroom or studio unit	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing – 2 bedroom units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Special care home (1)	1 space/3 beds and; 1 space/3 employees

Notes:

- (1) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

(1) Contingency Parking Plan. For all developments incorporating the modified parking standards of this section, applicants shall submit a contingency parking plan. The contingency parking plan shall demonstrate that the proposed development can be modified to provide parking as required irrespective of Section 35.423.060.D. Space required for the contingency parking plan shall not count toward the open space requirement for the proposed development.

Applicants shall evaluate parking post-occupancy and shall submit annual post-occupancy parking evaluations to the County during the first three years of full occupancy. The evaluations shall compare actual parking demand to existing parking supply. If the County determines that the number of existing parking spaces is less than actual parking demand, the applicant shall implement the contingency parking plan and construct additional parking spaces.

d. Maximum site coverage. 40 percent of the net site area for structures containing residential uses.

3. Requirement to record an affordable housing agreement and resale and rental restrictive covenant for affordable housing and senior housing projects. Prior to issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) for an affordable housing project or senior housing project, each project shall record, as applicable:

a. Affordable housing projects. An affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the following: the sales and/or rental prices for the various types of units to be established; and provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability for a minimum of 45 years, restarting for up to 90 years upon resale of a unit or longer if required by financing, of units for purchase or occupancy by target households. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.

b. Senior housing projects. A senior housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability, for a minimum of 45 years, restarting for up to 90 years upon resale of a unit or longer if required by financing, of units for purchase or occupancy by seniors. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.423.050 – Table 2-10 – Residential Zone Development Standards, DR Zone Standards, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-10 - Residential Zone Development Standards – Continued

Development Feature	Requirement by Zone	
	DR & DR (CZ) Design Residential	PRD & PRD (CZ) Planned Residential Development
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	None	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval. Required land area is expressed as gross area.</i>	
Maximum density	See Table 2-11 (DR Zone Maximum Density)	As specified by the Comprehensive Plan.
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front - Primary	Inland - 20 ft from right-of-way Coastal - 50 ft from public road centerline; 45 ft from a private road centerline; 20 ft from a right-of-way.	As determined by Final Development Plan.
Front - Secondary	Inland - 20 ft from right-of-way. Coastal - Lot less than 100 ft wide - 20% of lot width, 10 ft minimum; Lot 100 ft wide or more - same as primary front setback.	
Side	Inland - 10 ft, except where a larger setback is required by the Montecito Commission in the review of a discretionary planning permit for light, air, or privacy. Coastal - One-half the height of the structure subject to the setback.	
Rear	Inland - Same as side. Coastal - One-half the height of the structure subject to the setback.	
Accessory Structures	See Section 35.442.020 (Accessory Structures and Uses).	
Building separation	Inland - 10 ft between a habitable building and any other building on the same site. Coastal - 5 ft between a habitable structure and another structure.	
Site coverage	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	Inland - 30 % (1) Coastal - 30% for structures containing dwelling units. (1)	Inland - 30% Coastal - 30% for structures containing dwelling units; 50% for all structures.

Development Feature	Requirement by Zone	
	DR & DR (CZ) Design Residential	PRD & PRD (CZ) Planned Residential Development
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations).</i>	
Maximum height	35 ft (1)	35 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Open space	<i>Minimum percentage of gross site area to be maintained as common open space.</i>	
Minimum open space	See Section 35.423.060.B (Open Space) (1)	See Section 35.423.070.E (Open Space)
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

Notes:

(1) See Section 35.423.060.D for site coverage, height limit, and open space standards for qualifying affordable housing, senior housing, or special care housing developments.

SECTION 3:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.436.050, Required Number of Spaces: Residential Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

35.436.050 - Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.436.070 (Standards for All Zones and Uses) and Section 35.436.090 (Standards for Residential Zones and Uses) below.

Table 3-4 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit (3)	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3)	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3)	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees

Residential	Parking Spaces Required
Retirement and special care homes (3) (4)	1 space per guest room and; 1 space per 2 employees
Guesthouse	1 space per guesthouse
Residential second dwelling unit	1 space per bedroom

Notes:

- (1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.
- (2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.
- ~~(3) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.~~
- (3) See Section 35.423.060.D for parking requirements for qualifying affordable housing, senior housing, and special care housing developments.
- ~~(4) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.~~

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito 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 5:

Except as amended by this Ordinance, Divisions 35.2 and 35.3, of Section 35-2, the Santa Barbara County Montecito 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 6:

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 _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PETER ADAM, 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